

CHAPTER 11**EDUCATIONAL OPPORTUNITY FUND:
ADMINISTRATIVE PROCEDURES
AND POLICIES****Authority**

N.J.S.A. 18A:71-33 et seq. and 18A:71-28 et seq.

Source and Effective Date

R.1994 d.226, effective April 11, 1994.
See: 26 N.J.R. 711(a), 26 N.J.R. 1857(a).

Executive Order No. 66(1978) Expiration Date

Chapter 11, Administrative Procedures and Policies, expires on April 11, 1999.

Chapter Historical Note

Chapter 11, Administrative Procedures and Policies, was filed and became effective prior to September 1, 1969. New rules replacing the above were adopted as an emergency by R.1973 d.121, effective May 2, 1973. See: 5 N.J.R. 188(b). Amendments were filed and become effective February 17, 1978 as R.1978 d.54 to become effective for all students enrolled or entering in the 1978-79 academic year. Subchapter 2. was deleted by amendment pursuant to N.J.S.A. 18A:71-33 and was filed on June 19, 1978, as R.1978 d.201 to become effective for the academic year beginning the Fall of 1978. See: 9 N.J.R. 570(a), 10 N.J.R. 281(d). Chapter 11 was readopted pursuant to Executive Order No. 66(1978) as R.1983 d.646, effective January 18, 1984. See: 15 N.J.R. 1428(a), 16 N.J.R. 143(b). A new Subchapter 2, Martin Luther King Physician-Dentist Scholarship Program became effective April 4, 1988 as R.1988 d.153. See: 19 N.J.R. 2374(a), 20 N.J.R. 807(b). Pursuant to Executive Order No. 66(1978), Chapter 11 was adopted as new rules as R.1989 d.222, effective April 17, 1989. See: 20 N.J.R. 2506(a), 21 N.J.R. 1012(a).

Subchapter 3, C. Clyde Ferguson Law Scholarship, was adopted as R.1991 d.306, effective June 17, 1991. See: 22 N.J.R. 3439(a), 23 N.J.R. 1944(a). Pursuant to Executive Order No. 66(1978). Chapter 11, Subchapter 1, regarding undergraduate financial assistance, was readopted as R.1994 d.226. See: Source and Effective Date. Subchapter 2, Martin Luther King Physician-Dentist Scholarship Program, and Subchapter 3, C. Clyde Ferguson Law Scholarship, were not readopted and expired on April 17, 1994. See: 26 N.J.R. 1857(a). See, also, section annotations.

Subchapter 2, Graduate EOF Financial Eligibility; Subchapter 3, C. Clyde Ferguson Law Scholarship, and Subchapter 4, Martin Luther King Physician-Dentist Scholarship Program, were adopted as new rules by R.1994 d.452, effective September 6, 1994. See: 26 N.J.R. 1932(a), 26 N.J.R. 3722(a).

N.J.A.C. 9:11 was recodified as N.J.A.C. 9A:11 by R.1995 d.248, effective May 15, 1995. See: 27 N.J.R. 812(a), 27 N.J.R. 1993(a).

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SUBCHAPTER 1. UNDERGRADUATE EOF FINANCIAL ELIGIBILITY**9A:11-1.1 Scope and purpose**

(a) The rules contained in Chapter 11 govern the awarding of Article III Educational Opportunity Fund Grants to students for undergraduate study leading to a baccalaureate degree, associate degree, or other approved certificate, and for graduate and professional study leading to an approved Master's and Doctoral degree.

(b) Subchapter 1 governs the determination of financial eligibility for undergraduate financial assistance from the New Jersey Educational Opportunity Fund (EOF) based on need and potential for success in college.

(c) The EOF Program was created by law in 1968 to ensure meaningful access to higher education for students who are from families disadvantaged by low income and the lack of access to the quality educational preparation necessary to attend college.

(d) Each campus is expected to give priority to applicants from families burdened by historical poverty, which implies that either the family has endured long-term economic deprivation or that the student represents a segment of the population underrepresented in higher education, or both. Families in this status are generally characterized by little or no accumulation of assets, and the inability to provide for more than the basic needs of family members. Eligible students are as a rule the first generation to attend college in their families.

(e) There shall be no discrimination in admissions decisions based on race, age, creed, religion, marital status, national origin, color, gender, sexual orientation, or disability.

New Rule, R.1994 d.226, effective May 2, 1994.
See: 26 N.J.R. 711(a), 26 N.J.R. 1857(a).

9A:11-1.2 Student eligibility

(a) The undergraduate EOF Program is designed to provide an opportunity for higher education to disadvantaged New Jersey residents who would not be able to attend and/or succeed academically in college without the financial assistance and special services that are part of this program. The program is geared toward the student who shows potential, and who traditionally has been unable to attend college because of poor high school preparation, and whose economic background reflects a history of poverty as defined by:

1. Having attended or graduated from a District Factor Group A or B school district or a special needs school district, as identified by the New Jersey Department of Education;
2. Having resided in a municipality known as a "high distress-labor surplus" area. Such a place is defined by the New Jersey Department of Labor and the U.S. Bureau of Labor Statistics as one with an unemployment rate of at least 20 percent above the national average for the previous two calendar years. Municipalities identified

as "labor surplus areas" are eligible for various Federal programs designed to provide assistance to "impoverished, disadvantaged communities undergoing serious economic problems";

3. Having resided in an area that historically has been populated by low-income families; such an area, commonly called a "pocket of poverty", is characterized by the criteria outlined in (a)2 above, even if the larger area, or municipality, is not so characterized;

4. Having a sibling who was, or is currently, enrolled in an EOF Program; or

5. Being eligible (the student or the student's family) for government assistance and educational programs targeted toward low-income and disadvantaged populations (TRIO programs, free and reduced breakfast/lunch programs, food stamps) and being a first-generation college student. The term "first-generation college student" means an applicant whose parents or parent (in the case of an applicant who regularly resided with and received support from only one parent) did not complete a baccalaureate degree.

(b) Eligibility for EOF is determined at the time of initial application by the admitting institution. A broad assessment of motivation and talent (latent as well as demonstrated) based on interviews, recommendations, high school records, and other requisite application materials shall be made by the admitting institution in the context of its own selectivity.

(c) To be initially eligible for an Educational Opportunity Fund grant, a student must have demonstrated that he or she:

1. Is now and has been a legal resident of the State of New Jersey for at least 12 consecutive months prior to receiving the grant.
2. Meets the financial criteria established in N.J.A.C. 9:11-1.5 and 1.6.
3. Is or will be a full-time student as defined by the institution offering the undergraduate program of study.
4. As an undergraduate student, is enrolled or intends to be enrolled full time and matriculated in a curriculum leading to an undergraduate degree or certificate in an eligible institution [as defined in N.J.S.A. 18A:71-47] of collegiate grade in New Jersey approved or licensed by the Commission on Higher Education and participating in the EOF Program. Degree or certificate programs must have a minimum requirement equivalent to 24 semester hours and be at least one academic year in duration.

5. In addition, an eligible student must exhibit evidence of the potential to succeed in college, but:

i. Has not demonstrated sufficient academic preparation to gain admission to an approved institution of higher education under its regular standards of admission (where applicable) and has standardized test scores that are below the institutional norms; or

ii. Has not demonstrated sufficient academic preparation to gain admission to an approved institution of higher education under its regular standards of admission (where applicable) and has an educational background that indicates a need for improvement in basic skills or for additional preparation for the applicant's desired degree program.

(d) Students may not receive assistance under the programs administered by the Educational Opportunity Fund Board if they owe a refund on a grant or scholarship previously received from a State or Federal program through any institution, or are in default on any loan made under any State or Federal student financial assistance program at any institution. Students owing a refund on a grant or scholarship or who are in default on a loan may receive State financial assistance if they make arrangements with the appropriate office to repay the debt.

(e) E.O.F. grant awards may not be used by students attending out-of-state institutions.

Amended by R.1980 d.1, effective 1980 spring semester.

See: 11 N.J.R. 551(b), 12 N.J.R. 76(d).

Amended by R.1982 d.385, effective November 1, 1982.

See: 14 N.J.R. 691(a), 14 N.J.R. 1214(c).

Added 7. to (c).

Amended by R.1986 d.107, effective April 7, 1986.

See: 17 N.J.R. 2214(a), 18 N.J.R. 682(c).

(c)4iv added.

Amended by R.1988 d.151, effective April 4, 1988 (operative July 1, 1988).

See: 19 N.J.R. 2373(a), 20 N.J.R. 805(a).

Added the word initially to (c).

Amended by R.1989 d.224, effective April 17, 1989.

See: 20 N.J.R. 1768(b), 21 N.J.R. 1012(b).

(c)6 and 7 recodified as (d) and (e); language added at (d) making State assistance available to students owing or in default if repayment arrangements have been made.

Amended by R.1993 d.480, effective October 4, 1993.

See: 25 N.J.R. 1663(a), 25 N.J.R. 4596(a).

Recodified from 9:11-1.1 and amended by R.1994 d.226, effective May 2, 1994.

See: 26 N.J.R. 711(a), 26 N.J.R. 1857(a).

Amended by R.1994 d.596, effective December 5, 1994.

See: 26 N.J.R. 3586(a), 26 N.J.R. 4760(b).

Amended by R.1995 d.248, effective May 15, 1995.

See: 27 N.J.R. 812(a), 27 N.J.R. 1993(a).

Amended by R.1997 d.345, effective August 18, 1997.

See: 29 N.J.R. 993(a), 29 N.J.R. 3728(a).

Substantially amended (a)2.

9A:11-1.3 Student residency

(a) Students must be legal residents of New Jersey for a period of not less than 12 consecutive months immediately prior to receiving a grant. The residence of a student is

defined in terms of domicile. Domicile is defined as the place where a person has his true, fixed, permanent home and principal establishment, and to which, whenever he is absent, he has the intention of returning. Residence established solely for the purpose of attending a particular college cannot be considered as fulfilling the definition of domicile. When in question, a student must demonstrate proof of residence by presenting the following documents: driver's license, voter registration form, tax return(s), or other suitable proof.

(b) A dependent student as defined in N.J.A.C. 9A:11-1.5 is presumed to be a legal resident of the state which his or her parent(s) or guardian(s) are residents. A dependent student whose parent(s) or guardian(s) are not legal residents of New Jersey is presumed to be in the state for the temporary purpose of obtaining an education. Any dependent student, as defined in N.J.A.C. 9A:11-1.5, who is domiciled in this state and who is enrolled as an EOF student in an institution of higher education in New Jersey, shall continue to be eligible for participation in the EOF Program despite his or her supporting parent(s) or guardian(s) change of domicile to another state, while such student continues to reside in New Jersey during the course of each academic year. The student's eligibility continues only if the student received a State grant or scholarship for at least one semester before the parent(s) or guardian(s) change of domicile to another state.

Amended by R.1987 d.135, effective March 16, 1987.

See: 18 N.J.R. 1777(a), 19 N.J.R. 450(b).

Added text to (b) "Any dependent student. . . ."

Amended by R.1993 d.480, effective October 4, 1993.

See: 25 N.J.R. 1663(a), 25 N.J.R. 4596(a).

Recodified from 9:11-1.2 and amended by R.1994 d.226, effective May 2, 1994.

See: 26 N.J.R. 711(a), 26 N.J.R. 1857(a).

9A:11-1.4 Foreign nationals

(a) A foreign national must present affirmative evidence that he or she is not in the United States for the temporary purpose of obtaining an education. Such evidence must include documentation from the United States Immigration and Naturalization Service that the student may remain permanently in this country and such evidence must be placed in the student's file. The student must:

1. Be the holder of an alien registration receipt card form I-151 or I-551; or

2. Be the holder of an approval notice from the Immigration and Naturalization Service form I-181 stating that the noncitizen has met the requirements for permanent resident status; or

3. Be a holder of a Temporary Resident Card form I-688 with a valid expiration date from the Immigration and Naturalization Service; or

4. Be the holder of an arrival departure record form I-94 endorsed by the Immigration and Naturalization Service showing one of the following:

i. Parole Indefinite Humanitarian: Paroled pursuant to Sec. 212(d)(5) of the Immigration and Naturalization Act; or

ii. Refugees: Admitted as a refugee pursuant to Sec. 207 of the Immigration and Naturalization Act; or

iii. Granted Asylum: Asylum status granted pursuant to Sec. 208 of the Immigration and Naturalization Act; or

iv. Cuban-Haitian Entrant: Status pending; or

v. Conditional Entrant: Admission into this status through March 31, 1980.

5. The Arrival Departure Record form I-94 for persons in the aforementioned categories must be updated for each award year as required by the Immigration and Naturalization Service.

(b) Foreign nationals with student visa status, F1 or F2 exchange visitor visa status of J1 or J2 visa status, even when stamped "employment authorized", or holders of form I-94 with one of the endorsements: "adjustment applicant", "245", "245 applicant", "applicant for permanent residence", "voluntary departure", and "deferred action", are considered to be in the United States for temporary reasons and are therefore not eligible for student assistance.

Amended by R.1986 d.107, effective April 7, 1986.

See: 17 N.J.R. 2214(d), 18 N.J.R. 682(c).

(a)3i through iii added; (b) substantially amended.

Amended by R.1988 d.150, effective April 4, 1988.

See: 19 N.J.R. 2234(c), 20 N.J.R. 806(a).

Added forms I-551 and I-181; added new (a)3 and added text to (b) "or holders of . . . and "deferred action".

Recodified from 9:11-1.3 and amended by R.1994 d.226, effective May 2, 1994.

See: 26 N.J.R. 711(a), 26 N.J.R. 1857(a).

9A:11-1.5 Dependent/independent student defined

(a) The term independent when used with respect to a student means any individual who:

1. Is 24 years of age or older by December 31 of the award year; or
2. Meets the requirements of (b) below.

(b) An individual meets the requirements of this subsection if such individual:

1. Is an orphan or ward of the court, or was a ward of the court until age 18; or
2. Is a veteran of the Armed Forces of the United States; or
3. Is a graduate or professional student; or
4. Is a married individual; or
5. Has legal dependents other than a spouse; or

6. Is a student for whom a financial aid administrator makes a documented determination of independence by reason of other unusual circumstances as provided under Title IV of the Higher Education Assistance Act of 1965, as amended, 20 U.S.C. 10877vv, and its implementing regulations and rules. For the purpose of receiving State financial assistance under the EOF Program as an independent student due to unusual circumstances, the following conditions apply:

i. Determinations of independence must satisfy all applicable Federal standards set forth under Title IV of the Higher Education Act of 1965, as amended, and its implementing regulations and rules;

ii. Individual determinations of independent student status for State EOF program funds shall be made in a manner consistent with the institutional policies regarding the awarding of all need-based financial aid, including Federal and State aid; and

iii. The institution shall share with the Executive Director of the Educational Opportunity Fund any material findings or audit exceptions related to the determination of dependency status at any time they are revealed in the course of an audit or program review.

(c) A dependent student shall be any student who does not meet any of the eligibility criteria listed in (a) or (b) above for independent student status.

Amended by R.1979 d.230, effective June 13, 1979.

See: 11 N.J.R. 237(e), 11 N.J.R. 342(c).

Amended by R.1982 d.385, effective November 1, 1982.

See: 14 N.J.R. 691(a), 14 N.J.R. 1214(c).

Added (e).

New Rule, R.1987 d.491, effective December 7, 1987.

See: 19 N.J.R. 266(a), 19 N.J.R. 2281(a).

Old text repealed.

Amended by R.1988 d.150, effective April 4, 1988.

See: 19 N.J.R. 2234(c), 20 N.J.R. 806(a).

Substituted "resources" for "income".

Amended by R.1993 d.480, effective October 4, 1993.

See: 25 N.J.R. 1663(a), 25 N.J.R. 4596(a).

Amended by R.1994 d.23, effective January 3, 1994.

See: 25 N.J.R. 4886(a), 26 N.J.R. 221(a).

Recodified from 9:11-1.4 and amended by R.1994 d.226, effective May 2, 1994.

See: 26 N.J.R. 711(a), 26 N.J.R. 1857(a).

Amended by R.1996 d.23, effective January 2, 1996.

See: 27 N.J.R. 2996(a), 27 N.J.R. 3665(a), 28 N.J.R. 150(a).

9A:11-1.6 Financial eligibility for undergraduate grants

(a) The EOF Executive Director shall annually inform institutions of adjustments to the EOF Income Eligibility Scale in accordance with the official national poverty threshold published in the Federal Register and adjusted by 200 percent to reflect an eligible target population consistent with the intent of the original legislation.

1. Dependent and independent students (as defined in N.J.A.C. 9A:11-1.5) are financially eligible for an initial EOF undergraduate grant if their gross household income does not exceed the applicable amounts set forth in the EOF Income Eligibility Scale, as follows:

| Applicants with a Household size of | Gross Income Not to Exceed |
|-------------------------------------|----------------------------|
| 1 | \$15,780 |
| 2 | 21,220 |
| 3 | 26,660 |
| 4 | 32,100 |
| 5 | 37,540 |
| 6 | 42,980 |
| 7 | 48,420 |
| 8 | 53,860 |

2. For each additional member of the household an allowance of \$5,440 shall be added to this amount in order to determine EOF eligibility for the 1998-99 academic year. This allowance shall be adjusted to reflect changes in the national poverty threshold as published in the Federal Register. In addition the gross income level for each household size shall also be adjusted annually.

(b) An applicant who comes from a household with two wage earners (either both parents/guardians or both applicant and spouse) whose combined incomes exceed the applicable amount set forth in the EOF Income Eligibility Scale above may be eligible for EOF, only if:

1. The total income does not still exceed the applicable amount set forth in the EOF Income Eligibility Scale when 50 percent of the smaller income is subtracted from the gross household income.

2. Documentation in each applicant's file includes the mathematical computation described above along with wage and tax statements (form W2) of both wage earners.

(c) An applicant whose family receives welfare as the primary means of family support is presumed to be eligible without regard to the amount of primary welfare support.

(d) In determining financial eligibility for an EOF undergraduate grant, separation or divorce or the death of a wage earner in the calendar year prior to the academic year for which eligibility is being determined, with an accompanying decrease in household income below the EOF Income Eligibility Scale, does not automatically satisfy the characteristic of historical poverty (as stated in N.J.A.C. 9A:11-1.2(a)1 through 5) expected of EOF students.

(e) The campus EOF director must approve students in these cases (9A:11-1.6(d)), after review and recommendation by the financial aid office. The campus EOF director, in cooperation with the director of financial aid, shall have the discretion to use professional judgment to assess whether a family is historically and economically disadvantaged in determining an applicant's financial eligibility for admission to the EOF Program.

(f) Where there is evidence that strict adherence to the maximum income eligibility cut-offs will not serve the purpose of the EOF Program, the campus EOF director has the discretion to admit, up to a maximum of 10 percent of the annual freshman class, students with family incomes as high as, but no more than, 281 percent of the official national poverty threshold as published annually by the federal government. These discretionary admits, however, must also meet all other eligibility provisions of N.J.A.C. 9A:11-1.1 and 1.2.

(g) The student's record must contain sufficient documentation to verify the discretionary criteria. Every effort should be made to give priority to those students whose incomes are within the limits of N.J.A.C. 9A:11-1.6.

(h) Institutions must receive permission from the Executive Director of the EOF Program to exceed the 10 percent discretionary over-income waiver set forth in (f) and (g) above.

Amended by R.1978 d.200, effective June 19, 1978.

See: 10 N.J.R. 281(c).

Amended by R.1979 d.59, effective June 1, 1979.

See: 10 N.J.R. 537(a), 11 N.J.R. 131(d).

Amended by R.1979 d.230, effective June 13, 1979.

See: 11 N.J.R. 237(e), 11 N.J.R. 342(c).

Amended by R.1982 d.385, effective November 1, 1982.

See: 14 N.J.R. 691(a), 14 N.J.R. 1214(c).

Text substantially amended and renumbered.

Amended by R.1983 d.170, effective June 6, 1983.

See: 15 N.J.R. 206(b), 15 N.J.R. 924(b).

Added E.O.F. Eligibility Scale and references to Scale. Added 5 to (c). Maximum income limit in (d)5, increased from \$1,180 to \$1,480.

Amended by R.1986 d.107, effective April 7, 1986.

See: 17 N.J.R. 2214(a), 18 N.J.R. 682(c).

Old (e) repealed; (f)-(g) recodified to (e)-(f).

Amended by R.1986 d.344, effective August 18, 1986.

See: 18 N.J.R. 926(a), 18 N.J.R. 1704(a).

Old (e) deleted and new text substituted.

Amended by R.1987 d.289, effective July 20, 1987.

See: 19 N.J.R. 15(a), 19 N.J.R. 1316(a).

Added text to (e)2; added new (e)3; renumbered old (e)3-4 as (e)4-5 renumbered old (e)5 as (f) and deleted old (f).

Amended by R.1987 d.492, effective December 7, 1987.

See: 19 N.J.R. 499(a), 19 N.J.R. 2282(a).

Substantially amended.

Amended by R.1988 d.353, effective August 1, 1988.

See: 20 N.J.R. 722(a), 20 N.J.R. 1944(b).

Substantially amended.

Amended by R.1989 d.222, effective April 17, 1989.

See: 20 N.J.R. 2506(a), 21 N.J.R. 1012(a).

At (c)4, deleted need for affidavit and added reference to criteria at N.J.A.C. 9:11-1.5(e).

Amended by R.1989 d.468, effective September 5, 1989.

See: 21 N.J.R. 1489(a), 21 N.J.R. 2788(a).

Increased maximum gross income levels for participation in program.

Amended by R.1990 d.556, effective November 19, 1990.

See: 22 N.J.R. 1659(a), 22 N.J.R. 3485(a).

Increased maximum gross income levels for program participation.

Amended by R.1992 d.223, effective May 18, 1992.

See: 23 N.J.R. 1739(a), 24 N.J.R. 1898(a).

Revised (a) and (d).

Amended by R.1992 d.353, effective September 8, 1992.

See: 24 N.J.R. 1859(a), 24 N.J.R. 3091(c).

Revised (a), (d) and (e).

Amended by R.1993 d.479, effective October 4, 1993.

See: 25 N.J.R. 1946(a), 25 N.J.R. 4597(a).

Recodified from 9:11-1.5 and amended by R.1994 d.226, effective May 2, 1994.

See: 26 N.J.R. 711(a), 26 N.J.R. 1857(a).

Amended by R.1995 d.248, effective May 15, 1995.

See: 27 N.J.R. 812(a), 27 N.J.R. 1993(a).

Amended by R.1996 d.220, effective May 6, 1996.

See: 28 N.J.R. 23(b), 28 N.J.R. 2386(a).

In (a)1 and 2 increased gross income limits.

Amended by R.1997 d.345, effective August 18, 1997.

See: 29 N.J.R. 993(a), 29 N.J.R. 3728(a).

In (a), substituted "an eligible target . . . legislation" for "the higher cost of living in New Jersey"; in (a)1, amended gross income amounts in EOF eligibility scale; and in (a)2, amended allowance amount and relevant academic year.

Amended by R.1998 d.257, effective May 18, 1998.

See: 30 N.J.R. 265(a), 30 N.J.R. 1810(b).

In (a)1 changed Eligibility Scale Gross Income amounts; and in (a)2, changed the allowance from \$5,240 to \$5,440 and changed the referenced academic year from 1997-98 to 1998-99.

9A:11-1.7 Verification of financial eligibility

(a) It is the responsibility of institutional officials to verify the income and assets of all undergraduate EOF grant applicants' parent(s) or guardian(s), as well as the applicant and applicant's spouse at the time of initial enrollment. The purpose of the verification is to insure that EOF funds are not granted to a student, regardless of his or her status or relationship to his or her family, whose family is in an economic position to assist in financing his or her education.

(b) It is required that all recipients of undergraduate EOF grants apply for the Federal Pell Grant and the New Jersey Tuition Aid Grant and all students' files shall contain information from a financial aid form approved by the EOF Board and Student Assistance Board indicating application for the above.

(c) Students who have been found eligible to receive student assistance must provide an authorization to the Office of Student Assistance, which permits the release of Internal Revenue Service and/or State income tax returns for verification purposes. Financial data provided on a financial aid form approved by the EOF Board and Student Assistance Board may be verified by the Department and/or institution through the comparison of information reported on income tax returns and other documentation. Discrepancies will require the reevaluation of the student's eligibility. Students as well as institutions will be notified if an adjustment in the value of aid is required.

(d) In those instances where earnings are not the source of income, regardless of the status of dependency of the awardee, files must contain appropriate documentation and verification on which to base awards (e.g., statements from the Welfare Department, Social Security Administration, Bureau of Children's Services, Veteran's Administration or any other approved administrative agency).

(e) In order to receive an EOF grant, students must demonstrate eligibility through submission of a financial aid form approved by the Educational Opportunity Fund Board of Directors in accordance with established deadline dates. This information must be in the student's file prior to granting an award.

(f) In every case, files should contain completed forms indicating all relevant data such as annual income, household size, sources of income and assets, parent(s) or guardian(s) income and assets, etc. Students' records should include the application for financial aid, the student's signed acceptance of the financial aid package and proof that the grant was actually received by the student.

Amended by R.1982 d.385, effective November 1, 1982.

See: 14 N.J.R. 691(a), 14 N.J.R. 1214(c).

This section was formerly codified as N.J.A.C. 9:11-1.7. The former N.J.A.C. 9:11-1.6 concerning financial eligibility for graduate grants was repealed and subsequent sections were renumbered. Also old (c) deleted and new (c) added.

Amended by R.1986 d.107, effective April 7, 1986.

See: 17 N.J.R. 2214(a), 18 N.J.R. 682(c).

Old (a) deleted; (b)-(g) renumbered (a)-(e).

Amended by R.1989 d.221, effective April 17, 1989.

See: 20 N.J.R. 1769(a), 21 N.J.R. 1011(c).

Deleted use of New Jersey Financial Aid Form and substituted use of a form approved by EOF Board and Student Assistance Board.

Amended by R.1993 d.480, effective October 4, 1993.

See: 25 N.J.R. 1663(a), 25 N.J.R. 4596(a).

Recodified from 9:11-1.6 and amended by R.1994 d.226, effective May 2, 1994.

See: 26 N.J.R. 711(a), 26 N.J.R. 1857(a).

Amended by R.1994 d.596, effective December 5, 1994.

See: 26 N.J.R. 3586(a), 26 N.J.R. 4760(b).

9A:11-1.8 Grant amount

(a) The dollar amount of each E.O.F. grant will be based on three factors:

1. Full or approved part-time enrollment;
2. The financial need of the student; and
3. The type of institution which the student will be attending.

(b) The exact amount of the EOF award will be determined by the institution's EOF and financial aid directors. Priority for determining need and awarding EOF grants shall be given first to students who meet the educational and income criteria in accordance with N.J.A.C. 9A:11-1.1(c) and (d), 9A:11-1.2(a) through (c), and 9A:11-1.6(a) through (c), followed by those students admitted using N.J.A.C. 9A:11-1.6(f) through (h).

(c) Once it is determined that a student is eligible, he or she shall not receive less than the minimum grant nor more than the maximum grant. Under no circumstance shall an E.O.F. award be granted which, in combination with other aid, exceeds the cost of attendance as determined by the institution.

(d) The EOF Board of Directors shall annually review the State grant amounts of EOF students and make adjustments, if necessary. The minimum and maximum award ranges for undergraduate EOF grants for each type of institution follow:

| Undergraduate | Minimum | Maximum |
|----------------------------|----------|-----------|
| Community Colleges: | | |
| Full-time: | \$200.00 | \$ 750.00 |
| Part-time: | | |
| 6-8 credits | 200.00 | 376.00 |
| 9-11 credits | 200.00 | 562.00 |
| State Colleges: | | |
| Commuter: | | |
| Full-time: | 200.00 | 850.00 |
| Part-time: | | |
| 6-8 credits | 200.00 | 426.00 |
| 9-11 credits | 200.00 | 638.00 |
| Residential: | | |
| Full-time: | 200.00 | 1,100.00 |
| Part-time: | | |
| 6-8 credits | 200.00 | 676.00 |
| 9-11 credits | 200.00 | 888.00 |
| Rutgers, NJIT, UMDNJ-SHRP: | | |
| Commuter: | | |
| Full-time: | 200.00 | 850.00 |
| Part-time: | | |
| 6-8 credits | 200.00 | 426.00 |
| 9-11 credits | 200.00 | 638.00 |
| Residential: | | |
| Full-time: | 200.00 | 1,100.00 |
| Part-time: | | |
| 6-8 credits | 200.00 | 676.00 |
| 9-11 credits | 200.00 | 888.00 |
| Independent Colleges: | | |
| Full-time: | 200.00 | 2,100.00 |
| Part-time: | | |
| 6-8 credits | 200.00 | 1,050.00 |
| 9-11 credits | 200.00 | 1,572.00 |

(e) The Minimum Award, as set forth in this section, shall be granted to all eligible E.O.F. students.

(f) The awarding of all grants within the above stated minimum and maximum shall be based upon a careful analysis of the student's total financial situation and financial need. The neediest students must be accorded priority.

Amended by R.1979 d.230, effective June 13, 1979.

See: 11 N.J.R. 237(e), 11 N.J.R. 342(c).

Amended by R.1982 d.385, effective November 1, 1982.

See: 14 N.J.R. 691(a), 14 N.J.R. 1214(c).

This section was formerly codified as N.J.A.C. 9:11-1.8.

Amended by R.1984 d.549, effective December 17, 1984.

See: 16 N.J.R. 1932(a), 16 N.J.R. 3434(a).

(c) substantially amended.

Amended by R.1986 d.107, effective April 7, 1986.

See: 17 N.J.R. 2214(a), 18 N.J.R. 682(c).

Section substantially amended.

Amended by R.1986 d.343, effective August 18, 1986.

See: 18 N.J.R. 926(b), 18 N.J.R. 1704(b).

Increase of maximum grant awards for undergraduate and graduate students.

Amended by R.1987 d.418, effective October 19, 1987.

See: 19 N.J.R. 399(a), 19 N.J.R. 1893(a).

Amended maximum awards.

Amended by R.1988 d.152, effective April 4, 1988.

See: 19 N.J.R. 1879(a), 20 N.J.R. 807(a).

Changed maximum for State Colleges from \$1,500 to \$2,000.

Amended by R.1988 d.151, effective April 4, 1988 (operative July 1, 1988).

See: 19 N.J.R. 2373(a), 20 N.J.R. 805(a).

Added new (a)1; amended State Colleges from \$1,500 maximum to \$2,000 maximum.

Amended by R.1989 d.223, effective April 17, 1989.

See: 20 N.J.R. 1770(a), 21 N.J.R. 1013(a).

(b), deleted use of College Scholarship Service, Uniform Methodology; established priorities for determining and awarding E.O.F. grants. Recodified from 9:11-1.7 and amended by R.1994 d.226, effective May 2, 1994.

See: 26 N.J.R. 711(a), 26 N.J.R. 1857(a).

Amended by R.1994 d.596, effective December 5, 1994.

See: 26 N.J.R. 3586(a), 26 N.J.R. 4760(b).

Amended by R.1996 d.23, effective January 2, 1996.

See: 27 N.J.R. 2996(a), 28 N.J.R. 150(a).

9A:11-1.9 Duration of student eligibility

(a) Students deemed eligible at the time of initial enrollment shall retain eligibility for program support services throughout the duration of the initial degree of study as long as he or she maintains full-time enrollment or has been approved in writing for a part-time EOF grant by the campus EOF program director. Part-time grant eligibility will be available only at those institutions approved to award part-time EOF grants by the EOF Board of Directors. In addition, students shall retain eligibility for an EOF grant as long as the student has demonstrated financial need as determined by the institution through submission of a financial aid form approved by the EOF Board of Directors in accordance with the annually established deadline dates and continues to meet the academic progress standards in accordance with N.J.A.C. 9A:11-1.11.

(b) Students are eligible for a maximum of 12 semesters or the equivalent of undergraduate study. Students in an established five year undergraduate course of study at a senior institution shall be eligible for an additional two semesters beyond the 12 semesters as stipulated in (c), (d) and (e) below.

(c) Students attending four-year institutions will receive ten terms of EOF payment to complete four class levels. Additional term awards up to the maximum allowable terms are available to students who are making satisfactory academic progress as stipulated in N.J.A.C. 9A:11-1.11 and will be able to complete the institution's graduation requirements in these two additional semesters.

(d) Students attending two year institutions will be eligible to receive six terms of EOF payment to complete two class levels. Additional term awards up to the eight maximum allowable terms are available to students who are making satisfactory academic progress as stipulated in N.J.A.C. 9A:11-1.11 and will be able to complete the institution's graduation requirements in these two additional semesters.

(e) A formal written request from the institution and approval by the Executive Director of EOF is required for students enrolled in an established five year course of study who require additional term awards up to the 14th maximum allowable term.

(f) Graduating seniors in their last semester of study, and sophomores in their last semester at a county college, may

take less than 12 credits (full-time status) and remain eligible for E.O.F.

Amended by R.1979 d.59, effective June 1, 1979.

See: 10 N.J.R. 537(a), 11 N.J.R. 131(d).

Amended by R.1979 d.230, effective June 13, 1979.

See: 11 N.J.R. 237(e), 11 N.J.R. 342(c).

Amended by R.1981 d.100, effective April 9, 1981.

See: 12 N.J.R. 658(b), 13 N.J.R. 220(c).

(a): "Students ... stipulated above. Graduating seniors ... for E.O.F." added.

Amended by R.1982 d.385, effective November 1, 1982.

See: 14 N.J.R. 691(a), 14 N.J.R. 1214(c).

Added 1 and 2 to (a). This section was formerly codified as N.J.A.C. 9:11-1.9.

Amended by R.1986 d.107, effective April 7, 1986.

See: 17 N.J.R. 2214(b), 18 N.J.R. 682(c).

Section substantially amended.

Amended by R.1988 d.151, effective April 4, 1988 (operative July 1, 1988).

See: 19 N.J.R. 2373(a), 20 N.J.R. 805(a).

Added text is (a) "or has been ... Board of Directors".

Amended by R.1989 d.221, effective April 17, 1989.

See: 20 N.J.R. 1769(a), 21 N.J.R. 1011(c).

Deleted use of New Jersey Financial Aid Form, substituted use of form approved by EOF Board.

Amended by R.1990 d.1, effective January 2, 1990.

See: 21 N.J.R. 1963(a), 22 N.J.R. 29(c).

Removed requirement that institutions submit a formal written request and obtain approval from the EOF for students to receive additional term awards up to available maximum.

Recodified from 9:11-1.8 and amended by R.1994 d.226, effective May 2, 1994.

See: 26 N.J.R. 711(a), 26 N.J.R. 1857(a).

9A:11-1.10 Non-funded students

(a) Students who have received an initial E.O.F. grant, but as a result of a change in income status or enrollment status no longer demonstrate need for Article III funds, shall be termed non-funded.

(b) Students who are denied Article III grants due to their inability to meet satisfactory academic progress, as defined in N.J.A.C. 9:11-1.11, who enroll full-time the subsequent term, may be considered non-funded and are entitled to Program Support Services.

(c) Students who, due to extenuating circumstances, are advised to enroll at less than full time status, may be considered non-funded and are entitled to Program Support Services. Documentation of advisement shall be maintained in the student's record.

(d) To retain eligibility for program services a non-funded student must continue to file the financial aid form approved by the Educational Opportunity Fund Board of Directors and have been determined eligible and received Article III academic year funds during initial enrollment into the program.

(e) A student who enrolls in the pre-freshman summer program prior to the completion of eligibility determination and who is determined financially ineligible at the end of the eligibility determination process cannot be considered as a non-funded student.

New Rule R.1986 d.107, effective April 7, 1986.

See: 17 N.J.R. 2214(b), 18 N.J.R. 682(c).

Amended by R.1989 d.221, effective April 17, 1989.

See: 20 N.J.R. 1769(a), 21 N.J.R. 1011(c).

At (d), deleted reference to New Jersey Financial Aid Form, referenced form approved by EOF Board.

Recodified from 9:11-1.9 and amended by R.1994 d.226, effective May 2, 1994.

See: 26 N.J.R. 711(a), 26 N.J.R. 1857(a).

9A:11-1.11 Academic progress

(a) Before payment may be made to an eligible continuing student, the institution shall have satisfactory evidence that the student is eligible for an Educational Opportunity Fund Article III student grant by maintaining academic progress and standing according to the institution's established policy for academic progress of Educational Opportunity Fund students as defined by the criteria in (b) below.

(b) The academic progress criteria for EOF Article III Undergraduate Student Grants are as follows:

1. For purposes of determining continued eligibility for Educational Opportunity Fund financial assistance, the Educational Opportunity Fund Board shall recognize the standards for academic performance and progress that an institution adopts to determine eligibility for Federal student financial aid programs under Title IV of the Higher Education Act of 1965, as amended, and its implementing regulations and rules, as well as the following provisions:

i. EOF students have the first four terms/semesters of payment to complete all courses that the institution designates as remedial/developmental courses. Courses scheduled and/or completed using EOF summer funds during the summer sessions are not to be considered a term/semester of payment, but they can be used, in addition to academic year courses, to meet this requirement. Approval for additional remedial/developmental work beyond the four terms/semesters may be granted upon formal written request to and approval by the Executive Director of EOF.

ii. The formal request to the EOF Executive Director shall include why the request is being made. If there are extenuating circumstances such as prolonged illness or death in the family, the student shall provide suitable evidence by presenting one or more of the following documents: a letter from the attending physician, obituary notice, and/or death certificate. The letter must also indicate how many remedial/developmental courses the student must complete to fulfill the institution's requirement and the number of additional semesters needed to complete this requirement; the student's most recent academic transcript which reflects all remedial/developmental courses and grades earned to date; a copy of the institution's Federal Title IV academic standards of progress policy for EOF students; and why the institutional administrator believes the student will be able to successfully complete the requirement if given additional semester(s) of funding.

iii. The request will be approved if the institution can successfully demonstrate that if the student is given additional semesters of funding there is a strong likelihood that he or she can successfully complete the remedial/developmental requirement; the student has not otherwise exhausted his or her eligibility for EOF funding; and the student is in compliance with all of the institution's other academic progress requirements.

iv. Due to the special nature of the EOF mission, an institution's satisfactory academic progress regulations for EOF students shall take into consideration the maximum terms of payment an EOF student is eligible to receive in accordance with N.J.A.C. 9A:11-1.9. Other factors that should be considered to determine the maximum length of a student's academic program should include the period of time a student will require for adjustment to collegiate life with the assistance of the program's supportive services, and the institution's remedial/developmental and ESL policies and programs for EOF students.

v. Since the summer program is a critical component of the EOF program, courses scheduled and completed during the summer session, while not counted as terms/semesters of payment for academic progress, shall be included as part of the total credits successfully completed when reviewing a student's academic performance and academic progress.

2. The academic standing and progress of all students receiving State EOF financial assistance shall be monitored by institutions at least once a year, prior to the fall semester.

3. Students who fail to achieve the standards set forth in this section shall be ineligible to receive State financial assistance under the Educational Opportunity Fund until such time as the institution certifies that they are in good academic standing and are achieving satisfactory academic progress.

4. The institution shall share with the Commission on Higher Education/Educational Opportunity Fund Central Office any material findings or audit exceptions related to

the determination of academic progress at any time that they are revealed in the course of an audit or program review.

5. Students and institutions shall have the right to appeal the denial of State financial assistance based upon these guidelines through the established appeal procedures in N.J.A.C. 9A:11-1.21. The Executive Director of EOF will consider individual cases and shall have the authority to make such exceptions as unusual circumstances may warrant.

New Rule R.1986 d.107, effective April 7, 1986.

See: 17 N.J.R. 2214(a), 18 N.J.R. 682(c).

Amended by R.1993 d.480, effective October 4, 1993.

See: 25 N.J.R. 1663(a), 25 N.J.R. 4596(a).

Recodified from 9:11-1.10 and amended by R.1994 d.226, effective May 2, 1994.

See: 26 N.J.R. 711(a), 26 N.J.R. 1857(a).

Amended by R.1996 d.374, effective August 5, 1996.

See: 28 N.J.R. 2309(a), 28 N.J.R. 3787(a).

Rewrote (b) and deleted (c), which provided for recognition of academic standards adopted by institutions.

9A:11-1.12 Financial aid packaging

(a) A total financial aid package shall be granted to all freshmen and sophomore E.O.F. students, wherever possible, to meet 100 percent of need.

(b) All sources of student financial aid should be used to augment the financial aid package.

(c) Because E.O.F. students are from historically poor backgrounds, loan encumbrance shall be a low priority and loans shall be given to complete the package only after all other forms of financial aid are exhausted.

Amended by R.1979 d.230, effective June 13, 1979.

See: 11 N.J.R. 237(e), 11 N.J.R. 342(c).

Amended by R.1982 d.385, effective November 1, 1982.

See: 14 N.J.R. 691(a), 14 N.J.R. 1214(c).

Section heading changed from "matching funds" to "financial aid packaging". Delete old (b) and renumbered old (c) as (b). This section was formerly codified as N.J.A.C. 9:11-1.10.

Amended by R.1986 d.107, effective April 7, 1986.

See: 17 N.J.R. 2214(a), 18 N.J.R. 682(a).



Old (a) repealed; (b)-(d) now (a)-(c).
 Recodified from 9:11-1.11 by R.1994 d.226, effective May 2, 1994.
 See: 26 N.J.R. 711(a), 26 N.J.R. 1857(a).

9A:11-1.13 Transfer of grant

(a) While it is generally expected that students will complete their academic program at a single institution, unless that institution is a two-year institution, it is permissible to transfer E.O.F. grants from one institution in New Jersey to another.

(b) Once eligible for an E.O.F. grant at the sending institution, a student will be eligible at the receiving institution as long as all the criteria for eligibility continue to be met.

Amended by R.1982 d.385, effective November 1, 1982.
 See: 14 N.J.R. 691(a), 14 N.J.R. 1214(c).

This section was formerly codified at N.J.A.C. 9:11-1.11.
 Recodified from 9:11-1.12 by R.1994 d.226, effective May 2, 1994.
 See: 26 N.J.R. 711(a), 26 N.J.R. 1857(a).

9:11-1.14 Student notification and payment

(a) A student(s) should be notified in writing, by the institution's financial aid officer, of the content of his or her financial aid package. The institution's written notification to the student shall contain a clause absolving the State of any responsibility for funding in the event that the grant is based upon fraudulent, inaccurate or misleading information.

(b) The E.O.F. Board may elect to provide payments directly to institutions on behalf of student recipients. Payments will be made to eligible students in equal installments over the regular academic year, the number of installments corresponding to the number of school terms. Listings of eligible students to be credited will accompany the payments to institutions.

Amended by R.1982 d.385, effective November 1, 1982.
 See: 14 N.J.R. 691(a), 14 N.J.R. 1214(c).

Deleted debit/credit payments for public institutions and check payments for in-State and out-of-state institutions. This section was formerly codified at N.J.A.C. 9:11-1.12.

Amended by R.1986 d.107, effective April 7, 1986.
 See: 17 N.J.R. 2214(a), 18 N.J.R. 682(c).

(a) Comma after officer.
 Recodified from 9:11-1.13 by R.1994 d.226, effective May 2, 1994.
 See: 26 N.J.R. 711(a), 26 N.J.R. 1857(a).

9A:11-1.15 Discontinuance of EOF grants and program support services

(a) The Article III student grant is to be discontinued immediately when the student ceases to be eligible under the criteria listed in N.J.A.C. 9A:11-1.

(b) The Article III student grant is to be discontinued for any student who has been academically dismissed unless reinstated in good standing by institutional officials.

(c) The Article III student grant is to be discontinued for any student who is not matriculated in a full-time or EOF

Board approved part-time program of study or any student who is not enrolled. The amount of any grants paid to the institution for that student must be repaid by the institution.

(d) The Article III student grant and program support services are to be discontinued for any student who refuses to abide by regulations established by the institution for participation in the EOF Program.

(e) The Article III student grant and program support services are to be discontinued for any student who intentionally falsifies or gives misleading information upon which eligibility was based. The amount of any grants previously paid to that student must be repaid by that student.

Amended by R.1980 d.523, effective December 4, 1980.
 See: 12 N.J.R. 519(b), 13 N.J.R. 13(g).

Repealed (c) on discontinuance during semester of withdrawal or leave of absence; (d) through (h) renumbered as (c) through (g).
 Amended by R.1982 d.385, effective November 1, 1982.

See: 14 N.J.R. 691(a), 14 N.J.R. 1214(c).

This section was formerly codified at N.J.A.C. 9:11-1.13.

Amended by R.1986 d.107, effective April 7, 1986.

See: 17 N.J.R. 2214(a), 18 N.J.R. 682(c).

Heading changed.

Recodified from 9:11-1.14 and amended by R.1994 d.226, effective May 2, 1994.

See: 26 N.J.R. 711(a), 26 N.J.R. 1857(a).

9A:11-1.16 Liability

(a) The basic responsibility for submitting accurate information to institutional officials rests with the student.

(b) In the event that an institution has knowingly conveyed fraudulent and misleading information in order to obtain E.O.F. grants for ineligible students, the institution will be held liable and will be required to make restitution.

(c) In cases where institutions have made awards in good faith based upon fraudulent and misleading information which has been conveyed by a student, the student is liable for the return of the EOF grant. A written statement to this effect shall accompany each student's award notification.

(d) The E.O.F. executive director with the cooperation of institutional officials, shall undertake appropriate steps to reclaim moneys due the educational opportunity fund from ineligible students.

Amended by R.1982 d.385, effective November 1, 1982.
 See: 14 N.J.R. 691(a), 14 N.J.R. 1214(c).

This section was formerly codified at N.J.A.C. 9:11-1.14.

Amended by R.1986 d.107, effective April 7, 1986.

See: 17 N.J.R. 2214(a), 18 N.J.R. 682(c).

Recodified from 9:11-1.15 and amended by R.1994 d.226, effective May 2, 1994.

See: 26 N.J.R. 711(a), 26 N.J.R. 1857(a).

9A:11-1.17 Grant usage

(a) The EOF grant must be applied to the student's educational costs only. Educational costs as they relate to these rules are inclusive of whatever constitutes each institu-

tional educational budget and may include tuition, fees, room and board, transportation, books, educational supplies, and child care.

(b) Use of E.O.F. grants for any other costs is strictly prohibited.

Amended by R.1982 d.385, effective November 1, 1982.

See: 14 N.J.R. 691(a), 14 N.J.R. 1214(c).

This section was formerly codified at N.J.A.C. 9:11-1.15.

Recodified from 9:11-1.16 and amended by R.1994 d.226, effective May 2, 1994.

See: 26 N.J.R. 711(a), 26 N.J.R. 1857(a).

9A:11-1.18 Grant awarding cycle

(a) An EOF grant is available for each semester of an academic year which usually includes two terms.

1. If a student is not enrolled for two terms, then the E.O.F. grant will only be awarded for the term the student is enrolled.

2. In no case will an initial E.O.F. award be given for the student's last two terms of study.

Amended by R.1982 d.385, effective November 1, 1982.

See: 14 N.J.R. 691(a), 14 N.J.R. 1214(c).

Section heading changed from "grant utilization" to "grant awarding cycle". Old (b) deleted. This section was formerly codified at N.J.A.C. 9:11-1.16.

Amended by R.1989 d.222, effective April 17, 1989.

See: 20 N.J.R. 2506(a), 21 N.J.R. 1012(a).

Added reference to . . . last "two" terms . . .

Recodified from 9:11-1.17 and amended by R.1994 d.226, effective May 2, 1994.

See: 26 N.J.R. 711(a), 26 N.J.R. 1857(a).

Prior text at 9:11-1.18, Eligibility requirements for graduate grants, repealed. Previously amended by R.1982 d.385 and R.1983 d.170. See: 14 N.J.R. 1214(c) and 15 N.J.R. 924(b).

9A:11-1.19 Operational provisions for undergraduate grants

(a) Participating institutions are to submit an annual academic year request for student slots.

(b) Notification of action on institutional requests will be given in writing to the president of each institution.

(c) To apply for Article III student grant funds, the Financial Aid and EOF Directors must complete a payment request form to be established prior to the academic year for which funds are being requested for undergraduate students.

(d) At the request of the Executive Director, institutions shall submit to the Commission/EOF office student background information that was essential in determining student eligibility for the EOF program. The format for the collection of this information shall be established prior to the academic year for which the students are enrolled.

(e) A timetable for submission of reports and payment request forms shall be made available to each participating institution.

(f) All files of students receiving EOF grants are subject to a fiscal audit conducted by the Office of Student Assistance.

(g) All participating institutional programs shall be required to cooperate fully in specified program analysis and evaluation activities carried out by the Commission/EOF office, in accordance with N.J.A.C. 9A:12-1.17 "Program audits and evaluations".

Amended by R.1982 d.385, effective November 1, 1982.

See: 14 N.J.R. 691(a), 14 N.J.R. 1214(c).

Text substantially amended. This section was formerly codified at N.J.A.C. 9:11-1.18.

Amended by R.1986 d.107, effective April 7, 1986.

See: 17 N.J.R. 2214(a), 18 N.J.R. 682(c).

Deleted text from (e) "No E.O.F. funds . . . E.O.F. Central Office."

Amended by R.1994 d.226, effective May 2, 1994.

See: 26 N.J.R. 711(a), 26 N.J.R. 1857(a).

Amended by R.1994 d.596, effective December 5, 1994.

See: 26 N.J.R. 3586(a), 26 N.J.R. 4760(b).

9A:11-1.20 Application procedures for EOF undergraduate grants

(a) Applicants for undergraduate E.O.F. grants must be accepted for admission in an E.O.F. program at a participating New Jersey institution.

(b) Applicants for undergraduate EOF must complete a financial aid form in accordance with N.J.A.C. 9A:11-1.7(e). Students must apply for the Pell Grant and State student assistance programs by authorizing release of information to the New Jersey Office of Student Assistance.

Amended by R.1982 d.385, effective November 1, 1982.

See: 14 N.J.R. 691(a), 14 N.J.R. 1214(c).

This section was formerly codified at N.J.A.C. 9:11-1.19.

Amended by R.1986 d.107, effective April 7, 1986.

See: 17 N.J.R. 2214(a), 18 N.J.R. 682(c).

Students must apply for the "Pell Grant" not the "basic education opportunity grant".

Section 20 was "Renewal of grants awarded prior to March 1, 1978" and was repealed with this adoption.

Amended by R.1989 d.221, effective April 17, 1989.

See: 20 N.J.R. 1769(a), 21 N.J.R. 1011(c).

Deleted references to other financial aid forms and referenced those approved by EOF Board.

Amended by R.1994 d.226, effective May 2, 1994.

See: 26 N.J.R. 711(a), 26 N.J.R. 1857(a).

Amended by R.1994 d.596, effective December 5, 1994.

See: 26 N.J.R. 3586(a), 26 N.J.R. 4760(b).

9A:11-1.21 Appeals

(a) A student or his or her parents may file a written appeal with the Executive Director of EOF regarding institutional decisions of ineligibility.

(b) The first step in appealing E.O.F. grant eligibility begins within the institution. As a campus based program, the verification of E.O.F. grant eligibility is the responsibility of institutional officials.

(c) A student(s) must have already appealed through institutional channels before his or her appeal will be heard by the Executive Director of E.O.F.

(d) The letter of appeal must furnish detailed information as to the nature of the case and contain the names of institutional officials who have been contacted.

(e) For academic progress appeals, the following are offered as examples of circumstances that institutions might consider for appeal of institution policies when they are more rigorous than the E.O.F. requirements:

1. Documented medical excuse of personal or immediate family illness or death, when such an event causes significant change in course or class status;

2. Incomplete grade from previous semester, with assurances documented by faculty or staff that grade is to be made up in the current semester and that the credits in question are not counted in the current semester's 12 credit requirement;

3. When considering the student's cumulative academic progress, the student has demonstrated a clear history of meeting academic progress standards and has earned an average of 12 credit hours per semester.

(f) If, after State payment deadline dates, new information or evidence has been presented regarding previous institutional eligibility decisions, the institution may request consideration by the EOF Executive Director for payment in the same fiscal year. Such requests must be submitted before fiscal year end reconciliation and should be submitted through payment rosters co-endorsed by the EOF campus director and financial aid officer. The fiscal year ends on June 30 of each year.

(g) In no case should institutional requests for opinions, clarification, or consideration based on new evidence constitute an appeal for a student or students who have not met the minimum standards set forth in State regulations. These standards are intended to be the "floor" above which institutional standards and appeals may operate, but no appeals, institutional or central, should result in an E.O.F. student not meeting these State minimum standards for eligibility.

Amended by R.1982 d.385, effective November 1, 1982.

See: 14 N.J.R. 691(a), 14 N.J.R. 1214(c).

This section was formerly codified at N.J.A.C. 9:11-1.20.

Amended by R.1986 d.107, effective April 7, 1986.

See: 17 N.J.R. 2214(a), 18 N.J.R. 682(c).

Added (b), (e)-(g); recodified (a)1 and 2 to (c) and (d).

Amended by R.1994 d.226, effective May 2, 1994.

See: 26 N.J.R. 711(a), 26 N.J.R. 1857(a).

9A:11-1.22 Refunds and repayments of disbursements made to students

(a) If a refund is due to a student under the institution's refund policy and the student received State financial assistance under any State student financial assistance program,

the institution shall multiply the institutional refund by the following fraction to determine the amount to be refunded to the Treasurer, State of New Jersey, through the Office of Student Assistance:

$$\text{divided by } \frac{\text{amount of State financial assistance (minus work earnings) awarded for the payment period}}{\text{total amount of financial aid (minus work earnings) awarded for the payment period}}$$

(b) The payment period is the time between the first day of classes for an academic term and the end of that term according to the institutional calendar.

(c) The refund period is the time between the first day of classes for an academic term and the date the student officially or unofficially withdraws from an institution, is expelled by an institution, or reduces his or her academic course load such that he or she is no longer eligible for State assistance.

(d) The above formula should be applied if a full-time student reduces his or her academic course load to less than full-time, or a part-time student reduces the number of credits for which he or she is enrolled prior to the end of the institutional refund period. However, if the student reduces his or her academic course load to less than full-time, or reduces the number of credits for which the student is enrolled on less than a full-time basis, after the end of the institutional refund period, a refund to the State is not required.

(e) If a combination of State student funds has been packaged for the student and a refund is due the State, a prorated amount is applied to each of the State programs in the student's State financial assistance package.

(f) If a cash disbursement has been made by an institution for non-institutional costs from EOF student grant funds, and it is determined by application of the institution's refund policy and the above formula that a refund should be paid to the State, the institution shall endeavor to collect the overpayment from the student and return it to the State. If this effort is unsuccessful, the institution shall notify the Commission on Higher Education, EOF Office of the amount owed. Non-institutional costs may include, but are not limited to, room and board, books and supplies, transportation, and miscellaneous expenses.

(g) If a student utilizes any portion of a full-time or part-time award, it will be treated the same as a full semester or half semester payment respectively in calculating the number of semesters of eligibility. Thus, the institution shall afford the student the opportunity to decline and repay the State award for that payment period.

R.1980 d.523, effective December 4, 1980.

See: 12 N.J.R. 519(b), 13 N.J.R. 13(g).

Amended by R.1982 d.385, effective November 1, 1982.

See: 14 N.J.R. 691(a), 14 N.J.R. 1214(c).

This section was formerly codified at N.J.A.C. 9:11-1.22.

Amended by R.1986 d.107, effective April 7, 1986.

See: 17 N.J.R. 2214(a), 18 N.J.R. 682(c).

Heading changed.

Amended by R.1988 d.151, effective April 4, 1988 (operative July 1, 1988).

See: 19 N.J.R. 2373(a), 20 N.J.R. 805(a).

Substantially amended.

Amended by R.1993, d.480, effective October 4, 1993.

See: 25 N.J.R. 1663(a), 25 N.J.R. 4596(a).

Amended by R.1994 d.226, effective May 2, 1994.

See: 26 N.J.R. 711(a), 26 N.J.R. 1857(a).

Amended by R.1994 d.596, effective December 5, 1994.

See: 26 N.J.R. 3586(a), 26 N.J.R. 4760(b).

9A:11-1.23 Part-time students

(a) Eligibility for EOF grants shall be extended on an annual basis to part-time students upon the approval of the Board of Directors of EOF depending on the level of appropriated funds.

(b) Part-time grant eligibility shall only be available to EOF students attending those institutions approved by the Board of Directors of EOF to award part-time EOF grants to students pursuant to the provisions of N.J.A.C. 9A:11-1.9(a).

(c) Eligible students must be enrolled for at least six credits, matriculated in a degree or certificate program, and maintain minimum standards of academic progress as determined by the institution.

(d) Part-time EOF grant awards shall be prorated against the full-time grant award for the applicable institutional sector and shall take into consideration any aid received from PELL and/or TAG. For the purposes of N.J.A.C. 9A:11-1.23, full-time shall be considered to be 12 credit hours (part-time enrollment for nine credit hours shall equal 75 percent of a full-time grant award, six credit hours shall equal 50 percent, etc.) and determinations for such awards at Rutgers, NJIT and the state colleges shall be based upon full-time commuter award levels.

(e) The minimum part-time EOF grant shall not be less than \$200.00.

(f) Any residential student at the state colleges, Rutgers, or NJIT receiving a part-time EOF grant, shall have \$250.00 added to his or her award as determined by N.J.A.C. 9A:11-1.23.

(g) Each part-time semester of attendance for which an EOF part-time grant is awarded shall be counted as one-half a semester of grant eligibility. The part-time EOF grant may be awarded to students only three times in the pursuit of an associates degree and four times in the pursuit of a baccalaureate degree.

New Rule, R.1988 d.151, effective April 4, 1988 (operative July 1, 1988).

See: 19 N.J.R. 2373(a), 20 N.J.R. 805(a).

Amended by R.1990 d.557, effective November 19, 1990.

See: 22 N.J.R. 1660(a), 22 N.J.R. 3485(b).

Dropped a requirement in (b) that student must have completed some full-time education; allows EOF grant for those starting as part-time students.

Amended by R.1993 d.480, effective October 4, 1993.

See: 25 N.J.R. 1663(a), 25 N.J.R. 4596(a).

Amended by R.1994 d.226, effective May 2, 1994.

See: 26 N.J.R. 711(a), 26 N.J.R. 1857(a).

Amended by R.1994 d.596, effective December 5, 1994.

See: 26 N.J.R. 3586(a), 26 N.J.R. 4760(b).

SUBCHAPTER 2. GRADUATE EOF FINANCIAL ELIGIBILITY

9A:11-2.1 Scope and purpose

(a) The following provisions of this subchapter govern the determination of financial eligibility for graduate financial assistance from the New Jersey Educational Opportunity Fund (EOF) based on need and potential for success in college.

(b) The EOF Program was created by law in 1968 to ensure meaningful access to higher education for students who are from families disadvantaged by low income and who have not had access to the quality educational preparation necessary to attend college, which implies that either the family has endured long-term economic deprivation or that the student represents a segment of the population underrepresented in higher education, or both. Families in this status are generally characterized by little or no accumulation of assets, and the inability to provide for more than the basic needs of family members. Eligible students are, as a rule, the first generation to attend college in their families.

(c) The overall objective of the graduate EOF Program is to increase the participation of New Jersey residents from backgrounds of historical poverty in graduate and professional study.

(d) There shall be no discrimination in admission decisions based on race, age, creed, religion, marital status, national origin, color, gender, sexual orientation, or disability.

(e) Priority in granting of EOF graduate grants shall be given to those students who received EOF undergraduate grants.

9A:11-2.2 Student eligibility

(a) The academic deficiencies that serve to identify the undergraduate student as educationally disadvantaged are not applicable at the graduate level. The graduate EOF Program is designed to provide the opportunity for New Jersey residents whose undergraduate records reflects the potential for advanced study beyond the baccalaureate degree, and whose economic background reflects a history of poverty, as defined by:

1. Having attended or graduated from a District Factor Group A or B school district or a special needs school district, as identified by the New Jersey Department of Education;
 2. Having resided in a municipality known as a "high distress-labor surplus" area. Such a place is defined by the New Jersey Department of Labor and the U.S. Bureau of Statistics as one with an unemployment rate of at least 20 percent above the national average for the previous two calendar years. Municipalities identified as "labor surplus areas" are eligible for various Federal programs designed to provide assistance to "impoverished, disadvantaged communities undergoing serious economic problems";
 3. Having resided in an area that historically has been populated by low-income families; such an area, commonly called a "pocket of poverty", is characterized by the criteria outlined in (a)2 above, even if the larger area, or municipality, is not so characterized;
 4. Having a sibling who was, or is, currently enrolled in an EOF Program; or
 5. Being eligible (the student or the student's family) for government assistance and educational programs targeted toward low-income and disadvantaged populations (TRIO programs, free and reduced breakfast/lunch programs, food stamps) and being a first-generation college student. The term "first-generation college student" means an applicant whose parents or parent (in the case of an applicant who regularly resided with and received support from only one parent) did not complete a baccalaureate degree.
- (b) To be initially eligible for an Educational Opportunity Fund graduate grant, a student must have demonstrated that he or she:
1. Is and has been a legal resident of the State of New Jersey for at least 12 consecutive months prior to receiving the grant;
 2. Meets the financial criteria established in N.J.A.C. 9A:11-2.5, Financial eligibility for graduate grants;
 3. Is or will be a full-time graduate student as defined by the institution offering the graduate program of study; and
 4. Is enrolled or intends to be enrolled full-time and matriculated in a curriculum leading to a graduate degree or certificate at an institution of collegiate grade in New Jersey approved or licensed by the Commission on Higher Education and participating in the EOF Program, provided that the student has not already received a graduate or professional degree at the same level of study for which he or she is applying. Graduate EOF degree or certificate programs must have a minimum requirement equivalent to 24 semester hours and be at least one academic year in duration.
- (c) Students may not receive assistance under the programs administered by the EOF Board of Directors if they owe a refund on a grant or scholarship previously received from a State or Federal program through any institution or are in default on any loan made under any State or Federal student financial assistance program at any institution. Students owing a refund on a grant or scholarship or who are in default on a loan may receive State financial assistance if they make arrangements with the appropriate office to repay the debt.
- (d) EOF graduate grant awards shall not be used by students attending out-of-State institutions.
- Amended by R.1995 d.248, effective May 15, 1995.
See: 27 N.J.R. 812(a), 27 N.J.R. 1993(a).
Amended by R.1997 d.345, effective August 18, 1997.
See: 29 N.J.R. 993(a), 29 N.J.R. 3728(a).
Substantially amended (a)2.

9A:11-2.3 Student residency

(a) Students must be legal residents of New Jersey for a period of not less than 12 consecutive months immediately prior to receiving a grant.

(b) The residence of a student is defined in terms of domicile. Domicile is defined as the place where a person has his or her true, fixed, permanent home and principal establishment and to which, whenever he or she is absent, he or she has the intention of returning.

(c) Residence established solely for the purpose of attending a particular college cannot be considered as fulfilling the definition of domicile.

(d) When in question, a student must demonstrate proof of residence by presenting one of the following documents:

1. A driver's license;
2. A voter registration form; or
3. Tax returns.

9A:11-2.4 Foreign nationals

(a) A foreign national must present affirmative evidence that he or she is not in the United States for the temporary purpose of obtaining an education. Such evidence must include documentation from the United States Immigration and Naturalization Service that the student may remain permanently in this country and such evidence must be placed in the student's file. The student must:

1. Be the holder of an Alien Registration Receipt Card form I-151 or I-551;
2. Be the holder of an Approval Notice from the Immigration and Naturalization Service form I-181 stating that the non-citizen has met the requirements for Permanent Resident status;

3. Be the holder of a Temporary Resident Card form I-688 with a valid expiration date from the Immigration and Naturalization Service; or

4. Be the holder of an Arrival Departure Record form I-94 endorsed by the Immigration and Naturalization Service showing one of the following:

i. Parole Indefinite Humanitarian: Paroled pursuant to Sec. 212(d)(5) of the Immigration and Naturalization Act;

ii. Refugees: Admitted as a refugee pursuant to Sec. 207 of the Immigration and Naturalization Act;

iii. Granted Asylum: Asylum status granted pursuant to Sec. 208 of the Immigration and Naturalization Act;

iv. Cuban-Haitian Entrant: Status pending; or

v. Conditional Entrant: Admission into this status through March 31, 1980.

(b) The Arrival Departure Record form I-94 for persons in the categories in (a) above must be updated for each award year as required by the Immigration and Naturalization Service.

(c) Foreign Nationals with Student Visa Status, F1 or F2 Exchange Visitor Visa status of J1 or J2 Visa Status even when stamped "employment authorized," or holders of form I-94 with one of the endorsements: "adjustment applicant," "245," "245 applicant," "applicant for permanent residence," "voluntary departure," and "deferred action," are considered to be in the United States for temporary reasons and are therefore not eligible for student assistance.

9A:11-2.5 Financial eligibility for graduate grants

(a) The EOF Executive Director shall annually inform institutions of adjustments to the EOF Income Eligibility Scale in accordance with the official national poverty threshold published in the Federal Register and adjusted by 200 percent to reflect an eligible target population consistent with the intent of the original legislation.

1. Students are financially eligible for an initial EOF graduate grant if their gross household income does not exceed the applicable amounts set forth in the EOF Income Eligibility Scale, as follows:

| Applicants with a Household size of | Gross Income Not to Exceed |
|--|-------------------------------|
| 1 | \$15,780 |
| 2 | 21,220 |
| 3 | 26,660 |
| 4 | 32,100 |
| 5 | 37,540 |
| 6 | 42,980 |
| 7 | 48,420 |
| 8 | 53,860 |

2. For each additional member of the household an allowance of \$5,440 shall be added to this amount in order to determine EOF eligibility for the 1998-99 academic year. This allowance shall be adjusted to reflect changes in the national poverty threshold as published in the Federal Register. In addition the gross income level for each household size shall also be adjusted annually.

(b) An applicant who comes from a household with two wage earners (both applicant and spouse) whose combined incomes exceed the applicable amount set forth in the EOF Income Eligibility Scale above may be eligible for EOF, only if:

1. The total income does not still exceed the applicable amount set forth in the EOF Income Eligibility Scale when 50 percent of the smaller income is subtracted from the gross household income.

2. Documentation in each applicant's file includes the mathematical computation described above along with wage and tax statements (form W2) of both wage earners.

(c) A graduate student who receives welfare as the primary means of family support is presumed to be eligible without regard to the amount of primary welfare support.

(d) In determining financial eligibility for an EOF graduate grant, separation or divorce or the death of a wage earner in the calendar year prior to the academic year for which eligibility is being determined, with an accompanying decrease in household income below the EOF Income Eligibility Scale, does not automatically satisfy the characteristic of historical poverty (as stated in N.J.A.C. 9A:11-2.1 and 2.2(a)1 through 5) expected of EOF students.

(e) The campus EOF director must approve students in the cases established in (b) above, after review and recommendation by the financial aid office. The campus EOF director, in cooperation with the director of financial aid, shall have the discretion to use professional judgment to assess whether a family is historically and economically disadvantaged in determining an applicant's financial eligibility for admission to the EOF Program.

(f) Where there is evidence that strict adherence to the maximum income eligibility cut-offs will not serve the purpose of the EOF Program, the campus EOF director may seek permission from the Executive Director of the EOF Program to admit students with household incomes as high as, but not more than, 281 percent of the official national poverty threshold as published annually by the Federal government. However, these students must first meet all other eligibility provisions of N.J.A.C. 9A:11-2.1 and 2.2.

(g) The student's record must contain sufficient documentation to verify the discretionary criteria. Every effort should be made to give priority to those students whose incomes are within the limits of N.J.A.C. 9A:11-2.5.

(h) The annual gross income and assets of all graduate grant recipients who did not receive an undergraduate grant must be verified by the institution at the time of initial graduate enrollment through the use of Internal Revenue Service documents.

(i) In those instances where earnings are not the source of income, files must contain appropriate documentation and verification at the time of initial enrollment on which to base awards (for example, statements from the Welfare department, Social Security administration, Veteran's administration or any other approved administrative agency).

Amended by R.1995 d.248, effective May 15, 1995.

See: 27 N.J.R. 812(a), 27 N.J.R. 1993(a).

Amended by R.1996 d.220, effective May 6, 1996.

See: 28 N.J.R. 23(b), 28 N.J.R. 2386(a).

In (a)1 and 2 increased gross income limits.

Amended by R.1997 d.345, effective August 18, 1997.

See: 29 N.J.R. 993(a), 29 N.J.R. 3728(a).

In (a), substituted "an eligible target . . . legislation" for "the higher cost of living in New Jersey"; in (a)1, amended gross income amounts in EOF eligibility scale; and in (a)2, amended allowance amount and relevant academic year.

Amended by R.1998 d.257, effective May 18, 1998.

See: 30 N.J.R. 265(a), 30 N.J.R. 1810(b).

In (a)1 changed Eligibility Scale Gross Income amounts; and in (a)2, changed the allowance from \$5,240 to \$5,440 and changed the referenced academic year from 1997-98 to 1998-99.

9A:11-2.6 Grant amounts

(a) The dollar amount of each EOF graduate grant will be based on three factors:

1. Full-time approved enrollment as defined by the institution offering the graduate program of study;
2. The financial need of the student; and
3. The type of institution which the student will be attending.

(b) The exact amount of the EOF award shall be determined by the institution's EOF and financial aid directors. Priority for determining need and awarding EOF graduate grants shall be given first to students who meet the educational and income criteria in accordance with N.J.A.C. 9A:11-2.1(b) through (e), 2.2(a) and (b) and 2.5(a) followed by those students admitted using N.J.A.C. 9A:11-2.5(b) through (g).

(c) Once it is determined that a student is eligible, he or she shall not receive less than the minimum grant nor more than the maximum grant. Under no circumstances shall an EOF award be granted which, in combination with other aid, exceeds the cost of attendance as determined by the institution.

(d) The EOF Board of Directors shall annually review the State grant amounts for EOF students and make adjustments if necessary. The minimum and maximum award range for full-time graduate EOF grants for each type of institution follows:

| Graduate | Minimum | Maximum |
|-----------------------|----------|---------|
| State Colleges | \$200.00 | \$2,100 |
| Four Year Independent | 200.00 | 2,650 |
| Rutgers, NJIT | 200.00 | 2,650 |
| UMDNJ | 200.00 | 4,150 |

(e) The minimum award, as set forth in this section, shall be granted to all eligible EOF graduate students.

(f) The awarding of all grants within the above stated minimum and maximum range shall be based upon a careful analysis of the student's total financial situation and financial need. The neediest students shall be accorded priority.

Amended by R.1996 d.23, effective January 2, 1996.

See: 27 N.J.R. 2996(a), 28 N.J.R. 150(a).

9A:11-2.7 Duration of graduate student eligibility

(a) Students deemed eligible at the time of initial graduate enrollment shall retain eligibility for program support services throughout the duration of the initial graduate degree of study as long as he or she maintains full-time enrollment.

(b) In addition, students shall retain eligibility for an EOF graduate grant as long as the student has demonstrated financial need as determined by the institution through submission of a financial aid form approved by the EOF Board of Directors, in accordance with annually established deadline dates.

(c) No student shall be eligible for a graduate EOF grant for more than 10 semesters; however:

1. Length of eligibility at four-year public colleges, four-year independent colleges, Rutgers and NJIT shall be restricted to one semester beyond the normal number of semesters usually required for a full-time student to complete the degree requirements. For example:

| Degree Requirements | Full-Time Graduate Student | Length of Eligibility |
|---------------------|----------------------------|---------------------------------|
| 36 credits | 9 credits | $(36/9) = 4 + 1 = 5$ semesters |
| 84 credits | 12 credits | $(84/12) = 7 + 1 = 8$ semesters |

2. Length of eligibility in the pursuit of a medical or dental degree shall be restricted to one year beyond the normal number of years usually required for a full-time student to complete the degree requirements. In no case shall the maximum graduate eligibility exceed the equivalent of 10 semesters.

(d) Graduate grant recipients may pursue more than one advanced degree; however:

1. Each degree must be a higher level than the previous one; and
2. In no case shall the combined eligibility exceed the equivalent of 10 semesters.

(e) No EOF graduate grant is to be awarded for summer program study excepting those programs that, by nature, require that specific courses be taken during the summer.

1. Exceptions are possible in cases where the program of study requires a mandatory sequence of courses for more than two terms in an academic year.

2. In order to qualify for an exception, the institution must submit a request in writing to the Commission/EOF Office.

9A:11-2.8 Operational provisions for graduate grants

(a) The EOF Board of Directors must approve each institution's initial request to establish an EOF graduate program. This written request is to be submitted on forms provided by the Executive Director of EOF. Requests must include information outlining the expected objectives to be achieved through participation in the EOF graduate program, the number of students estimated to be eligible, and administrative responsibilities.

(b) Any New Jersey institution of higher education is eligible to participate in the EOF graduate program as long as it is certified as a licensed, accredited public or independent, non-proprietary, graduate or professional school.

(c) Participating institutions are to submit an annual academic year request for student slots to the Executive Director of EOF.

(d) Notification of action on institutional requests from the Executive Director of EOF will be given in writing to the President of each institution.

(e) To apply for Article III, graduate student grant funds, the financial aid and EOF directors must complete a payment request form to be established prior to the academic year for which funds are being requested for graduate students.

(f) The institutions shall annually submit to the Commission/EOF Office an EOF graduate payment request information form for each student.

(g) A timetable for submission of reports and payment request forms shall be made available to each participating institution.

(h) All files of students receiving EOF graduate grants will be subject to a fiscal audit conducted by the Commission on Higher Education.

9A:11-2.9 Student notification and payment

(a) A student shall be notified in writing by the institution's financial aid officer of the content of his or her financial aid package. The institution's written notification to the student shall contain a clause absolving the State of any responsibility for funding in the event that the grant is based upon fraudulent, inaccurate, or misleading information.

(b) The EOF Board of Directors may elect to provide payment directly to institutions on behalf of student recipients. Payments will be made to institutions for the eligible students in equal installments over the regular academic year, with the number of installments corresponding to the number of school terms. Listings of eligible students to be credited will be provided to institutions.

9A:11-2.10 Discontinuation of EOF graduate grants

(a) The Article III graduate grant is to be discontinued immediately when the student ceases to be eligible under any criteria listed in this subchapter.

(b) The Article III graduate grant is to be discontinued for any student who has been academically dismissed unless reinstated in good standing by institutional officials.

(c) The Article III graduate grant is to be discontinued for any student who is not matriculated in a full-time program of study or any student who is not enrolled. The amount of any grant paid to the institution for that student must be repaid by the institution.

(d) The Article III graduate grant is to be discontinued for any student who refuses to abide by regulations established by the institution for participation in the EOF Program.

(e) The Article III graduate grant is to be discontinued for any student who intentionally falsifies or gives misleading information upon which eligibility was based. The amount of any grant previously paid to that student must be repaid by that student.

9A:11-2.11 Liability

(a) The basic responsibility for submitting accurate information to institutional officials rests with the student.

(b) In the event that an institution has knowingly conveyed fraudulent and/or misleading information in order to obtain EOF grants for ineligible students, the institution will be held liable and will be required to make restitution.

(c) In cases where institutions have made awards in good faith based upon fraudulent and/or misleading information which has been conveyed by the student, the student is liable for the return of the EOF grant. A written statement to this effect shall accompany each student's award notification.

(d) The EOF Executive Director, with the cooperation of institutional officials, shall undertake appropriate steps to reclaim monies due the Educational Opportunity Fund from ineligible students.

9A:11-2.12 Grant usage

(a) The EOF graduate grant must be applied to the student's educational costs only. Educational costs are inclusive of whatever constitutes each institutional educational budget and may include tuition, fees, room and

board, transportation, books, educational supplies and child care.

(b) Use of EOF graduate grants for any other costs is strictly prohibited.

9A:11-2.13 Appeals

(a) A student or his or her parent(s) may file a written appeal with the EOF Executive Director regarding institutional decisions of ineligibility.

1. The first step in appealing EOF grant eligibility begins within the institution. As a campus-based program, the verification of EOF grant eligibility is the responsibility of institutional officials.

2. A student must have already appealed through institutional channels before his or her appeal will be heard by the EOF Executive Director.

3. The letter of appeal must furnish detailed information as to the nature of the case and contain the names of institutional officials who have been contacted.

(b) If, after State payment deadline dates, new information or evidence has been presented regarding previous institutional eligibility decisions, the institution may request consideration by the EOF Executive Director for payment in the same fiscal year. Such requests must be submitted before fiscal year end reconciliation and should be submitted through payment rosters co-endorsed by the EOF campus director and financial aid officer. The fiscal year ends on June 30th of each year.

(c) In no case should institutional requests for opinions, clarification, or consideration based on new evidence constitute an appeal for a student or students who have not met the minimum standards set forth in State regulations. These standards are intended to be the "floor" above which institutional standards and appeals may operate, but no appeals, institutional or central, should result in an EOF student not meeting these State minimum standards for eligibility.

9A:11-2.14 Refunds and repayments of disbursements made to students

(a) If a refund is due to a student under the institutions' refund policy and the student received State financial aid under any State student financial assistance program, the institution shall multiply the institutional refund by the following fraction to determine the amount to be refunded to the Treasurer, State of New Jersey through the Office of Student Assistance:

$$\text{divided by } \frac{\text{Amount of State financial assistance (minus work earnings) awarded for the payment period}}{\text{Total amount of financial aid (minus work earnings) awarded for the payment period}}$$

(b) The payment period is the time between the first day of classes for an academic term and the end of that term according to the institutional calendar.

(c) The refund period is the time between the first day of classes for an academic term and the date the student officially or unofficially withdraws from an institution, is

expelled by an institution, or reduces his/her academic course load such that he/she is no longer eligible for State assistance.

(d) The formula at (a) above should be applied if a full-time student reduces his/her academic course load to less than full-time, prior to the end of the institutional refund period. However, if the student reduces his/her academic course load to less than full-time or reduces the number of credits for which the student is enrolled on less than a full-time basis after the end of the institutional refund period, a refund to the State is not necessarily required.

(e) If a combination of State student funds has been packaged for the student and a refund is due the State, a prorated amount is applied to each of the State programs in the student's financial assistance package.

(f) If a cash disbursement has been made by an institution for non-institutional costs from a State assistance program, and it is determined by application of the institution's refund policy and the formula in (a) that a refund should be paid to the State, the institution shall endeavor to collect the overpayment from the student and return it to the State. If this effort is unsuccessful, the institution shall notify the Commission on Higher Education of the amount owed for each State financial assistance program. Non-institutional costs may include, but are not limited to, room and board, books and supplies, transportation, child care, and miscellaneous expenses.

(g) If a student utilizes any portion of a full-time award, it will be treated the same as a full semester payment in calculating the number of semesters of eligibility. Thus, the institution shall afford the student the opportunity to decline and repay the State award for that payment period.

SUBCHAPTER 3. C. CLYDE FERGUSON LAW SCHOLARSHIP**9A:11-3.1 Student eligibility**

(a) To be eligible for a C. Clyde Ferguson Law Scholarship (Ferguson Scholarship), a student shall demonstrate that he or she:

1. Is or has been a legal resident of the State of New Jersey for at least one year immediately prior to receiving the scholarship;

2. Is a student who meets the requirements of N.J.A.C. 9A:11-2.5 or falls within one of the following categories:

i. A minority or disadvantaged student who is traditionally underrepresented in the law profession and has demonstrated financial needs;

- ii. A former or current recipient of the New Jersey EOF undergraduate and/or graduate grant; or
 - iii. A student who would have been eligible as an undergraduate for a New Jersey EOF; and
3. Is or will be a full-time student enrolled in the Minority Student Program at Rutgers, The State University School of Law-Newark, Rutgers, and enrolled in Rutgers, The State University School of Law-Camden, or Seton Hall University School of Law. Students shall be in a post-baccalaureate program of study leading toward an initial law degree.

(b) Students may not receive assistance under the programs administered by the EOF Board of Directors if they owe a refund on a grant or scholarship previously received from a State or Federal program through any institution or are in default on any loan made under any State or Federal student financial assistance program at any institution. Students owing a refund on a grant or scholarship or who are in default on a loan may receive State financial assistance if they make arrangements with the appropriate office to repay the debt.

Amended by R.1996 d.220, effective May 6, 1996.
See: 28 N.J.R. 23(b), 28 N.J.R. 2386(a).
Added (b).

9A:11-3.2 Grant amounts

(a) The maximum and minimum award ranges for a Ferguson Scholarship shall be annually established by the Board of Directors of the New Jersey Educational Opportunity Fund but shall not exceed the maximum amount of tuition, fees, room and board charged at Rutgers University School of Law-Newark.

(b) The amount of each Ferguson Scholarship shall be based on the financial need of the student as determined pursuant to N.J.A.C. 9A:11-2.6(a), (b) and (c).

9A:11-3.3 Rules incorporated by reference

The following provisions of N.J.A.C. 9A:11-2 governing the EOF graduate program shall also apply to grants made under the C. Clyde Ferguson Law Scholarship program unless they are inconsistent with, or otherwise excepted within, the provisions of this subchapter: N.J.A.C. 9A:11-2.3, 2.4, 2.7, 2.8, 2.9, 2.11, 2.12, 2.13, and 2.14.

SUBCHAPTER 4. MARTIN LUTHER KING PHYSICIAN-DENTIST SCHOLARSHIP PROGRAM

9A:11-4.1 Student eligibility

(a) To be eligible for a Martin Luther King Physician-Dentist Scholarship (King Scholarship), a student must have demonstrated that he or she:

- 1. Is or has been a legal resident of the State of New Jersey for at least two years immediately prior to receiving the scholarship, and;
- 2. Is a student who meets the requirements of N.J.A.C. 9A:11-2.5 and falls within one of the following categories:
 - i. A minority student included in one of the ethnic groups recognized by the Association of American Medical Colleges or the American Association of Dental Schools as underrepresented in the medical or dental professions; or
 - ii. A former or current recipient of the New Jersey EOF undergraduate and/or graduate grant; or
 - iii. A student who would have been eligible as an undergraduate for a New Jersey EOF; and
- 3. Is or will be a full-time student enrolled in a post-baccalaureate program of study leading toward an initial M.D., D.O., or D.M.D. degree at the University of Medicine and Dentistry of New Jersey.

(b) Priority shall be given to those students who meet the criteria of (a)2i and ii, or (a)2i and iii as set forth above.

(c) Students may not receive assistance under the programs administered by the EOF Board of Directors if they owe a refund on a grant or scholarship previously received from a State or Federal program through any institution or are in default on any loan made under any State or Federal program through any institution. Students owing a refund on a grant or scholarship or who are in default on a loan may receive State financial assistance if they make arrangements with the appropriate office to repay the debt.

Amended by R.1996 d.220, effective May 6, 1996.
See: 28 N.J.R. 23(b), 28 N.J.R. 2386(a).
Added (c).

9A:11-4.2 Grant amounts

(a) The maximum and minimum award ranges for a King Scholarship shall be annually established by the Board of Directors of the New Jersey Educational Opportunity Fund but shall not exceed the maximum amount of tuition charged at the University of Medicine and Dentistry of New Jersey.

(b) The amount of each King Scholarship shall be based on the financial need of the student as determined pursuant to N.J.A.C. 9A:11-2.6(a), (b), and (c).

9A:11-4.3 Rules incorporated by reference

The following provisions of N.J.A.C. 9A:11-2 governing the EOF graduate program shall also apply to grants made under the Martin Luther King Physician-Dentist Scholarship program unless they are inconsistent with, or otherwise excepted within the provisions of this subchapter: N.J.A.C. 9A:11-2.3, 2.4, 2.7, 2.8, 2.9, 2.11, 2.12, 2.13 and 2.14.