

3. Is or will be a full-time student as defined by the institution offering the undergraduate program of study unless the institution has received approval under N.J.A.C. 9A:11-6.1 to award grants to part-time students; and

4. Is admitted to and intends full-time enrollment and matriculation in a curriculum leading to an undergraduate degree or certificate at an eligible institution as defined in N.J.S.A. 18A:71-47 and participating in the Fund. Degree and certificate programs shall require a minimum of 24 semester hours or the equivalent and be at least one academic year in duration. The Fund is not intended for a student whose primary educational goal is to complete an adult basic education curriculum or attain language proficiency.

(e) In addition, an eligible student shall exhibit evidence of the potential to succeed in college, but:

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

2. At an approved institution with an open enrollment admissions policy, shall have an educational background that indicates a need for improvement in basic skills, additional academic support, and/or preparation for the applicant's desired degree program.

(f) Students who have successfully completed a NJ GEAR UP state project and who have been admitted to the institution under its regular standards of admission (where applicable) or who do not demonstrate needs as specified in (e)2 above shall also be eligible to participate in the EOF program, assuming they meet all other eligibility criteria in this subchapter, except those in (e) above.

(g) Students shall not receive assistance under the programs administered by the 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. However, such students may receive State financial assistance if they make six consecutive monthly payments and have satisfactory repayment arrangements with the appropriate office.

(h) Students attending out-of-State institutions are not eligible for Article III undergraduate grants.

Amended by R.2000 d.163, effective April 17, 2000.

See: 32 N.J.R. 156(a), 32 N.J.R. 1422(a).

Inserted (b)6; inserted a new (f); and recodified former (f) and (g) as (g) and (h).

#### 9A:11-2.3 Dependent/independent student defined

(a) For purposes of income eligibility and verification, the Fund shall adhere to N.J.A.C. 9A:9-2.6, which is the Tuition

Aid Grant and Garden State Scholarship programs' rule defining dependent versus independent students.

(b) The institution shall share with the EOF Executive Director 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.

#### 9A:11-2.4 Financial eligibility for initial Article III student grants

(a) The EOF Executive Director shall annually inform institutions of adjustments to the EOF Income Eligibility Scale in accordance with the Federal poverty guidelines 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. Except as stipulated in (b) and (c) below, dependent and independent students are financially eligible for an initial Article III student grant if their gross household income does not exceed the applicable amounts set forth in the EOF Income Eligibility Scale, as follows:

##### Academic Year 2001-02

Applicants with a Household size of	Gross Income Not to Exceed
1	\$16,700
2	22,500
3	28,300
4	34,100
5	39,900
6	45,700
7	51,500
8	57,300

2. For each additional member of the household, an allowance of \$5,800 shall be added to this amount in order to determine EOF eligibility for the 2001-02 academic year. This allowance shall be adjusted to reflect changes in the Federal poverty guidelines as published in the Federal Register. In addition, the gross income level for each household size shall also be adjusted annually.

(b) A dependent student's income shall not be considered in the gross household income.

(c) An applicant whose family receives welfare as the primary means of family support is presumed eligible regardless of the amount of primary welfare support.

(d) In determining financial eligibility for an Article III student grant, separation or divorce or the disability or death of a wage earner in the calendar year before 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 financial eligibility criteria stated in (a) above.

(e) The campus EOF administrator/director shall approve students in cases such as those cited in (d) above, after

review and recommendation by the financial aid office. The campus EOF administrator/director, in cooperation with the director of financial aid, shall have the discretion to use professional judgment to assess whether an applicant or the applicant's family meets the spirit and intent of the Fund.

(f) Where there is evidence that strict adherence to the maximum income eligibility cut-off will not serve the purpose of the Fund, the campus EOF administrator/director has the discretion to admit, up to a maximum of 10 percent of the annual EOF freshman class, students with family incomes as high as, but no more than, 281 percent of the Federal poverty guidelines as published annually by the Federal government. These discretionary admits, however, shall also meet all other eligibility provisions of N.J.A.C. 9A:11-2.2.

(g) Institutions shall obtain permission from the EOF Executive Director before exceeding the 10 percent discretionary, over-income waiver set forth in (f) above.

(h) The records of applicants deemed eligible in accordance with the provisions of (e), (f) and (g) above shall contain sufficient documentation to support the use of professional judgement, as stated in (e), and the discretionary criteria, as stated in (f) above.

(i) Notwithstanding provisions of (e) and (f) above, priority shall be given to students whose incomes are within the limits of (a) above.

Amended by R.2000 d.18, effective January 18, 2000.  
See: 31 N.J.R. 3034(a), 32 N.J.R. 275(a).

In (a), substituted references to 2000-01 for references to 1999-2000 throughout, increased gross income maximums in 1, and increased allowance in 2.

Amended by R.2001 d.35, effective January 16, 2001.  
See: 32 N.J.R. 3713(a), 33 N.J.R. 268(a).

In (a), substituted references to 2001-02 for references to 2000-2001 throughout, increased gross income maximums in 1, and increased allowance in 2.

#### 9A:11-2.5 Verification of financial eligibility

(a) At the time of initial enrollment, the institution shall verify the income and assets of all undergraduate EOF grant applicants' parent(s) or guardian(s) or of applicants and spouses, as appropriate. The purpose of the verification is to ensure that EOF funds are granted only to students who meet the eligibility criteria in N.J.A.C. 9A:11-2.2 and 2.4.

(b) In cases where earnings are not the source of an initial awardee's income as described in (a) above, the file shall contain appropriate, verified documentation on which to base the award (for example, statements from the public assistance agency, Social Security Administration, Bureau of Children's Services, Veterans Administration, or other appropriate administrative agency), regardless of the awardee's dependency status.

(c) In all cases, files shall contain completed forms indicating all relevant data for determining initial eligibility, such as household size, annual income, and sources of income and assets: for dependent students, of parent(s) or guardian(s), for independent students, of the student or student and spouse, as appropriate. A student's records shall also include the application for financial aid, the student's signed acceptance of the financial aid package, and proof that the student received the grant.

(d) To receive an Article III undergraduate grant, all students shall comply with N.J.A.C. 9A:9-2.4, which is the Tuition Aid Grant and Garden State Scholarship programs' rule governing the determination of eligibility for, and value of, student assistance. All applicants shall also indicate that they applied for a Federal Pell Grant and a New Jersey Tuition Aid Grant. The Board annually establishes deadline dates for submitting the form specified in N.J.A.C. 9A:9-2.4 which are a year in advance to ensure that the Fund's expenditures are maintained within available appropriations and to provide for timely disbursement of payments to participating institutions. Students shall submit the form specified in N.J.A.C. 9A:9-2.4 in accordance with the Board's annual deadlines.

(e) Students found eligible to receive student assistance shall comply with the N.J.A.C. 9A:9-2.7, which is the Tuition Aid Grant and Garden State Scholarship programs' rule governing verification of family financial data.

#### 9A:11-2.6 Grant amount

(a) The dollar amount of each Article III undergraduate EOF grant shall be based on three factors:

1. Full or approved part-time enrollment;
2. The financial need of the student as determined by a needs analysis; and
3. The type of institution the student attends.

(b) The institution's EOF and financial aid directors shall determine the exact amount of each student's grant. In determining need and awarding Article III grants, priority shall be given first to students who meet the educational criteria of N.J.A.C. 9A:11-2.2 and the income criteria of N.J.A.C. 9A:11-2.4(a), (b) and (c), followed by students admitted under N.J.A.C. 9A:11-2.4(e) and (f).

(c) An EOF undergraduate grant awardee shall receive not less than the minimum nor more than the maximum award, except that under no circumstances shall the grant combined with other aid exceed the cost of attendance as determined by the institution.

(d) The Board shall annually review the State grant amounts for EOF students and make adjustments, if necessary. The minimum and maximum award ranges for full- and part-time Article III undergraduate student grants for each type of institution follows.