

through Article III and Article IV funding in the summer and academic year.

(b) Institutions that participate in the EOF program shall:

1. Not discriminate in their recruitment and admissions practices based on race, age, creed, religion, marital status, national origin, color, gender, sexual orientation, or disability; and

2. Meet N.J.A.C. 9A:9-2.1(d)2, the New Jersey Higher Education Student Assistance Authority's rule governing the provision of documentation that it is authorized to participate in Title IV Federal student aid programs under the Higher Education Act of 1965, as amended and its implementing regulations.

Amended by R.2009 d.187, effective June 15, 2009.

See: 40 N.J.R. 6365(a), 41 N.J.R. 2471(a).

In (a), substituted "developmental" for "remedial" and inserted "Article III and"; and in (b), inserted "recruitment and" and substituted "practices" for "decisions".

Amended by R.2013 d.114, effective September 16, 2013.

See: 45 N.J.R. 88(a), 45 N.J.R. 2142(a).

Rewrote (b).

SUBCHAPTER 2. UNDERGRADUATE EOF ACADEMIC AND FINANCIAL ELIGIBILITY

9A:11-2.1 Scope

This subchapter governs the awarding of Article III undergraduate EOF grants. The Article III undergraduate EOF grant is not a financial aid entitlement. Institutions select students for participation based on the eligibility criteria in N.J.A.C. 9A:11-2.2 and 2.3.

Amended by R.2009 d.187, effective June 15, 2009.

See: 40 N.J.R. 6365(a), 41 N.J.R. 2471(a).

Updated the second N.J.A.C. reference.

9A:11-2.2 Student eligibility

(a) The undergraduate EOF Program is designed to provide an opportunity for higher education to disadvantaged New Jersey residents who would be unable to attend and/or succeed academically in college without the financial assistance and special services that are part of this program. The program is intended for students who show potential and exhibit evidence of academic and/or creative promise but who have limited educational and financial resources for college because of poor high school preparation and have economic backgrounds that reflect a history of poverty.

(b) To be eligible for an undergraduate EOF grant, a student must demonstrate a history of poverty, which generally includes documented, long-term economic hardship of the family, such as little or no accumulation of assets and the inability to provide more than the basic needs of family members, as evidenced by at least one of the following:

1. Having attended or graduated from a DFG A or B school district;

2. Having resided in a municipality that is a high-distress/labor surplus area, or is considered an eligible urban aid municipality;

3. Having resided in an area that historically has been populated by low-income families; such an area, commonly called a "pocket of poverty," has characteristics of a high-distress/labor surplus area, even if the municipality is not formally so identified;

4. Having a sibling who was or is enrolled in an EOF program;

5. Being a first-generation college student who is, or whose family is, eligible for government assistance and/or educational programs targeted toward low-income and disadvantaged populations (TRIO programs, free and reduced breakfast/lunch programs, food stamps); or

6. Having successfully completed an NJ GEAR UP state project or NJ College Bound grant program.

(c) The admitting institution determines eligibility for EOF pursuant to N.J.A.C. 9A:11-4.6, Criteria for admission, at the time of a student's initial application. The institution, in the context of its own selectivity, shall make and document a broad assessment of the student's motivation and talent (latent, as well as demonstrated) based on interviews, recommendations, high school records, and other requisite application materials.

(d) To be initially eligible for an EOF undergraduate Article III grant, a student must demonstrate that he or she:

1. Has a high school diploma or GED;

2. Meets N.J.A.C. 9A:9-2.2 and 2.3, which are the Tuition Aid Grant and Garden State Scholarship programs' rules governing residency, and noncitizens and resident aliens, respectively;

3. Meets the financial criteria established in N.J.A.C. 9A:11-2.3;

4. 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:11-2.9(b) to award grants to part-time students; and

5. Is admitted to and intends full-time enrollment and matriculation in a curriculum leading to an undergraduate degree or certificate at an institution 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. Shall have an educational background that indicates a need for improved basic skills, additional academic support, or additional 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 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).

Amended by R.2004 d.161, effective April 19, 2004.

See: 35 N.J.R. 5533(a), 36 N.J.R. 1919(b).

Rewrote the section.

Amended by R.2005 d.84, effective March 7, 2005.

See: 36 N.J.R. 3621(a), 37 N.J.R. 773(a).

In (d), added "or demonstrates an 'ability to benefit'" at the end of 1.

Amended by R.2009 d.187, effective June 15, 2009.

See: 40 N.J.R. 6365(a), 41 N.J.R. 2471(a).

In (c), inserted "pursuant to N.J.A.C. 9A:11-4.6, Criteria for admission,"; in (d)3, updated the N.J.A.C. reference; and in (e)2, deleted " , at an approved institution with an open enrollment admissions policy" from the end.

Amended by R.2011 d.145, effective June 6, 2011.

See: 42 N.J.R. 2690(a), 43 N.J.R. 1333(b).

In (b)1, deleted "or an Abbott school district" following "B school district"; and in (b)2, deleted " , and/or is eligible to receive Early Childhood Program Aid (ECPA) from the New Jersey Department of Education" following "urban aid municipality".

Amended by R.2013 d.114, effective September 16, 2013.

See: 45 N.J.R. 88(a), 45 N.J.R. 2142(a).

In (d)1, deleted "or demonstrates an 'ability to benefit' " from the end.

9A:11-2.3 Financial eligibility for initial Article III student grants

(a) The EOF Income Eligibility Scale is based on 200 percent of the annual Federal poverty guideline (that is, doubled) as published annually by the United States Department of Health and Human Services in the Federal Register. This benchmark was established to reflect an eligible target population consistent with the intent of the original

legislation. The EOF Executive Director shall inform institutions of annual adjustments to the EOF Income Eligibility Scale each summer, and the gross income limits set forth in this subsection shall be updated through a notice of administrative changes published in the New Jersey Register.

1. Except provided in (d), (e), (g), (h), and (i) 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 2012-13

<u>Applicants with a Household size of</u>	<u>Gross Income Not to Exceed</u>
1	\$21,780
2	29,420
3	37,060
4	44,700
5	52,340
6	59,980
7	67,620
8	75,260

2. For each additional member of the household, an allowance of \$7,640 shall be added to this amount in order to determine EOF eligibility for the 2012-13 academic year.

3. The gross income level for each household size as shown in (a)1 and 2 above has been adjusted to reflect changes in Federal poverty guidelines as stated in (a) above.

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

(c) The following sources of untaxed income-earned income credit, additional child tax credit, untaxed social security benefits, and Temporary Assistance for Needy Families (TANF)-shall be excluded from consideration in the gross household income of applicants.

(d) An applicant whose household receives Temporary Assistance for Needy Families (TANF) and/or Supplemental Social Security Income (SSI) as the sole means of support is eligible regardless of the amount of such support.

(e) An applicant who falls between the ages of 16 to 22, who is or was in a New Jersey Division of Youth and Family Services paid placement, and who meets one of the criteria listed below, automatically satisfies the financial eligibility criteria stated in (a) above:

1. An individual who has been in the care and custody of the New Jersey Division of Youth and Family Services, in an out of home placement, for a period of nine months or more following the individual's sixteenth birthday;

2. An individual who has been in the care and custody of the New Jersey Division of Youth and Family Services after the age of 14 for a cumulative 18 months;