

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 2014-15	
Applicants with a Household size of	Gross Income Not to Exceed
1	\$22,980
2	31,020
3	39,060
4	47,100
5	55,140
6	63,180
7	71,220
8	79,260

2. For each additional member of the household, an allowance of \$8,040 shall be added to this amount in order to determine EOF eligibility for the 2014-15 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;

3. An individual who is or has been residing in a transitional living program for youth or in supportive housing for three months or more and the facility or program receives payment pursuant to the New Jersey Homeless Youth Act or the Federal "Runaway and Homeless Youth Act" Title II of Pub. L. 93-415 (42 U.S.C. §§5701 et seq.)1;

4. An individual adopted through the New Jersey Division of Youth and Family Services after the age of 12 and who is in a subsidized adoption at the time of application; or

5. An individual adopted through the New Jersey Division of Youth and Family Services after the age of 16.

(f) 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 a concomitant decrease in household income below the EOF Income Eligibility Scale, does not automatically satisfy the financial eligibility criteria stated in (a) above.

(g) The campus EOF administrator/director shall approve students in cases such as those cited in (f) 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.

(h) 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 eligibility provisions of N.J.A.C. 9A:11-2.2.

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

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

(k) Notwithstanding provisions of (g) and (h) 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.

Amended by R.2002 d.108, effective April 1, 2002.
See: 33 N.J.R. 3718(a), 34 N.J.R. 1425(c).

Rewrote (a).
Amended by R.2003 d.28, effective January 21, 2003.
See: 34 N.J.R. 2896(a), 35 N.J.R. 404(b).

In (a), substituted "2003-04" for "2002-2003" and increased the amounts in the Income Eligibility Scale in 1 and 2.

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).

Rewrote (a).
Amended by R.2006 d.40, effective January 17, 2006.
See: 37 N.J.R. 3173(a), 38 N.J.R. 801(a).

In (a)1, increased the gross household income maximum for the 2006-07 academic year; in (a)2, increased the allowance from \$6,360 in 2005-06 academic year to \$6,520 for the 2006-07 academic year.

Amended by R.2007 d.88, effective March 19, 2007.
See: 38 N.J.R. 4798(a), 39 N.J.R. 933(a).

In introductory paragraph of (a), rewrote last sentence; in the table in (a)1, substituted "2007-08" for "2006-07" and updated the dollar amounts; and in (a)2, substituted "6,800" for "6,520" and "2007-08" for "2006-07".

Administrative change.
See: 39 N.J.R. 4845(a).

Administrative change.
See: 40 N.J.R. 6204(b).

Recodified from N.J.A.C. 9A:11-2.4 and amended by R.2009 d.187, effective June 15, 2009.

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

In the introductory paragraph of (a), inserted "by the United States Department of Health and Human Services"; in (a)1, substituted "(e), (g), (h), and (i)" for "(f), (g) and (h)"; added new (e); recodified former (e) through (j) as (f) through (k); in (g), substituted "(f)" for "(e)"; in (i), substituted "(h)" for "(g)"; in (j), substituted "(g), (h), and (i) above" for "(f), (g) and (h) above," "(g) above" for "(f) above", and "(h) above" for "(g) above"; and in (k), substituted "(g) and (h)" for "(f) and (g)".
Former N.J.A.C. 9A:11-2.3, Dependent/independent student defined, recodified to N.J.A.C. 9A:11-2.4.

Administrative change.
See: 42 N.J.R. 482(a).

Administrative change.
See: 42 N.J.R. 482(a), 2620(b).

Administrative change.
See: 44 N.J.R. 165(a), 2652(a).

Administrative change.
See: 45 N.J.R. 2384(b).

9A:11-2.4 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.

Recodified from N.J.A.C. 9A:11-2.3 by R.2009 d.187, effective June 15, 2009.

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

Former N.J.A.C. 9A:11-2.4, Financial eligibility for initial Article III student grants, recodified to N.J.A.C. 9A:11-2.3.

9A:11-2.5 Verification of financial eligibility

(a) At the time that a student receives an initial EOF student grant, 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 2.3.

(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 record shall also include the application for financial aid and proof that the student received the grant.

(d) To receive an Article III undergraduate grant, all students shall comply with the Tuition Aid Grant and Garden State Scholarship programs' rule at N.J.A.C. 9A:9-2.4, Eligibility and repayments. 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.

Amended by R.2004 d.161, effective April 19, 2004.
See: 35 N.J.R. 5533(a), 36 N.J.R. 1919(b).

In (d), amended the N.J.A.C. reference in the first sentence.
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 "that a student receives an initial EOF student grant" for "of initial enrollment" and updated the second N.J.A.C. reference; in (c), deleted "the student's signed acceptance of the financial aid package," following "aid"; and in (d), substituted "repayments" for "repayment" and deleted the former second sentence.

9A:11-2.6 Grant amounts

(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:11-2.3(a), (d), and (e) followed by students admitted under N.J.A.C. 9A:11-2.3(g), (h), and (i).

(c) The institution's EOF and financial aid directors shall have the authority to adjust student grants within the minimum and maximum award ranges. An EOF undergraduate grant awardee shall receive not less than the minimum nor more than the maximum semester award, except that under no circumstances shall the grant when 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 semester and maximum academic year award ranges for full- and part-time Article III undergraduate student grants for each type of institution follows.

	<u>Semester Minimum</u>	<u>Semester Maximum</u>	<u>Academic Year Maximum</u>
<u>Undergraduate</u>			
<u>Community Colleges</u>			
Full-time	\$100.00	\$525.00	\$1,050.00
Part-time:			
6-8 credits	\$100.00	\$263.00	\$526.00
9-11 credits	\$100.00	\$394.00	\$788.00
<u>State Colleges</u>			
<u>Commuter</u>			
Full-time	\$100.00	\$575.00	\$1,150.00
Part-time:			
6-8 credits	\$100.00	\$288.00	\$576.00
9-11 credits	\$100.00	\$431.00	\$862.00
<u>Residential</u>			
Full-time	\$100.00	\$700.00	\$1,400.00
Part-time:			

	Semester <u>Minimum</u>	Semester <u>Maximum</u>	Academic Year <u>Maximum</u>
<u>Undergraduate</u>			
6-8 credits	\$100.00	\$427.00	\$854.00
9-11 credits	\$100.00	\$560.00	\$1,120.00
<u>Rutgers, NJIT, UMDNJ-SHRP</u>			
<u>Commuter</u>			
Full-time	\$100.00	\$575.00	\$1,150.00
Part-time:			
6-8 credits	\$100.00	\$288.00	\$576.00
9-11 credits	\$100.00	\$431.00	\$862.00
<u>Residential</u>			
Full-time	\$100.00	\$700.00	\$1,400.00
Part-time:			
6-8 credits	\$100.00	\$427.00	\$854.00
9-11 credits	\$100.00	\$560.00	\$1,120.00
<u>Independent Colleges</u>			
Full-time	\$100.00	\$1,250.00	\$2,500.00
Part-time:			
6-8 credits	\$100.00	\$625.00	\$1,250.00
9-11 credits	\$100.00	\$938.00	\$1,876.00

Amended by R.2000 d.341, effective August 21, 2000.
 See: 32 N.J.R. 1280(a), 32 N.J.R. 3069(a).
 Increased maximum awards throughout.
 Amended by R.2004 d.161, effective April 19, 2004.
 See: 35 N.J.R. 5533(a), 36 N.J.R. 1919(b).
 In (b), amended the N.J.A.C. references; in (c), inserted "semester" following "maximum"; rewrote (d).
 Amended by R.2005 d.308, effective September 6, 2005.
 See: 36 N.J.R. 4868(a), 37 N.J.R. 3373(a).
 In (d), increased grant award amounts; added (e).
 Amended by R.2006 d.40, effective January 17, 2006.
 See: 37 N.J.R. 3173(a), 38 N.J.R. 801(a).
 In (c), added the first sentence; in (d), rewrote "full-and" as "full- and" and increased the semester and academic year maximum awards; deleted (e).
 Amended by R.2009 d.187, effective June 15, 2009.
 See: 40 N.J.R. 6365(a), 41 N.J.R. 2471(a).
 In (b), updated the N.J.A.C. references; and in (d), in the fourth column heading of the table, substituted "Academic Year" for "Annual".
 Amended by R.2011 d.145, effective June 6, 2011.
 See: 42 N.J.R. 2690(a), 43 N.J.R. 1333(b).
 In (c), substituted "institution's EOF and financial aid directors" for "institution".

submitted by the student in accordance with the annually established deadline dates;

2. Meet academic progress standards in accordance with N.J.A.C. 9A:11-2.13;
3. Maintain their status as legal residents of the State of New Jersey as defined in N.J.A.C. 9A:9-2.2, which is the Tuition Aid Grant and Garden State Scholarship program's rule governing residency;
4. Maintain full-time enrollment or have the campus EOF administrator/director's written approval for a part-time Article III undergraduate grant. Part-time grant eligibility is available only at those institutions approved by the Board to award part-time Article III undergraduate grants; and
5. Meet the maximum number of semesters of eligibility as prescribed in N.J.A.C. 9A:11-2.8 and 2.9.

9A:11-2.7 Financial aid packaging

Because EOF students are from historically poor backgrounds, all sources of student financial aid shall be used to augment the financial aid package. 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.

(b) The number of semesters of Article III grant payment is cumulative; EOF students shall be eligible for no more than 12 semesters of payment over the course of their entire undergraduate careers, except as noted in (d) below. When a funded EOF student transfers from one participating institution to another, the semesters of payment at the second institution are added to those at the first. The cumulative total of semesters of payment shall not exceed eight for pursuit of an associate degree, and 12 for pursuit of a baccalaureate degree.

9A:11-2.8 Duration of student eligibility

(a) Students deemed eligible at the time of their initial EOF Article III academic year student grant payment shall retain eligibility for program support services and Article III student grant funds as long as they continue to:

(c) Students enrolled at senior institutions may receive a maximum of 12 semesters of Article III undergraduate grant payments to complete a baccalaureate degree, as long as they are making satisfactory academic progress as stipulated in N.J.A.C. 9A:11-2.13. Undergraduate grant recipients may not pursue more than one baccalaureate degree within the max-

1. Demonstrate financial need as determined by the institution through a Board-approved financial aid form

imum 12 semesters of Article III undergraduate grant payments.

(d) Students in an established five-year undergraduate course of study at a senior institution shall be eligible for an additional two semesters of payment beyond the maximum of 12 upon a formal written request from the institution and approval by the EOF Executive Director. Under no circumstances shall a student receive more than 14 semesters of the Article III undergraduate grant to earn a baccalaureate degree.

(e) Students enrolled at institutions that award associate degrees may receive a maximum of eight semesters of Article III undergraduate grant payments to complete an associate degree, as long as they are making satisfactory academic progress as stipulated in N.J.A.C. 9A:11-2.13. Undergraduate grant recipients may not pursue more than one associate degree within the maximum eight semesters of Article III undergraduate grant payments.

(f) Once a student earns a baccalaureate degree, they have exhausted their semesters of undergraduate EOF Article III grant eligibility.

(g) Students in their last semester of study to complete degree requirements may take fewer than 12 credits (full-time status) and still receive the maximum Article III undergraduate grant for which they would be eligible as a full-time student.

(h) In no case shall an initial Article III undergraduate grant be given for a student's last two semesters of baccalaureate study.

(i) Summer sessions shall not be counted in determining the total number of semesters of payment student has received.

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.2009 d.187, effective June 15, 2009.
See: 40 N.J.R. 6365(a), 41 N.J.R. 2471(a).

In the introductory paragraph of (a), substituted "their initial EOF Article III academic year student grant payment" for "initial enrollment"; rewrote (b); in (d), inserted "of payment", inserted "the" preceding "Article III" and substituted "grant to earn a baccalaureate degree" for "grants"; added new (f); recodified former (f) through (h) as (g) through (i); and in (h), inserted "baccalaureate".

9A:11-2.9 Part-time students

(a) The EOF Article III undergraduate grant award to part-time students provides EOF-eligible students with an opportunity to address personal, financial, and/or academic concerns that impede their ability to pursue a full-time course of study.

(b) Part-time grant eligibility shall be available only to EOF students attending those institutions approved by the Board to award part-time Article III undergraduate grants.

(c) Eligible students shall be advised by institutional EOF staff to pursue part-time enrollment and shall enroll for at least six credits, matriculate in a certificate or degree program, and maintain minimum standards of academic progress as determined by the institution in the context of the provisions of N.J.A.C. 9A:11-2.13. Eligibility for part-time grants shall be limited to:

1. Renewal students with at least one full-time semester of EOF Academic Year Article III grant funding; or
2. First-time, part-time entering students with no prior college experience.

(d) Each semester of part-time attendance for which an Article III part-time undergraduate grant is awarded shall count as one-half of a semester of grant eligibility. In no case shall a student receive such a grant for more than three semesters in pursuit of an associate degree or four semesters in pursuit of a baccalaureate degree.

(e) Institutions approved to award Article III part-time undergraduate grants shall not award such grants to more than 10 percent of their total EOF-funded population in any given semester.

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

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

In (c), amended the N.J.A.C. reference.

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

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

In the introductory paragraph of (c), inserted the last sentence; and added (c)1 and (c)2.

9A:11-2.10 Nonfunded students

(a) Students who receive an initial Article III undergraduate grant but because of a change in income or enrollment status no longer demonstrate need for Article III funds shall be termed nonfunded.

(b) Students who are enrolled in college but no longer eligible for Article III undergraduate grants because of their inability to make satisfactory academic progress as defined in N.J.A.C. 9A:11-2.13 may be considered nonfunded and may receive Article IV program support services, as determined by the institutional EOF administrator/director.

(c) Students who, due to extenuating circumstances, are advised to enroll at less than full-time status but are not eligible for an Article III part-time undergraduate grant may be considered nonfunded and may receive Article IV program support services, as determined by the institutional EOF administrator/director. Documentation of advisement shall be maintained in the student's record.

(d) To retain eligibility for Article IV program support services, a nonfunded student must continue to file the financial aid form approved by the Board and must have received Article III undergraduate academic year funds during initial enrollment in the program.

(e) A student who enrolls in the prefreshman summer program before his or her eligibility has been determined and who is later found financially ineligible cannot be considered a nonfunded student.

Amended by R.2004 d.161, effective April 19, 2004.
See: 35 N.J.R. 5533(a), 36 N.J.R. 1919(b).

In (b), substituted "no longer eligible for" for "are denied", "because of" for "due to" and amended the N.J.A.C. reference.

9A:11-2.11 NJ GEAR UP and NJ College Bound grant program support-services-only student

(a) A student who has successfully completed an NJ GEAR UP state project and/or an NJ College Bound grant program but is unable to demonstrate financial eligibility for an initial Article III student grant as set forth in N.J.A.C. 9A:11-2.4 shall be termed an NJ GEAR UP/NJ College

Bound support-services-only (NJGEARUP/NJ College Bound/SSO) student.

(b) An NJ GEAR UP/NJ College Bound/SSO student is eligible to receive both Article III and Article IV benefits of the prefreshman EOF summer program and subsequent academic year Article IV program support services throughout his or her enrollment in college.

New Rule, R.2000 d.163, effective April 17, 2000.

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

Former N.J.A.C. 9A:11-2.11, Transfer of eligible students to another participating institution, recodified to N.J.A.C. 9A:11-2.12.

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

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

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

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

Rewrote the section.

9A:11-2.12 Transfer of eligible students to another participating institution

(a) Students who wish to complete a degree at an institution other than the one where they received their initial Article III undergraduate student grant shall contact the EOF director at the institution they wish to attend to inform them of their intent to transfer, and must meet all of the receiving institution's transfer admission requirements and conditions, as well as the receiving institution's criteria for participation in the EOF program.

(b) Once deemed initially eligible for an Article III undergraduate grant at the sending institution, a student is presumed to have met the historical poverty eligibility criteria (as outlined in N.J.A.C. 9A:11-2.2(b) and the financial eligibility criteria as (as outlined in N.J.A.C. 9A:11-2.3) for a renewal EOF grant at the receiving institution.

(c) Article III undergraduate student grants cannot be guaranteed to renewal students who transfer to another participating institution in New Jersey.

Recodified from N.J.A.C. 9A:11-2.11 by R.2000 d.163, effective April 17, 2000.

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

Former N.J.A.C. 9A:11-2.12, Academic progress, recodified to N.J.A.C. 9A:11-2.13.

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

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

Rewrote (a); in (b), updated the N.J.A.C. reference; and added (c).

9A:11-2.13 Academic progress

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

(b) For purposes of determining continued eligibility for an Article III undergraduate student grant, the Board shall recognize the same standards of 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, 20 U.S.C. §1091(d) and 34 C.F.R. 668.84 ("satisfactory progress"), as well as the following provisions.

1. Due to the special nature of the EOF mission, an institution's satisfactory progress standards for EOF students shall take into consideration the maximum semesters of payment for which an EOF student is eligible under N.J.A.C. 9A:11-2.8. Other factors that shall be considered include the time an EOF student needs to adjust to college life, with the help of the program's supportive services, and the institution's remedial/developmental and ESL policies and programs for EOF students.

2. The summer program is a critical component of the EOF program. Courses that an EOF student schedules and completes using EOF Article III undergraduate summer funds, as well as academic year courses, shall be considered in determining the student's academic progress. However, as stipulated at N.J.A.C. 9A:11-2.8(i), Article III undergraduate summer grants are not considered a semester of payment.

3. EOF students have the first four semesters of payment to complete all courses that the institution designates as remedial/developmental. The EOF Executive Director may approve additional remedial/developmental work (beyond the four semesters) upon formal written request and approval by the institution.

i. The institution's formal request to the EOF Executive Director shall detail reasons for the request. If there are extenuating circumstances, such as prolonged illness or a death in the family, the student shall provide suitable evidence in the form of one or more of the following documents: letter from the attending physician, obituary notice, and/or death certificate. The request shall 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 do so; the student's most recent academic transcript, which shall reflect all remedial/developmental courses and grades earned to date; a copy of the institution's Federal Title IV standards of academic progress policy for EOF students; and why the institutional administrator believes the student can complete the requirement successfully if given additional semester(s) of funding.

ii. The request shall be approved if the institution demonstrates that with the additional semesters the student is highly likely to 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.

(c) The class standing and academic progress of all students receiving Article III undergraduate financial assistance shall be monitored by institutions at least once a year before the fall semester.

(d) Students who fail to achieve the standards set forth in this section shall be ineligible to receive academic year Article III undergraduate financial assistance until the institution certifies that they are in good academic standing and are achieving satisfactory academic progress.

(e) The institution shall share with the Commission/EOF 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.

(f) Students and institutions shall have the right to appeal, through the procedures in N.J.A.C. 9A:11-6.7, a denial under this section of Article III undergraduate financial assistance. The EOF Executive Director may, at his or her discretion, consider individual cases and shall have the authority to make such exceptions as unusual circumstances may warrant.

Recodified from N.J.A.C. 9A:11-2.12 by R.2000 d.163, effective April 17, 2000.

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

Former N.J.A.C. 9A:11-2.13, Discontinuance of Article III student grants, recodified to N.J.A.C. 9A:11-2.14.

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

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

In (b), substituted "of" for "for" following "the same standards" in the introductory paragraph, substituted "as well as" for "in addition to" following "summer funds," and amended the N.J.A.C. reference in 2.

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

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

In the introductory paragraph of (b), inserted "\$"; and in (b)2, updated the N.J.A.C. reference.

9A:11-2.14 Discontinuance of Article III student grants

(a) The Article III student grant shall be discontinued for any student who fails to meet the participating institution's policies governing academic performance and progress pursuant to N.J.A.C. 9A:11-2.13.

(b) The Article III student grant shall be discontinued for any student who is not matriculated in a full-time or Board-approved part-time program of study or for any student who is not enrolled. The institution shall repay the amount of any grants the institution has received for that student.

(c) The Article III student grant shall be discontinued for any student who refuses to abide by regulations established by the institution for participation in the EOF program.

(d) The Article III student grant shall be discontinued for any student who intentionally falsified or gave misleading information upon which EOF program eligibility was based. That student shall repay the amount of any grants previously awarded to him or her.

Recodified from N.J.A.C. 9A:11-2.13 and amended by R.2000 d.163, effective April 17, 2000.

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

In (a), changed N.J.A.C. reference.

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

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

In (a), amended the N.J.A.C. reference; in (b), substituted "and not" for "unless" following "academically dismissed"; in (c), rewrote the second sentence; in (e), inserted "EOF program" preceding "eligibility was based".

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

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

Deleted former (b) and (f); and recodified former (c) through (e) as (b) through (d).

SUBCHAPTER 3. GRADUATE EOF FINANCIAL ELIGIBILITY

9A:11-3.1 Scope

This subchapter governs the awarding of Article III graduate EOF grants. 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. Priority in granting EOF graduate grants shall be given to students who received EOF undergraduate grants.

9A:11-3.2 Student eligibility

(a) The academic deficiencies that identify the undergraduate student as educationally disadvantaged do not apply at the graduate level. The graduate EOF program is designed to provide an opportunity for New Jersey residents whose undergraduate record reflects the potential for advanced study beyond the baccalaureate degree. Eligible students shall have economic backgrounds that reflect a history of poverty as described in N.J.A.C. 9A:11-2.2(b)1 through 5.

(b) Students who received Article III EOF grants as undergraduates shall be given priority consideration for Article III graduate grants. These students are presumed to have met the financial eligibility criteria (as outlined in N.J.A.C. 9A:11-2.3) for graduate EOF as long as they continue to demonstrate financial need.

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

1. 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;
2. Meets the financial criteria established in N.J.A.C. 9A:11-2.3, Financial eligibility for initial Article III student 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 admitted to and enrolled full-time as defined by the participating institution in a curriculum leading to a graduate degree or certificate at an institution participating in the Fund, 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 degree and certificate programs must have a minimum requirement equivalent to 24 semester hours and be at least one academic year in duration.

(d) 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.

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

(f) Students shall not receive an initial graduate grant in their last semester of enrollment.

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

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

In (c), inserted "initial" preceding "Article III" in 2, deleted "eligible" preceding "institution" and deleted the N.J.S.A. reference following "institution" in 4; in (d), deleted "six consecutive monthly payments and have" following "if they make" in the last sentence; added (f).

Amended by R.2006 d.40, effective January 17, 2006.

See: 37 N.J.R. 3173(a), 38 N.J.R. 801(a).

In (c)4, substituted "and enrolled full-time as defined by the participating institution" for "and intends full-time enrollment and matriculation."

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

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

In (b) and in (c)2, updated the N.J.A.C. references.

9A:11-3.3 Verification of financial eligibility

(a) For students who did not receive an Article III undergraduate grant, the institution shall verify, at the time of initial graduate enrollment, a background of historical poverty as outlined in N.J.A.C. 9A:11-2.2(b)1 through 5.

(b) The annual gross income and assets of all graduate grant recipients shall be verified by the institution through the use of Internal Revenue Service documents.

(c) In cases where earnings are not the source of an awardee's income, 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).

9A:11-3.4 Grant amounts

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

1. Full-time enrollment as defined by the institution offering the graduate program of study;
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 graduate grants,

priority shall be given first to students who received an undergraduate EOF grant, followed by students who did not receive such an award but who now meet the educational criteria of N.J.A.C. 9A:11-2.2 and the income criteria of N.J.A.C. 9A:11-2.3(a), (d), and (e) followed by students admitted under N.J.A.C. 9A:11-2.3(g).

(c) The institution shall have the authority to adjust student grants within the minimum and maximum award ranges. An EOF graduate grant awardee shall receive not less than the minimum nor more than the maximum semester award for the academic year, except that under no circumstances shall the grant when 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 semester and maximum academic year award ranges for Article III graduate grants for each type of institution follows:

	Semester	Semester	Academic
<u>Graduate</u>	<u>Minimum</u>	<u>Maximum</u>	<u>Year</u>
			<u>Maximum</u>
State Colleges and Universities	\$100.00	\$1,150.00	\$2,300.00
Independent	100.00	1,425.00	2,850.00
Rutgers, NJIT	100.00	1,425.00	2,850.00
UMDNJ	100.00	2,175.00	4,350.00

(e) The awarding of all grants within the minimum and maximum semester and academic year ranges in (d) above 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.2004 d.161, effective April 19, 2004.

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

In (b), inserted "who" preceding "now meet" and amended the N.J.A.C. references; in (c), inserted "semester" preceding "award" and "when" preceding "combined with other aid"; rewrote (d); in (e), inserted "semester and academic year" preceding "ranges".

Amended by R.2005 d.308, effective September 6, 2005.

See: 36 N.J.R. 4868(a), 37 N.J.R. 3373(a).

In (d), increased semester maximum amounts by \$50.00 and increased annual maximum amounts by \$100.00.

Amended by R.2006 d.40, effective January 17, 2006.

See: 37 N.J.R. 3173(a), 38 N.J.R. 801(a).

In (c), added the first sentence; in (d), increased the semester maximum award ranges by \$50 and academic year maximum award ranges by \$100.

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

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

In (b), updated the N.J.A.C. references; and in (d), in the fourth column heading of the table, substituted "Academic Year" for "Annual".

9A:11-3.5 Duration of graduate student eligibility

(a) To retain eligibility for an Article III graduate grant, students shall comply with the Tuition Aid Grant and Garden State Scholarship programs' rule at N.J.A.C. 9A:9-2.4, Eligibility and repayment, in accordance with the Board's annually established deadline dates.

(b) No student shall be eligible for an Article III graduate grant for more than 10 semesters; however:

1. Duration of eligibility shall be extended 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. Duration of eligibility in pursuit of a medical or dental degree shall be extended to one year beyond the normal number of years usually required for a full-time student to complete the degree requirements.

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

1. Each degree must be a higher level than the previous one unless the grant recipient is enrolled in a dual-degree program; and

2. In no case shall the combined eligibility exceed the equivalent of 10 semesters.

(d) An Article III graduate grant shall not be awarded for summer program study except in those programs that, by their nature, require specific course(s) to 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. To qualify for an exception, the institution shall submit a written request to the EOF Executive Director.

(e) Students in their last semester of study to complete degree requirements may enroll for less than full-time status and still receive the maximum Article III graduate grant for which they would be eligible as a full-time student.

Amended by R.2004 d.161, effective April 19, 2004.
See: 35 N.J.R. 5533(a), 36 N.J.R. 1919(b).

In (a), amended the N.J.A.C. reference; in (c)1, inserted "unless the grant recipient is enrolled in a dual-degree program" following "higher level than the previous one".

Amended by R.2006 d.40, effective January 17, 2006.
See: 37 N.J.R. 3173(a), 38 N.J.R. 801(a).

Added (e).

9A:11-3.6 Discontinuance of Article III graduate student grants

(a) The Article III student grant shall be discontinued for any student who has been academically dismissed and not reinstated in good standing by institutional officials.

(b) The Article III student grant shall be discontinued for any student who is not matriculated in a full-time program of

study or for any student who is not enrolled. The institution shall repay the amount of any grants the institution has received for that student.

(c) The Article III student grant shall be discontinued for any student who refuses to abide by regulations established by the institution for participation in the EOF program.

(d) The Article III student grant shall be discontinued for any student who intentionally falsified or gave misleading information upon which EOF program eligibility was based. That student shall repay the amount of any grants previously awarded to him or her.

Amended by R.2004 d.161, effective April 19, 2004.
See: 35 N.J.R. 5533(a), 36 N.J.R. 1919(b).

In (a), substituted "and not" for "unless" following "academically dismissed"; in (b), rewrote the last sentence; in (d), inserted "EOF program" following "information upon which".

SUBCHAPTER 4. EOF PROGRAM SUPPORT SERVICES

9A:11-4.1 Scope

This subchapter governs the development and maintenance of institutional programs of developmental and supplemental education, and related student support services for EOF-eligible students.

Amended by R.2009 d.187, effective June 15, 2009.
See: 40 N.J.R. 6365(a), 41 N.J.R. 2471(a).
Rewrote the section.

9A:11-4.2 Institutional eligibility

(a) Each undergraduate institution in New Jersey that enrolls students who receive Article III grants under the EOF program shall submit an annual plan that outlines how program services are structured to promote student retention and graduation.

(b) Programs shall serve only matriculated students who are working toward a certificate or degree.

Amended by R.2004 d.161, effective April 19, 2004.
See: 35 N.J.R. 5533(a), 36 N.J.R. 1919(b).
Amended by R.2009 d.187, effective June 15, 2009.
See: 40 N.J.R. 6365(a), 41 N.J.R. 2471(a).
Rewrote (a).

9A:11-4.3 Eligible EOF program requirements

Institutions that demonstrate they provide access to higher education for students eligible for Article III undergraduate grants, improve EOF student academic performance, and promote student retention shall be eligible for Article IV funding consideration. Institutions also shall promote student progress toward graduation within the established period of program eligibility and within the academic regulations of the institution, as well as provide effective administrative support for the EOF program within the institution.