

**CHAPTER 11**

**EDUCATIONAL OPPORTUNITY FUND:  
ADMINISTRATIVE PROCEDURES  
AND POLICIES**

**Authority**

N.J.S.A. 18A:71-28 et seq. and 18A:71-33 through 36.

**Source and Effective Date**

R.2004 d.161, effective March 25, 2004.  
See: 35 N.J.R. 5533(a), 36 N.J.R. 1919(b).

**Chapter Expiration Date**

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 11, Educational Opportunity Fund: Administrative Procedures and Policies, expires on September 21, 2009. See: 40 N.J.R. 6365(a).

**Chapter Historical Note**

Chapter 11, Administrative Procedures and Policies, was filed and became effective prior to September 1, 1969.

Chapter 11, Educational Opportunity Fund: Administrative Procedures and Policies, was adopted as emergency new rules by R.1973 d.121, effective May 2, 1973. See: 5 N.J.R. 188(b).

Subchapter 2 was repealed by R.1978 d.201, effective for the academic year beginning the fall of 1978. See: 9 N.J.R. 570(a), 10 N.J.R. 281(d).

Pursuant to Executive Order No. 66(1978), Chapter 11, Educational Opportunity Fund: Administrative Procedures and Policies, was readopted as R.1983 d.646, effective January 18, 1984. See: 15 N.J.R. 1428(a), 16 N.J.R. 143(b).

Subchapter 2, Martin Luther King Physician-Dentist Scholarship Program, was adopted as new rules by R.1988 d.153, effective April 4, 1988. See: 19 N.J.R. 2374(a), 20 N.J.R. 807(b).

Pursuant to Executive Order No. 66(1978), Chapter 11, Educational Opportunity Fund: Administrative Procedures and Policies, expired on January 18, 1989.

Chapter 11, Educational Opportunity Fund: Administrative Procedures and Policies, was adopted as new rules by 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 new rules by 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, Educational Opportunity Fund: Administrative Procedures and Policies, consisting of Subchapter 1, Undergraduate Financial EOF Assistance, was readopted as R.1994 d.226, effective April 11, 1994. See: 26 N.J.R. 711(a), 26 N.J.R. 1857(a).

Pursuant to Executive Order No. 66(1978), Subchapter 2, Martin Luther King Physician-Dentist Scholarship Program and Subchapter 3, C. Clyde Ferguson Law Scholarship, expired on April 17, 1994.

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).

Chapter 11, Educational Opportunity Fund: Administrative Procedures and Policies, 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).

Chapter 11, Educational Opportunity Fund: Administrative Procedures and Policies, was repealed and Chapter 11, Educational Opportunity Fund: Administrative Procedures and Policies, was adopted as new rules by R.1999 d.46, effective February 1, 1999. See: 30 N.J.R. 3771(a), 31 N.J.R. 420(a).

Chapter 11, Educational Opportunity Fund: Administrative Procedures and Policies, was readopted as R.2004 d.161, effective March 25, 2004. See: Source and Effective Date. See, also, section annotations.

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**SUBCHAPTER 1. AUTHORITY, MISSION AND SCOPE**

**9A:11-1.1 Authority**

(a) Under the general supervision of the Commission on Higher Education, the Educational Opportunity Fund Board of Directors creates and adopts such rules deemed necessary for the proper administration of the Educational Opportunity Fund (EOF), as set forth in N.J.S.A. 18A:71-31. The Board administers all Article III, Article IV, C. Clyde Ferguson Law Scholarship, and Martin Luther King Physician-Dentist Scholarship funds appropriated by the State Legislature and other public or private sources and is an agency of communication with departments and agencies of the U.S. government on the availability of grants or loans to New Jersey for purposes related or similar to those set forth in N.J.S.A. 18A:71-28 through 40 and 18A:72J. Through the Commission on Higher Education, the Board of Directors is responsible and reports periodically in writing to the Governor and the Legislature on the performance of its duties in accordance with the law.

(b) Pursuant to N.J.S.A. 18A:71-28 through 40 and 18A:72J-1 et seq., the Board of Directors shall identify, recruit, and provide financial assistance to needy students who are residents of New Jersey in order that they may attend institutions of higher education. The Board is authorized to determine and promulgate standards of eligibility and award undergraduate and graduate "opportunity grants," C. Clyde Ferguson Law Scholarships, and Martin Luther King Physician-Dentist Scholarships to students attending institutions of collegiate grade that are licensed by the New Jersey Commission on Higher Education and accredited by an accrediting body recognized by the U.S. Secretary of Education. The Board shall also develop, establish, and maintain programs of remedial and supplementary education for eligible students to be administered either directly or through cooperative ventures with any or all of these institutions.

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.S.A. reference in the first sentence, substituted "that are licensed by the New Jersey Commission on Higher Education and accredited by the accrediting body recognized by the U.S. Secretary of Education" for "located and approved in New Jersey" in the second sentence, and substituted "these institutions" for "the public and private institutions of higher education in the State" in the third sentence.

**9A:11-1.2 Definitions**

The following words and terms, as used in this chapter, shall have the following meanings unless the context clearly indicates otherwise:

"Abbott school district" means any New Jersey public school district characterized by both low student achievement and concentrated poverty that has been assigned the designation Abbott school district by the Commissioner of Education.

"Allocation" means any of the following fiscal year funding categories approved by the EOF Board of Directors: Summer Article III undergraduate, Summer Article III graduate, Summer Article IV, Academic Year Article III undergraduate, Academic Year Article III graduate, Academic Year Article IV, or any special project funding during the summer or academic year from either Article III or Article IV.

"Article III" means a New Jersey Educational Opportunity Fund undergraduate or graduate student financial aid grant awarded to an eligible student for the academic year or summer session.

"Article IV" means a New Jersey Educational Opportunity Fund academic year or summer grant allocated to a participating New Jersey college or university to provide program support services to EOF-eligible students.

“Board” means the New Jersey Educational Opportunity Fund Board of Directors, which is appointed by the Governor; sets policy; approves all necessary rules for program operation and student eligibility for Article III academic year and summer session, undergraduate and graduate student grants, academic year and summer program Article IV support funds, C. Clyde Ferguson Law Scholarship, and the Martin Luther King Physician-Dentist Scholarship; develops the annual budget request for the Statewide program; and supports EOF programs at public and independent colleges and universities.

“Budgeted contract” means the fiscal year contract signed by the EOF Executive Director and the president of the participating institution.

“Campus EOF administrator/director” means the individual at a New Jersey institution of higher education directly responsible for the overall administration of the Educational Opportunity Fund (EOF) program at that particular college or university campus.

“Commission” means the New Jersey Commission on Higher Education, which is the State-level planning and coordinating agency for higher education in New Jersey.

“Commission/EOF” means the New Jersey Educational Opportunity Fund Program’s central office, located within the New Jersey Commission on Higher Education.

“Costs” means total educational expenses as defined by the institution.

“District Factor Group (DFG)” means an indicator of the socioeconomic status of citizens in each New Jersey school district. The New Jersey Department of Education uses this measure for the comparative reporting of test results from New Jersey’s Statewide testing programs. The indicators use demographic variables from the most recent U.S. census data, and school districts are ranked and divided into alphabetical groups. The groups range from “A” (lowest socioeconomic districts) to “J” (highest socioeconomic districts).

“Early childhood program aid” means any New Jersey school district that is eligible to receive early childhood program aid from the New Jersey Department of Education under the Comprehensive Educational Improvement and Financing Act of 1996 (P.L. 1996, c.138).

“Eligible urban aid municipality” means a New Jersey municipality that has been authorized to participate in programs administered by the New Jersey Redevelopment Authority.

“EOF” means the New Jersey Educational Opportunity Fund Program.

“EOF Executive Director” means the chief executive officer of the New Jersey Educational Opportunity Fund Program.

“Ferguson Scholarship” means the C. Clyde Ferguson Law Scholarship program.

“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.

“Fund” means the New Jersey Educational Opportunity Fund Program.

“High-distress area” means an area in New Jersey characterized by low or substandard housing and/or low real estate value, low per capita income, high unemployment, population decline, and a high percentage of residents receiving welfare and other benefits targeted for low-income families.

“Initial student” means a student who is receiving an Article III EOF undergraduate or graduate student grant for the first time. The term “initial” is not synonymous with the word “freshman,” nor does it imply that the student is in his or her first year of college attendance.

“King Scholarship” means the Martin Luther King Physician-Dentist Scholarship program.

“Labor surplus area,” as defined by the New Jersey Department of Labor and the U.S. Bureau of Labor Statistics, is an area with an unemployment rate of at least 20 percent above the national average for the previous two calendar years. These areas also are eligible for Federal programs designed to provide assistance to impoverished, disadvantaged communities undergoing serious economic problems.

“Master contract” means an annual agreement entered between the Commission on Higher Education and individual New Jersey institutions of higher education specifying the contractual terms and conditions under which the Commission shall provide funds specified under the applicable project contract to the contractor.

“Need” means the difference between the total educational expenses to attend a particular college and what a student or student’s family is expected to contribute towards meeting those costs based on methodology contained in Federal Title IV of the Higher Education Act of 1965, P.L. 89-329, including all subsequent amendments and supplements.

“New Jersey College Bound Grant Program” means a precollege educational enrichment program designed to help ensure completion of secondary school; to increase college admission, retention, and graduation rates of urban youth; and to encourage the successful pursuit of postsecondary education in the science, mathematics, or technology that was funded by the New Jersey Commission on Higher Education.

“NJ GEAR UP state project” means any Federally funded New Jersey state project administered by the Commission under the Gaining Early Awareness and Readiness for Undergraduate Programs.

"NJ GEAR UP/NJ College Bound grant program support-services-only (NJGEARUP/NJ College Bound/SSO) student" refers to an NJ GEAR UP state project and/or NJ College Bound grant program graduate enrolled in college through the Fund who is unable to demonstrate financial eligibility for an initial Article III student grant.

"Opportunity grant" means an EOF Article III undergraduate or graduate academic year or summer student grant.

"PAB" means the Program Advisory Board appointed by institutions participating in the Fund.

"Participating institution" means a New Jersey institution of higher education that is licensed by the New Jersey Commission on Higher Education and accredited by an accrediting body recognized by the U.S. Secretary of Education and which has entered into a contractual relationship with the Board to provide an EOF undergraduate, graduate, and/or summer program for eligible students.

"Renewal student" means a student who previously has received an Article III EOF undergraduate or graduate student grant.

"TRIO programs" means the Federally funded grant programs Upward Bound, Talent Search, and Student Support Services.

Amended by R.2000 d.163, effective April 17, 2000.  
See: 32 N.J.R. 156(a), 32 N.J.R. 1422(a).

Inserted "NJ GEAR UP state project" and "NJ GEAR UP support service only (NJ GEAR UP/SSO) student".  
Amended by R.2004 d.161, effective April 19, 2004.  
See: 35 N.J.R. 5533(a), 36 N.J.R. 1919(b).

Inserted "Abbott school district", "Early childhood program aid", "Eligible urban aid municipality", and "New Jersey College Bound Grant Program"; amended "Initial student", "Participating institution" and "Renewal student"; deleted "Special needs school district".  
Amended by R.2005 d.84, effective March 7, 2005.  
See: 36 N.J.R. 3621(a), 37 N.J.R. 773(a).

Rewrote "NJGEAR UP support service only (NJ GEARUP SSO) student".

### 9A:11-1.3 EOF mission statement

The New Jersey Educational Opportunity Fund contributes to the development of a college-educated public that reflects the diversity of New Jersey. In partnership with New Jersey colleges and universities, the Fund provides access to higher education and support for highly motivated students who exhibit the potential for success, but who come from families/communities disadvantaged by low income and the lack of access to the quality educational preparation necessary to attend college. Through its partnership with participating institutions of higher education, the Fund seeks to maximize educational opportunities for EOF students by providing direct program services designed to promote persistence through degree completion. Accordingly, EOF supports innovative educational initiatives, supplemental instruction, support services, and leadership development activities to improve the student's chance of academic success. In concert with other sources of student financial assistance, the Fund also attempts to make college affordable for those students who find the costs of higher education an impediment to access and student persistence.

### 9A:11-1.4 Scope

(a) The rules in this chapter govern the awarding of Article III undergraduate EOF grants to students for study leading to approved certificates, associate degrees, and/or baccalaureate degrees, and the awarding of Article III graduate EOF grants and Ferguson and King Scholarships for study leading to approved master's, doctoral and/or professional degrees. The rules also govern the development, administration, and maintenance of institutional programs of remedial and supplemental education for EOF students supported in part through Article IV funding in the summer and academic year.

(b) Institutions that participate in the EOF program shall not discriminate in their admissions decisions based on race, age, creed, religion, marital status, national origin, color, gender, sexual orientation, or disability.

## SUBCHAPTER 2. UNDERGRADUATE EOF 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 2.4.

### 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 evidence by at least one of the following:

1. Having attended or graduated from a DFG A or B school district or an Abbott school district;
2. Having resided in a municipality that is a high-distress/labor surplus area, or is considered an eligible urban aid municipality, and/or is eligible to receive Early Childhood Program Aid (ECPA) from the New Jersey Department of Education;

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 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 or demonstrates an “ability to benefit”;

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:11-2.4;

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, at an approved institution with an open enrollment admissions policy.

(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.

### 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 Income Eligibility Scale is based on 200 percent of the annual Federal poverty guideline (that is, doubled) as published annually 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 as provided in (d), (f), (g) and (h) 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 2009-10

Applicants with a Household size of	Gross Income Not to Exceed
1	\$20,800
2	28,000
3	35,200
4	42,400
5	49,600
6	56,800
7	64,000
8	71,200

2. For each additional member of the household, an allowance of \$7,200 shall be added to this amount in order to determine EOF eligibility for the 2009-10 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) 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.

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

(g) 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.

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

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

(j) Notwithstanding provisions of (f) and (g) 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).

### 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 the Tuition Aid Grant and Garden State Scholarship programs' rule at N.J.A.C. 9A:9-2.4, Eligibility and repayment. 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.

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.

**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:11-2.4(a) and (d), followed by students admitted under N.J.A.C. 9A:11-2.4(f), (g) and (h).

(c) The institution 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>Undergraduate</u>	<u>Semester</u>	<u>Semester</u>	<u>Annual</u>
<u>Community Colleges</u>	<u>Minimum</u>	<u>Maximum</u>	<u>Maximum</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:			
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

Independent Colleges

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).

**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.

**9A:11-2.8 Duration of student eligibility**

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

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

(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 and the total shall not exceed 12.

(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 maximum 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 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 Article III undergraduate grants.

(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) 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.

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

(h) 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.

**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.

(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.

#### 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 must meet all of the receiving institution's criteria for the admission of transfer students, 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 outlined in N.J.A.C. 9A:11-2.4) for a renewal EOF grant at the receiving institution.

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.

#### 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(h), 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.

#### **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 has been academically dismissed and not reinstated in good standing by institutional officials.

(c) 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.

(d) 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.

(e) 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.

(f) Article III grants cannot be guaranteed to renewal students who transfer to another participating institution in New Jersey. Students are advised to contact the EOF director at the receiving institution of their intent to transfer.

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".

### 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:11-2.4) 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:11-2.4, 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."

#### 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:11-2.4(a) and (d), followed by students admitted under N.J.A.C. 9A:11-2.4(f).

(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:

<u>Graduate</u>	<u>Semester Minimum</u>	<u>Semester Maximum</u>	<u>Annual 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.

**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:

<u>Degree Requirements</u>	<u>Full-Time Graduate Student</u>	<u>Length of Eligibility</u>
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 remedial and supplementary education for EOF-eligible students.

### 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 requests Article IV program support funds in accordance with the provisions of this subchapter.

(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).

### 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.

### 9A:11-4.4 Institutional administration

(a) Each participating institution that receives program support funds under Article IV shall appoint a full-time administrator/director responsible for operating the institutional EOF program.

(b) Each participating institution shall provide for the campus EOF administrator/director to have full policy oversight of the following:

1. Program planning;
2. Budget development and administration;

3. Selection, training, and supervision of staff;

4. Monitoring of student progress in basic skills, developmental skills, and English as second language (ESL) courses;

5. Development and implementation of policies and procedures that facilitate the retention, transfer, and graduation of the target EOF population;

6. Supervision and/or coordination of recruitment and enrollment management activities;

7. Review of financial aid packages for EOF students to determine the appropriateness and adequacy of financial aid awards;

8. Development of collaborative linkages with pre-college programs;

9. Evaluation of all program components;

10. Supervision and submission of all required materials to the Commission/EOF; and

11. Supervision of all data collection and development of research reports on the program.

(c) Each participating institution shall maintain clear administrative procedures for cooperative interaction with the various offices responsible for the activities outlined in (b) 1 through 11 above.

(d) Personnel selected by participating institutions to administer and deliver services to EOF students are employees of the institution and are governed by that institution's personnel policies.

(e) Each participating institution shall provide for the campus EOF administrator/director to participate actively in all institutional policy making that affects the EOF program and its students, including academic standards, recruitment, and retention.

(f) At each participating institution with an open admissions policy, the campus EOF administrator/director shall make the final determination on admitting students to the EOF program and awarding EOF Article III grants.

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

### 9A:11-4.5 Recruitment and admissions

(a) The institution, through its admissions and EOF staff, has the primary responsibility for recruiting EOF students. The staff shall have the requisite skills and information to convey accurately the goals and objectives of the institutional EOF program. EOF staff shall assist in identifying, interviewing, and selecting prospective program participants, but the institution is accountable for the recruitment yield on an annual basis.

(b) Each participating public institution shall enroll at least 10 percent of its entering fall freshmen through the EOF program; independent institutions are encouraged to meet this goal. The percentage shall be calculated from the number of EOF freshmen in a given fall semester and the number of full-time first-time New Jersey residents in the previous fall's freshman class. Students who are counseled at entrance to pursue a part-time course load and receive an Article III part-time student grant shall be counted in calculating an institution's EOF freshman percentage.

(c) Each participating institution shall annually develop and implement a plan to recruit, identify, and select potential students for the EOF program. This process/procedure shall be subject to audit by Commission/EOF staff at any time. The plan shall focus primarily on identifying a significant pool of potential students who meet the student eligibility criteria in N.J.A.C. 9A:11-2.2 and the financial eligibility criteria defined in N.J.A.C. 9A:11-2.4. The plan also shall establish a priority selection process that includes a waiting list, as well as appeal procedures for EOF freshman, transfer, and readmit applicants.

(d) The campus EOF administrator/director shall make the final determination on the awarding of Article III undergraduate student grant funds to students initially admitted to the institution's EOF program who withdrew or were academically dismissed or suspended but are subsequently readmitted to the institution.

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), substituted "make the determination on" for "approve" following "administrator/director shall" and substituted "but" for "and" following "dismissed or suspended".

#### 9A:11-4.6 Criteria for admission

(a) Each institution shall develop clearly defined criteria for the admission of students into the EOF program. Such criteria shall be consistent with the EOF mission, scope, purpose, student eligibility, and student transfer procedures in N.J.A.C. 9A:11-1.3, 1.4, 2.1, 2.2, 2.4 and 2.12. Such criteria shall be available to secondary schools and community organizations in the recruitment region.

(b) EOF admissions criteria shall be derived from a combined assessment of qualitative and quantitative indices. The qualitative indices may include personal interviews, employment history, volunteer and student leadership experiences, and letters of recommendation from knowledgeable community leaders. The quantitative indices may include student aptitude test scores, high school transcripts, institutional entrance and placement tests, and writing samples.

#### 9A:11-4.7 Student transfer procedure

(a) Each participating institution shall develop and maintain a well-defined, written policy to facilitate transfer of

EOF students between same-level institutions and from two-year to four-year institutions.

(b) The campus EOF administrator/director at the receiving institution shall make the final determination on which transfer students shall receive an EOF grant. This is to ensure that the EOF program can provide these students with adequate educational support services and monitor their academic progress, as well as to maintain fiscal controls and budget management.

(c) The EOF program shall be able to demonstrate delivery of services as outlined in N.J.A.C. 9A:11-4.8 to students who are eligible for funding consideration under N.J.A.C. 9A:11-2.12, Transfer of eligible students to another participating institution.

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.

#### 9A:11-4.8 Eligible program support components

(a) The campus program shall supplement, but not supplant, services already available to the general student population.

(b) Each participating institution shall provide administrative support for the efficient operation of the campus EOF program.

(c) Each participating institution shall structure activities that provide educational enrichment for EOF students, improve their academic performance, and promote their retention and progress toward graduation within the period of program eligibility and the institution's academic standards. These activities shall include, but are not limited to:

1. Skills assessments: Each institution shall assess EOF students' basic skills needs, learning styles, computer literacy, and ongoing academic performance;

2. Remedial developmental instruction: Each institution shall provide remedial, ESL, and developmental programs designed to remedy academic deficiencies;

3. Monitoring student academic progress: Each institution shall monitor EOF students' academic progress and inform them of their standing in a timely fashion;

4. EOF advisement/counseling: Each institution shall provide counseling programs designed to help students realize their educational, career, and personal goals;

5. Supplemental instruction/tutoring: Each institution shall provide well-defined programs of supplemental instruction, tutoring, and study supervision to help EOF students resolve learning difficulties. These programs may include peer learning groups and specially adapted versions of courses that are prerequisites to majors;

6. Services for limited-English-proficient EOF students: Each institution that enrolls limited-English-proficient students in their EOF program shall provide developmental, counseling, and support services to enhance and strengthen these students' academic performance;

7. Preparation for community college EOF students to transfer to four-year institutions: Each institution shall develop initiatives to promote EOF student transfer from county to senior institutions;

8. Preparation for careers, graduate, and professional education: Each institution shall provide programs designed to prepare EOF undergraduates for professional careers and/or enrollment in graduate/ professional school. Campus EOF staff working with the institutional placement office and academic departments shall coordinate these services, which shall include career interest testing, resume preparation, and job search and interview techniques, as well as programs to nurture student interest in graduate and professional education. Such programs may include assistance with the application process for undergraduate research experience programs, graduate/professional school test preparation, graduate and professional school application process, grants, scholarships, fellowships, and other forms of financial assistance;

9. Student leadership development: Each institution shall provide programs designed to foster cultural diversity, racial harmony, and the improvement of human relations. The program design may include developing conflict resolution and empowerment skills, as well as an understanding of the responsibilities leaders must assume; and

10. Orientation: Each institution shall annually inform students in writing of its policies and procedures for participation in its EOF program and for continued receipt of academic and financial aid support.

(d) The combination of all services listed in (c) above should facilitate and promote the academic success of students and develop knowledge and skills commensurate with those of the regular student population. The institution, in cooperation with the campus EOF administrator/director, shall establish minimum standards for the campus program and develop processes to evaluate the effectiveness of each program component.

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

#### **9A:11-4.9 Experimental programs**

(a) The Board may authorize the EOF Executive Director to work with institutions, other agencies of State government, or external consultants to develop new initiatives to improve the efficiency and delivery of service to students. The Board also may solicit or consider proposals from institutions to support technology, research, or developmental projects to increase program effectiveness and encourage innovative practices. The Executive Director of EOF, upon the approval of the Board, is authorized to grant awards or contracts for

such projects. Experimental areas may include, but are not limited to, projects that would:

1. Increase student placement in careers where disadvantaged populations traditionally are underrepresented;
2. Increase student placement in professional schools of medicine, law, science, and technology;
3. Foster development of exemplary programs that have potential for expansion and/or replication at other institutions; or
4. Improve the efficiency and effectiveness of administrative processes.

(b) Institutional awards granted for experimental/special projects may be exempt from the provisions of N.J.A.C. 9A:11-6.9, Institutional commitment.

(c) Notwithstanding the provisions of N.J.A.C. 9A:11-6.10(a), the EOF Board may provide limited funds for the purchase/lease of hardware/equipment that is directly related to implementing an experimental/special project.

(d) Institutions shall submit reports on the progress of their experimental/special project(s) to the EOF Executive Director as requested.

(e) Institutions with experimental/special projects that the EOF Executive Director deems successful shall integrate the projects into their overall processes, and after such integration, all provisions of N.J.A.C. 9A:11-6.9 and 6.10 shall apply.

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), inserted "or consider" following "The Board also may solicit", in the introductory paragraph.

#### **9A:11-4.10 Discontinuance of Article IV program support services**

(a) Article IV program support services shall be discontinued for any student who refuses to abide by regulations established by the institution for participation in the EOF program.

(b) Article IV program support services shall be discontinued for any student who intentionally falsified or gave misleading information upon which EOF program eligibility was based.

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 "EOF program" following "upon which".

### **SUBCHAPTER 5. SUMMER PROGRAM**

#### **9A:11-5.1 Scope**

This subchapter governs the development and maintenance of the summer program. The goal of the summer program is to introduce initial students to the academic and social demands of college life, as well as prepare them for matricula-

tion into the fall semester. Summer programs may also provide support for renewal students to maintain academic sequence and/or participate in enrichment programs to enhance their academic performance and/or improve their preparation for majors/careers where disadvantaged students are underrepresented.

### 9A:11-5.2 Institutional eligibility

Any undergraduate institution in New Jersey that enrolls students who receive academic year Article III grants, under the EOF program and is in compliance with N.J.A.C. 9A:11-1, 2, 4 and 6 is eligible to apply for summer program funds.

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

### 9A:11-5.3 Summer program requirements

(a) Summer programs shall be eligible for funding consideration if they:

1. Provide orientation services to acclimate initial students to the academic and social environment of post-secondary education;
2. Provide an assessment of students' motivation and commitment to pursue postsecondary education, including, but not limited to, academic skills proficiencies, learning styles and career interests;
3. Provide administrative, counseling, tutoring, and other staff services to ensure adequate student support;
4. Provide an educational program to prepare students for collegiate-level work;
5. Provide continuity with academic year programming activities;
6. Provide in-service training for staff;
7. Improve graduate and/or professional school placement;
8. Provide a systematic effort to help students succeed in majors where disadvantaged students traditionally are underrepresented; and
9. Use research and development models to evaluate and improve the academic support services provided to students.

Amended by R.2007 d.88, effective March 19, 2007.  
See: 38 N.J.R. 4798(a), 39 N.J.R. 933(a).  
Rewrote (a)2.

### 9A:11-5.4 Student eligibility

(a) Any student whom the institution deems eligible for admission to the EOF program in the academic year, pursuant to N.J.A.C. 9A:11-2, shall be qualified to receive additional grant funds for enrollment and full participation in the summer program, in accordance with (b) and (c) below.

(b) All students shall participate in a prefreshman summer program. Institutions may permit EOF freshmen to enroll without attending the summer program but shall provide, during the academic year, alternative activities for such students consistent with the provisions of N.J.A.C. 9A:11-5.1 and the criteria in N.J.A.C. 9A:11-5.3.

(c) Institutions shall establish criteria and a well-defined process for distributing summer program funding for renewal students. Depending on the availability of funds, renewal students may attend summer programs if such attendance accomplishes one of the following:

1. Completion of basic skills requirements;
2. Maintenance of academic progress;
3. Completion of graduation requirements;
4. Completion of prerequisites to remain in academic sequence or gain access to a specific major;
5. Removal from academic probation;
6. Repetition of courses not successfully completed (F, incomplete, etc.); or
7. Acceleration and special summer enrichment programming.

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

In the introductory paragraph of (c), deleted "(which are priority funding categories)" from the end.

### 9A:11-5.5 Verification of financial eligibility

(a) Initial students participating in the summer program shall follow the provisions of N.J.A.C. 9A:11-2.5(a) and (d) as part of summer program enrollment procedures.

(b) Procedures for verifying student eligibility for summer program attendance shall be consistent with those outlined in N.J.A.C. 9A:11-2.5, Verification of financial eligibility.

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.

### 9A:11-5.6 Summer program evaluation

(a) Campus programs shall conduct continuous quality assessments of their summer programming, including length of time, academic offerings, supportive services, facilities, etc.

(b) The Commission/EOF may conduct additional summer program evaluations, including visitations, to ensure maximum program effectiveness and accountability.

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

Deleted (a) and recodified former (b) and (c) as (a) and (b).

SUBCHAPTER 6. OPERATIONAL PROCEDURES FOR  
ACADEMIC YEAR AND SUMMER ARTICLE III  
STUDENT GRANTS AND ARTICLE IV  
PROGRAM SUPPORT SERVICES FUNDS

**9A:11-6.1 Renewal application process for Article III  
student grants and Article IV program  
support funds**

(a) The EOF Executive Director shall distribute annually to all participating colleges and universities a standard application form, which each institution shall complete and submit to request renewal funding of EOF Article III undergraduate and graduate student grants and Article IV program support grants for the academic year and the summer program.

(b) Each applicant institution's completed form shall include a budget request for funding that reflects the institution's monetary commitment to the campus EOF program, along with a mission statement for the campus program; up to five long-term, measurable goals; desired outcomes; and a timeline to improve the campus program's overall student performance.

(c) Each applicant shall include the written endorsement of the campus EOF administrator/director and the president or his or her designee.

(d) The EOF Executive Director shall review each application for compliance with this chapter and develop, for Board approval, funding recommendations for each application.

(e) The Board shall determine annually, in accordance with the Governor's annual funding recommendation to the Legislature, funding allocations for the next fiscal year for each institution. The EOF Executive Director shall provide to each, in writing, preliminary notification of the allocations, specifying the funding level and any stipulations regarding the conduct of the program or the disbursement of funds.

(f) An institution shall have the authority to manage its EOF summer student enrollment within the approved Article III and Article IV summer program allocation and to manage its academic year undergraduate and graduate student enrollment within the approved Article III and Article IV academic year allocation.

(g) An institution may appeal its allocation(s) in writing to the EOF Executive Director within 30 days of preliminary notification. The EOF Executive Director shall consider the appeal and make a recommendation to the Board.

(h) The EOF Executive Director on behalf of the Board shall execute a project contract with the president of each participating institution; the contract shall include any special provisions or limitations of the EOF funding and a statement of intent to comply with all program regulations and the master contract.

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.2006 d.40, effective January 17, 2006.

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

Added (f); recodified former (f) and (g) as (g) and (h).

Amended by R.2007 d.88, effective March 19, 2007.

See: 38 N.J.R. 4798(a), 39 N.J.R. 933(a).

In (f), inserted "and Article IV" two times.

**9A:11-6.2 Application process for new institutions to  
participate in the EOF program**

(a) Institutions of higher education that wish to participate in the EOF program for the first time shall be licensed by the New Jersey Commission on Higher Education and accredited by an accrediting body recognized by the U.S. Secretary of Education and shall submit to the EOF Executive Director a letter of intent and a plan that includes the following information:

1. The identification of an eligible target population;
2. The proposed structure of the institutional program;
3. A description of the processes for delivery the student services outlined in N.J.A.C. 9A:11-4.3, 4.4, 4.5, 4.6, 4.7 and 4.8; and
4. A budget proposal that accords with the provisions of N.J.A.C. 9A:11-6.9 and 6.10.

(b) The Commission/EOF shall review the letter of intent and may select an external consultant(s) to conduct, at the institution's expense, a site visit to assess the requesting institution's capability to provide the type of program described in the plan.

(c) The Board shall consider recommendations from the consultant(s). With a favorable recommendation and the sufficient funds available in the annual appropriation, the Board may elect to contract with the institution to establish an EOF program.

(d) If the consultant recommendation is not favorable, the requesting institution may revise its plan to address the areas of concern identified by the consultant(s) or may appeal the decision of the consultant to the Board.

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), rewrote the introductory paragraph and amended the N.J.A.C. reference in 3.

**9A:11-6.3 Use of Article III grant funds**

(a) EOF Article III academic year funds are allocated as semester grants per student and shall be applied toward student's educational costs only. Such costs shall include whatever constitutes the participating institution's educational budget and may include tuition, fees, room and board, books, educational supplies, transportation and child care.

(b) The EOF Article III summer program allocation shall be applied toward EOF summer students' educational costs. In the summer, such costs shall include whatever constitutes the participating institution's educational budget and/or instructional costs as follows:

1. Tuition charged per student or instructional costs (that is, instructors' and teaching assistants' salaries), but never both for any single course;

2. Fees, room and board, books, educational supplies, transportation, and child care, as well as stipends and insurance;

3. Salaries, and room and/or board for professional, graduate, and/or peer tutors; and

4. Educational materials used to support instruction.

(c) Use of Article III funds for any other costs is strictly prohibited.

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

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

Amended by R.2007 d.88, effective March 19, 2007.

See: 38 N.J.R. 4798(a), 39 N.J.R. 933(a).

In (a), deleted "The" preceding "EOF", substituted "funds are allocated as semester grants per student and" for "grant" and "toward" for "to the"; rewrote the introductory paragraph of (b); added (b)1 through (b)4; and in (c), substituted "funds" for "student grants".

#### 9A:11-6.4 Academic year Article III award cycle

(a) An Article III student grant shall be available for each semester of an academic year, which usually includes two terms.

(b) If a student is not enrolled for two terms, then the Article III student grant shall be awarded only for the term in which the student is enrolled.

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

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

Recodified (a)1 as (b) and deleted former (a)2.

#### 9A:11-6.5 Article III student grant notification and payment

(a) Before Article III student grant funds can be disbursed in their name, eligible students shall demonstrate that they have complied with the Military Selective Service Act pursuant to N.J.A.C. 9A:8-5, Selective Service Compliance.

(b) The institution shall notify a student in writing of the content of his or her academic year financial aid package. The institution's written notification shall contain a clause absolving the State of any obligation for funding if the grant award was based on fraudulent, inaccurate, or misleading information.

(c) N.J.A.C. 9A:9-2.9, which is the Tuition Aid Grant and Garden State Scholarship programs' rule governing award combinations and overawards, shall apply to Article III undergraduate student grant notifications and payment.

(d) Payments shall be provided to institutions on behalf of student recipients, which payments shall be made in installments over the summer and academic year, with the number of installments corresponding to the number of terms the student is enrolled.

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), deleted "also" following "shall".

#### 9A:11-6.6 Request for payment, adjustment, refund, and/or collection of Article III student grants

(a) Payment deadlines shall be established annually and included as an addendum to the contract between the Board and each participating institution.

(b) To request payment of undergraduate Article III student grant funds, the campus EOF and financial aid directors shall follow payment procedures as outlined in the EOF Executive Director's annual administrative memorandum.

(c) At the request of the EOF Executive Director, institutions shall submit to the Commission/EOF student background information that was essential in determining a particular student's eligibility or ineligibility for the EOF program.

(d) All files of students receiving Article III student grants are subject to audit in compliance with the provisions of the project and master contracts.

(e) All participating institutional programs shall cooperate fully in specified program analyses and evaluation activities carried out by the Commission/EOF in accordance with N.J.A.C. 9A:11-6.15, Program improvement and evaluation process, and N.J.A.C. 9A:11-6.17, Fiscal audit requirements.

(f) N.J.A.C. 9A:9-2.12, which is the Tuition Aid Grant and Garden State Scholarship programs' rule governing award adjustments, refunds and collections, shall apply to Article III student grant disbursements.

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

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

In (e), amended the N.J.A.C. reference; rewrote (f).

#### 9A:11-6.7 Appeals

(a) A student or his or her parent(s) may file a written appeal with the EOF Executive Director regarding an institutional determination of ineligibility for an Article III student grant, but only after the student has appealed through all institutional channels, because EOF is a campus-based program. (Participating institutions are responsible for verifying grant and scholarship eligibility and for establishing appeal procedures.)

1. Appeals shall be in the form of a letter addressed to the EOF Executive Director at the Commission/EOF, PO Box 542, Trenton, New Jersey 08625-0542.

2. The letter shall contain the student's full name, social security number, and college of attendance and present detailed information about the case, including a description of the basis for appeal and the names of institutional officials contacted during the institutional appeal process.

(b) If an institution presents, after State payment deadline dates, new information or evidence that justifies reversing previous institutional determinations of ineligibility, the institution may seek authorization from the EOF Executive Director to receive payments in the same fiscal year, but such requests shall be submitted before June 30th of each year.

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)2, substituted "social security number, and college of attendance" for "and social security number, identify the college of attendance."

### 9A:11-6.8 Liability

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

(b) If an institution knowingly conveys fraudulent or misleading information in order to obtain Article III grants for ineligible students, the institution shall be held liable and shall be required to make restitution to the State.

(c) If an institution makes an award in good faith based on information provided by the student that is later found to be fraudulent or misleading, the student is liable for returning the Article III grant. The institution shall include a written statement to this effect with each student's award notification.

(d) The institution shall undertake the appropriate steps to reclaim moneys due the Fund from ineligible students. When EOF grants have been received based on fraudulent information, institutions shall notify the EOF Executive Director and shall report on efforts made to reclaim said funds.

(e) The Board is not liable for institutional financial expenditures that exceed a participating institution's fiscal year budgeted contract allocations for Article III or Article IV funds.

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), substituted "that is" for "and" following "information provided by the student."

### 9A:11-6.9 Institutional commitment

(a) EOF students, as students who pay tuition and for whom the institution receives State support other than EOF, are entitled to all services available to any other students at the institution.

(b) Article IV program support funds are intended to supplement, not supplant, existing services provided by the institution. A participating institution shall not charge the EOF program, either directly or through the institutional match provision of (c) below, for services that are not over and above those available to the general student population.

(c) Participating institutions shall provide a broad range of support services to students enrolled in the program. Institutions shall provide matching funds equivalent to no less than the total academic year Article IV program support allocation provided by the Board.

1. The institutional match for campus EOF program costs may consist of any of the following:

- i. Funds contributed or donated to the institution by public agencies, private organizations, or individuals;
- ii. Real or personal property contributed or donated to the institution by public agencies, private organizations, or individuals;

iii. The provision and maintenance of state of the art technological equipment (such as computer hardware, modems, fax machines);

iv. Direct services rendered by other institutional staff to the EOF program;

v. All or a portion of any EOF staff member's salary, wages, or fringe benefits; or

vi. Indirect expenses, such as space, light, heat, etc., up to but not more than 10 percent of total program costs.

2. Institutional match items shall not include:

i. The salary and/or fringe benefits of high-level institutional officers who serve all students. Where these individuals are included, a detailed justification shall accompany the proposed contract budget. The justification shall include services provided to EOF students that would not normally accrue as a result of tuition payment. Expenditures for personnel who provide direct services to EOF students will be allowed;

ii. Items and services normally provided to students by the institution without charge;

iii. Items and services normally provided to the institution by other government agencies without charge;

iv. Charges incurred by the institution as program costs but require no cash outlay by the institution during the grant period; or

v. Any cost incurred or contribution of services made in a prior fiscal year.

(d) The contract budget shall provide a format for the institution to record separately all institutional match and grant award items, including fringe benefits; budgets are subject to audit.

(e) The EOF Executive Director shall review all budgets to determine appropriateness of any in-kind contributions offered as institutional match and make recommendations to the Board. An institution may appeal the disallowance of an institutional match item in writing within 30 days of issuance of the formal agreement. The EOF Executive Director shall consider the appeal and make a recommendation to the Board.

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

### 9A:11-6.10 Restrictions on use of Article IV program support funds

(a) Article IV program support funds shall not be used for the following items:

1. Employee benefits for academic year student assistants and part-time personnel;
2. The purchase of equipment/hardware;
3. Indirect expenses (such as space, heat, lights, postage, and telephone) that exceed 10 percent of the total program costs;

4. Transportation of students for normal commuting costs;

5. The salary and fringe benefits of the campus EOF administrator/director;

6. Any fringe benefits for 12-month EOF staff at public senior institutions and, for 12-month EOF staff at community colleges and independent institutions, fringe benefits that exceed 21 percent of the salaries and wages paid by EOF funds;

7. The cost of instruction for which students are charged tuition;

8. Other student costs that normally are covered by a student's financial aid package, such as fees, room and board, books, educational supplies, transportation, and child care;

9. Partisan political and/or fund raising activities; or

10. The purchase of alcoholic beverages.

Amended by R.2007 d.88, effective March 19, 2007.

See: 38 N.J.R. 4798(a), 39 N.J.R. 933(a).

In (a)1, inserted "academic year"; and in (a)6, inserted "12-month" two times.

#### **9A:11-6.11 Transfer of Article IV program support funds**

(a) Institutions shall not transfer Article IV program support funds to establish new personnel or new other-than-personnel items that were not part of the original contract without prior written approval by the EOF Executive Director.

(b) Transfers within existing personnel lines or within existing other-than-personnel-services (OTPS) lines, as included in the original contract, do not require prior approval, but the institution shall notify the EOF Executive Director in writing that such transfers have taken place.

#### **9A:11-6.12 Academic progress**

Each institution shall establish a policy and maintain a process to monitor EOF students' performance and inform students of their academic progress and standing. This process shall include operational procedures to record and review student progress prior to the fall semester of each academic year, in accordance with N.J.A.C. 9A:11-2.13 and to provide student advisement through the counseling component of the program.

Amended by R.2002 d.141, effective May 20, 2002.

See: 34 N.J.R. 634(a), 34 N.J.R. 1849(a).

Amended the N.J.A.C. reference.

#### **9A:11-6.13 Procedures regarding academic probation**

(a) Article III student grants and EOF program support services may be discontinued for reasons outlined in N.J.A.C. 9A:11-2.14, Discontinuance of Article III student grants, and N.J.A.C. 9A:11-4.10, Discontinuance of Article IV program support services.

(b) Each participating institution shall have procedures to notify the campus EOF administrator/director about program participants placed on academic probation and dismissal. EOF staff shall conduct a personal interview with each such EOF student and require the student's participation in such support programs as may be appropriate.

(c) Each participating institution shall establish an appeal process for EOF students who fail to meet the institution's academic progress standards. The process shall involve the campus EOF administrator/director and should employ appropriate academic support remedies before academic dismissal.

Amended by R.2002 d.141, effective May 20, 2002.

See: 34 N.J.R. 634(a), 34 N.J.R. 1849(a).

In (a), substituted "Article III student grants and EOF program" for "Program" and amended the 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.

#### **9A:11-6.14 Recordkeeping and data collection**

(a) Data collection is essential to identifying target populations and developing admissions criteria, as well as designing program services, monitoring student progress, determining the effectiveness of program activities, and documenting outcomes. Each campus EOF program should have access to state of the art hardware/software capabilities, as well as management information systems and research staff. Data to support recruitment and admissions shall include, at a minimum, each student's:

1. High school;
2. Home address;
3. Home county;
4. Gender;
5. Race/ethnicity;
6. Family income used to determine eligibility or continued financial need;
7. Standardized test scores, such as SATs, basic skills assessments;
8. High school transcript (rank, coursework, and type of diploma) and college transcript;
9. Other educational experience records (such as GED, transfers); and
10. Renewal status.

(b) Other data elements shall include recruitment schedule, number of applications received, number eligible or ineligible students, number of students admitted, and number of students matriculating.

(c) Each participating institution shall maintain thorough academic and financial aid files on EOF students. The information for each individual shall include, but is not limited to, the following:

1. Data on and assessment of the student's performance in the areas of basic skills, learning styles, and computer literacy;

2. Data on and assessment of counseling contacts and other initiatives to help students improve their academic performance;

3. Data on and assessment of tutorial/supplemental instruction contacts;

4. Financial data, including eligibility determination and annual notification of financial aid package;

5. Current registration and academic transcripts; and

6. Data on and assessment of the career and graduate placement contacts provided to program participants.

(d) Each participating institution shall maintain adequate financial documentation of all program budgets and expenditures. Accounts shall reflect EOF and institutional monies separately by line item. State, institutional, Federal, and other funding sources shall be clearly delineated.

(e) The EOF administrator/director, along with appropriate institutional officials, shall be involved in and responsible for preparing budget documents and coordinating EOF fiscal affairs.

#### **9A:11-6.15 Program improvement and evaluation process**

(a) The EOF Executive Director shall maintain adequate procedures to monitor program components and fiscal functions at institutions receiving Article III and Article IV funds pursuant to this chapter.

(b) The EOF Executive Director will annually provide each participating institution with both quantitative and qualitative performance indicators that the Board has adopted as benchmarks of satisfactory program outcomes.

(c) The following indices shall be used to determine the effectiveness of campus EOF programs and their compliance with this chapter:

1. Institutional goals for the EOF program;
2. Program outcomes including:
  - i. Cohort retention rates;
  - ii. Cohort graduation rates;
  - iii. Enrollment through the program of at least 10 percent of the full-time first time New Jersey residents in the institution's freshman class, as specified at N.J.A.C. 9A:11-4.5(b); and
  - iv. The number of EOF community college students who transfer to New Jersey senior institutions; and
3. Fiscal budgets and expenditure reports.

(d) The EOF Executive Director shall conduct regular program audits and evaluations to determine regulatory compliance and program effectiveness. The Commission/EOF or its assigned representatives shall provide due notice of a visit to a participating institution to conduct monitoring activities, which may include evaluation, audits, and postaudit activities.

#### **9A:11-6.16 Annual program report**

(a) Participating institutions shall submit to the Commission/EOF reports of program activities, outcomes, and fiscal expenditures in a format established before the reporting period.

(b) The timetable for submission of the reports shall be included in the final contract executed with each participating institution.

(c) Institutions that fail to report in a timely manner shall not receive their next scheduled grant payment and may not receive any payments for the rest of the fiscal year.

#### **9A:11-6.17 Fiscal audit requirements**

(a) Participating institutions shall either have separate accounts for each EOF allocation for which funds are received or deposit State funds in a general account, the latter only if funds are identified by their separate EOF categories; in either case, the institution shall maintain a clear audit trail. The institution also shall maintain student records that include name, address, social security number, date, amount of each EOF semester award, and such other information as required for compliance with 20 U.S.C. 1070 et seq.; 34 C.F.R. 668.24; the Single Audit Act, as contained in the New Jersey Department of Treasury, Office of Management and Budget (OMB) Circular Letter 98-07, and as further specified in this chapter. Records of receipts and disbursements shall be maintained in accordance with generally accepted accounting principles.

(b) The institution's EOF program shall be included as part of the institution's periodic audit by an independent accounting firm to ensure compliance with this chapter, and the institution shall provide a copy of the audit report to the Commission on Higher Education. The Board through the Commission reserves the right to conduct its own institutional audit.

(c) Institutions shall, upon reasonable notice, make available to the EOF Executive Director or his or her designee access to institutional and student records for audit purposes.

#### **9A:11-6.18 Program noncompliance**

(a) Upon an institution's unsatisfactory program evaluation or fiscal audit or its failure to achieve the program

outcomes contractually agreed upon, the EOF Executive Director or his or her designee may conduct an inquiry at the institution. The purpose of the inquiry shall be to discuss and investigate the apparent noncompliance with the institutional president, EOF director, and other appropriate officials.

(b) The EOF Executive Director shall make a written report on the findings of the inquiry and shall transmit a copy to the institutional president and campus EOF administrator/director. The report shall describe the noncompliance in detail and provide specific recommendations to correct the situation within a time period that the EOF Executive Director shall determine.

(c) The institution may appeal the findings. Such appeal shall be in writing and directed to the Chairperson of the Board; the Board shall consider the appeal within a reasonable time period. The Board may uphold or overturn the report of the Executive Director and modify the recommendations as it deems appropriate.

#### **9A:11-6.19 Program probationary status**

(a) The Board may place an institutional EOF program on probation for failure to correct program deficiencies within the time specified by the EOF Executive Director. The Board shall impose such restrictions as it deems necessary, which restrictions may include, but are not limited to, the following:

1. Restrict the recruitment of new students into the program;
2. Withhold funds for the program pursuant to provisions of the contract; and
3. Terminate an institutional program pursuant to contractual provisions.

#### **9A:11-6.20 Program advisory board (PAB)**

(a) Each participating institution shall establish a Program Advisory Board (PAB). The size and method of selection of the PAB shall be at the institution's discretion. Membership may include representatives of its students, faculty, and administration, as well as local citizens who reflect the student population being served by the campus program. The campus EOF administrator/director shall serve ex-officio on the PAB.

(b) The PAB shall establish a meeting schedule for the academic year. The PAB shall demonstrate, at a minimum, its involvement in the following activities:

1. Advising during the search and selection of the campus EOF administrator/director;
2. Acquainting the local and campus communities with the goals and objectives of the EOF program;
3. Reviewing the admissions criteria and the procedures used in recruiting EOF students;

4. Being knowledgeable about institutional methods for recruiting, interviewing, and screening potential students for admission into the college who may require EOF financial assistance and/or special educational assistance;

5. Serving as a resource for student mentoring, internships, and employment opportunities; and

6. Reviewing and commenting on the institution's program goals, objectives and outcomes.

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

### **SUBCHAPTER 7. C. CLYDE FERGUSON LAW SCHOLARSHIP**

#### **9A:11-7.1 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 before receiving the scholarship;
2. Is from a disadvantaged background, as demonstrated by inclusion in at least one of the following categories:
  - i. Meets the requirements of N.J.A.C. 9A:11-2.4;
  - ii. Is a former or current recipient of the New Jersey EOF Article III undergraduate or graduate grant;
  - iii. Is a student who would have been eligible as an undergraduate for a New Jersey EOF Article III student grant (N.J.A.C. 9A:11-2.4); or
  - iv. Is a first-generation college student whose immediate family is or was eligible for government assistance and/or educational programs targeted toward low-income and disadvantaged populations (TRIO programs, NJ GEAR UP, free and reduced breakfast/lunch programs, food stamps, or at least one year of Pell grants); and
3. Is or will be a full-time student enrolled for an initial law degree at Rutgers, The State University School of Law-Newark and participating in the Minority Student Program there; Rutgers, The State University School of Law-Camden; or Seton Hall University School of Law.

(b) 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.

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.292, effective September 6, 2005.  
 See: 37 N.J.R. 717(a), 37 N.J.R. 3374(a).  
 Rewrote (a).

### 9A:11-7.2 Grant amounts

(a) The maximum and minimum award ranges for a Ferguson Scholarship shall be annually established by the Board 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 determined pursuant to N.J.A.C. 9A:11-3.4(a), (b) and (c).

### 9A:11-7.3 Rules incorporated by reference

The following provisions of this chapter governing the EOF program shall also apply to grants made under the Ferguson Scholarship unless they are inconsistent with, or otherwise excepted within, the provisions of this subchapter: N.J.A.C. 9A:11-3.2(b), 3.5, 6.1, 6.3, 6.5, 6.6, 6.7 and 6.8.

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

## SUBCHAPTER 8. MARTIN LUTHER KING PHYSICIAN-DENTIST SCHOLARSHIP PROGRAM

### 9A:11-8.1 Student eligibility

(a) To be eligible for a Martin Luther King Physician-Dentist Scholarship (King 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 two years immediately before receiving the scholarship;
2. Is from a disadvantaged background, as demonstrated by inclusion in at least one of the following categories:
  - i. Meets the requirements of N.J.A.C. 9A:11-2.4;
  - ii. Is a former or current recipient of the New Jersey EOF Article III undergraduate or graduate grant;
  - iii. Is a student who would have been eligible as an undergraduate for a New Jersey EOF Article III student grant (N.J.A.C. 9A:11-2.4); or

iv. Is a first-generation college student whose immediate family is or was eligible for government assistance and/or educational programs targeted toward low-income and disadvantaged populations (TRIO programs, NJ GEAR UP, free and reduced breakfast/lunch programs, food stamps, or at least one year of Pell grants); and

3. Is or will be a full-time student enrolled for an initial M.D., D.O., or D.M.D. degree at the University of Medicine and Dentistry of New Jersey.

(b) 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.

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), deleted "six consecutive monthly payments and have" following "if they make", in the last sentence.  
 Amended by R.2005 d.292, effective September 6, 2005.  
 See: 37 N.J.R. 717(a), 37 N.J.R. 3374(a).

Rewrote (a); deleted former (b); recodified former (c) as (b).

### 9A:11-8.2 Grant amounts

(a) The maximum and minimum award ranges for a King Scholarship shall be annually established by the Board 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:11-3.4(a), (b) and (c).

### 9A:11-8.3 Rules incorporated by reference

The following provisions of this chapter governing the EOF program shall also apply to grants made under the King Scholarship unless they are inconsistent with, or otherwise excepted within, the provisions of this subchapter: N.J.A.C. 9A:11-3.2(b), 3.5, 6.1, 6.3, 6.5, 6.6, 6.7 and 6.8.

Amended by R.2000 d.163, effective April 17, 2000.  
 See: 32 N.J.R. 156(a), 32 N.J.R. 1422(a).

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

Amended the N.J.A.C. reference.