

9A:9-1.2 Creation of Student Advisory Committee

The Higher Education Student Assistance Authority shall create a Student Advisory Committee whose purpose shall be to advise the Authority on the effect of Authority policy and regulations; suggest alternative policy and rules to the Authority; and provide a means of communication between the Authority and students. The Authority shall initially appoint a nine member Student Advisory Committee from nominations provided by the students and student associations of each college in New Jersey. The Committee members shall be New Jersey residents, as defined in N.J.A.C. 9A:9-2.2, and United States citizens, unless affirmative evidence has been submitted for exception in accordance with N.J.A.C. 9A:9-2.3. The nine members, all of whom shall be full-time students, shall consist of two students from independent colleges, two students from Rutgers, The State University, two students from the State colleges, one student from the New Jersey Institute of Technology, and two students from the county colleges. Students representing each sector shall be chosen such that in any given year one of the representatives shall complete his or her degree requirements within one academic year from the time of his or her selection and one shall be of lower class rank. Members of the Student Advisory Committee shall serve one-year terms and their appointments may be renewed according to the initial appointment process. The Student Advisory Committee shall elect a Chairperson and Vice Chairperson from among its members each of whom shall be from different collegiate institutional sectors. The Chairperson and Vice Chairperson shall serve as voting members on the Higher Education Student Assistance Authority board. In the event of a vacancy on the Student Advisory Committee, the Authority may fill the vacancy in the same manner as the original appointment.

Amended by R.1988 d.128, effective March 21, 1988.
See: 20 N.J.R. 33(a), 20 N.J.R. 656(a).

Changed "for" to "from".

Amended by R.1992 d.486, effective December 7, 1992.
See: 24 N.J.R. 2510(a), 24 N.J.R. 4373(a).

Stylistic revisions.

Administrative Correction.

See: 25 N.J.R. 1513(a).

Amended by R.1997 d.454, effective November 3, 1997.

See: 29 N.J.R. 2763(a), 29 N.J.R. 4679(b).

Amended by R.2002 d.290, effective September 3, 2002.

See: 34 N.J.R. 1392(a), 34 N.J.R. 3079(c).

Amended by R.2007 d.286, effective September 4, 2007.

See: 39 N.J.R. 1375(a), 39 N.J.R. 3738(a).

Substituted "rules" for "regulations" following "alternative policy and", and inserted third sentence.

SUBCHAPTER 2. GENERAL PROVISIONS FOR
TUITION AID GRANT AND GARDEN STATE
SCHOLARSHIP PROGRAMS

9A:9-2.1 Undergraduate enrollment and eligible institutions

(a) Students must be enrolled or plan to be enrolled as full-time undergraduate students matriculated in a curriculum

leading to a degree or certificate in an eligible institution as defined in (b) through (d) below in order to be eligible for student assistance. Students possessing an undergraduate degree (either a Baccalaureate or Associate degree) are not eligible for student assistance at that degree level. Certification of full-time status is the responsibility of the enrolling institution based on the current institutional definition of full-time status and subject to review and approval by the Higher Education Student Assistance Authority (Authority).

(b) An eligible institution means an institution of higher education that:

1. Physically establishes and maintains, at its expense, a financial aid office with a full-time staff and file maintenance capacity in New Jersey, subject to audit and review by the Authority;
2. Has been licensed by the New Jersey Commission on Higher Education;
3. Has not been licensed as an "out-of-State" institution pursuant to N.J.A.C. 9A:1-5; and
4. Is accredited or preaccredited by a nationally recognized accrediting association.

(c) Eligible institutions shall also include proprietary institutions in New Jersey, but only for degree granting programs, as licensed by the New Jersey Commission on Higher Education pursuant to N.J.A.C. 9A:1-4.

(d) An institution seeking to participate in the Tuition Aid Grant Program shall:

1. Submit a written request to the Authority no later than August 31 of the calendar year prior to the fall semester of the succeeding calendar year during which the institution wishes to begin participation; and
2. Provide documentation that it is authorized to participate in Title IV Federal student aid programs under the Higher Education Act of 1965, as amended, and its implementing regulations.

Amended by R.1983 d.126, effective May 2, 1983.

See: 15 N.J.R. 129(a), 15 N.J.R. 692(a).

(See N.J.A.C. 9:7-4.4) changed to (9:7-6).

Amended by R.1988 d.128, effective March 21, 1988.

See: 20 N.J.R. 33(a), 20 N.J.R. 656(a).

Deleted last sentence "Degree or certificate ...".

Amended by R.1992 d.486, effective December 7, 1992.

See: 24 N.J.R. 2510(a), 24 N.J.R. 4373(a).

Revised text.

Amended by R.2002 d.290, effective September 3, 2002.

See: 34 N.J.R. 1392(a), 34 N.J.R. 3079(c).

Amended by R.2007 d.286, effective September 4, 2007.

See: 39 N.J.R. 1375(a), 39 N.J.R. 3738(a).

Section was "Undergraduate enrollment". Designated existing text as (a); in (a), inserted "(b) through (d) below" and "(Authority)"; and added (b) through (d).

9A:9-2.2 Residency

(a) Students must be legal residents of New Jersey for a period of not less than 12 consecutive months immediately prior to the academic period for which aid is being requested. The residence of a student is defined in terms of domicile. Domicile is defined as the place where a person has his or her true, fixed, permanent home and principal establishment, and to which, whenever he or she is absent, he or she has the intention of returning.

1. A dependent student, as defined in N.J.A.C. 9A:9-2.6, shall be considered a legal resident of the state in which his or her parent(s) is domiciled. A dependent student whose parent(s) has not established a domicile in New Jersey shall be considered to be in the State for the temporary purpose of obtaining an education and shall be ineligible for State student financial aid. However, any dependent student who continues to reside in this State and who has previously received at least one semester of payment of a State grant or scholarship shall continue to be eligible for State student financial aid during the course of each academic year at an eligible institution of higher education in New Jersey, despite his or her parent(s)' subsequent change of domicile to another state.

2. A student may not establish State residence solely for the purpose of attending a particular college and will not be considered as fulfilling the definition of domicile for the purposes of State student financial aid.

(b) When a student's domicile is in question, he or she must demonstrate proof of residence by submitting to the Higher Education Student Assistance Authority one or more of the following documents:

1. Student's and/or parent(s)' New Jersey driver license;
2. Student's and/or parent(s)' New Jersey State Income Tax-Resident Return(s); or
3. Such documentation as may be deemed necessary by the Authority upon specific case review.

(c) The provisions for establishing legal residence in New Jersey as stipulated in (a) and (b) above are excepted for a dependent child of a parent who has been transferred to a military installation located in this State and such dependent child shall be considered a resident of New Jersey for the purposes of qualifying for State student financial aid under the State Tuition Aid Grant Program pursuant to P.L. 2005, c.60.

(d) Institutions that certify a student's state of legal residence shall maintain documentation concerning the student's New Jersey residency and shall provide this certified documentation, if requested by the Authority, to substantiate an appeal.

(e) The Higher Education Student Assistance Authority shall have final decision making authority to determine the

state of residence/domicile for any individual whose residency/domicile is in question.

As amended, R.1979 d.442, eff. November 5, 1979.

See: 11 N.J.R. 442(a), 11 N.J.R. 623(b).

Amended by R.1986 d.322, effective August 4, 1986.

See: 18 N.J.R. 801(a), 18 N.J.R. 1592(c).

Added text to (a)1 "However, any dependent ... each academic year."

Amended by R.1988 d.128, effective March 21, 1988.

See: 20 N.J.R. 33(a), 20 N.J.R. 656(a).

Amended by R.1992 d.486, effective December 7, 1992.

See: 24 N.J.R. 2510(a), 24 N.J.R. 4373(a).

(a): Stylistic revisions; (a)1 and (b): Revised text.

Amended by R.1995 d.428, effective August 7, 1995.

See: 27 N.J.R. 2043(a), 27 N.J.R. 2906(a).

Corrected references.

Amended by R.1997 d.454, effective November 3, 1997.

See: 29 N.J.R. 2763(a), 29 N.J.R. 4679(b).

Amended by R.2002 d.290, effective September 3, 2002.

See: 34 N.J.R. 1392(a), 34 N.J.R. 3079(c).

Amended by R.2005 d.357, effective October 17, 2005.

See: 37 N.J.R. 2602(a), 37 N.J.R. 4020(b).

Rewrote the section.

Amended by R.2007 d.286, effective September 4, 2007.

See: 39 N.J.R. 1375(a), 39 N.J.R. 3738(a).

In (b)2, substituted "Tax-Resident" for "Tax Resident".

Petition for Rulemaking.

See: 45 N.J.R. 1970(a).

9A:9-2.3 Noncitizens and resident aliens

(a) In order to receive a grant or scholarship, a noncitizen of the United States of America or resident alien must present affirmative evidence that he or she is not in the United States for the temporary purpose of obtaining an education. Such evidence must include documentation from the United States Citizenship and Immigration Services (USCIS), or its successor agency, that the student may remain permanently in this country and such evidence must be placed in the student's file. The student must:

1. Be the holder of a Permanent Resident Card (Form I-551), issued beginning in 1997, a Resident Alien Card (Form I-551), issued prior to 1997, or an Alien Registration Receipt Card (Form I-151) issued prior to June 1978; or

2. Be the holder of an Arrival Departure Record (Form I-94) or an Arrival Departure Record (Form I-94A) with one of the following:

i. The endorsement "Processed for I-551. Temporary Evidence of Lawful Admission for Permanent Residence. Valid until (date stamp). Employment Authorized."

(1) With the endorsement in (a)2i above, the form is annotated by an "A" number and is acceptable on or before the expiration date; or

ii. For classes of eligible noncitizens, other than permanent residents, the following endorsements are also acceptable:

(1) Parolees: Paroled pursuant to Sec. 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. §1182(d)(5));