

**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**

Chapter 11, Educational Opportunity Fund: Administrative Procedures and Policies, expires on March 25, 2009.

**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Subchapter 2 was repealed by R.1978 d.201, effective for the academic year beginning the fall of 1978.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.

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 guidelines (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 spring.

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 2006-07

<u>Applicants with a Household size of</u>	<u>Gross Income Not to Exceed</u>
1	\$19,140
2	25,660
3	32,180
4	38,700
5	45,220
6	51,740
7	58,260
8	64,780

2. For each additional member of the household, an allowance of \$6,520 shall be added to this amount in order to determine EOF eligibility for the 2006-07 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.

#### **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.

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 matriculation 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 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.

**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 postsecondary education;
2. Provide a complete assessment of students' readiness for collegiate-level work, including but not limited to basic 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.

**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 (which are priority funding categories):

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).

**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 summer program allocation and to manage its academic year undergraduate and graduate student enrollment within the approved Article III academic year allocations.

(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).

**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) The EOF Article III academic year grant shall be applied to the 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 grant shall be applied to the 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, as well as stipends and insurance.

(c) Use of Article III student grants 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).

#### 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 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 EOF staff at public senior institutions and, for 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.

#### 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: