

## CHAPTER 12

### EDUCATIONAL OPPORTUNITY FUND: PROGRAM SUPPORT

#### Authority

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

#### Source and Effective Date

R.1994 d.226, effective April 11, 1994.  
See: 26 N.J.R. 711(a), 26 N.J.R. 1857(a).

#### Executive Order No. 66(1978) Expiration Date

Chapter 12, Program Support, expires on April 11, 1999.

#### Chapter Historical Note

Chapter 12 was filed on June 19, 1978, to become effective for the academic year beginning the fall of 1978, as R.1978 d.201. See: 9 N.J.R. 570(a), 10 N.J.R. 281(d). Subchapter 2 was adopted by R.1979 d.235, effective June 14, 1979. See: 11 N.J.R. 67(d), 11 N.J.R. 343(a). Pursuant to Executive Order No. 66(1978), Chapter 12 was readopted effective January 17, 1984, as R.1983 d.646. See: 15 N.J.R. 1428(a), 16 N.J.R. 143(b). Pursuant to Executive Order No. 66(1978), Chapter 12 was readopted by R.1989 d.222, effective April 17, 1989. See: 20 N.J.R. 2506(a), 21 N.J.R. 1012(a).

Pursuant to Executive Order No. 66(1978), Chapter 12 was readopted as R.1994 d.226. See: Source and Effective Date. See, also, section annotations. N.J.A.C. 9:12 was recodified as N.J.A.C. 9A:12 by R.1995 d.248, effective May 15, 1995. See: 27 N.J.R. 812(a), 27 N.J.R. 1993(a).

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### SUBCHAPTER 1. ACADEMIC YEAR PROGRAM SUPPORT FUNDS

#### 9A:12-1.1 Scope of purpose

(a) N.J.S.A. 18A:71-39 provides that the Educational Opportunity Fund Board of Directors shall develop, establish and maintain programs of remedial and supplementary education for students who receive assistance under the Educational Opportunity Fund. The Program shall be designed to provide access to and preparation for undergraduate, graduate and professional education.

(b) N.J.S.A. 18A:71-39 governs the process by which institutions receive and utilize funds pursuant to this authority.

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

2. EOF funds are intended to supplement and not supplant existing services provided by the institution. The EOF program may not be charged directly nor through the institutional match provision of these rules for services which are not over and above those provided to the general student population.

New Rule, R.1994 d.226, effective May 2, 1994.

See: 26 N.J.R. 711(a), 26 N.J.R. 1857(a).

Amended by R.1994 d.596, effective December 5, 1994.

See: 26 N.J.R. 3586(a), 26 N.J.R. 4760(b).

#### 9A:12-1.2 Institutional eligibility

(a) Any undergraduate institution in New Jersey which enrolls students who receive grants under the E.O.F. Program is eligible to apply for program support funds in accordance with regulatory provisions of this section.

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

Amended by R.1981 d.100, effective April 9, 1981.

See: 12 N.J.R. 568(a), 13 N.J.R. 220(c).

(b) added.

Amended by R.1982 d.385, effective November 1, 1982.

See: 14 N.J.R. 691(a), 14 N.J.R. 1214(c).

Added "or certificate" to (b).

Recodified from 9:12-1.1 by R.1994 d.226, effective May 2, 1994.

See: 26 N.J.R. 711(a), 26 N.J.R. 1857(a).

**9A:12-1.3 Eligible EOF program requirements**

(a) Any program shall be eligible for funding consideration which increases access to higher education for students eligible for EOF grants, improves EOF student academic performance and promotes student retention, promotes student progress toward graduation within the established period of program eligibility and within the academic regulations of the institution, and provides effective administrative support for the operation of the EOF program within the institution. All programs at a minimum must meet all of these objective mandates for funding under this provision. Such programs shall include, but are not limited to:

1. Recruitment and screening of prospective students for college enrollment;
2. Testing of prospective and admitted students;
3. Academic and financial advisement;
4. Personal and career counseling;
5. Tutorial services;
6. Remedial/developmental and supplemental instruction;
7. A structured summer orientation program with academic and counseling support services;
8. Preparation for students enrolled at county/community colleges to transfer to four year institutions;
9. Preparation for graduate and professional education;
10. Financial assistance;
11. Experimental projects for research and development of innovative practices; and
12. Administration of the above services.

Amended by R.1986 d.107, effective April 7, 1986.

See: 17 N.J.R. 2214(a), 18 N.J.R. 682(c).

Added (a)8-10.

Recodified from 9:12-1.2 and amended by R.1994 d.226, effective May 2, 1994.

See: 26 N.J.R. 711(a), 26 N.J.R. 1857(a).

**9A:12-1.4 Application process**

(a) The EOF Executive Director will distribute a standard application form to all eligible participating colleges and universities in the State each year.

(b) Each institution shall submit the application to the EOF Executive Director each year. All applications must include written endorsement of the campus EOF director, the Community Advisory Board, the President and/or governing board of the institution.

(c) The application will be reviewed by the EOF Executive Director in the Commission on Higher Education for compliance and development of program recommendations to the EOF Board of Directors. The Board shall conduct an annual meeting to determine funding allocations for the next academic year for each institution. The Executive Director of EOF shall provide written notification of the Board's decision on each application. This shall be in the form of a preliminary notification specifying the funding level and any stipulations regarding the conduct of the program or the disbursement of funds. This preliminary notification shall be endorsed by the institutional President and returned to the Executive Director of EOF.

(d) Institutions may appeal the funding decision of the Board by submitting a written request to the Executive Director of EOF within 30 days of issuance of the preliminary notification. The EOF Executive Director will conduct a review of the appeal and make appropriate recommendations to the Board of Directors.

(e) The E.O.F. Executive Director shall execute a contract with each participating institution which indicates provisions of the grant with a statement of intent to comply with all E.O.F. Program regulations.

Amended by R.1982 d.385, effective November 1, 1982.

See: 14 N.J.R. 691(a), 14 N.J.R. 1214(c).

Deleted deadline dates in (a), (b) and (c).

Amended by R.1986 d.107, effective April 7, 1986.

See: 17 N.J.R. 2214(a), 18 N.J.R. 682(c).

Substantially amended.

Recodified from 9:12-1.3 and amended by R.1994 d.226, effective May 2, 1994.

See: 26 N.J.R. 711(a), 26 N.J.R. 1857(a).

Amended by R.1994 d.596, effective December 5, 1994.

See: 26 N.J.R. 3586(a), 26 N.J.R. 4760(b).

**9A:12-1.5 Restriction on use of EOF funds**

(a) EOF grant funds must not be used for the following items:

1. Employee benefits for student assistants and part-time personnel;
2. Equipment/hardware;
3. Indirect expenses (for example, overhead cost—space, heat, lights, postage and telephone); and
4. Transportation of students for normal commuting costs.

Correction: Error in April 7, 1986 Register at 18 N.J.R. 686. See: 18 N.J.R. 845(b).

Recodified from 9:12-1.4 and amended by R.1994 d.226, effective May 2, 1994.

See: 26 N.J.R. 711(a), 26 N.J.R. 1857(a).

**9A:12-1.6 Institutional commitment**

(a) Institutions which participate in the E.O.F. program shall provide a broad range of supportive services to students enrolled in the program. Institutions shall provide funding equivalent to no less than 50 percent of the proposed total cost of each program to be supported by E.O.F. grant funds in the following manner:

1. With regard to matching funds, it is expected that high level institutional officers who are required to serve all students will normally not be included as part of the institutional match. In cases where these individuals are included, a detailed justification must accompany the proposal. The justification should include services provided to the E.O.F. students which would not normally accrue to the student as a result of his or her tuition payment. Generally, personnel who provide direct services to students will be allowed, but must meet the above criteria for institutional match.

2. Indirect expenses shall not exceed 10 percent of the total program cost in meeting the match (for example, space, light, heat, etc.).

(b) The EOF Executive Director shall conduct a review of any exceptional items to determine acceptability of in-kind contributions on all applications and make recommendations to the EOF Board of Directors. Institutions may appeal this decision by submitting a written request to the EOF Executive Director within 30 days of issuance of the formal agreement. The EOF Executive Director will conduct a review of the appeal and make a recommendation to the Board of Directors.

1. The institutional share shall consist of:

i. Program cost financed with funds contributed or donated to the institution by public agencies, private organizations and individuals.

ii. The provision and maintenance of state of the art technological equipment (i.e., computer hardware, modems, fax machines).

iii. The use of real and personal property donated by other private organizations, individuals or public agencies.

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

2. Institutional share items shall not include:

i. Items which are normally provided to students by the institution without charge.

ii. Service items which are normally provided to the institution by other governmental agencies without charge.

iii. Charges incurred by the institution as program costs which require no cash outlays by the institution during the grant period.

iv. Any cost incurred or contribution of services made prior to the effective date of grant by E.O.F.

Amended by R.1981 d.100, effective April 9, 1981.

See: 12 N.J.R. 658(b), 13 N.J.R. 220(c).

Substantially amended.

Amended by R.1982 d.385, effective November 1, 1982.

See: 14 N.J.R. 691(a), 14 N.J.R. 1214(c).

Added "shall" to (a). Also deleted 40 percent funding for 1978-79 academic year.

Correction: Error in April 7, 1986 Register at 18 N.J.R. 686.

See: 18 N.J.R. 845(b).

Amended by R.1987 d.134, effective March 16, 1987.

See: 18 N.J.R. 801(b), 19 N.J.R. 451(a).

Recodified from 9:12-1.5 and amended by R.1994 d.226, effective May 2, 1994.

See: 26 N.J.R. 711(a), 26 N.J.R. 1857(a).

Amended by R.1994 d.596, effective December 5, 1994.

See: 26 N.J.R. 3586(a), 26 N.J.R. 4760(b).

#### 9A:12-1.7 Accountability of institutional share

The budget application shall provide a format to record items for consideration of institutional share. Final determination will be made by the Board of Directors on the basis of their allocation decision on each budget application. Each institution will receive written notification of its allocation from the EOF Executive Director. Institutional share and grant award items including fringe benefits shall be recorded by the program and are subject to audit at any time by the Commission on Higher Education, EOF office.

Amended by R.1982 d.385, effective November 1, 1982.

See: 14 N.J.R. 691(a), 14 N.J.R. 1214(c).

Added "budget" to "proposal" and added "including fringe benefits." Recodified from 9:12-1.6 and amended by R.1994 d.226, effective May 2, 1994.

See: 26 N.J.R. 711(a), 26 N.J.R. 1857(a).

Amended by R.1994 d.596, effective December 5, 1994.

See: 26 N.J.R. 3586(a), 26 N.J.R. 4760(b).

#### 9A:12-1.8 Institutional administration

(a) Each participating institution with 16 or more students which receives program support funds under Article IV is required to have a full-time Director responsible for the administration of the EOF program.

(b) Each participating institution shall insure that provisions are made for the director to fulfill the following responsibilities:

1. Program planning;

2. Budget development and administration;

3. Training and supervision of staff;

4. Monitoring of student progress in basic skills, developmental skills, and English as a Second Language courses;

5. Monitoring of student progress to include the development of policies and procedures which facilitate retention and graduation;

6. Supervision and/or coordination of recruitment activities;

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

8. Evaluation of the outcomes of all program components;

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

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

(c) Those programs with less than 16 students may employ a part-time staff member as long as adequate administrative support is provided to all program components.

(d) Each participating institution shall maintain clearly defined written guidelines for cooperative interaction with the various offices responsible for the activities outlined in N.J.A.C. 9A:12-1.8(b)1 through 10.

(e) Each participating institution shall insure that provisions are made for the director to actively participate in all institutional policy making that impacts the EOF Program.

(f) Each participating institution with an open admissions policy, shall insure that the EOF director makes the final determination on students admitted to the EOF Program and receiving an EOF grant.

Amended by R.1981 d.100, effective April 9, 1981.

See: 12 N.J.R. 658(b), 13 N.J.R. 220(c).

(a): Deleted "E.O.F. Article IV awards ... to the program"; added "working procedures ... delineated."

Amended by R.1982 d.385, effective November 1, 1982.

See: 14 N.J.R. 691(a), 14 N.J.R. 1214(c).

In (a) deleted E.O.F. Article IV awards. Also, added fiscal officers institutional research and office of the registrar ... clearly defined in writing and maintained at the institution.

Amended by R.1986 d.107, effective April 7, 1986.

See: 17 N.J.R. 2214(a), 18 N.J.R. 682(a).

Changed colon to semi-colon in (c)1.

Recodified from 9:12-1.7 and amended by R.1994 d.226, effective May 2, 1994.

See: 26 N.J.R. 711(a), 26 N.J.R. 1857(a).

Amended by R.1994 d.596, effective December 5, 1994.

See: 26 N.J.R. 3586(a), 26 N.J.R. 4760(b).

#### 9A:12-1.9 Recruitment and admission

(a) Each participating institution shall develop and implement an annual plan for the recruitment of potential students for the EOF program. This plan shall be subject to an audit by Commission/EOF at any time. The plan will identify a significant pool of potential students from specific disadvantaged groups in the geographic region. Target populations shall include significant numbers of students with a background of historical poverty (in the black, Puerto Rican and other Hispanic communities, as well as other disadvantaged ethnic groups of the region.) In addition, the plan shall identify a significant pool of potential non-traditional students such as welfare recipients, unemployed or under employed adults, and participants enrolled in JTPA and Veterans Programs, as well as various social rehabilitation services in the community. The recruitment plan shall include the timetable, goals, objectives, and selection process for EOF students at the participating institution.

(b) Each participating public institution shall enroll EOF freshmen as a minimum of 10 percent of the entering fall first-time, full-time, New Jersey residents in the freshman class each year. Independent institutions are encouraged to meet this goal.

(c) The institution, through its admissions and EOF staff, has the primary responsibility for the recruitment of EOF students. The staff must have the requisite skills and information to accurately convey the goals and objectives of the EOF institutional program. EOF staff will give support to the primary recruitment program (that is, assist in identifying, interviewing and selecting prospective program participants) but, ultimately, the institution is to be held accountable for the recruitment yield on an annual basis.

(d) Students initially admitted to the institution's EOF Program who have stopped out, were academically dismissed or suspended, who are seeking readmission to the institution, must be reviewed by the institution's EOF director prior to being readmitted.

Amended by R.1981 d.100, effective April 9, 1981.

See: 12 N.J.R. 658(b), 13 N.J.R. 220(c).

(a) "sufficient data to support specific objectives and recruitment procedures for the target populations." deleted; "the timetable ... participating institution." added.

(b) added.

Amended by R.1986 d.107, effective April 7, 1986.

See: 17 N.J.R. 2214(a), 18 N.J.R. 682(a).

Added new (b); old (b) recodified to (c).

Recodified from 9:12-1.8 and amended by R.1994 d.226, effective May 2, 1994.

See: 26 N.J.R. 711(a), 26 N.J.R. 1857(a).

Amended by R.1994 d.596, effective December 5, 1994.

See: 26 N.J.R. 3586(a), 26 N.J.R. 4760(b).

#### 9A:12-1.10 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 N.J.A.C. 9A:11-1.2 student eligibility. Such criteria should be available to secondary schools and community organizations in the recruitment region and documentation of such action attached to the annual plan for recruitment.

(b) The admission criteria shall be derived from, but not limited to, academic indices such as student aptitude test scores, high school transcripts, institutional entrance and placement tests, writing samples, personal interviews, and individual recommendations from knowledgeable community leaders.

Amended by R.1982 d.385, effective November 1, 1982.

See: 14 N.J.R. 691(a), 14 N.J.R. 1214(c).

In (a), changed "publish" to "develop" and deleted "annual" from proposal application.

Recodified from 9:12-1.9 and amended by R.1994 d.226, effective May 2, 1994.

See: 26 N.J.R. 711(a), 26 N.J.R. 1857(a).

**9A:12-1.11 Eligible program support components**

(a) Each institution participating in this program shall conduct an ongoing evaluation of all students after admission. This process shall at a minimum include, clearly defined activities to assist students with the identification of educational and career goals and the development of an academic plan that will ensure retention, graduation, preparation for county/community college students to transfer to a four year institution, and preparation for graduate and professional school for all undergraduate students. These activities shall include—but not be limited to:

1. Skills Assessment: An assessment of student basic skills needs and performance;

2. Remedial Developmental Instruction: The development of remedial, ESL and developmental programs designed to remedy academic deficiencies;

3. Counseling: Each institution shall provide counseling programs designed to assist students to realize their personal and educational goals.

4. Supplemental instruction/tutoring: Each institution shall provide well-defined programs of supplemental instruction, tutoring, and study supervision to assist students to resolve learning difficulties. These programs may include specially adapted versions of courses that serve as gateways to majors and the use of peer learning groups.

5. Preparation for county/community college students to transfer to four year institutions: Each institution shall provide programs designed to inform county/community college students of the educational opportunities available for them at four year institutions. This service shall be coordinated by the EOF campus staff and include articulation agreements and joint admissions policies institutions have established with four year institutions, pre and post-transfer orientation, instructional exchanges during intersessions and summers, academic advisement and financial aid information.

6. Preparation for careers, graduate and professional education: Each institution shall provide programs designed to prepare undergraduate students for careers and enrollment in graduate/professional school. These services shall be coordinated by the EOF campus staff in conjunction with the institutional placement office and academic departments. These services shall include career interest testing, preparation of resumes, job search and interview techniques, as well as programs to nurture student interest in graduate and professional education. These programs may include the identification of and assistance with the application process for undergraduate research experience programs (e.g., Biomedical Careers, Mathematics Immersion Program, Pre-Legal Program, etc.), GRE test preparation, graduate and professional school application process, grants, scholarships, fellowships and other forms of financial assistance.

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

Amended by R.1981 d.100, effective April 9, 1981.

See: 12 N.J.R. 658(b), 13 N.J.R. 220(c).

(a) substantially amended.

(b) and (c) added.

Amended by R.1982 d.385, effective November 1, 1982.

See: 14 N.J.R. 691(a), 14 N.J.R. 1214(c).

In (a) 4., changed to "annual followup" to "each semester" and added a student separation report. Also deleted old (b) and (c). Recodified from 9:12-1.10 and amended by R.1994 d.226, effective May 2, 1994.

See: 26 N.J.R. 711(a), 26 N.J.R. 1857(a).

**9A:12-1.12 Students for whom English is a second language**

(a) Each institution shall establish developmental services to enhance and strengthen the academic performance of students for whom English is a second language. These services shall include:

1. Counseling, tutorial and diagnostic services designed to address the unique needs of the target population;

2. Bilingual personnel who are knowledgeable and sensitive to the culture and language of the target population;

3. Courses and programs designed to develop the English language skills and academic needs of students;

4. Bilingual publications of financial and academic literature.

(b) The combination of all these services 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 program Director, must establish minimum standards for these programs, develop guidelines for their evaluation, conduct periodic student performance and program reviews.

R.1982 d.385, effective November 1, 1982.

See: 14 N.J.R. 691(a), 14 N.J.R. 1214(c).

Recodified from 9:12-1.11 and amended by R.1994 d.226, effective May 2, 1994.

See: 26 N.J.R. 711(a), 26 N.J.R. 1857(a).

**9A:12-1.13 Transfer procedure**

(a) Each participating institution shall develop and maintain in writing a well defined policy to facilitate transfer of EOF students from two-year to four-year institutions and between institutions.

(b) The EOF director shall make the final determination on students admitted and receiving an EOF grant as



transfer students. This is to ensure that the EOF program can provide these students with adequate educational support services, and an EOF financial aid grant, and continue to monitor their academic progress.

(c) The EOF program shall have procedures to demonstrate delivery of services to students who are eligible for funding consideration under N.J.A.C. 9A:11-1.13 Transfer of grant.

Amended by R.1986 d.107, effective April 7, 1986.

See: 17 N.J.R. 2214(a), 18 N.J.R. 682(a).

Recodified from 9:12-1.12 and amended by R.1994 d.226, effective May 2, 1994.

See: 26 N.J.R. 711(a), 26 N.J.R. 1857(a).

#### 9A:12-1.14 Academic progress

(a) Each institution shall establish a policy and maintain a process to monitor student performance in the EOF program. This process shall include operational procedures to record and review student progress prior to the beginning of each academic year as indicated by credits accumulated, courses completed, grade point average, and extracurricular activities.

(b) To remain eligible for EOF program support services, students shall maintain satisfactory academic standing and progress according to the institution's established policy for the academic progress of EOF students and N.J.A.C. 9A:11-1.9, 9A:11-1.10, and 9A:11-1.11.

Amended by R.1981 d.100, effective April 9, 1981.

See: 12 N.J.R. 658(b), 13 N.J.R. 220(c).

(c) added.

Amended by R.1982 d.385, effective November 1, 1982.

See: 14 N.J.R. 691(a), 14 N.J.R. 1214(c).

Deleted old (b) and added new (b). Also added (c).

Amended by R.1986 d.107, effective April 7, 1986.

See: 17 N.J.R. 2214(a), 18 N.J.R. 682(a).

(b) amended; (c)-(d) repealed.

Recodified from 9:12-1.13 and amended by R.1994 d.226, effective May 2, 1994.

See: 26 N.J.R. 711(a), 26 N.J.R. 1857(a).

#### 9A:12-1.15 Academic probation/dismissal of EOF students

(a) Program support services may be discontinued for reasons outlined in N.J.A.C. 9A:11-1.15 Discontinuance of EOF grants and program support services.

(b) Each participating institution shall develop and implement a procedure to notify the E.O.F. campus director of each program participant who is placed on academic probation. In such cases, the E.O.F. staff shall conduct a personal interview with each student requiring that such students participate in such support programs as may be appropriate.

(c) Each participating institution will be expected to establish a standing committee to review the record and circumstances of any program participant prior to academic dismissal. This committee may include the E.O.F. Campus Director, faculty from the student's academic study area, and an administrative official to be selected by the institutional president. This committee will make recommendations to the institution regarding the retention or dismissal of a student.

Amended by R.1986 d.107, effective April 7, 1986.

See: 17 N.J.R. 2214(a), 18 N.J.R. 682(a).

New (a); old (a)-(b) now (b)-(c).

Recodified from 9:12-1.14 and amended by R.1994 d.226, effective May 2, 1994.

See: 26 N.J.R. 711(a), 26 N.J.R. 1857(a).

#### 9A:12-1.16 Experimental programs

(a) The EOF Executive Director may request proposals from institutions to support research and developmental projects that may increase program effectiveness and encourage innovative practices. The Executive Director of EOF, upon the approval of the Board of Directors, is authorized to grant awards to institutions for such projects. Experimental areas may include, but are not limited to projects that would:

1. Increase student placement into careers traditionally underrepresented to minority populations;
2. Increase student placement into professional schools of medicine, law, science, and technology; and
3. Increase the development of exemplary programs which have the potential for expansion and extension to other institutions.

Amended by R.1986 d.107, effective April 7, 1986.

See: 17 N.J.R. 2214(a), 18 N.J.R. 682(a).

"May" substituted for "shall".

Recodified from 9:12-1.15 by R.1994 d.226, effective May 2, 1994.

See: 26 N.J.R. 711(a), 26 N.J.R. 1857(a).

Amended by R.1994 d.596, effective December 5, 1994.

See: 26 N.J.R. 3586(a), 26 N.J.R. 4760(b).

#### 9A:12-1.17 Program audits and evaluations

(a) The EOF Executive Director shall maintain adequate procedures to monitor all program functions and components of all institutions receiving funds under this section. Due notice shall be provided from the Commission/EOF Office to visit any institution to conduct monitoring activities which may include evaluation, audits, and post-audit activities on a random or selected basis as needed.

(b) The EOF Executive Director shall conduct regular program audits and evaluations to determine regulatory compliance and program effectiveness. During these processes, Commission/EOF Staff shall document any exceptional budgetary items and ineffective program components and report such items to the EOF Executive Director.

Amended by R.1981 d.100, effective April 9, 1981.

See: 12 N.J.R. 658(b), 13 N.J.R. 220(c).

(c) and (d) added.

Amended by R.1982 d.385, effective November 1, 1982.

See: 14 N.J.R. 691(a), 14 N.J.R. 1214(c).

Under (c), added restrictions.

Amended by R.1986 d.107, effective April 7, 1986.

See: 17 N.J.R. 2214(a), 18 N.J.R. 682(a).

(c) deleted.

Recodified from 9:12-1.16 and amended by R.1994 d.226, effective May 2, 1994.

See: 26 N.J.R. 711(a), 26 N.J.R. 1857(a).

Amended by R.1994 d.596, effective December 5, 1994.

See: 26 N.J.R. 3586(a), 26 N.J.R. 4760(b).

**9A:12-1.18 Transfer of funds**

(a) EOF grant funds may not be transferred to establish items that were not part of the original contract, without prior approval by the EOF Executive Director.

(b) Transfers within existing personnel lines or within existing other than personnel services (O.T.P.S.) lines (as included in the original contract) do not require Central Office approval; however, the Central Office must receive written notification that such transfers have taken place.

New Rule R.1986 d.107, effective April 7, 1986.

See: 17 N.J.R. 2214(a), 18 N.J.R. 682(a).

Recodified from 9:12-1.17 and amended by R.1994 d.226, effective May 2, 1994.

See: 26 N.J.R. 711(a), 26 N.J.R. 1857(a).

Amended by R.1994 d.596, effective December 5, 1994.

See: 26 N.J.R. 3586(a), 26 N.J.R. 4760(b).

**9A:12-1.19 Program non-compliance**

(a) Upon the receipt of a complaint or unsatisfactory evaluation, the EOF Executive Director or his/her designee may conduct an inquiry at the institution which is the subject of the complaint to discuss the alleged violation or questionable practice with the institutional president, EOF Director, and other appropriate officials. Such inquiry shall be for the purpose of confirming or denying the existence of the questioned practice or violation of program regulations.

(b) The EOF Executive Director shall make a written report of the findings and a copy of the report will be transmitted to the institutional president and campus EOF Director. This report shall include a specific description of the violation or practice with specific recommendations to correct the situation within a specified time period as the EOF Executive Director shall determine.

(c) The institution may appeal the findings of this report. Such appeal shall be in writing and directed to the Chairman of the EOF Board. When such an appeal is taken, the EOF Board of Directors shall schedule a hearing of the appeal within a reasonable time period. The EOF Board may uphold or overturn the report of the EOF Executive Director and modify the recommendation as it deems appropriate.

Amended by R.1986 d.107, effective April 7, 1986.

See: 17 N.J.R. 2214(a), 18 N.J.R. 682(a).

Deleted text in (b): within 30 days of the institutional visitation, and in (c): within 15 days of the report's issuance.

Recodified from 9:12-1.18 by R.1994 d.226, effective May 2, 1994.

See: 26 N.J.R. 711(a), 26 N.J.R. 1857(a).

Amended by R.1994 d.596, effective December 5, 1994.

See: 26 N.J.R. 3586(a), 26 N.J.R. 4760(b).

**9A:12-1.20 Program probationary status**

(a) The EOF Board of Directors may place an institutional program on probation for failure to correct program deficiencies within the time directed by the EOF Executive Director. The EOF Board shall place such restrictions as it believes are necessary upon an institutional program which

is placed on probation. Restrictions which may be imposed 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 the provisions of the contract.
3. Terminate an institutional program pursuant to the contractual provisions.

Amended by R.1986 d.107, effective April 7, 1986.

See: 17 N.J.R. 2214(a), 18 N.J.R. 682(b).

Deleted text "of the E.O.F. Board".

Recodified from 9:12-1.19 by R.1994 d.226, effective May 2, 1994.

See: 26 N.J.R. 711(a), 26 N.J.R. 1857(a).

Amended by R.1994 d.596, effective December 5, 1994.

See: 26 N.J.R. 3586(a), 26 N.J.R. 4760(b).

**9A:12-1.21 Community Advisory Board**

(a) Each institution participating in the EOF Program shall establish a Community Advisory Board. The size and method of selection of the Board shall be at the discretion of the institution. Membership shall include representatives of the faculty and administration of the institution, students, and local citizens representative of the student population being served by the program. The campus EOF Director shall serve as an ex-officio member of the Board.

(b) The Community Advisory Board shall meet at least six times during the calendar year. The Board shall demonstrate involvement in the following activities at a minimum:

1. Advising as to the recruitment and selection of the campus Director responsible for the EOF Program;
2. Acquainting the local community with the objectives of the EOF Program and with college resources and facilities available to the community;
3. Reviewing admissions criteria and the procedure to be employed in recruiting EOF students;
4. Being knowledgeable about institutional methods for recruiting, interviewing and screening those potential students for admission into the college who may require EOF financial assistance and/or special educational assistance;
5. Making recommendations with respect to the educational program for disadvantaged students by reviewing annual program reports and evaluations with institutional officials and the campus EOF Director;
6. Reviewing and commenting on the institution's EOF funding application, prior to its submission to the Commission on Higher Education; and
7. Conducting assessment activities to insure adherence to the stated goals and objectives of the EOF Program.

(c) The Community Advisory Board should also participate in an advisory capacity in all activities which have a

direct or indirect bearing on the education of disadvantaged students, including involvement with appropriate faculty and administrative committees.

Recodified from 9:12-1.20 and amended by R.1994 d.226, effective May 2, 1994.

See: 26 N.J.R. 711(a), 26 N.J.R. 1857(a).

Amended by R.1994 d.596, effective December 5, 1994.

See: 26 N.J.R. 3586(a), 26 N.J.R. 4760(b).

#### 9A:12-1.22 Record keeping and data collection

(a) Data collection is essential to the identification of target populations and the development of admissions criteria. Data to support recruitment and admissions should include student's:

1. High school;
2. Home address;
3. Home county;
4. Sex;
5. Ethnicity;
6. Family income;
7. Standardized test scores;
8. High school transcript (rank, coursework, and the type of diploma);
9. Other educational experience records (GED, transfers);
10. Renewal status.

(b) Other component data should include recruitment schedule, number of applications received, number eligible or ineligible, number admitted, number matriculating.

(c) Each institution participating in this program shall maintain thorough academic and financial aid files on program participants. This information shall include, but not be limited to, the following:

1. Data and assessment of student performance in the area of basic skills;
2. Data and assessment of counseling programs designed to assist students in improving academic performance;
3. Data and assessment of tutorial/supplemental instruction services directed toward the resolution of academic difficulty;
4. Financial data including eligibility determination and annual notification;
5. Current registration and academic transcripts;
6. Data and assessment of the career and graduate placement assistance provided to program participants.

(d) Each institution participating in this program shall maintain adequate financial documentation of all program budgets and expenditures. Accounts must be structured to reflect EOF and institutional monies by line item. State, institutional, Federal and other grant funds must be clearly delineated.

(e) The Program Director, along with appropriate institutional officials, must be involved in and responsible for the preparation of budgetary documents and coordination of EOF fiscal affairs.

Amended by R.1982 d.385, effective November 1, 1982.

See: 14 N.J.R. 691(a), 14 N.J.R. 1214(c).

Amended by R.1986 d.107, effective April 7, 1986.

See: 17 N.J.R. 2214(a), 18 N.J.R. 682(b).

(c)4 and 5 added; old (c)4 now (c)6. Deleted old (d) and inserted new.

Recodified from 9:12-1.21 and amended by R.1994 d.226, effective May 2, 1994.

See: 26 N.J.R. 711(a), 26 N.J.R. 1857(a).

#### 9A:12-1.23 Annual program report

(a) The institutions shall submit to the EOF Central Office reports of program activities and outcomes, and fiscal expenditures. The format for reports shall be established prior to the period for which reports will be submitted.

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

(c) Periodic reports will be requested in accordance with a timetable established in advance by the EOF Executive Director. Failure to submit reports in a timely manner may result in cancellation or non-payment of the grant award.

Amended by R.1982 d.385, effective November 1, 1982.

See: 14 N.J.R. 691(a), 14 N.J.R. 1214(c).

Deleted "August 31 deadline and annual program report requirements" and added "in accordance with the required submission timetable."

Amended by R.1986 d.107, effective April 7, 1986.

See: 17 N.J.R. 2214(a), 18 N.J.R. 682(a).

Deleted old text and inserted new.

Recodified from 9:12-1.22 by R.1994 d.226, effective May 2, 1994.

See: 26 N.J.R. 711(a), 26 N.J.R. 1857(a).

Amended by R.1994 d.596, effective December 5, 1994.

See: 26 N.J.R. 3586(a), 26 N.J.R. 4760(b).

### SUBCHAPTER 2. EDUCATIONAL OPPORTUNITY FUND SUMMER PROGRAM REGULATIONS

#### 9A:12-2.1 Institutional eligibility

Any undergraduate institution in New Jersey which enrolls students who receive grants under the EOF Program is eligible to apply for summer program support funds. Any institution not in compliance with other EOF Program regulations may not be eligible for summer programs.



**9A:12-2.2 Summer program requirements**

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

1. Provide orientation services to include adequate academic, social, and supportive services for initial students;
2. Increase assessment of students' basic skills;
3. Improve academic preparation for successful matriculation during the regular academic year;
4. Provide for administrative, counseling, tutoring, and other staff services to insure adequate student support;
5. Provide a remedial and developmental curriculum to assess and work toward improving academic skills and performance. In addition, institutions may elect to develop projects which address objectives six, seven, eight and nine;
6. Promote research and development models to evaluate and improve student services to initial students;
7. Provide in-service training opportunities for staff;
8. Improve graduate and/or professional school placement;
9. Provide a systematic effort to assist students to succeed in majors traditionally underrepresented by minority students.

(b) All participating institutions shall operate program objectives one through five to receive funds for summer program. Any program may elect to develop projects according to objectives six, seven, eight and nine.

(c) In addition, participating institutions must demonstrate evidence of:

1. Assessment and evaluation of program and student outcomes;
2. Orientation and training activities for summer program staff;
3. Continuity with academic year programming activities and offerings.

Amended by R.1982 d.385, effective November 1, 1982.  
See: 14 N.J.R. 691(a), 14 N.J.R. 1214(c).

In (a)5, added "assess and work toward improving ... skills and performance".

Amended by R.1986 d.107, effective April 7, 1986.  
See: 17 N.J.R. 2214(a), 18 N.J.R. 682(a).

Amended by R.1994 d.226, effective May 2, 1994.  
See: 26 N.J.R. 711(a), 26 N.J.R. 1857(a).

**9A:12-2.3 Student eligibility**

(a) Any student deemed eligible for admission and matriculation to the EOF program by the institution in the academic year (pursuant to N.J.A.C. 9A:11-1) is qualified to receive additional grant funds to support enrollment and full

participation in the summer program in accordance with the following procedures:

1. Summer or pre-freshman attendance should be mandatory for all entering students. Institutions may permit entering students to enroll without attending the summer program, but shall provide alternative activities for such students consistent with criteria listed in N.J.A.C. 9A:12-2.2 of the Summer Program requirements, during the academic year. Such program offerings must be described in the annual funding application.

2. Depending on the availability of funds, renewal students may be permitted to attend summer programs as long as they meet one of the following priority funding categories:

- i. Need to complete basic skills requirements;
- ii. Must meet academic progress regulations;
- iii. Are able to graduate by the end of the summer session;
- iv. Need to stay in academic sequence;
- v. Need to remove academic probation standing; or
- vi. Need to repeat courses not successfully completed (F, Incomplete, etc.).

Amended by R.1982 d.385, effective November 1, 1982.  
See: 14 N.J.R. 691(a), 14 N.J.R. 1214(c).

In (a)2, deleted recommendation of EOF Director and added "Depending on the availability of funds renewal".

Amended by R.1987 d.134, effective March 16, 1987.

See: 18 N.J.R. 801(b), 19 N.J.R. 451(a).

Old (a)1 deleted and new substituted; New (a)3 added and old 3-4 renumbered 4-5.

Amended by R.1989 d.222, effective April 17, 1989.

See: 20 N.J.R. 2506(a), 21 N.J.R. 1012(a).

Deleted maximum of two summers for program attendance; added priority funding categories (a)3v and vi and deleted (a)4 and 5.

Amended by R.1994 d.226, effective May 2, 1994.

See: 26 N.J.R. 711(a), 26 N.J.R. 1857(a).

**9A:12-2.4 Application process**

Each institution shall submit a summer program application in addition to its regular academic year funding application in accordance with provisions of N.J.A.C. 9A:12-1.4, 1.5, and 1.6.

Amended by R.1986 d.107, effective April 7, 1986.

See: 17 N.J.R. 2214(a), 18 N.J.R. 682(a).

Deleted "as a separate section of" and inserted "in addition to".

Amended by R.1994 d.226, effective May 2, 1994.

See: 26 N.J.R. 711(a), 26 N.J.R. 1857(a).

**9A:12-2.5 Funding process**

(a) Funds will be allocated to eligible institutions according to program budget applications submitted to the Commission/EOF Office and approved by the EOF Board of Directors.

(b) Additional funds may be granted by the EOF Board to an institution for special projects to increase student

performance and/or program effectiveness in the area of recruitment and retention.

Amended by R.1986 d.107, effective April 7, 1986.  
See: 17 N.J.R. 2214(a), 18 N.J.R. 682(a).  
Amended by R.1994 d.226, effective May 2, 1994.  
See: 26 N.J.R. 711(a), 26 N.J.R. 1857(a).  
Amended by R.1994 d.596, effective December 5, 1994.  
See: 26 N.J.R. 3586(a), 26 N.J.R. 4760(b).

#### 9A:12-2.6 Verification of financial eligibility

(a) Entering students participating in the summer program must have filed a financial aid form approved by the Educational Opportunity Fund Board of Directors prior to summer program enrollment or as part of summer program enrollment procedures (to be established prior to the summer program).

(b) Procedures for verification of student eligibility for summer program attendance shall be consistent with those outlined in N.J.A.C. 9A:11-1.7, Verification of financial eligibility, of the Undergraduate EOF Financial Eligibility.

New Rule R.1986 d.107, effective April 7, 1986.  
See: 17 N.J.R. 2214(a), 18 N.J.R. 682(a).  
Amended by R.1989 d.221, effective April 17, 1989.  
See: 20 N.J.R. 1769(a), 21 N.J.R. 1011(c).

Deleted reference to New Jersey Financial Aid Form, references forms approved by EOF Board.  
Amended by R.1994 d.226, effective May 2, 1994.  
See: 26 N.J.R. 711(a), 26 N.J.R. 1857(a).

#### 9A:12-2.7 Liability

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

(b) In the event that an institution has conveyed fraudulent and misleading information in order to obtain EOF grants for ineligible students, the institution will be held liable and will be required to make restitution.

(c) In cases where institutions have made awards in good faith based upon fraudulent and misleading information which has been conveyed by the student(s), the student(s) is liable for the return of the EOF grant. A written statement to this effect shall accompany each student's award notification.

(d) The EOF Executive Director, with the cooperation of institutional officials, shall undertake appropriate steps to reclaim monies due the Commission on Higher Education/Educational Opportunity Fund from ineligible students.

New Rule R.1986 d.107, effective April 7, 1986.  
See: 17 N.J.R. 2214(a), 18 N.J.R. 682(a).  
Amended by R.1994 d.226, effective May 2, 1994.  
See: 26 N.J.R. 711(a), 26 N.J.R. 1857(a).  
Amended by R.1994 d.596, effective December 5, 1994.  
See: 26 N.J.R. 3586(a), 26 N.J.R. 4760(b).

#### 9A:12-2.8 Operational provisions for summer program payment

(a) Participating institutions are to submit a summer program request for student allocations.

(b) Notification of action on institutional requests from the Executive Director of EOF will be given in writing to the President of each institution.

(c) To apply for summer program grant funds, the campus EOF Directors are to complete a payment request form (to be established prior to the summer program for which funds are being requested) for both initial and renewal (if applicable) students.

(d) All files of students receiving EOF grants will be subject to a fiscal audit conducted by the Office of Student Assistance.

New Rule R.1986 d.107, effective April 7, 1986.  
See: 17 N.J.R. 2214(a), 18 N.J.R. 682(a).  
Amended by R.1994 d.226, effective May 2, 1994.  
See: 26 N.J.R. 711(a), 26 N.J.R. 1857(a).  
Amended by R.1994 d.596, effective December 5, 1994.  
See: 26 N.J.R. 3586(a), 26 N.J.R. 4760(b).

#### 9A:12-2.9 Refunds and repayments of disbursements made to students

(a) If a refund is due to a student under the institution's refund policy and the student received financial aid under any State student assistance program, the institution shall multiply the institutional refund by the following fraction to determine the amount to be refunded to the Treasurer, State of New Jersey, through the Office of Student Assistance:

$$\text{divided by } \frac{\text{Amount of State assistance (minus work earnings) awarded for the payment period}}{\text{Total amount of financial aid (minus work earnings) awarded for the payment period}}$$

(b) Payment period as used in (a) above shall mean the time between the first day of classes for a summer term and the end of that term according to the institutional calendar.

(c) If a cash disbursement has been made by an institution for non-institutional costs from a State assistance program, and it is determined by application of the institution's refund policy and the above formula that a refund should be paid to the State, the institution shall endeavor to collect the overpayment from the student and return it to the State. If this effort is unsuccessful, the institution shall notify the Office of Student Assistance of the amount owed for each State assistance program. Non-institutional costs may include, but are not limited to, room and board, books and supplies, transportation, and miscellaneous expenses.

New Rule R.1986 d.107, effective April 7, 1986.  
See: 17 N.J.R. 2214(a), 18 N.J.R. 682(a).  
Amended by R.1989 d.221, effective April 17, 1989.  
See: 20 N.J.R. 1769(a), 21 N.J.R. 1011(c).

(b) payment period redefined; (c) deleted, (d) recodified to (c).  
Amended by R.1994 d.226, effective May 2, 1994.  
See: 26 N.J.R. 711(a), 26 N.J.R. 1857(a).

#### 9A:12-2.10 Summer program evaluation

(a) The EOF Executive Director shall distribute a standard summer program evaluation form to participating programs. Each institution shall submit the completed form according to the required submission timetable to the Commission/EOF Office.

(b) The Commission/EOF Office may, in addition, conduct summer program evaluations to insure maximum program effectiveness and accountability.

(c) A report on the summer program shall be provided to the E.O.F. Board of Directors on an annual basis.

Amended by R.1982 d.385, effective November 1, 1982.

See: 14 N.J.R. 691(a), 14 N.J.R. 1214(c).

In (a), deleted September 15 and added "according to the date requested in the E.O.F. submission timetable."

Amended by R.1986 d.107, effective April 7, 1986.

See: 17 N.J.R. 2214(a), 18 N.J.R. 682(a).

Substantially amended.

Amended by R.1994 d.226, effective May 2, 1994.

See: 26 N.J.R. 711(a), 26 N.J.R. 1857(a).

Amended by R.1994 d.596, effective December 5, 1994.

See: 26 N.J.R. 3586(a), 26 N.J.R. 4760(b).