

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 admis-

sion (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 2005-06

<u>Applicants with a Household size of</u>	<u>Gross Income Not to Exceed</u>
1	\$18,620
2	24,980
3	31,340
4	37,700
5	44,060
6	50,420
7	56,780
8	63,140

2. For each additional member of the household, an allowance of \$6,360 shall be added to this amount in order to determine EOF eligibility for the 2005-06 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).

9A:11-2.5 Verification of financial eligibility

(a) At the time of initial enrollment, the institution shall verify the income and assets of all undergraduate EOF grant applicants' parent(s) or guardian(s) or of applicants and spouses, as appropriate. The purpose of the verification is to ensure that EOF funds are granted only to students who meet the eligibility criteria in N.J.A.C. 9A:11-2.2 and 2.4.

(b) In cases where earnings are not the source of an initial awardee's income as described in (a) above, the file shall contain appropriate, verified documentation on which to base the award (for example, statements from the public assistance agency, Social Security Administration, Bureau of Children's Services, Veterans Administration, or other appropriate administrative agency), regardless of the awardee's dependency status.

(c) In all cases, files shall contain completed forms indicating all relevant data for determining initial eligibility, such as household size, annual income, and sources of income and assets: for dependent students, of parent(s) or guardian(s), for independent students, of the student or

student and spouse, as appropriate. A student's records shall also include the application for financial aid, the student's signed acceptance of the financial aid package, and proof that the student received the grant.

(d) To receive an Article III undergraduate grant, all students shall comply with the Tuition Aid Grant and Garden State Scholarship programs' rule at N.J.A.C. 9A:9-2.4, Eligibility and repayment. All applicants shall also indicate that they applied for a Federal Pell Grant and a New Jersey Tuition Aid Grant. The Board annually establishes deadline dates for submitting the form specified in N.J.A.C. 9A:9-2.4 which are a year in advance, to ensure that the Fund's expenditures are maintained within available appropriations and to provide for timely disbursement of payments to participating institutions. Students shall submit the form specified in N.J.A.C. 9A:9-2.4 in accordance with the Board's annual deadlines.

(e) Students found eligible to receive student assistance shall comply with the N.J.A.C. 9A:9-2.7, which is the Tuition Aid Grant and Garden State Scholarship programs' rule governing verification of family financial data.

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

9A:11-2.6 Grant amount

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

1. Full or approved part-time enrollment;
2. The financial need of the student as determined by a needs analysis; and
3. The type of institution the student attends.

(b) The institution's EOF and financial aid directors shall determine the exact amount of each student's grant. In determining need and awarding Article III grants, priority shall be given first to students who meet the educational criteria of N.J.A.C. 9A:11-2.2 and the income criteria of N.J.A.C. 9A:11-2.4(a) and (d), followed by students admitted under N.J.A.C. 9A:11-2.4(f), (g) and (h).

(c) An EOF undergraduate grant awardee shall receive not less than the minimum nor more than the maximum semester award, except that under no circumstances shall the grant when combined with other aid exceed the cost of attendance as determined by the institution.

(d) The Board shall annually review the State grant amounts for EOF students and make adjustments, if necessary. The minimum and maximum semester and maximum academic year award ranges for full- and part-time Article III undergraduate student grants for each type of institution follows.

<u>Undergraduate</u>	<u>Semester</u>	<u>Semester</u>	<u>Annual</u>
<u>Community</u>	<u>Minimum</u>	<u>Maximum</u>	<u>Maximum</u>
<u>Colleges</u>			
Full-time	\$100.00	\$475.00	\$950.00
Part-time:			

6-8 credits	\$100.00	\$238.00	\$476.00
9-11 credits	\$100.00	\$357.00	\$714.00
<u>State Colleges</u>			
<u>Commuter</u>			
Full-time	\$100.00	\$525.00	\$1,050.00
Part-time:			
6-8 credits	\$100.00	\$263.00	\$526.00
9-11 credits	\$100.00	\$394.00	\$788.00
<u>Residential</u>			
Full-time	\$100.00	\$650.00	\$1,300.00
Part-time:			
6-8 credits	\$100.00	\$397.00	\$794.00
9-11 credits	\$100.00	\$520.00	\$1,040.00
<u>Rutgers, NJIT,</u>			
<u>UMDNJ-SHRP</u>			
<u>Commuter</u>			
Full-time	\$100.00	\$525.00	\$1,050.00
Part-time:			
6-8 credits	\$100.00	\$263.00	\$526.00
9-11 credits	\$100.00	\$394.00	\$788.00
<u>Residential</u>			
Full-time	\$100.00	\$650.00	\$1,300.00
Part-time:			
6-8 credits	\$100.00	\$397.00	\$794.00
9-11 credits	\$100.00	\$520.00	\$1,040.00
<u>Independent</u>			
<u>Colleges</u>			
Full-time	\$100.00	\$1,200.00	\$2,400.00
Part-time:			
6-8 credits	\$100.00	\$600.00	\$1,200.00
9-11 credits	\$100.00	\$900.00	\$1,800.00
 (e) The minimum and maximum semester and maximum academic year award ranges for full- and part-time Article III undergraduate student grants for each type of institution for the spring 2005 semester only follows:			
	<u>Semester</u>	<u>Semester</u>	<u>Annual</u>
<u>Undergraduate</u>	<u>Minimum</u>	<u>Maximum</u>	<u>Maximum</u>
<u>Community</u>			
<u>Colleges</u>			
Full-time	\$100.00	\$525.00	\$950.00
Part-time:			
6-8 credits	\$100.00	\$263.00	\$476.00
9-11 credits	\$100.00	\$395.00	\$714.00
<u>State Colleges</u>			
<u>Commuter</u>			
Full-time	\$100.00	\$575.00	\$1,050.00
Part-time:			
6-8 credits	\$100.00	\$288.00	\$526.00
9-11 credits	\$100.00	\$431.00	\$788.00
<u>Residential</u>			
Full-time	\$100.00	\$700.00	\$1,300.00
Part-time:			
6-8 credits	\$100.00	\$431.00	\$794.00
9-11 credits	\$100.00	\$558.00	\$1,040.00
<u>Rutgers, NJIT,</u>			
<u>UMDNJ-SHRP</u>			
<u>Commuter</u>			

Full-time	\$100.00	\$575.00	\$1,050.00
Part-time:			
6-8 credits	\$100.00	\$288.00	\$526.00
9-11 credits	\$100.00	\$431.00	\$788.00
<u>Residential</u>			
Full-time	\$100.00	\$700.00	\$1,300.00
Part-time:			
6-8 credits	\$100.00	\$431.00	\$794.00
9-11 credits	\$100.00	\$558.00	\$1,040.00
<u>Independent</u>			
<u>Colleges</u>			
Full-time	\$100.00	\$1,250.00	\$2,400.00
Part-time:			
6-8 credits	\$100.00	\$625.00	\$1,200.00
9-11 credits	\$100.00	\$939.00	\$1,800.00

Amended by R.2000 d.341, effective August 21, 2000.

See: 32 N.J.R. 1280(a), 32 N.J.R. 3069(a).

Increased maximum awards throughout.

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

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

In (b), amended the N.J.A.C. references; in (c), inserted "semester" following "maximum"; rewrote (d).

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

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

In (d), increased grant award amounts; added (e).

9A:11-2.7 Financial aid packaging

Because EOF students are from historically poor backgrounds, all sources of student financial aid shall be used to augment the financial aid package. Loan encumbrance shall be a low priority, and loans shall be given to complete the package only after all other forms of financial aid are exhausted.

9A:11-2.8 Duration of student eligibility

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

1. Demonstrate financial need as determined by the institution through a Board-approved financial aid form submitted by the student in accordance with the annually established deadline dates;
2. Meet academic progress standards in accordance with N.J.A.C. 9A:11-2.13;
3. Maintain their status as legal residents of the State of New Jersey as defined in N.J.A.C. 9A:9-2.2, which is the Tuition Aid Grant and Garden State Scholarship program's rule governing residency;
4. Maintain full-time enrollment or have the campus EOF administrator/director's written approval for a part-time Article III undergraduate grant. Part-time grant eligibility is available only at those institutions approved by the Board to award part-time Article III undergraduate grants; and

5. Meet the maximum number of semesters of eligibility as prescribed in N.J.A.C. 9A:11-2.8 and 2.9.

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

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

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

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

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

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

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

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

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

Rewrote the section.

9A:11-2.9 Part-time students

(a) The EOF Article III undergraduate grant award to part-time students provides EOF-eligible students with an opportunity to address personal, financial, and/or academic

information upon which EOF program eligibility was based. That student shall repay the amount of any grants previously awarded to him or her.

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

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

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

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

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

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

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

SUBCHAPTER 3. GRADUATE EOF FINANCIAL ELIGIBILITY

9A:11-3.1 Scope

This subchapter governs the awarding of Article III graduate EOF grants. The overall objective of the graduate EOF program is to increase the participation of New Jersey residents from backgrounds of historical poverty in graduate and professional study. Priority in granting EOF graduate grants shall be given to students who received EOF undergraduate grants.

9A:11-3.2 Student eligibility

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

(b) Students who received Article III EOF grants as undergraduates shall be given priority consideration for Article III graduate grants. These students are presumed to have met the financial eligibility criteria (as outlined in N.J.A.C. 9A:11-2.4) for graduate EOF as long as they continue to demonstrate financial need.

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

1. Meets N.J.A.C. 9A:9-2.2 and 2.3, which are the Tuition Aid Grant and Garden State Scholarship programs' rules governing residency, and noncitizens and resident aliens, respectively;

2. Meets the financial criteria established in N.J.A.C. 9A:11-2.4, Financial eligibility for initial Article III student grants;

3. Is or will be a full-time graduate student as defined by the institution offering the graduate program of study; and

4. Is admitted to and intends full-time enrollment and matriculation in a curriculum leading to a graduate degree or certificate at an institution participating in the Fund, provided that the student has not already received a graduate or professional degree at the same level of study for which he or she is applying. Graduate degree and certificate programs must have a minimum requirement equivalent to 24 semester hours and be at least one academic year in duration.

(d) Students shall not receive assistance under the programs administered by the Board if they owe a refund on a grant or scholarship previously received from a State or Federal program through any institution or are in default on any loan made under any State or Federal student financial assistance program at any institution. However, such students may receive State financial assistance if they make satisfactory repayment arrangements with the appropriate office.

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

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

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

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

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

9A:11-3.3 Verification of financial eligibility

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

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

(c) In cases where earnings are not the source of an awardee's income, the file shall contain appropriate, verified documentation on which to base the award (for example, statements from the public assistance agency, Social Security Administration, Bureau of Children's Services, Veterans Administration, or other appropriate administrative agency).

9A:11-3.4 Grant amounts

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

1. Full-time enrollment as defined by the institution offering the graduate program of study;
2. The financial need of the student as determined by a needs analysis; and
3. The type of institution the student attends.

(b) The institution's EOF and financial aid directors shall determine the exact amount of each student's grant. In determining need and awarding Article III graduate grants, priority shall be given first to students who received an undergraduate EOF grant, followed by students who did not receive such an award but who now meet the educational criteria of N.J.A.C. 9A:11-2.2 and the income criteria of N.J.A.C. 9A:11-2.4(a) and (d), followed by students admitted under N.J.A.C. 9A:11-2.4(f).

(c) An EOF graduate grant awardee shall receive not less than the minimum nor more than the maximum semester award for the academic year, except that under no circumstances shall the grant when combined with other aid exceed the cost of attendance as determined by the institution.

(d) The Board shall annually review the State grant amounts for EOF students and make adjustments, if necessary. The minimum and maximum semester and maximum academic year award ranges for Article III graduate grants for each type of institution follows:

<u>Graduate</u>	<u>Semester Minimum</u>	<u>Semester Maximum</u>	<u>Annual Maximum</u>
State Colleges and Universities	\$100.00	\$1,100.00	\$2,200.00
Independent	100.00	1,375.00	2,750.00
Rutgers, NJIT	100.00	1,375.00	2,750.00
UMDNJ	100.00	2,125.00	4,250.00

(e) The awarding of all grants within the minimum and maximum semester and academic year ranges in (d) above shall be based upon a careful analysis of the student's total financial situation and financial need. The neediest students shall be accorded priority.

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

In (b), inserted "who" preceding "now meet" and amended the N.J.A.C. references; in (c), inserted "semester" preceding "award" and "when" preceding "combined with other aid"; rewrote (d); in (e), inserted "semester and academic year" preceding "ranges".
Amended by R.2005 d.308, effective September 6, 2005.
See: 36 N.J.R. 4868(a), 37 N.J.R. 3373(a).

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

9A:11-3.5 Duration of graduate student eligibility

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

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

1. Duration of eligibility shall be extended to one semester beyond the normal number of semesters usually required for a full-time student to complete the degree requirements. For example:

<u>Degree Requirements</u>	<u>Full-Time Graduate Student</u>	<u>Length of Eligibility</u>
36 credits	9 credits	$(36/9) = 4 + 1 = 5$ semesters
84 credits	12 credits	$(84/12) = 7 + 1 = 8$ semesters

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

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

1. Each degree must be a higher level than the previous one unless the grant recipient is enrolled in a dual-degree program; and
2. In no case shall the combined eligibility exceed the equivalent of 10 semesters.

(d) An Article III graduate grant shall not be awarded for summer program study except in those programs that, by their nature, require specific course(s) to be taken during the summer.

1. Exceptions are possible in cases where the program of study requires a mandatory sequence of courses for more than two terms in an academic year.
2. To qualify for an exception, the institution shall submit a written request to the EOF Executive Director.

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

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

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

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

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

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

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 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.

(g) 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).

**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.