

ii. Has not demonstrated sufficient academic preparation to gain admission to an approved institution of higher education under its regular standards of admission (where applicable) and has an educational background that indicates a need for improvement in basic skills or for additional preparation for the applicant's desired degree program.

(d) Students may not receive assistance under the programs administered by the Educational Opportunity Fund 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. Students owing a refund on a grant or scholarship or who are in default on a loan may receive State financial assistance if they make arrangements with the appropriate office to repay the debt.

(e) E.O.F. grant awards may not be used by students attending out-of-state institutions.

Amended by R.1980 d.1, effective 1980 spring semester.

See: 11 N.J.R. 551(b), 12 N.J.R. 76(d).

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

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

Added 7. to (c).

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

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

(c)4iv added.

Amended by R.1988 d.151, effective April 4, 1988 (operative July 1, 1988).

See: 19 N.J.R. 2373(a), 20 N.J.R. 805(a).

Added the word initially to (c).

Amended by R.1989 d.224, effective April 17, 1989.

See: 20 N.J.R. 1768(b), 21 N.J.R. 1012(b).

(c)6 and 7 recodified as (d) and (e); language added at (d) making State assistance available to students owing or in default if repayment arrangements have been made.

Amended by R.1993 d.480, effective October 4, 1993.

See: 25 N.J.R. 1663(a), 25 N.J.R. 4596(a).

Recodified from 9:11-1.1 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).

Amended by R.1995 d.248, effective May 15, 1995.

See: 27 N.J.R. 812(a), 27 N.J.R. 1993(a).

9A:11-1.3 Student residency

(a) Students must be legal residents of New Jersey for a period of not less than 12 consecutive months immediately prior to receiving a grant. The residence of a student is defined in terms of domicile. Domicile is defined as the place where a person has his true, fixed, permanent home and principal establishment, and to which, whenever he is absent, he has the intention of returning. Residence established solely for the purpose of attending a particular college cannot be considered as fulfilling the definition of domicile. When in question, a student must demonstrate proof of residence by presenting the following documents: driver's license, voter registration form, tax return(s), or other suitable proof.

(b) A dependent student as defined in N.J.A.C. 9A:11-1.5 is presumed to be a legal resident of the state which his or her parent(s) or guardian(s) are residents. A dependent student whose parent(s) or guardian(s) are not legal residents of New Jersey is presumed to be in the state for the temporary purpose of obtaining an education. Any dependent student, as defined in N.J.A.C. 9A:11-1.5, who is domiciled in this state and who is enrolled as an EOF student in an institution of higher education in New Jersey, shall continue to be eligible for participation in the EOF Program despite his or her supporting parent(s) or guardian(s) change of domicile to another state, while such student continues to reside in New Jersey during the course of each academic year. The student's eligibility continues only if the student received a State grant or scholarship for at least one semester before the parent(s) or guardian(s) change of domicile to another state.

Amended by R.1987 d.135, effective March 16, 1987.

See: 18 N.J.R. 1777(a), 19 N.J.R. 450(b).

Added text to (b) "Any dependent student . . ."

Amended by R.1993 d.480, effective October 4, 1993.

See: 25 N.J.R. 1663(a), 25 N.J.R. 4596(a).

Recodified from 9:11-1.2 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:11-1.4 Foreign nationals

(a) A foreign national must present affirmative evidence that he or she is not in the United States for the temporary purpose of obtaining an education. Such evidence must include documentation from the United States Immigration and Naturalization Service that the student may remain permanently in this country and such evidence must be placed in the student's file. The student must:

1. Be the holder of an alien registration receipt card form I-151 or I-551; or
2. Be the holder of an approval notice from the Immigration and Naturalization Service form I-181 stating that the noncitizen has met the requirements for permanent resident status; or
3. Be a holder of a Temporary Resident Card form I-688 with a valid expiration date from the Immigration and Naturalization Service; or
4. Be the holder of an arrival departure record form I-94 endorsed by the Immigration and Naturalization Service showing one of the following:
 - i. Parole Indefinite Humanitarian: Paroled pursuant to Sec. 212(d)(5) of the Immigration and Naturalization Act; or
 - ii. Refugees: Admitted as a refugee pursuant to Sec. 207 of the Immigration and Naturalization Act; or
 - iii. Granted Asylum: Asylum status granted pursuant to Sec. 208 of the Immigration and Naturalization Act; or
 - iv. Cuban-Haitian Entrant: Status pending; or

v. Conditional Entrant: Admission into this status through March 31, 1980.

5. The Arrival Departure Record form I-94 for persons in the aforementioned categories must be updated for each award year as required by the Immigration and Naturalization Service.

(b) Foreign nationals with student visa status, F1 or F2 exchange visitor visa status of J1 or J2 visa status, even when stamped "employment authorized", or holders of form I-94 with one of the endorsements: "adjustment applicant", "245", "245 applicant", "applicant for permanent residence", "voluntary departure", and "deferred action", are considered to be in the United States for temporary reasons and are therefore not eligible for student assistance.

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

(a)3i through iii added; (b) substantially amended.
Amended by R.1988 d.150, effective April 4, 1988.
See: 19 N.J.R. 2234(c), 20 N.J.R. 806(a).

Added forms I-551 and I-181; added new (a)3 and added text to (b) "or holders of . . . and "deferred action".
Recodified from 9:11-1.3 and amended by R.1994 d.226, effective May 2, 1994.
See: 26 N.J.R. 711(a), 26 N.J.R. 1857(a).

9A:11-1.5 Dependent/independent student defined

(a) The term independent when used with respect to a student means any individual who:

1. Is 24 years of age or older by December 31 of the award year; or
2. Meets the requirements of (b) below.

(b) An individual meets the requirements of this subsection if such individual:

1. Is an orphan or ward of the court, or was a ward of the court until age 18; or
2. Is a veteran of the Armed Forces of the United States; or
3. Is a graduate or professional student; or
4. Is a married individual; or
5. Has legal dependents other than a spouse; or
6. Is a student for whom a financial aid administrator makes a documented determination of independence by reason of other unusual circumstances as provided under Title IV of the Higher Education Assistance Act of 1965, as amended, 20 U.S.C. 10877v, and its implementing regulations and rules. For the purpose of receiving State financial assistance under the EOF Program as an independent student due to unusual circumstances, the following conditions apply:

i. Determinations of independence must satisfy all applicable Federal standards set forth under Title IV of the Higher Education Act of 1965, as amended, and its implementing regulations and rules;

ii. Individual determinations of independent student status for State EOF program funds shall be made in a manner consistent with the institutional policies regarding the awarding of all need-based financial aid, including Federal and State aid; and

iii. The institution shall share with the Executive Director of the Educational Opportunity Fund 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.

(c) A dependent student shall be any student who does not meet any of the eligibility criteria listed in (a) or (b) above for independent student status.

Amended by R.1979 d.230, effective June 13, 1979.
See: 11 N.J.R. 237(e), 11 N.J.R. 342(c).
Amended by R.1982 d.385, effective November 1, 1982.
See: 14 N.J.R. 691(a), 14 N.J.R. 1214(c).

Added (e).
New Rule, R.1987 d.491, effective December 7, 1987.
See: 19 N.J.R. 266(a), 19 N.J.R. 2281(a).

Old text repealed.
Amended by R.1988 d.150, effective April 4, 1988.
See: 19 N.J.R. 2234(c), 20 N.J.R. 806(a).
Substituted "resources" for "income".

Amended by R.1993 d.480, effective October 4, 1993.
See: 25 N.J.R. 1663(a), 25 N.J.R. 4596(a).
Amended by R.1994 d.23, effective January 3, 1994.
See: 25 N.J.R. 4886(a), 26 N.J.R. 221(a).
Recodified from 9:11-1.4 and amended by R.1994 d.226, effective May 2, 1994.
See: 26 N.J.R. 711(a), 26 N.J.R. 1857(a).
Amended by R.1996 d.23, effective January 2, 1996.
See: 27 N.J.R. 2996(a), 27 N.J.R. 3665(a), 28 N.J.R. 150(a).

9A:11-1.6 Financial eligibility for undergraduate grants

(a) The EOF Executive Director shall annually inform institutions of adjustments to the EOF Income Eligibility Scale in accordance with the official national poverty threshold published in the Federal Register and adjusted by 200 percent to reflect the higher cost of living in New Jersey.

1. Dependent and independent students (as defined in N.J.A.C. 9A:11-1.5) are financially eligible for an initial EOF undergraduate grant if their gross household income does not exceed the applicable amounts set forth in the EOF Income Eligibility Scale, as follows:

Applicants with a Household size of	Gross Income (Not to Exceed)
1	\$14,940
2	20,060
3	25,180
4	30,300
5	35,420
6	40,540
7	45,660

Applicants with a
Household size of
8

Gross Income
(Not to Exceed)
50,780

2. For each additional member of the household, an allowance of \$5,120 shall be added to this amount in order to determine EOF eligibility for the 1996-97 academic year. This allowance shall be adjusted to reflect changes in the national poverty threshold as published in the Federal Register. In addition, the gross income level for each household size shall also be adjusted annually.

(b) An applicant who comes from a household with two wage earners (either both parents/guardians or both applicant and spouse) whose combined incomes exceed the applicable amount set forth in the EOF Income Eligibility Scale above may be eligible for EOF, only if:

1. The total income does not still exceed the applicable amount set forth in the EOF Income Eligibility Scale when 50 percent of the smaller income is subtracted from the gross household income.

2. Documentation in each applicant's file includes the mathematical computation described above along with wage and tax statements (form W2) of both wage earners.

(c) An applicant whose family receives welfare as the primary means of family support is presumed to be eligible without regard to the amount of primary welfare support.

(d) In determining financial eligibility for an EOF undergraduate grant, separation or divorce or the death of a wage earner in the calendar year prior to the academic year for which eligibility is being determined, with an accompanying decrease in household income below the EOF Income Eligibility Scale, does not automatically satisfy the characteristic of historical poverty (as stated in N.J.A.C. 9A:11-1.2(a)1 through 5) expected of EOF students.

(e) The campus EOF director must approve students in these cases (9A:11-1.6(d)), after review and recommendation by the financial aid office. The campus EOF director, in cooperation with the director of financial aid, shall have the discretion to use professional judgment to assess whether a family is historically and economically disadvantaged in determining an applicant's financial eligibility for admission to the EOF Program.

(f) Where there is evidence that strict adherence to the maximum income eligibility cut-offs will not serve the purpose of the EOF Program, the campus EOF director has the discretion to admit, up to a maximum of 10 percent of the annual freshman class, students with family incomes as high as, but no more than, 281 percent of the official national poverty threshold as published annually by the federal government. These discretionary admits, however, must also meet all other eligibility provisions of N.J.A.C. 9A:11-1.1 and 1.2.

(g) The student's record must contain sufficient documentation to verify the discretionary criteria. Every effort should be made to give priority to those students whose incomes are within the limits of N.J.A.C. 9A:11-1.6.

(h) Institutions must receive permission from the Executive Director of the EOF Program to exceed the 10 percent discretionary over-income waiver set forth in (f) and (g) above.

Amended by R.1978 d.200, effective June 19, 1978.
See: 10 N.J.R. 281(c).

Amended by R.1979 d.59, effective June 1, 1979.

See: 10 N.J.R. 537(a), 11 N.J.R. 131(d).

Amended by R.1979 d.230, effective June 13, 1979.

See: 11 N.J.R. 237(e), 11 N.J.R. 342(c).

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

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

Text substantially amended and renumbered.

Amended by R.1983 d.170, effective June 6, 1983.

See: 15 N.J.R. 206(b), 15 N.J.R. 924(b).

Added E.O.F. Eligibility Scale and references to Scale. Added 5 to (c). Maximum income limit in (d)5, increased from \$1,180 to \$1,480.

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

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

Old (e) repealed; (f)-(g) recodified to (e)-(f).

Amended by R.1986 d.344, effective August 18, 1986.

See: 18 N.J.R. 926(a), 18 N.J.R. 1704(a).

Old (e) deleted and new text substituted.

Amended by R.1987 d.289, effective July 20, 1987.

See: 19 N.J.R. 15(a), 19 N.J.R. 1316(a).

Added text to (e)2; added new (e)3; renumbered old (e)3-4 as (e)4-5 renumbered old (e)5 as (f) and deleted old (f).

Amended by R.1987 d.492, effective December 7, 1987.

See: 19 N.J.R. 499(a), 19 N.J.R. 2282(a).

Substantially amended.

Amended by R.1988 d.353, effective August 1, 1988.

See: 20 N.J.R. 722(a), 20 N.J.R. 1944(b).

Substantially amended.

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

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

At (c)4, deleted need for affidavit and added reference to criteria at N.J.A.C. 9:11-1.5(e).

Amended by R.1989 d.468, effective September 5, 1989.

See: 21 N.J.R. 1489(a), 21 N.J.R. 2788(a).

Increased maximum gross income levels for participation in program.

Amended by R.1990 d.556, effective November 19, 1990.

See: 22 N.J.R. 1659(a), 22 N.J.R. 3485(a).

Increased maximum gross income levels for program participation.

Amended by R.1992 d.223, effective May 18, 1992.

See: 23 N.J.R. 1739(a), 24 N.J.R. 1898(a).

Revised (a) and (d).

Amended by R.1992 d.353, effective September 8, 1992.

See: 24 N.J.R. 1859(a), 24 N.J.R. 3091(c).

Revised (a), (d) and (e).

Amended by R.1993 d.479, effective October 4, 1993.

See: 25 N.J.R. 1946(a), 25 N.J.R. 4597(a).

Recodified from 9:11-1.5 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.1995 d.248, effective May 15, 1995.

See: 27 N.J.R. 812(a), 27 N.J.R. 1993(a).

Amended by R.1996 d.220, effective May 6, 1996.

See: 28 N.J.R. 23(b), 28 N.J.R. 2386(a).

In (a)1 and 2 increased gross income limits.

9A:11-1.7 Verification of financial eligibility

(a) It is the responsibility of institutional officials to verify the income and assets of all undergraduate EOF grant applicants' parent(s) or guardian(s), as well as the applicant

and applicant's spouse at the time of initial enrollment. The purpose of the verification is to insure that EOF funds are not granted to a student, regardless of his or her status or relationship to his or her family, whose family is in an economic position to assist in financing his or her education.

(b) It is required that all recipients of undergraduate EOF grants apply for the Federal Pell Grant and the New Jersey Tuition Aid Grant and all students' files shall contain information from a financial aid form approved by the EOF Board and Student Assistance Board indicating application for the above.

(c) Students who have been found eligible to receive student assistance must provide an authorization to the Office of Student Assistance, which permits the release of Internal Revenue Service and/or State income tax returns for verification purposes. Financial data provided on a financial aid form approved by the EOF Board and Student Assistance Board may be verified by the Department and/or institution through the comparison of information reported on income tax returns and other documentation. Discrepancies will require the reevaluation of the student's eligibility. Students as well as institutions will be notified if an adjustment in the value of aid is required.

(d) In those instances where earnings are not the source of income, regardless of the status of dependency of the awardee, files must contain appropriate documentation and verification on which to base awards (e.g., statements from the Welfare Department, Social Security Administration, Bureau of Children's Services, Veteran's Administration or any other approved administrative agency).

(e) In order to receive an EOF grant, students must demonstrate eligibility through submission of a financial aid form approved by the Educational Opportunity Fund Board of Directors in accordance with established deadline dates. This information must be in the student's file prior to granting an award.

(f) In every case, files should contain completed forms indicating all relevant data such as annual income, household size, sources of income and assets, parent(s) or guardian(s) income and assets, etc. Students' records should include the application for financial aid, the student's signed acceptance of the financial aid package and proof that the grant was actually received by the student.

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

This section was formerly codified as N.J.A.C. 9:11-1.7. The former N.J.A.C. 9:11-1.6 concerning financial eligibility for graduate grants was repealed and subsequent sections were renumbered. Also old (c) deleted and new (c) added.

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

Old (a) deleted; (b)-(g) renumbered (a)-(e).
Amended by R.1989 d.221, effective April 17, 1989.
See: 20 N.J.R. 1769(a), 21 N.J.R. 1011(c).

Deleted use of New Jersey Financial Aid Form and substituted use of a form approved by EOF Board and Student Assistance Board.

Amended by R.1993 d.480, effective October 4, 1993.
See: 25 N.J.R. 1663(a), 25 N.J.R. 4596(a).
Recodified from 9:11-1.6 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:11-1.8 Grant amount

(a) The dollar amount of each E.O.F. grant will be based on three factors:

1. Full or approved part-time enrollment;
2. The financial need of the student; and
3. The type of institution which the student will be attending.

(b) The exact amount of the EOF award will be determined by the institution's EOF and financial aid directors. Priority for determining need and awarding EOF grants shall be given first to students who meet the educational and income criteria in accordance with N.J.A.C. 9A:11-1.1(c) and (d), 9A:11-1.2(a) through (c), and 9A:11-1.6(a) through (c), followed by those students admitted using N.J.A.C. 9A:11-1.6(f) through (h).

(c) Once it is determined that a student is eligible, he or she shall not receive less than the minimum grant nor more than the maximum grant. Under no circumstance shall an E.O.F. award be granted which, in combination with other aid, exceeds the cost of attendance as determined by the institution.

(d) The EOF Board of Directors shall annually review the State grant amounts of EOF students and make adjustments, if necessary. The minimum and maximum award ranges for undergraduate EOF grants for each type of institution follow:

	Minimum	Maximum
Undergraduate		
Community Colleges:		
Full-time:	\$200.00	\$ 750.00
Part-time:		
6-8 credits	200.00	376.00
9-11 credits	200.00	562.00
State Colleges:		
Commuter:		
Full-time:	200.00	850.00
Part-time:		
6-8 credits	200.00	426.00
9-11 credits	200.00	638.00
Residential:		
Full-time:	200.00	1,100.00
Part-time:		
6-8 credits	200.00	676.00
9-11 credits	200.00	888.00
Rutgers, NJIT, UMDNJ-SHRP:		
Commuter:		
Full-time:	200.00	850.00
Part-time:		
6-8 credits	200.00	426.00

1. Having attended or graduated from a District Factor Group A or B school district or a special needs school district, as identified by the New Jersey Department of Education;

2. Having resided in a municipality known as a "high distress" area; such a place is defined by the New Jersey Office of Management and Budget as one which, in comparison with the rest of the state, is characterized by old or substandard housing and/or low real estate value, low per capita income, high unemployment, population decline, and a high percentage of residents receiving welfare and other benefits targeted for low-income families;

3. Having resided in an area that historically has been populated by low-income families; such an area, commonly called a "pocket of poverty", is characterized by the criteria outlined in (a)2 above, even if the larger area, or municipality, is not so characterized;

4. Having a sibling who was, or is, currently enrolled in an EOF Program; or

5. Being eligible (the student or the student's family) for government assistance and educational programs targeted toward low-income and disadvantaged populations (TRIO programs, free and reduced breakfast/lunch programs, food stamps) and being a first-generation college student. The term "first-generation college student" means an applicant whose parents or parent (in the case of an applicant who regularly resided with and received support from only one parent) did not complete a baccalaureate degree.

(b) To be initially eligible for an Educational Opportunity Fund graduate grant, a student must have demonstrated that he or she:

1. Is and has been a legal resident of the State of New Jersey for at least 12 consecutive months prior to receiving the grant;

2. Meets the financial criteria established in N.J.A.C. 9A:11-2.5, Financial eligibility for graduate 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 enrolled or intends to be enrolled full-time and matriculated in a curriculum leading to a graduate degree or certificate at an institution of collegiate grade in New Jersey approved or licensed by the Commission on Higher Education and participating in the EOF Program, 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 EOF degree or certificate programs must have a minimum requirement equivalent to 24 semester hours and be at least one academic year in duration.

(c) Students may not receive assistance under the programs administered by the EOF Board of Directors 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. Students owing a refund on a grant or scholarship or who are in default on a loan may receive State financial assistance if they make arrangements with the appropriate office to repay the debt.

(d) EOF graduate grant awards shall not be used by students attending out-of-State institutions.

Amended by R.1995 d.248, effective May 15, 1995.
See: 27 N.J.R. 812(a), 27 N.J.R. 1993(a).

9A:11-2.3 Student residency

(a) Students must be legal residents of New Jersey for a period of not less than 12 consecutive months immediately prior to receiving a grant.

(b) The residence of a student is defined in terms of domicile. Domicile is defined as the place where a person has his or her true, fixed, permanent home and principal establishment and to which, whenever he or she is absent, he or she has the intention of returning.

(c) Residence established solely for the purpose of attending a particular college cannot be considered as fulfilling the definition of domicile.

(d) When in question, a student must demonstrate proof of residence by presenting one of the following documents:

1. A driver's license;
2. A voter registration form; or
3. Tax returns.

9A:11-2.4 Foreign nationals

(a) A foreign national must present affirmative evidence that he or she is not in the United States for the temporary purpose of obtaining an education. Such evidence must include documentation from the United States Immigration and Naturalization Service that the student may remain permanently in this country and such evidence must be placed in the student's file. The student must:

1. Be the holder of an Alien Registration Receipt Card form I-151 or I-551;
2. Be the holder of an Approval Notice from the Immigration and Naturalization Service form I-181 stating that the non-citizen has met the requirements for Permanent Resident status;
3. Be the holder of a Temporary Resident Card form I-688 with a valid expiration date from the Immigration and Naturalization Service; or

4. Be the holder of an Arrival Departure Record form I-94 endorsed by the Immigration and Naturalization Service showing one of the following:

- i. Parole Indefinite Humanitarian: Paroled pursuant to Sec. 212(d)(5) of the Immigration and Naturalization Act;
- ii. Refugees: Admitted as a refugee pursuant to Sec. 207 of the Immigration and Naturalization Act;
- iii. Granted Asylum: Asylum status granted pursuant to Sec. 208 of the Immigration and Naturalization Act;
- iv. Cuban-Haitian Entrant: Status pending; or
- v. Conditional Entrant: Admission into this status through March 31, 1980.

(b) The Arrival Departure Record form I-94 for persons in the categories in (a) above must be updated for each award year as required by the Immigration and Naturalization Service.

(c) Foreign Nationals with Student Visa Status, F1 or F2 Exchange Visitor Visa status of J1 or J2 Visa Status even when stamped "employment authorized," or holders of form I-94 with one of the endorsements: "adjustment applicant," "245," "245 applicant," "applicant for permanent residence," "voluntary departure," and "deferred action," are considered to be in the United States for temporary reasons and are therefore not eligible for student assistance.

9A:11-2.5 Financial eligibility for graduate grants

(a) The EOF Executive Director shall annually inform institutions of adjustments to the EOF Income Eligibility Scale in accordance with the official national poverty threshold published in the Federal Register and adjusted by 200 percent to reflect the higher cost of living in New Jersey.

1. Students are financially eligible for an EOF graduate grant if their gross household income does not exceed the applicable amounts set forth in the EOF Income Eligibility Scale, as follows:

Applicants with a Household size of	Gross Income (Not to Exceed)
1	\$14,940
2	20,060
3	25,180
4	30,300
5	35,420
6	40,540
7	45,660
8	50,780

2. For each additional member of the household an allowance of \$5,120 shall be added to this amount in order to determine EOF eligibility for the 1996-97 academic year. This allowance shall be adjusted to reflect changes in the national poverty threshold as published in the Federal Register. In addition, the gross income level for each household size shall also be adjusted annually.

(b) An applicant who comes from a household with two wage earners (both applicant and spouse) whose combined incomes exceed the applicable amount set forth in the EOF Income Eligibility Scale above may be eligible for EOF, only if:

1. The total income does not still exceed the applicable amount set forth in the EOF Income Eligibility Scale when 50 percent of the smaller income is subtracted from the gross household income.

2. Documentation in each applicant's file includes the mathematical computation described above along with wage and tax statements (form W2) of both wage earners.

(c) A graduate student who receives welfare as the primary means of family support is presumed to be eligible without regard to the amount of primary welfare support.

(d) In determining financial eligibility for an EOF graduate grant, separation or divorce or the death of a wage earner in the calendar year prior to the academic year for which eligibility is being determined, with an accompanying decrease in household income below the EOF Income Eligibility Scale, does not automatically satisfy the characteristic of historical poverty (as stated in N.J.A.C. 9A:11-2.1 and 2.2(a)1 through 5) expected of EOF students.

(e) The campus EOF director must approve students in the cases established in (b) above, after review and recommendation by the financial aid office. The campus EOF director, in cooperation with the director of financial aid, shall have the discretion to use professional judgment to assess whether a family is historically and economically disadvantaged in determining an applicant's financial eligibility for admission to the EOF Program.

(f) Where there is evidence that strict adherence to the maximum income eligibility cut-offs will not serve the purpose of the EOF Program, the campus EOF director may seek permission from the Executive Director of the EOF Program to admit students with household incomes as high as, but not more than, 281 percent of the official national poverty threshold as published annually by the Federal government. However, these students must first meet all other eligibility provisions of N.J.A.C. 9A:11-2.1 and 2.2.

(g) The student's record must contain sufficient documentation to verify the discretionary criteria. Every effort should be made to give priority to those students whose incomes are within the limits of N.J.A.C. 9A:11-2.5.

(h) The annual gross income and assets of all graduate grant recipients who did not receive an undergraduate grant must be verified by the institution at the time of initial graduate enrollment through the use of Internal Revenue Service documents.

(i) In those instances where earnings are not the source of income, files must contain appropriate documentation and verification at the time of initial enrollment on which to base awards (for example, statements from the Welfare department, Social Security administration, Veteran's administration or any other approved administrative agency).

Amended by R.1995 d.248, effective May 15, 1995.
 See: 27 N.J.R. 812(a), 27 N.J.R. 1993(a).
 Amended by R.1996 d.220, effective May 6, 1996.
 See: 28 N.J.R. 23(b), 28 N.J.R. 2386(a).
 In (a)1 and 2 increased gross income limits.

9A:11-2.6 Grant amounts

(a) The dollar amount of each EOF graduate grant will be based on three factors:

1. Full-time approved enrollment as defined by the institution offering the graduate program of study;
2. The financial need of the student; and
3. The type of institution which the student will be attending.

(b) The exact amount of the EOF award shall be determined by the institution's EOF and financial aid directors. Priority for determining need and awarding EOF graduate grants shall be given first to students who meet the educational and income criteria in accordance with N.J.A.C. 9A:11-2.1(b) through (e), 2.2(a) and (b) and 2.5(a) followed by those students admitted using N.J.A.C. 9A:11-2.5(b) through (g).

(c) Once it is determined that a student is eligible, he or she shall not receive less than the minimum grant nor more than the maximum grant. Under no circumstances shall an EOF award be granted which, in combination with other aid, exceeds the cost of attendance as determined by the institution.

(d) The EOF Board of Directors shall annually review the State grant amounts for EOF students and make adjustments if necessary. The minimum and maximum award range for full-time graduate EOF grants for each type of institution follows:

Graduate	Minimum	Maximum
State Colleges	\$200.00	\$2,100
Four Year Independent	200.00	2,650
Rutgers, NJIT	200.00	2,650
UMDNJ	200.00	4,150

(e) The minimum award, as set forth in this section, shall be granted to all eligible EOF graduate students.

(f) The awarding of all grants within the above stated minimum and maximum range 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.1996 d.23, effective January 2, 1996.

See: 27 N.J.R. 2996(a), 28 N.J.R. 150(a).

9A:11-2.7 Duration of graduate student eligibility

(a) Students deemed eligible at the time of initial graduate enrollment shall retain eligibility for program support services throughout the duration of the initial graduate degree of study as long as he or she maintains full-time enrollment.

(b) In addition, students shall retain eligibility for an EOF graduate grant as long as the student has demonstrated financial need as determined by the institution through submission of a financial aid form approved by the EOF Board of Directors, in accordance with annually established deadline dates.

(c) No student shall be eligible for a graduate EOF grant for more than 10 semesters; however:

1. Length of eligibility at four-year public colleges, four-year independent colleges, Rutgers and NJIT shall be restricted to one semester beyond the normal number of semesters usually required for a full-time student to complete the degree requirements. For example:

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

2. Length of eligibility in the pursuit of a medical or dental degree shall be restricted to one year beyond the normal number of years usually required for a full-time student to complete the degree requirements. In no case shall the maximum graduate eligibility exceed the equivalent of 10 semesters.

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

1. Each degree must be a higher level than the previous one; and
2. In no case shall the combined eligibility exceed the equivalent of 10 semesters.

(e) No EOF graduate grant is to be awarded for summer program study excepting those programs that, by nature, require that specific courses 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. In order to qualify for an exception, the institution must submit a request in writing to the Commission/EOF Office.

9A:11-2.8 Operational provisions for graduate grants

(a) The EOF Board of Directors must approve each institution's initial request to establish an EOF graduate

program. This written request is to be submitted on forms provided by the Executive Director of EOF. Requests must include information outlining the expected objectives to be achieved through participation in the EOF graduate program, the number of students estimated to be eligible, and administrative responsibilities.

(b) Any New Jersey institution of higher education is eligible to participate in the EOF graduate program as long as it is certified as a licensed, accredited public or independent, non-proprietary, graduate or professional school.

(c) Participating institutions are to submit an annual academic year request for student slots to the Executive Director of EOF.

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

(e) To apply for Article III, graduate student grant funds, the financial aid and EOF directors must complete a payment request form to be established prior to the academic year for which funds are being requested for graduate students.

(f) The institutions shall annually submit to the Commission/EOF Office an EOF graduate payment request information form for each student.

(g) A timetable for submission of reports and payment request forms shall be made available to each participating institution.

(h) All files of students receiving EOF graduate grants will be subject to a fiscal audit conducted by the Commission on Higher Education.

9A:11-2.9 Student notification and payment

(a) A student shall be notified in writing by the institution's financial aid officer of the content of his or her financial aid package. The institution's written notification to the student shall contain a clause absolving the State of any responsibility for funding in the event that the grant is based upon fraudulent, inaccurate, or misleading information.

(b) The EOF Board of Directors may elect to provide payment directly to institutions on behalf of student recipients. Payments will be made to institutions for the eligible students in equal installments over the regular academic year, with the number of installments corresponding to the number of school terms. Listings of eligible students to be credited will be provided to institutions.

9A:11-2.10 Discontinuation of EOF graduate grants

(a) The Article III graduate grant is to be discontinued immediately when the student ceases to be eligible under any criteria listed in this subchapter.

(b) The Article III graduate grant is to be discontinued for any student who has been academically dismissed unless reinstated in good standing by institutional officials.

(c) The Article III graduate grant is to be discontinued for any student who is not matriculated in a full-time program of study or any student who is not enrolled. The amount of any grant paid to the institution for that student must be repaid by the institution.

(d) The Article III graduate grant is to be discontinued for any student who refuses to abide by regulations established by the institution for participation in the EOF Program.

(e) The Article III graduate grant is to be discontinued for any student who intentionally falsifies or gives misleading information upon which eligibility was based. The amount of any grant previously paid to that student must be repaid by that student.

9A:11-2.11 Liability

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

(b) In the event that an institution has knowingly conveyed fraudulent and/or 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/or misleading information which has been conveyed by the student, the student 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 Educational Opportunity Fund from ineligible students.

9A:11-2.12 Grant usage

(a) The EOF graduate grant must be applied to the student's educational costs only. Educational costs are inclusive of whatever constitutes each institutional educational budget and may include tuition, fees, room and board, transportation, books, educational supplies and child care.

(b) Use of EOF graduate grants for any other costs is strictly prohibited.