

**CHAPTER 11**

**EDUCATIONAL OPPORTUNITY FUND:  
ADMINISTRATIVE PROCEDURES  
AND POLICIES**

**Authority**

N.J.S.A. 18A:71-28 et seq. and 18A:71-33 through 36.

**Source and Effective Date**

R.2009 d.187, effective May 13, 2009.  
See: 40 N.J.R. 6365(a), 41 N.J.R. 2471(a).

**Chapter Expiration Date**

Chapter 11, Educational Opportunity Fund: Administrative Procedures and Policies, expires on May 13, 2014.

**Chapter Historical Note**

Chapter 11, Administrative Procedures and Policies, was filed and became effective prior to September 1, 1969.

Chapter 11, Educational Opportunity Fund: Administrative Procedures and Policies, was adopted as emergency new rules by R.1973 d.121, effective May 2, 1973. See: 5 N.J.R. 188(b).

Subchapter 2 was repealed by R.1978 d.201, effective for the academic year beginning the fall of 1978. See: 9 N.J.R. 570(a), 10 N.J.R. 281(d).

Pursuant to Executive Order No. 66(1978), Chapter 11, Educational Opportunity Fund: Administrative Procedures and Policies, was readopted as R.1983 d.646, effective January 18, 1984. See: 15 N.J.R. 1428(a), 16 N.J.R. 143(b).

Subchapter 2, Martin Luther King Physician-Dentist Scholarship Program, was adopted as new rules by R.1988 d.153, effective April 4, 1988. See: 19 N.J.R. 2374(a), 20 N.J.R. 807(b).

Pursuant to Executive Order No. 66(1978), Chapter 11, Educational Opportunity Fund: Administrative Procedures and Policies, expired on January 18, 1989.

Chapter 11, Educational Opportunity Fund: Administrative Procedures and Policies, was adopted as new rules by R.1989 d.222, effective April 17, 1989. See: 20 N.J.R. 2506(a), 21 N.J.R. 1012(a).

Subchapter 3, C. Clyde Ferguson Law Scholarship, was adopted as new rules by R.1991 d.306, effective June 17, 1991. See: 22 N.J.R. 3439(a), 23 N.J.R. 1944(a).

Pursuant to Executive Order No. 66(1978), Chapter 11, Educational Opportunity Fund: Administrative Procedures and Policies, consisting of Subchapter 1, Undergraduate Financial EOF Assistance, was readopted as R.1994 d.226, effective April 11, 1994. See: 26 N.J.R. 711(a), 26 N.J.R. 1857(a).

Pursuant to Executive Order No. 66(1978), Subchapter 2, Martin Luther King Physician-Dentist Scholarship Program and Subchapter 3, C. Clyde Ferguson Law Scholarship, expired on April 17, 1994.

Subchapter 2, Graduate EOF Financial Eligibility, Subchapter 3, C. Clyde Ferguson Law Scholarship, and Subchapter 4, Martin Luther King Physician-Dentist Scholarship Program, were adopted as new rules by R.1994 d.452, effective September 6, 1994. See: 26 N.J.R. 1932(a), 26 N.J.R. 3722(a).

Chapter 11, Educational Opportunity Fund: Administrative Procedures and Policies, was recodified as N.J.A.C. 9A:11 by R.1995 d.248, effective May 15, 1995. See: 27 N.J.R. 812(a), 27 N.J.R. 1993(a).

Chapter 11, Educational Opportunity Fund: Administrative Procedures and Policies, was repealed and Chapter 11, Educational Opportunity Fund: Administrative Procedures and Policies, was adopted as new rules by R.1999 d.46, effective February 1, 1999. See: 30 N.J.R. 3771(a), 31 N.J.R. 420(a).

Chapter 11, Educational Opportunity Fund: Administrative Procedures and Policies, was readopted as R.2004 d.161, effective March 25, 2004. See: 35 N.J.R. 5533(a), 36 N.J.R. 1919(b).

Chapter 11, Educational Opportunity Fund: Administrative Procedures and Policies, was readopted as R.2009 d.187, effective May 13, 2009. As a part of R.2009 d.187, Subchapter 2, Undergraduate EOF Financial Eligibility, was renamed Undergraduate EOF Academic and Financial Eligibility, effective June 15, 2009. See: Source and Effective Date. See, also, section annotations.

**CHAPTER TABLE OF CONTENTS**

**SUBCHAPTER 1. AUTHORITY, MISSION AND SCOPE**

- 9A:11-1.1 Authority
- 9A:11-1.2 Definitions
- 9A:11-1.3 EOF mission statement
- 9A:11-1.4 Scope

**SUBCHAPTER 2. UNDERGRADUATE EOF ACADEMIC AND FINANCIAL ELIGIBILITY**

- 9A:11-2.1 Scope
- 9A:11-2.2 Student eligibility
- 9A:11-2.3 Financial eligibility for initial Article III student grants
- 9A:11-2.4 Dependent/independent student defined
- 9A:11-2.5 Verification of financial eligibility
- 9A:11-2.6 Grant amount
- 9A:11-2.7 Financial aid packaging
- 9A:11-2.8 Duration of student eligibility
- 9A:11-2.9 Part-time students
- 9A:11-2.10 Nonfunded students
- 9A:11-2.11 NJ GEAR UP and NJ College Bound grant program support-services-only student
- 9A:11-2.12 Transfer of eligible students to another participating institution
- 9A:11-2.13 Academic progress
- 9A:11-2.14 Discontinuance of Article III student grants

**SUBCHAPTER 3. GRADUATE EOF FINANCIAL ELIGIBILITY**

- 9A:11-3.1 Scope
- 9A:11-3.2 Student eligibility
- 9A:11-3.3 Verification of financial eligibility
- 9A:11-3.4 Grant amounts
- 9A:11-3.5 Duration of graduate student eligibility
- 9A:11-3.6 Discontinuance of Article III graduate student grants

**SUBCHAPTER 4. EOF PROGRAM SUPPORT SERVICES**

- 9A:11-4.1 Scope
- 9A:11-4.2 Institutional eligibility
- 9A:11-4.3 Eligible EOF program requirements
- 9A:11-4.4 Institutional administration
- 9A:11-4.5 Recruitment and admissions
- 9A:11-4.6 Criteria for admission
- 9A:11-4.7 Student transfer procedure
- 9A:11-4.8 Eligible program support components
- 9A:11-4.9 Experimental programs
- 9A:11-4.10 Discontinuance of Article IV program support services

**SUBCHAPTER 5. SUMMER PROGRAM**

- 9A:11-5.1 Scope
- 9A:11-5.2 Institutional eligibility

- 9A:11-5.3 Summer program requirements
- 9A:11-5.4 Student eligibility
- 9A:11-5.5 Verification of financial eligibility
- 9A:11-5.6 Summer program evaluation

**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
- 9A:11-6.2 Application process for new institutions to participate in the EOF program
- 9A:11-6.3 Use of Article III grant funds
- 9A:11-6.4 Academic year Article III award cycle
- 9A:11-6.5 Article III student grant notification and payment
- 9A:11-6.6 Request for payment, adjustment, refund, and/or collection of Article III student grants
- 9A:11-6.7 Appeals
- 9A:11-6.8 Liability
- 9A:11-6.9 Institutional commitment
- 9A:11-6.10 Restrictions on use of Article IV program support funds
- 9A:11-6.11 Transfer of Article IV program support funds
- 9A:11-6.12 Academic progress
- 9A:11-6.13 Procedures regarding academic probation
- 9A:11-6.14 Recordkeeping and data collection
- 9A:11-6.15 Program improvement and evaluation process
- 9A:11-6.16 Annual program report
- 9A:11-6.17 Fiscal audit requirements
- 9A:11-6.18 Program noncompliance
- 9A:11-6.19 Program probationary status
- 9A:11-6.20 Program advisory board (PAB)

**SUBCHAPTER 7. C. CLYDE FERGUSON LAW SCHOLARSHIP**

- 9A:11-7.1 Student eligibility
- 9A:11-7.2 Grant amounts
- 9A:11-7.3 Rules incorporated by reference

**SUBCHAPTER 8. MARTIN LUTHER KING PHYSICIAN-DENTIST SCHOLARSHIP PROGRAM**

- 9A:11-8.1 Student eligibility
- 9A:11-8.2 Grant amounts
- 9A:11-8.3 Rules incorporated by reference

**SUBCHAPTER 1. AUTHORITY, MISSION AND SCOPE**

**9A:11-1.1 Authority**

(a) Under the general supervision of the Commission on Higher Education, the Educational Opportunity Fund Board of Directors creates and adopts such rules deemed necessary for the proper administration of the Educational Opportunity Fund (EOF), as set forth in N.J.S.A. 18A:71-31. The Board administers all Article III, Article IV, C. Clyde Ferguson Law Scholarship, and Martin Luther King Physician-Dentist Scholarship funds appropriated by the State Legislature and other public or private sources and is an agency of communication with departments and agencies of the U.S. government on the availability of grants or loans to New Jersey for purposes related or similar to those set forth in N.J.S.A. 18A:71-28 through 40 and 18A:72J. Through the Commission on Higher Education, the Board of Directors is

responsible and reports periodically in writing to the Governor and the Legislature on the performance of its duties in accordance with the law.

(b) Pursuant to N.J.S.A. 18A:71-28 through 40 and 18A:72J-1 et seq., the Board of Directors shall identify, recruit, and provide financial assistance to needy students who are residents of New Jersey in order that they may attend institutions of higher education. The Board is authorized to determine and promulgate standards of eligibility and award undergraduate and graduate "opportunity grants," C. Clyde Ferguson Law Scholarships, and Martin Luther King Physician-Dentist Scholarships to students attending institutions of collegiate grade that are licensed by the New Jersey Commission on Higher Education and accredited by an accrediting body recognized by the U.S. Secretary of Education. The Board shall also develop, establish, and maintain programs of remedial and supplementary education for eligible students to be administered either directly or through cooperative ventures with any or all of these institutions.

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

In (b), amended the N.J.S.A. reference in the first sentence, substituted "that are licensed by the New Jersey Commission on Higher Education and accredited by the accrediting body recognized by the U.S. Secretary of Education" for "located and approved in New Jersey" in the second sentence, and substituted "these institutions" for "the public and private institutions of higher education in the State" in the third sentence.

**9A:11-1.2 Definitions**

The following words and terms, as used in this chapter, shall have the following meanings unless the context clearly indicates otherwise:

"Abbott school district" means any New Jersey public school district characterized by both low student achievement and concentrated poverty that has been assigned the designation Abbott school district by the Commissioner of Education.

"Ability to benefit" means the provisions under which a student who has neither a high school diploma nor its recognized equivalent may become eligible to receive Federal Title IV, Higher Education Assistance funds and the procedures and conditions under which the Federal Secretary of Education determines that a state or institutional process demonstrates that students pursuing that course of action will benefit from the education and training being offered them.

"Allocation" means the distribution of the annual appropriation to support campus programs and student grants approved by the EOF Board of Directors in the following funding categories: Summer Article III undergraduate, Summer Article III graduate, Summer Article IV, Academic Year Article III undergraduate, Academic Year Article III graduate, Academic Year Article IV any special project funding during the summer or academic year from either Article III or Article IV, Ferguson and King Scholarships.

“Article III” means a New Jersey Educational Opportunity Fund undergraduate or graduate student financial aid grant awarded to an eligible student for the academic year or summer session, or funds used to support the summer program. It is also referred to as Opportunity Grants.

“Article IV” means a New Jersey Educational Opportunity Fund academic year or summer grant allocated to a participating New Jersey college or university to provide program support services to EOF-eligible students. It is also referred to as Supplemental Opportunity Grants.

“Board” means the New Jersey Educational Opportunity Fund Board of Directors, which is appointed by the Governor; sets policy; approves all necessary rules for program operation and student eligibility for Article III academic year and summer session, undergraduate and graduate student grants, academic year and summer program Article IV support funds, C. Clyde Ferguson Law Scholarship, and the Martin Luther King Physician-Dentist Scholarship; develops the annual budget request for the Statewide program; and supports EOF programs at public and independent colleges and universities.

“Budgeted contract” means the fiscal year contract signed by the EOF Executive Director and the president of the participating institution.

“Campus EOF administrator/director” means the individual at a New Jersey institution of higher education directly responsible for the overall administration of the Educational Opportunity Fund (EOF) program at that particular college or university campus.

“Commission” means the New Jersey Commission on Higher Education, which is the State-level planning and coordinating agency for higher education in New Jersey.

“Commission/EOF” means the New Jersey Educational Opportunity Fund Program’s central office, located within the New Jersey Commission on Higher Education.

“District Factor Group (DFG)” means an indicator of the socioeconomic status of citizens in each New Jersey school district. The New Jersey Department of Education uses this measure for the comparative reporting of test results from New Jersey’s Statewide testing programs. The indicators use demographic variables from the most recent U.S. census data, and school districts are ranked and divided into alphabetical groups. The groups range from “A” (lowest socioeconomic districts) to “J” (highest socioeconomic districts).

“Early childhood program aid” means any New Jersey school district that is eligible to receive early childhood program aid from the New Jersey Department of Education under the Comprehensive Educational Improvement and Financing Act of 1996 (P.L. 1996, c.138).

“Eligible urban aid municipality” means a New Jersey municipality that has been authorized to participate in programs administered by the New Jersey Redevelopment Authority.

“EOF” means the New Jersey Educational Opportunity Fund Program.

“EOF equity index” means the ratio of the EOF cohort graduation rate to the overall institutional cohort graduation rate.

“EOF Executive Director” means the chief executive officer of the New Jersey Educational Opportunity Fund Program.

“EOF transfer student” means an undergraduate student who received an initial Article III student grant while earning their associate degree and wishes to pursue a baccalaureate degree at a New Jersey institution that participates in the EOF program, or a student who received an initial Article III student grant and wishes to complete their degree at a New Jersey institution other than the one where they received their initial Article III student grant.

“Federal poverty guidelines” means the family poverty thresholds established annually by the United States Department of Health and Human Services.

“Ferguson Scholarship” means the C. Clyde Ferguson Law Scholarship program.

“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.

“Fund” means the New Jersey Educational Opportunity Fund Program.

“High-distress area” means an area in New Jersey characterized by low 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.

“Historical poverty code” means the code assigned to the six criteria students can use to demonstrate a history of poverty, that must be entered into the New Jersey student grant payment system to process an institution’s request for an initial academic year Article III undergraduate EOF student grant.

“Initial student” means a student who is receiving an Article III EOF undergraduate or graduate student grant for the first time. The term “initial” is not synonymous with the word “freshman,” nor does it imply that the student is in his or her first year of college attendance.

“King Scholarship” means the Martin Luther King Physician-Dentist Scholarship program.

“Labor surplus area,” as defined by the New Jersey Department of Labor and the U.S. Bureau of Labor Statistics, is an area with an unemployment rate of at least 20 percent above the national average for the previous two calendar years. These areas also are eligible for Federal programs designed to provide assistance to impoverished, disadvantaged communities undergoing serious economic problems.

“Master contract” means an annual agreement entered between the Commission on Higher Education and individual New Jersey institutions of higher education specifying the contractual terms and conditions under which the Commission shall provide funds specified under the applicable project contract to the contractor.

“Need” means the difference between the total educational expenses to attend a particular college and what a student or student’s family is expected to contribute towards meeting those costs based on methodology contained in Federal Title IV of the Higher Education Act of 1965, P.L. 89-329, including all subsequent amendments and supplements.

“New Jersey College Bound Grant Program” means a precollege educational enrichment program designed to help ensure completion of secondary school; to increase college admission, retention, and graduation rates of urban youth; and to encourage the successful pursuit of postsecondary education in the science, mathematics, or technology that was funded by the New Jersey Commission on Higher Education.

“NJ GEAR UP state project” means any Federally funded New Jersey state project administered by the Commission under the Gaining Early Awareness and Readiness for Undergraduate Programs.

“NJ GEAR UP/NJ College Bound grant program support-services-only (NJGEARUP/NJ College Bound/SSO) student” refers to an NJ GEAR UP state project and/or NJ College Bound grant program graduate enrolled in college through the Fund who is unable to demonstrate financial eligibility for an initial Article III student grant.

“PAB” means the Program Advisory Board appointed by institutions participating in the Fund.

“Participating institution” means a New Jersey institution of higher education that is licensed by the New Jersey Commission on Higher Education and accredited by an accrediting body recognized by the U.S. Secretary of Education and which has entered into a contractual relationship with the Board to provide an EOF undergraduate, graduate, and/or summer program for eligible students.

“Renewal student” means a student who previously has received an Article III EOF undergraduate or graduate student grant.

“Senior institution” means a baccalaureate (or higher) degree-granting college or university.

“TRIO programs” means the Federally funded grant programs Upward Bound, Talent Search, and Student Support Services.

Amended by R.2000 d.163, effective April 17, 2000.  
See: 32 N.J.R. 156(a), 32 N.J.R. 1422(a).

Inserted “NJ GEAR UP state project” and “NJ GEAR UP support service only (NJ GEAR UP/SSO) student”.  
Amended by R.2004 d.161, effective April 19, 2004.  
See: 35 N.J.R. 5533(a), 36 N.J.R. 1919(b).

Inserted “Abbott school district”, “Early childhood program aid”, “Eligible urban aid municipality”, and “New Jersey College Bound Grant Program”; amended “Initial student”, “Participating institution” and “Renewal student”; deleted “Special needs school district”.  
Amended by R.2005 d.84, effective March 7, 2005.  
See: 36 N.J.R. 3621(a), 37 N.J.R. 773(a).

Rewrote “NJGEAR UP support service only (NJ GEARUP SSO) student”.  
Amended by R.2009 d.187, effective June 15, 2009.  
See: 40 N.J.R. 6365(a), 41 N.J.R. 2471(a).

Added definitions “Ability to benefit”, “EOF equity index”, “EOF transfer student”, “Federal poverty guidelines”, “Historical poverty code” and “Senior institution”; rewrote definition “Allocation”; in definition “Article III”, inserted “, or funds used to support the summer program” and the last sentence; in definition “Article IV”, inserted the last sentence; and deleted definitions “Costs” and “Opportunity grant”.

### 9A:11-1.3 EOF mission statement

The New Jersey Educational Opportunity Fund contributes to the development of a college-educated public that reflects the diversity of New Jersey. In partnership with New Jersey colleges and universities, the Fund provides access to higher education and support for highly motivated students who exhibit the potential for success, but who come from families/communities disadvantaged by low income and the lack of access to the quality educational preparation necessary to attend college. Through its partnership with participating institutions of higher education, the Fund seeks to maximize educational opportunities for EOF students by providing direct program services designed to promote persistence through degree completion. Accordingly, EOF supports innovative educational initiatives, supplemental instruction, support services, academic and educational advisement, and leadership development activities to improve the student’s chance of academic success. In concert with other sources of student financial assistance, the Fund also attempts to make college affordable for those students who find the costs of higher education an impediment to access and student persistence.

Amended by R.2009 d.187, effective June 15, 2009.  
See: 40 N.J.R. 6365(a), 41 N.J.R. 2471(a).

Inserted “academic and educational advisement.”.

### 9A:11-1.4 Scope

(a) The rules in this chapter govern the awarding of Article III undergraduate EOF grants to students for study leading to approved certificates, associate degrees, and/or baccalaureate degrees, and the awarding of Article III graduate EOF grants and Ferguson and King Scholarships for study leading to approved master’s, doctoral and/or professional degrees. The rules also govern the development, administration, and main-

tenance of institutional programs of developmental and supplemental education for EOF students supported in part through Article III and Article IV funding in the summer and academic year.

(b) Institutions that participate in the EOF program shall not discriminate in their recruitment and admissions practices based on race, age, creed, religion, marital status, national origin, color, gender, sexual orientation or disability.

Amended by R.2009 d.187, effective June 15, 2009.

See: 40 N.J.R. 6365(a), 41 N.J.R. 2471(a).

In (a), substituted "developmental" for "remedial" and inserted "Article III and"; and in (b), inserted "recruitment and" and substituted "practices" for "decisions".

## SUBCHAPTER 2. UNDERGRADUATE EOF ACADEMIC AND FINANCIAL ELIGIBILITY

### 9A:11-2.1 Scope

This subchapter governs the awarding of Article III undergraduate EOF grants. The Article III undergraduate EOF grant is not a financial aid entitlement. Institutions select students for participation based on the eligibility criteria in N.J.A.C. 9A:11-2.2 and 2.3.

Amended by R.2009 d.187, effective June 15, 2009.

See: 40 N.J.R. 6365(a), 41 N.J.R. 2471(a).

Updated the second N.J.A.C. reference.

### 9A:11-2.2 Student eligibility

(a) The undergraduate EOF Program is designed to provide an opportunity for higher education to disadvantaged New Jersey residents who would be unable to attend and/or succeed academically in college without the financial assistance and special services that are part of this program. The program is intended for students who show potential and exhibit evidence of academic and/or creative promise but who have limited educational and financial resources for college because of poor high school preparation and have economic backgrounds that reflect a history of poverty.

(b) To be eligible for an undergraduate EOF grant, a student must demonstrate a history of poverty, which generally includes documented, long-term economic hardship of the family, such as little or no accumulation of assets and the inability to provide more than the basic needs of family members, as evidence by at least one of the following:

1. Having attended or graduated from a DFG A or B school district or an Abbott school district;

2. Having resided in a municipality that is a high-distress/labor surplus area, or is considered an eligible urban aid municipality, and/or is eligible to receive Early Childhood Program Aid (ECPA) from the New Jersey Department of Education;

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 pursuant to N.J.A.C. 9A:11-4.6, Criteria for admission, 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:11-2.3;

4. Is or will be a full-time student as defined by the institution offering the undergraduate program of study unless the institution has received approval under N.J.A.C. 9A:11-2.9(b) to award grants to part-time students; and

5. Is admitted to and intends full-time enrollment and matriculation in a curriculum leading to an undergraduate degree or certificate at an institution participating in the Fund. Degree and certificate programs shall require a minimum of 24 semester hours or the equivalent and be at least one academic year in duration. The Fund is not intended for a student whose primary educational goal is to complete an adult basic education curriculum or attain language proficiency.

(e) In addition, an eligible student shall exhibit evidence of the potential to succeed in college, but:

1. Shall not have demonstrated sufficient academic preparation to gain admission to an approved institution of higher education under its regular standards of admission (where applicable) and shall have standardized test scores that are below the institutional norms; or

2. Shall have an educational background that indicates a need for improved basic skills, additional academic support, or additional preparation for the applicant's desired degree program.

(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.  
Amended by R.2009 d.187, effective June 15, 2009.

See: 40 N.J.R. 6365(a), 41 N.J.R. 2471(a).

In (c), inserted "pursuant to N.J.A.C. 9A:11-4.6, Criteria for admission,"; in (d)3, updated the N.J.A.C. reference; and in (e)2, deleted ", at an approved institution with an open enrollment admissions policy" from the end.

**9A:11-2.3 Financial eligibility for initial Article III student grants**

(a) The EOF Income Eligibility Scale is based on 200 percent of the annual Federal poverty guideline (that is, doubled) as published annually by the United States Department of Health and Human Services 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 summer, and the gross income limits set forth in this subsection shall be updated through a notice of administrative changes published in the New Jersey Register.

1. Except provided in (d), (e), (g), (h), and (i) 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 2011-12	
Applicants with a Household size of	Gross Income Not to Exceed
1	\$21,660
2	29,140
3	36,620
4	44,100
5	51,580
6	59,060
7	66,540
8	74,020

2. For each additional member of the household, an allowance of \$7,480 shall be added to this amount in order to determine EOF eligibility for the 2011-12 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) An applicant who falls between the ages of 16 to 22, who is or was in a New Jersey Division of Youth and Family Services paid placement, and who meets one of the criteria listed below, automatically satisfies the financial eligibility criteria stated in (a) above:

1. An individual who has been in the care and custody of the New Jersey Division of Youth and Family Services, in an out of home placement, for a period of nine months or more following the individual's sixteenth birthday;

2. An individual who has been in the care and custody of the New Jersey Division of Youth and Family Services after the age of 14 for a cumulative 18 months;

3. An individual who is or has been residing in a transitional living program for youth or in supportive housing for three months or more and the facility or program receives payment pursuant to the New Jersey Homeless Youth Act or the Federal "Runaway and Homeless Youth Act" Title II of Pub. L. 93-415 (42 U.S.C. §§5701 et seq.);

4. An individual adopted through the New Jersey Division of Youth and Family Services after the age of 12

and who is in a subsidized adoption at the time of application; or

5. An individual adopted through the New Jersey Division of Youth and Family Services after the age of 16.

(f) 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.

(g) The campus EOF administrator/director shall approve students in cases such as those cited in (f) 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.

(h) 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.

(i) Institutions shall obtain permission from the EOF Executive Director before exceeding the 10 percent discretionary, over-income waiver set forth in (h) above.

(j) The records of applicants deemed eligible in accordance with the provisions of (g), (h), and (i) above shall contain sufficient documentation to support the use of professional judgment, as stated in (g) above, and the discretionary criteria, as stated in (h) above.

(k) Notwithstanding provisions of (g) and (h) above, priority shall be given to students whose incomes are within the limits of (a) above.

Amended by R.2000 d.18, effective January 18, 2000.  
See: 31 N.J.R. 3034(a), 32 N.J.R. 275(a).

In (a), substituted references to 2000-01 for references to 1999-2000 throughout, increased gross income maximums in 1, and increased allowance in 2.

Amended by R.2001 d.35, effective January 16, 2001.  
See: 32 N.J.R. 3713(a), 33 N.J.R. 268(a).

In (a), substituted references to 2001-02 for references to 2000-2001 throughout, increased gross income maximums in 1, and increased allowance in 2.

Amended by R.2002 d.108, effective April 1, 2002.  
See: 33 N.J.R. 3718(a), 34 N.J.R. 1425(c).

Rewrote (a).

Amended by R.2003 d.28, effective January 21, 2003.  
See: 34 N.J.R. 2896(a), 35 N.J.R. 404(b).

In (a), substituted "2003-04" for "2002-2003" and increased the amounts in the Income Eligibility Scale in 1 and 2.

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

Rewrote the section.

Amended by R.2005 d.84, effective March 7, 2005.

See: 36 N.J.R. 3621(a), 37 N.J.R. 773(a).

Rewrote (a).

Amended by R.2006 d.40, effective January 17, 2006.

See: 37 N.J.R. 3173(a), 38 N.J.R. 801(a).

In (a)1, increased the gross household income maximum for the 2006-07 academic year; in (a)2, increased the allowance from \$6,360 in 2005-06 academic year to \$6,520 for the 2006-07 academic year.

Amended by R.2007 d.88, effective March 19, 2007.

See: 38 N.J.R. 4798(a), 39 N.J.R. 933(a).

In introductory paragraph of (a), rewrote last sentence; in the table in (a)1, substituted "2007-08" for "2006-07" and updated the dollar amounts; and in (a)2, substituted "6,800" for "6,520" and "2007-08" for "2006-07".

Administrative change.

See: 39 N.J.R. 4845(a).

Administrative change.

See: 40 N.J.R. 6204(b).

Recodified from N.J.A.C. 9A:11-2.4 and amended by R.2009 d.187, effective June 15, 2009.

See: 40 N.J.R. 6365(a), 41 N.J.R. 2471(a).

In the introductory paragraph of (a), inserted "by the United States Department of Health and Human Services"; in (a)1, substituted "(e), (g), (h), and (i)" for "(f), (g) and (h)"; added new (e); recodified former (e) through (j) as (f) through (k); in (g), substituted "(f)" for "(e)"; in (i), substituted "(h)" for "(g)"; in (j), substituted "(g), (h), and (i) above" for "(f), (g) and (h) above," "(g) above" for "(f) above", and "(h) above" for "(g) above"; and in (k), substituted "(g) and (h)" for "(f) and (g)". Former N.J.A.C. 9A:11-2.3, Dependent/independent student defined, recodified to N.J.A.C. 9A:11-2.4.

Administrative change.

See: 42 N.J.R. 482(a).

Administrative change.

See: 42 N.J.R. 482(a), 2620(b).

#### 9A:11-2.4 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.

Recodified from N.J.A.C. 9A:11-2.3 by R.2009 d.187, effective June 15, 2009.

See: 40 N.J.R. 6365(a), 41 N.J.R. 2471(a).

Former N.J.A.C. 9A:11-2.4, Financial eligibility for initial Article III student grants, recodified to N.J.A.C. 9A:11-2.3.

#### 9A:11-2.5 Verification of financial eligibility

(a) At the time that a student receives an initial EOF student grant, 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 2.3.

(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 ad-

ministrative 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 record shall also include the application for financial aid 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 repayments. 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.

Amended by R.2009 d.187, effective June 15, 2009.

See: 40 N.J.R. 6365(a), 41 N.J.R. 2471(a).

In (a), substituted “that a student receives an initial EOF student grant” for “of initial enrollment” and updated the second N.J.A.C. reference; in (c), deleted “, the student’s signed acceptance of the financial

aid package,” following “aid”; and in (d), substituted “repayments” for “repayment” and deleted the former second sentence.

**9A:11-2.6 Grant amounts**

(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:11-2.3(a), (d), and (e) followed by students admitted under N.J.A.C. 9A:11-2.3(g), (h), and (i).

(c) The institution shall have the authority to adjust student grants within the minimum and maximum award ranges. 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>Academic Year</u>
<u>Community Colleges</u>	<u>Minimum</u>	<u>Maximum</u>	<u>Maximum</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>State Colleges</u>			
<u>Commuter</u>			
Full-time	\$100.00	\$575.00	\$1,150.00
Part-time:			
6-8 credits	\$100.00	\$288.00	\$576.00
9-11 credits	\$100.00	\$431.00	\$862.00
<u>Residential</u>			
Full-time	\$100.00	\$700.00	\$1,400.00
Part-time:			
6-8 credits	\$100.00	\$427.00	\$854.00
9-11 credits	\$100.00	\$560.00	\$1,120.00
<u>Rutgers, NJIT, UMDNJ-SHRP</u>			
<u>Commuter</u>			
Full-time	\$100.00	\$575.00	\$1,150.00
Part-time:			
6-8 credits	\$100.00	\$288.00	\$576.00
9-11 credits	\$100.00	\$431.00	\$862.00

<u>Undergraduate</u>	<u>Semester Minimum</u>	<u>Semester Maximum</u>	<u>Academic Year Maximum</u>
<u>Residential</u>			
Full-time	\$100.00	\$700.00	\$1,400.00
Part-time:			
6-8 credits	\$100.00	\$427.00	\$854.00
9-11 credits	\$100.00	\$560.00	\$1,120.00
<u>Independent Colleges</u>			
Full-time	\$100.00	\$1,250.00	\$2,500.00
Part-time:			
6-8 credits	\$100.00	\$625.00	\$1,250.00
9-11 credits	\$100.00	\$938.00	\$1,876.00

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).

Amended by R.2006 d.40, effective January 17, 2006.

See: 37 N.J.R. 3173(a), 38 N.J.R. 801(a).

In (c), added the first sentence; in (d), rewrote "full-and" as "full- and" and increased the semester and academic year maximum awards; deleted (e).

Amended by R.2009 d.187, effective June 15, 2009.

See: 40 N.J.R. 6365(a), 41 N.J.R. 2471(a).

In (b), updated the N.J.A.C. references; and in (d), in the fourth column heading of the table, substituted "Academic Year" for "Annual".

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. The cumulative total of semesters of payment shall not exceed eight for pursuit of an associate degree, and 12 for pursuit of a baccalaureate degree.

(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 of payment 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 the Article III undergraduate grant to earn a baccalaureate degree.

(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) Once a student earns a baccalaureate degree, they have exhausted their semesters of undergraduate EOF Article III grant eligibility.

**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 their initial EOF Article III academic year student grant payment 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 el-

(g) 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.

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

(i) 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.

Amended by R.2009 d.187, effective June 15, 2009.  
See: 40 N.J.R. 6365(a), 41 N.J.R. 2471(a).

In the introductory paragraph of (a), substituted "their initial EOF Article III academic year student grant payment" for "initial enrollment"; rewrote (b); in (d), inserted "of payment", inserted "the" preceding "Article III" and substituted "grant to earn a baccalaureate degree" for "grants"; added new (f); recodified former (f) through (h) as (g) through (i); and in (h), inserted "baccalaureate".

#### 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 concerns that impede their ability to pursue a full-time course of study.

(b) Part-time grant eligibility shall be available only to EOF students attending those institutions approved by the Board to award part-time Article III undergraduate grants.

(c) Eligible students shall be advised by institutional EOF staff to pursue part-time enrollment and shall enroll for at least six credits, matriculate in a certificate or degree program, and maintain minimum standards of academic progress as determined by the institution in the context of the provisions of N.J.A.C. 9A:11-2.13.

(d) Each semester of part-time attendance for which an Article III part-time undergraduate grant is awarded shall count as one-half of a semester of grant eligibility. In no case shall a student receive such a grant for more than three semesters in pursuit of an associate degree or four semesters in pursuit of a baccalaureate degree.

(e) Institutions approved to award Article III part-time undergraduate grants shall not award such grants to more than 10 percent of their total EOF-funded population in any given semester.

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), amended the N.J.A.C. reference.

#### 9A:11-2.10 Nonfunded students

(a) Students who receive an initial Article III undergraduate grant but because of a change in income or enrollment status no longer demonstrate need for Article III funds shall be termed nonfunded.

(b) Students who are enrolled in college but no longer eligible for Article III undergraduate grants because of their inability to make satisfactory academic progress as defined in N.J.A.C. 9A:11-2.13 may be considered nonfunded and may receive Article IV program support services, as determined by the institutional EOF administrator/director.

(c) Students who, due to extenuating circumstances, are advised to enroll at less than full-time status but are not eligible for an Article III part-time undergraduate grant may be considered nonfunded and may receive Article IV program support services, as determined by the institutional EOF administrator/director. Documentation of advisement shall be maintained in the student's record.

(d) To retain eligibility for Article IV program support services, a nonfunded student must continue to file the financial aid form approved by the Board and must have received Article III undergraduate academic year funds during initial enrollment in the program.

(e) A student who enrolls in the prefreshman summer program before his or her eligibility has been determined and who is later found financially ineligible cannot be considered a nonfunded student.

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), substituted "no longer eligible for" for "are denied", "because of" for "due to" and amended the N.J.A.C. reference.

#### 9A:11-2.11 NJ GEAR UP and NJ College Bound grant program support-services-only student

(a) A student who has successfully completed an NJ GEAR UP state project and/or an NJ College Bound grant program but is unable to demonstrate financial eligibility for an initial Article III student grant as set forth in N.J.A.C. 9A:11-2.4 shall be termed an NJ GEAR UP/NJ College Bound support-services-only (NJGEARUP/NJ College Bound/SSO) student.

(b) An NJ GEAR UP/NJ College Bound/SSO student is eligible to receive both Article III and Article IV benefits of the prefreshman EOF summer program and subsequent academic year Article IV program support services throughout his or her enrollment in college.

New Rule, R.2000 d.163, effective April 17, 2000.

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

Former N.J.A.C. 9A:11-2.11, Transfer of eligible students to another participating institution, recodified to N.J.A.C. 9A:11-2.12.

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

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

Amended by R.2005 d.84, effective March 7, 2005.

See: 36 N.J.R. 3621(a), 37 N.J.R. 773(a).

Rewrote the section.

ticipation in its EOF program and for continued receipt of academic and financial aid support.

(c) The combination of all services listed in (b) above should facilitate and promote the academic success of students and develop knowledge and skills commensurate with those of the regular student population. The institution, in cooperation with the campus EOF administrator/director, shall establish minimum standards for the campus program and develop processes to evaluate the effectiveness of each program component.

Amended by R.2004 d.161, effective April 19, 2004.  
See: 35 N.J.R. 5533(a), 36 N.J.R. 1919(b).  
Amended by R.2009 d.187, effective June 15, 2009.  
See: 40 N.J.R. 6365(a), 41 N.J.R. 2471(a).

Deleted former (b); recodified former (c) and (d) as (b) and (c); in the introductory paragraph of (b), deleted "and" preceding "promote" and inserted ", and acknowledge their academic success and leadership development"; rewrote (b)4; in (b)9, inserted "civic engagement, social responsibility,"; and in (c), substituted "(b)" for "(c)".

#### 9A:11-4.9 Experimental programs

(a) The Board may authorize the EOF Executive Director to work with institutions, other agencies of State government, or external consultants to develop new initiatives to improve the efficiency and delivery of service to students. The Board also may solicit or consider proposals from institutions to support technology, research, or developmental projects to increase program effectiveness and encourage innovative practices. The Executive Director of EOF, upon the approval of the Board, is authorized to grant awards or contracts for such projects. Experimental areas may include, but are not limited to, projects that would:

1. Increase student preparation for and/or placement in careers where disadvantaged populations traditionally are underrepresented;
2. Increase student placement in professional schools of medicine, law, science, and technology;
3. Foster development of exemplary programs that have potential for expansion and/or replication at other institutions; or
4. Improve the efficiency and effectiveness of administrative processes.

(b) Institutional awards granted for experimental/special projects may be exempt from the provisions of N.J.A.C. 9A:11-6.9, Institutional commitment.

(c) Notwithstanding the provisions of N.J.A.C. 9A:11-6.10(a), the EOF Board may provide limited funds for the purchase/lease of hardware/equipment that is directly related to implementing an experimental/special project.

(d) Institutions shall submit reports on the progress of their experimental/special project(s) to the EOF Executive Director as requested.

(e) Institutions with experimental/special projects that the EOF Executive Director deems successful shall integrate the projects into their overall processes, and after such integration, all provisions of N.J.A.C. 9A:11-6.9 and 6.10 shall apply.

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

In (a), inserted "or consider" following "The Board also may solicit", in the introductory paragraph.

Amended by R.2009 d.187, effective June 15, 2009.  
See: 40 N.J.R. 6365(a), 41 N.J.R. 2471(a).

In (a)1, inserted "preparation for and/or".

#### 9A:11-4.10 Discontinuance of Article IV program support services

(a) Article IV program support services shall be discontinued for any student who refuses to abide by regulations established by the institution for participation in the EOF program.

(b) Article IV program support services shall be discontinued for any student who intentionally falsified or gave misleading information upon which EOF program eligibility was based.

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

In (b), inserted "EOF program" following "upon which".

### SUBCHAPTER 5. SUMMER PROGRAM

#### 9A:11-5.1 Scope

This subchapter governs the development and maintenance of the summer program. The goal of the summer program is to introduce initial students to the academic and social demands of college life, as well as prepare them for transition into the fall semester. Summer programs may also provide support for renewal students to maintain academic sequence and/or participate in enrichment programs to enhance their academic performance and/or improve their preparation for majors/careers where disadvantaged students are underrepresented.

Amended by R.2009 d.187, effective June 15, 2009.  
See: 40 N.J.R. 6365(a), 41 N.J.R. 2471(a).

Substituted "transition" for "matriculation".

#### 9A:11-5.2 Institutional eligibility

Any undergraduate institution in New Jersey that enrolls students who receive academic year Article III grants, under the EOF program and is in compliance with N.J.A.C. 9A:11-1, 2, 4 and 6 is eligible to apply for summer program funds.

Amended by R.2007 d.88, effective March 19, 2007.  
See: 38 N.J.R. 4798(a), 39 N.J.R. 933(a).

Inserted "academic year".

**9A:11-5.3 Summer program requirements**

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

1. Provide orientation services to acclimate initial students to the academic and social environment of post-secondary education;
2. Provide an assessment of students' motivation and commitment to pursue postsecondary education, including, but not limited to, academic skills proficiencies, learning styles and career interests;
3. Provide administrative, counseling, tutoring, and other staff services to ensure adequate student support;
4. Provide an educational program to prepare students for collegiate-level work;
5. Provide continuity with academic year programming activities;
6. Provide in-service training for staff;
7. Improve graduate and/or professional school placement;
8. Provide a systematic effort to help students succeed in majors where disadvantaged students traditionally are underrepresented; and
9. Use research and development models to evaluate and improve the academic support services provided to students.

Amended by R.2007 d.88, effective March 19, 2007.  
See: 38 N.J.R. 4798(a), 39 N.J.R. 933(a).  
Rewrote (a)2.

**9A:11-5.4 Student eligibility**

(a) Any student whom the institution deems eligible for admission to the EOF program in the academic year, pursuant to N.J.A.C. 9A:11-2, shall be qualified to receive additional grant funds for enrollment and full participation in the summer program, in accordance with (b) and (c) below.

(b) Based upon an assessment of students' preparation and readiness for collegiate study, institutions may require eligible students to participate in a prefreshman summer program as a condition of their admission and/or eligibility to receive EOF grants and support services during the academic year. Institutions may permit EOF freshmen to enroll without attending the summer program but shall provide, during the academic year, alternative activities for such students consistent with the provisions of N.J.A.C. 9A:11-5.1 and the criteria in N.J.A.C. 9A:11-5.3.

(c) Institutions shall establish criteria and a well-defined process for distributing summer program funding for renewal students. Depending on the availability of funds, renewal students may attend summer programs if such attendance accomplishes one of the following:

1. Completion of basic skills requirements;
2. Maintenance of academic progress;
3. Completion of graduation requirements;
4. Completion of prerequisites to remain in academic sequence or gain access to a specific major;
5. Removal from academic probation;
6. Repetition of courses not successfully completed (F, incomplete, etc.); or
7. Acceleration and special summer enrichment programming.

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

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

Amended by R.2007 d.88, effective March 19, 2007.

See: 38 N.J.R. 4798(a), 39 N.J.R. 933(a).

In the introductory paragraph of (c), deleted "(which are priority funding categories)" from the end.

Amended by R.2009 d.187, effective June 15, 2009.

See: 40 N.J.R. 6365(a), 41 N.J.R. 2471(a).

Rewrote (b).

**9A:11-5.5 Verification of financial eligibility**

(a) Initial students participating in the summer program shall follow the provisions of N.J.A.C. 9A:11-2.5(a) and (d) as part of summer program enrollment procedures.

(b) Procedures for verifying student eligibility for summer program attendance shall be consistent with those outlined in N.J.A.C. 9A:11-2.5, Verification of financial eligibility.

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

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

In (a), amended the N.J.A.C. reference.

**9A:11-5.6 Summer program evaluation**

(a) Campus programs shall conduct continuous quality assessments of their summer programming, including length of time, academic offerings, supportive services, facilities, etc.

(b) The Commission/EOF may conduct additional summer program evaluations, including visitations, to ensure maximum program effectiveness and accountability.

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

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

Deleted (a) and recodified former (b) and (c) as (a) and (b).

SUBCHAPTER 6. OPERATIONAL PROCEDURES FOR  
ACADEMIC YEAR AND SUMMER ARTICLE III  
STUDENT GRANTS AND ARTICLE IV  
PROGRAM SUPPORT SERVICES FUNDS

**9A:11-6.1 Renewal application process for Article III student grants and Article IV program support funds**

(a) The EOF Executive Director shall annually inform all participating colleges and universities about the availability

of EOF Article III undergraduate and graduate student grants and Article IV program support grants for the academic year and the summer program, as well as all policies and procedures that will be used to distribute the anticipated appropriation based on the Governor's recommendation.

(b) In accordance with the Governor's annual funding recommendation to the Legislature, the Board shall determine annually, preliminary funding allocations for the next fiscal year for each institution that received EOF funds during the previous fiscal year.

(c) The EOF Executive Director shall provide to each participating institution, in writing, notification of the preliminary allocations specifying the funding level and any stipulations regarding the conduct of the program or the disbursement of funds.

(d) Each participating institution must complete a contract budget for funding that reflects the institution's monetary commitment to the campus EOF program. In addition, a mission statement for the campus program, as well as up to five long-term measurable goals, desired outcomes, and a time-line to improve the campus program's overall student performance must be included as part of the contract.

(e) An institution shall have the authority to manage its EOF summer student enrollment within the approved Article III and Article IV summer program allocation and to manage its academic year undergraduate and graduate student enrollment within the approved Article III and Article IV academic year allocation.

(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 program contract with the president of each participating institution in accordance with the final EOF funding level(s) contained in the annual appropriation act. 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.

(h) Based on an institution's annual academic year EOF Article III allocation, student grant funds shall be awarded to eligible students in the following priority order:

1. Renewal students who were funded during the previous academic year;
2. First-time, full-time freshmen;
3. EOF transfer students who received an EOF student grant at their previous institution, in the preceding academic year;
4. Renewal students readmitted or returning who did not receive funding the prior academic year; and

5. Eligible students who do not fall into any of the other four categories listed above.

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

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

Amended by R.2006 d.40, effective January 17, 2006.

See: 37 N.J.R. 3173(a), 38 N.J.R. 801(a).

Added (f); recodified former (f) and (g) as (g) and (h).

Amended by R.2007 d.88, effective March 19, 2007.

See: 38 N.J.R. 4798(a), 39 N.J.R. 933(a).

In (f), inserted "and Article IV" two times.

Amended by R.2009 d.187, effective June 15, 2009.

See: 40 N.J.R. 6365(a), 41 N.J.R. 2471(a).

Rewrote (a); deleted former (b) through (e); added new (b) through (d); recodified former (f) through (h) as (e) through (g); rewrote (g); and added new (h).

#### **9A:11-6.2 Application process for new institutions to participate in the EOF program**

(a) Institutions of higher education that wish to participate in the EOF program for the first time shall be licensed by the New Jersey Commission on Higher Education and accredited by an accrediting body recognized by the U.S. Secretary of Education and shall submit to the EOF Executive Director a letter of intent and a plan that includes the following information:

1. The identification of an eligible target population;
2. The proposed structure of the institutional program;
3. A description of the processes for delivery of 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.

Amended by R.2009 d.187, effective June 15, 2009.

See: 40 N.J.R. 6365(a), 41 N.J.R. 2471(a).

In (a)3, inserted the second occurrence of "of".

**9A:11-6.3 Use of Article III grant funds**

(a) EOF Article III academic year funds are allocated as semester grants per student and shall be applied toward 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, required educational materials and supplies, transportation and child care.

(b) The EOF Article III summer program allocation shall be applied toward EOF summer students' educational costs. In the summer, such costs shall include whatever constitutes the participating institution's educational budget and/or instructional costs as follows:

1. Tuition charged per student or instructional costs (that is, instructors' and teaching assistants' salaries), but never both for any single course;
2. Fees, room and board, books, educational supplies, transportation, and child care, as well as stipends and insurance;
3. Salaries, and room and/or board for professional, graduate, and/or peer tutors; and
4. Educational materials used to support instruction.

(c) Use of Article III funds 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).  
Amended by R.2007 d.88, effective March 19, 2007.  
See: 38 N.J.R. 4798(a), 39 N.J.R. 933(a).

In (a), deleted "The" preceding "EOF", substituted "funds are allocated as semester grants per student and" for "grant" and "toward" for "to the"; rewrote the introductory paragraph of (b); added (b)1 through (b)4; and in (c), substituted "funds" for "student grants".

Amended by R.2009 d.187, effective June 15, 2009.  
See: 40 N.J.R. 6365(a), 41 N.J.R. 2471(a).

In (a), inserted "required" and "materials and".

**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 institu-

tional determination of ineligibility for an Article III student grant, but only after the student has appealed through all institutional channels, because EOF is a campus-based program. (Participating institutions are responsible for verifying grant and scholarship eligibility and for establishing appeal procedures.)

1. Appeals shall be in the form of a letter addressed to the EOF Executive Director at the Commission/EOF, PO Box 542, Trenton, New Jersey 08625-0542.

2. The letter shall contain the student's full name, social security number, and college of attendance and present detailed information about the case, including a description of the basis for appeal and the names of institutional officials contacted during the institutional appeal process.

(b) If an institution presents, after State payment deadline dates, new information or evidence that justifies reversing previous institutional determinations of ineligibility, the institution may seek authorization from the EOF Executive Director to receive payments in the same fiscal year, but such requests shall be submitted before June 30th of each year.

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

In (a)2, substituted "social security number, and college of attendance" for "and social security number, identify the college of attendance,".

#### 9A:11-6.8 Liability

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

(b) If an institution knowingly conveys fraudulent or misleading information in order to obtain Article III grants for ineligible students, the institution shall be held liable and shall be required to make restitution to the State.

(c) If an institution makes an award in good faith based on information provided by the student that is later found to be fraudulent or misleading, the student is liable for returning the Article III grant. The institution shall include a written statement to this effect with each student's award notification.

(d) The institution shall undertake the appropriate steps to reclaim moneys due the Fund from ineligible students. When EOF grants have been received based on fraudulent information, institutions shall notify the EOF Executive Director and shall report on efforts made to reclaim said funds.

(e) The Board is not liable for institutional financial expenditures that exceed a participating institution's fiscal year budgeted contract allocations for Article III or Article IV funds.

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

In (c), substituted "that is" for "and" following "information provided by the student".

#### 9A:11-6.9 Institutional commitment

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

(b) Article IV program support funds are intended to supplement, not supplant, existing services provided by the institution. A participating institution shall not charge the EOF program, either directly or through the institutional match provision of (c) below, for services that are not over and above those available to the general student population.

(c) Participating institutions shall provide a broad range of support services to students enrolled in the program. Institutions shall provide matching funds equivalent to no less than the total academic year Article IV program support allocation provided by the Board.

1. The institutional match for campus EOF program costs may consist of any of the following:

i. Funds contributed or donated to the institution by public agencies, private organizations, or individuals;

ii. Real or personal property contributed or donated to the institution by public agencies, private organizations, or individuals;

iii. The provision and maintenance of state of the art technological equipment (such as computer hardware, modems, fax machines);

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

v. All or a portion of any EOF staff member's salary, wages, or fringe benefits; or

vi. Indirect expenses, such as space, light, heat, etc., up to but not more than 10 percent of total program costs.

2. Institutional match items shall not include:

i. The salary and/or fringe benefits of high-level institutional officers who serve all students. Where these individuals are included, a detailed justification shall accompany the proposed contract budget. The justification shall include services provided to EOF students that would not normally accrue as a result of tuition payment. Expenditures for personnel who provide direct services to EOF students will be allowed;

ii. Items and services normally provided to students by the institution without charge;

iii. Items and services normally provided to the institution by other government agencies without charge;

iv. Charges incurred by the institution as program costs but require no cash outlay by the institution during the grant period; or

v. Any cost incurred or contribution of services made in a prior fiscal year.

(d) The contract budget shall provide a format for the institution to record separately all institutional match and grant award items, including fringe benefits; budgets are subject to audit.

(e) The EOF Executive Director shall review all budgets to determine appropriateness of any in-kind contributions offered as institutional match and make recommendations to the Board. An institution may appeal the disallowance of an institutional match item in writing within 30 days of issuance of the formal agreement. The EOF Executive Director shall consider the appeal and make a recommendation to the Board.

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

#### **9A:11-6.10 Restrictions on use of Article IV program support funds**

(a) Article IV program support funds shall not be used for the following items:

1. Employee benefits for academic year student assistants and part-time personnel;
2. The purchase of equipment/hardware;
3. Indirect expenses (such as space, heat, lights, postage, and telephone) that exceed 10 percent of the total academic year Article IV allocation;
4. Transportation of students for normal commuting costs;
5. The salary and fringe benefits of the campus EOF administrator/director;
6. Fringe benefits for 12-month EOF staff at public senior institutions;
7. Fringe benefits in excess of 21 percent of the salaries and wages paid by EOF funds for 12-month EOF staff at community colleges and independent institutions;
8. The cost of instruction for which students are charged tuition;
9. Other student costs that normally are covered by a student's financial aid package, such as fees, room and board, books, educational supplies, transportation, and child care;
10. Lobbying, partisan political contributions, and/or fund raising activities; or
11. The purchase of alcoholic beverages.

Amended by R.2007 d.88, effective March 19, 2007.  
See: 38 N.J.R. 4798(a), 39 N.J.R. 933(a).

In (a)1, inserted "academic year"; and in (a)6, inserted "12-month" two times.

Amended by R.2009 d.187, effective June 15, 2009.  
See: 40 N.J.R. 6365(a), 41 N.J.R. 2471(a).

In (a)3, substituted "academic year Article IV allocation" for "program costs"; rewrote (a)6; added new (a)7; recodified former (a)7 through (a)10 as (a)8 through (a)11; and rewrote (a)10.

#### **9A:11-6.11 Transfer of Article IV program support funds**

(a) Institutions shall not transfer Article IV program support funds to establish new personnel or new other-than-personnel items that were not part of the original contract without prior written approval by the EOF Executive Director.

(b) Transfers within existing personnel lines or within existing other-than-personnel-services (OTPS) lines, as included in the original contract, do not require prior approval, but the institution shall notify the EOF Executive Director in writing that such transfers have taken place.

#### **9A:11-6.12 Academic progress**

Each institution shall establish a policy and maintain a process to monitor EOF students' performance and inform students of their academic progress and standing. This process shall include operational procedures to record and review student progress prior to the fall semester of each academic year, in accordance with N.J.A.C. 9A:11-2.13 and to provide student advisement through the counseling component of the program.

Amended by R.2002 d.141, effective May 20, 2002.  
See: 34 N.J.R. 634(a), 34 N.J.R. 1849(a).  
Amended the N.J.A.C. reference.

#### **9A:11-6.13 Procedures regarding academic probation**

(a) Article III student grants and EOF program support services may be discontinued for reasons outlined in N.J.A.C. 9A:11-2.14, Discontinuance of Article III student grants, and N.J.A.C. 9A:11-4.10, Discontinuance of Article IV program support services.

(b) Each participating institution shall have procedures to notify the campus EOF administrator/director about program participants placed on academic probation and dismissal. EOF staff shall conduct an assessment of these students' overall academic performance and require the students' participation in such support programs as may be appropriate.

(c) Each participating institution shall establish an appeal process for EOF students who fail to meet the institution's academic progress standards. The process shall involve the campus EOF administrator/director and should employ appropriate academic support remedies before academic dismissal.

Amended by R.2002 d.141, effective May 20, 2002.  
See: 34 N.J.R. 634(a), 34 N.J.R. 1849(a).

In (a), substituted "Article III student grants and EOF program" for "Program" and amended the N.J.A.C. reference.

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

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

In (a), amended the N.J.A.C. reference.