

through Article III and Article IV funding in the summer and academic year.

(b) Institutions that participate in the EOF program shall:

1. Not discriminate in their recruitment and admissions practices based on race, age, creed, religion, marital status, national origin, color, gender, sexual orientation, or disability; and

2. Meet N.J.A.C. 9A:9-2.1(d)2, the New Jersey Higher Education Student Assistance Authority's rule governing the provision of documentation that it is authorized to participate in Title IV Federal student aid programs under the Higher Education Act of 1965, as amended and its implementing regulations.

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".

Amended by R.2013 d.114, effective September 16, 2013.

See: 45 N.J.R. 88(a), 45 N.J.R. 2142(a).

Rewrote (b).

## 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 evidenced by at least one of the following:

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

2. Having resided in a municipality that is a high-distress/labor surplus area, or is considered an eligible urban aid municipality;

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;

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.

Amended by R.2011 d.145, effective June 6, 2011.  
See: 42 N.J.R. 2690(a), 43 N.J.R. 1333(b).

In (b)1, deleted "or an Abbott school district" following "B school district"; and in (b)2, deleted "and/or is eligible to receive Early Childhood Program Aid (ECPA) from the New Jersey Department of Education" following "urban aid municipality".

Amended by R.2013 d.114, effective September 16, 2013.  
See: 45 N.J.R. 88(a), 45 N.J.R. 2142(a).

In (d)1, deleted "or demonstrates an 'ability to benefit'" 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 2013-14

Applicants with a Household size of	Gross Income Not to Exceed
1	\$22,340
2	30,260
3	38,180
4	46,100
5	54,020
6	61,940
7	69,860
8	77,780

2. For each additional member of the household, an allowance of \$7,920 shall be added to this amount in order to determine EOF eligibility for the 2013-14 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.)1;

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).

Administrative change.

See: 44 N.J.R. 165(a), 2652(a).

#### 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 administrative agency), regardless of the awardee's dependency status.

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