

NEW JERSEY ADMINISTRATIVE CODE

TITLE 9A – HIGHER EDUCATION

SECRETARY OF HIGHER EDUCATION

CHAPTER 11

EDUCATIONAL OPPORTUNITY FUND: ADMINISTRATIVE PROCEDURES AND
POLICIES

Most Recent Revision: September 2, 2025
Expiration Date: October 20, 2030

Table of Contents

SUBCHAPTER 1. AUTHORITY, MISSION, AND SCOPE	4
9A:11-1.1 Authority	4
9A:11-1.2 Definitions	4
9A:11-1.3 EOF Mission Statement	7
9A:11-1.4 Scope	8
SUBCHAPTER 2. UNDERGRADUATE EOF ACADEMIC AND FINANCIAL ELIGIBILITY	9
9A:11-2.1 Scope	9
9A:11-2.2 Student eligibility.....	9
9A:11-2.3 Financial eligibility for initial Article III student grants.....	10
9A:11-2.4 Dependent/independent student defined.....	12
9A:11-2.5 Verification of financial eligibility	12
9A:11-2.6 Grant amounts	13
9A:11-2.7 Financial aid packaging.....	13
9A:11-2.8 Duration of student eligibility	14
9A:11-2.9 Part-time students.....	15
9A:11-2.10 Non-funded students	16
9A:11-2.11 NJ GEAR UP and NJ College Bound grant program support-services-only student	16
9A:11-2.12 Transfer of eligible students to another participating institution.....	16
9A:11-2.13 Academic progress	17
9A:11-2.14 Discontinuance of Article III student grants.....	18
SUBCHAPTER 3. GRADUATE EOF FINANCIAL ELIGIBILITY	19
9A:11-3.1 Scope	19

9A:11-3.2 Student eligibility.....	19
9A:11-3.3 Verification of financial eligibility	20
9A:11-3.4 Grant amounts	20
9A:11-3.5 Duration of graduate student eligibility	20
9A:11-3.6 Discontinuance of Article III graduate student grants	21
SUBCHAPTER 4. EOF PROGRAM SUPPORT SERVICES	22
9A:11-4.1 Scope	22
9A:11-4.2 Institutional eligibility.....	22
9A:11-4.3 Eligible EOF program requirements	22
9A:11-4.4 Institutional administration.....	22
9A:11-4.5 Recruitment and admissions.....	24
9A:11-4.6 Criteria for admission	24
9A:11-4.7 Student transfer procedure.....	25
9A:11-4.8 Eligible program support components.....	25
9A:11-4.9 Experimental programs	26
9A:11-4.10 Discontinuance of Article IV program support services	27
SUBCHAPTER 5. SUMMER PROGRAM AND WINTER SESSION.....	28
9A:11-5.1 Scope	28
9A:11-5.2 Institutional eligibility.....	28
9A:11-5.4 Student eligibility.....	28
9A:11-5.5 Verification of financial eligibility	29
9A:11-5.6 Summer program and winter session evaluation	29
SUBCHAPTER 6. OPERATIONAL PROCEDURES FOR ACADEMIC YEAR, WINTER SESSION, SUMMER ARTICLE III STUDENT GRANTS, AND ARTICLE IV PROGRAM SUPPORT SERVICES FUNDS	30
9A:11-6.1 Renewal application process for Article III student grants and Article IV program support funds	30
9A:11-6.2 Application process for new institutions to participate in the EOF program	31
9A:11-6.3 Use of Article III grant funds.....	31
9A:11-6.4 Academic Year Article III award cycle.....	32
9A:11-6.5 Article III student grant notification and payment.....	32
9A:11-6.6 Request for payment, adjustment, refund, and/or collection of Article III student grants...	33
9A:11-6.7 Appeals	33

9A:11-6.8 Liability	34
9A:11-6.9 Institutional commitment	34
9A:11-6.10 Restrictions on use of Article IV program support funds	35
9A:11-6.11 Transfer of Article IV program support funds	36
9A:11-6.12 Academic progress	36
9A:11-6.13 Procedures regarding academic probation	36
9A:11-6.14 Recordkeeping and data collection	37
9A:11-6.15 Program improvement and evaluation process	38
9A:11-6.16 Annual program report	38
9A:11-6.17 Fiscal audit requirements	39
9A:11-6.18 Program noncompliance	39
9A:11-6.19 Program probationary status	39
9A:11-6.20 Program advisory board (PAB)	40
SUBCHAPTER 7. C. CLYDE FERGUSON LAW SCHOLARSHIP	41
9A:11-7.1 Student eligibility	41
9A:11-7.2 Grant amounts	41
9A:11-7.3 Rules incorporated by reference	41
SUBCHAPTER 8. MARTIN LUTHER KING PHYSICIAN-DENTIST SCHOLARSHIP PROGRAM	42
9A:11-8.1 Student eligibility	42
9A:11-8.2 Grant amounts	42
9A:11-8.3 Rules incorporated by reference	43

SUBCHAPTER 1. AUTHORITY, MISSION, AND SCOPE

9A:11-1.1 Authority

(a) Under the general supervision of the Office of the Secretary of 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 et seq.. Through the Office of the Secretary of 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 in New Jersey. 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 Office of the Secretary of 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.

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:

“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 Program Article III undergraduate, Academic Year Article III undergraduate, Academic Year Article III graduate, Summer Program Article IV undergraduate, Academic Year Article IV, Winter Session Article III undergraduate, Winter session Article IV undergraduate, and any special project funding during the summer, winter, or academic year from either Article III or Article IV, and 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, winter, or summer sessions, or funds used to support the winter or summer program. It is also referred to as Opportunity Grants.

“Article IV” means a New Jersey Educational Opportunity Fund academic year, winter 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, winter, and summer sessions, undergraduate and graduate student grants, academic year, winter and summer programs, 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.

“College credit” means units that are associated with the completion of a college level course that counts toward the total number of credits required to earn either a certificate, associate’s degree, a bachelor’ degree, or a graduate degree.

“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 Central Office” means the staff persons or members of the New Jersey Office of the Secretary of Higher Education (OSHE), or its successor office responsible for the administration of the Educational Opportunity Fund (EOF).

“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 parent(s) (in the case of an applicant who regularly resided with and received support from only one parent) or legal guardian(s) did not complete a baccalaureate degree.

“First-time part-time entering student” means a student who has no prior college experience and is advised by institutional EOF staff to enroll for a minimum of six credits but no more than eleven credits.

“First-year student” means for EOF purposes, a student who has earned less than 24 college credits.

“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 “first-year student,” nor does it imply that the student is in their 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 Office of the Secretary Higher Education, or its successor office, and individual New Jersey institutions of higher education specifying the contractual terms and conditions under which the Office of the Secretary shall provide funds specified under the applicable project contract to the institutions referred to as 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.

“NJ GEAR UP State project/New Jersey College Bound Grant Program” means any Federally funded New Jersey State project administered by the Office of the Secretary of Higher Education, or its successor office, under the Gaining Early Awareness and Readiness for Undergraduate Programs.

“NJ GEAR UP/NJ College Bound grant program/TRIO support-services-only (NJGEARUP/NJ College Bound/TRIO/SSO) student” refers to an NJ GEAR UP State project, NJ College Bound grant program graduate, or a New Jersey resident who either successfully completed or is enrolled in a Federally funded NJ based TRIO program who is unable to demonstrate financial eligibility for an initial Article III student grant, but is still eligible to receive EOF Article IV student support services.

“Office of the Secretary of Higher Education” means the State-level planning and coordinating agency for higher education or its successor office.

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

“Part-time student” means a student who is enrolled for a minimum of six credits but no more than eleven credits.

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

“Pre-first year student” means for EOF purposes, a student who prior to the start of the EOF Summer program, qualifies to be defined as a first-year student and has not matriculated (either part-time or full-time) into any other institution after having earned their high school diploma, GED, or high school equivalency certificate.

“Re-admit students” means an EOF renewal student who did not receive an EOF Academic Year Article III grant the previous semester and is returning to the institutional EOF program where their last grant was received.

“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.

“Summer program” means for EOF purposes, any programming that an institution develops that supports either EOF pre-first year students or EOF renewal students to take academic courses to participate in various enrichment activities during the summer session. The summer program traditionally consists of either a pre-first year summer program and/or a renewal summer program. The pre-first year student summer program introduces initial students to the academic and social demands of college life in preparation for their transition to the fall semester. The renewal summer program provides financial support for EOF upperclassmen to enroll in courses during an institution’s summer session to help address their academic advancement.

“Summer session” means the period of time in an institution’s academic calendar between the conclusion of the preceding spring term and the beginning of the subsequent fall term.

“TRIO programs” mean the Federally funded grant programs Upward Bound, Upward Bound Math/Science, Veterans Upward Bound, Talent Search, and Student Support Services.

“Winter program” means, for EOF purposes, any programming that an institution develops that supports EOF renewal students to take academic courses or participate in various enrichment activities during the winter session. The winter program is intended to help address advancement or enrichment of renewal students during the winter session.

“Winter session” means the period of time in an institution’s academic calendar between the conclusion of the preceding fall term and the beginning of the subsequent spring term.

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.

9A:11-1.4 Scope

(a) This chapter governs 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. This chapter also governs the development, administration, and maintenance of institutional programs of developmental and supplemental education for EOF students supported in part through Article III and Article IV funding in the summer, winter, 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.

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.

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 inadequate 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 the accumulation of assets that do not exceed 20 percent of the EOF income eligibility scale per household size as established in N.J.A.C. 9A:11-2.3(a)1, 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 school district where 40% or more of the enrolled students meet the eligibility criteria for the free/reduced price lunch program;

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. 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, Supplemental Nutrition Assistance Program (SNAP), formerly food stamps); or

5. Having successfully completed a NJ GEAR UP state project or NJ College Bound grant program.

(c) The admitting institution/EOF campus director 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 they:

1. Have a high school diploma or GED;
2. Meet 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. Meet the financial criteria established in N.J.A.C. 9A:11-2.3;
4. Are 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. Are admitted to and intend 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. Additionally, the Fund shall not be available to students seeking to pursue a certificate or degree at the same level of study (or below) as one that they have already earned.

(e) In addition, an eligible initial first-time, full-time undergraduate 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/New Jersey College Bound Grant Program or a Federal TRIO program and who have been admitted to the institution under its regular standards of admission (where applicable) or who do not demonstrate need 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.

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 as 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 2026-2027	
Applicants with a <u>Household Size of</u>	Gross Income <u>Not to Exceed</u>
1	\$ 31,300
2	42,300
3	53,300
4	64,300
5	75,300
6	86,300
7	97,300
8	108,300

2. For each additional member of the household, an allowance of \$11,000 shall be added to this amount in order to determine EOF eligibility for the 2026-2027 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 23, who is or was in a New Jersey paid placement, arranged through the Division of Child Protection and Permanency within the Department of Children & Families, 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 Child Protection and Permanency within the Department of Children & Families, in an out of home placement for a cumulative nine months or more following the individual's 16th birthday;

(2) An individual who has been in the care and custody of the New Jersey Division of Child Protection and Permanency within the Department of Children & Families after the age of 14 for a cumulative 18 months;

(3) An individual who is or has been residing in an independent living arrangement or transitional living program established, operated or approved for payment by the New Jersey Division of Child Protection and Permanency within the Department of Children & Families, 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 Child Protection and Permanency within Department Children & Families after the age of 12; or

(5) An individual in a New Jersey Division of Child Protection and Permanency within the Department of Children & Families out-of-home placement who left to enter a kinship legal guardianship (KLG) following the youth's 16th birthday.

(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 and asset 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 class of initial students with family incomes as high as, but no more than, 281 percent of the Federal poverty guidelines and whose assets do not exceed 20 percent of the maximum income allowance as per the 281 percent of the Federal poverty guidelines per household size, as published annually by the Federal government. These discretionary admit students, 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.

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 are the Tuition Aid Grant and Garden State Scholarship programs' rules defining dependent versus independent students.

(b) The institution shall share with the EOF Executive Director any material findings or audit exceptions related to the determination of dependency status at any time they are revealed in the course of an audit or program review.

9A:11-2.5 Verification of financial eligibility

(a) Annually, students are required to submit their FAFSA or New Jersey Alternative Application by the identified state EOF deadline to be eligible for consideration for participation in the Fund. Pursuant to 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, any student who is a participant in the Fund, shall verify their financial eligibility at the request of the Office of the Secretary of Higher Education/EOF Central Office or the Higher Education Student Assistance Authority. 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 a student'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, Division of Child Protection and Permanency, Veterans Administration or other appropriate administrative agency), regardless of the awardee's dependency status.

(c) All students who receive an Article III student grant or who participate as non-funded students shall also comply with N.J.A.C. 9A:9-2.7, which are the Tuition Aid Grant and Garden State Scholarship rules governing verification of family financial data.

9A:11-2.6 Grant amounts

(a) Based on the fiscal year EOF Article III appropriation, the Board will annually develop the amount of the maximum semester and academic year Article III undergraduate grants award ranges, for full and part-time student grants, for each sector of higher education. The EOF Executive Director shall inform institutions of the amount of the maximum semester academic year grant each summer through a public notice published in the New Jersey Register and on the Office of the Secretary of Higher Education's website.

(b) 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.

(c) 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).

(d) 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.

(e) The minimum semester grant amount shall not be less than \$100.

9A:11-2.7 Financial aid packaging

Because EOF students are from economically disadvantaged 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 programs' rule governing residency;

4. Maintain full-time enrollment or have the campus EOF administrator/director's written approval for a part-time Article III undergraduate grant. Part-time grant eligibility is available only at those institutions approved by the Board to award part-time Article III undergraduate grants; and

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

(b) The number of semesters of Article III grant payment is cumulative; EOF students shall be eligible for no more than 12 semesters of payment over the course of their entire undergraduate careers, except as noted in (d) below. When a funded EOF student transfers from one participating institution to another, the semesters of payment at the second institution are added to those at the first. 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 continue to meet the eligibility requirements for the program and 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) Except for as provided in subsection (f) below, 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 continue to meet the eligibility requirements for the program and are making satisfactory academic progress as stipulated at

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) Undergraduate grant recipients who are enrolled in a three plus one degree program pursuant to section 1 of P.L. 2018, c. 144 (N.J.S.A. 18A:3B-78), shall be eligible for eight semesters of Article III undergraduate grant payments to complete an associate degree and an additional two semesters of Article III undergraduate grant payments while enrolled in the third academic year of the program, as long as they continue to meet the eligibility requirements of the program and are making satisfactory academic progress as stipulated at N.J.A.C. 9A:11-2.13.

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

(h) Students in their last semester of study to complete their associate or baccalaureate 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.

(i) In no case shall an initial Article III undergraduate grant be given for a student's last two semesters of baccalaureate study, nor shall a student receive an initial Article III grant during the winter session.

(j) Winter and summer sessions shall not be counted in determining the total number of semesters of EOF payment a student has received.

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.

(f) Renewal students enrolled in their last semester of study before graduation who can meet the requirements for their degree by registering as part-time students are eligible to receive a semester maximum full-time EOF academic year Article III grant award, as long as the student's financial aid award package consisting of the New Jersey Tuition Aid Grant (TAG), scholarships and other financial assistance does not exceed a student's cost of attendance.

9A:11-2.10 Non-funded 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 or eligibility for Article III funds shall be termed non-funded and may receive Article IV program support services, as determined by the institutional EOF administrator/director.

(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 non-funded 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 non-funded 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 non-funded 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 pre-first year student summer program before their eligibility has been determined and who is later found financially ineligible cannot be considered a non-funded student.

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

(a) A student who has successfully completed a NJ GEAR UP state project, a New Jersey College Bound grant program, and/or a New Jersey Federally supported TRIO 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 a NJ GEAR UP/New Jersey College Bound/TRIO support-services-only (NJGEARUP/NJ College Bound/TRIO/SSO) student.

(b) An NJGEARUP/NJ College Bound/TRIO/SSO student is eligible for EOF admission consideration by the participating EOF campus program. If admitted, the student is eligible to receive both Article III and Article IV benefits of the pre-first year EOF summer program and subsequent academic year Article IV program support services throughout their enrollment in college.

9A:11-2.12 Transfer of eligible students to another participating institution

(a) Students who wish to complete a degree at an institution other than the one where they received their initial Article III undergraduate student grant shall contact the EOF administrator/director at the institution they wish to attend to inform them of their intent to transfer, and must meet all of the receiving institution's transfer admission requirements and conditions, as well as the receiving institution's criteria for participation in the EOF program.

(b) Once deemed initially eligible for an Article III undergraduate grant at the sending institution, an EOF transfer student is presumed to have met the historical poverty eligibility criteria (as outlined in N.J.A.C. 9A:11-2.2(b)) and the financial eligibility criteria (as outlined in N.J.A.C. 9A:11-2.3) for a renewal EOF grant at the receiving institution.

(c) The Article III undergraduate student grant a student received at their initial institution of enrollment does not transfer with the student to another participating institution in New Jersey.

(d) Article III undergraduate student grants cannot be guaranteed to renewal students who transfer to another participating institution in New Jersey.

9A:11-2.13 Academic progress

(a) Before payment of an Article III undergraduate student grant may be made to an eligible continuing student, the institution shall have satisfactory evidence that the student is meeting minimum standards for academic progress and class standing according to the institution's established policy for satisfactory academic progress of EOF students, as outlined in (b) below.

(b) For purposes of determining continued eligibility for an Article III undergraduate student grant, the Board shall recognize the same standards of academic performance and progress that an institution adopts to determine eligibility for Federal student financial aid programs under Title IV of the Higher Education Act of 1965, as amended, and its implementing rules and regulations, as well as the following provisions.

1. Due to the special nature of the EOF mission, an institution's satisfactory progress standards for EOF students shall take into consideration the maximum semesters of payment for which an EOF student is eligible under N.J.A.C. 9A:11-2.8. Other factors that shall be considered include the time an EOF student needs to adjust to college life, with the help of the program's support services, and the institution's remedial/developmental and ESL policies and programs for EOF students.

2. The summer and winter programs are critical components of the EOF program. Courses that an EOF student schedules and completes using EOF Article III undergraduate summer or winter funds, respectively, as well as academic year courses, shall be considered in determining the student's academic progress. However, as stipulated at N.J.A.C. 9A:11-2.8(i), Article III undergraduate summer and winter grants are not considered a semester of payment.

3. EOF students have the first four semesters of payment to complete all courses that the institution designates as remedial/developmental. The EOF Executive Director may approve additional remedial/developmental work (beyond the four semesters) upon formal written request and approval by the institution.

i. The institution's formal request to the EOF Executive Director shall detail reasons for the request. If there are extenuating circumstances, such as prolonged illness or a death in the family, the student shall provide suitable evidence in the form of one or more of the following documents: letter from the attending physician, obituary notice, and/or death certificate. The request shall also indicate how many remedial/developmental courses the student must complete to fulfill the institution's requirement and the number of additional semesters needed to do so; the student's most recent academic transcript, which shall reflect all remedial/developmental courses and grades earned to date; a copy of the institution's Federal Title IV standards of academic progress policy for EOF students; and why the institutional administrator believes the student can complete the requirement successfully if given additional semester(s) of funding.

ii. The request shall be approved if the institution demonstrates that with the additional semesters the student is highly likely to complete the remedial/developmental

requirement, the student has not otherwise exhausted their eligibility for EOF funding, and the student is in compliance with all of the institution's other academic progress requirements.

(c) The class standing and academic progress of all students receiving Article III undergraduate financial assistance shall be monitored by institutions at least once a year before the fall semester.

(d) Students who fail to achieve the standards set forth in this section shall be ineligible to receive academic year Article III undergraduate financial assistance until the institution certifies that they are in good academic standing and are achieving satisfactory academic progress.

(e) The institution shall share with the EOF Central Office any material findings or audit exceptions related to the determination of academic progress at any time that they are revealed in the course of an audit or program review.

(f) Students and institutions shall have the right to appeal, through the procedures in N.J.A.C. 9A:11-6.7, a denial under this section of Article III undergraduate financial assistance. The EOF Executive Director may, at their discretion, consider individual cases and shall have the authority to make such exceptions as unusual circumstances may warrant.

9A:11-2.14 Discontinuance of Article III student grants

(a) The Article III student grant shall be discontinued for any student who fails to meet the participating institution's policies governing academic performance and progress pursuant to N.J.A.C. 9A:11-2.13.

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

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

(d) The Article III student grant shall be discontinued for any student who intentionally falsified or gave misleading information upon which EOF program eligibility was based. That student shall repay the amount of any grants previously awarded to them.

SUBCHAPTER 3. GRADUATE EOF FINANCIAL ELIGIBILITY

9A:11-3.1 Scope

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

9A:11-3.2 Student eligibility

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

(b) Students who received Article III EOF grants as undergraduates shall be given priority consideration for Article III graduate grants. These students are presumed to have met the financial eligibility criteria (as outlined in N.J.A.C. 9A:11-2.3) for graduate EOF as long as they continue to demonstrate financial need.

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

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

2. Meet the financial criteria established in N.J.A.C. 9A:11-2.3, Financial eligibility for initial Article III student grants;

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

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

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

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

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

9A:11-3.3 Verification of financial eligibility

(a) The institution shall verify, at the time of initial graduate enrollment, the income and assets of all graduate EOF grant applicants' to ensure that the student comes from a background of historical poverty as outlined in N.J.A.C. 9A:11-2.2(b)1 through 5.

(b) The annual gross income and assets of all graduate grant recipients shall be verified by the institution pursuant to N.J.A.C. 9A:9-2.7, which are the Tuition Aid Grant and Garden State Scholarship programs' rules governing verification of family financial data.

(c) In cases where earnings are not the source of a student's income, the file shall contain appropriate, verified documentation on which to base the award (for example, statements from the public assistance agency, Social Security Administration, Division of Child Protection and Permanency, Veterans Administration, or another appropriate administrative agency).

9A:11-3.4 Grant amounts

(a) Based on the fiscal year EOF Article III appropriation, the Board will annually develop the amount of the maximum semester and academic year Article III graduate grants award ranges, for each sector of higher education. The EOF Executive Director shall inform institutions of the amount of the maximum semester academic year grant each summer through a public notice published in the New Jersey Register and on the Office of the Secretary of Higher Education's website.

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

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

(c) The institution's EOF and financial aid directors shall determine the exact amount of each student's grant. In determining need and awarding Article III graduate grants, priority shall be given first to students who received an undergraduate EOF grant, followed by students who did not receive such an award but who now meet the educational criteria of N.J.A.C. 9A:11-2.2 and the income criteria of N.J.A.C. 9A:11-2.3(a), (d), and (e) followed by students admitted under N.J.A.C. 9A:11-2.3(g).

(d) The institution shall have the authority to adjust student grants within the minimum and maximum award ranges. An EOF graduate grant awardee shall receive not less than the minimum nor more than the maximum semester award for the academic year, except that under no circumstances shall the grant when combined with other aid exceed the cost of attendance as determined by the institution.

(e) The minimum semester grant amount shall not be less than \$100. The awarding of all grants within the minimum and maximum semester and academic year ranges shall be based upon a careful analysis of the student's total financial situation and financial need. The students demonstrating the greatest financial need shall be afforded priority.

9A:11-3.5 Duration of graduate student eligibility

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

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

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

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

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

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

1. Each degree must be a higher level than the previous one unless the grant recipient is enrolled in a dual-degree program; and

2. In no case shall the combined eligibility exceed the equivalent of 10 semesters.

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

1. Exceptions are possible in cases where the program of study requires a mandatory sequence of courses for more than two terms in an academic year.

2. To qualify for an exception, the institution shall submit a written request to the EOF Executive Director.

(e) Students in their last semester of study to complete degree requirements may enroll for less than full-time status and still receive the maximum Article III graduate grant for which they would be eligible as a full-time student.

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

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

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

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

(d) The Article III student grant shall be discontinued for any student who intentionally falsified or gave misleading information upon which EOF program eligibility was based. That student shall repay the amount of any grants previously awarded to him or her.

SUBCHAPTER 4. EOF PROGRAM SUPPORT SERVICES

9A:11-4.1 Scope

This subchapter governs the development and maintenance of institutional programs of developmental and supplemental education, and related student support services for EOF-eligible students.

9A:11-4.2 Institutional eligibility

(a) Each undergraduate institution in New Jersey that enrolls students who receive Article III grants under the EOF program shall submit an annual plan that outlines the following:

(1) Program mission statement:

- i. The overall mission of the campus-based EOF program;
- ii. How the program's mission supports the overall mission of the participating institution; and
- iii. How the mission relates to the New Jersey Educational Opportunity Fund Statewide mission statement under N.J.A.C. 9A:11-1.3; and

(2) Program goals and objectives:

- i. Recruitment and Admissions: identification of the program's target population;
- ii. Summer program goals for incoming freshmen and renewal students;
- iii. Assessment of students' developmental skills needs and learning styles;
- iv. Plans to address student learning and development;
- v. Plans to address student retention; and
- vi. Plans to address student graduation, and transfer to senior institutions (if applicable).

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

9A:11-4.3 Eligible EOF program requirements

Institutions that demonstrate they provide access to higher education for students eligible for Article III undergraduate grants, improve EOF student academic performance, and promote student retention shall be eligible for Article IV funding consideration. Institutions also shall promote student progress toward graduation within the established period of program eligibility and within the academic regulations of the institution, as well as provide effective administrative support for the EOF program within the institution.

9A:11-4.4 Institutional administration

(a) Each participating institution shall provide administrative support for the efficient operation of the campus EOF program.

(b) Each participating institution that receives program support funds under Article IV shall appoint a full-time administrator/director responsible for operating the institutional EOF program. A request to waive the full-time requirement may be submitted to the EOF Executive Director. The waiver request shall contain the following information:

1. The percentage of time the administrator/director will devote to the operation of the institutional EOF program; and

2. An explanation of how the administrator/director's administrative functions set forth in (e)1 through 12 below will be fulfilled with less than a full-time director.

(c) The EOF Executive Director shall have 30 days from the receipt of the waiver request as set forth in (b) above to approve or deny the request. If the waiver is approved, institutions shall affix the waiver approval to their fiscal-year contract.

(d) The waiver request shall be resubmitted in the event of a change in personnel, responsibilities, or reorganization.

(e) Each participating institution shall provide for the campus EOF administrator/director to have sufficient authority for the following:

1. Program planning;
2. Budget development and administration;
3. Selection, training, and supervision of program staff;
4. Monitoring program students' academic progress;
5. Development and implementation of policies and procedures that facilitate the retention, transfer, and graduation of the target EOF population;
6. Supervision and/or coordination of recruitment and enrollment management activities;
7. Use the EOF on-line supplemental roster to request, process, and certify EOF Article III student grant awards for eligible students;
8. Review of financial aid packages for EOF students to determine the appropriateness and adequacy of financial aid awards;
9. Development of collaborative linkages with precollege programs;
10. Assessment and evaluation of all program components;
11. Supervision and submission of all required materials to the EOF Central Office; and
12. Supervision of all data collection and development of research reports on the program.

(f) Each participating institution shall maintain clear administrative procedures for cooperative interaction with the various offices responsible for the activities outlined in (e)1 through 12 above.

(g) Personnel selected by participating institutions to administer and deliver services to EOF students are employees of the institution and are governed by that institution's personnel policies.

(h) Each participating institution shall provide for the campus EOF administrator/director to participate actively in all institutional policy making that affects the EOF program and its students, including academic standards, recruitment, and retention.

(i) At each participating institution the campus EOF administrator/director shall make the final determination on admitting students to the EOF program and awarding EOF Article III grants.

9A:11-4.5 Recruitment and admissions

(a) The institution, through its admissions and EOF staff, has the primary responsibility for recruiting EOF students. The staff shall have the requisite skills and information to convey accurately the goals and objectives of the institutional EOF program. EOF staff shall assist in identifying, interviewing, and selecting prospective program participants, but the institution is accountable for the recruitment yield on an annual basis.

(b) Each participating institution shall establish an annual goal within its program goals and objectives as set forth in N.J.A.C. 9A:11-4.2(a)2 to enroll a percentage of its entering fall full-time first-time undergraduates through the EOF program. The EOF fall full-time first-time undergraduate goal shall be based on the institutions' resources from all sources and the current demographic profile of its full-time undergraduate students. Participating institutions are encouraged to establish a goal of at least 10 percent. Each institution shall declare their EOF fall full-time undergraduate goal in their annual fiscal year EOF contract. The percentage shall be calculated from the number of EOF full-time first-time undergraduates in a given fall semester and the number of full-time first-time New Jersey resident undergraduates in the previous fall's full-time first-time undergraduate class. Students who are counseled at entrance to pursue a part-time course load and receive an Article III part-time student grant shall be counted in calculating an institution's EOF fall full-time first-time undergraduate percentage goal.

(c) Each participating institution shall annually develop and implement a plan to recruit, identify, and select potential students for the EOF program. This process/procedure shall be subject to audit by EOF Central Office staff at any time. The plan shall focus primarily on identifying a significant pool of potential students who meet the student eligibility criteria in N.J.A.C. 9A:11-2.2 and the financial eligibility criteria defined in N.J.A.C. 9A:11-2.3. The plan also shall establish a priority selection process that includes a waiting list, as well as appeal procedures for EOF first-year students, transfer, and readmit applicants.

(d) The campus EOF administrator/director shall make the final determination on the awarding of Article III undergraduate student grant funds to students initially admitted to the institution's EOF program who withdrew or were academically dismissed or suspended but are subsequently readmitted to the institution.

9A:11-4.6 Criteria for admission

(a) Each institution shall develop clearly defined criteria for the admission of students into the EOF program. Such criteria shall be consistent with the EOF mission, scope, purpose, student eligibility, and student transfer procedures in N.J.A.C. 9A:11-1.3, 1.4, 2.1, 2.2, 2.3, 2.12 and 5.4(b). Such criteria shall be available to secondary schools and community organizations in the recruitment region.

(b) EOF admissions criteria shall be derived from a combined assessment of qualitative and quantitative indices. The qualitative indices may include personal interviews, employment history, volunteer and student leadership experiences, and letters of recommendation from knowledgeable community leaders. The quantitative indices may include student aptitude test scores, high school transcripts, institutional entrance and placement tests, and writing samples.

9A:11-4.7 Student transfer procedure

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

(b) The campus EOF administrator/director at the receiving institution shall make the final determination on which transfer students shall receive an EOF grant. This is to ensure that the EOF program can provide these students with adequate educational support services and monitor their academic progress, as well as to maintain fiscal controls and budget management.

(c) The EOF program receiving an EOF transfer student shall be able to demonstrate delivery of services as outlined in N.J.A.C. 9A:11-4.8 to students who are eligible for funding consideration under N.J.A.C. 9A:11-2.12, Transfer of eligible students to another participating institution.

9A:11-4.8 Eligible program support components

(a) The campus program shall supplement, but not supplant, services already available to the general student population.

(b) Each participating institution shall structure activities that provide educational enrichment for EOF students, improve their academic performance, promote their retention and progress toward graduation, and acknowledge their academic success and leadership development within the period of program eligibility and the institution's academic standards. These activities shall include but are not limited to:

1. Skills assessments: Each institution shall assess EOF students' basic skills needs, learning styles, computer literacy, and ongoing academic performance;

2. Remedial/developmental instruction: Each institution shall provide remedial, ESL, and developmental programs designed to remedy academic deficiencies;

3. Monitoring student academic progress: Each institution shall monitor EOF students' academic progress and inform them of their standing in a timely fashion;

4. EOF advisement/counseling: Each campus program shall provide advisement/counseling designed to address student learning, cognitive development, and mental health support. This shall include helping students explore their educational, career and personal goals, assisting them with enrolling in appropriate courses for their desired degree program, and providing the appropriate cognitive and mental health support;

5. Academic Support Services: Each institution shall provide well-defined programs of academic support services to include but not limited to supplemental instruction, tutoring, and study supervision to help EOF students resolve learning difficulties. These programs may include peer learning groups and specially adapted versions of courses that are prerequisites to majors;

6. Services for limited-English-proficient EOF students: Each institution that enrolls such students in their EOF program shall provide developmental, counseling, and support services to enhance and strengthen these students' academic performance;

7. Preparation for community college EOF students to transfer to senior institutions: Each institution shall develop initiatives to promote EOF student transfer from county to senior institutions;

8. Preparation for careers, graduate, and professional education: Each institution shall provide programs designed to prepare EOF undergraduates for professional careers and/or

enrollment in graduate/professional school. Campus EOF staff working with the institutional placement office and academic departments shall coordinate these services, which shall include career interest testing, resume preparation, and job search and interview techniques, as well as programs to nurture student interest in graduate and professional education. Such programs may include assistance with the application process for undergraduate research experience programs, graduate/professional school test preparation, graduate and professional school application process, grants, scholarships, fellowships, and other forms of financial assistance;

9. Student leadership development: Each institution shall provide programs designed to foster culture, diversity, racial harmony, civic engagement, social responsibility, and the improvement of human relations. The program design may include developing conflict resolution and empowerment skills, as well as an understanding of the responsibilities leaders must assume;

10. Orientation: Each institution shall annually inform students in writing of its policies and procedures for participation in its EOF program and for continued receipt of academic and financial aid support.

11. Each institution shall provide any other support services deemed necessary by the institution to ensure student success.

(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.

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.

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.

SUBCHAPTER 5. SUMMER PROGRAM AND WINTER SESSION

9A:11-5.1 Scope

This subchapter governs the development and maintenance of the summer program and winter session. 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 and winter sessions may also provide support for renewal students to maintain academic sequence and/or participate in special enrichment programs to enhance their academic performance and/or improve their preparation for majors/careers where disadvantaged students are underrepresented.

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 and winter session funds.

9A:11-5.3 Summer program and winter session requirements

- (a) Summer programs and winter sessions shall be eligible for funding consideration if they:
1. Provide orientation services to acclimate initial students to the academic and social environment of postsecondary education;
 2. Provide an assessment of students' motivation and commitment to pursue postsecondary education, including, but not limited to, academic skills proficiencies, career interests, and learning styles;
 3. Provide administrative and academic support services, which include, but are not limited to: 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 opportunities to assist students with decreasing the time toward graduation;
 7. Provide in-service training for staff;
 8. Improve graduate and/or professional school placement;
 9. Provide a systematic effort to help students succeed in majors where disadvantaged students traditionally are underrepresented;
 10. Use research and development models to evaluate and improve the academic support services provided to students; and
 11. Provide support for eligible students to maintain or regain satisfactory academic progress.

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 or winter session, 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 pre-first year summer program as a condition of their admission and/or eligibility to receive EOF grants and support services during the academic year. The EOF pre-first year summer program is intended to assist students that have been admitted to the institution as identified at N.J.A.C. 9A:11-6.1(h)2 and 3. Institutions may permit students to enroll without participating in a summer program, as long as the institution provides during the academic year alternative activities for such students consistent with the goals of N.J.A.C. 9A:11-5.1 and the requirements of N.J.A.C. 9A:11-5.3.

(c) EOF program applicants who have earned 24 or more college credits while in high school or earned an associate's degree as part of their high school graduation requirements are eligible for participation in the pre-first year summer program. Furthermore, these students must be considered for the EOF program based on the EOF Article III student grant funding priorities outlined at N.J.A.C. 9A:11-6.1(h), and if they meet all of the eligibility requirements set forth at N.J.A.C. 9A:11-2.2 and 2.3.

(d) Institutions shall establish criteria and a well-defined process for distributing summer program and winter session funding for renewal students. Depending on the availability of funds, renewal students may attend summer programs or winter sessions 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 or winter enrichment programming.

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 as part of summer program enrollment procedures.

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

9A:11-5.6 Summer program and winter session evaluation

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

(b) The EOF Central Office may conduct additional summer program and winter session evaluations, including visitations, to ensure maximum program effectiveness and accountability.

SUBCHAPTER 6. OPERATIONAL PROCEDURES FOR ACADEMIC YEAR, WINTER SESSION, 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 (Academic Year, Summer and Winter) funding and, when applicable, Article IV summer program and winter session funding, undergraduate and graduate student grants and Article IV program support grants for the academic year, 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 the required contract budgets for funding that reflects the institution's monetary commitment to the campus EOF program. In addition, a mission statement for the campus program, including mandatory measurable goals as stated in 9A:11-4.2(a)2, 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 and winter student enrollments within the approved Article III, and, when applicable, Article IV summer program and winter session allocations, and to manage its academic year undergraduate and graduate student enrollments within the approved Article III and Article IV academic year allocations.

(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 (or their designee) 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 appropriation, 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. Students that have earned 24 or more college credits while in high school or who participated in a dual enrollment program and have earned an associate's degree as part of

their high school graduation requirements and have no prior history of EOF funding support;

4. EOF transfer students who received an EOF student grant at their previous institution, in the preceding academic year;

5. Renewal students readmitted or returning who did not receive funding the prior academic year; and

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

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 Office of the Secretary of Higher Education and institutionally 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:11-4.2, 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 EOF Central Office 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.

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

(a) EOF Article III academic year funds are processed as semester grants per student and shall be applied toward student's educational costs only. Funds awarded in the fall and spring terms are to be used solely for courses and educational costs that specifically occur within the fall and spring terms. 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 grant shall be applied to the student's educational costs. Funds awarded for the summer session are to be used solely for courses and educational costs that occur during the summer session. Courses taken during the summer session must be recorded on the students' academic transcripts as completed during the summer session. 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) The EOF Article III winter session grant shall be applied to the student's educational costs. Funds awarded for the winter session are to be used solely for courses and educational costs that occur during the winter session. Courses taken during the winter session must be recorded on students' academic transcripts as completed during the winter session. In the winter, such cost 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 insurance;
3. Salaries, for professional, graduate, and/or peer tutors; and
4. Educational materials used to support instruction.

(d) Use of Article III student grants for any other costs is strictly prohibited unless approved by the EOF Central Office under the provisions of N.J.A.C. 9A:11-4.9.

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.

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.S.A. 18A:71B-6.

(b) The institution shall notify a student, in writing, of the content of their 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 over awards, 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.

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 EOF Central Office student background information that was used to determine 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 EOF Central Office in accordance with N.J.A.C. 9A:11-6.15, Program improvement and evaluation process, and 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' rules governing award adjustments, refunds and collections, shall apply to Article III student grant disbursements.

9A:11-6.7 Appeals

(a) A student, or their parent(s), may only file a written appeal with the EOF Executive Director regarding an institutional determination of ineligibility for an Article III student grant, but only after the student has appealed through all institutional channels because EOF is a campus based program. (Participating institutions are responsible for verifying grant and scholarship eligibility and for establishing appeal procedures.)

1. Appeals submitted to the EOF Executive Director shall be in the form of a letter addressed to the EOF Executive Director at the Office of the Secretary of Higher Education EOF, P.O. Box 542, Trenton, New Jersey 08625-0542.

2. The letter shall contain the student's full name, Higher Education Student Assistance Authority (HESAA) student ID 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 as the result of a successful institutional appeal process, 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.

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.

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 funding, 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 peripheral technological equipment;
- iv. Direct services rendered by other institutional staff solely to the EOF program, as long as those services constitute at least 10 percent or more of the institutional staff member's time;
- v. All or a portion of any EOF staff member's salary, wages, or fringe benefits; or

vi. Indirect/overhead expenses, such as space, light, heat, etc., up to but not more than 20 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.

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.

(f) Should an institution find itself in an extreme financial situation where it is at risk of closing its operations permanently during an academic year and is unable to meet the EOF match provisions set forth at (c) above, the institution may submit a waiver appeal to the EOF Executive Director requesting an allowance to reduce its match requirement. Such an appeal must include information that will evidence how the institution is unable to meet the match provisions set forth at (c) above and must include a specific timeline for when the institution will be able to meet the match requirement set forth at (c) above. This appeal may only be submitted after the institution has met with the EOF Central Office staff and all possible means of meeting the institutional match requirement as outlined at (c) above have been exhausted. The EOF Executive Director shall consider the appeal in consultation with the Secretary of Higher Education and make the appropriate recommendation to the Board within thirty (30) days of receipt of the waiver appeal.

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 office furniture and/or office décor items;

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, transportation, and child care;
10. Lobbying, partisan political contributions, and/or fund raising activities; or
11. The purchase of medication, drugs, or alcoholic beverages.

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 services (OTPS) items that were not part of the original contract without prior written approval by the EOF Executive Director. The submission of an Article IV transfer request shall occur prior to the deadline for the submission of the second interim expenditure report.

(b) Transfers within existing personnel lines or within existing 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.

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 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. If the institution has developed a process or system to determine if a student may be at risk academically prior to being placed on academic probation or being dismissed, this information must be made available to the EOF staff. EOF staff shall conduct an assessment of these students' overall academic performance and require the student's 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.

9A:11-6.14 Recordkeeping and data collection

(a) Data collection is essential to identifying target populations and developing admissions criteria, as well as designing program services, monitoring student progress, determining the effectiveness of program activities, and documenting outcomes. Each campus EOF program shall have access to state-of-the-art hardware/software capabilities, as well as institutional management information systems and research staff. Additionally, each campus EOF program shall have access to an electronic recordkeeping system with the ability to integrate EOF student data from institutional offices' including admissions, financial aid, registrar, bursar, academic advisement, and other student support services. Data to support recruitment and admissions shall include, at a minimum, each student's:

1. High school;
2. Home address;
3. Home county;
4. Self-identified Gender;
5. Race/ethnicity;
6. Family income used to determine eligibility or continued financial need;
7. Standardized test scores, such as ACT and/or SATs, and basic skills assessments;
8. High school transcript (rank, coursework, and type of diploma) and/or diploma, and college transcript;
9. Other educational experience records (such as GED, transfers);
10. Renewal status; and
11. Historical poverty code.

(b) Other data elements shall include recruitment schedule, number of applications received, number eligible or ineligible students, number of students admitted, and number of students matriculating.

(c) Each participating institution shall maintain thorough academic and financial aid files on EOF students. The information for each student shall include, but is not limited to, the following:

1. Data on and assessment of the student's performance in the areas of basic skills, learning styles, and computer literacy;
2. Data on and assessment of counseling contacts and other initiatives to help students improve their academic performance;
3. Data on and assessment of tutorial/supplemental instruction contacts;
4. Financial data, including eligibility determination and annual notification of financial aid package;
5. Current registration and academic transcripts; and

6. Data on and assessment of the career and graduate placement contacts provided to program participants.

(d) Each participating institution shall maintain adequate financial documentation of all program budgets and expenditures. Accounts shall reflect EOF and institutional monies separately by line item. State, institutional, Federal, and other funding sources shall be clearly delineated.

(e) The EOF administrator/director, along with appropriate institutional officials, shall be involved in and responsible for preparing and submitting all budget documents and coordinating EOF fiscal affairs.

9A:11-6.15 Program improvement and evaluation process

(a) The EOF Executive Director shall maintain appropriate procedures to monitor program components and fiscal functions at institutions receiving Article III and Article IV funds pursuant to this chapter.

(b) The EOF Executive Director will annually provide each participating institution with both quantitative and qualitative performance indicators that the Board has adopted as satisfactory program outcomes.

(c) The following indices shall be used to determine the effectiveness of campus EOF programs and their compliance with this chapter:

1. Institutional goals for the EOF program as set forth in N.J.A.C. 9A:11-4.2(a)2

2. Program outcomes including:

i. Cohort retention rates;

ii. Cohort graduation rates;

iii. Enrollment of EOF full-time first-time undergraduate students as a percentage of the institution's entering fall cohort of full-time first-time New Jersey residents in the institution's undergraduate class, as specified at N.J.A.C. 9A:11-4.5(b);

iv. The number of EOF community college students who transfer to New Jersey senior institutions;

v. The EOF equity index for senior institutions or the county college success rate; and

3. Fiscal budgets and expenditure reports.

(d) The EOF Executive Director shall conduct regular program audits and evaluations to determine regulatory compliance and program effectiveness. The EOF Central Office or its assigned representatives shall provide due notice of a visit to a participating institution to conduct monitoring activities, which may include evaluation, audits, and post-audit activities.

9A:11-6.16 Annual program report

(a) Participating institutions shall submit to the EOF Central Office reports of program activities, outcomes, and fiscal expenditures in a format established before the reporting period.

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

(c) Institutions that fail to report in a timely manner shall not receive their next scheduled grant payment and may not receive any payments for the rest of the fiscal year.

9A:11-6.17 Fiscal audit requirements

(a) Participating institutions shall either have separate accounts for each EOF allocation for which funds are received or deposit State funds in a general account, the latter only if funds are identified by their separate EOF categories; in either case, the institution shall maintain a clear audit trail. The institution also shall maintain student records that include name, address, social security number, date, amount of each EOF semester award, and such other information as required for compliance with 20 U.S.C. 1070 et seq.; 34 C.F.R. 668.24; the Single Audit Act, as contained in the New Jersey Department of Treasury, Office of Management and Budget (OMB) Circular Letter 98-07, and as further specified in this chapter. Records of receipts and disbursements shall be maintained in accordance with generally accepted accounting principles.

(b) The institution's EOF program shall be included as part of the institution's periodic audit by an independent accounting firm to ensure compliance with this chapter, and the institution shall provide a copy of the audit report to the Office of the Secretary of Higher Education. The Board through the Secretary reserves the right to conduct its own institutional audit.

(c) Institutions shall, upon reasonable notice, make available to the EOF Executive Director or their designee access to institutional and student records for audit purposes.

9A:11-6.18 Program noncompliance

(a) Upon an institution's unsatisfactory program evaluation or fiscal audit or its failure to achieve the program outcomes contractually agreed upon, the EOF Executive Director or their designee may conduct an inquiry at the institution. The purpose of the inquiry shall be to discuss and investigate the apparent noncompliance with the institutional president, EOF administrator/director, and other appropriate officials.

(b) The EOF Executive Director shall make a written report on the findings of the inquiry and shall transmit a copy to the institutional president and campus EOF administrator/director. The report shall describe the noncompliance in detail and provide specific recommendations to correct the situation within a time period that the EOF Executive Director shall determine.

(c) The institution may appeal the findings. Such appeal shall be in writing and directed to the Chairperson of the Board; the Board shall consider the appeal within a reasonable time period. The Board may uphold or overturn the report of the Executive Director and modify the recommendations as it deems appropriate.

9A:11-6.19 Program probationary status

(a) The Board may place an institutional EOF program on probation for failure to correct program deficiencies within the time specified by the EOF Executive Director. The Board shall impose such restrictions as it deems necessary, which restrictions may include, but are not limited to, the following:

1. Restrict the recruitment of new students into the program,
2. Withhold funds for the program pursuant to provisions of the master contract, and
3. Terminate an institutional program pursuant to contractual provisions.

9A:11-6.20 Program advisory board (PAB)

(a) Each participating institution should establish a Program Advisory Board (PAB). The size and method of selection of the PAB shall be at the institution's discretion. Membership may include representatives of its students, faculty, and administration, as well as local citizens who reflect the student population being served by the campus program. The campus EOF administrator/director shall serve ex-officio on the PAB.

(b) The PAB shall establish a meeting schedule for the academic year. The PAB shall demonstrate, at a minimum, its involvement in the following activities:

1. Advising during the search and selection of the campus EOF administrator/director;
 2. Acquainting the local and campus communities with the goals and objectives of the EOF program;
 3. Reviewing the admissions criteria and the procedures used in recruiting EOF students;
 4. Being knowledgeable about institutional methods for recruiting, interviewing, and screening potential students for admission into the college who may require EOF financial assistance and/or special educational assistance;
 5. Serving as a resource for student mentoring, internships, and employment opportunities;
- and
6. Reviewing and commenting on the institution's program goals, objectives and outcomes.

SUBCHAPTER 7. C. CLYDE FERGUSON LAW SCHOLARSHIP

9A:11-7.1 Student eligibility

(a) To be eligible for a C. Clyde Ferguson Law Scholarship (Ferguson Scholarship), a student shall demonstrate that they:

1. Is or has been a legal resident of the State of New Jersey for at least one year immediately before receiving the scholarship;
2. Is from a disadvantaged background, as demonstrated by inclusion in at least one of the following categories:
 - i. Meets the requirements of N.J.A.C. 9A:11-2.3;
 - ii. Is a former or current recipient of the New Jersey EOF Article III undergraduate or graduate grant;
 - iii. Is a student who would have been eligible as an undergraduate for a New Jersey EOF Article III student grant (N.J.A.C. 9A:11-2.3); or
 - iv. Is a first-generation college student whose immediate family is or was eligible for government assistance and/or educational programs targeted toward low-income and disadvantaged populations (TRIO programs, NJ GEAR UP, free and reduced breakfast/lunch programs, food stamps, or at least one year of Pell grants); and
3. Is or will be a full-time student enrolled for an initial law degree at Rutgers Law School or Seton Hall University School of Law.

(b) 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.

9A:11-7.2 Grant amounts

(a) The maximum and minimum award ranges for a Ferguson Scholarship shall be annually established by the Board but shall not exceed the maximum amount of tuition, fees, room, and board charged at Rutgers Law School.

(b) The amount of each Ferguson Scholarship shall be based on the financial need of the student determined pursuant to N.J.A.C. 9A:11-3.4(a), (b) and (c).

9A:11-7.3 Rules incorporated by reference

The following provisions of this chapter governing the EOF program shall also apply to grants made under the Ferguson Scholarship unless they are inconsistent with, or otherwise excepted within, the provisions of this subchapter: N.J.A.C. 9A:11-3.2(b), 3.5, 6.1, 6.3, 6.5, 6.6, 6.7 and 6.8.

SUBCHAPTER 8. MARTIN LUTHER KING PHYSICIAN-DENTIST SCHOLARSHIP PROGRAM

9A:11-8.1 Student eligibility

(a) To be eligible for a Martin Luther King Physician-Dentist Scholarship (King Scholarship), a student shall demonstrate that they:

1. Are or has been a legal resident of the State of New Jersey for at least one year immediately before receiving the scholarship;

2. Is from a disadvantaged background, as demonstrated by the inclusion in at least one of the following categories:

i. Meets the requirements of N.J.A.C. 9A:11-2.3;

ii. Is a former or current recipient of the New Jersey EOF Article III undergraduate or graduate grant; or

iii. Is a student who would have been eligible as an undergraduate for a New Jersey EOF Article III student grant (N.J.A.C. 9A:11-2.3); or

iv. Is a first-generation college student whose immediate family is or was eligible for government assistance and/or educational programs targeted toward low-income and disadvantaged populations (TRIO programs, NJ GEAR UP, free and reduced breakfast/lunch programs, food stamps, or at least one year of Pell grants); and

3. Are or will be a full-time student enrolled for an initial M.D., D.O., or D.M.D. degree at Rutgers-Robert Wood Johnson Medical School, Rutgers-New Jersey Medical School, Rutgers-School of Dental Medicine, Cooper Medical School of Rowan University, or Rowan School of Osteopathic Medicine.

(b) 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.

9A:11-8.2 Grant amounts

(a) The maximum and minimum award ranges for a King Scholarship shall be annually established by the Board but shall not exceed the maximum amount of tuition charged at Rutgers-Robert Wood Johnson Medical School, Rutgers-New Jersey Medical School, Rutgers-School of Dental Medicine, Cooper Medical School of Rowan University, or Rowan School of Osteopathic Medicine.

(b) The amount of each King Scholarship shall be based on the financial need of the student as determined pursuant to N.J.A.C. 9A:11-3.4(a), (b) and (c).

9A:11-8.3 Rules incorporated by reference

The following provisions of this chapter governing the EOF program shall also apply to grants made under the King Scholarship unless they are inconsistent with, or otherwise excepted within the provisions of this subchapter: N.J.A.C. 9A:11-3.2(b), 3.5, 6.1, 6.3, 6.5, 6.6, 6.7 and 6.8.