

HIGHER EDUCATION

EDUCATIONAL OPPORTUNITY FUND

Undergraduate EOF Academic and Financial Eligibility

Proposed Amendments: N.J.A.C. 9A:11-2.8, 5.4, and 6.1

Authorized By: Educational Opportunity Fund Board of Directors, Dr. Hasani Carter, EOF
Executive Director.

Authority: N.J.S.A. 18A:71-28 et seq., specifically 18A:71-33 through 36; and P.L. 2018, c. 144.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2019-130.

Submit written comments by November 2, 2019, to:

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The agency proposal follows:

Summary

The Educational Opportunity Fund program (“EOF” or “program”) provides students from educationally and economically disadvantaged backgrounds with financial aid and other support services while attending participating New Jersey colleges and universities. The program is a collaborative effort. Under the general supervision of the Secretary of Higher Education, the EOF Board of Directors (EOF Board) administers the program and the participating institutions directly serve students.

Working with participating institutions, the EOF Board maintains a Statewide system to identify and recruit potential college students from backgrounds of historical poverty, develops eligibility criteria for EOF financial assistance based on students’ income, assets, and their potential for success in college, establishes procedures to determine the amount of the academic year grants according to the total financial need of each student, and advises on the development, organization, and coordination of a wide range of educational support and enrichment activities. Under the existing EOF rules, high school students who participate in either a dual enrollment program or an advanced college preparatory program and earn either an associate’s degree, or 24 or more college credits, are ineligible for participation in the EOF Pre-First Year Summer program and are categorized within the fifth funding priority (lowest). While participation within the EOF Pre-First Year summer program is not mandatory for receipt of EOF grants, due to the economic and educational background of EOF students, many of the EOF’s participating senior institutions require their admitted first year EOF students to participate in the Pre-First Year Summer program. As outlined within N.J.A.C. 9A:11-2.2(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.”

The existing EOF rules were developed from the assumption that students who completed their high school graduation requirements through a dual enrollment program or an advanced college preparatory program would not require the same level of pre-college academic support as some of their peers. However, by viewing the eligibility of this population of students through the lens of college credit completion and not from a holistic perspective, the current application of the EOF rules inadvertently ignores the qualitative assessment of an applicant's educational background as noted within N.J.A.C. 9A:11-2.2(e)2. An example of the importance of reviewing students from a more holistic perspective can be evidenced by looking at those students who seek to enroll in a STEM major. Currently, 12 of the 62 EOF Undergraduate Summer Programs are STEM focused. Unfortunately, a large number of these students are discovering that many of the college credits they received while in high school do not apply toward their STEM major. As a result, these students must still complete a significant number of credits to earn their STEM degree and, thus, their time to degree completion is increased. Additionally, due to the academic rigor of many of the STEM majors, the EOF Pre-First Year Summer program will allow for these students to participate in a number of academic and non-academic enrichment activities to assist them with their transition into both the institution and their STEM major and help New Jersey promote and retain more students to earn a STEM degree. The following amendments are being proposed to allow for students who participated in

an advanced college preparatory program or who earned an associate's degree through a dual enrollment program to be eligible for participation in the EOF Pre-First Year Summer program.

At N.J.A.C. 9A:11-2.8(c) and (e), proposed amendments include the phrase “continue to meet the eligibility requirements for the program and.” These additions are intended to help clarify the need for students to continue to meet the eligibility requirements of the program. Pursuant to section 1 of P.L. 2018, c. 144 (N.J.S.A. 18A:3B-78), the phrase “Except for as provided in subsection (f), below,” shall be inserted at the beginning of the first sentence of N.J.A.C. 9A:11-2.8(e).

At N.J.A.C. 9A:11-5.4(b), in phrase “pre-first year student summer program,” the term “student” is being proposed for deletion. Also, at N.J.A.C. 9A:11-5.4(b), the following phrase “to assist” is proposed for addition in the second sentence between the terms “intended” and “students.” Following the term “students” within the second sentence of N.J.A.C. 9A:11-5.4(b), the phrase “that have been admitted to the institution as identified within N.J.A.C. 9A:11-6.1(h)2 and (3)” is proposed to be added to replace “who have earned less than 24 college credits before enrolling at the participating institution.” In the third sentence of N.J.A.C. 9A:11-5.4(b), the phrase “EOF first-year” is proposed for deletion. These proposed amendments will permit high school students, who graduate from a dual enrollment program or who participated in an advanced college preparatory program, to be eligible for participation in the EOF pre-first year summer program. At N.J.A.C. 9A:11-5.4(c), amendments are proposed to coincide with the changes discussed above and to permit high school students who graduate from a dual enrollment program or who participated in an advanced college preparatory program to be eligible for participation in the EOF Pre-First Year Summer Program.

N.J.A.C. 9A:11-6.1(h) is proposed for amendment to help realign the funding priority consideration for students who participated within a dual enrollment program or an advanced college preparatory program. Specifically, new N.J.A.C. 9A:11-6.1(h)3 is proposed to allow participation of 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. The proposed new paragraph is to ensure consistency with the intent and purpose of the proposed amendments at N.J.A.C. 9A:11-5.4(b) and (c).

Currently, the EOF rules do not permit a county college to award an EOF grant to a student once a student has received his or her associates' degree. Pursuant to section 1 of P.L. 2018, c. 144 (N.J.S.A. 18A:3B-78), the proposed amendments at N.J.A.C. 9A:11-2.8(e) and proposed new N.J.A.C. 9A:11-2.8(f) must be sought to allow for the county colleges to award students an EOF grant during the student's third academic year of the program.

Proposed new N.J.A.C. 9A:11-2.8(b) is added to permit students enrolled in a three-plus-one program the ability to receive an EOF undergraduate grant during the third academic year of the program.

As the EOF Board has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirement at N.J.A.C. 1:30-3.3(a)5.

Social Impact

The proposed amendments should have no social impact.

Economic Impact

The proposed amendments should have no economic impact.

Federal Standards Statement

The proposed amendments do not require a Federal standards analysis under Executive Order No. 27 (1994) and N.J.S.A. 52:14B-22 et seq., because EOF was established by New Jersey legislation, is wholly supported by State appropriations, and is not subject to any Federal requirements or standards.

Jobs Impact

The proposed amendments will not result in the generation or loss of any jobs.

Agriculture Industry Impact

The proposed amendments have no impact on the agriculture industry.

Regulatory Flexibility Statement

A regulatory flexibility analysis is not required because the proposed amendments do not impose reporting, recordkeeping, or compliance requirements on small businesses as defined by the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The proposed amendments to the rules pertain strictly to public and publicly funded independent colleges and universities in New Jersey, none of which qualify as a small business as they employ more than 100 full-time employees.

Housing Affordability Impact Analysis

The proposed amendments will have an insignificant impact on the affordability of housing and the proposed amendments are unlikely to evoke a change in the average costs associated with housing in New Jersey because the proposed amendments govern how the EOF Board will determine EOF eligibility.

Smart Growth Development Impact Analysis

The EOF Board believes there is an extreme unlikelihood that the proposed amendments would evoke a change in housing production in Planning Areas 1 or 2, or within designated

centers, under the State Development and Redevelopment Plan because the proposed amendments govern how the EOF Board will determine EOF eligibility.

Racial and Ethnic Community Criminal Justice and Public Safety Impact

The EOF Board has evaluated this rulemaking and has determined that it will not have an impact on pretrial detention, sentencing, probation, or parole policies concerning adults and juveniles in the State. Accordingly, no further analysis is required.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 2. UNDERGRADUATE EOF ACADEMIC AND FINANCIAL ELIGIBILITY

9A:11-2.8 Duration of student eligibility

(a)-(b) (No change.)

(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] **at** 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) (No change.)

(e) [Students] **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 [in] 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 established 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.

Recodify existing (f)-(i) as **(g)-(j)** (No change in text.)

SUBCHAPTER 5. SUMMER PROGRAM AND WINTER SESSION

9A:11-5.4 Student eligibility

(a) (No change.)

(b) Based upon the assessment of students' preparation and readiness for collegiate study, institutions may require eligible students to participate in a pre-first year [student] 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 [student] summer program is intended [for] **to assist** students [who have earned less than 24 college credits before enrolling at the participating institution] **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 [EOF first year] 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 [are able to earn] **have earned 24 or more college credits while in high school or earned** an associate's degree [while completing their] **as part of their** high school graduation requirements [or have earned more than 24 college credits toward their degree] are [ineligible] **eligible** for participation in the pre-first year [student] summer program. [However] **Furthermore**, these students [may] **must** be considered for the EOF program [during the academic year] based on the EOF Article III student grant funding priorities outlined [in] **at** N.J.A.C. 9A:11-6.1(h), and if they meet all of the eligibility requirements set forth [in] **at** N.J.A.C. 9A:11-2.2 and 2.3.

(d) (No change.)

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

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

(a)-(g) (No change.)

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

1.-2. (No change.)

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;

Recodify existing 3.-5. as **4.-6.** (No change in text.)