

**HIGHER EDUCATION**

**SECRETARY OF HIGHER EDUCATION**

**Educational Opportunity Fund: Administrative Procedures and Policies**

**Proposed Amendments: N.J.A.C. 9A:11-1.2, 1.4, 2.2, 2.8, 2.10, 2.13, 4.4, 4.8, 5.1 through 5.6, 6.1, 6.3, 6.7, 6.9, 6.14, and 6.15**

Authorized By: Educational Opportunity Fund Board of Directors, Audrey Bennerson, EOF  
Executive Director.

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

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

Proposal Number: PRN 2017-049.

Submit written comments by June 2, 2017, to:

Ms. Audrey Bennerson

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The agency proposal follows:

### **Summary**

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

Many of the amendments to the EOF rules are proposed to implement the enrollment of EOF students during the winter session and permit students who participated in dual high school/college enrollment programs to receive EOF funding. Both of these initiatives are designed to increase college affordability and reduce the time required for students to earn their degree. Additionally, amendments are also proposed to change and/or remove language that is no longer applicable. The rules governing the activities of EOF are organized into eight subchapters and amendments are proposed in five of the eight subchapters, as follows:

Subchapter 1 contains the general authority under which the EOF program operates, definitions, the mission statement, and scope of the chapter. Within N.J.A.C. 9A:11-1.2, Definitions, it is proposed that the definition of “allocation” include “Winter Session Article III

undergraduate” and “Winter Session Article IV undergraduate.” The term “winter” is also proposed as an addition between the words “summer” and “or academic year” to recognize several new higher education initiatives to increase college affordability and to allow for EOF funds to be used to support students throughout the calendar year. “Winter” is also proposed for addition to the terms Article III,” “Article IV,” and “Board,” along with other technical, grammatical changes.

The definitions for the terms “college credit,” “freshman,” “pre-freshman,” “summer program,” “summer session,” “winter program,” and “winter session” are proposed to help clarify, for EOF purposes, how campus EOF programs should identify specific populations of students in their recruitment and admissions processes and the various times in an institution’s academic calendar in which Article III and Article IV resources can be used. Additionally, within N.J.A.C. 9A:11-1.4, Scope, subsection (a) is proposed for amendment to add the term “winter” as well.

Subchapter 2 contains the general authority under which the EOF program provides guidelines to institutions about undergraduate EOF academic and financial eligibility. At N.J.A.C. 9A:11-2.2(a), the term “poor” has been replaced with “inadequate.” At N.J.A.C. 9A:11-2.2(e), the term “student” is proposed for deletion and replacement with “initial first-time full-time undergraduate.” The purpose of this change is to help clarify and identify the type of initial student that programs should consider enrolling when a student is entering an EOF program for the first-time.

At N.J.A.C. 9A:11-2.8(g), new language is proposed that will permit students in their last semester of study to complete “their associate or baccalaureate” degree requirements to take fewer than 12 credits and still receive the maximum Article III undergraduate grant. At

subsection (h), new language is added prohibiting students from receiving an initial Article III grant during the winter session. It is also proposed that at N.J.A.C. 9A:11-2.8(i) the phrase “Winter and” be added at the beginning of the sentence.

The term “nonfunded” is proposed to be replaced with “non-funded” in the heading of N.J.A.C. 9A:11-2.10, as well as throughout N.J.A.C. 9A:11-2.10. Additionally, at N.J.A.C. 9A:11-2.10(a) the phrase “or eligibility” prior to the term “demonstrate need” is proposed. This language is proposed to help further identify those students who can continue to receive EOF support services even though they are ineligible to receive an EOF Academic Year Article III undergraduate grant.

At N.J.A.C. 9A:11-2.13(b)2, “winter” is proposed as courses that an EOF student schedules and completes using EOF Article III undergraduate winter funds, as well as academic year courses, which shall be considered in determining the student’s academic progress. However, as stated at N.J.A.C. 9A:11-2.8(i), Article III undergraduate summer and winter grants are not considered a semester of payment.

Subchapter 4 contains the general authority under which the EOF program provides guidelines to institutions about EOF program support services. This subchapter governs the development and maintenance of institutional programs of development and supplemental education, and related student support services for EOF eligible students. At N.J.A.C. 9A:11-4.4(d), the word “responsibilities” is proposed. With more EOF program directors/administrators being asked to expand their roles on college campuses, the impact of their shifting responsibilities must be considered.

At N.J.A.C. 9A:11-4.8(b)6, a technical amendment is proposed to delete the second, unnecessary, usage of “limited-English-proficient.”

Subchapter 5 contains the general authority under which the EOF program provides guidelines to institutions about the facilitation of EOF support during the summer session. Throughout this subchapter, “winter session” is added to all references of summer session or program.

At N.J.A.C. 9A:11-5.1, Scope, the word “special” is proposed in the third sentence just before the word “enrichment.”

New N.J.A.C. 9A:11-5.3(a)6 is proposed, which states “provide opportunities to assist students with decreasing the time toward graduation.”

At N.J.A.C. 9A:11-5.4(b), “prefreshman” is replaced by “pre-freshman.” Additionally, the following new second sentence is proposed, “the EOF pre-freshman summer program is intended for students who have earned less than 24 college credits before enrolling at the participating institution.” This proposed addition will help to clarify who the EOF pre-freshman summer program is intended to help support.

With the growing number of high schools offering students the ability to gain college credits while students earn their high school diploma, new N.J.A.C. 9A:11-5.4(c) is proposed to state which students can be permitted to participate in the EOF pre-freshman summer program.

Subchapter 6 contains the general authority under which the EOF program provides guidelines to institutions with regard to the operational procedures for academic year, summer Article III student grants, and Article IV program support services funds. Throughout this subchapter, “winter session” is added to all references of summer session or program.

At N.J.A.C. 9A:11-6.1(a), EOF Article III is proposed for clarification to include “Academic Year,” “Summer,” and “Winter” funding.

At N.J.A.C. 9A:11-6.3, Use of Article III grant funds, an amendment is proposed at subsection (a) to specify that Article III funds awarded during the fall/spring term must be used solely for courses and educational costs that specifically occur during the fall/spring terms. The proposed amendment at N.J.A.C. 9A:11-6.3(b) requires that funds awarded for the summer session be used solely for courses and educational costs that occur during the summer session; and that courses taken during the summer session must be recorded on students' academic transcripts as completed during the summer session.

Proposed new N.J.A.C. 9A:11-6.3(c), is added to mirror existing subsection (b), but apply to the winter session.

At N.J.A.C. 9A:11-6.7(a)1, it is proposed that the "Commission/EOF" be deleted and replaced with "Office of the Secretary of Higher Education." This change is proposed to ensure consistency in the identification of the department that the EOF Central Office is housed within.

N.J.A.C. 9A:11-6.9(c)1iv is proposed for amendment as follows: "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 members time.'" At N.J.A.C. 9A:11-6.9(c)2i, it is proposed that the phrase: "Expenditures for personnel who provide direct services to EOF student will be allowed" be deleted.

At N.J.A.C. 9A:11-6.14, Recordkeeping and data collection, it is proposed that, at paragraph (a)7, the American College Testing (ACT) be added to the examples of standardized test scores listed, and that the phrase "ability to benefit" be deleted. These proposed amendments will allow the addition of the ACT to also be considered by EOF programs in their determination of academic preparation for a student. N.J.A.C. 9A:11-6.14(e) is proposed for amendment to add preparing "and submitting." This amendment is to ensure that the directors and the

administrators responsible for the administration of the program's fiscal affairs are responsible for the submission of all reports and budget documents.

At N.J.A.C. 9A:11-6.15 (c)2v, the phrase "for senior institutions or the county college success rate" is proposed as an addition is to help clarify what the EOF equity index, which is one of the areas where the EOF Executive Director will provide campus programs outcome data, pertains to.

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

### **Social Impact**

The proposed amendments to the Educational Opportunity Fund's Administrative Policies and Procedures ensure that the State of New Jersey's only program that is legislatively and historically intended to provide access to higher education to highly motivated, low-income, first generation college students, and comprehensive student support services designed to assist them in earning their degrees continues to meet New Jersey's high standards of quality. EOF students come from every county in New Jersey. They have generally lived and attended high school in neighborhoods characterized by depressed economic conditions, substandard educational services, and the social and financial inequities associated with poverty.

Approximately 60 percent of the total EOF enrollment comes from the State's most distressed municipalities (communities that have been designated "labor surplus areas" by the New Jersey Department of Labor and Workforce Development and the U.S. Bureau of Labor Statistics).

The proposed amendments will make it possible to provide EOF students with the ability to complete college courses throughout the academic year (fall, winter, spring, and summer) rather than the traditional fall and spring semesters. This will help reduce the amount of time

required for students to earn their degree, as well as the cost of their undergraduate education. Additionally, the proposed amendments maintain the EOF program's historical commitment to low-income, disadvantaged students and creates a path for students fortunate enough to participate in a dual high school/college enrollment program to still be considered for admission to the EOF program.

### **Economic Impact**

During the 2015-2016 academic year, the EOF program served 13,295 undergraduate and graduate students enrolled in 59 programs at 41 New Jersey colleges and universities. Approximately \$27 million of the fiscal year 2017 appropriation of \$41.38 million was allotted for EOF Article III academic year undergraduate and graduate student financial aid grants. The balance was allotted to provide participating institutions with the resources to manage their Article IV funded EOF program student support and enrichment services. EOF Article IV funds must be matched dollar for dollar by the participating institutions. The proposed amendments will have no direct impact on the total number of students awarded grants or the total cost of the program.

### **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-1 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 in New Jersey.

### **Agriculture Industry Impact**

The proposed amendments will have no impact on the agriculture industry in New Jersey.

### **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 pertain strictly to public colleges and universities and to 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 in New Jersey and there is an extreme unlikelihood that the proposed amendments will evoke a change in the average costs associated with housing because the amendments are proposed to implement several higher education initiatives designed to improve college affordability.

### **Smart Growth Development Impact Analysis**

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 in New Jersey because the amendments have been proposed to implement several higher education initiatives designed to improve college affordability.

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

## SUBCHAPTER 1. AUTHORITY, MISSION, AND SCOPE

### 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 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.

...

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

...

**“Freshman” means, for EOF purposes, a student who has earned less than 24 college credits.**

...

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

...

**“Summer program” means, for EOF purposes, any programming that an institution develops that supports either EOF pre-freshmen or EOF renewal students to take academic courses or participate in various enrichment activities during the summer session. The summer program traditionally consists of either a pre-freshman summer program and/or a renewal summer program. The pre-freshman 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.**

...

**“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 the academic 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:11-1.4 Scope

(a) [The rules in this] **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. [The rules] **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) (No change.)

## SUBCHAPTER 2. UNDERGRADUATE EOF ACADEMIC AND FINANCIAL ELIGIBILITY

### 9A:11-2.2 Student eligibility

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

(b) – (d) (No change.)

(e) In addition, an eligible [student] **initial first-time full-time undergraduate** shall exhibit evidence of the potential to succeed in college, but:

1. – 2. (No change.)

(f) – (h) (No change.)

### 9A:11-2.8 Duration of student eligibility

(a) - (f) (No change.)

(g) 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.

(h) 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.**

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

9A:11-2.10 [Nonfunded] **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 [nonfunded] **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 [nonfunded] **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 [nonfunded] **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 [nonfunded] **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 [prefreshman] **pre-freshman** summer program before his or her eligibility has been determined and who is later found financially ineligible cannot be considered a [nonfunded] **non-funded** student.

#### 9A:11-2.13 Academic progress

(a) (No change.)

(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. (No change.)

2. The summer **and winter** programs [is a] **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. (No change.)

(c) – (f) (No change.)

#### SUBCHAPTER 4. EOF PROGRAM SUPPORT SERVICES

#### 9A:11-4.4 Institutional administration

(a) – (c) (No change.)

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

(e) – (i) (No change.)

#### 9A:11-4.8 Eligible program support components

(a) (No change.)

(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. – 5. (No change.)

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

7. - 10. (No change.)

(c) (No change.)

#### 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 session** shall be eligible for funding consideration if they:

1. – 5. (No change.)

**6. Provide opportunities to assist students with decreasing the time toward graduation;**

Recodify existing 6.-9. as **7.-10.** (No change in text.)

#### 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 [prefreshman] **pre-freshman** 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-freshman summer program is intended for**

**students who have earned less than 24 college credits before enrolling at the participating institution.** Institutions may permit EOF freshmen to enroll without participating in a summer program, [so] **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 an associate’s degree while completing their high school graduation requirements or have earned more than 24 college credits toward their degree are ineligible for participation in the pre-freshman summer program. However, these students may be considered for the EOF program during the academic year based on the EOF Article III student grant funding priorities outlined in N.J.A.C. 9A:11-6.1(h), and if they meet all of the eligibility requirements set forth in N.J.A.C. 9A:11-2.2 and 2.3.**

[(c)] **(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 session** if such attendance accomplishes one of the following:

1. – 6. (No change.)
7. Acceleration and special summer **or winter** enrichment programming.

9A:11-5.5 Verification of financial eligibility

(a) (No change.)

(b) Procedures for verifying student eligibility for summer program **and winter session** attendance shall be consistent with those [outlined] **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**, AND SUMMER ARTICLE III STUDENT GRANTS AND ARTICLE IV PROGRAM SUPPORT SERVICES FUNDS

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

(a) The EOF Executive Director shall annually inform all participating colleges and universities about the availability of EOF Article III (**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)- (d) (No change.)

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

(f)- (h) (No change.)

#### 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 allocation shall be applied toward EOF summer students' 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 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.- 4. (No change.)

**(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 costs shall include whatever constitutes the participating institution's educational budget and/or instructional costs as follows:**

- 1. Tuition charged per student for 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.**

[(c)](d) (No change in text.)

#### 9A:11-6.7 Appeals

(a) A student, or his or her parent(s), may file a written appeal with the EOF Executive Director regarding an 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 shall be in the form of a letter addressed to the EOF Executive Director at the [Commission/EOF] **Office of the Secretary of Higher Education EOF**, PO Box 542, Trenton, New Jersey 08625-0542.

2. (No change.)

(b) (No change.)

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

(a) – (b) (No change.)

(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. – iii. (No change.)

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. - vi. (No change.)

2. Institutional match items shall not include:

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

ii. – v. (No change.)

(d) – (e) (No change.)

#### 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.- 6. (No change.)

7. Standardized test scores, such as **ACT and/or SATs, and** basic skills assessments[, ability to benefit];

8.- 11. (No change.)

(b) – (d) (No change.)

(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) –(b) (No change.)

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

1. (No change.)

2. Program outcomes including:

i. – iv. (No change.)

v. The EOF equity index **for senior institutions or the county college success**

**rate;** and

3.(No change.)

(d) (No change.)