

HIGHER EDUCATION

EDUCATIONAL OPPORTUNITY FUND

Undergraduate EOF Eligibility

Proposed Amendments: N.J.A.C. 9A:11-2.2 and 2.11

Authorized By: Educational Opportunity Fund Board of Directors, Dr. Hasani Carter, 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 2019-159.

Submit written comments by January 31, 2020, to:

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The agency proposal follows:

Summary

The Educational Opportunity Fund (EOF) 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, students who participate in one of New Jersey's Federally funded TRIO programs (which are designed to provide assistance to those from disadvantaged backgrounds) are currently not viewed in the same way as those who participate in one of New Jersey's Federally supported NJ GEAR UP programs or New Jersey College Bound programs. Currently, there are eight different programs that operate under the TRIO umbrella. Seven provide direct support to students: The Education Opportunity Centers, Ronald E. McNair Post-baccalaureate Achievement Program, Student Support Services, Talent Search, Upward Bound, Upward Bound Math-Science, and Veterans Upward Bound. The eighth program (Training Program for Federal TRIO Programs Staff) focuses on providing support resources to awarded institutions for the purposes of professional development of their TRIO staff.

Eligibility for each program varies based on the student population that is being served (that is, middle and high school students, adult learners, and veterans). All TRIO participants must be reviewed for economic eligibility. Students that do not qualify financially can still be considered if they demonstrate that they come from a low-income community, are first-

generation college students, come from a household where no one has earned a college degree, or are students from groups that are traditionally underrepresented in postsecondary education, students with disabilities, students who are homeless children and youths, or students who are in foster care or are aging out of foster care system. Similar to EOF, the Federal TRIO programs use the Federal poverty guidelines to determine low-income eligibility. For all Federal TRIO programs, the term “low-income” means an individual whose family’s taxable income for the preceding year did not exceed 150 percent of the poverty level amount as established by the Federal poverty guidelines. As noted within EOF’s rules at N.J.A.C. 9A:11-2.3, poverty is established at 200 percent of the Federal poverty guidelines, with only 10 percent of initials (students having no history of receiving EOF academic year grants) being permitted to be admitted at 281 percent of the Federal poverty guidelines as discretionary admits.

Currently, students who participate in a TRIO program must meet the EOF financial guidelines and must demonstrate they come from some form of an educationally disadvantaged background in order to qualify for EOF consideration. Students who participate in an NJ GEAR UP program or New Jersey College Bound program are automatically eligible for EOF admission consideration independent of their financial or academic background. Unfortunately, TRIO students who do not meet the financial and academic eligibility criteria are not considered for EOF and, thus, are ineligible to minimally receive EOF program support services in the same manner as the NJ GEAR UP or New Jersey College Bound program participant. Currently there are 32 TRIO programs operating at 17 institutions across New Jersey. Since many of the TRIO programs operate at institutions that also have an EOF program, by treating TRIO students the same as those in the NJ GEAR UP and New Jersey College Bound programs, EOF campus programs can work to ensure TRIO students remain at the institution to obtain their college

degrees. This effort will not only help to increase the number of students participating within EOF but will help to strengthen partnerships among existing programs that seek to support more New Jersey residents to go to college and earn a post-secondary credential.

To assist with this endeavor, the following language within the EOF rules is being proposed for amendment. At N.J.A.C. 9A:11-2.2(f), EOF proposes to add “or a Federal TRIO Program” after the term “College Bound Grant Program”. At N.J.A.C. 9A:11-2.11, within the heading of this section, the term “TRIO” is added. This proposed amendment will help make it clear that this section pertains specifically to NJ GEAR UP, New Jersey College Bound, and TRIO grant program students. N.J.A.C. 9A:11-2.11(a) and (b) are proposed for amendment to include the Federally supported TRIO programs. N.J.A.C. 9A:11-2.11(b) is further proposed for amendment to add “for EOF admission consideration by the participating EOF campus program” to the first sentence. The second sentence is proposed for amendment to clarify that if the student is admitted, the student is eligible to receive both Article III and Article IV benefits. The proposed amendments will help to clarify the EOF eligibility consideration for students who were able to successfully complete their participation in one of the State’s Federally funded TRIO programs.

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 will not only help to increase the number of students participating within EOF but will help to strengthen partnerships among existing programs that seek to support more New Jersey residents to go to college and earn a post-secondary credentials. The proposed amendments should have no adverse social impact.

Economic Impact

EOF campus programs must work within their allocation to support as many students as possible for the purposes of assisting students with their efforts of earning a post-secondary credential. The proposed amendments should have no adverse 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 laws 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 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 do not affect housing affordability or evoke a change in the average costs associated with housing because the proposed rules only pertain to expanding the eligibility consideration for students to participate within the Educational Opportunity Fund.

Smart Growth Development Impact Analysis

The EOF staff 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 only pertain to expanding the eligibility for students to be considered for participation in the Educational Opportunity Fund.

Racial and Ethnic Community Criminal Justice and Public Safety Impact

The EOF Board has evaluated this rulemaking and 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:11-2.2 Student eligibility

(a)-(e) (No change.)

(f) Students who have successfully completed [a] **an** 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 not demonstrate need as specified [in] **at** (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)-(h) (No change.)

9A:11-2.11 NJ GEAR UP [and], [NJ] **New Jersey** College Bound, **and TRIO** grant program support-services- only student

(a) A student who has successfully completed an NJ GEAR UP [state] **State** project, [and/or an NJ] **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 an NJ GEAR [UP/NJ] **UP/New Jersey** College Bound/**TRIO** support-services-only ([NJGEARUP/NJ College Bound/SSO] **NJ GEAR UP/New Jersey College Bound/TRIO/SSO**) student.

(b) An [NJGEARUP/NJ] **NJ GEAR UP/New Jersey** College [Bound/SSO] **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 student EOF summer program and subsequent academic year Article IV program support services throughout his or her enrollment in college.