The Department intends to solicit stakeholder input on the existing rules. Subsequent to the completion of this process, the Department anticipates initiating a rulemaking to propose amendments to update the List based primarily on the Department’s Biotics database, which contains current information on the location and status of occurrences of over 800 native plant species that have 50 or fewer occurrences Statewide. The readoption without amendment will provide the Department with time to complete its analysis of appropriate amendments to the current rules, draft proposed new rules, and seek public input on the proposed new rules.

HIGHER EDUCATION

(a)

HIGHER EDUCATION STUDENT ASSISTANCE AUTHORITY

Grant and Scholarship Programs


Adopted Amendments: N.J.A.C. 9A:9-2.1 through 2.5, 2.7, 2.10, 2.11, 10.1, 10.2, 10.4, 11.1, 11.2, 11.5, and 11.7

Proposed: September 16, 2019, at 51 N.J.R. 1451(a).

Adopted: January 22, 2020, by the Higher Education Student Assistance Authority, Christy Van Horn, Chairperson.

Filed: February 3, 2020, as R.2020.d.025, with non-substantial changes not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3).


Effective Date: March 2, 2020.

Expiration Date: November 6, 2021.

Summary of Public Comments and Agency Responses:

The comment period officially ended on November 15, 2019. The Higher Education Student Assistance Authority (“HESAA” or “Authority”) received comments from the Executive Council of the New Jersey Association of Financial Aid Administrators (NJASFAA); Rabbi Aaron Kotler, President of Beth Medrash Govoha; and James Anderson, Director of Financial Aid at Montclair State University. The comments, along with the Higher Education Student Assistance Authority’s responses, are summarized below.

COMMENT: The NJASFAA Executive Council requests that the Authority amend N.J.A.C. 9A:2-1(b)iii to read (addition in bold) “Beginning with academic year 2020-2021, provides a financial aid shopping sheet, which complies with the New Jersey-Specific Shopping Sheet, per P.L. 2019, c.201, or the current model shopping sheet (now called a College Financing Plan) published by the U.S. Department of Education, to each prospective student as part of the financial aid offer to provide students and their families with clear information on the net costs of attendance after application of grants and scholarships, loan options, and estimated debt that the student will incur to attend the institution.” The commenters believe that their suggested alternative language better complies with P.L. 2019 c. 201 in that the statute only requires the institutions to provide the shopping sheet to prospective students.

RESPONSE: The Authority has determined that it will not adopt proposed new N.J.A.C. 9A:2-1(b)iii. As, pursuant to N.J.A.C. 1:30-6.3, this change is not permitted to be made upon adoption, the amendment will be reproposed in a future issue of the New Jersey Register; the technical changes proposed at N.J.A.C. 9A:2-1(b)iii will also be undone upon adoption.

COMMENT: The NJASFAA Executive Council comments on an update to the reference to the Federal Student Handbook at N.J.A.C. 9A:9-2.3(a) from 2013-2014 to the current handbook.

RESPONSE: As the current reference at N.J.A.C. 9A:2.3(a) is to the Federal Student Aid Handbook, “as amended and supplemented,” the rule always incorporates the current version of the Federal Student Aid Handbook. However, in response to the commenter, HESAA will update N.J.A.C. 9A:9-2.3(a) to cite the current year’s Federal Student Aid Handbook.

COMMENT: The NJASFAA Executive Council expressed concerns with proposed new N.J.A.C. 9A:9-2.4(d)2, in that the Council believes it will be too onerous and costly for students to provide proof of mailing of their Selective Service registrations. The commenters request that schools be permitted to accept a copy of the registration as proof of the students’ submission for registration with the Selective Service.

RESPONSE: A photocopy of the registration form only proves that the student filled out the registration form; it does not prove that the student submitted the registration form. Pursuant to N.J.S.A. 18A:71B-6, students who are subject to the provisions of the Military Selective Service Act are not eligible for State student financial aid unless they register for Selective Service. To ensure compliance with this requirement, N.J.A.C. 9A:9-2.4(d)2 provides three options for students to prove they have registered: filing the Free Application for Federal Student Aid, providing a copy of the Selective Service Registration Card, or providing proof that the student mailed the registration form to the Selective Service System, if the student is in his first semester. To ease some of the time burdens for students, the Authority specifically included the option for first semester students to provide proof that they mailed the registration form to the Selective Service System because it can take up to 90 days to receive the Selective Service Registration card. In addition, the cost of providing proof is not overly expensive. Pursuant to the U.S. Postal Services website, www.usps.com, a certificate of mailing, Form 3817, currently costs $1.45.

COMMENT: The NJASFAA Executive Council, Rabbi Aaron Kotler, and James Anderson all expressed concerns with the amendments to N.J.A.C. 9A:9-2.7. Rabbi Kotler requests that HESAA reconsider the requirement to produce income proof received through a Federal or State agency because he believes it creates a barrier to access for low-income students who were not required to file a tax return in the base year. He also suggested that the Authority accept a projected year tax return that was filed with the IRS.

Similarly, the NJASFAA Executive Council states that it is not a realistic expectation for students who are homeless, at risk of homelessness, veterans, or undocumented to be able to provide documentable proof, received through a Federal or State agency, of taxable and/or untaxed income. This commenter requested that HESAA assess these students with in-kind support amounts that assume a minimal standard of living.

Mr. Anderson requested that the Authority assess in-kind support for independent students. He stated that he understood “there was a concern that some students who become independent based on age were receiving TAG even though they still had the support of parents of significant means, and that this was a misallocation of limited resources that are intended to support needy students.” Mr. Anderson agrees with the objectives of the policy but is concerned with the “unintended consequences of denying TAG to high needs students simply because they have become independent based solely on age.” He recommends that HESAA include in its procedures a review of students who are receiving a Tuition Assistance Grant (TAG) as dependent students who transition into independent status to ensure that students do not lose eligibility based solely on age.

RESPONSE: As Mr. Anderson stated, the reason behind the requirements of N.J.A.C. 9A:9-2.7 is to ensure that there is not a misallocation of the limited State resources that are intended to support...
needy students. Pursuant to N.J.S.A. 18A:71B-21.a, the Authority has the responsibility of ensuring that need-based financial aid is directed to students who have verifiable need. To maintain the integrity of the programs the Authority administers, HESAA can only verify need through reputable sources, such as State and Federal agencies. If the Authority were not to seek verification when students report zero income, but instead were to impute in-kind support, it would open the door to undetectable levels of erroneously awarded State financial aid to students who failed to properly report their true income.

Additionally, the Authority does not accept projected year tax returns in order to align with the information provided on the Free Application for Federal Student Aid (FAFSA), which relies on prior-prior year tax information. When there are changes to a student’s financial situation due to circumstances that are out of that student’s control, such as unemployment, the student is still able to report that change to the school, which will evaluate the student’s eligibility for a change of circumstances for State financial aid and submit that change to the Authority.

COMMENT: Rabbi Kotler and Mr. Anderson both requested that students who cannot provide documentation of earned income, and also cannot provide verifiable documentation of their receipt of unemployment insurance, child support, alimony, food assistance benefits, health insurance benefits, public need-based cash assistance benefits, or Social Security benefits be permitted to provide proof of one source of benefits from a Federal or State program instead of the two sources required by the rule.

RESPONSE: The basic life expenses are food, shelter, and healthcare. For students certifying they had zero income, the Authority requires students to provide proof of two sources of benefits that provide for these basic life expenses in order to verify how they met these living costs. The Authority must have an accurate view of a student’s economic circumstances to ensure the State’s limited resources are directed to the intended recipients.

COMMENT: With regards to students and parents proving they have two documentable sources of income, Mr. Anderson requested that HESAA permit appeals in cases where dependent students claim to be financially supporting their parents, and allow students, in such cases, to provide, as an alternative documentation, that the students are providing such support to their parents. He states that current policy does not acknowledge such situations.

RESPONSE: Pursuant to N.J.A.C. 9A:9-2.15 students are permitted to appeal the determination of whether or not they are eligible for State financial aid. The appeal process requires students to describe in writing the basis for the appeal. While the Authority acknowledges that there could be situations where dependent students support their parents, N.J.A.C. 9A:9-2.7, as amended, requires families to provide the Authority with documented proof, received from a Federal or State agency, of taxable and/or untaxed income to ensure families are not misrepresenting the family’s income and that they are not having students declared independent simply to receive additional financial aid. If HESAA cannot verify that a dependent student is financially supporting his or her parent, HESAA cannot award need-based aid.

Federal Standards Statement

A Federal standards analysis is not required since the adopted amendments and new rule are not intended to implement, comply with, or participate in any program established under Federal law or under a State law that incorporates or refers to Federal law, standards, or requirements.

Full text of the adopted new rule and amendments follows (additions to proposal indicated in boldface with asterisks *thus*; deletions from proposal indicated in brackets with asterisks *[thus]*):
under the programs administered by the Authority without verification of
compliance with the requirements of the Military Selective Service Act.
Verification of compliance shall be satisfied as follows:
1. For students who apply using a Federally supplied application for
financial aid, verification of military selective service compliance
1001 et seq., satisfies this requirement;
2. For students who apply using a non-Federally supplied application
for financial aid, the institution of higher education shall not disburse the
aid until provided a copy of the student’s Selective Service Registration
Card or a letter from the Federal government confirming registration with
Selective Service. For students in their first semester of enrollment only,
institutions are permitted to accept proof that the student mailed his
registration to the Selective Service System, including, but not limited to,
a registered mail receipt or a commercial carrier tracking notice. For
future semesters of eligibility, the student must provide a copy of the
Selective Service Registration Card or letter from the Federal government
confirming registration with Selective Service.

9A:9-2.5 Student notification
The Higher Education Student Assistance Authority shall notify
students of grant eligibility in writing, either electronically or by mail.
The amount of the grant is subject to change based on the annual level of
appropriations and other resources available to the student (see N.J.A.C.
9A:9-2.9). The institution’s written notification to the student regarding
State financial assistance shall contain a clause indicating the State is not
responsible for funding of the grant in the event of fraudulent, inaccurate,
or misleading information.

9A:9-2.7 Verification of family financial data
Students upon request must provide the Higher Education Student
Assistance Authority with documentation including, but not limited to,
Internal Revenue Service tax return transcripts and/or State income tax
returns for themselves, and in the case of dependent students, for their
parents, for verification purposes. In the limited circumstances when
students or parents are unable to obtain transcripts from the Internal
Revenue Service, the Authority may accept a signed copy of the Federal
income tax return. If no tax returns were filed for the year requested,
students must provide the Authority with documented proof, received
through a Federal or State agency, of taxable and/or untaxed income,
including, but not limited to, an IRS tax and wage transcript, receipt of
unemployment payments, child support, alimony, welfare payments,
Social Security benefits, or at least two benefits from any of the following
Federal programs: Medicaid, SSI, SNAP, TANF, or WIC. Financial data
provided on the financial aid form may be verified by the Authority and/or
institutions through the comparison of information reported on income tax
transcripts and returns and other requested documentation. Discrepancies
will require the re-evaluation of the student’s eligibility. Students, as well
as institutions, will be notified if an adjustment in the value of aid is
required. If documentation is not received to verify income or resolve
discrepancies aid will not be granted.

9A:9-2.10 Verification of enrollment and academic performance
(a) Before payment may be made to an eligible student, the institution
shall have satisfactory evidence that the student is eligible for State grant
and/or scholarship assistance, has registered as a full-time student for an
academic term in an eligible program of study, or a minimum of six credits
if the student is applying for an approved part-time financial aid program
in an eligible program of study, and that the student is meeting minimum
standards for academic performance and academic progress.
(b)-(f) (No change.)

9A:9-2.11 Payments
(a) The maximum number of semester award payments that students
may receive are as follows:
1. Tuition Aid Grant Program:

<table>
<thead>
<tr>
<th>Type of Program</th>
<th>2-Year College Maximum</th>
<th>4-Year College Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regular program</td>
<td>5 9</td>
<td></td>
</tr>
</tbody>
</table>

1The semesters of payment are cumulative and include all payments
made for a two-year program.
2 (No change.)

2. Other State Student Assistance Programs, if not separately defined
by rule:

<table>
<thead>
<tr>
<th>Type of Program</th>
<th>2-Year College Maximum</th>
<th>4-Year College Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regular program</td>
<td>5 8</td>
<td></td>
</tr>
<tr>
<td>Three Plus One Degree Program established pursuant to P.L. 2018, c. 144</td>
<td>6 8</td>
<td></td>
</tr>
<tr>
<td>Remedial/Developmental or Bilingual (ESL) Curriculum2</td>
<td>6 8</td>
<td></td>
</tr>
<tr>
<td>5-year program</td>
<td>N/A 10</td>
<td></td>
</tr>
</tbody>
</table>

1 (No change.)
2 Remedial/Developmental or Bilingual (ESL) Curriculum must contain the equivalent of 18 or more credit hours of remedial or bilingual
(ESL) courses.

9A:9-2.13 Student’s obligation
Students are required to log onto the New Jersey Financial Aid
Management System and ensure that their file is complete and accurate.
Any changes to family financial status must be reported to the institution,
which shall exercise professional judgment pursuant to N.J.A.C. 9A:9-3.3
to determine if there is a change in the student’s eligibility for State
student assistance programs.

SUBCHAPTER 10. NEW JERSEY STUDENT TUITION ASSISTANCE REWARD SCHOLARSHIP (NJ STARS) PROGRAM

9A:9-10.1 Purpose and scope
The rules established by this subchapter provide the policies and the
procedures for participation in the New Jersey Student Tuition Assistance
Reward Scholarship (NJ STARS) Program administered by the New
Jersey Higher Education Student Assistance Authority (Authority). These
scholarships shall be awarded annually to eligible students enrolled in a
full-time course of study at a New Jersey county college, unless the
student receives an exemption from the full-time course of study
requirement pursuant to N.J.A.C. 9A:9-10.4(a)6iii.

9A:9-10.2 Definitions
The following words and terms, when used in this subchapter, shall
have the following meanings, unless the context clearly indicates
otherwise:

“Full-time enrollment” in any semester, including summer, means a
course of study leading to a degree from the county college of enrollment,
unless the student is enrolled in a three plus one degree program
established pursuant to P.L. 2018, c. 144, in which case the course of study
in the third academic year shall lead to a degree at the four-year institution with which the county college is partnered in the three plus one degree program, that includes at least 12 credit hours, not including any credit hours in a remedial or developmental curriculum. Full-time enrollment for a summer semester consists of the total number of credits taken during all sessions in that summer.

... “Part-time enrollment” in any semester, including summer, means a course of study leading to a degree from the county college of enrollment, that includes at least six credit hours, but less than 12 credit hours, not including any credit hours in a remedial or developmental curriculum. Part-time enrollment for a summer semester consists of the total number of credits taken during all sessions in that summer.

9A:9-10.4 Eligibility requirements

(a) A student shall be eligible for a scholarship under the NJ STARS Program for up to five semesters, including summers, unless the student is enrolled in a three plus one degree program established pursuant to P.L. 2018, c. 144, in which case the student shall be eligible for a scholarship under the NJ STARS Program for up to six semesters, including summers. This period of eligibility also includes any semester for which a student qualifies for the scholarship but does not receive payment pursuant to N.J.A.C. 9A:9-10.7. In order to qualify for this scholarship, a student must meet the following eligibility requirements:

1. (No change.)

2. Upon notice from the Authority of conditional eligibility for the Program, a student shall take a college placement test selected by the New Jersey Council of County Colleges and administered by the county college in the county of the student’s school district at no cost to the student or the school district. The county colleges may enter into an agreement with the school district to administer the test at the high school or other selected site within the district.

(i. (No change.)

ii. A student shall have one year from September 1 following high school graduation to demonstrate the skill levels required to pursue courses for credit at a county college. The student shall become an NJ STAR scholar eligible for five, or six if enrolled in a three plus one program, semesters of NJ STARS scholarships if during or at the end of the one-year period the student demonstrates the required ability. A student loses eligibility to become an NJ STARS Scholar if the student continues to require remediation at the end of the one-year period;

3.-5. (No change.)

6. A student must maintain continuous enrollment in a full-time course of study unless:

i. The student is on medical leave due to the illness of the student or illness of a member of the student’s immediate family or emergency leave because of a family emergency, which medical or emergency leave shall have been approved by the county college prior to completion of the semester for which leave is being granted;

ii. The student is called to partial or full mobilization for State or Federal active duty as a member of the National Guard or a Reserve component of the Armed Forces of the United States;

iii. The student receives an exemption from the full-time course of study requirement by enrolling part-time and:

(1) Provides the county college with a written note from a physician or other licensed health care professional indicating the student’s need to take a reduced number of credits due to a physical or mental health condition; or

(2) Provides the county college with documentation to verify the death of the student’s parent or spouse in the current or previous semester. Acceptable documentation includes, but is not limited to, a copy of the obituary listing the student as the child or spouse, or a copy of the death certificate along with a copy of the birth certificate or marriage certificate;

iv. A student enrolled for less than full-time status during the summer semester shall not receive an NJ STARS award for that semester, unless the student receives an exemption from the full-time course of study requirement pursuant to (a)iii above, but shall maintain eligibility for the program;

v. (No change in text.)

7. A student shall not receive an NJ STARS scholarship for the sixth semester of county college enrollment, unless the student is enrolled in a three plus one degree program established pursuant to P.L. 2018, c. 144, but if a student enrolled in a nursing or engineering program enrolls for a sixth semester that student shall maintain eligibility for the New Jersey Student Tuition Assistance Reward Scholarship II (NJ STARS II) Program, established pursuant to P.L. 2005, c. 359 (N.J.S.A. 18A:17B-86.1 et seq.), provided the student meets the requirements for receipt of an NJ STARS II scholarship and graduates after the sixth semester.

(b)-(d) (No change.)

(e) A student enrolled part-time pursuant to (a)iii above shall receive an additional semester of NJ STARS eligibility for each semester the student receives an exemption from the full-time course of study requirement, not to exceed five additional semesters.

SUBCHAPTER 11. NEW JERSEY STUDENT TUITION ASSISTANCE REWARD SCHOLARSHIP II (NJ STARS II) PROGRAM

9A:9-11.1 Purpose and scope

The rules established by this subchapter provide the policies and procedures for participation in the New Jersey Student Tuition Assistance Reward Scholarship II (NJ STARS II) Program administered by the Higher Education Student Assistance Authority. This program offers scholarships to NJ STARS scholars who attain an associate degree at a New Jersey county college and are enrolled in a full-time course of study at a New Jersey four-year institution of higher education no later than the second eligible term immediately following the student’s attainment of an associate degree, unless the student receives an exemption from the full-time course of study requirement pursuant to N.J.A.C. 9A:9-11.5(a)iii.

9A:9-11.2 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise:

... “Fourth academic year of study” means the third and fourth eligible terms of study at a participating institution, unless the student is enrolled in a three plus one degree program established pursuant to P.L. 2018, c. 144, in which case the fourth academic year of study means the first and second eligible terms of study at a participating four-year institution.

... “Part-time enrollment” in any semester means a course of study in any term, except summer sessions, that includes at least six credit hours, but less than 12 credit hours, in a non-remedial or non-developmental curriculum and which leads to a baccalaureate degree from a participating institution.

... “Third academic year of study” means the first two eligible terms of study at a participating institution, unless the student is enrolled in a three plus one degree program established pursuant to P.L. 2018, c. 144, in which case the student completed the third academic year of study at the county college.

9A:9-11.5 Eligibility requirements

(a) A student shall be eligible for a scholarship under the NJ STARS II Program for up to four terms, unless the student is enrolled in a three plus one degree program established pursuant to P.L. 2018, c. 144, in which case the student shall be eligible for a scholarship under the NJ STARS II Program for up to three terms. Payments are only made for fall and spring terms. The student’s eligibility will be determined during the first eligible term of enrollment at a participating institution. In order to qualify for this scholarship, a student must:

1. (No change.)

2. Have graduated from a New Jersey county college with an associate degree as a funded or non-funded NJ STARS scholar with at least a 3.25 cumulative grade point average or was eligible for but did not receive an NJ STARS scholarship because the student was enrolled in college courses while in high school and received an associates degree with at least a 3.25 cumulative grade point average in accordance with a joint program offered by the student’s school district and a county college.
i. Students who were not enrolled in a three plus one degree program established pursuant to P.L. 2018, c. 144, and were NJ STARS scholars for their fifth semester of county college enrollment and enrolled in a sixth semester at the county college in a nursing or engineering program are eligible for NJ STARS II, provided they meet the requirements for receipt of an NJ STARS II scholarship and graduate after the sixth semester.

ii. Students who were enrolled in a three plus one degree program established pursuant to P.L. 2018, c. 144 must have been a funded or non-funded NJ STARS scholar in the sixth semester of county college enrollment to be eligible for NJ STARS II.

3. Be enrolled full-time, or part-time if the student received an exemption from the full-time course requirement pursuant to (a)5ii below, in a baccalaureate degree program at a participating institution no later than the second eligible term immediately following the student’s attainment of an associate degree, unless enrollment is delayed due to the illness of the student or a member of the student’s immediate family or because of a family emergency, which medical or emergency exception shall have been approved by the Authority, or unless called to partial or full mobilization for State or Federal active duty as a member of the National Guard or a Reserve component of the Armed Forces of the United States;

4. (No change.)

5. Maintain continuous enrollment in a full-time course of study at a participating institution unless:

   i. The student is on medical leave due to the illness of the student or a member of the student’s immediate family or on emergency leave because of a family emergency, which medical or emergency leave shall have been approved by the participating institution prior to completion of the term for which leave is being granted;

   ii. The student is called to partial or full mobilization for State or Federal active duty as a member of the National Guard or a Reserve component of the Armed Forces of the United States;

   iii. The student receives an exemption from the full-time course of study requirement by enrolling part-time and:

      (1) Provides the participating institution with a written note from a physician or other licensed health care professional indicating the student’s need to take a reduced number of credits due to a physical or mental health condition; or

      (2) Provides the participating institution with documentation to verify the death of the student’s parent or spouse in the current or previous semester. Acceptable documentation includes, but is not limited to, a copy of the death certificate along with a copy of the birth certificate or marriage certificate.

   (b) A student enrolled part-time pursuant to (a)5ii above shall receive an additional semester of NJ STARS II eligibility for each semester the student receives an exemption from the full-time course of student requirement, not to exceed four additional semesters.

   (c) (No change in text.)

9A:9-11.7 Amount of the scholarship

(a) A scholarship under the NJ STARS II Program shall be applied toward the cost of tuition, or in the case of a student who receives a Tuition Aid Grant, toward the cost of tuition and approved fees, subject to the prior application of other State and Federal grants and scholarships against such costs for an eligible student enrolled in a full-time course of study at a participating institution. A scholarship shall be paid to the participating institution an amount up to $1,250 per term. The cost of the scholarship shall be paid 100 percent by the State.

1. A scholarship under the NJ STARS II Program for students enrolled part-time shall be prorated against the full time NJ STARS II awards as follows:

   i. An eligible student enrolled for six to eight credits shall receive one-half of the value of the full-time award;

   ii. An eligible student enrolled for nine to 11 credits shall receive three-quarters of the value of the full-time award; and

   iii. Total NJ STARS II payments shall not exceed $5,000 for a student.

   (b)-(c) (No change.)