

CHAPTER 12

AN ACT concerning eligibility for State student financial assistance programs and supplementing chapter 71B of Title 18A of the New Jersey Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.18A:71B-2.1 Eligibility for State student financial assistance programs.

1. a. Notwithstanding the provisions of N.J.S.18A:71B-2 or any other law or regulation to the contrary, a student who meets the requirements of P.L.2013, c.170 (C.18A:62-4.4), or in the case of a student enrolled in an independent institution of higher education meets all of the requirements of P.L.2013, c.170 (C.18A:62-4.4) except for the requirement to enroll in a public institution of higher education, is eligible to apply for, and participate in, any student financial aid program administered by the Higher Education Student Assistance Authority or the Secretary of Higher Education to the full extent permitted by federal law. The Legislature finds and declares that this section is a state law within the meaning of section 411(d) of the “Personal Responsibility and Work Opportunity Reconciliation Act of 1996” (8 U.S.C. s.1621(d)).

b. The Higher Education Student Assistance Authority and the Secretary of Higher Education shall establish procedures and forms that enable students who meet the requirements of subsection a. of this section to apply for, and participate in, all student financial aid programs administered by the Higher Education Student Assistance Authority and the Secretary of Higher Education to the full extent permitted by federal law. The procedures and forms shall be posted on the websites of the Higher Education Student Assistance Authority and the Office of the Secretary of Higher Education.

c. The procedures and forms established by the Higher Education Student Assistance Authority and the Secretary of Higher Education pursuant to this section shall not discriminate against eligible students based on the immigration status or national origin of the student or the student’s parent or guardian.

d. Except as required by State or federal law, the Higher Education Student Assistance Authority and the Secretary of Higher Education shall not request information from any student about the citizenship or immigration status of the student or the student’s parent or guardian.

e. The Higher Education Student Assistance Authority and the Secretary of Higher Education shall adopt rules and regulations pursuant to the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), necessary to effectuate the provisions of this act.

2. This act shall take effect immediately and first apply to the 2018-2019 academic year.

Approved May 9, 2018.