

CHAPTER 2  
DISEASE CONTROL PROGRAM

SUBCHAPTER 9. IDENTIFICATION OF SHEEP AND GOATS  
IN NEW JERSEY

2:2-9.1 Official identification of sheep and goats

(a) Definitions. As used in this section, the following words and terms shall have the following meanings, unless the context clearly indicates otherwise.

1. "Any change of ownership" shall mean the disposition or other transfer of ownership, of any kind, of a sheep or goat, whether by sale, exchange, gift, rescue, or otherwise, that involves movement of the sheep or goats within the State of New Jersey.

2. "Owner/hauler statement" shall have the meaning as set forth at 9 CFR 79.1.

3. "Slaughter channels" shall have the meaning as set forth at 9 CFR 79.1.

(b) Prior to any change of ownership, all sheep and goats, of any age, not in slaughter channels shall be officially identified in the manner prescribed at N.J.A.C. 2:3-1.4(b)5iii, such that the animal may be traced to its flock of birth.

(c) Prior to any change of ownership, all sheep in the State of New Jersey in slaughter channels over 18 months of age, as evidenced by eruption of the second incisor, shall be officially identified in the manner prescribed at N.J.A.C. 2:3-1.4(b)5iii, such that the animal may be traced to its flock of birth. Individual identification will not be required if the sheep are moved as a group with an owner/hauler statement as permitted pursuant to 9 CFR 79.

CHAPTER 3  
LIVESTOCK AND POULTRY IMPORTATION

SUBCHAPTER 1. GENERAL REQUIREMENTS

2:3-1.4 Contents of Certificate of Veterinary Inspection

(a) (No change.)

(b) The official Certificate of Veterinary Inspection shall include a legible report of the following:

1.-4. (No change.)

5. Description of the livestock which shall include: species, breed, sex, and age of animals. Where applicable, the description shall include the following:

i.-ii. (No change.)

[iii. The Department hereby adopts and incorporates by reference the identification method for sheep and goats described in the "Scrapie Eradication State-Federal Industry Uniform Methods and Rules" (United States Department of Agriculture, 2003, APHIS 91-55-066), as amended and supplemented. Copies of this document may be procured online at <http://www.aphis.usda.gov/oa/pubs/umr.html>. A copy of this document is on file in the State Veterinarian's Office, Division of Animal Health, New Jersey Department of Agriculture, Health and Agriculture Building, John Fitch Plaza, Trenton, New Jersey 08625.]

iii. Sheep and goats shall be identified using the identification method for sheep and goats at Title 9, Code of Federal Regulations, Chapter 1, Subchapter C, Part 79—Scrapie in Sheep and Goats, which is hereby adopted herein by reference.

6.-8. (No change.)

CHILDREN AND FAMILIES

(a)

DIVISION OF CHILD PROTECTION AND  
PERMANENCY

Dispute Resolution

Proposed Readoption: N.J.A.C. 3A:5

Authorized By: Christine Norbut Beyer, M.S.W., Commissioner,  
Department of Children and Families.

Authority: N.J.S.A. 9:3A-7.g, 9:3A-9, 30:4C-4.d, and 52:14B-9.1.

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

Proposal Number: PRN 2023-060.

Submit written comments by September 1, 2023, to:

Kristin Matera  
Office of Policy and Regulatory Development  
Department of Children and Families  
PO Box 717  
Trenton, New Jersey 08625  
Email: [rules@dcf.nj.gov](mailto:rules@dcf.nj.gov)

The agency proposal follows:

Summary

Pursuant to N.J.S.A. 52:14B-5.1, the rules at N.J.A.C. 3A:5, that govern the Division of Child Protection and Permanency's (Division) dispute resolution procedures, were scheduled to expire on June 6, 2023. As the Department of Children and Families (Department) filed this notice of readoption prior to that date, the expiration date was extended 180 days to December 3, 2023, pursuant to N.J.S.A. 52:14B-5.1.c(2). The Department has reviewed these rules and has determined that, without change, they continue to be necessary, proper, and reasonable for the purpose which they were originally promulgated.

A summary of each subchapter at N.J.A.C. 3A:5 follows:

Subchapter 1 provides the chapter's background and an overview of its provisions, including, its purpose, scope, chapter definitions, and rules of interpretation and calculation of time.

Subchapter 2 sets forth the chapter's general provisions for dispute resolution and administrative hearings, including notice requirements, preliminary efforts, requests for dispositional review and administrative hearings, eligibility for continued service, final agency decisions, appeals, and accessibility of records.

Subchapter 3 provides the rules governing dispositional reviews and describes when and how dispositional review should be requested and conducted.

Subchapter 4 relates to administrative hearings, and includes general provisions and rules related to Motions for Summary Disposition, transmittal of cases to the Office of Administrative Law, and withdrawal of administrative hearing requests.

As the Department 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 rules proposed for readoption at N.J.A.C. 3A:5 provide a dispute resolution process for families and service providers involved with the Division. The Department believes that this chapter will continue to have a positive impact in that it establishes and clearly conveys the system of due process in place for the contesting of the Division's actions.

Economic Impact

The Division of Child Protection and Permanency does not anticipate any negative economic impact on Division clients, applicants, or service providers due to the rules proposed for readoption. The Department and the Office of Administrative Law provide dispute resolution opportunities at no cost to the participants, although the participants are allowed to retain an attorney at their own expense. The expense of holding administrative hearings and dispositional reviews is part of State appropriations. The rules assist the Department to meet Federal requirements regarding dispute resolution, in order to claim Federal funds.

Federal Standards Statement

The rules comply with, and do not exceed the requirements of, the Federal Child Abuse Prevention and Treatment Act's requirements for New Jersey's State Plan. In particular, the State Plan must include provisions, procedures, and mechanisms by which individuals who disagree with an official finding of child abuse or neglect can appeal the finding. N.J.A.C. 3A:5 is also in compliance with New Jersey's State Plan for Title IV-E of the Social Security Act. Requirements for the State Plan include 42 U.S.C. § 671(a)12, which requires an opportunity for a fair hearing for any individual whose claim for benefits is denied or not acted

on with reasonable promptness. These rules establish opportunities for dispute resolution, and thus assist New Jersey to be eligible for Title IV-E funds. The Division's FY 2023 appropriation is \$188,255,000.

#### **Jobs Impact**

The Department anticipates no impact, either positive or negative, on job creation due to the rules proposed for readoption.

#### **Agriculture Industry Impact**

The rules proposed for readoption have no impact on the agriculture industry.

#### **Regulatory Flexibility Statement**

The rules proposed for readoption address the dispute resolution process available to the clients, applicants, and service providers of the Division of Child Protection and Permanency. The rules proposed for readoption without amendments will not impact small businesses, and, therefore, do not require an analysis pursuant to the terms of the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq.

#### **Housing Affordability Impact Analysis**

The Department does not believe the rules proposed for readoption will have any impact on the affordability of housing in New Jersey and there is an extreme unlikelihood that the rules proposed for readoption would evoke a change in the average costs associated with housing because the rulemaking addresses dispute resolution opportunities for the Division's clients, applicants for services, and service providers.

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

There is an extreme unlikelihood that the rules 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 rules proposed for readoption pertain to the rights of the Division of Child Protection and Permanency's clients, applicants, and service providers to dispute a Division decision.

#### **Racial and Ethnic Community Criminal Justice and Public Safety Impact**

The Department 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 rules proposed for readoption may be found in the New Jersey Administrative Code at N.J.A.C. 3A:5.

## HIGHER EDUCATION

### (a)

#### **EDUCATIONAL OPPORTUNITY FUND**

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

#### **Proposed Readoption with Amendments: N.J.A.C. 9A: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 2023-059.

Submit written comments by September 1, 2023, to:

Dr. Hasani Carter  
EOF Executive Director  
Office of the Secretary of Higher Education  
Regular Mail: PO Box 542  
Trenton, NJ 08625-0542  
Email: [Hasani.Carter@oshe.nj.gov](mailto:Hasani.Carter@oshe.nj.gov)

The agency proposal follows:

#### **Summary**

The Educational Opportunity Fund ("EOF" or "Fund") 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 Office of the Secretary of Higher Education (OSHE), 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. The EOF rules were scheduled to expire on October 14, 2023. As the EOF Board submitted this notice of proposed readoption to the Office Of Administrative Law prior to that date, the expiration date was extended 180 days to April 11, 2024, pursuant to N.J.S.A. 52:14B-5.1.c(2). As a part of the regulatory readoption process, the Office of the Secretary of Higher Education developed an EOF Regulation Task Force (Task Force) whose charge was to bring together various stakeholders to review the EOF rules and to make proposed changes in an effort to help increase the number of students participating within the EOF and to assist the State in reaching its goal of supporting more New Jersey residents to go to college and earn a post-secondary credential. The Task Force consisted of representatives from each of the following groups: EOF campus staff, EOF students, EOF alumni, the EOF Board, the Higher Education Student Assistance Authority, and members of the Office of the Secretary of Higher Education.

The proposed amendments throughout the chapter have been developed with the support of the Task Force and are intended to clarify EOF eligibility consideration for students, provide greater flexibility for support for program participants, and to help modernize the language throughout the chapter. Throughout the chapter, technical, non-substantive amendments are proposed, which are not discussed in any further detail below.

Subchapter 1 pertains to the authority, mission, and scope of the chapter. At N.J.A.C. 9A:11-1.2, the definition of "college credit" is proposed for amendment to add graduate degree to make it clear that college credit also applies to students who are enrolled in graduate school. The definition of "EOF Central Office" is proposed for amendment to add the acronym OSHE, pertaining to the Office of the Secretary of Higher Education. The definition of "first-generation college student" is proposed for amendment to include legal guardians and to make a technical change to help with the inclusion of the different family types that may exist for potential applicants.

Subchapter 2 pertains to undergraduate EOF academic and financial eligibility. N.J.A.C. 9A:11-2.2(b)4 is proposed for deletion as EOF campus programs have identified a number of situations where a student may share a common parent with another student, however, it should not be assumed that both students grew up under the same family financial situation. N.J.A.C. 9A:11-2.2(c) is proposed for amendment to add "EOF campus director" to offer greater clarification regarding the involvement of the EOF campus director in the eligibility determination of an applicant. N.J.A.C. 9A:11-2.2(d)5 is proposed for amendment to add a new final sentence setting forth an additional restriction to help provide greater clarification regarding EOF undergraduate eligibility. The EOF Board proposes to delete N.J.A.C. 9A:11-2.5(a), (b), and (c) and add new subsection (a) to help reduce the challenge many students face when submitting the appropriate financial documentation to multiple institutions to verify their financial eligibility for EOF. Additionally, since the Free Application for Federal Student Aid (FAFSA) also allows for students to use the Internal Revenue Service (IRS) data retrieval tool to pull their family's financial information directly from the IRS onto their FAFSA, which subsequently is then incorporated into the New Jersey Financial Aid Management System (NJFAMS), there now exists a more automated way for participating institutions to verify a student's financial