

RULE ADOPTIONS

COMMUNITY AFFAIRS

(a)

NEW JERSEY HOUSING AND MORTGAGE FINANCE AGENCY

Notice of Administrative Changes Maximum Attorney Services Fees N.J.A.C. 5:80-31.3

Effective Date: January 1, 2023.

Take notice that the New Jersey Housing and Mortgage Finance Agency (Agency), pursuant to N.J.A.C. 5:80-31.3(f), has determined the annual increase in the overall Consumer Price Index for New York-Newark-Jersey City, as published by the United States Department of Labor, Bureau of Labor Statistics, as of September 30, 2022, to be 6.2 percent. Accordingly, the Agency is hereby changing, effective January 1, 2023, the maximum fees that can be paid from project funds for Agency-approved attorney services, as set forth at N.J.A.C. 5:80-31.3(a).

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

SUBCHAPTER 31. ATTORNEY SERVICES

5:80-31.3 Maximum fees

(a) The maximum fees that can be paid from project funds for Agency-approved attorney services are as follows:

1. General legal matters . . . up to [\$218.00/hour] **\$232.00/hour**;
 2. Tenancy actions, as follows:
 - i. For each of the first two cases (requiring court appearance) on the same day . . . up to [\$172.00] **\$183.00**;
 - ii. For each additional case presented on the same day . . . up to [\$128.00] **\$136.00**; and
 - iii. For each case prepared for trial but resolved prior to actual court appearance . . . up to [\$88.00] **\$93.00**; and
 3. General litigation, as follows:
 - i. Non-trial hours . . . up to [\$303.00/hour] **\$322.00/hour**; and
 - ii. Trial hours . . . up to [\$348.00/hour] **\$370.00/hour**.
- (b)-(f) (No change.)

HIGHER EDUCATION

(b)

HIGHER EDUCATION STUDENT ASSISTANCE AUTHORITY

Student Loan and College Savings Programs Loan Redemption Program for Teachers in High-Need Fields Employed in Low-Performing Schools

Adopted New Rules: N.J.A.C. 9A:10-8

Proposed: June 6, 2022, at 54 N.J.R. 1001(a).

Adopted: October 26, 2022, by the Higher Education Student Assistance Authority, Christy Van Horn, Chairperson.

Filed: November 7, 2022, as R.2022 d.146, **without change**.

Authority: P.L. 2021, c. 384 (N.J.S.A. 18A:71C-83 et seq.).

Effective Date: December 5, 2022.

Expiration Date: October 26, 2023.

Summary of Public Comment and Agency Response:

The comment period officially ended on August 5, 2022. **The Higher Education Student Assistance Authority received no comments.**

Federal Standards Statement

A Federal standards analysis is not required since the adopted new rules are not subject to any Federal requirements or standards.

Full text of the adopted new rules follows:

SUBCHAPTER 8 LOAN REDEMPTION PROGRAM FOR TEACHERS IN HIGH-NEED FIELDS EMPLOYED IN LOW-PERFORMING SCHOOLS

9A:10-8.1 Purpose and scope

The rules established by this subchapter provide the policies and procedures for participation in the Loan Redemption Program for Teachers in High-Need Fields Employed in Low-Performing Schools administered by the Higher Education Student Assistance Authority (Authority). This program shall provide redemptions of 25 percent of the outstanding principal and interest balance of a Program participant's New Jersey College Loans to Assist State Students (NJCLASS) loan amounts, up to \$5,000, in return for each consecutive full year of service teaching in a high-need field in a low-performing school. The total amount of NJCLASS loan amounts that may be redeemed under the Program by a Program participant, for four full school years of service, shall not exceed \$20,000.

9A:10-8.2 Definitions

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

"Authority" means the Higher Education Student Assistance Authority.

"Department" means the Department of Education.

"Executive Director" means the Executive Director of the Higher Education Student Assistance Authority.

"High-need field" means a subject area or field of expertise in which there is a shortage of qualified teachers in the State, as determined by the Department of Education and reported to the United States Department of Education. The Department shall reassess its designation of high-need fields at least every five years. The Authority shall provide a link to the list of high-need fields that is posted on the United States Department of Education's website.

"Low-performing school" means any public school at which, among all students in that school to whom a State assessment was administered, the sum of the percent of students scoring in the not-yet-meeting expectations and partially meeting expectations categories in both the language arts and mathematics subject areas of the State assessments exceeded 40 percent in each of the prior two school years; or in either the language arts or mathematics subject areas of the State assessment exceeded 65 percent in each of the prior two school years. A school shall continue to be designated a low-performing school until such time that the sum of the percent of students scoring in the not-yet-meeting expectations and partially meeting expectations categories in both the language arts and mathematics subject areas of the State assessments is less than, or equal to, the sum of the Statewide percent of students scoring in the not-yet-meeting expectations and partially meeting expectations categories on the corresponding Statewide assessments. The term "low-performing schools" is defined solely for the purposes of this loan redemption program. For all other purposes, the Department of Education uses the term "comprehensive and targeted schools", which should not be conflated with this definition.

"Program" means the Loan Redemption Program for Teachers in High-Need Fields Employed in Low-Performing Schools established pursuant to P.L. 2021, c. 384.

"Program participant" means an undergraduate student borrower under the New Jersey College Loans to Assist State Students (NJCLASS) Loan Program established pursuant to N.J.S.A. 18A:71C-21 who, after January 18, 2022, the effective date of P.L. 2021, c. 384, is initially hired by a

school district to work as a teacher in a high-need field in a low-performing school, and who is employed in a high-need field in a low-performing school at the time of application.

“Public school” means a school located within a district board of education or within a charter or a renaissance school board of trustees.

“Teacher” means a person who holds an instructional certification or educational services certification from the Department.

“Total and permanent disability” means a physical or mental disability that is expected to continue indefinitely or result in death and renders a Program participant unable to perform that person’s employment obligation, as determined by the Executive Director, or the Executive Director’s designee.

9A:10-8.3 Eligibility requirements for Program participation

(a) To be eligible for participation in the Program, an applicant must:

1. Be a New Jersey resident and maintain residency in the State during Program participation;
2. Have an outstanding balance on an NJCLASS loan and not be in default on any NJCLASS loans;
3. Be certified by the Department to teach in New Jersey;
4. Have been initially hired to teach in a high-need field in a low-performing school on or after January 18, 2022, and be employed in a high-need field in a low-performing school at the time of application; and
5. Not previously have been selected for participation in the Program.

9A:10-8.4 Application procedures

(a) In order to apply for participation in the Program, an applicant must complete a Program application and submit the complete application to the Authority.

1. The Program application includes, but is not limited to:
 - i. The applicant’s identification and contact information;
 - ii. Certification of full-time employment for a full school year from the applicant’s current employer or anticipated employer, including the start date; and
 - iii. The account numbers for the applicant’s outstanding NJCLASS loans.

(b) The Authority will consider applications for approval of Program participation in the date order they are received, subject to available funding.

(c) The Authority will determine the applicant’s eligibility for the Program based upon the information submitted on the application and will provide notification to the applicant of their acceptance into the Program.

9A:10-8.5 Terms for loan redemption

(a) An applicant who has been selected for participation in the Program shall enter into a written contract with the Authority. The contract shall specify the duration of the participant’s approved employment service obligation, not to exceed four school years, and the total amount of NJCLASS loans to be redeemed by the Authority in return for service.

(b) Loan redemption under the Program shall amount to 25 percent of principal and interest of a Program participant’s outstanding NJCLASS loan amount, not to exceed \$5,000, in return for each consecutive full school year of approved employment service successfully completed by the Program participant. The total loan redemption amount for a Program participant shall not exceed \$20,000.

1. At the time an applicant is accepted as a Program participant and has entered into a written contract with the Authority, the Authority will encumber up to \$20,000 of Program funds, as necessary, to provide for the redemption of the participant’s outstanding NJCLASS loans.

(c) In order for a participant to qualify for an annual redemption payment, the Program participant shall submit to the Authority certification, in the form approved by the Authority, of full-time employment in a high-need field at a low-performing school for the school year.

(d) A Program participant who has entered into a contract with the Authority shall remain eligible for loan redemption under the contract in the event that:

1. The public school in which the teacher is employed loses its designation as a low-performing school or the teacher is transferred to a school in the district that is not a low-performing school; or

2. The high-need field in which the Program participant is teaching pursuant to the Program service obligation subsequently loses its designation as a high-need field, and the Program participant continues to teach in the same field, in accordance with the Program participant’s contractual agreement with the Authority.

(e) No amount of loan redemption shall be provided for service performed for less than a full school year.

9A:10-8.6 Termination or suspension of the Program participant’s participation contract

(a) The Authority shall terminate the Program participant’s participation contract if it determines:

1. On the basis of a sworn affidavit of a qualified physician, that the participant is totally and permanently disabled;
2. On the basis of a death certificate, or other evidence of death that is conclusive under State law, that the participant has died;
3. On the basis of substantiating documentation, as may be deemed necessary by the Authority upon specific case review, that continued enforcement of the employment service obligation may result in extreme hardship for the participant;
4. That the participant is no longer teaching in a high-need field at a low-performing school, except as permitted at N.J.A.C. 9A:10-8.5(d);
5. That the participant’s certification has been revoked;
6. That the participant has been convicted of a felony and/or a high misdemeanor, as defined at N.J.S.A. 2C:1-4.d, has committed an act of gross negligence in the performance of his or her employment service obligation, or that the participant has not met the employer’s performance standards; or
7. The participant has not submitted the certification required pursuant to N.J.A.C. 9A:10-8.5(c) to receive the loan redemption within 60 days of written request for the required documents by the Authority.

(b) The Authority may suspend the Program participant’s participation contract if the Authority determines, on the basis of substantiating documentation, as may be deemed necessary by the Authority upon specific case review, that continued enforcement of the employment service obligation may result in extreme hardship for the participant. Extreme hardships include, but are not limited to, temporary disability, active duty military service, or temporary suspension of the participant’s professional license pending the outcome of an investigation.

1. The Authority may suspend the Program participant’s participation contract for a period of up to two calendar years from the date the suspension commences. At the end of the first year of suspension, the participant must provide the Authority with substantiating documentation, as defined in this subsection, to renew the suspension for a second year.

2. The suspension, as stipulated at (b)1 above, may be extended beyond two years for exceptional circumstances at the discretion of the Authority on the basis of substantiating documentation, as defined in this subsection.

(c) A participant may nullify the participation contract by notifying the Authority, in writing.

(d) The Authority shall have final decision-making authority to terminate a participant’s participation contract.

(e) Participants who nullify their participation agreement, or whose participation agreements are terminated by the Authority, are not eligible to reapply to participate in the Program.

9A:10-8.7 Appeals process

(a) When an applicant has received a notification of ineligibility for Program participation, the applicant may submit a written appeal to the Authority within 30 days of the date of the notification. The written appeal must include the following:

1. A copy of the notification of ineligibility received by the applicant from the Authority; and
2. The reason(s) why the applicant feels the applicant is eligible to participate in the Program, along with any documentation that the applicant has obtained to support the appeal, if applicable.

(b) Within 30 days of the receipt of the appeal, the Authority shall provide the applicant with the Authority’s final determination of the appeal. Final decisions of the Authority can be appealed to the Appellate Division of the Superior Court.