

Jobs Impact

The proposed new rule will not result in the loss or generation of jobs. The proposed new rule provides the criteria for eligibility for a student assistance grant to help cover postsecondary tuition costs. It is anticipated that the proposed new rule will encourage students to earn their college degree faster, thereby leading to higher paying jobs sooner.

Agriculture Industry Impact

The proposed new rule will have no impact on the agriculture industry, as they pertain to student financial aid and not agriculture.

Regulatory Flexibility Statement

A regulatory flexibility analysis is not required because the proposed new rule does not impose reporting, recordkeeping, or other compliance requirements on small businesses as defined by the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The Authority does not anticipate that any institution of higher education at which an enrolled student receives a Summer TAG award would be covered by the definition of a small business, because these entities have more than 100 full-time employees. Additionally, students receiving Summer TAG awards are not covered by the definition because they are individuals, not businesses.

Housing Affordability Impact Analysis

The proposed new rule will have an insignificant impact on the affordability of housing in New Jersey. There is an extreme unlikelihood that the proposed new rule will evoke a change in the average costs associated with housing. The proposed new rule affects eligibility for financial aid for higher education, which has no impact on the cost of housing.

Smart Growth Development Impact Analysis

The proposed new rule will have an insignificant impact on smart growth and there is an extreme unlikelihood that the proposed new rule would evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, pursuant to the State Development and Redevelopment Plan in New Jersey. The proposed new rule affects eligibility for State financial aid for higher education, which has no impact on housing production.

Racial and Ethnic Community Criminal Justice and Public Safety Impact

The Authority 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 proposed new rule follows:

SUBCHAPTER 3. TUITION AID GRANT PROGRAMS

9A:9-3.6 Summer tuition aid grants

(a) Summer tuition aid grants shall be applied toward the student’s tuition costs outside of the academic year, as “academic year” is defined at N.J.S.A. 18A:71B-4. The receipt of a summer tuition aid grant shall not reduce the amount of a tuition aid grant awarded to the student during the academic year.

(b) An eligible student shall:

1. Be enrolled for six or more credits in the summer term;
2. Be enrolled in courses leading to an undergraduate degree at the same institution at which the student was enrolled during the student’s most recent semester of enrollment in the preceding academic year;
3. Be enrolled in courses for which the credits may be applied toward the student’s graduation or academic major requirements; and
4. Have received a tuition aid grant award in the preceding academic year.

(c) An eligible student enrolled in a summer term with six to eight credits shall receive one-half of the value of a full-time tuition aid grant semester award, and an eligible student enrolled with nine to 11 credits shall receive three-quarters of a full-time tuition aid grant semester award.

(d) Summer tuition aid grant payments to eligible students shall not be included when determining the maximum number of semester payments for tuition aid grant awards for which students are eligible.

(e) The provisions at N.J.A.C. 9A:9-2 shall apply to receiving summer tuition aid grants, except at N.J.A.C. 9A:9-2.11, Payments. As certified by the Authority, payments for eligible students will be made by the Department of the Treasury directly to institutions on behalf of student recipients. The Authority shall provide each institution the corresponding list of eligible students’ accounts to be credited.

(a)

HIGHER EDUCATION STUDENT ASSISTANCE AUTHORITY

Student Loan and College Savings Programs Nursing Faculty Loan Redemption Program Proposed Amendments: N.J.A.C. 9A:10-4.1 through 4.5

Proposed Repeal: N.J.A.C. 9A:10-4.8

Authorized By: Higher Education Student Assistance Authority, Christy Van Horn, Chairperson.

Authority: N.J.S.A. 18A:71C-57 and P.L. 2023, c. 244.

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

Proposal Number: PRN 2024-074.

Submit written comments by August 16, 2024, to:

Marnie B. Grodman, Esquire
 Administrative Practice Officer
 Higher Education Student Assistance Authority
 PO Box 545
 Trenton, NJ 08625-0545
 Email: Regulations@hesaa.org

The agency proposal follows:

Summary

The Higher Education Student Assistance Authority (“Authority” or “HESAA”) is statutorily responsible for the administration of New Jersey’s Nursing Faculty Loan Redemption Program (Program), and for the promulgation of all rules to that effect, pursuant to N.J.S.A. 18A:71C-57. On January 8, 2024, Governor Murphy signed P.L. 2023, c. 244 (Act), which both amends and supplements the Program in order to address New Jersey’s critical nursing shortage and improve the effectiveness as a tool to recruit nursing faculty. The Act provides that the Higher Education Student Assistance Authority shall adopt rules necessary for the administration of the Act.

The proposed amended rules govern the policy, administration, and procedures of the Program, and are summarized below.

Pursuant to N.J.S.A. 18A:71C-51.a, New Jersey is experiencing a critical shortage in the nursing workforce and insufficient numbers of nursing faculty hinder schools’ efforts to increase the capacity of their nursing schools to train future nurses. The proposed amendment at N.J.A.C. 9A:10-4.1 clarifies that the purpose of the Program is to address the critical shortage of nurses in the State by providing an incentive for individuals with advanced degrees to serve as teaching faculty for undergraduate nursing education programs in New Jersey. Additionally, the proposed amendment extends Program eligibility to part-time faculty pursuant to Section 1 of the Act.

Section 3a of the Act defines full-time faculty employment as a teaching load of 24 or more credits over the course of an academic year. The proposed amendment at N.J.A.C. 9A:10-4.2 revises the definition of “full-time faculty employment” to align with the statutory definition in the Act.

Due to the extension of Program eligibility to part-time faculty, an additional amendment is proposed at N.J.A.C. 9A:10-4.2, providing a definition for “part-time faculty employment.” “Part-time faculty employment” is defined as employment with a minimum teaching load of three credits over the course of an academic year to provide qualified nurses an incentive to incorporate teaching into their other nursing duties.

Pursuant to Section 2 of the Act, the proposed amendment at N.J.A.C. 9A:10-4.3(a)2 deletes the requirement that an applicant must have obtained a degree from an approved graduate program within a one-year period prior to commencing full-time faculty employment at an eligible institution.

An additional proposed amendment at N.J.A.C. 9A:10-4.3(a), pursuant to Section 2 of the Act, deletes N.J.A.C. 9A:10-4.2(a)3, thereby deleting the requirement that an applicant has been initially hired for faculty employment on or after January 16, 2010.

The proposed amendment at recodified N.J.A.C. 9A:10-4.3(a)3, extends the requirement that a participant remain continuously employed to part-time faculty employment, pursuant to Section 1 of the Act.

The proposed amendments at N.J.A.C. 9A:10-4.4(a) notify potential applicants that applications are to be submitted to the Authority, not the Student Loan Office. Additionally, the proposed amendment at N.J.A.C. 9A:10-4.4(a) provides notice that application deadlines shall be posted on the Authority's website.

Pursuant to Section 1 of the Act, the proposed amendment at N.J.A.C. 9A:10-4.4(a)2 requires an applicant's employer to certify to the applicant's start date for faculty employment, instead of the applicant's start date for full-time faculty employment.

The proposed amendments at N.J.A.C. 9A:10-4.4(b) and (c) revise the application procedure to assist the Authority in directing Program funding to provide the greatest increase in the number of faculty for nursing education programs. Instead of selecting applicants for Program participation on a first-come, first-served basis, the proposed amendments allow the Authority to post an application deadline on its website and require the Authority to select applicants based on predetermined scoring evaluation criteria, which will be posted on the Authority's website.

Section 3a of the Act sets the amount of the loan redemption at \$10,000 for each year of full-time faculty employment at an eligible institution. The proposed amendment at N.J.A.C. 9A:10-4.5(b) implements the statutory loan redemption amount.

Pursuant to Section 3a of the Act, loan redemption amounts for part-time participants shall be awarded on a pro-rata basis. To provide qualified nurses with an incentive to teach at least one course during an academic year, proposed new N.J.A.C. 9A:10-4.5(c) provides that loan redemption amounts for part-time participants shall be prorated by setting the loan redemption at an amount not to exceed \$5,000 per year for teaching three to 17 credits and an amount not to exceed \$8,000 per year for teaching 18 to 23 credits.

The proposed amendment at recodified N.J.A.C. 9A:10-4.5(e) provides that Program participants are required to submit an annual certification of employment that must certify to either full-time or part-time continuous employment. Additionally, the proposed amendment specifies that Program participants shall submit the certification to the Authority.

N.J.A.C. 9A:10-4.8 is proposed for repeal, so that rather than creating a waitlist for the Program, the Authority will determine annually how to direct each year's appropriation to provide the greatest increase in the faculty for nursing education programs based on the ranking of applications according to the scoring metrics for that year.

As the Authority 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 proposed amendments and repeal are intended to address the need for qualified nurses in New Jersey. One way to increase the number of nurses in the State is by increasing the number of students enrolled in nursing programs. The Program provides an incentive for qualified nurses to accept positions as nursing faculty, which in turn, will enable nursing schools to accept more students into their programs. The proposed amendments and repeal provide additional incentives for qualified nurses to become nursing faculty by permitting the nurses to accept part-time faculty positions, which will allow Program participants to continue practicing as nurses while teaching undergraduates who will become nurses in the future.

Economic Impact

Pursuant to N.J.S.A. 18A:71C-58, 25 percent of the funds annually appropriated for the Primary Care Practitioner Loan Redemption Program

are dedicated to the Program. For Fiscal Year 2024, the funds dedicated to the Program equaled \$625,000. The proposed amendments and repeal do not change the cost of the Program, as the number of participants accepted into the Program is subject to the amount of the annual appropriation.

Federal Standards Statement

A Federal standards analysis is not required since the proposed amendments and repeal are not subject to any Federal requirements or standards.

Jobs Impact

The proposed amendments and repeal will not result in the loss or generation of jobs. However, the proposed rulemaking provides incentives for people to accept faculty positions to help train potential nurses to fill critical nursing vacancies across the State.

Agriculture Industry Impact

The proposed amendments and repeal will have no impact on the agriculture industry.

Regulatory Flexibility Statement

A regulatory flexibility analysis is not required because the proposed amendments and repeal do not impose reporting, recordkeeping, or other compliance requirements on small businesses, as defined by the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The proposed amendments and repeal address the need for faculty for nursing education programs at institutions of higher education, which are not small businesses.

Housing Affordability Impact Analysis

The proposed amendments and repeal will have an insignificant impact on the affordability of housing in New Jersey and there is an extreme unlikelihood that the proposed amendments and repeal would evoke a change in the average costs associated with housing because the proposed amendments and repeal concern loan redemptions for faculty members for nursing education programs.

Smart Growth Development Impact Analysis

The proposed amendments and repeal will have an insignificant impact on smart growth and there is an extreme unlikelihood that the proposed amendments and repeal would evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, pursuant to the State Development and Redevelopment Plan in New Jersey because the proposed amendments and repeal concern loan redemptions for faculty members for nursing education programs.

Racial and Ethnic Community Criminal Justice and Public Safety Impact

The Authority 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 proposed amendments follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 4. NURSING FACULTY LOAN REDEMPTION PROGRAM

9A:10-4.1 Purpose and scope

The rules established by this subchapter provide the policies and procedures for participation in the Nursing Faculty Loan Redemption Program administered by the Higher Education Student Assistance Authority. This [program] **Program** is intended to address the current and projected critical shortage of nurses [faculty] in the State by providing an incentive [to enter graduate] **for individuals with advanced degrees to serve as teaching faculty for undergraduate nursing education programs in New Jersey.** This [program] **Program** provides redemption of eligible student loan expenses incurred by [program] **Program** participants in exchange for full-time faculty **or part-time faculty** employment at a school of nursing in the State for a five-year period following completion of the approved graduate degree program.

9A:10-4.2 Definitions

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

...
 “Full-time faculty employment” means [appointment as such, and occupying a full-time faculty position with academic rank or other equivalent title whose primary employment is directly related to teaching, research and/or other aspects of the educational programs of institutions] **employment with a teaching load of 24 or more academic credits over the course of an academic year.**
 ...

...
 “Part-time faculty employment” means employment with a **minimum teaching load of three credits over the course of an academic year.**
 ...

9A:10-4.3 Eligibility requirements for [program] **Program** participation

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

1. (No change.)
2. Have obtained a degree from an approved graduate degree program [within a one-year period prior to commencing full-time faculty employment at an eligible institution];
- [3. Have been initially hired for full-time faculty employment at an eligible institution on or after January 16, 2010, which is the date of program enactment;]
- [4.] **3.** After being initially hired for full-time **or part-time** faculty employment at an eligible institution, maintained continuous full-time **or part-time** faculty employment at an eligible institution;
 Recodify existing 5.-6. as **4.-5.** (No change in text.)

9A:10-4.4 Application procedures

(a) In order to apply for participation in the [program] **Program**, an applicant must complete a loan redemption program application and submit it to the [Student Loan Office postmarked on or after July 1 of the year for which the applicant is applying] **Authority by the deadline the Authority posts on its website.**

1. (No change.)
2. Inclusive within the [program] **Program** application, an applicant must also have his or her employer, or potential employer, certify the applicant’s start date for [full-time] faculty employment at an eligible institution before submitting the application to the [Student Loan Office] **Authority.**
3. (No change.)

(b) The Authority will consider applications for approval of [program] **Program** participation [in the date order they are received] **from among those applicants who meet the eligibility criteria established pursuant to N.J.A.C. 9A:10-4.3,** subject to available funding.

[(c) The Authority will determine the applicant’s eligibility for the program based upon the information submitted and will provide notification to the applicant of his or her acceptance into the program.]

(c) In the event there are insufficient funds to select all of the applicants who meet the eligibility criteria, the Authority will rank all of the applications received during the application submission period using predetermined scoring evaluation criteria. The scoring evaluation criteria will be posted on the Authority’s website no later than one month prior to the date on which applications will be available online each year.

9A:10-4.5 Terms for loan redemption

- (a) (No change.)
- (b) For each year of full-time faculty employment at an eligible institution, loan redemption shall not exceed [the following amounts] **\$10,000** of principal and interest of eligible student loan expenses[: first year: \$ 5,000; second year: \$ 7,000; third year: \$ 10,000; fourth year: \$ 13,000; and fifth year: \$ 15,000]. The total loan redemption amount for a [program] **Program** participant shall not exceed \$50,000. No amount of loan redemption shall be provided for service performed for less than a

full year. Loan redemption will be applied first to outstanding State loans and then to outstanding Federal loans.

(c) For each year of part-time faculty employment at an eligible institution, loan redemption shall not exceed \$5,000 of principal and interest of eligible student loan expenses for teaching three to 17 credits per year and shall not exceed \$8,000 of principal and interest of eligible student loan expenses for teaching 18 to 23 credits per year.

[1.] **(d)** (No change in text.)

[(c)] **(e)** In order to continue eligibility for loan redemption under the [program] **Program**, a participant must submit certification, prior to the annual redemption of loan indebtedness, of his or her continuous employment as a full-time **or part-time** faculty member at an eligible institution to the [Student Loan Office] **Authority.** A participant may change employment to another eligible institution, as long as he or she remains continuously employed as a full-time **or part-time** faculty member at an eligible institution.

9A:10-4.8 [Waiting list for eligible applicants if program funds are exhausted] **(Reserved)**

[(a) In the event program funds are exhausted in a given fiscal year, eligible applicants will be placed on a waiting list for loan redemption in the date order in which the Authority received their applications.

1. The number of people on the waiting list will be limited to an amount equal to the number of participants newly funded in that fiscal year. Applicants who are not accepted into the program, or onto the waiting list, may reapply the following fiscal year.

(b) If program funds become available in a given fiscal year, the next eligible applicant on the waiting list will be notified of the availability of said funds and his or her potential eligibility for program participation.

(c) If program funds do not become available in a given fiscal year, eligible applicants on the waiting list will carry over to the next fiscal year for potential eligibility for program participation, subject to program funding.

(d) While an applicant may change employment to another eligible institution, he or she must be continuously employed as a full-time faculty member at an eligible institution to remain on the waiting list.

(e) When an eligible applicant on the waiting list is notified of his or her potential eligibility for program participation, the applicant shall submit certification of continuous employment as a full-time faculty member at an eligible institution to the Student Loan Office.]

(a)

OFFICE OF THE SECRETARY OF HIGHER EDUCATION

Educational Opportunity Fund (EOF) Program Part-Time Students

Proposed Amendment: N.J.A.C. 9A:11-2.9

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 2024-076.

Submit written comments by August 16, 2024, to:

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

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