

# RULE PROPOSALS

## INTERESTED PERSONS

Interested persons may submit comments, information or arguments concerning any of the rule proposals in this issue until the date indicated in the proposal. Submissions and any inquiries about submissions should be addressed to the agency officer specified for a particular proposal.

The required minimum period for comment concerning a proposal is 30 days. A proposing agency may extend the 30-day comment period to accommodate public hearings or to elicit greater public response to a proposed new rule or amendment. Most notices of proposal include a 60-day comment period, in order to qualify the notice for an exception to the rulemaking calendar requirements of N.J.S.A. 52:14B-3. An extended comment deadline will be noted in the heading of a proposal or appear in subsequent notice in the Register.

At the close of the period for comments, the proposing agency may thereafter adopt a proposal, without change, or with changes not in violation of the rulemaking procedures at N.J.A.C. 1:30-6.3. The adoption becomes effective upon publication in the Register of a notice of adoption, unless otherwise indicated in the adoption notice. Promulgation in the New Jersey Register establishes a new or amended rule as an official part of the New Jersey Administrative Code.

## HIGHER EDUCATION

### (a)

#### HIGHER EDUCATION STUDENT ASSISTANCE AUTHORITY

#### Grant and Scholarship Programs Tuition Aid Grant Programs

#### Proposed New Rule: N.J.A.C. 9A:9-3.6

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

Authority: P.L. 2023, c. 34 and P.L. 2023, c. 283; and N.J.S.A. 18A:71B-19.

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

Proposal Number: PRN 2024-075.

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](mailto:Regulations@hesaa.org)

The agency proposal follows:

#### Summary

On April 5, 2023, Governor Murphy signed P.L. 2023, c. 34, into law, authorizing the Higher Education Student Assistance Authority (“HESAA” or the “Authority”) to award summer tuition aid grants (Summer TAG) in the summer of 2023, and on January 16, 2024, Governor Murphy signed P.L. 2023, c. 283 (together the “Acts”) into law authorizing HESAA to award Summer TAG awards every year going forward, subject to available funding. The Acts provide eligible students with tuition aid grants that are applied toward students’ tuition costs for enrollment outside of the academic year, as “academic year” is defined at N.J.S.A. 18A:71B-4. N.J.S.A. 18A:71B-19 authorizes HESAA to adopt the rules and regulations to administer State tuition aid grants.

The proposed new rule governing the policy, administration, and procedures for Summer TAG awards is summarized below.

Pursuant to Section 2 at P.L. 2023, c. 283, proposed N.J.A.C. 9A:9-3.6(a) provides that summer tuition aid grants shall be applied toward the tuition costs outside of the academic year, as “academic year” is defined at N.J.S.A. 18A:71B-4 and that 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.

Proposed N.J.A.C. 9A:9-3.6(b) provides the eligibility criteria for a student to receive a summer tuition aid grant pursuant to Section 1 at P.L. 2023, c. 34 (N.J.S.A. 18A:71B-20.d).

Proposed N.J.A.C. 9A:9-3.6(c) provides that students enrolling part-time in summer terms shall be eligible for summer tuition aid grant amounts that shall be prorated to the value of full-time tuition aid grant semester award amounts pursuant to Section 2.c at P.L. 2023, c. 34 (N.J.S.A. 18A:71B-20.a).

Pursuant to Section 2 at P.L. 2023, c. 34 (N.J.S.A. 18A:71B-20.a), proposed N.J.A.C. 9A:9-3.6(d) provides that summer tuition aid grant payments to eligible students shall not be included when determining the student’s maximum number of tuition aid grant awards. Additionally, proposed N.J.A.C. 9A:9-3.6(e) specifies that the general 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 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 new rule governs the administration of the Summer TAG Program. They establish criteria for student eligibility and award amounts. The proposed new rule will have a positive impact on students by enabling students to complete a degree sooner, lowering their total cost of attendance, and reducing student loan debt.

#### Economic Impact

For summer of 2023, Summer TAG was funded pursuant to P.L. 2023, c. 34, through carried-forward fiscal year 2023 TAG appropriations and more than 11,000 students received \$24.3 million in Summer TAG awards during the summer of 2023. Language in the fiscal year 2024 Appropriations Act (P.L. 2023, c. 74) similarly authorizes HESAA to use carried-forward funding to finance Summer TAG awards for eligible students during the summer of 2024. As administered by the proposed new rule, Summer TAG will be funded by its own line-item appropriation in fiscal year 2025 and future years, subject to the Governor’s and Legislature’s annual budget decisions. If fully funded, Summer TAG would cost approximately \$27 million in fiscal year 2025.

It is anticipated that the proposed new rule will have a positive effect on the State’s economy by enabling students to complete a degree sooner, lowering the total cost of attendance, and reducing student debt. The lower cost of attendance enables more of the State’s citizens to acquire an education beyond the secondary level. A well-trained and educated population is vital to New Jersey’s efforts to attract and retain businesses. It is also anticipated that the proposed new rule will have a positive effect on the State’s economy by reducing the aggregate amount of student loan debt incurred by individuals pursuing postsecondary education.

#### Federal Standards Statement

A Federal standards analysis is not required since the proposed new rule is not subject to any Federal requirements or standards.

**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](mailto: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.