

CHAPTER 10

STUDENT LOAN AND COLLEGE SAVINGS PROGRAMS

Authority

N.J.S.A. 18A:71A-1 et seq., 18A:71B-35 through 46, 18A:71B-96, 18A:71C-1 through 31, and 18A:71C-49; P.L. 2009, c. 236; and 20 U.S.C. §§1071 et seq.

Source and Effective Date

R.2009 d.180, effective May 1, 2009.
See: 40 N.J.R. 6721(b), 41 N.J.R. 2261(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 10, Student Loan and College Savings Programs, expires on May 1, 2016. See: 43 N.J.R. 1203(a).

Chapter Historical Note

Subchapter 7, Policy Governing New Jersey Better Educational Savings Trust (NJBEST) Program, was originally adopted as N.J.A.C. 9:9-8 by R.1998 d.4, effective January 5, 1998. See: 29 N.J.R. 4372(a), 30 N.J.R. 68(a).

Chapter 10, Student Loan and College Savings Programs, was adopted as new rules by R.1998 d.385, effective August 3, 1998. As a part of R.1998 d.385, pursuant to Executive Order No. 66(1978), N.J.A.C. 9:9-8 was readopted, effective June 30, 1998, and recodified as N.J.A.C. 9A:10-7, Policy Governing New Jersey Better Educational Savings Trust (NJBEST) Program, effective August 3, 1998. See: 30 N.J.R. 1707(a), 30 N.J.R. 2908(a).

Subchapter 1, Roles and Relationship of NJHEAA and NJOSA, was repealed and Subchapter 1, Federal Family Education Loan Program: Policies and Procedures, was recodified from N.J.A.C. 9A:10-2 and Subchapter 2, Federal Family Education Loan Program: Policies and Procedures, was recodified as N.J.A.C. 9A:10-1 by R.2000 d.92, effective March 6, 2000. See: 31 N.J.R. 3900(a), 32 N.J.R. 805(a).

Chapter 10, Student Loan and College Savings Programs, was re-adopted as R.2003 d.465, effective November 3, 2003. See: 35 N.J.R. 2770(b), 35 N.J.R. 5415(b).

Subchapter 2, Social Services Student Loan Redemption Program, was adopted as new rules by R.2006 d.116, effective March 20, 2006. See: 37 N.J.R. 4500(a), 38 N.J.R. 1453(a).

Subchapter 3, OB/GYN Student Loan Expense Reimbursement Program, was adopted as new rules by R.2006 d.251, effective July 3, 2006. See: 38 N.J.R. 1368(a), 38 N.J.R. 2801(a).

Chapter 10, Student Loan and College Savings Programs, was re-adopted as R.2009 d.180, effective May 1, 2009. See: Source and Effective Date. See, also, section annotations.

Subchapter 4, Nursing Faculty Loan Redemption Program, was adopted as new rules by R.2011 d.011, effective January 3, 2011. See: 42 N.J.R. 1950(a), 43 N.J.R. 40(a).

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SUBCHAPTER 1. FEDERAL FAMILY EDUCATION LOAN PROGRAM: POLICIES AND PROCEDURES

9A:10-1.1 Purpose

The purpose of this subchapter is to provide guidance on the implementation of the Federal Family Education Loan Program (FFELP) in New Jersey, and in particular, on policies and procedures that reflect areas where the Federal Higher Education Act of 1965, as amended, and its implementing regulations permit guaranty agency discretion, areas that comply with State law, areas that reflect guaranty agency specific policies that differ in some way from the Common Manual, a national compilation of uniform FFELP policies, and, finally, areas that address services and operations not described or defined in Federal law.

9A:10-1.2 Scope; Federal rules and statutes incorporated by reference

(a) The part of the United States Code known as Title 20, Chapter 28, Subchapter IV, Part B, 20 U.S.C. §§ 1071 et seq., including all subsequent amendments and supplements, is hereby adopted as rules and incorporated within this subchapter. The part of the Code of Federal Regulations known as 34 CFR 682.100 et seq., as well as other parts of the Code of Federal Regulations that govern the FFELP, including all subsequent amendments and supplements are hereby adopted as rules and incorporated within this subchapter.

(b) These rules provide both an outline for the implementation of the FFEL Program in this State and detailed guidance on the areas described in N.J.A.C. 9A:10-1.1. These rules do not attempt to reproduce in full the extensive body of Federal law and regulation governing the FFELP; however, they do attempt to be consistent with Federal law. If any part of these rules is inconsistent with or in conflict with Federal law, that part shall be preempted by Federal law, but not affect the validity of the remaining parts of these rules.

Amended by R.2000 d.92, effective March 6, 2000.
See: 31 N.J.R. 3900(a), 32 N.J.R. 805(a).
In (b), changed N.J.A.C. reference.

9A:10-1.3 Definitions

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

“Authority” or “HESAA” means the Higher Education Student Assistance Authority, a State authority, whose purpose is the funding of access to postsecondary education, whether by loans, grants, scholarships or other means. The student assistance programs HESAA administers include the Federal Family Education Loan Program.

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

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 eligible student loan expenses.

(c) In order to continue eligibility for loan redemption under the program, a participant must submit certification, prior to the annual redemption of loan indebtedness, of his or her full-time employment as a direct care professional in a qualified facility to the Student Loan Office.

Amended by R.2009 d.180, effective June 1, 2009.
See: 40 N.J.R. 6721(b), 41 N.J.R. 2261(a).

In (c), substituted "Student Loan Office" for "Director of Financial Aid Services".

9A:10-2.7 Exclusion from New Jersey gross income for tax purposes

Gross income, for the purposes of the "New Jersey Gross Income Tax Act," N.J.S.A. 54A:1-1 et seq., shall not include amounts received as redemption for eligible student loan expenses under the "Social Services Student Loan Redemption Program," P.L. 2005, c. 157. The SSSLRP loan redemption payments are not excluded from gross income for Federal tax purposes.

Amended by R.2009 d.180, effective June 1, 2009.
See: 40 N.J.R. 6721(b), 41 N.J.R. 2261(a).

Inserted the last sentence.

9A:10-2.8 Termination or suspension of the participant's employment service obligation and cancellation of the loan redemption contract by the Authority

(a) The Authority shall terminate the participant's employment service obligation and cancel the loan redemption 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. On the basis of substantiating documentation, as defined in (a)3 above, that the participant has been convicted of a felony and/or a high misdemeanor, as defined in N.J.S.A. 2C:1-4.d, or has committed an act of gross neg-

ligence in the performance of his or her employment service obligation; or

5. On the basis of substantiating documentation, as defined in (a)3 above, that the participant's license to practice in his or her chosen field has been suspended or revoked.

(b) The Authority may suspend the participant's employment service obligation and the loan redemption contract if it 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.

1. The Authority may suspend the employment service obligation and the loan redemption contract of the program participant 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 (b) above, to renew the suspension for a second year.

2. The suspension, as stipulated in (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 (b) above.

(c) Suspension or cancellation of the participant's loan redemption contract by the Authority does not suspend or cancel the program participant's student loan obligations. The participant assumes full responsibility for repayment of the full amount of his or her loan(s) or that portion of the loan(s) that has not been redeemed by the State in return for partial fulfillment of the four-year contract.

(d) The Higher Education Student Assistance Authority shall have final decision making authority to terminate a program participant's employment service obligation and cancel the loan redemption contract.

9A:10-2.9 Cancellation of the loan redemption contract by the program participant

A program participant may cancel his or her loan redemption contract with the Authority by submitting written notification to the Student Loan Office. The participant assumes full responsibility for repayment of the full amount of his or her loan(s) or that portion of the loan(s) that has not been redeemed by the State in return for partial fulfillment of the four-year contract.

Amended by R.2009 d.180, effective June 1, 2009.
See: 40 N.J.R. 6721(b), 41 N.J.R. 2261(a).

Substituted "Student Loan Office" for "Director of Financial Aid Services".

9A:10-2.10 Allocation of funds for redemption of loans for an approved course of study

The Authority shall provide loan redemption to program participants for eligible student loan expenses incurred for an

approved course of study, subject to the availability of funds appropriated for this purpose. Of these funds, 80 percent shall be allocated to provide loan redemption to finance the undergraduate study of program participants and 20 percent shall be allocated to provide loan redemption to finance the approved course of graduate study of program participants.

9A:10-2.11 Waiting list for eligible applicants if program funds are exhausted

(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.

(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 in a qualified position or to another qualified facility or agency, he or she must be continuously employed as a full-time direct care professional by a qualified facility or agency 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 full-time employment as a direct care professional by a qualified facility or agency to the Student Loan Office.

Amended by R.2009 d.180, effective June 1, 2009.
See: 40 N.J.R. 6721(b), 41 N.J.R. 2261(a).

In (e), substituted "Student Loan Office" for "Director of Financial Aid Services".

9A:10-2.12 Appeals process

(a) When an applicant has received a notification of ineligibility for program participation, he or she may submit a written appeal to the Director of Legal and Governmental Affairs 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 he or she is eligible to participate in the program along with any documentation which the applicant has obtained to support the appeal, if applicable.

(b) The applicant will receive a written response from the Director of Legal and Governmental Affairs concerning the determination of his or her eligibility for program participation within 30 days of the receipt of the appeal.

9A:10-2.13 Program evaluation

(a) The Authority shall annually submit a program report to the Governor and the Chairs of the Senate Budget and Appropriations, Assembly Appropriations, Senate Health, Human Services and Senior Citizens, and Assembly Health and Human Services committees, or their successor committees. The report shall be submitted no later than August 1 of each year and shall include, but not be limited to, the following information for the prior fiscal year:

1. The total number of participants receiving loan redemption under the program;
2. The approved course of study of each of the participants; and
3. The total number of participants who withdrew from the program and failed to complete the program's employment requirement.

9A:10-2.14 Reversion of participant's encumbered funds

(a) In the event that any or all loan redemption funds encumbered for a program participant are not redeemed due to the termination of the participant's employment service obligation by the Authority or cancellation of the redemption contract by the participant, such funds will revert to the program fund and be available to enroll other eligible applicants.

(b) All unexpended program funds will carry over to the next fiscal year.

(c) The Higher Education Student Assistance Authority shall maintain the program fund containing State appropriations and carry-overs from the prior fiscal year.

SUBCHAPTER 3. OB/GYN STUDENT LOAN EXPENSE REIMBURSEMENT PROGRAM

9A:10-3.1 Purpose and scope

The rules established by this subchapter provide the policies and procedures for participation in the OB/GYN Student Loan Expense Reimbursement Program administered by the Higher Education Student Assistance Authority. This program is intended to ensure that high-quality health care continues to be available in this State and that the residents of this State continue to have access to a full spectrum of health care providers, including highly trained physicians in all specialties. However, the dramatic escalation in health care providers' insurance premiums has reportedly forced many providers to retire or move to other states where insurance premiums are lower or to drop high-risk patients and procedures and to practice defensive medicine in a manner that may significantly increase the cost of health care for all of the

State's residents. This program addresses the issue of affordability for licensed obstetrician/gynecologists with outstanding eligible student loan expenses to practice in their field by providing reimbursement for these expenses in exchange for their practice in State-designated medically underserved areas pursuant to N.J.S.A. 18A:71C-35 for a period of four years from the date they receive reimbursement.

9A:10-3.2 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 established pursuant to N.J.S.A. 18A:71A-3.

"Board" means the State Board of Medical Examiners.

"Commissioner" means the Commissioner of Banking and Insurance.

"Eligible student loan expenses" means the aggregate outstanding balance of principal and interest on medical school student loans provided through the NJCLASS Loan Program pursuant to N.J.S.A. 18A:71C-21 et seq. or a student loan program of the Federal government.

"Fiscal year" means the period of time beginning on July 1 of a given year and ending on June 30 of the following year.

"Legal and Governmental Affairs" means the Legal and Governmental Affairs office, or its successor office, located within the Authority.

"NJCLASS" means "New Jersey College Loans to Assist State Students" and is the acronym used to designate the State's student loan program established pursuant to P.L. 1999, c. 46 (N.J.S.A. 18A:71C-21 through 31).

"OB/GYN" means obstetrician/gynecologist and is the medically-accepted acronym when referring to physicians practicing in this field of medicine.

"Program" means the OB/GYN Student Loan Expense Reimbursement Program established pursuant to P.L. 2004, c. 17, §29.

"Program participant" means a person who meets the eligibility, application and contractual requirements for participation in the program.

"State-designated underserved area" means a geographic area in this State which has been ranked by the Commissioner of Health and Senior Services on the basis of health status and economic indicators as reflecting a health professional shortage pursuant to N.J.S.A. 18A:71C-35.

"Student Loan Office" means the Student Loan Office, or its successor office, located within the Authority.

Amended by R.2009 d.180, effective June 1, 2009.
See: 40 N.J.R. 6721(b), 41 N.J.R. 2261(a).

Deleted definition "Financial Aid Services"; and added definition "Student Loan Office".

9A:10-3.3 Listings of qualified obstetrician/gynecologists and State-designated underserved areas

(a) In accordance with P.L. 2004, c. 17, §28, the Commissioner, in consultation with the State Board of Medical Examiners, shall provide to the Authority the names of obstetrician/gynecologists licensed by the Board who may qualify for the program as required by the Authority to determine an applicant's eligibility.

(b) A physician who has been subject to a disciplinary action or civil penalty by the Board, as set forth in N.J.S.A. 17:30D-30, shall not be eligible for the program.

(c) The Authority will obtain the list of State-designated underserved areas from the Commissioner of Health and Senior Services, as required, to determine the eligibility of practicing OB/GYNs during the course of their four year contractual agreement.

9A:10-3.4 Eligibility requirements for program participation

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

1. Be a resident of the State of New Jersey and maintain domicile in the State during participation in the program;
2. Be licensed to practice as an OB/GYN in the State of New Jersey;
3. Be named on the list of licensed obstetrician/gynecologists received by the Authority from the Commissioner pursuant to P.L. 2004, c. 17, §28;
4. Agree to practice as an OB/GYN on a full-time basis in a State-designated underserved area for a period of at least four years;
 - i. An applicant must be in practice, as required in (a)4 above, no later than August 1 of the fiscal year in which the reimbursement will be paid;
5. Have outstanding eligible student loan expenses;
6. Not be in default on any student loan; and
7. Not have received, or been a participant in a program that provides, any other loan redemption or reimbursement.

9A:10-3.5 Application procedures

(a) In order to apply for participation in the program, an applicant must complete a loan reimbursement program application and submit it to the Student Loan Office no later than July 1 of the fiscal year in which the reimbursement will be paid.

1. The program application includes identifying information about the applicant, as well as contact information, current employment or anticipated employment and start date, medical school attendance and graduation, the amount of the applicant's outstanding NJCLASS and Federal student loans and the holder of those loans.

2. Inclusive within the program application, an applicant must also have his or her current or anticipated employer certify full-time employment, or the commitment to employ full time and the start date, as an OB/GYN before submitting the application to the Student Loan Office. If the applicant is self-employed, he or she must provide the signed certification.

(b) The Authority will determine the applicant's eligibility for the program as well as his or her employment in a State-designated underserved area based upon the information submitted and will provide notification to the applicant of his or her acceptance into the program.

(c) The Authority's approval of program participation is subject to available funding.

Amended by R.2009 d.180, effective June 1, 2009.
See: 40 N.J.R. 6721(b), 41 N.J.R. 2261(a).

In the introductory paragraph of (a) and in (a)2, substituted "Student Loan Office" for "Director of Financial Aid Services".

9A:10-3.6 Terms for loan reimbursement

(a) An applicant, who has met the eligibility requirements for participation in the program, shall enter into a written contract with the Authority. The contract shall specify the total amount of eligible student loan expenses to be reimbursed by the State, not to exceed \$120,000, and the participant's full-time practice requirement as an OB/GYN in a designated underserved area in this State for a period of at least four years after receipt of the program reimbursement payment.

(b) The amount of the participant's student loan expense reimbursement is subject to the number of eligible participants and the availability of funds during the fiscal year in which the reimbursement will be paid, not to exceed \$120,000.

(c) The Authority will disburse the student loan reimbursement check(s) as a joint payment to the participant and the lender. The check(s) will be sent to the participant for signature and the participant will be responsible for forwarding the check(s) to the lender(s).

1. Program loan reimbursements are taxable income and will be reported to the Federal Internal Revenue Service and the State of New Jersey Division of Taxation.

(d) In order to continue eligibility for the student loan reimbursement payment(s) received under the program, a participant, or the participant's employer, must submit annually, by July 1 of each fiscal year, certification of his or

her continued full-time employment as an OB/GYN. If a participant changes employers, he or she must provide the Authority with the termination date of the previous full-time employment and the new full-time employment name and address as well as the start date.

9A:10-3.7 Termination or suspension of the participant's employment service obligation and repayment of the student loan expense reimbursement

(a) The Authority shall terminate the participant's employment service obligation and shall not require the participant to repay any amount of the loan reimbursement if it determines:

1. On the basis of a death certificate, or other evidence of death that is conclusive under State law, that the participant has died;

2. On the basis of a sworn affidavit of a qualified physician that the participant is totally and permanently disabled; or

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.

(b) The Authority shall terminate the participant's employment service obligation and require the participant to repay to the Authority the full amount of the loan reimbursement if it determines, on the basis of substantiating documentation, as defined in (a)3 above, that:

1. The participant has been convicted of a felony and/or high misdemeanor, as defined in N.J.S.A. 2C:1-4.d, or has committed an act of gross negligence in the performance of his or her employment service obligation;

2. The participant's license to practice as an obstetrician/gynecologist has been suspended or revoked; or

3. The participant is not fulfilling his or her contractual service obligation under the program.

(c) The Authority may suspend the participant's employment service obligation if it 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.

1. The Authority may suspend the employment service obligation of the program participant 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 (c) above, to renew the suspension for a second year.

2. The suspension, as stipulated in (c)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 (c) above.

(d) Program participants who are required to repay loan reimbursement funds to the Authority must do so within 30 days of the termination of the employment service obligation by the Authority. Any amount not repaid when due will accrue interest at the prevailing Stafford Loan rate as established by the U.S. Department of Education annually.

1. Any participant who fails to repay an amount due to the Authority may be subject to litigation, offset of State tax refunds or rebates, denial, suspension or revocation of the participant's professional license, reporting negative credit information to credit reporting agencies, ineligibility for any student assistance benefits administered by the Authority and to any of the information exchange or collection procedures set forth in N.J.S.A. 18A:71C-1 et seq.

(e) The Higher Education Student Assistance Authority shall have final decision-making authority to terminate a program participant's employment service obligation and to require the participant to repay the reimbursed loan funds to the Authority.

9A:10-3.8 Cancellation of the loan reimbursement contract by the program participant

(a) A program participant may cancel his or her loan reimbursement contract with the Authority by submitting written notification to the Student Loan Office. The participant must repay the full amount of the loan reimbursement to the Authority within 30 days of canceling the contract. Any amount not repaid when due will accrue interest at the prevailing Stafford Loan rate as established by the U.S. Department of Education annually.

1. Any participant who fails to repay an amount due to the Authority may be subject to the actions and information exchange or collection procedures as defined in N.J.A.C. 9A:10-3.7(d)1.

Amended by R.2009 d.180, effective June 1, 2009.
See: 40 N.J.R. 6721(b), 41 N.J.R. 2261(a).

In the introductory paragraph of (a), substituted "Student Loan Office" for "Director of Financial Aid Services".

9A:10-3.9 Appeals process

(a) When an applicant has received a notification of ineligibility for program participation, he or she may submit a written appeal to the Director of Legal and Governmental Affairs 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 he or she is eligible to participate in the program along with any doc-

umentation which the applicant has obtained to support the appeal, if applicable.

(b) The applicant will receive a written response from the Director of Legal and Governmental Affairs concerning the determination of his or her eligibility for program participation within 30 days of the receipt of the appeal.

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 is intended to address the current and projected critical shortage of nurse faculty in the State by providing an incentive to enter graduate nursing education programs. This program provides redemption of eligible student loan expenses incurred by program participants in exchange for full-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:

"Approved graduate degree program" means a master's degree in nursing (MSN), a doctor of nursing science degree (DNS), a doctor of nursing practice degree (DNP), or a doctor of philosophy degree (PhD) in nursing or another related field of study, including, but not limited to, health, public health, science or social science.

"Authority" means the Higher Education Student Assistance Authority established pursuant to N.J.S.A. 18A:71A-3.

"Eligible institution" means a school of nursing that is nationally accredited and licensed by the New Jersey Board of Nursing or a nursing program at a Commission on Higher Education licensed institution of higher education that is nationally accredited and licensed by the New Jersey Board of Nursing.

"Eligible student loan expenses" means the cumulative total of the annual State of New Jersey and Federal student loans covering the cost of attendance at an approved graduate degree program. Interest due on student loans that an applicant has taken out for use in paying the costs of such education shall be considered eligible for reimbursement under the program.

"Executive Director" means the Executive Director of the Authority or his or her designee.

“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.

“Legal and Governmental Affairs” means the Legal and Governmental Affairs office, or its successor office, located within the Authority.

“Participant” means a person who completed an approved graduate degree program at an accredited public or independent institution of higher education and who applies for, and is accepted into, the program.

“Program” or “NFLRP” means the Nursing Faculty Loan Redemption Program established pursuant to P.L. 2009, c. 236.

“Student Loan Office” means the Student Loan Office, or its successor office, located within the Authority.

9A:10-4.3 Eligibility requirements for program participation

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

1. Be a resident of the State of New Jersey and maintain domicile in the State during participation in the program;
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. After being initially hired for full-time faculty employment at an eligible institution, maintained continuous full-time faculty employment at an eligible institution;
5. Have maintained a 3.0 grade point average on a scale of 4.0, or its equivalent, while enrolled in an approved graduate degree program; and
6. Have an outstanding balance with a State or Federal student loan program and not be in default on any student loan.

9A:10-4.4 Application procedures

(a) In order to apply for participation in the 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.

1. The program application includes identifying information about the applicant as well as contact information,

current employment, approved graduate degree program attendance and graduation, the amount of the applicant’s outstanding State and Federal student loans and the holder of those loans.

2. Inclusive within the 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.

3. An applicant must also submit with his or her application a final transcript from the approved graduate degree program, incorporating the applicant’s GPA, and copies of the applicant’s most recent eligible student loan billing statements.

(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 and will provide notification to the applicant of his or her acceptance into the program.

9A:10-4.5 Terms for loan redemption

(a) An applicant, who has met the eligibility requirements 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 five years, and the total amount of eligible student loan expenses to be redeemed by the State in return for service.

(b) For each year of full-time faculty employment at an eligible institution, loan redemption shall not exceed the following amounts 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 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.

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 \$50,000 of program funds as necessary to provide for the redemption of the participant’s eligible student loan expenses.

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

9A:10-4.6 Termination or suspension of the participant's employment service obligation and cancellation of the loan redemption contract by the Authority

(a) The Authority shall terminate the participant's employment service obligation and cancel the loan redemption 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; or
4. On the basis of substantiating documentation, as defined in (a)3 above, that the participant has been convicted of a felony and/or a high misdemeanor, as defined in N.J.S.A. 2C:1-4.d or has committed an act of gross negligence in the performance of his or her employment service obligation.

(b) The Authority may suspend the participant's employment service obligation and the loan redemption contract if it 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.

1. The Authority may suspend the employment service obligation and the loan redemption contract of the program participant 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 (b) above, to renew the suspension for a second year.

2. The suspension, as stipulated in (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 (b) above.

(c) Suspension or cancellation of the participant's loan redemption contract by the Authority does not suspend or cancel the program participant's student loan obligations. The participant assumes full responsibility for repayment of the full amount of his or her loan(s) or that portion of the loan(s) that has not been redeemed by the State in return for partial fulfillment of the five-year contract.

(d) The Higher Education Student Assistance Authority shall have final decision making authority to terminate a pro-

gram participant's employment service obligation and cancel the loan redemption contract.

9A:10-4.7 Cancellation of the loan redemption contract by the program participant

A program participant may cancel his or her loan redemption contract with the Authority by submitting written notification to the Student Loan Office. The participant assumes full responsibility for repayment of the full amount of his or her loan(s) or that portion of the loan(s) that has not been redeemed by the State in return for partial fulfillment of the five-year contract.

9A:10-4.8 Waiting list for eligible applicants if program funds are exhausted

(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.

9A:10-4.9 Appeals process

(a) When an applicant has received a notification of ineligibility for program participation, he or she may submit a written appeal to the Director of Legal and Governmental Affairs 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 he or she is eligible to participate in the program along with any docu-

mentation which the applicant has obtained to support the appeal, if applicable.

(b) The applicant will receive a written response from the Director of Legal and Governmental Affairs concerning the determination of his or her eligibility for program participation within 30 days of the receipt of the appeal.

9A:10-4.10 Program evaluation

(a) The Authority shall annually submit a program report to the Governor and the Chairs of the Senate Budget and Appropriations, Assembly Appropriations, Senate Education, Assembly Higher Education, Senate Health, Human Services and Senior Citizens, and Assembly Health and Human Services committees, or their successor committees. The report shall be submitted no later than August 1 of each year and shall include, but not be limited to, the following information for the prior fiscal year:

1. The total number of participants receiving loan redemption under the program;
2. The total number of participants who withdrew from the program or failed to complete the program's employment requirement; and
3. The effect of the program on filling vacant nurse faculty positions in the State and eliminating the need to turn away qualified nursing school applicants.

9A:10-4.11 Reversion of participant's encumbered funds

(a) In the event that any or all loan redemption funds encumbered for a program participant are not redeemed due to the termination of the participant's employment service obligation by the Authority or cancellation of the redemption contract by the participant, such funds will revert to the program fund and be available to enroll other eligible applicants.

(b) All unexpended program funds will carry over to the next fiscal year.

(c) The Higher Education Student Assistance Authority shall maintain the program fund containing State appropriations and carry-overs from the prior fiscal year.

SUBCHAPTER 5. (RESERVED)

SUBCHAPTER 6. THE NEW JERSEY COLLEGE LOANS TO ASSIST STATE STUDENTS (NJCLASS) PROGRAM: POLICIES AND PROCEDURES

9A:10-6.1 Purpose

The purpose of this subchapter is to provide guidance on the implementation of the New Jersey College Loans to

Assist State Students (NJCLASS) Program, a State student loan program intended to supplement the subsidized Federal Direct Stafford Loan Program and make State sponsored student loans available to students who cannot obtain Federally backed student loans, either because those loans are not available, because the student does not meet the program eligibility requirements as defined by the Federal government, because the student has additional financial need unmet by Federally backed student loans, or because the NJCLASS program offers more affordable interest rates and fees. In the NJCLASS Program, the Authority issues bonds, notes, or another form of debt instrument, and with the proceeds of that issuance, funds student loans and either directly or through an agent serves as lender and servicer of the loans. Because funding for the NJCLASS Program is not backed by a Federal guarantee, funding sources are safeguarded by requiring as key elements of borrower eligibility for this State program that the borrower either be creditworthy or not have adverse credit.

Amended by R.2011 d.043, effective February 7, 2011.
See: 42 N.J.R. 1953(a), 43 N.J.R. 303(a).

Inserted "Direct" and "; or because the NJCLASS program offers more affordable interest rates and fees", and deleted "or" following "Federal government,".

9A:10-6.2 Scope

These rules provide the policies and procedures that govern the NJCLASS Program, a State student loan program administered by the Higher Education Student Assistance Authority (HESAA).

Amended by R.2000 d.447, effective November 6, 2000.
See: 32 N.J.R. 2192(a), 32 N.J.R. 3987(a).

Substituted "Higher Education Student Assistance Authority (HESAA)" for "New Jersey Office of Student Assistance (NJOSA) and established under the Authority" in the first sentence.

Amended by R.2009 d.180, effective June 1, 2009.

See: 40 N.J.R. 6721(b), 41 N.J.R. 2261(a).

Deleted the last sentence.

9A:10-6.3 Definitions

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

"Annual income" means the borrower's income as reported for Federal income tax purposes.

"Authority" means Higher Education Student Assistance Authority.

"Cohort default rate" means the percentage of Federal Family Education Loan Program (FFELP) and William D. Ford Federal Direct Loan Program (Direct Loan) borrowers who default before the end of the Federal fiscal year following the Federal fiscal year in which they entered repayment on their loans, unless otherwise defined by the United States Department of Education. The United States Department of Education calculates this rate annually to determine the default experience of students who attended a particular school during a particular period of time.

“Commission” or “CHE” means the Commission on Higher Education, a State higher education policy-making agency presided over by a governing board, whose chairman is a member, ex-officio, of the Authority. The Commission’s statutory responsibilities include final administrative decisions over institutional licensure and university status in this State.

“Consolidation loan” means a new NJCLASS loan that discharges previous NJCLASS loans. NJCLASS loan consolidation enables a borrower with several loans to obtain one loan with one repayment schedule, and one interest rate.

“Cosigner” means an individual who signs a promissory note and agrees to repay the loan in the event the borrower does not.

“Delinquency” means a payment on an NJCLASS loan made late. Delinquency begins the first day after the due date of the first missed payment that is not later made. The due date of the first payment is established by the Authority.

“Eligible institution” means a public or private nonprofit institution eligible for Title IV, Higher Education Act of 1965 assistance, approved or licensed by the New Jersey Commission on Higher Education or its equivalent in another state or country and accredited by a nationally recognized accrediting association and having an annual cohort default rate of 20 percent or less. Eligible institution shall also include proprietary institutions eligible for Title IV, Higher Education Act of 1965 assistance and having an annual cohort default rate of 20 percent or less. An eligible institution for purposes of the NJCLASS Variable Rate Program or the NJCLASS Graduate/Professional Students Program shall have a lower cohort default rate threshold, as set forth in N.J.A.C. 9A:10-6.4(c)2. Eligible institution for purposes of the NJCLASS Postgraduate Program means an American Bar Association approved law school, a graduate medical school accredited by the Liaison Committee on Medical Education, the American Osteopathic Association, or the U.S. Department of Education’s National Committee on Foreign Medical Education and Accreditation (NCFMEA), or a graduate dental school accredited by either the American Dental Association or the Commission on Dental Accreditation of Canada.

“In-school period” means the period in which a student is enrolled at an eligible institution on at least a half-time basis as certified by the institution.

“Lender” means Higher Education Student Assistance Authority or its agent for the purposes of this program.

“MedNJ” means an NJCLASS program targeted for medical and dental students working toward an MD, DO, DDS or DMD degree offering a fixed interest rate, flexible repayment options, a 25-year repayment term and a special three-year residency deferment. The provisions governing NJCLASS loans in this subchapter shall apply to MedNJ loans unless the subchapter provides otherwise.

“NJCLASS” means the New Jersey College Loans to Assist State Students Loan Program.

“NJCLASS Graduate/Professional Students Program” means an NJCLASS program targeted for graduate and professional students, whose loans are disbursed on or after June 1, 2006, with eligibility requirements specially tailored for such students, as set forth in N.J.A.C. 9A:10-6.4(c). The provisions governing NJCLASS loans in this subchapter shall apply to NJCLASS Graduate/Professional Students loans unless this subchapter otherwise provides.

“NJCLASS Postgraduate Program” means an NJCLASS program for law, medical, and dental students intended to assist with higher education costs incident to the cost of attendance, such as bar examination and medical and dental residency travel and relocation expenses. The provisions governing NJCLASS loans in this subchapter shall apply to NJCLASS Postgraduate loans, unless this subchapter otherwise provides. The Authority may offer the NJCLASS Postgraduate Program subject to the availability of funding and conditioned on market demand.

“NJCLASS Variable Rate Program” means an NJCLASS program targeted for graduate and professional students, whose loans were disbursed prior to June 1, 2006, with eligibility requirements specially tailored for such students, as set forth in N.J.A.C. 9A:10-6.4(c). The provisions governing NJCLASS loans in this subchapter shall apply to NJCLASS Variable Rate loans unless this subchapter otherwise provides.

“Parent borrower” means a parent(s), spouse, legal guardian, or other relative of a dependent undergraduate or graduate student.

“Rehabilitation” (of a defaulted NJCLASS loan) means a process by which a borrower may bring an NJCLASS loan out of default by adhering to specified repayment requirements.

“Student borrower” means an undergraduate or graduate student.

“Totally and permanently disabled” means the condition of any individual who is unable to work and earn money or attend school because of an injury or illness that is expected to continue indefinitely or result in death.

(b) Terms not defined in this section shall be defined in accordance with 34 CFR parts 600, 668, 682 and 685, including all subsequent amendments and supplements thereto.

Amended by R.2000 d.447, effective November 6, 2000.
See: 32 N.J.R. 2192(a), 32 N.J.R. 3987(a).

Rewrote the section.

Amended by R.2002 d.288 and d.291, effective September 3, 2002.
See: 33 N.J.R. 4050(a), 34 N.J.R. 1399(a), 34 N.J.R. 3084(a), 34 N.J.R. 3085(a).

Amended “Eligible institution”.

Amended by R.2006 d.403, effective November 20, 2006.

See: 38 N.J.R. 2967(a), 38 N.J.R. 4865(b).

In definition "Eligible institution", inserted "or the NJCLASS Graduate/Professional Students Program" and updated N.J.A.C. reference; added definition "NJCLASS Graduate/Professional Students Program"; and in definition "NJCLASS Variable Rate Program", deleted "Program, initiated in 1997" preceding "program", inserted ", whose loans were disbursed prior to June 1, 2006," and updated the N.J.A.C. reference.

Administrative correction.

See: 39 N.J.R. 651(b).

Amended by R.2009 d.180, effective June 1, 2009.

See: 40 N.J.R. 6721(b), 41 N.J.R. 2261(a).

In (a), substituted definition "Annual income" for definition "Adjusted gross income"; in definition "Annual income", substituted "the borrower's" for "total family", and inserted "as"; and added definition "Totally and permanently disabled".

Amended by R.2011 d.043, effective February 7, 2011.

See: 42 N.J.R. 1953(a), 43 N.J.R. 303(a).

In (a), inserted definition "MedNJ"; and in (b), substituted "668, 682 and 685" for "668 and 682".

9A:10-6.4 Eligibility for NJCLASS Loan, NJCLASS Variable Rate Loan, NJCLASS Graduate/Professional Students Loan, NJCLASS Postgraduate Loan, and MedNJ

(a) To be eligible for an NJCLASS loan, each applicant must:

1. Be a citizen, national or legal resident of the United States or be in the United States for other than temporary purposes and intend to become a permanent resident (as evidenced by United States Citizenship and Immigration Services, or its successor agency, documentation);
2. Not owe a grant refund, be in default on a student loan, have a student loan written off as uncollectible, or be in violation of any of the other criteria for determining creditworthiness as outlined in N.J.A.C. 9A:10-6.5;
3. Provide an acceptable cosigner if it is determined by the Authority that one is required; and in the case of any Federal Family Education Loan amount, Federal Direct Loan amount, or any NJCLASS loan amount that previously was canceled due to the applicant's total and permanent disability, obtain a certification from a physician that the applicant's condition has improved and that the applicant is able to engage in substantial gainful activity and sign a statement acknowledging that the NJCLASS loan the applicant receives cannot be canceled in the future on the basis of any impairment present when the new loan is made, unless that impairment substantially deteriorates. If the applicant is not the student, and the student had any loan amount described in this paragraph canceled due to the student's total and permanent disability, the student on whose behalf another borrower is applying for an NJCLASS loan must obtain the physician certification as to the student's improvement and sign the statement limiting future cancellation on the basis of the student's present impairment; and
4. Provide at least two references for the borrower, and co-borrower if applicable, and at least two references for the cosigner, and joint cosigner if applicable.

(b) In addition to all of the requirements in (a) above, a student applicant or a student on whose behalf the parent is applying for an NJCLASS loan shall:

1. Be a citizen, national or legal resident of the United States or be in the United States for other than temporary purposes and intend to become a permanent resident (as evidenced by United States Citizenship and Immigration Services, or its successor agency, documentation);
2. Be a permanent resident of New Jersey prior to filing an application; however, residency is not required if enrolled in an eligible institution located in New Jersey, meaning that either the institution maintains a campus or the place of instruction is located in New Jersey;
3. Have a high school diploma or a high school equivalency certificate;
4. Be enrolled or accepted for enrollment on at least a half-time basis in an eligible institution;
5. If currently enrolled in an eligible institution, be determined by the institution to be making satisfactory academic progress;
6. If applying for an NJCLASS loan financed in whole or in part by qualified student loan bonds, as described in section 144(b) of the Federal Internal Revenue Code of 1986, as amended, 26 U.S.C. § 144(b), have met the eligibility criteria described in that section or have not violated any other criteria which would result in the bonds no longer to be qualified under section 144(b) of the Federal Internal Revenue Code of 1986, as amended, 26 U.S.C. § 144(b); and
7. If applying for an NJCLASS loan not financed in whole or in part by qualified student loan bonds, as described in section 144(b) of the Federal Internal Revenue Code of 1986, as amended, 26 U.S.C. § 144(b), have met the eligibility criteria described in this subchapter.

(c) To be eligible for a Variable Rate NJCLASS loan for student borrowers, or an NJCLASS Graduate/Professional Students loan for student borrowers, each student must satisfy the requirements of (b)1, 3 and 6 above as well as the following:

1. Be a permanent resident of New Jersey prior to filing an application; however, residency is not required if enrolled in an eligible institution for purposes of this program that is located in New Jersey, meaning that either the institution maintains a campus or the place of instruction is located in New Jersey;
2. Be enrolled in an eligible institution for purposes of this program, which shall mean an eligible institution of higher education under Title IV, Higher Education Act of 1965 and accredited by a nationally recognized accrediting association that is licensed by the New Jersey Commission on Higher Education or its equivalent in another state or

country with a three year average cohort default rate of 10 percent or less;

3. Not owe a grant refund, be in default on a student loan, have a student loan written off as uncollectible, or have adverse credit as outlined in N.J.A.C. 9A:10-6.5(d);

4. Be a graduate or professional student enrolled or accepted in a graduate or professional program as certified by an eligible institution for purposes of this program; and

5. If currently enrolled in an eligible institution for purposes of this program, be making satisfactory academic progress.

(d) To be eligible for an NJCLASS Postgraduate loan for student borrowers, each student must satisfy the requirements of (b)1, 3 and 7 above as well as the following:

1. Be a permanent resident of New Jersey prior to filing an application; however, residency is not required if enrolled in an eligible institution for purposes of this program that is located in New Jersey, meaning that either the institution maintains a campus or the place of instruction is located in New Jersey. An eligible institution is an American Bar Association approved law school, a graduate medical school accredited by the Liaison Committee on Medical Education, the American Osteopathic Association, or the U.S. Department of Education's National Committee on Foreign Medical Education and Accreditation (NCFMEA), or a graduate dental school accredited by either the American Dental Association or the Commission on Dental Accreditation of Canada;

2. Be enrolled in the final year at an eligible institution, be making satisfactory academic progress, and expect to be awarded a J.D., M.D., D.O., D.D.S. or D.M.D. degree during the current academic year;

3. Not owe a grant refund, be in default on a student loan, have a student loan written off as uncollectible, or have adverse credit as outlined in N.J.A.C. 9A:10-6.5(d); and

4. School certification of the NJCLASS application no earlier than one year prior to the student's anticipated graduation date and no later than the student's actual graduation date.

(e) To be eligible for a MedNJ loan, each student must satisfy the requirements of (b)1, 2, 3, 6 and 7, and (c)3 and 5 above as well as the following:

1. Be enrolled or accepted for enrollment on at least a half-time basis in an MD, DO, DDS or DMD program at an eligible institution. An eligible institution for MedNJ is a graduate medical school accredited by the Liaison Committee on Medical Education, the American Osteopathic Association, or the U.S. Department of Education's National Committee on Foreign Medical Education and Accreditation (NCFMEA), or a graduate dental school

accredited by either the American Dental Association or the Commission on Dental Accreditation of Canada.

Amended by R.2000 d.447, effective November 6, 2000.

See: 32 N.J.R. 2192(a), 32 N.J.R. 3987(a).

In (a), added 4; rewrote (b) and (c); added (d).

Amended by R.2002 d.288 and d.291, effective September 3, 2002.

See: 33 N.J.R. 4050(a), 34 N.J.R. 1399(a), 34 N.J.R. 3084(a), 34 N.J.R. 3085(a).

Rewrote the section.

Amended by R.2003 d.465, effective December 1, 2003.

See: 35 N.J.R. 2770(b), 35 N.J.R. 5415(b).

Deleted "have a student loan discharged in default" throughout.

Amended by R.2006 d.403, effective November 20, 2006.

See: 38 N.J.R. 2967(a), 38 N.J.R. 4865(b).

Section was "Eligibility for NJCLASS Loan, NJCLASS Variable Rate Loan, and NJCLASS Postgraduate Loan". In (a)1 and (b)1, substituted "United States" for "U.S." and "United States Citizenship and Immigration Services, or its successor agency," for "Immigration and Naturalization Service"; rewrote (a)4; and in the introductory paragraph of (c), inserted "or an NJCLASS Graduate/Professional Students loan for student borrowers,".

Amended by R.2009 d.180, effective June 1, 2009.

See: 40 N.J.R. 6721(b), 41 N.J.R. 2261(a).

In (d)3, inserted "and" at the end; deleted former (d)4; and recodified former (d)5 as (d)4.

Amended by R.2011 d.043, effective February 7, 2011.

See: 42 N.J.R. 1953(a), 43 N.J.R. 303(a).

Section was "Eligibility for NJCLASS Loan, NJCLASS Variable Rate Loan, NJCLASS Graduate/Professional Students Loan, and NJCLASS Postgraduate Loan". Added (e).

9A:10-6.5 NJCLASS creditworthiness

(a) To be approved for an NJCLASS loan, a borrower must be determined creditworthy by the Authority.

(b) The Authority may require that borrowers or cosigners submit to the Authority information that includes the most recent signed Federal Income Tax Return, including all schedules, and current pay stub or other documentation of income, if applicable. For joint filers, this documentation may include the current pay stub or other documentation of income, if applicable, of both filers.

(c) To be approved for a fixed rate NJCLASS loan, a creditworthy borrower or cosigner must have documentable annual income that exceeds Federal poverty guidelines, as adjusted annually by the United States Department of Health and Human Services. The amount by which income must exceed Federal poverty guidelines is determined by the bonds or notes whose proceeds are funding the loan.

(d) A borrower or cosigner with one or more of the items listed below in his or her credit history may be denied an NJCLASS loan for not being creditworthy. These items include delinquent accounts, paid and unpaid collection accounts, paid and unpaid charged off accounts, foreclosure, repossession, bankruptcy or a paid or unpaid judgment.

(e) Borrowers who do not meet the income and credit requirements may be reconsidered with an eligible cosigner who does meet the requirements of this section.

Amended by R.2000 d.447, effective November 6, 2000.

See: 32 N.J.R. 2192(a), 32 N.J.R. 3987(a).

In (b), inserted “, including all schedules, and” following “Federal Income Tax Return” and deleted “, and most recent W-2 Form” following “current pay stub” in the first sentence; deleted “and most recent W-2 Form” preceding “of both files” in the second sentence; in (c), inserted “, or a delinquent NJCLASS loan” at the end of the second sentence.

Amended by R.2002 d.288, effective September 3, 2002.
See: 33 N.J.R. 4050(a), 34 N.J.R. 3085(a).

Rewrote (b); inserted a new (c); recodified former (c) as (d); deleted former (d) and (e).

Amended by R.2009 d.180, effective June 1, 2009.
See: 40 N.J.R. 6721(b), 41 N.J.R. 2261(a).

In (c), inserted “annual”; and in (d), inserted “or” following “bankruptcy.”, and deleted “, or a monthly total debt to monthly adjusted gross income ratio, which exceeds 40 percent” following “judgment”.

Amended by R.2012 d.051, effective March 5, 2012.
See: 43 N.J.R. 2216(a), 44 N.J.R. 591(b).

In (b), inserted “or cosigners”, “or other documentation of income, if applicable”, and “or other documentation of income, if applicable.”; in (c), substituted “documentable” for “an”, and inserted the last sentence; in (d), inserted “or cosigner”, deleted a comma following “bankruptcy”, and deleted the last sentence; and added (e).

9A:10-6.6 Loan amounts

(a) If the NJCLASS loan is financed in whole or in part by qualified student loan bonds, as described in section 144(b) of the Federal Internal Revenue Code of 1986, as amended, 26 U.S.C. §144(b), the amount borrowed shall not exceed a student’s estimated cost of attendance at the eligible institution minus all other financial assistance for which the student is eligible (excluding any financial assistance which would not cause the bonds to fail to qualify under section 144(b) of the Federal Internal Revenue Code) for the academic period for which the loan is intended. This means that an eligible institution shall determine a student borrower’s loan amount eligibility for Federal Direct Stafford loans prior to determining a student borrower’s loan amount eligibility for an NJCLASS loan. This eligibility determination excludes eligibility for Federal Direct PLUS loans.

(b) If the NJCLASS loan is not financed in whole or in part by qualified student loan bonds, the amount borrowed may not exceed a student’s estimated cost of attendance at the eligible institution minus all other financial assistance for which the student is eligible for the academic period for which the loan is intended. This means that an eligible institution shall determine a student borrower’s loan amount eligibility for Federal Direct Stafford loans prior to determining a student borrower’s loan amount eligibility for an NJCLASS loan. This eligibility determination excludes eligibility for Federal Direct PLUS loans.

Amended by R.2000 d.447, effective November 6, 2000.
See: 32 N.J.R. 2192(a), 32 N.J.R. 3987(a).

Rewrote (a); inserted a new (b); and recodified former (b) as (c).
Amended by R.2002 d.288, effective September 3, 2002.
See: 33 N.J.R. 4050(a), 34 N.J.R. 3085(a).

In (b), deleted “, and the maximum loan amount permitted in the NJCLASS Loan Application and Promissory Note booklet” at the end.
Amended by R.2003 d.465, effective December 1, 2003.
See: 35 N.J.R. 2770(b), 35 N.J.R. 5415(b).

In (a), deleted “, and Health Education Assistance” in the third sentence.

Amended by R.2009 d.180, effective June 1, 2009.
See: 40 N.J.R. 6721(b), 41 N.J.R. 2261(a).

In (a), inserted “of 1986”, substituted “§144(b)” for “§ 144(b)”, and inserted “Federal” preceding the first occurrence of “Stafford”; and rewrote (b).

Amended by R.2011 d.043, effective February 7, 2011.
See: 42 N.J.R. 1953(a), 43 N.J.R. 303(a).

In (a) and (b), deleted “Federal Stafford loans or” preceding “Federal Direct Stafford” and “Federal PLUS and” preceding “Federal Direct PLUS”; and deleted (c).

9A:10-6.7 Application procedures, disbursement, and students who transfer

(a) To borrow under the NJCLASS Program, the process shall be as follows:

1. The applicant shall review the NJCLASS Application Disclosure form and complete the NJCLASS application, promissory note and self-certification form, if required. All parts of the application, promissory note and self-certification, if required by Federal law, including all related documentation, must be completed and all requested documentation must be submitted to the Authority; and

2. The Authority shall notify the eligible institution the student attends or plans to attend that the student qualifies for a loan pending certification and request the school to certify the student’s eligibility for an NJCLASS loan.

(b) The Authority shall process the application and upon approval will provide the applicant(s) an NJCLASS loan offer. The borrower will have 30 days to accept the loan. Borrowers will not receive a loan unless they accept the offer.

(c) The Authority shall provide applicants an NJCLASS Pre-Disbursement Disclosure, or other disclosures as required by Federal law.

(d) The method of disbursement is determined by an eligible institution. Loan proceeds may be disbursed by individual check, master check, or by electronic means such as Electronic Funds Transfer (EFT). Funds disbursed by individual check to a student borrower shall be made jointly payable to the student and the eligible institution, sent directly to the school and may be multiply disbursed. Funds disbursed by individual check to a parent borrower shall be made payable to the parent borrower and may be multiply disbursed. If the Authority issues an individual NJCLASS loan check, and the student is enrolled in a study-abroad program approved for credit and if the student requests, the loan check may be made payable to the student only.

(e) An NJCLASS loan may be used only to cover the educational costs of attendance at the school that completes the school certification form providing school data. NJCLASS Postgraduate loans may be used to cover the educational expenses incident to the educational costs of attendance at the school that completes the school certification form providing school data. The school must return to the Authority any refund of NJCLASS proceeds resulting from a student’s withdrawal, after satisfying any outstanding accounts receivable. If a student transfers between schools at

any time, neither the student nor the parent borrower are eligible to receive proceeds from an application and promissory note for which the school certification form was completed by the previous school. If a student transfers from one school to another before a loan is fully disbursed, the student or parent borrower is not eligible for any remaining disbursements of that loan, and the student or parent borrower must notify the Authority to cancel the loan or the balance of any undisbursed portion of the loan. The student or parent borrower may submit a second application and promissory note with new cost of attendance and estimated financial assistance figures certified by the new school.

Amended by R.2000 d.447, effective November 6, 2000.
See: 32 N.J.R. 2192(a), 32 N.J.R. 3987(a).

In (a)3, substituted "institution" for "school" preceding "the student attends"; in (c), substituted "institution" for "school" preceding "sent directly to the school"; in (d), added the second sentence.

Amended by R.2002 d.288, effective September 3, 2002.
See: 33 N.J.R. 4050(a), 34 N.J.R. 3085(a).

In (a)1, substituted "and all requested documentation must be submitted to the Authority; and" for "regardless of the applicant's age or marital status"; deleted (a)2 and recodified former (a)3 as (a)2; rewrote (c).

Amended by R.2003 d.465, effective December 1, 2003.
See: 35 N.J.R. 2770(b), 35 N.J.R. 5415(b).

Rewrote (a)2; in (b), substituted "applicant" for "borrower".
Amended by R.2011 d.043, effective February 7, 2011.

See: 42 N.J.R. 1953(a), 43 N.J.R. 303(a).

Rewrote (a)1 and (b); added new (c); recodified former (c) and (d) as (d) and (e); and in (e), inserted the third sentence.

9A:10-6.8 Fees

(a) A recipient of an NJCLASS loan shall be required to pay an application and an administrative fee to the Authority, which combined shall not exceed five percent of the total approved loan amount.

1. Pursuant to the loan disclosure statements accepted by the borrowers, these fees shall either be deducted from the loan proceeds or added to the loan balance. The bonds or notes whose proceeds are funding the loan determine whether the fees shall be deducted from the loan proceeds or added to the loan balance.

2. For multiply disbursed loans, these fees shall be deducted or added in equal installments, from each loan disbursement.

(b) A recipient of an NJCLASS loan may be required to pay an administrative fee for servicing of the NJCLASS loan if provided by the promissory note.

Amended by R.2000 d.447, effective November 6, 2000.

See: 32 N.J.R. 2192(a), 32 N.J.R. 3987(a).

Amended by R.2011 d.043, effective February 7, 2011.

See: 42 N.J.R. 1953(a), 43 N.J.R. 303(a).

Added (b).

Amended by R.2012 d.051, effective March 5, 2012.

See: 43 N.J.R. 2216(a), 44 N.J.R. 591(b).

In the introductory paragraph of (a), inserted a comma following "Authority"; rewrote (a)1; and in (a)2, inserted "or added".

9A:10-6.9 Interest

(a) The NJCLASS loan shall have a daily fixed simple annual interest rate, a variable interest rate, or another type of interest rate, as determined by the bonds or notes whose proceeds are funding the loan or by the NJCLASS Application and Promissory Note if the loan is funded through other means. For NJCLASS loans funded through bonds, the NJCLASS interest rate will be a pass through rate of the bond interest rate, associated costs of sale, and such other costs or reserves which may be required, and/or determined as the bonds are issued.

(b) Interest on an NJCLASS loan shall begin to accrue at the time of the first loan disbursement.

Amended by R.2000 d.447, effective November 6, 2000.

See: 32 N.J.R. 2192(a), 32 N.J.R. 3987(a).

Rewrote (a).

9A:10-6.10 Late charge

The Authority may collect a late charge from the borrower if the borrower fails to pay all or part of the required payment of an NJCLASS loan within 10 days of the date the payment is due. The late charge may not exceed six percent of each late payment.

Amended by R.2000 d.447, effective November 6, 2000.

See: 32 N.J.R. 2192(a), 32 N.J.R. 3987(a).

9A:10-6.11 Repayment of loan

(a) The Authority shall provide the borrower and cosigner, if any, with a Pre-Disbursement Disclosure Statement detailing due dates of required payments at least three days prior to the first loan disbursement.

(b) There are three repayment options for NJCLASS loans. Eligibility for each specific option may be restricted by the bond indentures. Borrowers shall indicate preferred repayment options while applying for an NJCLASS loan. Applications cannot be processed until a repayment option is selected. The Authority shall make best efforts, based on available funding, to offer borrowers the repayment option selected. If the selected option is unavailable the loan offer will include the most similar available repayment option. In exchange for the option of deferring both principal and interest or principal only, borrowers in the repayment schedule set forth in (b)2 and 3 below may be required to pay an increase over the regular interest rate in effect at the time of borrowing. In exchange for a shortened term for repayment, borrowers in the repayment schedule set forth in (b)1 below may receive a decrease from the regular interest rate in effect at the time of borrowing. The regular interest rate is established by the Authority pursuant to N.J.A.C. 9A:10-6.9(a). The interest rate differentials do not apply to NJCLASS variable interest rate loans. The three repayment options for an NJCLASS loan are as follows:

1. Borrowers begin to pay the principal and interest of the loan on a monthly basis. The first payment of principal and interest is due within 60 days after the loan is first disbursed;

2. Borrowers begin to pay interest on the loan, but are not required to pay principal until graduation, withdrawal or notification of less than half-time enrollment of the student on whose behalf the loan was obtained; or

3. Borrowers are not required to pay principal or interest until graduation, withdrawal or notification of less than half-time enrollment of the student on whose behalf the loan was obtained. Once one of these circumstances occurs, the loan reverts to a repayment schedule as set forth in (b)1 above. However, interest accrued from the date of loan disbursement is deferred and capitalized (added to principal) on a quarterly basis for loans originated before June 9, 1997, and on an annual basis for loans originated on or after June 9, 1997. The first monthly payment of principal and interest shall be required within 60 days after the reversion date.

(c) In the case of an NJCLASS Postgraduate loan, borrowers may pay, but are not required to pay, principal or interest until the end of the deferment period. After the end of the deferment period, the loan reverts to a repayment schedule as set forth in (b)1 above. Interest accrued from the date of loan disbursement is deferred and capitalized on an annual basis and at the end of the deferment period. The deferment period for an NJCLASS Postgraduate loan means the period beginning on the initial disbursement date and ending on:

1. If the NJCLASS loan is for medical or dental residency travel and relocation expenses, the date that is nine months after the date of graduation, withdrawal or notification of less than half-time enrollment at the eligible institution named in the NJCLASS Application and Promissory Note unless on such date the borrower is participating in a required residency or postdoctoral program, in which event the deferment period will end on the date that is nine months after the date the borrower completes or otherwise ceases to participate in such program. In no event shall the deferment period end later than 57 months after the date the borrower graduates from medical school or 33 months after the date the borrower graduates from dental school. To be considered participating in a required residency or postdoctoral program during any one-year period requires that the borrower submit to the Authority a certification from the director of such program for such year; or

2. If the NJCLASS loan is for bar examination expenses, the date is nine months after the eligible institution indicated to be the borrower's anticipated or actual graduation date on the NJCLASS application.

(d) In the case of MedNJ loans borrowers may pay, but are not required to pay, principal or interest until the end of the

deferment period. After the end of the deferment period, the loan reverts to a repayment schedule as set forth in (b)1 above. Interest accrued from the date of loan disbursement is deferred and capitalized at graduation or withdrawal and at the end of the residency deferment period. The residency deferment period for an MedNJ loan means the period beginning upon graduation from an eligible institution and ending up to three years after graduation if a borrower is completing a required eligible residency program.

(e) For loans made after August 3, 1998, the minimum acceptable monthly payment shall be the amount required to fully repay an NJCLASS loan in the maximum repayment period; however, the minimum acceptable monthly payment of principal and interest shall not be less than \$50.00 per borrower for all of that borrower's NJCLASS loans.

(f) Notwithstanding any periods of deferment and/or forbearance, NJCLASS loans shall be paid in full within the amount of years from the date of first disbursement as specified in the NJCLASS Application, Promissory Note and disclosures. The amount of years in which a loan is to be repaid is determined by the bonds or notes whose proceeds are funding the loan.

(g) The borrower has the right to repay the entire loan or any portion of the loan at any time without penalty.

Amended by R.2000 d.447, effective November 6, 2000.

See: 32 N.J.R. 2192(a), 32 N.J.R. 3987(a).

In (b), rewrite the introductory paragraph, inserted "first" preceding "disbursed" in 1, and added the last sentence in 3; inserted a new (c); recodified former (c) through (e) as (d) through (f); and rewrote the new (e).

Amended by R.2003 d.465, effective December 1, 2003.

See: 35 N.J.R. 2770(b), 35 N.J.R. 5415(b).

In (e), substituted "25" for "23" following "no later than".

Amended by R.2006 d.403, effective November 20, 2006.

See: 38 N.J.R. 2967(a), 38 N.J.R. 4865(b).

In (b)2 and (b)3, inserted "of the student on whose behalf the loan was obtained"; in (b)3, inserted "and the NJCLASS Graduate/Professional Students loan"; in (e), inserted "disbursed prior to June 1, 2006"; "an NJCLASS loan disbursed on or after June 1, 2006 shall be paid in full no later than 20 years from the first date of loan disbursement," and "and an NJCLASS Graduate/Professional Students loan", deleted "Loan" following "Variable Rate", and substituted "An" for "and an".

Amended by R.2011 d.043, effective February 7, 2011.

See: 42 N.J.R. 1953(a), 43 N.J.R. 303(a).

In (a), substituted "Pre-Disbursement" for "completed repayment" and "least three days prior to" for "the time of"; in (b)2, deleted "quarterly" preceding "interest"; added new (c) and (e); recodified former (c) as (d) and former (d) through (f) as (f) through (h); in (f), inserted "of principal and interest"; and in (g), substituted a comma for "and" following "Variable Rate loan", and inserted "and a MedNJ loan" and the last sentence.

Amended by R.2012 d.051, effective March 5, 2012.

See: 43 N.J.R. 2216(a), 44 N.J.R. 591(b).

Rewrote the introductory paragraph of (b); in (b)3, deleted the last two sentences; deleted former (c); recodified former (d) through (h) as new (c) through (g); and rewrote (f).

9A:10-6.12 Deferments and forbearance

(a) Under certain conditions, borrowers shall be permitted to defer payments of interest and/or loan principal for specified periods of time. Some deferments may only be granted

if both the borrower and co-borrower qualify for the deferment. During periods of authorized deferment, borrowers remain responsible for the payment of the interest accruing on their loan(s). The following are available NJCLASS Program deferments and their requirements:

1. Full-time and half-time study at an eligible institution;

2. Unemployment;

i. Borrower must be currently unemployed and conscientiously seeking but unable to find full-time employment.

ii. The borrower may be granted up to a six-month deferment upon his or her initial request if the borrower provides acceptable proof of eligibility for unemployment benefits or a signed written statement describing his or her conscientious search for full-time employment. The statement must include:

(1) Proof that at least three attempts were made to gain employment;

(2) The names, addresses and phone numbers of the possible employers contacted;

(3) The name of the contact person at each possible employer; and

(4) A certification of registration with a public or private employment agency.

iii. For all requests beyond the initial request, the borrower shall provide a signed written statement describing his or her conscientious search for full-time employment during the preceding deferment period. The statement must include the documentation, contact information and certification specified in (a)2ii above.

iv. In order to remain eligible for the deferment, the borrower shall not restrict his or her search to specific fields, positions, or salaries.

3. Service as an intern or resident;

i. Borrower must be currently participating in an eligible internship or residency program of supervised training that is required by a State licensing agency prior to certification for professional practice or service.

ii. Borrower shall provide certification from the appropriate State licensing agency attesting to the necessity of the internship or residency.

iii. Borrower shall provide certification from the organization with which the internship or residency is being undertaken which specifies:

(1) Acceptance of the borrower into the internship or residency program; and

(2) Anticipated beginning and completion dates of the program.

4. Active duty status in the Armed Forces;

i. The borrower shall provide a statement from his or her commanding officer attesting to full-time active duty status.

5. Peace Corps;

i. To qualify for this deferment, a borrower shall submit a request and provide the Authority with a statement from an official of the Peace Corps program certifying:

(1) That the borrower has agreed to serve as a volunteer on a full-time basis for at least one year;

(2) The date on which the borrower's service began; and

(3) The date on which the borrower's service is expected to end.

6. Temporary total disability;

i. To qualify for this deferment, a borrower shall submit a request and provide the Authority with a statement from a physician, who is a doctor of medicine or osteopathy and is legally authorized to practice, certifying that the borrower is temporarily totally disabled.

ii. Temporarily totally disabled means that an individual is unable to work and earn money or attend school during a period needed to recover from injury or illness.

(b) The deferment begins on the date the borrower's qualifying status is certified to begin and ends on the date the borrower's qualifying status is certified to end. Maximum allowable time periods for all deferments except full-time and half-time study at an eligible institution shall not exceed six months for loans with a 10-year repayment term, 18 months for loans with a 15-year repayment term, 24 months for loans with a 20-year repayment term, 30 months for loans with a 25-year repayment term and 36 months for loans with a 30-year repayment term for an unemployment deferment, and for each of the remaining deferments, as established by the Authority. Deferments for NJCLASS loans with a 10-year repayment term are limited to unemployment deferments.

(c) Upon receipt of a borrower request for a deferment and all required documentation, the Authority shall notify the borrower regarding the deferment's authorization.

(d) The Authority may also, at its discretion, grant borrowers periods of forbearance in the repayment of the NJCLASS loan(s). Forbearance will only be granted if both the borrower and co-borrower qualify for the forbearance pursuant to 34 CFR 682.211(a)(3). Forbearance may be granted for situations including, but not limited to, economic hardship (as these terms are defined for the FFEL Program,

34 CFR part 682). The maximum allowable time period for economic hardship forbearance shall not exceed six months for loans with a 10-year repayment term, 18 months for loans with a 15-year repayment term, 24 months for loans with a 20-year repayment term, 30 months for loans with a 25-year repayment term and 36 months for loans with a 30-year repayment term. In granting a forbearance, the Authority permits a temporary cessation of principal payments and temporarily permits payments of interest only, or a temporary cessation of both principal and interest payments. Interest continues to accrue during all forbearance periods.

Amended by R.2006 d.403, effective November 20, 2006.
See: 38 N.J.R. 2967(a), 38 N.J.R. 4865(b).

In introductory paragraph of (a), inserted "interest and/or" and second sentence; rewrote (a)2ii and associated subsections; inserted new (a)2iii and recodified former (a)2iii as (a)2iv; in (d), inserted second sentence and substituted ", or a temporary cessation of both principal and interest payments. Interest continues to accrue during all forbearance periods." for a period at the end.

Amended by R.2011 d.043, effective February 7, 2011.
See: 42 N.J.R. 1953(a), 43 N.J.R. 303(a).

Rewrote (b) and (d).

Amended by R.2012 d.051, effective March 5, 2012.
See: 43 N.J.R. 2216(a), 44 N.J.R. 591(b).

Rewrote (b).

9A:10-6.13 Consolidation Loan Program

(a) Subject to the availability of funds, the Authority offers an NJCLASS Consolidation Loan Program for the purpose of permitting existing NJCLASS borrowers and/or co-borrowers to consolidate their existing NJCLASS loans into a single fixed rate NJCLASS Consolidation loan. The purpose of the NJCLASS Consolidation Loan Program is to provide borrowers with high NJCLASS debt an extended repayment term, which provides for lower monthly payments.

(b) To participate in the NJCLASS Consolidation Loan Program, either the borrower or the co-borrower on the NJCLASS Consolidation loan shall also be either the borrower or the co-borrower on each of the underlying loans being consolidated and shall have at least \$30,000 outstanding in current NJCLASS loans that will be consolidated.

(c) Only NJCLASS loans in monthly repayment of principal and interest are eligible for consolidation into an NJCLASS Consolidation loan. The student for whom the underlying NJCLASS loan was obtained shall no longer be enrolled in school. He or she shall have graduated or withdrawn.

(d) To be eligible for an NJCLASS Consolidation loan, the NJCLASS borrower and/or co-borrower shall:

1. Be a citizen, national or legal resident of the United States or be in the United States for other than temporary purposes and intend to become a permanent resident (as evidenced by United States Citizenship and Immigration Services, or its successor agency, documentation);

2. Not owe a grant refund, be in default on a student loan, have a student loan written off as uncollectible, or be

in violation of any of the other criteria for determining creditworthiness as outlined in (f) below;

3. Provide an acceptable cosigner if the Authority determines that one is required;

4. In the case of any Federal Family Education Loan amount, Federal Direct Loan amount, or any NJCLASS loan amount that previously was canceled due to the borrower's total and permanent disability, obtain a certification from a physician that the borrower's condition has improved and that the borrower is able to engage in substantial gainful employment and sign a statement acknowledging that the NJCLASS Consolidation loan that the borrower receives cannot be canceled in the future on the basis of any impairment present when the new loan is made, unless that impairment substantially deteriorates; and

5. Provide at least two references for the borrower, and co-borrower if applicable, and at least two references for the cosigner, and joint cosigner if applicable.

(e) The Higher Education Student Assistance Authority shall have final decision-making authority concerning the eligibility of a borrower, co-borrower and/or cosigner to participate in the NJCLASS Consolidation Loan Program.

(f) An NJCLASS Consolidation loan borrower and/or co-borrower shall meet minimum income requirements and be determined creditworthy by the Authority in order to be eligible for an NJCLASS Consolidation loan. Cosigners shall be required to meet the minimum income or creditworthy determination by the Authority if the borrower or co-borrower are unable to do so.

1. To be approved for an NJCLASS Consolidation loan, a creditworthy borrower, co-borrower or cosigner shall have documentable annual income that exceeds Federal poverty guidelines, as adjusted annually by the United States Department of Health and Human Services. The amount by which income must exceed Federal poverty guidelines is determined by the bonds or notes whose proceeds are funding the loan.

2. A borrower with one or more of the items listed below in his or her credit history may be denied an NJCLASS Consolidation loan for not being creditworthy. These items include delinquent accounts, paid and unpaid collection accounts, paid and unpaid charged off accounts, foreclosure, repossession, bankruptcy, a paid or unpaid judgment. However, a borrower in the NJCLASS Consolidation Loan Program may be eligible if the borrower is able to secure a creditworthy cosigner.

(g) NJCLASS Consolidation loan borrowers and/or co-borrowers may be permitted to add additional eligible NJCLASS loans to an existing NJCLASS Consolidation loan provided sufficient funding is available and the origination period has not expired.

(h) The process to borrow under the NJCLASS Consolidation Loan Program shall be as follows:

1. The borrower shall complete the NJCLASS Consolidation Loan application and promissory note. All parts of the application and promissory note shall be completed and all requested documentation shall be submitted to the Authority.

2. The Authority shall process the application and upon approval will provide the applicant(s) an NJCLASS loan offer. Borrowers will have 30 days to accept the loan. Borrowers will not receive the NJCLASS Consolidation Loan unless they accept the offer.

3. The NJCLASS Consolidation loan amount will be calculated based upon the sum of the outstanding principal and interest balance of each underlying NJCLASS loan being consolidated and the NJCLASS Consolidation loan application/administrative fee, as specified in (i) below, will be charged to the borrower.

4. The Authority shall provide the borrower, co-borrower and cosigner, if any, with a completed NJCLASS Consolidation Loan Pre-Disbursement Disclosure Statement or other disclosures as required by Federal law.

5. Consolidation loan proceeds will be applied to satisfy the outstanding NJCLASS loans included in the consolidation. No proceeds will be issued to the borrower. Any adjustment amount will be applied to the outstanding principal balance of the new NJCLASS Consolidation loan.

(i) NJCLASS Consolidation loan borrowers and/or co-borrowers will be required to pay a one percent application/administrative fee. This fee will be added to the sum of the outstanding principal and interest balance of each underlying NJCLASS loan being consolidated at the time of approval.

(j) The interest rate on the NJCLASS Consolidation loan will be a fixed rate based upon the weighted average interest rate of all the underlying NJCLASS loans being consolidated plus 25 basis points. The interest rate of the underlying NJCLASS loan is calculated using a blending of the applicable initial and step-up interest rates disclosed to the borrower. If the interest rate of the underlying NJCLASS loan currently reflects the step-up interest rate, the step-up interest rate will be used solely in the calculation. If a variable rate NJCLASS loan or an NJCLASS loan with a 10-year repayment term is being included in the NJCLASS consolidation, the rate used in the weighted average calculation will be the equivalent 15- or 20-year fixed rate interest rate for the immediate repayment of principal and interest in effect at the time of disbursement of the underlying NJCLASS loan. Interest on an NJCLASS Consolidation loan will begin to accrue at the time of the loan disbursement.

(k) Late fees may be charged on an NJCLASS Consolidation loan in accordance with N.J.A.C. 9A:10-6.10.

(l) NJCLASS Consolidation loan borrowers shall begin to pay the principal and interest of the NJCLASS Consolidation loan on a monthly basis. The first payment of principal and interest is due within 60 days after the loan is disbursed. The length of the repayment term will be determined based on the amount of the NJCLASS Consolidation loan at the time of approval as follows:

1. Consolidation loan borrowers whose outstanding loan obligations are under \$60,000 will obtain a 25-year repayment term.

2. Consolidation loan borrowers whose outstanding loan obligations exceed \$60,000 will receive a 30-year repayment term.

3. The borrower and/or co-borrower have the right to repay the entire loan or any portion of the loan at any time without penalty.

4. Notwithstanding any period of forbearance, an NJCLASS Consolidation loan shall be paid in full no later than the maximum repayment term, as disclosed to the borrower at the time of disbursement.

(m) The Authority may also, at its discretion, grant borrowers periods of forbearance in the repayment of the NJCLASS Consolidation loan(s). Forbearance will only be granted if both the borrower and co-borrower qualify for the forbearance pursuant to 34 CFR 682.211(a)(3). Forbearance may be granted for situations including, but not limited to, economic hardship (as these terms are defined for the FFEL Program, 34 CFR Part 682). During periods of forbearance, the NJCLASS Consolidation loan will revert to quarterly or monthly payments of interest only.

(n) NJCLASS loan provisions, which pertain to delinquency, set forth in N.J.A.C. 9A:10-6.14; credit bureau reporting, set forth in N.J.A.C. 9A:10-6.15; default and consequences of default, set forth in N.J.A.C. 9A:10-6.16; discharge, set forth in N.J.A.C. 9A:10-6.17; and rehabilitation, set forth in N.J.A.C. 9A:10-6.18, shall be in effect for this Program.

Amended by R.2000 d.447, effective November 6, 2000.

See: 32 N.J.R. 2192(a), 32 N.J.R. 3987(a).

Repeal and New Rule, R.2006 d.403, effective November 20, 2006.

See: 38 N.J.R. 2967(a), 38 N.J.R. 4865(b).

Section was "Consolidation".

Amended by R.2009 d.180, effective June 1, 2009.

See: 40 N.J.R. 6721(b), 41 N.J.R. 2261(a).

In the introductory paragraph of (f), substituted "shall" for "may" following "Cosigners"; and in (f)1, inserted "annual".

Amended by R.2011 d.043, effective February 7, 2011.

See: 42 N.J.R. 1953(a), 43 N.J.R. 303(a).

In (f)2, deleted "or a monthly total debt to monthly adjusted gross income ratio which exceeds 40 percent" following "judgment"; in (j), inserted "plus 25 basis points", "the variable rate loan was disbursed", and the next-to-last sentence; and substituted "the" for "that" preceding "academic year"; and in (m), inserted "or monthly".

Amended by R.2012 d.051, effective March 5, 2012.

See: 43 N.J.R. 2216(a), 44 N.J.R. 591(b).

Rewrote (f)1, (h)2, (h)4, and (j).

9A:10-6.14 Delinquency

(a) In keeping with the Authority's goals of default prevention in the NJCLASS Program, the Authority may perform a series of default prevention activities beginning when an NJCLASS loan is 10 days delinquent.

(b) Default prevention activities shall include, but not be limited to, letters and telephone calls to the borrower and cosigner, if any, beginning after the first 10 days of delinquency. Thirty days before sending a letter of default (180 days delinquent, or 240 days delinquent depending on whether payments are due monthly or less frequently than monthly), the Authority shall attempt to telephone the borrower and cosigner and send the borrower and cosigner a final demand letter.

(c) Delinquency may also result in the loss of eligibility for other student aid, negative credit reports and administrative wage garnishment.

Amended by R.2000 d.447, effective November 6, 2000.

See: 32 N.J.R. 2192(a), 32 N.J.R. 3987(a).

Amended by R.2002 d.288, effective September 3, 2002.

See: 33 N.J.R. 4050(a), 34 N.J.R. 3085(a).

In (a), substituted "may" for "shall".

Amended by R.2003 d.465, effective December 1, 2003.

See: 35 N.J.R. 2770(b), 35 N.J.R. 5415(b).

In (b), inserted references to cosigner following borrower throughout.

Amended by R.2006 d.403, effective November 20, 2006.

See: 38 N.J.R. 2967(a), 38 N.J.R. 4865(b).

Added (c).

Amended by R.2009 d.180, effective June 1, 2009.

See: 40 N.J.R. 6721(b), 41 N.J.R. 2261(a).

In (b), inserted "attempt to".

9A:10-6.15 Credit bureau reporting

The Authority shall report the status of all NJCLASS loans, for borrowers and cosigners, in the NJCLASS portfolio to a national credit bureau each month.

Amended by R.2002 d.288, effective September 3, 2002.

See: 33 N.J.R. 4050(a), 34 N.J.R. 3085(a).

Deleted the second and third sentences.

9A:10-6.16 Default and consequences of default

(a) Default occurs when a borrower fails to make an installment payment when due, or to meet other terms of the Promissory Note under circumstances where the Authority finds it reasonable to conclude that the borrower no longer intends to honor the obligation to repay, provided failure to repay persists for:

1. At least 180 days when payments are due monthly; or
2. At least 240 days during the student's in-school period when payments are due less frequently than monthly.

(b) Upon default, the borrower and/or cosigner, if any, are liable for the entire balance of the loan. Upon default, the Authority shall notify credit bureaus of this negative information. Default may result in any or all of the following:

expedited increase of interest rate, loss of State income tax refunds or State tax rebates, legal action, assessment of collection charges including attorney fees of up to 30 percent of the debt collected, loss of eligibility for other student aid, negative credit reports, administrative wage garnishment, offset of lottery prize winnings, and suspension of New Jersey occupational and professional license.

Amended by R.2000 d.447, effective November 6, 2000.

See: 32 N.J.R. 2192(a), 32 N.J.R. 3987(a).

In (b), inserted "or State tax rebates" following "State income tax refunds" and inserted ", and suspension of New Jersey occupational license" following "lottery prize winnings".

Amended by R.2003 d.465, effective December 1, 2003.

See: 35 N.J.R. 2770(b), 35 N.J.R. 5415(b).

In (b), inserted a reference to cosigner following borrower in the first sentence, and inserted "and professional" following "occupational" in the last sentence.

Amended by R.2011 d.043, effective February 7, 2011.

See: 42 N.J.R. 1953(a), 43 N.J.R. 303(a).

In (b), inserted "expedited increase of interest rate," and "of up to 30 percent of the debt collected".

9A:10-6.17 Discharge

(a) Rules governing the discharge of loans based on filing for relief in bankruptcy, and discharge of loans due to death or total and permanent disability are set forth in this section. If an NJCLASS loan was obtained by two borrowers as co-makers or by a borrower and one or more cosigners, and only one of the borrowers dies, becomes totally and permanently disabled, has collection of his or her loan obligation stayed by a bankruptcy filing, or has that obligation discharged in bankruptcy, the other borrower or cosigner remains obligated to repay the loan, beginning with NJCLASS loans using promissory notes dated 1994 or later.

(b) If an individual borrower dies, the obligation of the borrower to make any further payments on the loan is discharged. A discharge of a loan based on the death of the borrower must be based on an original or certified copy of the death certificate, or an accurate and complete photocopy of the original or certified copy of the death certificate.

(c) If the Authority determines that an individual borrower is totally and permanently disabled, the obligation of the borrower to make any further payments on the loan is discharged. A borrower is not considered totally and permanently disabled on the basis of a condition that existed at the time he or she applied for the loan, unless the borrower's condition has substantially deteriorated later, so as to render the borrower totally and permanently disabled. After being notified by the borrower, or the borrower's representative, that the borrower claims to be totally and permanently disabled, the Authority shall request that the borrower, or the borrower's representative, submit the discharge application provided by the Authority. The application must contain a certification by a physician, who is a doctor of medicine or osteopathy and legally authorized to practice in a state, that the borrower is totally and permanently disabled as defined in N.J.A.C. 9A:10-6.3.

(d) The following pertain to borrower bankruptcy;

1. If the Authority is notified that any of the parties to the note has filed a petition for relief in bankruptcy under Chapters 12 or 13 of the Federal Bankruptcy Code, the Authority shall immediately suspend any collection efforts outside the bankruptcy proceeding against any other of the parties to the note. If the Authority is notified that any of the parties to the note has filed a petition for relief in bankruptcy under Chapters 7 or 11 of the Federal Bankruptcy Code, the Authority may suspend any collection efforts outside the bankruptcy proceeding against any other of the parties to the note.

2. The Authority shall determine that a borrower has filed a petition for relief in bankruptcy on the basis of receiving a notice of the first meeting of creditors or other confirmation issued by the bankruptcy court.

3. In general, the Authority shall follow the Federal regulations governing guaranty agency participation in bankruptcy proceedings, set forth in 34 CFR 682.402, except that the Authority in its discretion may choose to differ from Federal cost benefit analysis in deciding whether to oppose an undue hardship discharge petition, to oppose a plan proposed under Chapters 11, 12, or 13 of the Federal Bankruptcy Code, or to oppose a discharge pursuant to a plan under Chapters 11, 12, or 13 of the Federal Bankruptcy Code.

Amended by R.2000 d.447, effective November 6, 2000.
See: 32 N.J.R. 2192(a), 32 N.J.R. 3987(a).

Rewrote (d)1.

Amended by R.2009 d.180, effective June 1, 2009.
See: 40 N.J.R. 6721(b), 41 N.J.R. 2261(a).

Rewrote (b) and (c).

9A:10-6.18 Rehabilitation

(a) Effective no earlier than June 1, 1999, the Authority may offer a rehabilitation program for NJCLASS loans. If the Authority offers a rehabilitation program for NJCLASS loans, the Authority shall notify NJCLASS borrowers of the availability of this program. In the event the Authority offers a rehabilitation program for NJCLASS loans, an NJCLASS borrower who has defaulted on an NJCLASS loan is permitted to rehabilitate the loan with an enforceable promissory note and remove that loan from default status, provided the borrower satisfies the requirements of (c) below. A defaulted NJCLASS loan may be rehabilitated only once.

(b) An NJCLASS loan is considered to be rehabilitated only after the borrower has made one voluntary full payment each month and the payment is received by the Authority within 15 days of the scheduled due date for 12 consecutive months, with no deferments or forbearances permitted during the 12 month period.

(c) An NJCLASS borrower may request the rehabilitation of the borrower's defaulted NJCLASS loan held by the Authority. The borrower shall make one voluntary full payment each month for 12 consecutive months to be eligible to have the defaulted loans rehabilitated. For purposes of this section, "full payment" means the minimum acceptable monthly payment as defined in N.J.A.C. 9A:10-6.11(d). "Voluntary payments" are those made directly by the borrower regardless of whether there is a judgment against the borrower, and do not include payments obtained by income tax offset, garnishment, or income or asset execution.

(d) The maximum repayment period for a rehabilitated NJCLASS loan shall be the same as that of the NJCLASS loan prior to default. A borrower who wishes to rehabilitate a loan on which a judgment has been entered must sign a new promissory note. The maximum repayment period of the new promissory note shall be the same as that of the NJCLASS loan prior to default. Once an NJCLASS loan subject to a judgment has been rehabilitated, the Authority shall have the judgment marked satisfied.

(e) The Authority shall report to a national credit bureau within 30 days of the date the loan was rehabilitated that the loan is no longer in a default status, and is now in a "current was collection account" status.

(f) The Authority may elect to hold the rehabilitated loan directly, or transfer the loan to another lender, including, but not limited to, the trustee of the trust estate held for the benefit of NJCLASS Program bondholders.

Amended by R.1998 d.534, effective November 16, 1998.
See: 30 N.J.R. 2805(a), 30 N.J.R. 4041(b).

Rewrote (a), (c) and (d); in (b), deleted "reasonable and affordable" following "voluntary", and added ", with no deferments or forbearances permitted during the 12 month period" at the end; and in (e), added ", and is now in a 'current was collection account' status" at the end.
Amended by R.2000 d.447, effective November 6, 2000.

See: 32 N.J.R. 2192(a), 32 N.J.R. 3987(a).

In (c), amended the N.J.A.C. reference.

9A:10-6.19 Authority enforcement requirements for schools participating in the NJCLASS Program

(a) To assess the administrative and financial capability of a school participating in the NJCLASS Program, the Authority may expand the scope of either a FFEL Program review or a State scholarship and Tuition Aid Grant management review to cover the NJCLASS Program.

(b) In the event a school is selected for review, the Authority shall provide the school at least 30 days notice of the date of the on-site review. The Authority shall also notify the school of the financial and administrative information required for the on-site visit.

(c) The school shall be required to cooperate with Authority reviewers by making staff available to reviewers at entrance and exit interviews and by supplying additional material to reviewers if requested during the on-site visit.

(d) The program review follow up procedures set forth in N.J.A.C. 9A:10-1.18(g) shall apply to NJCLASS Program reviews, with the exception of notifications to the United States Department of Education and Federal limitation, suspension, or termination actions.

Amended by R.2000 d.447, effective November 6, 2000.

See: 32 N.J.R. 2192(a), 32 N.J.R. 3987(a).

In (d), amended the N.J.A.C. reference.

SUBCHAPTER 7. POLICY GOVERNING NEW JERSEY BETTER EDUCATIONAL SAVINGS TRUST (NJBEST) PROGRAM

9A:10-7.1 Purpose

The rules established by this subchapter are designed to promote savings for college through a college savings program that provides Federal and State tax benefits to participants.

9A:10-7.2 Scope

The requirements set forth under this subchapter cover the administration, the policies and the procedures for participation in the New Jersey Better Educational Savings Trust (NJBEST) Program.

9A:10-7.3 Definitions

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

“Account” means an individual trust account or savings account established as prescribed in this subchapter.

“Authority” means the New Jersey Higher Education Student Assistance Authority.

“Cash” means cash, check, money order or wire transfer.

“Contributor” means the person or organization who opens the account and maintains the account and has the right to withdraw monies from the account before the account is disbursed to the designated beneficiary.

“Designated beneficiary” means:

1. The person designated at the time the account is opened as the person whose higher education expenses are expected to be paid from the account;

2. The replacement beneficiary if the change in designated beneficiary would not result in a distribution that is

included in Federal gross income under section 529 of the Federal Internal Revenue Code; and

3. In the case of an interest in the program established under P.L. 1997, c.237 purchased by a state or local government or an organization described in section 501(c)(3) of the Federal Internal Revenue Code as a part of a scholarship program operated by the government or organization, the person receiving this interest as a scholarship.

“Disability” means a condition under which an individual is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or to be of long-continued and indefinite duration. An individual shall not be considered to be disabled unless he or she furnishes proof of the existence thereof in the form of a certification by a physician who is a doctor of medicine or osteopathy and legally authorized to practice in a state that the individual is disabled.

“Higher education institution” means an eligible educational institution as defined in or for purposes of section 529 of the Federal Internal Revenue Code of 1986, 26 U.S.C. § 529, except that with respect to proprietary institutions, only degree granting programs licensed or approved by the Commission on Higher Education shall be included in the definition of higher education institution for purposes of N.J.A.C. 9A:10-7.15, and only proprietary institutions participating in a Title IV, Higher Education Act of 1965 program shall be included in the definition of higher education institution for all other purposes of this subchapter.

“Investment Manager” means the Division of Investment in the Department of the Treasury or the private entity or entities authorized to do business in this State as may be designated by the Authority to invest the funds of the trust pursuant to the terms of P.L. 1997, c.237.

“Member of the family” means, with respect to any designated beneficiary:

1. A son or daughter, or a descendant of either;
2. A stepson or stepdaughter;
3. A brother, sister, stepbrother, or stepsister;
4. The father or mother, or an ancestor of either;
5. A stepfather or stepmother;
6. A son or daughter of a brother or sister;
7. A brother or sister of the father or mother;
8. A son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law, or sister-in-law;
9. A first cousin;
10. The spouse of any individual described in paragraphs 1 through 8 of this definition; and

11. Any other member of the family as defined in or for purposes of section 529 of the Federal Internal Revenue Code of 1986, 26 U.S.C. § 529.

For purposes of this definition, a legally adopted child of an individual shall be treated as the child of such individual by blood.

“NJBEST scholarship” means a scholarship funded by the State of New Jersey for a designated beneficiary’s undergraduate attendance at a higher education institution in New Jersey, as more fully described in N.J.A.C. 9A:10-7.15.

“Nonqualified withdrawal” means a withdrawal from an account other than:

1. A qualified withdrawal;
2. A withdrawal made as the result of the death or disability of the designated beneficiary of any account;
3. A withdrawal made on account of a scholarship (or allowance or payment described in subparagraphs (B) or (C) of paragraph (1) of subsection (d) of section 135 of the Federal Internal Revenue Code of 1986, 26 U.S.C. § 135) received by the designated beneficiary, but only to the extent of the amount of that scholarship, allowance or payment; or
4. A rollover or change in designated beneficiary which would not result in a distribution includible in Federal gross income under section 529 of the Federal Internal Revenue Code of 1986, 26 U.S.C. § 529.

“Program” or “NJBEST” means the New Jersey Better Educational Savings Trust Program established pursuant to P.L. 1997, c. 237 and which includes both the NJBEST 529 College Savings Plan and the national 529 College Savings Plan offered by the Authority.

“Qualified higher education expenses” means:

1. Tuition, fees, books, supplies, and equipment required for enrollment or attendance of a designated beneficiary at a higher education institution. Qualified higher education expenses shall also include room and board for a designated beneficiary at a higher education institution provided that the designated beneficiary is enrolled at least half-time (one half the normal full-time work load for the course of study the designated beneficiary is pursuing), and provided that the amount shall not exceed the minimum amount applicable to the designated beneficiary for room and board for such period in the cost of attendance defined by the Higher Education Act of 1965, 20 U.S.C. § 108711, for the higher education institution for such period; and
2. Expenses for special needs services in the case of a special needs beneficiary, who is the designated beneficiary, which are incurred in connection with such enrollment or attendance, as permitted under section 529 of the Federal Internal Revenue Code of 1986, 26 U.S.C. § 529.

“Qualified withdrawal” means a withdrawal from an account to pay the qualified higher education expenses of the designated beneficiary of the account.

“Scholarship account” means a NJBEST account opened by any state or local government (or agency or instrumentality thereof) or an organization described in section 501(c)(3) of the Federal Internal Revenue Code of 1986, 26 U.S.C. § 501, and exempt from taxation under section 501(a) of the Federal Internal Revenue Code for a designated beneficiary as part of a scholarship program operated by such government or organization under which the designated beneficiary need not be identified until such time as a withdrawal is made on behalf of the designated beneficiary who shall receive this interest in the program as a scholarship.

“Subcontractor investment manager” means any financial services firm that has been approved by the Authority and is operating under a subcontract with the Investment Manager approved by the Authority and that is expected to offer accounts with high quality investment options, products and programs subject to the same investment performance standards as apply to accounts offered by the Investment Manager. Any such subcontract may require that substantially all of the accounts in the program managed by a subcontractor investment manager be opened by persons residing outside of New Jersey.

“Successor contributor” means the person designated by the contributor to succeed the contributor in the event of the death of the contributor. The successor contributor would then have the right to continue to maintain the account and to withdraw monies from the account before the account is disbursed to the designated beneficiary.

“Trust” means the New Jersey Better Educational Savings Trust (NJBEST) established under P.L. 1997, c.237.

Amended by R.1998 d.385, effective August 3, 1998.

See: 30 N.J.R. 1707(a), 30 N.J.R. 2908(a).

In “NJBEST scholarship”, changed N.J.A.C. reference.

Amended by R.1998 d.534, effective November 16, 1998.

See: 30 N.J.R. 2805(a), 30 N.J.R. 4041(b).

Rewrote “Higher education institution”.

Amended by R.2002 d.289, effective September 3, 2002.

See: 33 N.J.R. 4053(a), 34 N.J.R. 3086(a).

Amended the N.J.A.C. reference in “Higher education association” and “NJBEST scholarship”; amended “Member of the family”, “Non-qualified withdrawal”, “Qualified higher education expenses” and “Qualified withdrawal”; added “Successor contributor”.

Amended by R.2003 d.343, effective August 18, 2003.

See: 35 N.J.R. 1483(a), 35 N.J.R. 3828(b).

Added “Scholarship account”.

Amended by R.2004 d.138, effective April 5, 2004.

See: 35 N.J.R. 5532(a), 36 N.J.R. 1777(a).

Added “Subcontractor investment manager”.

Amended by R.2004 d.313, effective August 16, 2004.

See: 36 N.J.R. 1656(a), 36 N.J.R. 3880(a).

Rewrote “Contributor” and “Successor contributor”; in “Member of the family” substituted 8 for 9 in 10.

Amended by R.2009 d.180, effective June 1, 2009.

See: 40 N.J.R. 6721(b), 41 N.J.R. 2261(a).

In definition “Program”, inserted “or ‘NJBEST’”, deleted “(NJBEST)” following “Trust”, and substituted “c. 237 and which includes both the NJBEST 529 College Savings Plan and the national 529 College Savings Plan offered by the Authority” for “c.237”.

9A:10-7.4 Procedure for opening an account

(a) The program shall be operated as a trust through the use of accounts for designated beneficiaries. An account may be opened by any person who desires to save to pay the qualified higher education expenses of a person by satisfying each of the following requirements:

1. Completing an application in the form prescribed by the Authority and thereby entering into a participation

agreement with the Authority. The application shall include identifying information about the contributor, the successor contributor, if any, and the designated beneficiary, information about the amount and method of contribution, and residency information if applicable;

2. Making the minimum contribution required by the Authority for opening an account, which shall be \$25.00;