

JOHN R. JUSTICE STUDENT LOAN REPAYMENT PROGRAM

REGULATIONS – 5000.

2013-2014 AWARD YEAR



Effective Date – October 1, 2013



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Tucker, Georgia 30084

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5002. Program Overview.

The John R. Justice Prosecutors and Defenders Incentive Act of 2008 was passed by Congress to encourage qualified individuals to enter or continue employment as prosecutors and public defenders.

In the 2011-2012 Award Year, in order to achieve a fair distribution of grants based on geography and population, Georgia Student Finance Commission split the state into the three federal court districts and distributed the awards based on the number of attorneys from each group (prosecutors and defenders) that applied from each district. Georgia Student Finance Commission used a least ability to pay formula that took into consideration a student's overall educational debt, salary and a cost of living adjustment.

Georgia Student Finance Commission, herein referred to as the "Commission", is the Governor-designated state agency responsible for administering this program. Applicants applied to the Commission based on the programmatic criteria set forth by the U.S. Department of Justice.

No new applications were accepted after the initial 2011-2012 Award Year and no new applications will be accepted for the 2013-2014 Award Year.

5003. Definitions

“Ability to Pay” means ratio of the applicants’ total outstanding loan debt to the applicants’ salary, adjusted for the Metropolitan Statistical Area.

“Award Year” means the 12 month period from October 1 to September 30.

“Commission” means the Georgia Student Finance Commission, the agency responsible for administering certain postsecondary educational student financial aid programs offered by the State of Georgia, and other programs for which funds may be appropriated or assigned to it by the State Legislature, or from other sources.

“Eligible Educational Loan” means an educational/student loan that is a Federal Stafford Loan; a Federal Graduate PLUS Loan; a Federal Consolidation Loan; or a Federal Perkins Loan.

“Eligible Non-Citizen” means a person who, in accordance with the Federal Title IV Regulations, is a United States permanent resident with a Permanent Resident Alien Card (I-551); or a conditional permanent resident (I-551C); or the holder of an Arrival-Departure Record (I-94) from the Department of Homeland Security showing any one of the following designations: “Refugee”, “Asylum Granted”, “Parolee” (I-94 confirms paroled for a minimum of one year and status has not expired); or “Cuban-Haitian Entrant”. Victims of human trafficking, in accordance with the Victims of Trafficking and Violence Protection Act, may also be considered Eligible Non-Citizens. Persons with an F1 or F2 student visa, a J1 or J2 exchange visitor visa, or a G series visa are not Eligible Non-Citizens.

“Federal Title IV Program(s)” means the student financial aid programs administered by the United States Department of Education that are authorized by Title IV of the Higher Education Act of 1965.

“Federal Title IV Regulations” means federal regulations governing Title IV of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1998, found in Chapter Six of Title 34 of the Federal Register.

“Full-Time” means employed by a State or local government entity and devotes 30 hours or more a week to said employee.

“GAcollege411” means the Commission’s website that provides information on careers, Georgia’s postsecondary institutions, student financial aid, and accesses electronic college and financial aid applications.

“Non-eligible Loan” means a Federal Parent PLUS Loan; a Federal Consolidation Loan used to repay a Federal Parent PLUS Loan; any eligible educational loans that have been paid in full; and non-federal student loans.

“Non-Profit Organization” means an organization not conducted or maintained for profit, whose activities are legal, and which is exempt from federal income tax under section 501(c) of the Internal Revenue Code.

“Outstanding Balance” means the amount remaining unpaid on an eligible educational loan.

“Private Practice” means an attorney or lawyer who is continually licensed to practice law and does so independently not as an employee of a State or local government.

“Prosecutor” means a full-time employee of a State or unit of local government who, is continually licensed to practice law and prosecutes criminal or juvenile delinquency cases at the State or unit of local government level.

“Public Defender” means an attorney who is continually licensed to practice law and is a full-time employee of a State, federal or unit of local government who provides legal representation to indigent persons in criminal or juvenile delinquency cases. A Public Defender also means a full-time employee of a non-profit organization that is contracted with a State or unit of local government to provide a majority of the public defender’s time to providing legal representation to indigent persons in criminal or juvenile delinquency cases.

“Service Agreement” means the agreement between the recipient of JRJ funds and the Commission that sets out the terms and obligations of each party.

“Student Loan” means a loan made, insured or guaranteed under the Federal Title IV student financial aid programs, administered by the United States Department of Education that are authorized by Title IV of the Higher Education Act of 1965.

5004. General Eligibility Requirements.

5004.1. Citizenship.

An eligible recipient must be a United States Citizen or an Eligible Non-Citizen licensed to practice the law.

5004.2. Defaulted Loan or Refund Due.

An eligible applicant must not be in default on a Federal Title IV Program or State of Georgia educational loan, or owe a refund on a Federal Title IV Program or State of Georgia student financial aid program, or in any other way be in violation of Federal Title IV Program regulations or State of Georgia student financial aid program regulations. An applicant must meet the requirements of this section at the time funds are disbursed by the Commission on behalf of the applicant.

5004.3. Incarceration.

An eligible applicant is ineligible for John R. Justice Student Loan Repayment Program funding while incarcerated.

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5005. Specific Eligibility Requirements.

5005.1. Employment Status.

1. An eligible applicant must be an attorney continually licensed to practice law of Georgia and shall:
 - a. Be a Prosecutor that is a full-time employee of a state or unit of local government (including tribal government) who is continually licensed to practice law and prosecutes criminal or juvenile delinquency cases at the state or unit of local government level (including supervision, education, or training of other persons prosecuting such cases) 42 U.S.C. §3797cc-21(b)(1). Prosecutors who are employees of the federal government are not eligible; OR
 - b. Be a Public Defender that is **1)** a full-time employee of a state or unit of local government (including tribal government) who provides legal representation to indigent persons in criminal or juvenile delinquency cases including supervision, education, or training of other persons providing such representation; **2)** a full-time employee of a nonprofit organization operating under a contract with a state or unit of local government who devotes substantially all of the employee's full-time employment to providing legal representation to indigent persons in criminal or juvenile delinquency cases including supervision, education, or training of other persons providing such representation; or **3)** employed as a full-time Federal Defender attorney in a defender organization pursuant to Subsection)(g) of section 3006A of Title 18, United States Code, that provides legal representation to indigent persons in criminal or juvenile delinquency cases. 42 U.S.C. §3797cc-21(b)(2).
2. Attorneys who are in private practice and not a full-time employee of a non-profit organization, even if individually or part of a firm that is under contract with a state or court-appointed to provide public defense services, do not qualify as "public defenders" and therefore are not considered to be eligible as beneficiaries under this solicitation. A full-time employee of the state of Georgia or unit of local government (including tribal government) who prosecutes criminal or juvenile delinquency cases at the state or unit of local government level, including supervision, education, or training of other persons prosecuting such cases.

5005.2. Outstanding Balance.

An eligible applicant must have a combined outstanding balance in excess of \$2,556 on one or more eligible educational loans.

5005.3. Employment Commitment.

Eligible recipients must make a commitment to a three-year service agreement each time benefits are received.

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5006. Application Requirements.

5006.1. Application Forms.

The application for JRJ funds consists of the Application, the Service Agreement, the Loan Verification Form and the Employer Verification Form.

5006.2. Deadline Date.

- a. All forms must be completed and submitted to the Commission by the deadline date published. Incomplete applications will not be considered for award.
- b. Prior to the beginning of any award year and no later than June 30 of each year the Commission shall establish and publish the Application Deadline Date for the upcoming Award Year.
- c. The Commission may set different deadlines for new and renewal applications.
- d. All applicants (new and renewal) must apply for JRJ funds each year.

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5007. Award Requirements.

- a. The award amount will be determined and published by the Commission on the GSFC.org website each year. The total number of awards made is contingent upon available funding.
- b. The amount for each recipient shall not exceed \$10,000 per year, up to an aggregate total of \$60,000.
- c. The annual amount may be reduced in order to make more loan repayment assistance awards.
- d. If funding is insufficient to make awards to all eligible applicants, first preference will be given to renewal applicants who meet the eligibility requirements.

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5008. Selection Criteria.

5008.1. Selection of Recipients.

1. The Commission shall select eligible recipients from those who have submitted a complete application.
2. After all renewal awards have been given, selection of additional award recipients will be made as follows:
 - a. The total amount available will be divided equally between prosecutors and defenders.
 - b. Priority, in combination with the following criteria, is then given to those who file timely applications and are considered the least able to pay their student loan debt.
3. The pool of applicants is based on the three federal court districts in the state (see Appendix A).
 - a. The Commission will use the address of the applicant's employer to determine in which district to count the applicant.
 - b. A total of 29 public defenders and 29 prosecutors will be awarded. The number of each awarded in each district will be based upon the percentage of applications received from each district. For example, if 100 total public defender applications are received and 40 are received from the northern district, then the northern district will receive 40% of the public defender awards, or approximately 11 awards.
 - c. Benefits to individual applicants within each of the three federal court districts will be awarded based on a formula that ranks each applicant according to the applicant's "ability to pay" his/her student loans. The formula, as detailed in Appendix B, considers an applicant's total eligible educational debt; an applicant's gross salary (excluding fringe benefits); and an adjustment for cost of living based on the applicant's standard metropolitan statistical area.
 - i. Each individual applicant will be ranked according to the "ability to pay" formula (with separate rankings for the prosecutor side and the defender side).
 - ii. Applicants are then selected for awards, starting with those individuals that the formula has determined are least able to pay.
 - iii. If two applicants are ranked equally in the ability to pay calculation within the same district and there are insufficient awards to award both

applicants, a computer randomization program will be used to select the applicant to be awarded.

- iv. In the event that a particular district has excess funds, then the remaining dollars in that district's allocation will be awarded to the highest-ranked individuals (ensuring the prosecutor/defender allocated funds remain in balance) who have not been funded regardless of location of practice..

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5009. Procedures for Disbursing Funds.

- a. Awards will be remitted on an annual basis directly to the lending institution.
- b. Awards will only be paid for eligible educational loans.

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5010. Recipient Obligations.

- a. A recipient must continue to make regular student loan payments.
- b. A recipient must respond to any notifications from the Commission and must notify the Commission of changes to his or her address, employment status or loan status (default) within 30 days of the change.

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5011. Recipient Refunds.

- a. If an individual becomes ineligible or does not complete the requisite three-year commitment due to voluntary separation or involuntary separation for misconduct or unacceptable performance, the recipient can no longer receive benefits and must repay all amounts received under the program.
- b. Arrangements for repayment will be made with the U.S. Department of Justice.

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5012. Order of Precedence.

- a. This project was supported by Grant No. 2010-RJ-BX-0023 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, the Community Capacity Development Office, and the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice.
- b. Any other applicable rules, laws and regulations that apply to the John R. Justice Student Loan Repayment program shall take precedence and control any conflicts over these regulations.

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5013. Records Retention Requirements.

5013.1. Length of Retention.

The Commission shall maintain accurate records, books, documents and other evidence concerning the JRJ Loan Repayment Grant Program, including, but not limited to individual recipient files for the later of three years after the Award Year in which the aid was awarded; or for such other period as required by an applicable statute, rule, or regulation.

5013.2. Documentation.

- a. Documentation contained within an individual recipients file or record, which supports the original determination of a recipient's eligibility, must be retained by the Commission at office in the State of Georgia and be available for review by the Department of Justice.
- b. The Commission is permitted to maintain these documents in an imaged media format. The imaged media format must be capable of reproducing an accurate, legible and complete copy of the original document.
- c. Such documentation may include, but is not limited to, copies of applications, tax documentation, service agreements, employment verification and loan verification.

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5014. Administrative Reviews and Exceptions.

5014.1. Administrative Reviews.

- a. The JRJ Student Loan Repayment Program Regulations apply to each applicant considered for JRJ funds by the administrative staff of the Commission. If an applicant believes a JRJ rule or regulation was incorrectly applied in his or her case, the applicant has the right to file a request for an Administrative Review with the Commission. The Commission will review the case and notify the applicant of the determination.
- b. In order for an Administrative Review to be considered, the applicant must submit a written request for an Administrative Review to the Commission office within 45 days of receiving notice of denial. If additional information is requested from the applicant, it must be provided within the time frame specified by the Commission. The Commission decides a case based only on documentation provided.



5014.2. Exceptions.

Requests for Exceptions to the JRJ Student Loan Repayment Program Regulations cannot be considered, reviewed or granted under any circumstances.

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5015. Appendix A - Georgia JRJ Grant Districts.

Georgia Federal District Courts

	<p><u>Northern District of Georgia:</u></p> <p><i>The Northern District comprises the counties of Banks, Barrow, Bartow, Carroll, Catoosa, Chattooga, Cherokee, Clayton, Cobb, Coweta, Dade, Dawson, De Kalb, Douglas, Fannin, Fayette, Floyd, Forsyth, Fulton, Gilmer, Gordon, Gwinnett, Habersham, Hall, Haralson, Heard, Henry, Jackson, Lumpkin, Meriwether, Murray, Newton, Paulding, Pickens, Pike, Polk, Rabun, Rockdale, Spalding, Stephens, Towns, Troup, Union, Walker, White and Whitfield.</i></p> <p><i>Court for the Northern District is held in Atlanta, Gainesville, Rome and Newnan.</i></p>
	<p><u>Middle District of Georgia:</u></p> <p>The Middle District comprises the counties of Baker, Baldwin, Ben Hill, Berrien, Bibb, Bleckley, Brooks, Butts, Calhoun, Chattahoochee, Clarke, Clay, Clinch, Colquitt, Cook, Crawford, Crisp, Decatur, Dooly, Dougherty, Early, Echols, Elbert, Franklin, Grady, Greene, Hancock, Harris, Hart, Houston, Irwin, Jasper, Jones, Lamar, Lanier, Lee, Lowndes, Macon, Madison, Marion, Miller, Mitchell, Monroe, Morgan, Muscogee, Oconee, Oglethorpe, Peach, Pulaski, Putnam, Quitman, Randolph, Schley, Seminole, Stewart, Sumter, Talbot, Taylor, Terrell, Thomas, Tift, Turner, Twiggs, Upson, Walton, Washington, Webster, Wilcox, Wilkinson and Worth.</p> <p>Court for the Middle District is held in Macon, Albany, Columbus, Athens, Thomasville and Valdosta.</p>



Southern District of Georgia:

The Southern District comprises the counties of Appling, Atkinson, Bacon, Brantley, Bryan, Bulloch, Burke, Camden, Candler, Charlton, Chatham, Coffee, Columbia, Dodge, Effingham, Emanuel, Evans, Glascock, Glynn, Jeff Davis, Jefferson, Jenkins, Johnson, Laurens, Liberty, Lincoln, Long, McDuffie, McIntosh, Montgomery, Pierce, Richmond, Screven, Taliaferro, Tattnall, Telfair, Toombs, Treutlen, Ware, Warren, Wayne, Wheeler and Wilkes.

Court for the Southern District is held in Savannah, Augusta, Dublin, Waycross, Brunswick and Statesboro.

5016. Appendix B - Eligibility Calculation for John R. Justice Grant Program.

Data and documents required:

- a. Salary provided by applicant and verified by the employer verification
- b. Loan List and account information
- c. Cost of Living Index by Standard Metropolitan Statistical Area – provided by the Commission

		Example	Notes
Step 1.	Identify salary of the applicant	\$52,000	SALARY (excludes fringe benefits)
Step 2.	Adjust for cost of living difference between employer's address and comparable salary in city in which Federal court is held in each of the 3 Federal Court Districts (Northern: Atlanta, Middle: Macon, Southern: Savannah)	\$50,000	ADJUSTED SALARY
Step 3.	Determine total outstanding student loan balance (OSLB) -Total payoff amount of all eligible student loans	\$60,000	OSLB
Step 4.	Determine the ratio of OSLB to ADJUSTED SALARY :	120%	OSLB/ADJUSTED SALARY
Step 5.	Applicants will be ranked based on the ratio of OSLB to ADJUSTED SALARY. The higher the ratio, the less the ability to pay.		