

John R. Justice Student Loan Repayment Program

REGULATIONS – 5000.

2014-2015 Award Year



Effective Date – October 1, 2014



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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.

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

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

No new applications were accepted after the initial 2011-2012 Award Year and no new applications will be accepted for the 2014-2015 Award Year.

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5003. Definitions. (Electronic Link)

5004. General Eligibility Requirements.

5004.1. Citizenship.

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

5004.2. Defaulted Loan or Refund Due.

1. An applicant must not be in default on a Federal Title IV Program or State of Georgia educational loan, or owe a refund due to an over-award 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 Programs 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 GSFC on behalf of the applicant.

5004.3. Incarceration.

1. An applicant is ineligible for John R. Justice (JRJ) 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:
 - i. 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;
 - ii. 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
 - iii. 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.

5005.2. Outstanding Balance.

1. 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.

1. Eligible recipient's 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.

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

5006.2. Deadline Date.

1. All forms must be completed and submitted to GSFC by the deadline date published. Incomplete Applications will not be considered for award.
2. Prior to the beginning of any Award Year and no later than June 30 of each year GSFC shall establish and publish the Application Deadline Date for the upcoming Award Year.
3. GSFC may set different deadlines for new and renewal Applications.
4. All applicants (new and renewal) must apply for JRJ funds each year.

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5007. Award Requirements.

1. The award amount will be determined and published by GSFC on *gsfc.org* each year. The total number of awards made is contingent upon available funding.
2. The amount for each recipient shall not exceed \$10,000 per year, up to an aggregate total of \$60,000.
3. The annual amount may be reduced in order to make more loan repayment assistance awards.
4. 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. GSFC 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 Public 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 (refer to *Section 5015*).
 - a. GSFC 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 or her student loans. The formula, as detailed in *Section 5016*, 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 Public 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/Public 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.

1. Awards will be remitted on an annual basis directly to the lending institution.
2. Awards will only be paid for Eligible Educational Loans.

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5010. Recipient Obligations.

1. A recipient must continue to make regular Student Loan payments.
2. A recipient must respond to any notifications from GSFC and must notify GSFC 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.

1. 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.
2. Arrangements for Repayment will be made with the U.S. Department of Justice.

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5012. Order of Precedence.

1. 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, National Institute of Justice, Office of Juvenile Justice and Delinquency Prevention, Office for Victims of Crime, 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.
2. Any other applicable rules, laws and regulations that apply to the JRJ 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.

1. GSFC shall maintain accurate records, books, documents and other evidence concerning the JRJ Student Loan Repayment 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.

1. Documentation contained within an individual recipient's file or record, which supports the original determination of a recipient's eligibility, must be retained by GSFC's office in the State of Georgia and be available for review by the U.S. Department of Justice.
2. GSFC 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.
 - a. 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.

1. The JRJ Student Loan Repayment Program regulations apply to each applicant considered for JRJ funds by the administrative staff of GSFC.
2. 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 GSFC.
 - a. GSFC will review the case and notify the applicant of the determination.
3. In order for an Administrative Review to be considered, the applicant must submit a written request for an Administrative Review to GSFC's 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 GSFC. GSFC decides a case based only on documentation provided.

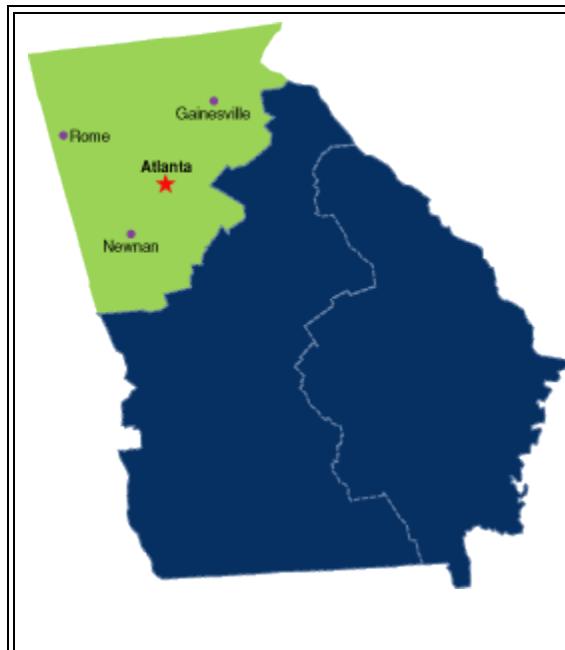
5014.2. Exceptions.

1. 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.

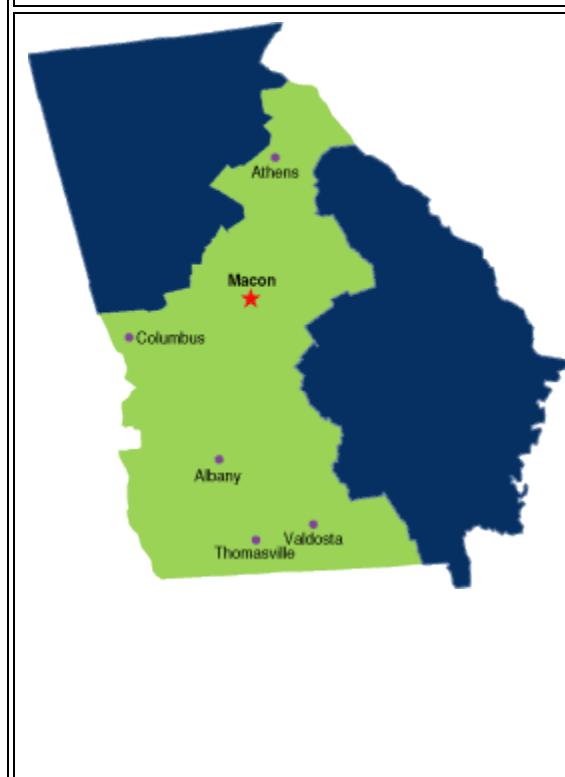
Georgia Federal District Courts



Northern District of Georgia:

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.

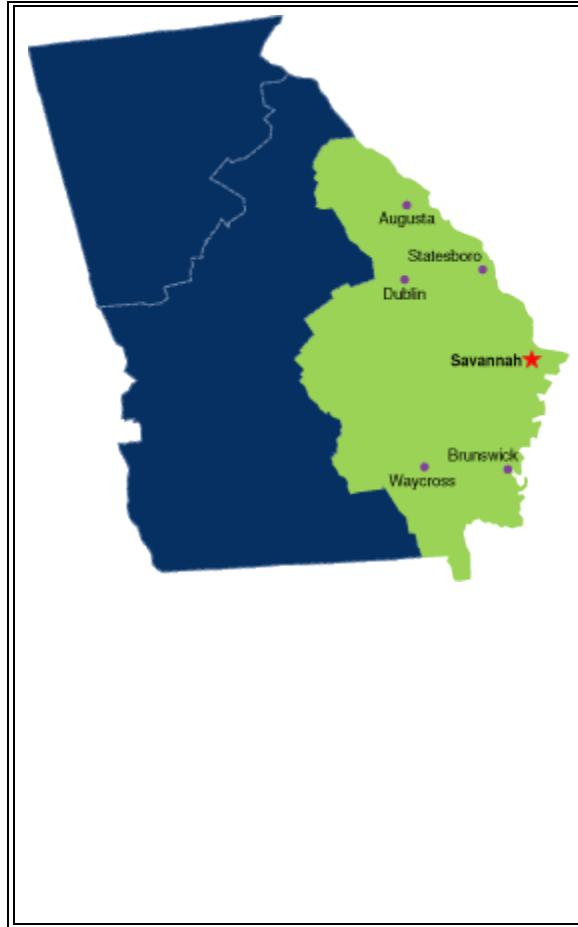
Court for the Northern District is held in Atlanta, Gainesville, Rome and Newnan.



Middle District of Georgia:

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.

Court for the Middle District is held in Macon, Albany, Columbus, Athens, Thomasville and Valdosta.



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 JRJ Grant Program.

1. Data and documents required:

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

		Example	Notes
Step 1.	Identify salary of the applicant	\$52,000	<u>SALARY</u> (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	<u>ADJUSTED SALARY</u>
Step 3.	Determine <u>total</u> outstanding student loan balance (OSLB) -Total payoff amount of all eligible student loans	\$60,000	<u>OSLB</u>
Step 4.	Determine the ratio of OSLB to ADJUSTED SALARY:	120%	<u>OSLB/ADJUSTED SALARY</u>
Step 5.	Applicants will be ranked based on the ratio of <u>OSLB</u> to <u>ADJUSTED SALARY</u> . The higher the ratio, the less the ability to pay.		