DECLARATION OF EMERGENCY

Student Financial Assistance Commission
Office of Student Financial Assistance
Scholarship/Grant Programs
(LAC 28:IV.Chapter 20)

The Louisiana Student Financial Assistance Commission (LASFAC) is exercising the emergency provisions of the Administrative Procedure Act [R.S. 49:953(B)] to amend and re-promulgate the rules of the Scholarship/Grant programs (R.S. 17:3021-3025, R.S. 3041.10-3041.15, and R.S. 17:3042.1.1-3042.8, R.S. 17:3048.1, R.S. 56:797.D(2)).

This rulemaking will create a new Chapter 20 in the Commission's Scholarships/Grants rules to provide for the administration of the John R. Justice Student Grant Program by the Commission in accordance with a federal grant from the U.S. Department of Justice. The John R. Justice Student Grant Program will provide for student loan repayment beginning with the 2010-11 academic year for qualified prosecutors and public defenders in the state with the least ability to pay.

The emergency rules are necessary to implement changes to the Scholarship/Grant programs to allow the Louisiana Office of Student Financial Assistance to effectively administer the programs. A delay in promulgating rules would have an adverse impact on the financial welfare of the eligible candidates. LASFAC has determined that these emergency rules are necessary in order to prevent imminent financial peril to the welfare of the affected recipients.

This declaration of emergency is effective November 30, 2010, and shall remain in effect for the maximum period allowed under the Administrative Procedure Act. (SG1126E)

Title 28

EDUCATION

Part IV. Student Financial Assistance—Higher Education Scholarship and Grant Programs

Chapter 18. John R. Justice Student Grant Program

§2001. General Provisions

A. The John R. Justice Student Grant Program (JRJ Grant) is administered by the Louisiana Student Financial Assistance Commission (LASFAC) in accordance with a federal grant from the United States Department of Justice.

B. Description, History and Purpose. The JRJ Grant is administered in accordance with the federal John R. Justice Prosecutors and Defenders Incentive Act, 42 U.S.C.A. 3797cc-21, to encourage qualified lawyers to choose careers as public defenders and prosecutors and to continue in that service.

C. Effective Date. The JRJ Grant will be administered by LASFAC beginning with the 2010-2011 federal fiscal year.

D. Award Amount. Each calendar year, twelve prosecutors will receive awards of $5,000 each. Each calendar year, six public defenders will receive awards of $10,000 each. One public defender and two prosecutors will be selected for participation from each of the First, Second, Third, and Fifth Louisiana Circuit Court of Appeal Districts. Two public defenders and four prosecutors will be selected for participation from the Fourth Louisiana Circuit Court of Appeal.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1, and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR

§2003. Definitions

Words and terms not otherwise defined in this Chapter shall have the meanings ascribed to such words and terms in this Section. Where the masculine is used in these rules, it includes the feminine, and vice versa; where the singular is used, it includes the plural, and vice versa.

Adjusted Gross Income (AGI)—Gross income minus any deductions allowed under the federal income tax code (Title 26, United States Code).

Eligible Loan—An educational loan which is not paid in full and which was made under either the Federal Stafford Loan, Federal Graduate PLUS Loan, Federal Consolidation Loan, or Federal Perkins Loan program.

Federal Fiscal Year—October 1 to the following September 30.

Full Time—Works at least 30 hours per week as a prosecutor or defense attorney.

Least Ability to Pay—Have the lowest differential between AGI and one hundred fifty percent of the poverty level for a family of the lawyer's size among eligible applicants.

Licensed—Holding a current license to practice law in the state of Louisiana.

Poverty Level—Poverty guidelines as issued by the United States Department of Health and Human Services.

Prosecutor—A lawyer who is a full-time employee of the state or of a 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).

Public Defender—A lawyer who:

a. Is a full-time employee of the state or with a 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; or

b. who is a full-time employee of a nonprofit organization operating under a contract with the state or with a 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

c. who is employed as a full-time federal defense lawyer in a defender organization pursuant to 18 U.S.C.A.2006A(g) that provides legal representation to indigent persons in criminal or juvenile delinquency cases.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1, and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR

§2005. Eligibility

A. To establish eligibility, a lawyer must:

1. Be employed full time as a public defender or prosecutor for at least one year as of December 31 of the year preceding the award; and

2. Not be in default on any educational loan;

3. Complete and submit an application by the deadline.

4. Have the least ability to pay his student loans.

5. Authorize LOSFA to access records held by any third party that will verify information provided on the application.

B. Upon notice from LOSFA that he must do so, the applicant must provide:

1. Information necessary to substantiate information included on the application, including, but not limited to, the following:

a. Paycheck stubs for the two months immediately preceding the application date; and

b. Federal tax returns for the most recent tax year; and

c. Statements from all student loan holders evidencing the required monthly payments on his student loans.

2. A letter from his current employer verifying that the employer is an eligible employing entity under the John R. Justice Prosecutors and Defenders Incentive Act and recommending the applicant for participation in the program.

3. A completed John R. Justice Student Loan Repayment Program Service Agreement to LOSFA by the deadline.

C. Qualified lawyers are required to apply for participation each year. Prior year recipients will be given priority for participation in the program in the second and third year of the service obligation, provided the recipient continues to meet the requirements of §2005.A.1-4 and B.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1, and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR

§2007. Applicable Deadlines

A. Application Deadline.

1. Applicants must complete and submit the on-line application each calendar year no later than the deadline published by LOSFA.

2. Applications received after the deadline will not be considered unless there are insufficient qualifying applications received by the deadline to make awards for all eighteen grants.

3. In the event there are insufficient applications to award 18 grants, a second deadline will be announced.

4.. In the event 18 grants cannot be awarded after a second application deadline has passed, LOSFA shall inform LASFAC and distribute the available remaining funds as directed by LASFAC.

B. Documentation Deadline. An applicant from whom documentation is requested must provide the required documentation within 45 days from the request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1, and R.S. 17:3048.1.
HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR

§2009. Service Agreement

A. An applicant who has been selected for participation must complete a John R. Justice Student Loan Repayment Program Service Agreement prior to the disbursement of any funds to his student loan holder.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1, and R.S. 17:3048.1.
HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR

§2011. Responsibilities of LOSFA

LOSFA shall:

A. Evaluate documentation provided by applicants to substantiate the information provided on the application.

B. Select program participants based on the documentation provided and the applicants' ability to pay student loans.

C. Maintain program service agreements.

D. Pay program funds to the program participant's eligible student loan holder with instructions that the funds are to be used to reduce the outstanding principal amount due on the loan(s).

E. Maintain a secure database of all information collected on recipients and former recipients, including name, address, social security number, name of the institution(s) to which funds were disbursed, and amounts disbursed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1, and R.S. 17:3048.1.
HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR

§2013. Responsibilities of LASFAC

A. LASFAC shall:

1. Promulgate administrative rules in accordance with the Louisiana Administrative Procedure Act and in accordance with a federal grant from the United States Department of Justice to administer the John R. Justice Prosecutors and Defenders Incentive Act, 42 U.S.C.A. 3797cc-21 in Louisiana.

2. Upon being informed by LOSFA that 18 grants cannot be awarded after a second application deadline has passed, establish a formula for apportionment of available remaining funds.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1, and R.S. 17:3048.1.
HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR

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