

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2754
JOHN R. JUSTICE STUDENT LOAN REPAYMENT PROGRAM

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AUTHORITY: Implementing Section 952 of the Higher Education Opportunity Act (42 USC 3797cc-21) and Section 20(b) of the Illinois Higher Education Student Assistance Act [110 ILCS 947] and authorized by Section 20(f) of that Act.

SOURCE: Emergency rules adopted at 36 Ill. Reg. 556, effective January 9, 2012, for a maximum of 150 days; adopted at 36 Ill. Reg. 8435, effective June 1, 2012.

Section 2754.10 Summary and Purpose

- a) The John R. Justice Student Loan Repayment Program provides loan repayment assistance to encourage qualifying individuals to pursue careers as state and federal public defenders and state prosecutors to protect the rights of this State's most vulnerable citizens or provide quality enforcement of State law.
- b) This Part governs the John R. Justice Student Loan Repayment Program. Additional rules and definitions are contained in General Provisions (23 Ill. Adm. Code 2700).

Section 2754.15 Definitions

“Eligible educational loans” – Federal student loans originated under the following programs:

Federal Stafford Loans;

Federal Graduate PLUS Loans;

Federal consolidation loan programs, including Federal Direct Consolidation Loans; and

Federal Perkins Loans.

“Non-eligible loans” – All private or nonfederal student loans and any loans originated under the following programs or conditions:

Federal Parent PLUS Loans;

Federal Direct PLUS Loans made to the parents of a dependent student;
and

Any federal consolidation loan to the extent that loan was used to repay a Federal Parent PLUS or a Federal Direct PLUS Loan.

"Prosecutor" – A full-time employee of the State of Illinois or unit of local government within the State who is continually licensed to practice law and prosecutes criminal or juvenile delinquency cases at the State or local government level (including supervision, education, or training of other persons prosecuting such cases). (See 42 USC 3797cc-21(b)(1).)

"Public Defender" – An attorney who is continually licensed to practice law and is employed as any of the following:

a full-time employee of the State of Illinois or local government in Illinois who provides legal representation to indigent persons in criminal or juvenile delinquency cases (including supervision, education or training of other persons providing the representation);

a full-time employee of a nonprofit organization operating under a contract with the State of Illinois or local government in Illinois, 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 the representation); or

employed as a full-time Federal defender attorney in a defender organization established pursuant to 18 USC 3006A(g) and located in Illinois that provides legal representation to indigent persons in criminal or juvenile delinquency cases. (See 42 USC 3797cc-21(b)(2).)

Section 2754.20 Applicant Eligibility

A qualified applicant for loan repayment shall be:

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- a) a United States citizen or eligible noncitizen;
- b) a licensed attorney in good standing with the Illinois bar;
- c) a borrower who is not in default on a federal guaranteed educational loan;
- d) a borrower with an outstanding balance due on an eligible educational loan;
- e) employed as a public defender or prosecutor; and
- f) required to enter into a term of service of three years pursuant to a John R. Justice Student Loan Repayment Program Service Agreement (Service Agreement) that is prepared by the United States Department of Justice and that must be entered into by each applicant prior to the commencement of any term of service.

Section 2754.30 Program Procedures

- a) In order to receive benefits under this Part, a qualified applicant must complete a program application and, at the time of application, submit an executed Service Agreement. Applicants who previously executed a Service Agreement but have not yet completed the required term of service described in the Service Agreement must complete a renewal application.
 - 1) Program applications, renewal applications and the Service Agreement are available at ISAC's website and ISAC's Springfield, Deerfield and Chicago offices.
 - 2) If the applications or the Service Agreement are incomplete, the applicant will be provided an opportunity to furnish any missing information. Applications will be considered for processing only as of the date a complete application and Service Agreement are received by ISAC in its Deerfield office. No applications will be considered for processing if received after the published date unless funds remain available for disbursement. ISAC reserves the right to request documentation to verify data reported on the application.
 - 3) The application will require the applicant's employer (or future employer in the case of recruited attorneys) to certify the following:
 - A) The employer is an eligible employing entity under the John R. Justice Prosecutors and Defenders Incentive Act (42 USC 3797cc-21);

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- B) The applicant seeking benefits meets the definition of “prosecutor” or “public defender” under the Act; and
 - C) The employer employs or, in the case of a recruited attorney, has extended an offer of employment that has been accepted by the applicant.
- b) Each year, ISAC shall select individuals to receive repayment benefits from among individuals who have previously executed a Service Agreement with the Department of Justice but have not yet completed the required term of service described in the Service Agreement and all new applicants who have submitted a completed application and Service Agreement.
 - c) Individuals who have previously executed a Service Agreement with the Department of Justice but have not yet completed the required term of service shall be selected once all information necessary to compute the amount of an award under this Part has been received by ISAC.
 - d) Priority consideration in selecting individuals to receive benefits from among new applicants will be given to those applicants who have the least ability to repay their loans. Individuals not receiving benefits under another program that provides loan repayment assistance for eligible educational loans will be considered before those who are receiving those benefits.
 - e) Any award of funds under this Part shall be made in accordance with the following:
 - 1) Individuals selected to receive benefits shall be assigned to one of the five districts of the Illinois Appellate Court on the basis of the zip code of the individual’s employer or, for those individuals who are employed in a statewide capacity as a prosecutor, as a statewide prosecutor. Available benefits will be allocated to each district or to statewide prosecutors based on the ratio of the number of statewide prosecutors or prosecutors or public defenders within a district to the total population of prosecutors and public defenders in the state.
 - 2) The amount of the benefit awarded will be calculated based on each individual’s ability to repay his or her qualifying loan debt. ISAC shall determine an individual’s ability to repay qualifying loan debt using the individual’s Adjusted Gross Income (AGI) from the IRS Form 1040 during the previous calendar year, calculated exemptions to federal income tax claimed by the individual during the previous calendar year, the amount of qualifying student loan debt owed by the individual, and the

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cost of living in the appellate district in which the individual's employer is located, as determined by the Cost of Living Index published annually by the Illinois Appellate Court.

- 3) Priority consideration in awarding benefits will be given to individuals who have previously executed a Service Agreement with the Department of Justice but have not yet completed the required term of service, except that priority under this Section shall be limited to individuals who have not previously completed a term of service under a Service Agreement with the Department of Justice. Awards shall then be made in accordance with this Section to new applicants.
 - 4) Once all the money allocated for a particular district or to individuals qualifying as statewide prosecutors has been exhausted, the awarding for that district or to statewide prosecutors will cease.
 - 5) In the event that an insufficient number of individuals from a particular district apply for the program, the remaining dollars in that district's allocation would be awarded to the highest-ranked applicants who have not received an award, regardless of which district they are from.
 - 6) The total amount of funds allocated to prosecutors, regardless of the district to which they are assigned or their status as a statewide prosecutor, must equal the total amount of funds allocated to defenders, regardless of the district to which they are assigned.
- f) The amount of an award shall not exceed \$10,000 per year, up to a maximum of \$60,000 during an individual's career. The annual amount may be reduced in order to make more loan repayment assistance awards when funding is insufficient to provide benefits to all selected individuals.
 - g) The loan proceeds shall be remitted to the holder of the loans to be repaid.
 - h) While receiving benefits, an individual must notify ISAC of changes to his or her address, employment status or loan status (default) within 10 days after a change.
 - i) While receiving benefits, the individual must remain a licensed attorney in good standing with the Illinois bar.