

94-457 FINANCE AUTHORITY OF MAINE

Chapter 610: RULES FOR THE CONDUCT OF THE EDUCATORS FOR MAINE PROGRAM
- Amendment 5

Summary: This rule details the procedures to be utilized in the conduct of the Educators for Maine Program, which provides financial assistance for post-secondary education to undergraduate students and students pursuing post-baccalaureate certification who demonstrate academic achievement and an interest in pursuing a career in teaching, including speech pathologists in schools, or child care, in Maine.

1. DEFINITIONS

- A. **Academic Achievement.** "Academic achievement" means earning a grade point average of at least 3.0, based on a 4.0 grade point system or the equivalent thereof as determined in the discretion of the chief executive officer, based upon the most recent cumulative grade point average.
- B. **Authority.** "Authority" means the Finance Authority of Maine.
- C. **Chief Executive Officer.** "Chief executive officer" means the Authority's chief executive officer or a person acting under the supervisory control of the chief executive officer.
- D. **Child care.** "Child care" means a regular service of care and protection provided for compensation for any part of a day less than 24 hours to a child or children under 13 years of age whose parents work outside the home, attend an educational program or are otherwise unable to care for their children.
- E. **Child care facility.** "Child care facility" means a child care center or a home day care provider as defined in 22 M.R.S.A. §8301-A.
- F. **Child care provider qualifications.** "Child care provider qualifications" means a degree or certificate from a child care development program including but not limited to child development, early childhood education, early childhood development, health and human services with a focus on early childhood, special education from birth to five years, and other similar programs as determined by the chief executive officer upon review of coursework and other relevant information.
- G. **Cost of attendance.** "Cost of attendance" has the same meaning as set forth in 20 U.S.C. §108711 and the regulations, guidelines and procedures promulgated thereunder except, for students attending less than half-time, cost of attendance is determined on the same basis as for students attending half-time.
- H. **Commissioner.** "Commissioner" means the Commissioner of the Maine Department of Education or a person acting under the supervisory control of the Commissioner.
- I. **Duly enrolled.** "Duly enrolled" means, for an undergraduate, enrolled full time and, for a post-baccalaureate student, enrolled at least part-time at an institution of higher education,

- as verified by the institution of higher education.
- J. **Educators for Maine Loan Recipient.** ~~"Educators for Maine Loan Recipient" means an eligible individual who has been recognized as such by the Governor after consultation with the chief executive officer.~~
- K. **Eligible individual.** ~~"Eligible individual" means a student who meets the eligibility requirements as set forth in 20-A MRSA §12505 and this rule.~~
- L. **Graduating High School Senior.** "Graduating high school senior" means a student who is a resident of the State, who graduates from a secondary school or a home instruction program as described in ~~approved pursuant to~~ 20-A MRSA §~~2901-5001-A(3)(A)(4)~~ and who is entering that student's first year in an institution of higher education at the beginning of the next academic year, ~~which is considered to be from September to June.~~
- M. **Institution of Higher Education.** "Institution of higher education" means an institution of higher education located within this State, another state or a foreign country that meets the requirements of and conforms to the definitions contained in the federal Higher Education Act of 1965, as amended, 20 U.S.C. §1001(a) and the regulations, guidelines and procedures promulgated by the Secretary of Education pursuant thereto.
- N. **Most recent cumulative grade point average.** "Most recent cumulative grade point average" means the cumulative grade point average ("GPA") or its equivalent after the applicant's most recently completed period of study.
- O. **Return Service.** "Return service" means service performed (i) as a certified teacher or speech pathologist in a public elementary or secondary schools, publicly supported secondary school, or special education facility in Maine, as defined in 20-A MRSA §7001(6) or in a Maine private school approved for tuition purposes or in a state operated school, for a full school year; or, (ii) for borrowers who received their first program loan after January 1, 2000, in a child care facility for a 12 month period by an individual who has attained child care provider qualifications; or, (iii) as a Jobs for Maine's Graduates specialist with Department of Education teacher certification.
- P. **Students pursuing post-baccalaureate certification.** "Students pursuing post-baccalaureate certification" means students who have earned a baccalaureate degree or its equivalent and are pursuing a program of studies leading to initial certification as a teacher or speech pathologist or the attainment of child care provider qualifications.
- Q. **Teacher.** "Teacher" means a person certified by the Maine Department of Education who is employed as a teacher by a public school or private school approved for tuition purposes or a state operated school or a publicly supported secondary school or special education facility, as defined in 20-A MRSA §7001(6), including elementary and secondary teacher, specialized subject teacher, vocational or industrial arts teacher as defined in the certification rules of the State Board of Education and also includes by position title the following, unless modified by future legislation:
- (1) Classroom teacher
 - (2) Itinerant teacher
 - (3) Guidance counselor
 - (4) Librarian-media specialist

- (5) Special education teacher
- (6) Special teacher of reading
- (7) Speech pathologist/therapist
- (8) Chapter I tutor

R. **Undergraduate.** "Undergraduate" means any individual who has not been awarded any baccalaureate degree and who is currently enrolled or accepted for enrollment as a full time student at an institution of higher education, including a graduating high school senior.

S. **Underserved Geographic Areas.** "Underserved geographic areas" means those geographic areas of the State of Maine where there is an insufficient supply of teachers or speech pathologists as determined by the chief executive officer in consultation with the Commissioner.

ST. **Underserved Subject Areas.** "Underserved subject areas" means those subjects or programs required or authorized to be taught in the public schools for which there is an insufficient supply of teachers or speech pathologists as may be determined by the chief executive officer after consultation with the Commissioner.

2. APPLICATION DEADLINES

- A. All applications for loans shall be made on forms provided by the Authority.
- B. The deadline for filing initial applications is May 1 annually.
- C. The deadline for filing renewal applications is May 1 annually. For renewal applications, if a student does not have a GPA of 2.5, or ~~the-an~~ equivalent ~~thereof~~, on the date of the application deadline, the student may request reconsideration of the application by submitting spring academic term grades no later than June 30.
- D. No application will be considered unless it is complete at the time of deadline.
- E. The student must have filed the FAFSA by May 1 annually.

3. LOAN TERMS

- A. Loans in an amount to be determined annually by the Authority based on available funds, but in no event less than-of up to \$2,000 per academic year ~~or \$8,000 total may be made to eligible~~ students pursuing post baccalaureate certification and- Loans of up to \$3,000 per academic year ~~or \$12,000 total may be made~~ to eligible undergraduate students. Full time undergraduate students may not receive loans for more than 8 semesters, and full time and part time students pursuing post baccalaureate certification may not receive loans for more than 4 full time equivalent semesters. Individuals who have received an Educators (or Teachers) for Maine Program loan as an undergraduate student may also receive a loan for ~~students pursuing~~ post-baccalaureate certification. ~~In no event may an individual receive more than \$20,000 in total Educators for Maine loans.~~ In no event may an individual receive loan funds that result in making that individual's total financial aid award greater than the cost of attendance.

- B. Loans first made prior to July 1, 2011 and any renewals thereof shall accrue interest at a fixed rate set on the date of the approval of the loan, which rate shall be equal to the rate of interest in effect on such date for Federal Stafford Loan Program loans bearing interest at a variable rate, plus three-fourths of one percent (.75%) per annum. Loans first made beginning July 1, 2011 and any renewals thereof shall accrue interest at a fixed rate of five percent (5%) per annum. Interest shall begin to accrue 30 days prior to the date repayment is scheduled to commence in accordance with Section 7 of this ~~Rule~~rule, without regard to any deferment that may be granted unless the deferment states in writing that interest shall not accrue during this deferment period. In the event a loan is canceled on account of return service, the cancellation shall include interest accrued on the loan amount.
- C. Loans shall be for one academic year and are generally disbursed on the basis of a two semester academic year. ~~For purposes of loan terms, the academic year for post-baccalaureate students begins with the summer award, if any, which shall not be disbursed prior to July 1, and ends with the spring award, if any.~~

4. LOANS TO UNDERGRADUATE STUDENTS

A. Initial Loan Eligibility

- (1) The student must be currently enrolled or accepted for enrollment in a course of study leading to a certification as a teacher or speech pathologist or to attainment of child care provider qualifications in an institution of higher education.
- (2) The student must be a graduate of a Maine high school, or the equivalent thereof, and a resident of Maine or a graduate of other than a Maine high school or the equivalent and a resident of Maine at least one year for other than educational purposes.
- (3) The student must have a minimum 3.0 grade point average on a 4.0 grade point system or the equivalent thereof as determined in the discretion of the chief executive officer.
- (4) The student must sign an agreement that details conditions to be met for receipt of a loan.
- (5) ~~The student must be recognized as an Educators for Maine Loan Recipient.~~
- (6) ~~Preference shall be given to students who are enrolled or intend to enroll in a program that has been determined to be an underserved subject area.~~
- (7) The student must have filed the FAFSA by May 1 of the year of initial application.

B. Renewal Loan Eligibility

- (1) The student must have received an initial loan.
- (2) The student must submit a completed renewal application annually for a loan on or

before the deadline date and must have filed the FAFSA by May 1 of the renewal year.

- (3) The student must maintain at a minimum a 2.5 grade point average based on a 4.0 grade point system, or the equivalent thereof as determined in the discretion of the chief executive officer. Should the GPA fall below 2.5, the student has one academic year to bring the GPA up to 2.5. If this requirement is not met the student will be ineligible for further program participation.
 - (4) A student granted an approved leave of absence by the postsecondary institution may be eligible to renew the loan at the termination of the leave of absence provided that all other requirements of this section are met.
 - (5) The student must sign an agreement that details conditions to be met for receipt of a loan.
 - (6) The student must maintain residence in the State of Maine in order to be eligible for a renewal loan.
- C. Deferral. Acceptance of an initial award or renewal of a previous award may be deferred for one academic year only. If ~~an individual approved for a loan designated Educators for Maine Loan Recipient~~ fails to be duly enrolled in an institution of higher education, as defined by these rules, by the beginning of the second academic year which follows the student's ~~designation as an Educators for Maine Loan Recipient~~ initial loan award or ~~receipt of a~~ renewal award the student shall be ineligible for further program participation.

5. LOANS TO STUDENTS PURSUING POST-BACCALAUREATE CERTIFICATION

A. Initial Loan Eligibility

- (1) The student must be a Maine resident.
- (2) The student must be enrolled in or have applied for enrollment in a post-baccalaureate course of study leading to initial certification as a teacher or speech pathologist or to attainment of child care provider qualifications.
- (3) The student's most recent cumulative grade point average must be at least 3.0.
- (4) The student must sign an agreement that details the conditions to be met for receipt of a loan.
- (5) ~~The student must be recognized as an Educators for Maine Loan Recipient.~~
- (6) ~~Preference shall be given to students who are enrolled or intend to enroll in a program that has been determined to be an underserved subject area.~~

B. Renewal Loan Eligibility

- (1) The student must have received an initial loan.
- (2) The student must submit a completed renewal application annually for a loan on

or before the deadline date.

- (3) The student must maintain at a minimum a 2.5 grade point average based on a 4.0 grade point system, or the equivalent thereof as determined in the discretion of the chief executive officer. Should the GPA fall below 2.5, the student has one academic year to bring the GPA up to 2.5. If this requirement is not met the student will be ineligible for further program participation.
 - (4) A student granted an approved leave of absence by the postsecondary institution may be eligible to renew the loan at the termination of the leave of absence provided that all other requirements of this section are met.
 - (5) The student must sign an agreement that details conditions to be met for receipt of a loan.
 - (6) The student must maintain residence in the State of Maine.
- C. Deferral. Acceptance of an initial award or renewal of a previous award may be deferred for one academic year only. If ~~an individual approved for a loan designated Educators for Maine Loan Recipient~~ fails to be duly enrolled in an institution of higher education, as defined by these rules, by the beginning of the second academic year which follows the student's ~~designation as an Educators for Maine Loan Recipient~~ initial loan award or ~~receipt of a~~ renewal award the student shall be ineligible for further program participation.

6. PAYMENTS-LOAN DISBURSEMENT

- A. Funds will be paid to each postsecondary institution for all disbursements to be received by loan recipients who are indicated as duly enrolled by the institution prior to the start of each academic term in accordance with the Authority's current notification process. Disbursements to the institution will occur within 60 days following receipt of evidence that recipients are duly enrolled.
- B. Loans shall be disbursed in the amounts requested by the institution although the amount requested shall not ~~exceed~~ be less than \$3000 per academic year for undergraduate students and \$2,000 (or a proportionate amount thereof if attendance is less than full time) per year for post-baccalaureate students and shall be disbursed equally on an academic term basis.
- C. The Authority may request supporting evidence of actual direct and indirect educational expenses, including, but not limited to, tuition, transportation, room and board, books and supplies.
- D. If a recipient of a loan withdraws from an institution and is entitled to a refund of tuition, fees or other charges, the institution shall pay directly to the Authority from that refund a sum which represents the portion of the loan for the portion of the academic year that the recipient did not complete.
- E. Loans may be originated using a master promissory note that allows all Educators for Maine loans provided over a period of up to seven years to be originated on a single

promissory note.

7. REPAYMENT AND RETURN SERVICE

- A. Loan recipients begin repayment six months after graduation or completion of certification coursework.
- B. A loan recipient may have the total amount of the loan canceled as follows: (i) by completing one year of return service in ~~the a~~ public schools, publicly supported secondary school, special education facility, as defined in 20-A MRSA §7001-(6) or private schools approved for tuition purposes in the state or in a state operated school, for each year the individual received a loan; (ii) by completing one year of return service in the public schools or private schools approved for tuition purposes in the state or in a state operated school if such service is performed in an underserved subject area or underserved geographic area, for every two years or less that the individual received a loan; (iii) for individuals who attained child care provider qualifications and who received a first program loan after January 1, 2000, by completing one year of return service by working in a child care facility for each year the individual received a loan; or (iv) by completing one year of return service as a Jobs for Maine's Graduates specialist for each year the individual received a loan.
- C. Return service may not be credited for the same academic term for which an individual has received a loan nor may an individual receiving loan forgiveness for a loan for post-baccalaureate study receive loan forgiveness for any undergraduate loan.
- D. Return service shall be performed within ~~five (5)~~ten (10) years of graduation from an institution of higher education or completion of certification coursework.
- E. A loan recipient who fails to fulfill the return service option shall repay the Authority as follows:
- (1) The debt shall include the total amount of all Educators for Maine Program loans, including interest accruing on loans made with interest, less the amount, if any, which has been canceled by return service.
 - (2) The total debt shall be repaid to the Authority within eleven (11) years of graduation or completion of coursework on an amortization schedule determined by the Authority. Exceptions to the payment deadline due to extenuating circumstances may be granted on a case-by-case basis upon written request to the chief executive officer.
 - (3) For loans first made beginning July 1, 2011 and any renewals thereof, a minimum monthly loan payment of \$50 will apply.
- F. If a recipient has begun fulfilling the return service option by teaching in an underserved subject area, the recipient shall be allowed to complete this option in the same subject area even if the subject area is removed from the list of those designated.
- G. Recipients who withdraw from school, for whatever reason, prior to completion of the

course or courses for which the funds were loaned, will not be allowed to exercise the return service option and will begin repayment six months from the end of the academic term of last attendance and complete repayment within ten years from the date of commencement of repayment.

- H. A recipient of a loan may seek a deferment of return service or of cash payments. A request for deferment must be made to the chief executive officer who shall make a determination on a case-by-case basis. Generally, no more than three 1-year deferments will be granted. The decision of the chief executive officer shall be final. The time period for performance of return service or payment may be extended for the same period as any deferment granted. Unless expressly stated in writing to the contrary by the chief executive officer in his or her discretion, interest at the rate stated in any applicable Note(s) shall continue to accrue during the period of any deferment.
- I. In the event of death or permanent disability (as determined by a physician) of a recipient, any unpaid amount due the Authority shall be canceled upon appropriate written verification of the death or permanent disability to the Authority.
- J. If a cash payment is not made within 30 days following the due date of that payment, the Authority may declare the entire amount due and payable subject to the recipient's right to receive a notice of right to cure. If a default is declared the recipient shall be liable for the amount in default plus any accrued interest and late fees and reasonable attorney's fees.
- K. If any monthly payment is not paid when due, the holder of the Note may collect a late charge of five cents (\$0.05) for each dollar of such payment more than thirty (30) days in arrears.
- L. Partial loan forgiveness shall be available on a pro-rata basis under sub-section B. "Part time" is considered to be employed on at least a 20% basis, based on a 10-month academic year or a five day work week.

8. SELECTION CRITERIA

Student recipients of loans are determined utilizing the following selection criteria:

- A. Academic standing based on an analysis of the high school or college transcript.
- B. Response to essay question.
- C. In addition, the Authority may from time to time require and consider other relevant information, including but not limited to academic awards and honors.
- D. Preference within each applicable allocation is given to those enrolled in a program that has been determined to be an underserved subject area.
- E. Preference within the allocation for students pursuing post-baccalaureate certification shall be given to students who did not receive an Educators (or Teachers) for Maine Program loan as an undergraduate student.

9. SELECTION PROCESS

- A. The Selection Committee will review application materials submitted in light of identified criteria.
- B. The Selection Committee shall be approved by the chief executive officer and shall be composed of at least 5 representatives from the education communities.
- C. Each application and accompanying materials shall be read by at least two Selection Committee members.
- D. Following reading by the Selection Committee, applications will be rank ordered.
- E. The Selection Committee will recommend to the chief executive officer the names of applicants who should be considered ~~for designation as to receive~~ Educators for Maine ~~Loan Recipients~~loans.
- F. ~~The Governor, after consultation with the chief executive officer, shall announce the names of those individuals who are recognized as Educators for Maine Loan Recipients.~~

10. LOAN FUND ALLOCATION

Funds available to new recipients in any given year will be allocated proportionally to the numbers of applicants in each of the Graduating High School Senior category; the Undergraduate (other than Graduating High School Senior) category; and students pursuing post-baccalaureate certification category.

- 11. The chief executive officer may waive any requirement of this rule, except to the extent that the requirement is mandated by the Act, in cases where deviation from the rule is insubstantial and is not contrary to the purpose of the program.

BASIS STATEMENT, Amendment 5

The rule amendments conform the rule to certain provisions of P.L 2019, Chapter 303, An Act to Amend the Laws Governing the Educators for Maine Program (the “Act”). The Act (a) permits the Authority to increase the amount of loans to undergraduate and post-baccalaureate students as funds permit; (b) modifies the definitions of teachers and schools where borrowers may be employed for loan forgiveness; and (c) allows employment as a teacher in an underserved geographic area to qualify for loan forgiveness. The Act also permits the Authority to implement a program of repayment of student loan debt to persons teaching in underserved geographic areas of Maine, as funds permit; however, these rule amendments do not address a loan repayment program, pending further agency development.

In accordance with 5 M.R.S. 8052(4) and Executive Order No. 4 FY 19/20, the Authority has considered:

- 1. the environmental and social impacts of the rule, with the goal of prioritizing the health safety and welfare of Maine people, and find that the rule will have no negative environmental or social impacts requiring such prioritization; and
- 2. the economic and fiscal impacts of the rule, including the extent to which other laws and regulations address the rule subject matter and the impact on employers in retaining and attracting a skilled

workforce, and find that (a) the rule will have no adverse economic or fiscal impact; (b) no other laws or regulations address the rule subject matter; and (c) the rule will have no adverse effect on employers' ability to retain and attract a skilled workforce.

Economic Impact Statement – Small Businesses

The rule amendment is not expected to have any adverse impacts on small businesses.

Fiscal Impact Note

The rule amendment will not impose any costs on municipalities or counties.

STATUTORY AUTHORITY: 10 M.R.S.A. §969-A(14), 20-A M.R.S.A. §§ 12501 *et seq.*

EFFECTIVE DATE:

January 1, 1996

EFFECTIVE DATE (ELECTRONIC CONVERSION):

May 4, 1996

AMENDED:

May 5, 1996

January 27, 1998

NON-SUBSTANTIVE CORRECTION:

February 13, 1998 - “plys” corrected to “plus” in 3(C).

AMENDED:

August 30, 2000

REPEALED AND REPLACED:

January 1, 2004 - filing 2003-406

AMENDED:

June 28, 2005 - Amendment 1, filing 2005-265 affecting §2(B) (EMERGENCY – expires September 26, 2005)

January 23, 2007 - Amendment 2, revision to Sections 2(B) and 2(C) and 4(B)(2) and new Sections 2(E) and 4(A)(8), filing 2007-14

January 1, 2011 - Amendment 3, filing 2010-615

January 5, 2014 - Amendment 4, filing 2013-336

December , 2019 - Amendment 5, filing 2019-