

HIGHER EDUCATION

SECRETARY OF HIGHER EDUCATION

Rules Implementing the Higher Education Technology Infra-Structure Fund Act

Proposed Readoption: N.J.A.C. 9A:13

Authorized By: Rochelle Hendricks, Secretary of Higher Education.

Authority: N.J.S.A. 18A:72A-59 through 71 and P.L. 1997, c. 238.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2015-048.

Submit comments by July 3, 2015, to:

Audrey Bennerson

Administrative Practice Officer

New Jersey Higher Education

20 West State Street, 4th Floor

PO Box 542

Trenton, NJ 08625-0542

E-mail: Audrey.Bennerson@oshe.nj.gov

The agency proposal follows:

Summary

In September 1997, the Higher Education Technology Infrastructure Fund Act (Act), P.L. 1997, c. 238, was enacted, establishing the Higher Education Technology Infrastructure Fund (“Infrastructure Fund” or “Fund”) within the New Jersey Educational Facilities Authority (Authority) to be used to develop technology infrastructure within and among New Jersey's institutions of higher education in order to provide access effectively and efficiently to

information, educational opportunities, and workforce training and to enhance the connectivity of higher education institutions to libraries and elementary and secondary schools. In accordance with the Provisions of the Reorganization Plan No. 005-2011, the Commission on Higher Education was eliminated and its powers, functions, and duties were transferred to the Secretary of Higher Education, who is responsible for rules governing implementation of the Act. The rules in this chapter are scheduled to expire on March 31, 2015; pursuant to N.J.S.A. 52:14B-5.1.(c)2, the submission of this notice of proposal to the Office of Administrative Law extended that expiration date 180 days to September 27, 2015.

After reviewing the rules and consulting with the New Jersey Educational Facilities Authority, the Secretary of Higher Education proposes to readopt the chapter without change. A summary of N.J.A.C. 9A:13 follows:

N.J.A.C. 9A:13-1.1 includes the purpose and authority for the Higher Education Technology Infrastructure Act rules;

N.J.A.C. 9A:13-1.2 provides the definition of words and terms used in the chapter;

N.J.A.C. 9A:13-1.3 specifies the funding eligibility criteria for institutions to receive a grant from the fund;

N.J.A.C. 9A:13-1.4 states the grant application process;

N.J.A.C. 9A:13-1.5 outlines the grant application review and approval process;

N.J.A.C. 9A:13-1.6 states the grant authorization process;

N.J.A.C. 9A:13-1.7 defines when the Secretary may cancel or reduce an institution's approved grant; and

N.J.A.C. 9A:13-1.8 specifies the New Jersey Educational Facilities Authority must report to the Secretary of Higher Education its purchases, and the Secretary will report to the Governor and Legislature on the use of the Fund.

As the Secretary has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirement at N.J.A.C. 1:30-3.3(a)5.

Social Impact

An integrated technology infrastructure, which includes interconnectivity with and among institutions and with libraries and elementary and secondary schools, will enable students and faculty to continue to access information and educational opportunities. Moreover, consortia arrangements and distance learning offer significant potential for increasing access to higher education. The Infrastructure Fund fosters technological enhancements to promote these aims. All New Jersey colleges and universities, as well as private institutions eligible for aid under the Independent College and University Assistance Act, N.J.S.A. 18A:72B-15 et seq., are eligible to apply for grants from the Infrastructure Fund. Having the rules proposed for readoption in place will expedite institutional applications and project approval if and when the Infrastructure Fund is renewed.

Economic Impact

The rules proposed for readoption will allow higher education to continue to contribute to the economic development of the nation and State by supplying an educated and trained workforce, by advancing knowledge through research and scholarship, and by serving as an information repository. The rules proposed for readoption will assist in providing an integrated

technology infrastructure, which will increase the cost-efficiency and effectiveness of colleges and universities in carrying out these missions, through both enhanced learning opportunities for students and increased opportunities for institutions to collaborate, share resources, and reduce costs. A dedicated source of funding for higher education's technology infrastructure is an investment in strengthening New Jersey's competitiveness in a global and technological economy.

Federal Standards Statement

The rules proposed for readoption do not require a Federal standards analysis under Executive Order No. 27 (1994) because they implement the Act, which was established by the New Jersey Legislature, is wholly supported by State appropriations, and is not subject to any Federal requirements or standards.

Jobs Impact

The rules proposed for readoption governing the Fund govern only the process eligible institutions must follow to receive approval for purchases made with grant fund moneys. There will be short-term and long-term job increases associated with funded purchases. The rules proposed for readoption will not result in the loss of any jobs.

Agriculture Industry Impact

The rules proposed for readoption will have no impact on the agriculture industry.

Regulatory Flexibility Statement

A regulatory flexibility analysis is not required because the rules proposed for readoption do not apply to small businesses as defined by the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The rules pertain strictly to public and publicly funded independent colleges and universities and private institutions of higher education in New Jersey, none of which qualify as a small business because they are either public institutions or private institutions employing more than 100 full-time employees.

Housing Affordability Impact Analysis

The rules proposed for readoption will not impact housing affordability and there is an extreme unlikelihood that the rules will evoke a change in the average costs associated with housing because the rules govern the implementation of the Higher Education Technology Infrastructure Fund Act, which created a fund to be used to develop technology infrastructure within and among New Jersey's institutions of higher education.

Smart Growth Development Impact Analysis

The Secretary believes there is an extreme unlikelihood that the rules proposed for readoption would evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan in New Jersey, because the rules govern the implementation of the Higher Education Technology Infrastructure Fund Act, which created a fund to be used to develop technology infrastructure within and among New Jersey's institutions of higher education.

Full text of the rules proposed for readoption may be found in the New Jersey Administrative Code at N.J.A.C. 9A:13.