

RULE ADOPTIONS

ADMINISTRATIVE LAW

(a)

OFFICE OF ADMINISTRATIVE LAW

Notice of Readoption Special Hearing Rules Special Education Program Readoption: N.J.A.C. 1:6A

Authority: N.J.S.A. 52:14F-5(e), (f), and (g).

Authorized By: Laura Sanders, Acting Director, Office of Administrative Law.

Effective: August 24, 2017.

New Expiration Date: August 24, 2024.

Take notice that pursuant to N.J.S.A. 52:14B-5.1, the special rules for Special Education cases at N.J.A.C. 1:6A were scheduled to expire on October 29, 2017.

A summary of the readopted subchapters and sections follows:

Subchapter 1 establishes the applicability of these rules, which govern hearings arising out of the Special Education Program of the Department of Education, and are in implementation of Federal law, 20 U.S.C. §§ 1400 et seq., and 34 CFR Part 300.

N.J.A.C. 1:6A-3.1 specifies that the Office of Special Education Programs shall immediately transmit cases upon conclusion of the resolution process or mediation. This continues the process that has been utilized by both agencies.

N.J.A.C. 1:6A-4.1 addresses ongoing settlement efforts.

N.J.A.C. 1:6A-5.1 permits representation by legal counsel, or permits a non-lawyer representative with special training or knowledge regarding handicapped children to represent a parent or child.

N.J.A.C. 1:6A-9.1 permits adjournments at the request of a party, requires adjournments to be for a specific period of time, and provides that such an adjournment extends the deadline for decision.

N.J.A.C. 1:6A-10.1 sets forth discovery provisions.

N.J.A.C. 1:6A-12.1 continues the process for requesting and granting emergency relief.

N.J.A.C. 1:6A-14.1 establishes special procedures regarding the hearing.

N.J.A.C. 1:6A-14.2 sets forth the procedures for an expedited hearing.

N.J.A.C. 1:6A-14.3 provides that the judge may require the Department of Education to provide an interpreter at no cost when necessary.

N.J.A.C. 1:6A-14.4 establishes the procedures for obtaining independent educational evaluations.

N.J.A.C. 1:6A-14.5 concerns transcripts and provides for obtaining transcripts by contacting the Department of Special Education Programs or the Office of Administrative Law.

N.J.A.C. 1:6A-18.1 concerns deadlines for decisions.

N.J.A.C. 1:6A-18.2 requires the protection of confidentiality of the child and parent or guardian through use of initials and other appropriate steps.

N.J.A.C. 1:6A-18.3 concerns appeals.

N.J.A.C. 1:6A-18.4 prohibits a change in the educational placement of the pupil prior to the issuance of a decision.

Generally, the hearing process provided by these rules has proven to be effective and efficient. The OAL has reviewed these rules and determined them to be necessary, reasonable, and adequate for the purpose for which they were originally promulgated. Therefore, pursuant to N.J.S.A. 52:14B-5.1.c(1), these rules are readopted and shall continue in effect for a seven-year period.

BANKING

(b)

DEPARTMENT OF BANKING AND INSURANCE

DIVISION OF BANKING

Savings Account Promotions

Adopted New Rules: N.J.A.C. 3:37

Proposed: March 20, 2017, at 49 N.J.R 490(a).

Adopted: August 31, 2017, by Richard J. Badolato, Commissioner, Department of Banking and Insurance.

Filed: August 31, 2017, as R.2017 d.179, **without change**.

Authority: N.J.S.A. 17:1-15.e and P.L. 2015, c. 236.

Effective Date: October 2, 2017.

Expiration Date: October 2, 2024.

Summary of Public Comments and Agency Responses:

The Department of Banking and Insurance received comments from: Nicola L. Foggie, Vice President, Compliance and Regulatory Affairs, on behalf of the New Jersey Credit Union League (NJCUL), and Timothy Flacke, Executive Director, on behalf of Commonwealth (formerly known as the "D2D Fund"), a Boston-based non-profit corporation whose stated mission is to "discover ideas, pilot solutions, and drive innovations to scale so wealth can become possible for everyone."

COMMENT: One commenter stated they support the proposed new rules at N.J.A.C. 3:37 along with any efforts to provide credit unions with additional opportunities to encourage their members to engage in savings programs and develop habits for regular savings, with the intention to lead to the creation of new wealth.

RESPONSE: The Department thanks the commenter for their support of the rulemaking.

COMMENT: One commenter stated they support the Department's Savings Account Promotions proposed new rules at N.J.A.C. 3:37 and New Jersey's efforts to increase savings opportunities at its financial institutions.

RESPONSE: The Department thanks the commenter for their support.

COMMENT: One commenter stated the proposed rules refer to financial institutions only in the singular and also that they use the word "conduct" rather than "participate." The commenter recommends that the term "conduct" be removed and replaced with the word "participate." Although the rules as proposed do not expressly permit multiple credit unions to join together to provide these programs, they do not prohibit it either. The commenter cited the regulations generally applicable to credit unions and their long history of collaboration as an industry as reasons to recommend that the Department insert language in the Savings Account Promotions proposed new rules indicating that a multi-state program is not prohibited.

RESPONSE: The Department believes the word "conduct" should be broadly interpreted to effectuate the statute's purposes. Thus, the Department does not believe the statute prohibits participation in multi-state programs designed to effectuate such purposes in a manner otherwise in compliance with the proposed new rules. Consequently, the Department declines to make the suggested change.

COMMENT: One commenter stated the proposed rules currently do not expressly permit financial institutions to utilize existing multi-state and multi-institutions platforms through shared service organizations to provide a prize-linked savings program, but do not prohibit it either. Given the language used in the rules, and the multitude of collaborative prize-linked savings products currently in the market across the country, such as *Save to Win* and *WINcentive* Savings, it is the commenter's recommendation that the Department insert language in the proposed rule that clearly indicates that participation in a multi-state program is