

DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Sections 122(b)(8), 181(15), 183, 3402(c), and 3435(a) (14 Del.C. §§ 122(b)(8), 181(15), 183, 3402(c), & 3435(a))
14 DE Admin. Code 1206

FINAL

ORDER

1206 Speech Language Pathologist Incentive Loan Program

I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

Pursuant to 14 Del.C. §§ 122(b)(8), 181(15), 183, 3402(c), and 3435(a), the Delaware Department of Education ("Department"), through the Delaware Higher Education Office ("DHEO"), proposes to amend 14 DE Admin. Code 1206 Speech Language Pathologist Incentive Loan Program. When House Bill 480 of the 151st General Assembly was signed into law on August 25, 2022, the Speech Language Pathologist Incentive Loan Program was repealed and the Speech-Language Pathologist Scholarship Program was enacted. The Speech-Language Pathologist Scholarship Program is a student financial assistance for higher education program that is administered by DHEO. The regulation provides the application process, eligibility criteria, and award process for the Speech-Language Pathologist Scholarship Program. The proposed amendments include revising the title of the regulation; revising the name of the program in Section 1.0; adding and striking definitions in Section 2.0; clarifying the application process in Section 3.0; revising the eligibility requirements in Section 4.0; and revising the awards process in Sections 5.0 and 6.0. The proposed amendments are consistent with House Bill 480 of the 151st General Assembly. In addition, the Department proposes to renumber the regulation from 1206 to 1212.

Notice of the proposed regulation was published in the *Register of Regulations* on January 1, 2023. The Department received written submittals from Ann C. Fisher, Chairperson of the Governor's Advisory Council for Exceptional Citizens ("GACEC"), and Benjamin Shrader, Chairperson of the State Council for Persons with Disabilities ("SCPD"), concerning the proposed regulation. Ms. Fisher commented that "[t]he restriction to full time students [in Section 4.0] could present obstacles to students with disabilities who may not be able to attend a full-time program" and that GACEC "would recommend that the scholarship program be made available to part-time students as well." She further commented that GACEC "notes that at this time, no Delaware SLP graduate preparation program permits part-time students." Mr. Shrader commented that SCPD opposes the proposed regulation but it "would support an amendment that allows part-time students to be considered for eligibility of the Speech Language Pathologist Program."

II. FINDINGS OF FACTS

The Department considered GACEC's and SCPD's written submittals and finds that further changes as a result of the written submittals are not necessary. The Department finds that the Speech-Language Pathologist Scholarship Program was created by the General Assembly and that GACEC and SCPD each acknowledged that the requirement that the applicant be enrolled as a full-time student is a statutory requirement. Indeed, 14 Del.C. §3435(a)(2) provides that "[t]o be eligible for the Speech-Language Pathologist Scholarship, an applicant must be enrolled as a full-time student in a master's degree program in a Delaware postsecondary institution that is accredited, or is a candidate for accreditation, by the Council on Academic Accreditation in Audiology and Speech-Language Pathology (CAA) of the American Speech-Language-Hearing Association and that will lead to licensure as a speech-language pathologist in Delaware." Proposed subsection 4.1.2 is consistent with 14 Del.C. §3435(a)(2). In addition, the Department finds that the General Assembly, not the Department, has the authority to change a statute. The Department further finds that House Bill 480 of the 151st General Assembly amended Title 14, Chapter 34 of the Delaware Code, effective August 25, 2022, and that the proposed amendments to the regulation are necessary.

III. DECISION TO AMEND THE REGULATION

For the foregoing reasons, the Department concludes that it is appropriate to amend 14 DE Admin. Code 1206 Speech Language Pathologist Incentive Loan Program subject to the State Board of Education's approval. On February 16, 2023, the State Board of Education approved amending 14 DE Admin. Code 1206 Speech Language Pathologist Incentive Loan Program. Therefore, pursuant to 14 Del.C. §§ 122(b)(8), 181(15), 183, 3402(c), and 3435(a), 14 DE Admin. Code 1206 Speech Language Pathologist Incentive Loan Program, attached hereto as Exhibit A, is hereby amended.

IV. TEXT AND CITATION

The text of 14 DE Admin. Code 1206 Speech Language Pathologist Incentive Loan Program amended hereby shall be in the form attached hereto as Exhibit A and said regulation shall be cited 14 DE Admin. Code 1212 Speech-Language

V. EFFECTIVE DATE OF ORDER

The effective date of this Order shall be ten days from the date this Order is published in the *Register of Regulations*.

IT IS SO ORDERED the 16th day of February, 2023.

Department of Education

Mark A. Holodick, Ed.D., Secretary of Education

Approved this 16th day of February, 2023.

State Board of Education

/s/ Shawn Brittingham, President

/s/ Rev. Provey Powell, Jr.

Vincent Lofink, Vice President (Absent)

/s/ Wali W. Rusdan, II

/s/ Candice Fifer

/s/ Deborah Stevens

/s/ Audrey J. Noble, Ph.D.

***Please note: Electronic signatures ("/s/") were accepted pursuant to 6 Del.C. §12A-107(d).**

4206 1212 Speech-Language Pathologist Incentive Loan Scholarship Program

1.0 Purpose

The purpose of this regulation is to provide eligibility criteria and application procedures for the Speech-Language Pathologist Incentive Loan Scholarship Program pursuant to 14 Del.C. §3422 §3435(a).

2.0 Definitions

The following words and terms, when used in this regulation, shall have the following meaning ~~unless the context in which they are used clearly indicates otherwise:~~

"Academic Record" means the applicant's unofficial transcript from college or graduate school for the most recent academic year.

"Award" means a loan scholarship under the Speech-Language Pathologist Incentive Loan Program, the repayment of which is forgiven when the borrower is employed as a licensed speech language pathologist in a Delaware public school or by a provider or its contractors for Delaware programs serving infants and toddlers under Part C of the Individuals with Disabilities Education Act (Birth to Three Early Intervention) for the period of time specified in 14 Del.C. §3422(c)(2) Scholarship.

"Delaware Higher Education Office" or **"DHEO"** means the Department of Education's Office which administers specific programs related to higher education, including, but not limited to, scholarship and loan programs.

"Direct Educational Expenses" means tuition, mandatory fees, room, board, books, and supplies.

"Full-Time Student" means a graduate student enrolled in ~~nine (9)~~ 9 or more credit hours.

"Institution" means a post-secondary institution or institution of higher education in Delaware that is accredited, or a candidate for accreditation, by the Council on Academic Accreditation in Audiology and Speech-Language Pathology of the American Speech-Language-Hearing Association.

"Part-Time Student" means a student enrolled in a graduate program that is at least five (5) and less than nine (9) credit hours per term.

"Student Account Access Site" means the webpage on the DHEO's website where students can access scholarship and loan forgiveness opportunities.

3.0 Application Acceptance and Submission Period

3.1 The application acceptance and submission period for the Speech-Language Pathologist Incentive Loan Scholarship Program shall be posted on the DHEO's website by ~~April 4~~ December 1 of each calendar year.

3.1.1 Applications shall not be accepted outside of the posted application acceptance period under any circumstances.

3.1.2 Incomplete applications shall not be accepted or processed.

3.2 In order for an application to be considered complete, an applicant ~~must~~ must

- 3.2.1 ~~Submit the applicant's Academic Record to DHEO by mail, fax, or email by the last date of the application acceptance period.~~
- 3.2.2 ~~Complete~~ complete an application through the Student Account Access Site by the last date of the application acceptance period. The application shall include:
 - ~~3.2.2.1~~ 3.2.1The applicant's major, name of the applicant's Institution, and the school year in which the applicant was most recently enrolled.
 - ~~3.2.2.2~~ 3.2.2Applicants may update their enrollment information on the Student Account Access Site through the last date of the application acceptance period.
 - ~~3.2.2.3~~ 3.2.3A first time applicant must establish an account and provide ~~his or her~~ the applicant's valid email address and permanent mailing address before being permitted to submit the information required in subsection ~~3.2.2~~ 3.2 of this regulation.

4.0 Eligibility for Awards

- 4.1 ~~Applicants shall meet the following requirements to be considered for the Speech Language Pathologist Incentive Loan Program: In order to be eligible for an Award through the Speech-Language Pathologist Scholarship Program, the applicant shall meet the requirements in subsections 4.1.1 and 4.1.2.~~
 - 4.1.1 The applicant shall meet the definition of residency as provided in 14 Del.C. §3402(f).
 - ~~4.1.4~~ 4.1.2~~Be either a Part-Time or~~ The applicant shall be a Full-Time Student enrolled in a graduate program in Delaware that will satisfy the educational requirements to become licensed by the Delaware Board of Speech Pathologists, Audiologists, and Hearing Aid Dispensers as a ~~speech/language pathologist; and speech-language pathologist.~~
 - 4.1.2 ~~Demonstrate strong academic merit.~~

5.0 Awards

- 5.1 DHEO determines the number and amount of Awards to be given annually. The number and amount of Awards each year will vary and is based on and subject to the General Assembly appropriating funds for the ~~Speech Language~~ Speech-Language Pathologist Incentive Loan Scholarship Program.
- 5.2 An Award shall be used for, and not in excess of, Direct Educational Expenses.
- 5.3 An Award may be renewed annually for up to ~~two (2)~~ 2 years.
 - ~~5.3.1~~ To be eligible to renew an Award, students ~~are required to submit an Academic Record and updated enrollment information~~ shall complete an application by the date required by the DHEO, meet the requirements of Section 4.0, and maintain Satisfactory Academy Progress. For the purpose of this regulation, Satisfactory Academy Progress means that a student is successfully completing coursework according to the standards of the college or university in which the student is enrolled and the student is eligible to continue to receive financial aid.
 - ~~5.3.2~~ An Award may be renewed annually as long as students maintain satisfactory academic progress as defined by the Institution.
- 5.4 An Award may be pro-rated for Part-Time Students.

6.0 Award Payment

- 6.1 ~~A signed promissory note, which includes the terms of repayment and loan forgiveness, shall be executed before disbursement of funds.~~
- 6.2 ~~All payments~~ Awards shall be disbursed directly to the eligible recipient's college or university only.

23 DE Reg. 860 (04/01/20)

26 DE Reg. 855 (04/01/23) (Final)