

DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Sections 181(15), 183, 3402(c), and 3421 (14 **Del.C.** §§181(15), 183, 3402(c), & 3421)
14 **DE Admin. Code** 1207

FINAL

ORDER

1207 Delaware Nursing Incentive Program

I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

Pursuant to 14 **Del.C.** §§ 181(15), 183, 3402(c), and 3421, the Delaware Department of Education ("Department"), through the Delaware Higher Education Office, proposes to repeal 14 **DE Admin. Code** 1207 Delaware Nursing Incentive Program. In accordance with House Bill 480 of the 151st General Assembly, which was signed into law on August 25, 2022, Delaware nursing incentive program loans are no longer awarded. Repayment and forgiveness of loans that were awarded prior to July 1, 2022 are addressed in statute (14 **Del.C.** §3421(c)).

Notice of the proposed regulation was published in the *Register of Regulations* on December 1, 2022. The Department did not receive any written submittals concerning the proposed repeal of the regulation.

II. FINDINGS OF FACTS

The Department finds that House Bill 480 of the 151st General Assembly amended Title 14, Chapter 34 of the Delaware Code, effective August 25, 2022. As a result, Delaware nursing incentive program loans are no longer awarded and repayment and forgiveness of loans awarded prior to July 1, 2022 are addressed in 14 **Del.C.** §3421(c). Therefore, the repeal of 14 **DE Admin. Code** 1207 Delaware Nursing Incentive Program is necessary.

III. DECISION TO REPEAL THE REGULATION

For the foregoing reasons, the Department concludes that it is appropriate to repeal 14 **DE Admin. Code** 1207 Delaware Nursing Incentive Program subject to the State Board of Education's approval. On February 16, 2023, the State Board of Education approved repealing 14 **DE Admin. Code** 1207 Delaware Nursing Incentive Program. Therefore, pursuant to 14 **Del.C.** §§ 181(15), 183, 3402(c), and 3421, 14 **DE Admin. Code** 1207 Delaware Nursing Incentive Program, attached hereto as Exhibit A, is hereby repealed.

IV. TEXT AND CITATION

The text of 14 **DE Admin. Code** 1207 Delaware Nursing Incentive Program repealed hereby shall be in the form attached hereto as Exhibit A and said regulation shall be cited 14 **DE Admin. Code** 1207 Delaware Nursing Incentive Program in the *Administrative Code of Regulations for the Department*.

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

Vincent Lofink, Vice President (Absent)

/s/ Candice Fifer

/s/ Rev. Provey Powell, Jr.

/s/ Wali W. Rushdan, II

/s/ Deborah Stevens

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

1207 Delaware Nursing Incentive Program

4.0 Purpose

The purpose of this regulation is to provide eligibility criteria and application procedures for the Delaware Nursing Incentive Program pursuant to 14 Del.C. §3421.

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 high school, college, or graduate school for the most recent academic year.

"Award" means a loan under the Delaware Nursing Award Program, the repayment of which is forgiven when the borrower is employed as a licensed practical nurse or registered nurse at a State-owned hospital or clinic or a nonprofit hospital located in Delaware for the period of time specified in 14 Del.C. §3421(c)(2).

"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.

"Full-Time Student" means an Undergraduate Student enrolled in twelve (12) or more college credit hours or a graduate student enrolled in nine (9) or more credit hours.

"Grade Point Average" or **"GPA"** means the number representing the average value of the accumulated final grades earned in courses over time.

"Institution" means a post-secondary college, university, or institution of higher education that is accredited by a nationally recognized regional accrediting agency.

"Part-Time Student" means a student enrolled in an Undergraduate program that is more than six (6) and less than eleven (11) college credit hours per term or a student enrolled in a graduate program that is at least five (5) and less than nine (9) credit hours per term.

"Resident of the State" means an applicant who meets the definition of residency as defined in 14 Del.C. §3402(f).

"Semester" means a half-year term in a school or college, typically lasting fifteen (15) to eighteen (18) weeks.

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

"Undergraduate Student" means a Full-Time or Part-Time Student at a regionally accredited college or university or accredited hospital school of nursing who has not yet earned a bachelor's or equivalent degree.

3.0 Application Acceptance and Submission Period

3.1 The application acceptance and submission period for the Delaware Nursing Incentive Program shall be posted on the DHEO's website by April 1 each calendar year.

3.2 In order for an application to be considered complete, an applicant 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 an application through the Student Account Access Site by the last date of the application acceptance period.

3.2.2.1 An application must include:

3.2.2.1.1 The applicant's major, name of the applicant's Institution, and the school year in which the applicant was most recently enrolled.

3.2.2.1.2 Applicants may update their enrollment information on the Student Account Access Site through the last date of the application acceptance period.

3.2.2.1.3 A first time applicant must establish an account and provide his or her valid email address and permanent mailing address before being permitted to submit the information as required in subsection 3.2.2.1 of this regulation.

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

3.4 Incomplete applications shall not be accepted or processed.

4.0 Eligibility for Awards

- 4.1 Applicants must meet the following requirements to be eligible for the Delaware Nursing Incentive Program:
 - 4.1.1 Be a Resident of the State; and
 - 4.1.2 Be enrolled as a Full-Time Undergraduate Student at a regionally accredited Institution or an accredited hospital school of nursing in a course of study leading to either:
 - 4.1.2.1 A Bachelor of Science in Nursing degree if the applicant is a registered nurse with an aggregate of five (5) years or more employment with the State or with a non-profit hospital in Delaware regardless of residency; or
 - 4.1.2.2 Certification as a registered nurse or practical nurse; and
 - 4.1.3 Have at least a 2.5 unweighted cumulative GPA.
- 4.2 Notwithstanding subsection 4.1.1, an applicant who is a current State employee with five (5) or more years of State service and who is enrolled as a Part-Time Student may submit an application regardless of whether the applicant is a Delaware resident.

5.0 Awards

- 5.1 DHEO determines the number and amount of Awards to be given annually.
- 5.2 The number and amount of Awards each year will vary and is based on and subject to the General Assembly appropriating funds for the Delaware Nursing Incentive Program.
- 5.3 An Award shall be used for, and not in excess of, Direct Educational Expenses.
- 5.4 An Award may be renewed annually for up to three (3) years.
 - 5.4.1 To be eligible to renew an Award, students are required to submit an Academic Record and updated enrollment information by the date required by the DHEO.
 - 5.4.2 An Award may be renewed annually as long as students maintain a cumulative GPA of 2.5 as defined by the Institution.

6.0 Award Payment

- 6.1 DHEO shall contact the Institution where the recipient is enrolled to verify the recipient's enrollment each Semester, fall and spring, before dispersing funds.
- 6.2 A signed promissory note, which includes the terms of repayment and loan forgiveness, must be executed before disbursement of funds.
- 6.3 All payments shall be disbursed directly to the eligible recipient's Institution only.
- 6.4 An Award may be pro-rated for Part-Time Students.

7.0 Repayment and Forgiveness

- 7.1 For purposes of this program, qualifying employment shall be employment as a nurse in a state-operated hospital or clinic or non-profit hospital located in Delaware.
- 7.2 Loans will be forgiven at the rate of one year of employment for one year of loan.

23 DE Reg. 863 (04/01/20)

26 DE Reg. 857 (04/01/23) (Final)