

DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Sections 122(b)(8), 181(15), 183, 3402(c), and 3437 (14 Del.C. §§122(b)(8), 181(15), 183, 3402(c), & 3437)
14 DE Admin. Code 1215

PROPOSED

PUBLIC NOTICE

Educational Impact Analysis Pursuant to 14 Del.C. §122(d)

1215 High Needs Educator Student Loan Payment Program

A. TYPE OF REGULATORY ACTION REQUESTED

Amendment to Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF REGULATION

Pursuant to 14 Del.C. §§ 122(b)(8), 181(15), 183, 3402(c), and 3437, the Delaware Department of Education ("Department"), through the Delaware Higher Education Office ("DHEO"), proposes to amend 14 DE Admin. Code 1215 High Needs Educator Student Loan Payment Program. The High Needs Educator Student Loan Payment Program is a student financial assistance for higher education program that is administered by DHEO. The regulation provides the eligibility criteria, application requirements, and award process for the program. The proposed amendments include revising the definition of Qualified Educational Loan in Section 2.0 and adding the substantiation requirement in subsection 4.2.3, which are consistent with 26 C.F.R. § 1.127-2, the Internal Revenue Service's regulation concerning qualified educational assistance programs. In addition, the proposed amendments include adding award process to Section 1.0, striking two terms from Section 2.0, clarifying Section 3.0, revising Section 4.0, adding subsection 5.7, and adding subsection 6.2.

Persons wishing to present their views regarding this matter may do so in writing by submitting them to the Department of Education, Office of the Secretary, Attn: Regulation Review, 401 Federal Street, Suite 2, Dover, Delaware 19901 or through the Department's online submission form at <https://education.delaware.gov/community/delaware-education-laws-and-regulations/provide-public-comment/> by the close of business (4:30 p.m. EST) on or before August 1, 2023. Any person who wishes to receive a copy of the proposed regulation may obtain a copy from the Department at the Office of the Secretary on the second floor of the Townsend Building, 401 Federal Street, Dover, Delaware.

C. IMPACT CRITERIA

1. Will the amended regulation help improve student achievement as measured against state achievement standards? The amended regulation concerns a student financial assistance for higher education program and is not designed to help improve student achievement as measured against state achievement standards.

2. Will the amended regulation help ensure that all students receive an equitable education? The amended regulation concerns a student financial assistance for higher education program and is not designed to help ensure that all students receive an equitable education.

3. Will the amended regulation help to ensure all students' health and safety are adequately protected? The amended regulation concerns a student financial assistance for higher education program and is not designed to help to ensure all students' health and safety are adequately protected.

4. Will the amended regulation help to ensure that all students' legal rights are respected? The amended regulation concerns a student financial assistance for higher education program and is not designed to help to ensure that all students' legal rights are respected.

5. Will the amended regulation preserve the necessary authority and flexibility of decision-makers at the local board and school level? The amended regulation concerns a student financial assistance for higher education program and does not change authority and flexibility of decision makers at the local board and school level.

6. Will the amended regulation place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels? The amended regulation concerns a student financial assistance for higher education program and does not place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels.

7. Will decision making authority and accountability for addressing the subject to be regulated be placed in the same entity? The Department, through DHEO, implements the regulations promulgated and adopted relating to student financial assistance for higher education programs that are administered by DHEO.

8. Will the amended regulation be consistent with and not an impediment to the implementation of other state

educational policies, in particular to state educational policies addressing achievement in the core academic subjects of mathematics, science, language arts, and social studies? The amended regulation is consistent with, and not an impediment to, the implementation of other state educational policies, and in particular to state educational policies addressing achievement in the core academic subjects of mathematics, science, language arts, and social studies.

9. Is there a less burdensome method for addressing the purpose of the amended regulation? There is not a less burdensome method for addressing the purpose of this amended regulation.

10. What is the cost to the state and to the local school boards of compliance with the amended regulation? There is no expected cost to the state of complying with this amended regulation. The regulation does not apply to local school boards.

1215 High Needs Educator Student Loan Payment Program

1.0 Purpose

The purpose of this regulation is to provide eligibility ~~criteria and to delineate the application~~ criteria, application requirements, and award process for the High Needs Educator Student Loan Payment Program, pursuant to 14 **Del.C.** §3437.

26 DE Reg. 852 (04/01/23)

2.0 Definitions

The following words and terms, when used in this regulation, shall have the following meaning:

"Award" means the Delaware Higher Education Office's decision to make a ~~Loan Payment~~ loan payment on an applicant's behalf.

"Delaware Higher Education Office" or **"DHEO"** means the Delaware Department of Education's office which administers specific programs related to higher education, including student financial assistance programs.

"Department" means the Delaware Department of Education.

"Educator" means a person licensed and certified by the Department to engage in the practice of instruction, administration or other related professional support services in Delaware public schools, including charter schools, pursuant to rules and regulations promulgated by the Standards Board and approved by the State Board of Education. For purposes of this regulation, Educator also includes teachers employed by the Delaware Division for the Visually Impaired who teach students with visual impairment.

"High Needs Area" means:

- (1) Any certification field DHEO has identified as being difficult to staff or of critical need; or
- (2) Any school either:
 - (a) In the top quartile in 3 or more of the following:
 - (1) Percentage of Low-Income Students or students within the statewide metric determined by the Department utilizing direct certification for Temporary Assistance for Needy Families (TANF) and Supplemental Nutrition Assistance Program (SNAP);
 - (2) Percentage of English Learners or students with limited English proficiency and who meet the definition of English Learner as defined by the Department's regulations;
 - (3) Percentage of Students with Disabilities or students who are determined to be eligible for 1 or more of the educational classifications under the Department's regulations and who, by reason thereof, need special education and related services; or
 - (4) Percentage of Minority Students or students who are members of a racial or ethnic group other than the racial or ethnic group that represents the majority of the State's population; or
 - (b) Having 90% of its students classified as Low-Income, English Learners, or Minority; or
 - (c) Any facility operated by the Department of Services for Children, Youth and Their Families in which education programs are provided.

~~**"Loan Payment"** means a payment by the Department to a successful applicant's lending agency to retire a portion of the applicant's Qualified Educational Loan.~~

~~**"Program"** means the High Needs Educator Student Loan Payment Program.~~

"Qualified Educational Loan" means a government, commercial, or foundation loan for actual costs paid for tuition and reasonable educational expenses related to an Educator's undergraduate or graduate degree program. Reasonable educational expenses do not include tools or supplies (other than textbooks) that are retained by the recipient after the course of instruction; meals, lodging, or transportation; or education involving sports, games, or hobbies unless such education is required as part of a degree program.

"School" means a Delaware public school, including a vocational-technical school and a charter school, or a facility operated by the Department of Services for Children, Youth and Their Families.

"Secretary" means the Delaware Secretary of Education.

26 DE Reg. 852 (04/01/23)

3.0 Eligibility

- 3.1 In order to ~~qualify to participate in the Program all of the following must apply:~~ be eligible for an Award under the High Needs Educator Student Loan Payment Program, an applicant shall meet the requirements of subsections 3.1.1 through 3.1.5.
- 3.1.1 The applicant shall be an ~~Educator;~~ Educator.
- 3.1.2 The applicant shall have secured a Qualified Educational Loan prior to submitting an ~~application;~~ application.
- 3.1.3 The applicant shall have obtained a license and certificate issued by the ~~Department;~~ Department.
- 3.1.4 The applicant has not had an ineffective evaluation on the State's current evaluation system or the equivalent thereof on a State-approved alternative educator evaluation ~~system;~~ system.
- 3.1.5 The applicant shall instruct or provide educational support in an identified High Needs Area or School for 1 school year.

26 DE Reg. 852 (04/01/23)

4.0 Application Requirements

- 4.1 ~~The application to participate in the Program shall require the applicant to certify that the applicant meets all eligibility requirements.~~
- 4.2 ~~The applicant must submit for review and approval a new, completed application each year, along with any additional information the Department requests.~~
- 4.1 The application acceptance and submission period for the High Needs Educator Student Loan Program shall be posted on the DHEO's website by December 1 of each calendar year.
- 4.1.1 Applications shall not be accepted outside of the posted application acceptance period under any circumstances.
- 4.1.2 Incomplete applications shall not be accepted or processed.
- 4.2 In order for an application to be considered complete, the applicant shall complete all of the requirements in subsections 4.2.1 through 4.2.3.
- 4.2.1 The applicant shall certify to DHEO that the applicant meets all of the eligibility requirements in Section 3.0.
- 4.2.2 The applicant shall provide the applicant's current employment information, lender, and loan amount to DHEO.
- 4.2.3 The applicant shall provide substantiation to DHEO that the Award will be used for a Qualified Educational Loan as defined in Section 2.0.

26 DE Reg. 852 (04/01/23)

5.0 ~~Award Decision and Disbursement~~ Awards

- 5.1 The ability to make Awards each year is contingent upon the availability of funds.
- 5.2 If possible, DHEO shall make an Award to every applicant who satisfies the requirements of this regulation, consistent with Section 6.0 ~~Amount of Award~~ of this regulation. Awards will be determined based on the pool of eligible applicants in the given year.
- 5.2.1 Applicants seeking eligibility based on eligible school shall maintain continuous employment by the same School as in the previous school year in order to be eligible for the Award.
- 5.2.1.1 Applicants shall still be eligible for an Award if they have separated from the School they were previously employed with if separation was involuntary, including reduction in force, or was otherwise beyond the applicant's control.
- 5.3 Where there are insufficient funds to make an Award to every applicant who satisfies Program requirements, DHEO shall give priority to applicants who meet the following criteria:
- 5.3.1 Applicants employed in both a certification field and a School that the Department has identified as a High Needs Area as defined in this regulation.
- 5.3.2 Applicants having the greatest financial need.
- 5.4 The applicants having the greatest financial need shall be determined at the sole discretion of DHEO. Such decision shall be based upon:

- 5.4.1 The applicant's income;
 - 5.4.2 The applicant's spousal income;
 - 5.4.3 The number of applicant's dependents; and
 - 5.4.4 The total amount of the applicant's Qualified Educational Loans.
- 5.5 DHEO shall have the sole discretion to prioritize applications and determine Awards consistent with the requirements of the Program as noted in this regulation.
- 5.6 DHEO shall make a ~~Loan Payment~~ loan payment directly to the applicant's lending agency on behalf of the applicant.
- 5.7 To be considered for a second, third, fourth, or fifth Award, an applicant shall submit a new, completed application and meet all of the requirements in Section 3.0 of this regulation each year.
- ~~5.7~~ 5.8 An applicant may receive only 1 Award per year, and may receive no more than 5 Awards in their lifetime.

26 DE Reg. 852 (04/01/23)

6.0 Amount of Award Payment

- 6.1 An Award shall be a minimum of \$1,000 and shall not exceed \$2,000.
- 6.2 If an applicant knowingly submits false information or commits fraud in connection with the application process, DHEO may reevaluate the applicant's eligibility for a loan payment and may withdraw its decision to make a loan payment on the applicant's behalf.

22 DE Reg. 470 (12/01/18)

26 DE Reg. 852 (04/01/23)

27 DE Reg. 14 (07/01/23) (Prop.)