

DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Sections 122(b)(8), 181(15), 183, 3402(c), 3402(h), and 3438
(14 Del.C. §§122(b)(8), 181(15), 183, 3402(c), 3402(h), & 3438)
14 DE Admin. Code 1216

FINAL

ORDER

1216 Educator Support Scholarship Program

I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

Pursuant to 14 Del.C. §§ 122(b)(8), 181(15), 183, 3402(c), 3402(h), and 3438, the Delaware Department of Education ("Department"), through the Delaware Higher Education Office ("DHEO"), developed amendments to 14 DE Admin. Code 1216 Educator Support Scholarship Program. The Educator Support Scholarship Program is a student financial assistance for higher education program that is administered by DHEO. The proposed amendments include striking the definition of Free Application for Federal Student Aid ("FAFSA") from Section 2.0, striking the requirement that applicants complete the FAFSA for the school year in which the scholarship is sought by the application deadline in subsection 4.2.2, and revising the information that DHEO will consider to determine an applicant's financial need for the scholarship's purpose in subsection 5.2. The proposed changes are a result of the U.S. Department of Education's recent transformation of the FAFSA form, which delayed the opening of the 2024-2025 application by three months and has had significant system glitches. Additionally, the federal processor has transmitted significantly fewer FAFSA results to states, including Delaware, which would delay financial aid and scholarship awarding. Therefore, the Department intends to remove the FAFSA requirement for the 2024-2025 academic year. The Department will determine whether to reinstate the requirement for the 2025-2026 academic year.

Notice of the proposed regulation was published in the *Register of Regulations* on May 1, 2024. The Department did not receive any written submittals concerning the proposed regulation.

II. ASSESSMENT OF THE IMPACT ON ACHIEVEMENT OF THE STATE'S GREENHOUSE GAS EMISSIONS REDUCTION TARGETS AND RESILIENCY TO CLIMATE CHANGE

The Secretary of Education has reviewed the proposed regulation as required by 29 Del.C. §10118(b)(3) and has determined that any assessment of the impact of the proposed regulation is not practical.

III. FINDINGS OF FACTS

The Department finds that the FAFSA form was transformed and, as a result, the application was delayed for three months and there have been significant glitches with it. In addition, the Department finds that financial aid and scholarship awards will be delayed for the 2024-2025 academic year because fewer FAFSA results have been transmitted to the State. Thus, the Department finds that the proposed amendments are necessary to implement 14 Del.C. Ch. 34 and the Educator Support Scholarship Program, which is a student financial assistance program that DHEO administers.

IV. DECISION TO AMEND THE REGULATION

For the foregoing reasons, the Department concludes that it is appropriate to amend 14 DE Admin. Code 1216 Educator Support Scholarship Program subject to the State Board of Education's approval. On June 20, 2024, the State Board of Education approved amending 14 DE Admin. Code 1216 Educator Support Scholarship Program. Therefore, pursuant to 14 Del.C. §§ 122(b)(8), 181(15), 183, 3402(c), 3402(h), & 3438, 14 DE Admin. Code 1216 Educator Support Scholarship Program, attached hereto as Exhibit A, is hereby amended.

V. TEXT AND CITATION

The text of 14 DE Admin. Code 1216 Educator Support Scholarship Program amended hereby shall be in the form attached hereto as Exhibit A and said regulation shall be cited as 14 DE Admin. Code 1216 Educator Support Scholarship Program in the *Administrative Code of Regulations* for the Department.

VI. 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 20th day of June, 2024.

Department of Education

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

Approved this 20th day of June, 2024.

State Board of Education

/s/ Shawn Brittingham, President

/s/ Harvey Kenton, Jr.

/s/ Deborah Stevens, Vice President

/s/ Rev. Provey Powell, Jr.

/s/ Candice Fifer

/s/ Wali W. Rushdan, II

/s/ Meredith L. Griffin, Jr.

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

1216 Educator Support Scholarship Program

1.0 Purpose

The purpose of this regulation is to provide the eligibility criteria, application requirements, and award process for the Educator Support Scholarship Program pursuant to 14 Del.C. §3438.

2.0 Definitions

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

"Area of need" means 1 of the specific areas of need in which there is a shortage of teachers or specialists in Delaware as determined by the DHEO pursuant to 14 Del.C. §3438(b).

"Award" means a scholarship awarded under the Educator Support Scholarship Program.

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

~~**"Free Application for Federal Student Aid" or "FAFSA"** means the data supplied in connection with the federal government's application for federal financial aid which DHEO uses to determine an applicant's eligibility for an award.~~

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

27 DE Reg. 165 (09/01/23)

3.0 Eligibility

3.1 In order to be eligible for an award under the Educator Support Scholarship Program, an applicant shall meet the requirements of subsections 3.1.1 through 3.1.3.

3.1.1 The applicant shall be enrolled in an undergraduate or graduate program of study leading to a career as a teacher or specialist in an area of need.

3.1.1.1 Applicants who are enrolled in an undergraduate program of study shall be enrolled full-time. For the purpose of subsection 3.1.1.1, full-time means the minimum college credit hours for full-time status as an undergraduate student as required by the applicant's college or university. Generally, this is a minimum of 12 credit hours per term.

3.1.1.2 Applicants who are enrolled in a graduate program of study shall be enrolled full-time or part-time.

3.1.1.2.1 For the purpose of subsection 3.1.1.2, full-time means the minimum college credit hours for full-time status as a graduate student as required by the applicant's college or university. Generally, this is a minimum of 9 credit hours.

3.1.1.2.2 For the purpose of subsection 3.1.1.2, part-time means the minimum college credit hours for part-time status as a graduate student as required by the applicant's college or university. Generally, this is less than 9 credit hours.

3.1.2 The applicant shall meet the definition of residency as defined in 14 Del.C. §3402(f).

3.1.3 The applicant shall be enrolled at a college or university that is located in Delaware and is accredited by an accrediting agency recognized by the U.S. Secretary of Education.

27 DE Reg. 165 (09/01/23)

4.0 Application Requirements

- 4.1 The application acceptance and submission period for the Educator Support Scholarship 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, an applicant shall fulfill ~~all of the requirements in subsections 4.2.1 and 4.2.2~~ the requirement in subsection 4.2.1.
 - 4.2.1 The applicant shall complete an online application through the Student Account Access Site by the last date of the application acceptance period.
 - 4.2.1.1 Applicants may update their enrollment information on the Student Account Access Site through the last date of the application acceptance period.
 - 4.2.1.2 A first time applicant must establish an account and provide the applicant's valid email address and permanent mailing address before being permitted to submit the information required in subsection 4.2 of this regulation.
 - 4.2.2 ~~The applicant shall complete the FAFSA for the school year in which the scholarship is sought by the application deadline.~~ Reserved.

5.0 Awards

- 5.1 DHEO determines the amount of scholarships to be awarded annually. Contingent upon funding appropriated for the Educator Support Scholarship Program and based on the size of the applicant pool, at least 1 applicant in each area of need will be awarded a scholarship annually.
- 5.2 To determine an applicant's financial need for the purpose of the Educator Support Scholarship, DHEO will consider ~~the applicant's EFC; the expense of attending the applicant's college or university; university and the applicant's eligibility for Pell grants and other federal, state, state or private grant assistance. For the purpose of this regulation, EFC means the Expected Family Contribution, which is the number that is calculated using the financial information an applicant provides on the applicant's Free Application for Federal Student Aid (FAFSA) to determine the applicant's eligibility for federal student aid.~~
- 5.3 An award shall be used for, and not in excess of, tuition, mandatory fees, room, board, books, and other direct and indirect educational expenses.
- 5.4 An award is renewable for up to 3 additional years.
- 5.5 To be eligible to renew an award, a student shall update the student's enrollment information on the Student Account Access Site; continue to enrolled in a program of study leading to a career as a teacher or specialist in an area of need; maintain satisfactory academic progress by successfully completing coursework according to the standards of the college or university in which the student is enrolled; and continue to be eligible receive financial aid.
- 5.6 A student shall not receive more than 4 annual awards.

6.0 Award Payment

- 6.1 Award payments shall be disbursed directly to the student's college or university only.
- 6.2 If a student withdraws from school or otherwise does not qualify for full payment at the end of the add/drop period for a semester, DHEO will apply the refund policies set forth in 14 **Del.C.** §3402(k). For the purpose of this regulation, semester means a half-year term in a school or college, typically lasting 15 to 18 weeks.

26 DE Reg. 1057 (06/01/23)

27 DE Reg. 165 (09/01/23)

28 DE Reg. 130 (08/01/24) (Final)