

DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Sections 122(b)(8), 181(15), 183, 3402(c), and 3411 (14 Del.C. §§122(b)(8), 181(15), 183, 3402(c), & 3411)
14 DE Admin. Code 1203

PROPOSED

PUBLIC NOTICE

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

1203 Scholarship Incentive Program (ScIP)

A. TYPE OF REGULATORY ACTION REQUIRED

Amendment to Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF THE REGULATION

Pursuant to 14 Del.C. §§122(b)(8), 181(15), 183, 3402(c), and 3411, the Delaware Department of Education ("Department"), through the Delaware Higher Education Office ("DHEO"), proposes to amend 14 DE Admin. Code 1203 Scholarship Incentive Program (ScIP). The Scholarship Incentive 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 Scholarship Incentive Program. The proposed amendments include revising Section 2.0, revising the eligibility requirements for the program in subsections 4.1.2.3, 4.1.3, and 5.4, and making other clarifying changes throughout the regulation. The proposed amendments are consistent with House Bill 480 of the 151st General Assembly, which was signed into law on August 25, 2022. In addition, the Department proposes to renumber the regulation from 1203 to 1210.

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 February 2, 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 adopted regulation? There is no expected cost to the state of complying with this amended regulation. The regulation does not apply to local school boards.

4203 1210 Scholarship Incentive Program (ScIP)

1.0 Purpose

The purpose of this regulation is to provide eligibility criteria and to delineate the application ~~process~~ and award processes for the Scholarship Incentive Program (ScIP), pursuant to 14 **Del.C.** §3411.

2.0 Definitions

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

"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 student financial assistance~~ programs.

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

~~**"Expected Family Contribution"** or **"EFC"** means a number that is calculated using the financial information an applicant provides on the applicant's Free Application for Federal Student Aid (FAFSA) to determine an applicant's eligibility for federal student aid.~~

"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 a ScIP scholarship.

"Full-Time Student" means a student enrolled in a minimum of college credit hours as required by the student's college or university for full-time status. Generally, for an undergraduate program, this is a minimum of 12 credit hours per term and for a graduate program, a minimum of 9 credit hours.

~~**"Graduate Student"** means a full-time student enrolled in a post-baccalaureate program.~~

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

"Satisfactory Academic 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.

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

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

"Undergraduate Student" means a full-time student at a regionally accredited college or university who has not yet earned a bachelor's or equivalent degree.

25 DE Reg. 508 (11/01/21)

3.0 Application Acceptance and Submission Period

3.1 The application acceptance and submission period for the ScIP scholarship shall be posted on the DHEO's website by 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:

3.2.1 Complete the FAFSA for the school year in which the scholarship is sought by the state deadline for Delaware that is posted online at FAFSA.ed.gov.

3.2.2 Complete an online application through the Student Account Access Site by the last date of the application acceptance period.

3.2.3 Submit the applicant's major and the name of the higher education institution with ~~regional~~ accreditation from an accrediting agency recognized by the U.S. Secretary of Education in which the applicant will be

enrolled for the school year in which the scholarship is sought through the Student Account Access Site by the last date of the application acceptance period.

- 3.2.3.1 Applicants may update their enrollment information on the Student Account Access Site through the last date of the application acceptance period.
- 3.2.3.2 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 3.2.3 of this regulation.

25 DE Reg. 508 (11/01/21)

4.0 Eligibility

- 4.1 Applicants must meet all of the following requirements to be eligible for the ScIP:
 - 4.1.1 ~~Be a Resident of the State~~ Meet the definition of residency as defined in 14 **Del.C.** §3402(f); and
 - 4.1.2 Be a Full-Time Student enrolled in:
 - 4.1.2.1 An undergraduate degree program at a higher education institution that is located in Delaware and has ~~regional~~ accreditation from an accrediting agency recognized by the U.S. Secretary of Education; or
 - 4.1.2.2 An undergraduate degree program at a higher education institution that is located outside of Delaware and has ~~regional~~ accreditation from an accrediting agency recognized by the U.S. Secretary of Education and that is not offered by a publicly assisted college or university in Delaware; or
 - 4.1.2.3 A graduate ~~or professional education~~ degree program at a higher education institution that is located outside of Delaware and has ~~regional~~ accreditation from an accrediting agency recognized by the U.S. Secretary of Education and that is not offered by a publicly assisted college or university in Delaware ~~and is in pursuit of a degree that is deemed in the best interest of the State.~~
 - 4.1.3 ~~Be making Satisfactory Academic Progress.~~

25 DE Reg. 508 (11/01/21)

5.0 Awards

- 5.1 DHEO determines the number and amount of scholarships to be awarded annually. The number and amount of awards each year will vary and is based on and subject to DHEO receiving funds appropriated for the ScIP.
 - 5.1.4 ~~If DHEO receives funds appropriated for the ScIP, DHEO may allocate up to 80% of the total amount of funds received for awards for eligible Undergraduate Students and up to 20% of the total amount of funds received for awards for eligible Graduate Students provided that DHEO receives applications from both Undergraduate and Graduate Students in a given year.~~
- 5.2 To determine an applicant's financial need for the purpose of ScIP, DHEO will consider the applicant's EFC; the expense of attending the college or university in which the applicant is enrolled; and the applicant's eligibility for Pell grants and other federal, 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, ~~Direct Educational Expenses~~ tuition, mandatory fees, room, board, books, and other direct and indirect educational expenses.
- 5.4 An award shall not be renewable. Students must submit a new application each school year, maintain Satisfactory Academic Progress at their educational institution, and continue to meet the other eligibility requirements set forth in Section 4.0.
- 5.5 No student may receive more than ~~five~~ 5 annual scholarships for either undergraduate or graduate study.

25 DE Reg. 508 (11/01/21)

6.0 Award Payment

- 6.1 DHEO shall contact a recipient's college or university to verify the recipient's financial and enrollment status and to verify that the student is making Satisfactory Academic Progress each ~~Semester~~ semester prior to the scholarship funds being disbursed.
- 6.2 All payments shall be disbursed directly to the eligible recipient's college or university only.
- 6.3 If a recipient 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 ~~policy~~ policies set forth in 14 **Del.C.** §3402(k).

20 DE Reg. 894 (05/01/17)
25 DE Reg. 508 (11/01/21)
26 DE Reg. 521 (01/01/23) (Prop.)