

**DEPARTMENT OF EDUCATION
OFFICE OF THE SECRETARY**

Statutory Authority: 14 Delaware Code, Sections 122(b)(8), 181(15), 183, 3402(c), and 3436 (14 Del.C. §§122(b)(8), 181(15), 183, 3402(c), & 3436)

PROPOSED

PUBLIC NOTICE

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

1214 Critical Need Reimbursement Program

A. TYPE OF REGULATORY ACTION REQUESTED

Adoption of a New Regulation

B. SYNOPSIS OF SUBJECT MATTER OF REGULATION

Pursuant to 14 Del.C. §§122(b)(8), 181(15), 183, 3402(c), and 3436, the Delaware Department of Education ("Department"), through the Delaware Higher Education Office ("DHEO"), proposes the adoption of 14 **DE Admin. Code** 1214 Critical Need Reimbursement Program. The Critical Need Reimbursement Program is a student financial assistance for higher education program that is administered by DHEO. The proposed regulation provides the eligibility criteria, application requirements, and award process for the program. The proposed regulation is consistent with House Bill 480 of the 151st General Assembly, which was signed into law on August 25, 2022.

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 April 3, 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 new regulation help improve student achievement as measured against state achievement standards? The new 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 new regulation help ensure that all students receive an equitable education? The new 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 new regulation help to ensure all students' health and safety are adequately protected? The new 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 new regulation help to ensure that all students' legal rights are respected? The new 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 new regulation preserve the necessary authority and flexibility of decision-makers at the local board and school level? The new 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 new regulation place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels? The new 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 new 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 new 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 new regulation? There is not a less

burdensome method for addressing the purpose of this new 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 new regulation. The regulation does not apply to local school boards.

1214 Critical Need Reimbursement Program

1.0 Purpose

The purpose of this regulation is to provide the eligibility criteria, application requirements, and award process for the Critical Need Reimbursement Program pursuant to 14 Del.C. §3436.

2.0 Definitions

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

"Award" means a reimbursement awarded under the Critical Need Reimbursement Program.

"Critical Need Area" means one of the specific certification areas of critical need in Delaware as determined by the Delaware Department of Education pursuant to 14 Del.C. §3436(c).

"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, student financial assistance programs.

3.0 Eligibility

3.1 In order to be eligible for an Award under the Critical Need Reimbursement Program, an applicant shall meet the requirements of subsections 3.1.1 through 3.1.6.

3.1.1 The applicant shall be a full-time employee of a Delaware public school district or charter school.

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 hold an Emergency Certificate or Certificate of Eligibility in a Critical Need Area.

3.1.4 The applicant shall be teaching in a Critical Need Area.

3.1.5 The applicant shall have completed coursework or a seminar or workshop at a college or university that is accredited by an accrediting agency recognized by the U.S. Secretary of Education or through an Alternative Routes for Teacher Licensure or Certification program approved by the Department.

3.1.6 The applicant shall have earned a 2.0 or higher on a 4.0 scale for credit-bearing courses or an equivalent passing grade in non-credit bearing seminars and workshops.

4.0 Application Requirements

4.1 The application acceptance and submission period for the Critical Need Reimbursement 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 The applicant shall complete an application by the last date of the application acceptance period.

5.0 Awards

5.1 An applicant who meets the eligibility criteria in Section 3.0 may be awarded up to 1 of the following per academic year:

5.1.1 Up to 6 credits; or

5.1.2 Two noncredit-bearing seminars or workshops required for certification; or

5.1.3 One noncredit-bearing seminar or workshop required for certification up to 1 3-credit course.

5.2 Award payments shall be disbursed directly to the applicant's college or university only upon the applicant's completion of the course, seminar, or workshop and after the college or university verifies the applicant's enrollment and grades.

5.3 An Award shall be used for, and not in excess of, tuition and mandatory fees.

26 DE Reg. 740 (03/01/23) (Prop.)