

DEPARTMENT OF EDUCATION
OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 122(b) (14 **Del.C.** §122(b))

FINAL

REGULATORY IMPLEMENTING ORDER

1203 Scholarship Incentive Program (ScIP)

I. Summary of the Evidence and Information Submitted

The Secretary of Education intends to create 14 **DE Admin. Code** 1203 Scholarship Incentive Program (ScIP). This regulation is being created to provide eligibility criteria for the ScIP and to delineate the process for applying for ScIP scholarships, pursuant to 14 **Del.C.** §3411.

Notice of the proposed regulation was published in the *News Journal* and the *Delaware State News* on March 1, 2017, in the form hereto attached as *Exhibit "A"*. Comments were received from the State Council for Persons with Disabilities (SCPD), the Governor's Advisory Council for Exceptional Citizens (GACEC), and Mr. Joseph Farris suggesting that: (1) the definition of full-time student be reconsidered as less than 12 credits may be the maximum that is appropriate for some students given various disabilities. The Department clarified the definition; (2) Section 4.1 should not be numbered as such, per the Delaware Administrative Code Drafting and Style Manual. The Department conferred with the Registrar of Regulation to confirm that the section is numbered correctly as it consists of an introductory portion followed by a list which is allowed per the Manual; (3) the regulation omitted statutory authorization to approve scholarships to be used in institutions outside Delaware that have scholarship reciprocity agreements with the state. The Department notes that currently there are no scholarship reciprocity agreements in place. However, Sections 4.1.2.2 and 4.1.2.3 outline how degree programs outside of Delaware would be considered; (4) clarity be given around information in a table found on the Delaware Higher Education Office's (DHEO) website regarding how the scholarship will be awarded in terms of need and merit. The Department notes the table is no longer being used and will be removed from the website to avoid confusion. Section 5.2 clearly outlines how the DHEO will determine the applicant's financial and academic need. Additionally, Mr. Farris commented that the eligibility requirements for graduate or professional degree programs are not inclusive of in-state colleges or universities similar to the undergraduate eligibility. The Department notes that the language in 4.1.2.3 aligns with 14 **Del.C.** §3413(3)(a-c). Also further clarification was requested for the term "in the best interest of the state" as it relates to the type of degree pursued and eligibility for an award of the ScIP. The Department believes that the term "Critical Need Area" as defined in the regulation addresses this concern.

II. Findings of Facts

The Secretary finds that it is appropriate to create 14 **DE Admin. Code** 1203 Scholarship Incentive Program (ScIP) in order to provide eligibility criteria for the ScIP and to delineate the process for applying for ScIP scholarships, pursuant to 14 **Del.C.** §3411.

III. Decision to Amend the Regulation

For the foregoing reasons, the Secretary concludes that it is appropriate to create 14 **DE Admin. Code** 1203 Scholarship Incentive Program (ScIP). Therefore, pursuant to 14 **Del.C.** §122, 14 **DE Admin. Code** 1203 Scholarship Incentive Program (ScIP) attached hereto as *Exhibit "B"* is hereby created. Pursuant to the provision of 14 **Del.C.** §122(e), 14 **DE Admin. Code** 1203 Scholarship Incentive Program (ScIP) hereby amended shall be in effect for a period of five years from the effective date of this order as set forth in Section V. below.

IV. Text and Citation

The text of 14 **DE Admin. Code** 1203 Scholarship Incentive Program (ScIP) created hereby shall be in the form attached hereto as *Exhibit "B"*, and said regulation shall be cited as 14 **DE Admin. Code** 1203 Scholarship Incentive Program (ScIP) in the *Administrative Code of Regulations* for the Department of Education.

V. Effective Date of Order

The actions hereinabove referred to were taken by the Secretary pursuant to 14 **Del.C.** §122 on April 20, 2017. The effective date of this Order shall be ten (10) days from the date this Order is published in the *Delaware Register of Regulations*.

IT IS SO ORDERED the 20th day of April 2017.

Department of Education

1203 Scholarship Incentive Program (ScIP)

1.0 Purpose

The purpose of this regulation is to provide eligibility criteria and to delineate the application process 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 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.

"Critical Need Area" means classifications where there is a shortage of persons for employment in a particular field. These classifications are posted annually on the Delaware Higher Education Office (DHEO) website and are based on federal and state reporting.

"Delaware Higher Education Office (DHEO)" is the Department of Education's office which administers specific programs related to higher education, including, but not limited to, scholarship and loan programs.

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

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

"Free Application for Federal Student Aid (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 ~~[an undergraduate student enrolled in 12 or more college credit hours or a graduate student enrolled in 9 or more credit hours,~~ 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.]

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

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

"Regionally Accredited Institution" means an institution of higher education accredited by one of the following regional accreditation organizations: Accrediting Commission for Community and Junior Colleges (ACCJC), Higher Learning Commission (HLC), Middle States Commission on Higher Education (MSCHE), New England Association of Schools and Colleges (NEASC-CIHE), Southern Association of Colleges and Schools Commission on Colleges (SACSCOC), or WASC Senior College and University Commission (WSCUC).

"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 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.

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 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 Submit the applicant's Academic Record to DHEO by mail, fax, or email by the last date of the application acceptance period.
 - 3.2.2.1 Notwithstanding subsection 3.2.2 of this regulation, and unless notified otherwise by DHEO, an applicant who is currently enrolled as a senior in a Delaware public or charter school is not required to submit his or her Academic Record to DHEO by mail, fax, or email.
- 3.2.3 Submit the applicant's major and the name of the regionally accredited college or university 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 his or her valid email address and permanent mailing address before being permitted to submit the information required in subsection 3.2.3 of this regulation.

4.0 Eligibility

- 4.1 Applicants must meet the following requirements to be eligible for the ScIP:
 - 4.1.1 Be a Resident of the State; and
 - 4.1.2 Be a Full-Time Student enrolled in:
 - 4.1.2.1 an undergraduate degree program at a regionally accredited college or university in Delaware; or
 - 4.1.2.2 an undergraduate degree program at a regionally accredited college or university outside of Delaware 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 regionally accredited college or university outside of Delaware that is not offered by a publicly assisted college or university in Delaware and in pursuit of a degree that is deemed in the best interest of the State.
 - 4.1.2.3.1 For the purpose of subsection 4.1.2.3 of this regulation, an applicant who is in pursuit of a degree in either a Critical Need Area or for an occupation or industry in which there is a labor shortage as determined by DHEO based on current Delaware Department of Labor projections is in pursuit of a degree that is deemed in the best interest of the State.

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.
 - 5.1.1 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 DHEO shall award scholarships on the basis of financial need and academic merit.
 - 5.2.1 To determine an applicant's financial need, DHEO will consider:
 - 5.2.1.1 the applicant's EFC;
 - 5.2.1.2 the expense of attending the college or university in which the applicant is enrolled; and
 - 5.2.1.3 the applicant's eligibility for Pell grants and other federal, state, or private grant assistance.
 - 5.2.2 To determine an applicant's academic merit, DHEO will consider the applicant's GPA.
 - 5.2.2.1 For an applicant who is currently enrolled in high school, the applicant must have an unweighted, cumulative GPA of 2.5 or higher.
 - 5.2.2.2 For an applicant who is currently enrolled as an Undergraduate Student or Graduate Student, the applicant must have a cumulative GPA of 2.5 or higher.
 - 5.2.2.3 Notwithstanding subsection 5.2.2 of this regulation, for an applicant who is currently enrolled as a Graduate Student in a degree program in which pass or fail grading is the only option and a GPA is not calculated, the applicant must have passing grades in his or her courses from the previous school year.
- 5.3 An award shall be used for, and not in excess of, Direct Educational Expenses.
- 5.4 An award shall not be renewable. Students must submit a new application each school year.
- 5.5 No student may receive more than 5 annual scholarships for either undergraduate or graduate study.

6.0 Award Payment

- 6.1 DHEO shall contact a recipient's college or university to verify the recipient's academic, financial, and enrollment status each 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 set forth in 14 Del.C. §3402(k).

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