

**DEPARTMENT OF EDUCATION  
OFFICE OF THE SECRETARY**

Statutory Authority: 14 Delaware Code, Sections 183 and 3402(c) (14 **Del.C.** §§183 & 3402(c))  
14 **DE Admin. Code** 1203

**FINAL**

**REGULATORY IMPLEMENTING ORDER**

**1203 Scholarship Incentive Program (ScIP)**

**I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED**

Pursuant to 14 **Del.C.** §§183 and 3402(c), the Delaware Department of Education ("Department"), acting in cooperation with the Delaware Higher Education Office ("DHEO"), seeks the consent of the State Board of Education to amend 14 **DE Admin. Code** 1203 Scholarship Incentive Program. In accordance with 14 **Del.C.** §§181(15) and 3402(a), the DHEO administers the Scholarship Incentive Program set forth in subchapter II of 14 **Del.C.** Ch. 34. 14 **DE Admin. Code** 1203 outlines the eligibility criteria and application process for the Scholarship Incentive Program. The proposed amendments include an updated definition of academic merit to align with federal standards for receiving financial aid at a college or university and an update to the application process to reflect a new online application.

Notice of the proposed regulation was published in the *Register of Regulations* on February 1, 2021. In addition, notice of the proposed regulation was published in *The News Journal* and *Delaware State News* on February 1, 2021, which is attached hereto as Exhibit A.

The Department received a written submittal from Terri Hancharick, Chairperson of the State Council for Persons with Disabilities ("SCPD"), concerning the proposed amendments. SCPD commented that it "endorses the proposed regulation contingent upon the DOE including alternative submission options for individuals with disabilities that are unable to use technology and individuals that do not have access to the internet."

**II. FINDINGS OF FACTS**

The Department considered SCPD's written submittal. Currently, applicants for Scholarship Incentive Program ("ScIP") are required to create a Student Account online through DHEO's website, submit their major and the name of their college or university through their online Student Account, submit their academic record by mail, fax, or email, and complete the FAFSA. Thus, for at least six years, there has been an online component to applying for ScIP. Each December, when the application period opens, DHEO provides school counselors with information on how students can apply for financial assistance through DHEO, including ScIP. School counselors notify DHEO of applicants who need assistance applying for ScIP. Also, applicants contact DHEO directly by phone or email for assistance applying for ScIP. DHEO works with applicants to provide assistance with their ScIP applications. Applicants who do not have access to the internet at home have completed the online component at their school. DHEO created an online application for ScIP to streamline its application process and align it with other applications for financial assistance, which are online. Applicants who are unable to complete ScIP's application online may request a paper copy of ScIP's application. The Department finds that further changes to the proposed regulation as a result of the written submittal are not necessary.

In addition, the Department clarified the language of subsections 4.1.2.1, 4.1.2.2, and 4.1.2.3. In accordance with 29 **Del.C.** §10118(c), the changes to subsections 4.1.2.1, 4.1.2.2, and 4.1.2.3 are nonsubstantive and, as a result, the Department is not required to repropose the changes.

The Department finds that the proposed amendments to the regulation are necessary to the administration of the Scholarship Incentive Program set forth in subchapter II of 14 **Del.C.** Ch. 34. Accordingly, the Department finds that it is appropriate to amend 14 **DE Admin. Code** 1203 Scholarship Incentive Program.

**III. DECISION TO AMEND THE REGULATION**

For the foregoing reasons, the Department concludes that it is appropriate to amend 14 **DE Admin. Code** 1203 Scholarship Incentive Program with the State Board of Education's consent. Therefore, pursuant to 14 **Del.C.** §§183 and 3402(c), 14 **DE Admin. Code** 1203 Scholarship Incentive Program, attached hereto as Exhibit B, is hereby amended.

**IV. TEXT AND CITATION**

The text of 14 **DE Admin. Code** 1203 Scholarship Incentive Program adopted 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 in the

## V. 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 23rd day of September, 2021.

### Department of Education

Susan S. Bunting, Ed.D., Secretary of Education

Approved this 23rd day of September, 2021.

### State Board of Education

Whitney Sweeney, President (Absent)

/s/ Vincent Lofink

/s/ Shawn Brittingham, Vice President

/s/ Audrey J. Noble, Ph.D.

/s/ Wali W. Rushdan, II

/s/ Provey Powell, Jr.

Candice Fifer (Absent)

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

## 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 "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 programs.

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

~~"Expected Family Contribution (EFC)"~~ "Expected Family Contribution" or "EFC" means a number that is calculated using the financial information an applicant provides on his or her 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 (FAFSA)"~~ "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.

~~"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).

"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.

### 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](http://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~~ Complete an online application through the Student Account Access Site 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~~ 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 ~~his or her~~ 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.

### 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~~ An undergraduate degree program at a ~~regionally accredited college or university~~ higher education institution [with that is located in Delaware and has] regional accreditation from an accrediting agency recognized by the U.S. Secretary of Education [in Delaware]; or
    - 4.1.2.2 ~~an~~ An undergraduate degree program at a ~~regionally accredited college or university~~ higher education institution [with that is located outside of Delaware and has] regional accreditation from an accrediting agency recognized by the U.S. Secretary of Education [outside of Delaware and] that is not offered by a publicly assisted college or university in Delaware; or
    - 4.1.2.3 ~~a~~ A graduate or professional education degree program at a ~~regionally accredited college or university~~ higher education institution [with that is located outside of Delaware and has] regional accreditation from an accrediting agency recognized by the U.S. Secretary of Education [outside of Delaware 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.
      - 4.1.2.3.1 ~~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.~~

#### 4.1.3 Be making Satisfactory Academic Progress.

### 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.~~
- 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.
- 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 five 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 financial~~ and enrollment status and to verify that the student is making Satisfactory Academic Progress 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).

**20 DE Reg. 894 (05/01/17)**

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