

CHAPTER 426
FORMERLY
HOUSE SUBSTITUTE NO. 1
TO
HOUSE BILL NO. 346
AS AMENDED BY
HOUSE AMENDMENT NO. 2

AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO EDUCATION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Title 14 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

Chapter 11A. High Needs Educator Student Loan Payment Program.

§ 1101A. Establishment; Statement of Purpose.

(a) There is hereby established within the Department a High Needs Educator Student Loan Payment Program. The Program allows qualified applicants to apply for a payment from the State to the applicant's lending agency, to pay a portion of the applicant's student loan debt.

(b) The purpose of the Program is to improve educational outcomes for struggling student populations by working to retain Educators of critical importance to those populations, including Educators working in certification areas in which Delaware has a shortage and Educators working in Delaware's hardest-to-staff Schools.

(c) The application prescribed and policies adopted pursuant to this chapter shall be available on the Department's website.

§ 1102A. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them except when the context clearly indicates a different meaning:

(a) "Award" means the Department's decision to make a Loan Payment on an applicant's behalf.

(b) "Department" means the Delaware Department of Education.

(c) "Educator" shall have the meaning set forth in §1202 of this title. The definition of "educator" also includes teachers employed by the Delaware Division for the Visually Impaired who teach visually impaired students.

(d) "English Learners" means students with limited English proficiency and who meet the definition of English Learner as that term is defined by the Department rules and regulations.

(e) "High Needs Area" means:

(1) Any certification field the Department has identified as being difficult to staff or of critical need, or

(2) Any School either:

a. in the top quartile in three or more of the following:

1. percentage of Low-Income Students,

2. percentage of English Learners.

3. percentage of Students with Disabilities, or

4. percentage of Minority Students; or

b. having 90% of its students classified as Low-Income, English Learners, or Minority.

(3) Any facility operated by the Department of Services for Children, Youth and their Families in which education programs are provided.

(f) "Loan Payment" means a payment by the Department to a successful applicant's lending agency to retire a portion of the applicant's Qualified Educational Loan.

(g) "Low Income Students" means students within the statewide metric determined by the Department of Education utilizing direct certification for Temporary Assistance for Needy Families (TANF) and Supplemental Nutrition Assistance Program (SNAP).

(h) "Program" means the High Needs Educator Student Loan Payment Program established in this subchapter.

(i) "Qualified Educational Loan" means a government, commercial, or foundation loan for actual costs paid for tuition and reasonable educational expenses related to an Educator's undergraduate or graduate degree program.

(j) "School" means a Delaware public school, including a vocational-technical school and a charter school established pursuant to Chapter 5 of this Title.

(k) "Secretary" means the Delaware Secretary of Education.

(l) "Students With Disabilities" means students who because of mental, physical, emotional, developmental, speech or learning disability problems, as defined by the Department of Education rules and regulations, require special education and related services in order to develop their own capabilities.

(m) "Minority Students" means students who are members of a racial or ethnic group other than the racial or ethnic group that represents the majority of the State of Delaware's population.

§ 1103A. Funding.

Appropriations for the Program will be made to the Department through the Budget Appropriations Bill in a separate line item appropriation. The Department shall also be authorized to accept private donations and federal funding to support the Program.

§ 1104A. Eligibility for Program.

In order to qualify to participate in the Program, all of the following must apply:

(a) The individual is an Educator.

(b) The individual has secured a Qualified Educational Loan prior to submitting an application.

(c) The individual has obtained a license and certificate through the Delaware Department of Education.

(d) The individual received a rating of at least "effective" on the Delaware Performance Appraisal System II or an alternate state approved evaluation system in the most recent evaluative cycle.

(e) The individual instructs or provides educational support in an identified High Needs Area for at least 1 school year.

§ 1105A. Application.

(a) The application to participate in the Program shall require the applicant to certify that they meet the eligibility requirements of § 1104A. The application shall otherwise be in the form prescribed by the Department.

(b) The applicant must submit a new, completed application each year, along with any additional information the Department may request in accordance with Program regulations.

§ 1106A. Decision and Disbursement.

(a) The ability to make Awards each year is contingent upon the availability of funds.

(b) If possible, the Department shall make an Award to every applicant who satisfies the requirements of this chapter, consistent with the limitations established in § 1107A.

(c) Where there are insufficient funds to make an Award to every applicant who satisfies the requirements of this chapter, the Secretary shall give priority to applicants who meet the following criteria:

(1) Applicants employed in both a certification field and a School that the Department has identified as High Needs Area as defined in § 1102A(e)2; or

(2) Applicants having the greatest financial need.

(d) The applicants having the greatest financial need shall be determined in the sole discretion of the Secretary. The Secretary shall request at least the following information, but the weight to be given to the information shall be determined in the sole discretion of the Secretary:

(1) The applicant's income;

(2) the applicant's spousal income;

(3) the number of the applicant's dependents; and

(4) the total amount of the applicant's Qualified Educational Loans.

(e) The Secretary shall have the sole discretion to prioritize applications and determine Awards consistent with the requirements of subsections (b) and (c).

(f) The Department shall make a Loan Payment directly to the applicant's lending agency on behalf of the applicant.

(g) An applicant may receive only one Award per year, and may receive no more than five Awards in their lifetime.

§ 1107A. Amount of Award.

An Award under this subchapter shall be a minimum of \$1,000 and shall not exceed \$2,000. In order to receive the award, an educator in a school as defined in subsection (e)(2), must be employed in the same school for which they are applying for the award.

§ 1108A. Rules and Regulations

The Department shall adopt implementing rules and regulations. The Department may adopt rules and regulations that refine or narrow eligibility requirements or High Needs Areas, but in no event shall the Department expand the pool of Educators who may receive an Award beyond the limits set forth in this subchapter.

§ 1109A. Penalties.

If it becomes apparent that an applicant knowingly submitted false information or committed fraud in connection with the application process, the Department may reevaluate the applicant's eligibility for an Award, and may withdraw an Award. Any Award made as the result of deliberate fraud may be recovered by the State through an action at law.

§ 1110A. Annual reporting.

(a) Each fiscal year, the Department shall report to the chairs of the House and Senate Education Committees of the General Assembly the following summary data, which shall be de-identified to the greatest extent possible:

(1) the aggregate number of Educators who applied for an Award;

(2) the aggregate number of Educators who received an Award;

(3) the races or ethnicities represented by Educators who applied for an Award;

(4) the races or ethnicities represented by Educators who received an Award;

(5) the certification areas of Educators who applied for an Award;

(6) the certification areas of Educators who received an Award;

(7) the average amount of an Award to an Educator pursuant to the Program;

(8) the names of the Schools that employed Educators who applied for an Award, and for each such School, its percentage of Low Income Students, English Learners, Students with Disabilities, and Minority Students;

(9) the names of the Schools that employed Educators who received an Award, and for each such School, its percentage of Low Income Students, English Learners, Students With Disabilities, and Minority Students; and

(10) other summary data identified by the Secretary as outcome indicators.

(b) The summary data required to be provided under subsection (a) shall be included with the annual report provided to the General Assembly pursuant to § 3402(q) of this Title.

§ 1111A. Severability.

If any provision of this Act or the application thereof to any person or circumstance is held invalid, unenforceable or unconstitutional, the remainder of such provisions, and the application of such provisions to any person or circumstances other than those as to which it is held invalid, shall not be affected.

Approved September 5, 2018