

LAWS OF DELAWARE
VOLUME 83
CHAPTER 239
151st GENERAL ASSEMBLY
FORMERLY
SENATE BILL NO. 12
AS AMENDED BY
SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO ACADEMIC PROGRESSION, DURATION OF ELIGIBILITY, ADULT STUDENTS AND WORKFORCE DEVELOPMENT PROGRAMS UNDER THE DELAWARE STUDENT EXCELLENCE EQUALS DEGREE ACT.

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

Section 1. Amend Subchapter XIV, Chapter 34, Title 14 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

Subchapter XIV. The Delaware Student Excellence Equals Degree Act

§ 3401A. Purpose.

There is hereby created the Delaware Student Excellence Equals Degree, hereafter referred to as “SEED”, program. Under this subchapter, qualified, college-bound state resident students are relieved of the burden of paying undergraduate tuition at Delaware Technical and Community College, or the University of Delaware, Associate in Arts Program provided that these students meet the criteria set forth in this subchapter and are enrolled in a credit or non-credit program leading to the award of a recognized academic credential or pursuing studies leading to an associate degree at Delaware Technical and Community College. Students who qualify under this subchapter shall not have to repay the State because it is the intent and purpose of the General Assembly, through this subchapter, to help ensure that Delaware students stay in high school, excel academically, and have better access to higher education regardless of a family’s financial circumstances and therefore payments under this program shall be grants, not loans.

§ 3402A. Definitions.

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

- (1) “Academic year” shall mean the 3 consecutive academic semesters beginning with the fall semester.
- (2) “Family” for a dependent applicant shall mean the applicant, the applicant’s parents or legal guardian, relative caregiver, and other children under the age of 21 of the applicant’s parents, legal guardian or relative caregiver. The term “family” for an independent applicant shall mean the applicant, an applicant’s spouse and any dependent children.
- (3) “Full-time” shall mean a minimum of 24 credit hours in each academic year.
- (4) “Institution” shall mean Delaware Technical and Community College or the University of Delaware, Associate in Arts Program.

(5) "School activity" shall mean open house, school curriculum night, parent and teacher conference night, holiday program, or other school-related events conducted by a public middle school or high school where parents, community members, and students are encouraged to attend and participate.

(6) "Adult student" shall mean an individual 25 years of age or older at the time of enrollment.

(7) "Violent felony" shall mean any felony listed in § 4201(c) of Title 11, except for drug-related offenses set forth in Title 16.

(8) "Recognized academic credential" shall mean a diploma or certificate of completion for a credit or non-credit training program consisting of 100 hours of instruction or more, or that requires a student to pass a licensure or certification examination approved by a federal, state or local government, regulatory body, or industry/trade group.
§ 3403A. Administration.

(a) This subchapter shall be administered by the institution where the student is enrolled or has sought admission.

(b) Each institution shall adopt such rules and regulations as it deems necessary and proper to the administration of this subchapter. Such rules and regulations may include an appeals process to grant exceptions to the eligibility requirements set forth in § ~~3406A(a)(1) and (2)~~ 3404A(a)(6) of this title for applicants who are unable to make steady academic progress toward the completion of an associate's degree or other recognized academic credential ~~attend classes in the fall semester immediately after graduation from high school~~ due to military service, participation in a full-time volunteer service program, personal or family hardship, or a documented medical condition. ~~Admission deferrals of up to 1 calendar year in duration may be offered to those students who defer admission due to military service, participation in a full-time volunteer service program, or a documented medical condition. Upon passage of 1 year, students may appeal for an admission deferral for 1 additional consecutive year. Applicants who are granted an exception pursuant to this subsection will remain subject to the limitation on eligibility set forth in § 3406A(c).~~

(c) Each institution shall annually report to the General Assembly of the State the names of its own students enrolled in the SEED program and the total amount of expenditures made under this subchapter. The report must identify which of those students enrolled in the program pursue a bachelor's degree after completion of an associate degree.

§ 3404A. Eligibility.

(a) To be eligible to participate in the SEED program and to qualify for a grant to pay tuition by the State pursuant to this subchapter for the first semester or other academic unit of post-secondary enrollment at Delaware Technical and Community College or the University of Delaware, Associate in Arts program, a student shall meet all of the following:

(1) Except as provided in paragraph (a)(6) of this subsection, ~~a~~ student who satisfies the state residency requirements set forth in the Institution's residency policy shall be eligible for such grant if that student is enrolled on a full time, degree seeking basis, ~~or~~ is a student with a disability seeking a degree through the institution's academic

accommodation policy, or is enrolled in a credit or non-credit program leading to the award of a recognized academic credential at Delaware Technical and Community College.

(2) The student shall not have been convicted of any violent felony and the student's parent, legal guardian, or relative caregiver shall certify such fact.

(3) A student shall have applied for all appropriate forms of financial aid for which the student is eligible including, but not limited to, the Federal Pell Grant, financial aid programs administered by the Delaware Higher Education Office, and financial aid programs administered by Delaware Technical and Community College, and/or the University of Delaware, and shall have accepted all such financial assistance offered or awarded to the student, except for loans.

(4) A student shall have graduated from a Delaware public or nonpublic high school or have earned the Delaware State Board of Education Endorsement Secondary Credential. In addition, a student who enrolls in an associate's degree program shall have graduated from a Delaware public or non-public high school with a minimum cumulative average of either 80% or higher on a 100 point scale or a grade point average (G.P.A.) of 2.5 or higher on a 4.0 scale as indicated on the student's official high school transcript. A student who enrolls in an associate's degree program as the holder of a Delaware State Board of Education Endorsement Secondary Credential shall have earned a cumulative score on the GED examination that is equivalent to a 2.5 G.P.A. on a 4.0 scale based on the standard formula for converting GED to GPA. For purposes of this subchapter, a student who does not meet the qualifying criteria may request the institution recalculate the point percentage or G.P.A. based on the student's official high school transcript and the following conversion table:

G.P.A. Conversion Table

Letter Grade	Numerical Grade	G.P.A.
A	92-100	4.00
B	83-91	3.00
C	75-82	2.00
D	65-74	1.00
F	< 65	0.00

For purposes of this conversion chart, the numerical value assigned to a letter grade shall be the lowest value in the numerical scale.

(5) A student shall have satisfied admission standards as determined by Delaware Technical and Community College or the University of Delaware, Associate in Arts program for entering students or as determined by the University of Delaware for the Associates in Arts Program; provided, however, that no student participating in the SEED program shall be admitted into Delaware Technical and Community College by special admission standards.

~~(6) A student shall be admitted and attend classes at the institution no later than the fall semester immediately after the student's graduation from high school.~~

(6) An adult student shall have been a Delaware resident as defined by the Institution's residency policy for not less than 5 consecutive years prior to the date of enrollment in addition to meeting the other requirements set forth in paragraph (a)(1) of this subsection.

(7) Each institution shall create and implement its own equivalency standards for paragraphs (a)(4) and ~~(6)~~ of this section in establishing eligibility of Delaware home schooled students for grants under the SEED program.

(8) Subject to the limitations set forth in § 3406A(c), a student who enrolls in a credit or non-credit program leading to the award of a recognized academic credential with a cumulative high school G.P.A less than 2.5 shall nevertheless be eligible for a SEED grant to pursue an associate's degree if the program in which the student is enrolled is part of a pathway to an associate's degree established by Delaware Technical and Community College and the student successfully completes each step thereof.

(b) Notwithstanding other provisions in this subchapter, for those individuals who have lived in foster care under the jurisdiction of the Department of Services for Children and Their Families at any point in time between the ages of 16 and 18, whether placed within Delaware or outside Delaware, the provisions of paragraphs (a)(4) and (a)(6) of this section, § 3406A(a)(1), and (c) of this title do not apply. Any individual qualifying under this subsection shall make steady academic progress toward an associate's degree and shall not be eligible to receive grants if:

- ~~(1) The individual does not begin the individual's higher education before age 25, or~~
- ~~(2) That individual takes longer than 5 years to attain an associate's degree.~~

§ 3405A. Grant awards/operations.

Each institution shall establish and implement its own procedures to award grants to eligible students subject to appropriations for such purpose, including, but not limited to, a procedure to determine priority among applicants in the event that the amount of grants requested by eligible applicants exceeds the appropriation, which may include consideration of financial need and academic achievement. Grants shall also be available for the Associates in Arts Program courses taught at Delaware Technical and Community College, and administered jointly with the University of Delaware. Grant awards shall not exceed the available appropriation for each fiscal year. Grant awards shall be disbursed as follows:

Beginning with the 2006-2007 academic year, tuition assistance shall be provided to qualifying applicants in an amount equal to the following:

(1) A grant recipient receiving no other financial assistance specifically designated for tuition and/or other regularly assessed fees with the exception of loans shall receive a grant equal to the full amount of tuition charged by the institution.

(2) A grant recipient receiving other financial assistance specifically designated for tuition and other regularly assessed fees shall receive a grant equal to the difference between the amount of tuition charged by the institution and the amount of the other financial assistance.

(3) If, as a result of applying for federal and state student financial aid, or through other means, it becomes apparent that deliberate fraud was involved in the application process, the institution may reevaluate the recipient's eligibility for grant assistance, and may withdraw a grant award. Any grant award made as the result of deliberate fraud may be recovered by the State through an action at law.

§ 3406A. Maintaining eligibility.

(a) To maintain continued State payment of tuition once enrolled at Delaware Technical and Community College or the University of Delaware, Associate in Arts program, the student shall meet all of the following:

(1) ~~Make steady academic progress toward an associate degree or completion of a recognized academic credential, earning not less than the minimum number of hours of credit required for full-time standing in each academic year.~~

(2) Maintain continuous enrollment for not less than 2 semesters in each successive academic year for students in an associate's degree program, unless granted an exception for cause by the institution. Notwithstanding the foregoing, students who are enrolled in an associate's degree program may take a leave of absence for one academic year without affecting their eligibility for continued funding. Students who take a leave of absence under this subsection will remain subject to the limitations set forth in subsection (c).

(3) For students enrolled in an associate's degree program, Hhave a cumulative grade point average of at least 2.5 calculated on a 4.0 scale at the end of the first academic year and thereafter maintain such a cumulative grade point average. The institution may grant exceptions upon appeal.

(4) ~~The student and family shall certify that the student~~ he or she has not been convicted of any violent felony. The parent or guardian of a student 17 years of age or under shall also certify that the student has not been convicted of any violent felony.

(b) Grants made by the SEED program shall not be allowed for courses or other post-secondary units repeated or taken in excess of the requirements for completion of an associate degree or other recognized academic credential with the exception of those courses required by the institution for program admission and courses taken pursuant to the Associates in Arts program.

(c) Students are eligible to participate in this program for a period not to exceed ~~6~~ 10 continuous semesters, not including the summer semester.

(d) Subject to the limitations set forth in subsection (c), a ~~A~~ student who completes an associate degree pursuant to this section, maintains the applicable criteria set forth above, and ~~immediately~~ thereafter pursues a bachelor's degree at either the University of Delaware and/or Delaware Technical and Community College shall be eligible for SEED grant moneys toward their junior year and/or pursuing an equivalent number of credits equal to what is otherwise their junior year of higher education.

(e) Subject to the limitations set forth in subsection (c), a student who successfully completes a credit or non-credit program leading to the award of a recognized academic credential at Delaware Technical and Community College, maintains the applicable criteria set forth above, and thereafter pursues additional recognized academic credentials and/or an associate's degree at either the University of Delaware, Associate in Arts Program and/or

Delaware Technical and Community College shall be eligible for SEED grant moneys toward the completion of their training or degree.

§ 3407A. Disbursement.

(a) Funds awarded from this program shall be disbursed on a semester by semester basis upon receipt of enrollment verification.

(b) No disbursement on behalf of an individual student, pursuant to this subchapter, who is enrolled in an associate's degree seeking program shall be greater than the tuition charged by the Institution.

(c) No disbursement on behalf of an individual student, pursuant to this subchapter, who is enrolled in a credit or non-credit program leading to a recognized academic credential shall exceed the amount of full-time tuition charged by the Institution during the corresponding academic year.

§ 3408A. Additional responsibilities.

(a) Each Institution shall develop, promote, and coordinate a public awareness program to inform students and parents of the SEED program.

(b) The Department of Education shall ensure that every school district, and each charter and nonpublic high school, designates at least 1 SEED program contact person, who shall be either a counselor or teacher, at each high school site in this State. The Department of Education shall also ensure that all printed or electronic communications relating to a school activity include information about the SEED Scholarship Program. Printed and electronic communications shall include, but is not limited to, middle school, high school, or district-wide school activity announcements found in or on printed programs, newsletters, e-newsletters, community newspapers, and websites. For school activities where general announcements are made by any school official, information relating to the SEED Scholarship Program shall also be included in those communications.

Approved October 12, 2021