

LAWS OF DELAWARE  
VOLUME 85  
CHAPTER 103  
153rd GENERAL ASSEMBLY  
FORMERLY  
HOUSE BILL NO. 160

AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATED TO DELAWARE NATIONAL GUARD EDUCATION BENEFITS.

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

Section 1. Amend Subchapter XI, 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 XI. Delaware National Guard ~~Educational~~ Education Benefits

§ 3480. Education benefits.

(a) Any active member of a federally recognized unit of the Delaware National Guard (“member”) who meets the requirements for satisfactory ~~membership~~ membership, as defined by the Adjutant General of the Delaware National ~~Guard shall be Guard~~, is eligible for ~~funding support by~~ financial assistance from the Delaware National Guard for certain postsecondary education tuition and fees under the following conditions:

(1) The member must first apply for and utilize all other reasonably available tuition assistance programs, including scholarships, ~~grants~~ grants, and civilian employer education benefit programs.

(2) The member must ~~make application~~ apply to the Adjutant General for ~~tuition and fee assistance in advance of~~ education benefits provided under this section before starting a class or course of ~~instruction~~ instruction, according to a schedule announced by the Adjutant General.

(3) Education benefits authorized by this section may be used only for attendance at a postsecondary ~~educational~~ institution either financially supported by the this State or, if private, located in the this State. Subject to any tuition assistance a member receives after applying under paragraph (a)(1) of this section, education benefits authorized by this section are as follows:

a. If a member chooses to attend a State-supported ~~state-supported~~ postsecondary institution, the total amount of tuition and fees shall must be reimbursed for the full amount expended, not to exceed paid up to the in-state resident rate. A state-supported postsecondary institution shall charge a member the in-state rate for tuition and fees and shall treat the member as an in-state applicant or student regardless of the member’s state of residence.

b. If a member chooses to attend a Delaware private postsecondary institution, the amount of the ~~benefit shall~~ tuition and fees paid must be equal to the average tuition and fees of the Delaware state-supported postsecondary institutions ~~which~~ that offer the class or course of instruction, based on the in-state resident rate. ~~State-supported institutions shall charge members the in-state rate for tuition and fees and treat members as an in-state applicant or student regardless of the members' state of residence.~~

(4) Each class or course of instruction taken by a member must be one that is required by the postsecondary institution for the award of a specific certificate or of a specific ~~associate's~~ associate degree, bachelor's ~~degree~~ degree, or master's degree.

(5) The per-member education benefits granted under this section ~~shall be~~ are limited to only 1 certificate or degree program at each level of study, namely, a certificate program, an ~~associate's~~ associate degree, bachelor's ~~degree~~ degree, or master's degree.

(6) A member may be enrolled in a certificate or degree program full-time or part-time.

(7) A member may not receive education benefits ~~pursuant to~~ under this section more than 15 years after the date on which the member begins the first course for which ~~funds~~ education benefits are granted. ~~However, in the event that~~ But if a member is called to active duty or to an activation that requires the member to discontinue that member's education ~~benefits~~ benefits, the 15-year limit may be extended by the amount of time the member serves on that active duty or activation.

(8) ~~This~~ The ~~tuition and fee assistance~~ education benefits program ~~will be established by this section is~~ subject to the limits of the total funding appropriated by the General Assembly and approved by the Governor for ~~that purpose. the program.~~

(b) ~~In order to receive funds for tuition and fees for a postsecondary class or course of instruction~~ To receive education benefits authorized by this section, a member ~~must:~~ must do all of the following:

(1) Agree to serve in a satisfactory manner for a period of not less than 6 years in the Delaware National Guard. The 6-year requirement may include service time before, ~~during~~ during, and after the member receives ~~funding for education benefits pursuant to this section;~~ under this section.

(2) ~~Earn~~ Maintain a cumulative grade no lower than a point average of 2.0 or higher on a 4.0 scale, or its equivalent, for each individual course for which tuition and fee assistance is granted. equivalent. ~~In any course for which a specific grade is not issued, the member must show documentation to verify satisfactory completion.~~

~~Failure~~ If a member fails to maintain a cumulative grade point average of 2.0 or higher will be cause for forfeit of funding for all courses taken for the semester or period in which the grade point average remains below the 2.0 level; and higher, the member may not receive further education benefits under this section until the member raises the member's cumulative grade point average to meet the minimum required under this paragraph (b)(2).

(3) ~~Submit~~ Before the start date of a class or a course of instruction, the member shall give to the Adjutant General within 45 days after completing a course proof of: General, or the Adjutant General's designee, all of the following:

a. ~~The course title and grade received;~~ A completed application for the education benefits provided under this section.

b. ~~The amount of tuition and fees paid for the course;~~ If applicable, the member's most recent transcript from a postsecondary institution.

c. ~~The name of the postsecondary institution where the course was taken; and~~

d. ~~Evidence of the member's cumulative grade point average for courses taken to date.~~

(c) The Adjutant General shall appoint a board to adopt rules and regulations and to provide forms as ~~deemed~~ is necessary and proper for the efficient administration of this section.

(d)(1) Upon approval by the Adjutant General, and subject to the availability of appropriated funds, ~~tuition and fee assistance shall be provided by the Delaware National Guard to the member~~ shall provide education benefits authorized by this section from funds appropriated to the Delaware National Guard in the annual Budget Appropriations Act, or in amendments thereto to the annual Budget Appropriations Act, for that purpose. If funding is not appropriated to fully support the program the total education benefits applied for under this section exceed the appropriated funds, education benefits for master's degree reimbursement will must be reduced prior to any reductions to members applying for funds education benefits to obtain a certificate, an associate's degree associate degree, or a bachelor's degree.

(2) Within 60 days after receiving a member's bill for tuition and fees, the Delaware National Guard shall disburse the financial assistance authorized by this section directly to a postsecondary institution on behalf of the member.

(e) A member who ~~has received funding pursuant to~~ receives education benefits under this section but who does not fulfill the service commitment required by paragraph (b)(1) of this section, or who is terminated from the

Delaware National Guard for cause, or who otherwise fails to comply with any requirement of this section ~~shall~~ is immediately ~~become~~ ineligible to receive education benefits ~~pursuant to~~ under this section and shall repay the Delaware National Guard for all ~~tuition and fee funding previously extended to the member,~~ education benefits the member previously received, including interest, on a pro rata basis from the time of termination or noncompliance. The Adjutant General shall determine the amount ~~of repayment due by the member pursuant to~~ must repay under this subsection.

(f) If ~~membership in a member is terminated from the~~ Delaware National Guard ~~is terminated for~~ other than for cause, the member ~~will~~ is not be required to repay ~~previously funded tuition and fees.~~ education benefits the member received under this section.

(g) A member ~~shall~~ may not receive ~~funding for any tuition or fees~~ education benefits not ~~applied for~~ disbursed under paragraph (d)(2) of this section prior to termination ~~termination,~~ for any ~~reason~~ reason, of membership in the Delaware National Guard.

(h) The Adjutant General shall report annually to the General Assembly: Assembly all of the following:

(1) The number of members who participated at each Delaware postsecondary ~~school~~ institution during the ~~year;~~ fiscal year.

(2) The total amount of tuition and ~~fee expenditures made pursuant to~~ fees paid under this section during the ~~year;~~ fiscal year.

(3) The total amount required to be repaid to the Delaware National Guard by defaulting members during the ~~year;~~ and fiscal year.

(4) The total amount of moneys actually repaid by defaulting members during the fiscal year.

Section 2. This Act is effective immediately and is implemented on July 1, 2026.

Approved July 23, 2025