SPONSOR: Rep. Longhurst & Rep. Bush & Sen. Sturgeon
Reps. Heffernan, K. Johnson, Matthews, Osienski, Ramone; Sens. Mantzavinos, Pinkney, Townsend, Walsh

HOUSE OF REPRESENTATIVES
151st GENERAL ASSEMBLY

HOUSE BILL NO. 480

AN ACT TO AMEND TITLES 14, 16, 29, AND 30 OF THE DELAWARE CODE RELATING TO FINANCIAL ASSISTANCE FOR EDUCATION.

WHEREAS, the undergraduate student debt per student from a Delaware institution of higher education will average $36,243 in federal and private student loan debt compared to a national average of $30,000; and

WHEREAS, the average starting salary for a college graduate with a bachelor's degree in Delaware is $57,000; and

WHEREAS, national research shows that families earning between $40,000 and $59,000 per year accumulated up to 60% more debt than their peers to cover rising college costs because of lack of access to scholarships and grants and minimal family savings; and

WHEREAS, college graduates with substantial debt are less likely to purchase a home and car; and

WHEREAS, students who accrue student loan debt and leave college before graduating are more likely to have lower credit scores and enter into default or become delinquent in payments on student loans; and

WHEREAS, Delaware's current loan incentive programs are not aligned to support the State's high demand career fields; and

WHEREAS, Delaware has seen a steady decline in the number of applicants for loan incentive programs and an increase in applications for emergency funding scholarships and need-based scholarships; and

WHEREAS, Delaware currently has eight different loan incentive programs, but only three of those (speech pathology, teaching, and nursing) support high demand career fields.

NOW, THEREFORE:

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

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

Subchapter I. Delaware Higher Education Office Student Assistance Programs

§ 3402. Administration.

(a) This chapter ~~shall be~~ is administered by the Delaware Higher Education Office, hereinafter referred to as the "Office."

(b) The Office is ~~hereby~~ authorized to award student financial aid from the programs described in this chapter subject to the limits of ~~its~~ appropriations for this purpose.

(c) ~~The Office shall adopt such rules and regulations as it deems necessary, proper, convenient or incidental to the administration of this subchapter.~~ The Department of Education, through the Office and subject to the approval of the State Board of Education, is authorized to adopt rules and regulations to implement this subchapter and the student assistance programs that it administers.

(d) ~~The Office may establish temporary or permanent advisory groups to assist in administration of these programs.~~ [Repealed.]

(e) ~~The Office shall publish annually in 2 newspapers of general circulation within the State an announcement of the application deadlines.~~ The Office shall inform college financial aid officers and high school ~~guidance~~ counselors within the State of application procedures and deadlines.

(f) Unless otherwise provided, no student ~~shall be~~ is eligible for student assistance programs authorized in this chapter who ~~was not~~ has not been a resident of the State for at least 12 consecutive months immediately prior to the program application deadline. The place of residence of a student who is dependent on parental financial support ~~shall be~~ is deemed to be the legal residence of the student's parent or guardian. The place of residence of an independent student ~~shall be~~ is deemed to be the legal residence of the student. Whether a student is considered to be independent ~~shall be~~ is determined on the basis of the federal government's financial aid independent student definition. No student ~~shall be~~ is deemed to satisfy for the first time the residence requirement of these programs while the student's principal occupation is that of student in a postsecondary program. Evidence of legal residence in Delaware that is deemed satisfactory to the Office must be provided. Such evidence may include: prior year Delaware income tax return, a valid Delaware driver's license, a valid Delaware vehicle registration card or other evidence of bona fide residence in Delaware. Delaware residence ~~shall be~~ is considered terminated 12 months after a move from the State.

(g) Unless otherwise provided, awards from the programs authorized in this chapter may be used only at a higher education institution with accreditation from an accrediting agency recognized by the U.S. Department of Education. ~~regionally accredited colleges and universities. Under exceptional circumstances in the case of a person who will attend a program of graduate study, the Office may, in its discretion, grant a temporary waiver to the requirement of accreditation by one of the regional accrediting associations where the institution is in the process of becoming accredited or where other comparable evidence of academic quality is provided.~~

(j) Disbursement of scholarship funds shall be made only to institutions, not to individual recipients, upon receipt of institutional verification that the student's academic, ~~financial~~ financial, and enrollment status meet program requirements.

(k) (1) If, at the end of the drop/add period for a term, a recipient has withdrawn from school or otherwise does not qualify for full payment, the following refund policies ~~policy shall~~ apply:

~~(1)~~ a. A student who will not be charged tuition or will receive a full refund of tuition paid is not entitled to receive any portion of the award and the full amount shall be refunded to the ~~Office;~~ Office.

~~(2)~~ b. A student who will be charged full tuition shall receive the full amount of the award for that ~~term;~~ ~~and~~ term.

~~(3)~~ c. A student who will be charged a percentage of tuition is entitled to that same percentage of the award, and the balance shall be refunded to the Office.

(2) If a recipient's school closes, the school must refund the full payment amount to the Office.

(*l*) The Office may grant leaves of absence to students under circumstances including but not limited to: severe or prolonged illness; family emergency; ~~religious obligation or~~ local, state, or national state of emergency; religious obligation; or to pursue activities directly related to the student's educational program.

(m) ~~Recipients who are enrolled in cooperative education programs may receive funds only for those terms when they are attending classes, not for terms spent in work experience.~~ [Repealed.]

(o) Calculation of cumulative grade point average in postsecondary coursework ~~will~~ shall include grades earned at ~~all postsecondary institutions.~~ the most recent postsecondary institution attended.

(p) The number and amount of awards shall be determined annually by the Office, except that awards may not exceed the cost of tuition, mandatory fees, room, board, books and other direct and indirect educational expenses.

(q) The Office shall annually report ~~to the General Assembly of the State~~ the number of ~~recipients, the institutions attended by the recipients,~~ recipients and the total amount of expenditures made under this ~~chapter.~~ chapter for the programs administered by the Office. The report shall be delivered to the General Assembly, the Director and the Librarian of the Division of Research of Legislative Council, and the Delaware Public Archives. Members of the General Assembly may request the institutions attended by recipients.

(r) The Office is authorized to allocate unused funds among the various programs, with prior approval of the Secretary of Education, the Director of the Office of Management and ~~Budget~~ Budget, and the Controller General, to meet state priorities, achieve program objectives, and respond to student demand.

(t) The General Assembly shall each year in the Budget Act appropriate a sum to be known as Scholarships ~~and Loans~~ for the purpose of carrying out the provisions of this chapter. Awards shall be made based on the amount of funds appropriated by the General Assembly and student demand.

Subchapter II. ~~Scholarship Incentive Program~~ Need-Based Scholarships Administered by the Office

§ 3411. ~~Purpose.~~ Scholarship Incentive Program (ScIP).

(a) It is the intent and purpose of the General Assembly through this ~~subchapter to:~~ section to do the following:

(1) Provide financial aid to Delaware residents with demonstrated financial need so that within the limits of the fiscal capabilities of the State they ~~shall not be~~ are not denied an opportunity for a college education because of financial ~~need;~~need.

~~(2) Provide a financial incentive for higher academic achievement for students who qualify to receive such scholarships; and~~

~~(3)~~ (2) Encourage qualified Delaware students to pursue courses of ~~graduate~~ undergraduate, graduate, and professional education when such courses are unavailable in state-supported institutions. ~~institutions and when such pursuit is deemed in the best interest of the State.~~

(b) The Office is hereby authorized to award scholarships from the Scholarship Incentive Program (ScIP) subject to the limits of its appropriations and the following limitations:

(1) Scholarships shall be awarded only to persons who will enroll as full-time students in degree programs.

(2) No student may receive more than 5 annual scholarships for either undergraduate or graduate study.

(3) Scholarships may be used only at educational institutions that are accredited by an accrediting agency recognized by the U.S. Secretary of Education for either of the following:

a. For undergraduate study, inside of the State.

b. For undergraduate or graduate study outside of the State in degree programs that are not offered by a publicly assisted institution in Delaware.

(4) Scholarships shall be awarded on the basis of financial need. Financial need shall be determined by a federally approved need analysis system. The financial need calculation shall consider the student's expected family contribution, the expense of attending the institution selected, and the student's eligibility for Pell grants and other federal, state or private grant assistance.

(5) Students must reapply for the scholarships annually, maintain satisfactory academic progress at their educational institution, and continue to meet all qualifications of the program.

~~§ 3412. Administration.~~

~~(a) The Office shall receive and administer federal funds under the Leveraging Educational Assistance Partnership (LEAP) and Special Leveraging Educational Assistance Partnership (SLEAP) [20 U.S.C. § 1070c], state funds appropriated from the General Fund, and private sources for the purposes set forth in this subchapter.~~

~~(b) The Office may apply for and receive such funds as may be available to the State from any agency of the federal government or private sources as grants for student financial assistance programs at the postsecondary level.~~

~~§ 3413. Scholarships.~~

~~The Office is hereby authorized to award scholarships from the Scholarship Incentive Program (ScIP) subject to the limits of its appropriations and the following limitations:~~

~~(1) Scholarships shall be awarded only to persons who will enroll as full-time students in degree programs.~~

~~(2) No student may receive more than 5 annual scholarships for either undergraduate or graduate study.~~

~~(3) Scholarships shall be used only at educational institutions:~~

~~a. In Delaware for undergraduate study;~~

~~b. In states that have established scholarship reciprocity agreements with the State and the Office for undergraduate study; or~~

~~c. For undergraduate or graduate study in degree programs that are not offered by a publicly assisted institution in Delaware.~~

~~(4) Scholarships shall be awarded on the basis of financial need and academic merit. Financial need shall be determined by a federally approved need analysis system. The financial need calculation shall consider the student's expected family contribution, the expense of attending the institution selected, and the student's eligibility for Pell grants and other federal, state or private grant assistance.~~

~~(5) Students must reapply for the scholarships annually, and must continue to meet all qualifications of the program.~~

Subchapter III. ~~Professional Incentive Programs~~ Career-Based Scholarships and Incentive Loans Administered by the Office

§ 3416. ~~Purpose.~~ Career-based scholarships.

(a) It is the intent and purpose of the General Assembly through this subchapter to enable and encourage academically talented Delawareans to pursue careers in specific fields identified as areas of ~~need and to encourage students to practice their profession in Delaware.~~ need within the State.

(b) A committee of 5 to 8 members chosen by the Office for their knowledge of and expertise in employment trends in Delaware will review employment trends in Delaware and identify no more than 8 to 10 high need career fields

from which scholarship applicants will be chosen. The career fields will be reviewed every 5 years by the committee. Additionally, the committee will define retention strategies to encourage recipients to pursue careers in Delaware. Contingent upon funding from the General Assembly and based on the size of the applicant pool, at least one student in each high need career field will be awarded a career-based scholarship annually.

(c) To be eligible for a career-based scholarship an applicant must meet all of the following criteria:

(1) The applicant must be enrolled in an undergraduate program of study leading to a career in a high need field as determined by the committee under subsection (a) of this section.

(2) The applicant must be a resident of this State.

(3) The applicant must be enrolled at a college or university that is located in Delaware and is accredited by an accrediting agency recognized by the U.S. Secretary of Education.

(d) The amount of an award is determined by the Office.

(e) Awards are renewable for up to three additional years if the student remains enrolled in a program of study leading to a career in a high need field as determined under subsection (a) of this section and maintains satisfactory academic progress.

(f) If the committee determines that a particular high need field is no longer high need, students enrolled in a program of study leading to a career in that field will be eligible to renew their scholarship up to three additional years.

§ 3417. ~~Awards.~~ Incentive loans awarded prior to July 1, 2022.

(a) ~~Awards shall be made based on academic merit using criteria established by the Office.~~ [Repealed.]

(b) For the purpose of this section, an award is ~~a loan the repayment of which is forgiven when the borrower is employed in the specified profession required in each program for the specified period of time in accordance with the conditions specified in this section.~~ a scholarship that is not repaid to the State. Recipients awarded incentive loans prior to July 1, 2022, will be awarded a scholarship instead of an incentive loan if they are eligible to renew their award as provided in subsection (c) of this section. Recipients will be required to repay the full amount of any incentive loans made to them prior to July 1, 2022, unless the amount is forgiven as provided in this subchapter.

(c) Renewal of awards ~~shall be~~ is limited to the number of years that constitute the standard full-time completion rate. To be eligible for renewal of an award, the recipient must meet the academic progress standards set by the Office and communicated in writing to the recipient at the time the initial award is granted. Except for recipients of incentive loans under the Ada Leigh Soles Memorial Professional Librarian and Archivist Incentive Program, the Office will determine whether a recipient is eligible to renew an award. The Division of Libraries will determine whether a recipient of an

incentive loan under the Ada Leigh Soles Memorial Professional Librarian and Archivist Incentive Program is eligible to renew an award.

~~(d) The Office may establish and modify interest rates to achieve purposes of the program, but in no case shall the interest rate be less than that charged to students in the Federal Family Education Loan Program (FFELP) or its successor.~~

~~(e) The interest rate charged to a recipient for his or her initial award shall be constant for subsequent awards for study toward the same degree or certification.~~

§ 3418. Repayment and ~~forgiveness.~~ forgiveness of incentive loans awarded prior to July 1, 2022.

§ 3419. Christa McAuliffe scholarship ~~loans.~~ loans awarded prior to July 1, 2022.

(a) *Purpose.* — It is the intent and purpose of this program to encourage academically talented Delawareans to pursue teaching careers in Delaware public schools.

(b) [Repealed.] ~~*Awards.* — (1) Except where there are no equivalent programs of study offered in-state, awards shall be provided for study at Delaware institutions in undergraduate education or programs leading to teacher certification.~~

~~(2) Awards may be prorated for students who will be enrolled less than full-time in a qualifying program.~~

~~(3) Awards may be renewed to a maximum of the equivalent of 4 full-time awards.~~

(c) *Repayment and forgiveness.* — (1) For purposes of this program, qualifying employment is employment as a teacher in a Delaware public school, whether as an employee of the State, the Department of Education, a school district or an individual school, or as an employee of a private organization providing educational services to Delaware school children under a contract with the State, the Department of Education, a school district or an individual school.

(2) Awards will be forgiven at a rate of 1 year of qualifying employment for 1 year of loan.

~~§ 3420. Critical need scholarships.~~

~~Transferred by 77 Del. Laws, c. 431, § 10, effective July 23, 2010, to § 3461 of this title.~~

§ 3421. Delaware ~~Nursing Incentive Program.~~ nursing incentive program loans awarded prior to July 1, 2022.

(a) *Purpose.* — It is the intent and purpose of the General Assembly through this subchapter to enable and encourage academically talented Delawareans to pursue nursing careers at state-operated hospitals or nonprofit hospitals located in this State.

(b) [Repealed.] ~~*Awards.* — (1) Awards shall be provided for undergraduate education at regionally accredited institutions of higher education or accredited hospital schools of nursing for the following objectives:~~

~~a. A course of study leading to a Bachelor of Science in Nursing degree, if the award recipient is a registered nurse with an aggregate of 5 years or more employment with the State or with nonprofit hospitals located in this State;~~

~~b. For all other recipients, a course of study leading to certification as a registered nurse or practical nurse.~~

~~(2) Notwithstanding any other provision of this chapter, awards may be made available, on a prorated basis, to employees of the State who are enrolled as part-time nursing students.~~

~~(3) The Delaware residence requirement shall not apply to any employee of the State who is enrolled as a part-time nursing student and who has 5 or more years of state service.~~

(c) *Repayment and forgiveness.* — (1) For the purposes of this program, qualifying employment shall be employment as a licensed practical nurse or a registered nurse at a state-owned hospital or clinic or a nonprofit hospital located in this State.

(2) Loans will be forgiven at the rate of 1 year of employment for 1 year of loan.

§ 3422. Speech/language pathologist incentive ~~loan.~~ loan awarded prior to July 1, 2022.

(a) ~~*Purpose.* — It is the intent and purpose of this program to encourage individuals to pursue careers in speech language pathology in Delaware public schools and in the Part C, Birth to Three Early Intervention System programs.~~

(b) ~~*Eligibility.* — Awards shall be provided for graduate education in a Delaware school that is accredited, or is a candidate for accreditation, by the Council on Academic Accreditation in Audiology and Speech-Language Pathology (CAA) of the American Speech-Language-Hearing Association, that will satisfy the educational requirements for Delaware state licensure as a speech/language pathologist.~~

(c) *Repayment and forgiveness.* — (1) For purposes of this program, qualifying employment ~~shall be~~ is employment as a licensed speech pathologist either in a Delaware public school or by a provider for programs serving infants and toddlers under Part C, Birth to Three Early Intervention System and their contractors.

(2) Loans will be forgiven at the rate of 1 year of employment for 1 year of loan.

(d) ~~*Exceptions.* — Additional scholarship awards may be provided to the first graduates of the University of Delaware's speech/language pathology program who graduated in 2018 and are currently teaching in Delaware schools.~~

§ 3423. Ada Leigh Soles Memorial Professional Librarian and Archivist Incentive ~~Program.~~ Program loans awarded prior to July 1, 2022.

(a) *Purpose.* — It is the intent and purpose of this Program to enable and encourage academically talented Delawareans to pursue careers as librarians and archivists in Delaware.

(b) ~~*Awards.*~~ [Repealed.] ~~(1) Awards shall be provided for graduate education in master's degree programs of library and information studies that are accredited by the American Library Association. Preference shall be given to persons currently employed by a Delaware public library, county department of libraries, public school library or state agency library, a member library of the Delaware Library Consortium, or archive.~~

~~(2) Awards may also be provided for a course of study leading to a bachelor's degree prior to the master's degree and/or a doctoral degree following the master's degree. Awards shall be limited to persons who have been employed at a Delaware public library, county department of libraries, public school library, a member library of the Delaware Library Consortium, or state agency library or archive for a minimum of 2 years.~~

~~(3) Selection criteria may include consideration of community service, academic achievement and financial need.~~

(c) *Repayment and forgiveness.* — (1) For purposes of this program, qualifying employment ~~shall be~~ is employment as a librarian or archivist in a public library, public school library, a member library of the Delaware Library Consortium, state agency or political subdivision in Delaware.

(2) Loans will be forgiven at the rate of 1 year of employment for 1 year of loan for bachelor's degree students, and 2 years of employment for 1 year of loan for master's and doctoral degree students.

(3) The repayment and forgiveness of incentive loans awarded under this program prior to July 1, 2022 will be administered by the Office.

§ 3424. Optometry scholarship ~~loan.~~ loan awarded prior to July 1, 2022.

(a) *Purpose.* — It is the intent of this program to encourage academically talented students to pursue careers as optometrists in Delaware. This program replaces the Optometric Institutional Aid Program, but does not change or limit the terms of contracts made to individuals under the provisions of the Optometric Institutional Aid Program.

(b) [Repealed.] ~~*Awards.* — (1) Awards shall be made to baccalaureate degree holders who will enroll as full-time students in programs that prepare students for licensure as optometrists in Delaware.~~

~~(2) The Office may limit attendance to one or more designated institutions, or may allow loans to be used at any qualifying college of optometry.~~

(c) *Repayment and forgiveness.* — (1) For purposes of this program, qualifying employment ~~shall be~~ is the practice of optometry in the State.

(2) Loans will be forgiven at a rate of 1 year of employment for 1 year of loan.

Subchapter IV. ~~Merit-Based Scholarship Programs~~ Educator Support Programs

§ 3435. Financial assistance programs for speech-language pathologists.

(a) Speech-Language Pathologist Scholarship.

(1) It is the intent and purpose of the General Assembly through this section to enable and encourage Delawareans to pursue careers as speech-language pathologists in Delaware public schools and in the Birth to Three Program under Part C of the Individuals with Disabilities Education Act.

(2) To be eligible for the Speech-Language Pathologist Scholarship, an applicant must be enrolled as full-time student in a Master's degree program in a Delaware postsecondary institution that is accredited, or is a candidate for accreditation, by the Council on Academic Accreditation in Audiology and Speech-Language Pathology (CAA) of the American Speech-Language-Hearing Association and that will lead to licensure as a speech-language pathologist in Delaware.

(3) Application requirements will be established by the Office.

(4) Scholarships will be awarded contingent upon funding from the General Assembly and based on the size of the applicant pool.

(5) Awards may be renewed for a total of 2 years of graduate study, provided the recipient meets the renewal requirements established by the Office.

(b) Speech-Language Pathologist Student Loan Repayment Program

(1) The Speech-Language Pathologist Student Loan Repayment Program allows qualified applicants to apply for a loan payment from the Office to the applicant's lending agency to pay a portion of the applicant's student loan debt. The purpose of the program is to improve educational outcomes for students in Delaware public schools by working to retain speech-language pathologists who provide professional support services that are of critical importance to students.

(2) To be eligible for the Speech-Language Pathologist Student Loan Payment Program, all of the following must apply:

a. The applicant must be employed full-time as a speech-language pathologist in a Delaware public school for a minimum of 1 school year.

b. The applicant must have secured a qualified educational loan prior to submitting the application. For the purpose of this section, a "qualified educational loan" means a government, commercial, or foundation loan for actual costs paid for tuition and reasonable educational expenses related to the applicant's undergraduate or graduate degree program.

(3) In addition to the eligibility requirements in paragraph (b)(2) of this section, the Office is authorized to adopt regulations that refine or narrow the eligibility requirements.

(4) The application to participate in the Speech-Language Pathologist Student Loan Payment Program must require the applicant to certify that the applicant meets the eligibility requirements of paragraph (b)(2) and any other requirements as provided in the program's regulations. The application will otherwise be in the form prescribed by the

Office. Applicants must submit a new, completed application each year and any additional information the Office may require as provided in the program's regulations.

(5) The Office's ability to make a loan payment on an applicant's behalf is contingent upon the availability of funds. If possible, the Office will make a loan payment on behalf of every applicant who satisfies the eligibility requirements of paragraph (b)(2) of this section and as provided in the program's regulations, consistent with the limitations established in paragraph (b)(8) of this section. If there are insufficient funds to make a loan payment on behalf of every applicant who satisfies the eligibility requirements of paragraph (b)(2) of this section and as provided in the program's regulations, the Office must give priority to applicants who have the greatest financial need as determined by the Office. In determining an applicant's financial need, the Office must request from the applicant the applicant's income and the total amount of the applicant's qualified educational loans.

(6) The Office has sole discretion to prioritize applications and determine loan payments consistent with the requirements of paragraph (b)(5) of this section.

(7) If the Office decides to make a loan payment on behalf of an applicant, the Office must make the loan payment directly to the applicant's lending agency.

(8) A loan payment under this program may not exceed $5,000 per year. An applicant may receive only 1 loan payment on the applicant's behalf per year. An applicant may not receive more than 3 loan payments on the applicant's behalf in the applicant's lifetime.

(9) If an applicant knowingly submits false information or commits fraud in connection with the application process, the Office may reevaluate the applicant's eligibility for a loan payment and may withdraw its decision to make a loan payment on the applicant's behalf. Any loan payment made as a result of deliberate fraud may be recovered by the Department of Justice through an action at law.

§ 3438. Educator Support Scholarship.

(a) It is the intent and purpose of the General Assembly through this section to enable and encourage Delawareans to pursue careers in Delaware public schools as teachers or specialists in specific areas identified as areas of need within the State.

(b) The areas of need will be determined each year by the Office.

(c) To be eligible for the educator support scholarship, all of the following apply:

(1) The applicant must be enrolled in an undergraduate or graduate program of study leading to a career as a teacher or specialist in an area of need as determined by the Office.

(2) The applicant must be a resident of this State.

(3) The applicant must be enrolled at a college or university that is located in Delaware and is accredited by an accrediting agency recognized by the U.S. Secretary of Education.

(d) Contingent upon funding from the General Assembly and based on the size of the applicant pool, at least one applicant in each area of need will be awarded the scholarship annually. The amount of the award will be determined by the Office.

(e) Awards are renewable for up to three additional years if the recipient remains enrolled in a program of study leading to a career as a teacher or specialist in an area of need as determined by the Office and maintains satisfactory academic progress.

(f) If a particular area is determined to no longer be an area of need, recipients enrolled in a program of study leading to a career in that area are eligible to renew their award up to three additional years.

§ 3439. Financial Assistance Programs for School Counselors, School Psychologists, and School Social Workers.

(a) Mental Health Services Scholarship.

(1) To be eligible for the Mental Health Services Scholarship, an applicant must be enrolled as a full-time student in a Master's degree program in a Delaware postsecondary institution that will lead to certification as a school counselor, school psychologist, or school social worker in a Delaware public school.

(2) Application requirements will be established by the Office.

(3) Scholarships will be awarded contingent upon funding from the General Assembly and based on the size of the applicant pool.

(4) Awards may be renewed for a total of 2 years of graduate study, provided the recipient meets the renewal requirements established by the Office.

(b) Mental Health Services Student Loan Repayment Program.

(1) The Mental Health Services Student Loan Repayment Program allows qualified applicants to apply for a loan payment from the Office to the applicant's lending agency to pay a portion of the applicant's student loan debt. The purpose of the program is to improve educational outcomes for students in Delaware public schools by working to retain school counselors, school psychologists, and school social workers who provide professional support services that are of critical importance to students.

(2) To be eligible for the Mental Health Services Student Loan Repayment Program, all of the following must apply:

a. The applicant must be employed full-time as a school counselor, school psychologist, or school social worker in a Delaware public school for a minimum of 1 school year.

b. The applicant must have secured a qualified educational loan prior to submitting the application. For the purpose of this section, a "qualified educational loan" means a government, commercial, or foundation loan for actual costs paid for tuition and reasonable educational expenses related to the applicant's undergraduate or graduate degree program.

c. The applicant must hold an educator's license and certificate issued by the Department.

(3) In addition to the eligibility requirements in paragraph (b)(2) of this section, the Office is authorized to adopt regulations that refine or narrow the eligibility requirements.

(4) The application to participate in the Mental Health Services Student Loan Payment Program must require the applicant to certify that the applicant meets the eligibility requirements of paragraph (b)(2) of this section and as provided in the program's regulations. The application will otherwise be in the form prescribed by the Office. Applicants must submit a new, completed application each year and any additional information the Office may require as provided in the program's regulations.

(5) The Office's ability to make a loan payment on an applicant's behalf is contingent upon the availability of funds. If possible, the Office will make a loan payment on behalf of every applicant who satisfies the eligibility requirements of paragraph (b)(2) of this section and as provided in the program's regulations, consistent with the limitations established in paragraph (b)(8) of this section. If there are insufficient funds to make a loan payment on behalf of every applicant who satisfies the eligibility requirements of paragraph (b)(2) and as provided in the program's regulations, the Office must give priority to applicants who have the greatest financial need as determined by the Office. In determining an applicant's financial need, the Office must request from the applicant the applicant's income and the total amount of the applicant's qualified educational loans.

(6) The Office has the sole discretion to prioritize applications and determine loan payments consistent with the requirements of paragraph (b)(5) of this section.

(7) If the Office decides to make a loan payment on behalf of an applicant, the Office must make the loan payment directly to the applicant's lending agency.

(8) A loan payment under this program may not exceed $5,000 per year. An applicant may receive only 1 loan payment on the applicant's behalf per year. An applicant may not receive more than 3 loan payments on the applicant's behalf in the applicant's lifetime.

(9) If an applicant knowingly submits false information or commits fraud in connection with the application process, the Office may reevaluate the applicant's eligibility for a loan payment and may withdraw its decision to make

a loan payment on the applicant's behalf. Any loan payment made as a result of deliberate fraud may be recovered by the Department of Justice through an action at law.

Subchapter V. ~~Memorial Scholarships~~ Merit-Based Scholarship Programs

§ 3440. Purpose.

It is the intent and purpose of the General Assembly through this subchapter to provide scholarships to deserving ~~Delawareans~~ Delaware students in memory of elected officials and other distinguished citizens who served the State with distinction and for whom recognition through an education endowment is a fitting memorial. To this end, the General Assembly hereby establishes the Memorial Scholarship Fund.

§ 3441. Awards.

(b) ~~Scholarships shall be awarded in an amount sufficient to meet the costs of tuition, required fees, room, board and books at the institution specified.~~ [Repealed.]

(e) Awards ~~shall be~~ are renewable within the limits of appropriations for the program, to a maximum of 4 awards, provided the student meets the academic progress standards set by the Office and communicated in writing to the recipient at the time the initial award is granted.

§ 3442. B. Bradford Barnes Memorial Scholarship.

~~Awards:~~

~~(1)~~ (a) One scholarship ~~shall~~ will be awarded each year to a graduating high school senior who will enter the University of Delaware.

~~(2)~~ (b) The Office ~~shall~~ will award scholarships only to students who have ~~accepted an admissions offer~~ received an offer of admission from the University of ~~Delaware by a deadline date established by agreement between the University of Delaware and the Office.~~ Delaware. The award must be accepted by the deadline established by the Office and may not be deferred.

(c) Scholarships will be awarded in an amount sufficient to meet the costs of tuition, required fees, room, board, and books at the University of Delaware.

§ 3443. Herman M. Holloway, Sr. Memorial Scholarship.

~~Awards:~~

~~(1)~~ (a) One scholarship ~~shall~~ will be awarded each year to a student who will enter Delaware State University.

~~(2)~~ (b) The Office ~~shall~~ will award scholarships only to students who ~~have accepted an admissions offer~~ received an offer of admission from Delaware State ~~University by a deadline date established by agreement between Delaware State~~

~~University and the Office.~~ University. The award must be accepted by the deadline established by the Office and may not be deferred.

(c) Scholarships will be awarded in an amount sufficient to meet the costs of tuition, required fees, room, board, and books at Delaware State University.

§ 3444. Charles L. "Chuck" Hebner Memorial ~~Scholarship.~~ Scholarship awarded prior to July 1, 2022.

Recipients awarded the Charles L. "Chuck" Hebner Memorial Scholarship prior to July 1, 2022 are eligible to renew their awards as provided in § 3441(e) of this title.

~~Awards:~~

~~(1) Each year, 1 scholarship shall be awarded to a qualifying student at the University of Delaware, and 1 scholarship shall be awarded to a qualifying student at Delaware State University.~~

~~(2) Scholarships will be awarded to students who will major in humanities or social sciences.~~

~~(3) Priority will be given to students who will major in political science.~~

~~(4) The Office shall award scholarships only to students who have accepted an admissions offer from the University of Delaware or Delaware State University by a deadline date established by agreement between the Office and each University respectively.~~

~~§ 3446. Michael C. Ferguson Achievement Awards.~~

~~Transferred by 77 Del. Laws, c. 431, § 9, effective July 23, 2010, to § 3460 of this title.~~

Subchapter VII. Other Financial Assistance Programs Not Administered by the Office

~~§ 3460. Michael C. Ferguson Achievement Awards.~~

~~Michael C. Ferguson Achievement Awards shall be administered pursuant to rules and regulations adopted by the Department of Education as set forth in the provisions of § 153(c) of this title.~~

§ 3462. ~~Fund.~~ Ada Leigh Soles Memorial Professional Librarian and Archivist Scholarship.

~~Repealed by 77 Del. Laws, c. 431, § 8, effective July 23, 2010.~~

(a) Purpose. — It is the intent and purpose of this scholarship to enable and encourage academically talented Delawareans to pursue careers as librarians and archivists in Delaware.

(b) Administration.

(1) This scholarship is administered by the Delaware Division of Libraries.

(2) The Division of Libraries shall adopt rules and regulations as it deems necessary and proper to administer the provisions of this scholarship.

(c) Awards.

(1) Awards shall be provided for graduate education in master's degree programs of library and information studies that are accredited by the American Library Association. Preference shall be given to persons currently employed by a Delaware public library, county department of libraries, public school library or state agency library, a member library of the Delaware Library Consortium, or archive.

(2) Awards may also be provided for a course of study leading to a bachelor's degree prior to the master's degree and/or a doctoral degree following the master's degree. Awards shall be limited to persons who have been employed at a Delaware public library, county department of libraries, public school library, a member library of the Delaware Library Consortium, or state agency library or archive for a minimum of 2 years.

(3) Selection criteria may include consideration of community service, academic achievement, and financial need.

(d) Renewal.

(1) Renewal of awards is limited to the number of years that constitute the standard full-time completion rate. To be eligible for renewal of an award, the recipient must meet the academic progress standards set by the Division of Libraries and communicated in writing to the recipient at the time the initial award is granted. The Division of Libraries will determine whether a recipient of an incentive loan under the Ada Leigh Soles Memorial Professional Librarian and Archivist Incentive Program is eligible to renew an award.

(2) Recipients of incentive loans under the Ada Leigh Soles Memorial Professional Librarian and Archivist Incentive Program awarded prior to July 1, 2022 are eligible to renew their award as provided in § 3417 of this title. The Division of Libraries will determine whether such recipient is eligible to renew an award.

~~§ 3463. Use of Fund.~~

~~Repealed by 77 Del. Laws, c. 431, § 8, effective July 23, 2010.~~

~~§ 3464. Allocation of Fund.~~

~~Repealed by 77 Del. Laws, c. 431, § 8, effective July 23, 2010.~~

~~§ 3465. Eligible organizations.~~

~~Repealed by 77 Del. Laws, c. 431, § 8, effective July 23, 2010.~~

§ 3466. Tuition and fees for spouses and children of active duty military.

Notwithstanding any other provision of this code, the spouse and any child of a member of the active military service of the United States, who has been assigned to duty elsewhere immediately following assignment to duty in Delaware, ~~shall be~~ is deemed to be an in-state resident for the purposes of determining tuition, fees, and other charges at

Delaware public universities, colleges, or community colleges, and is entitled to pay the tuition, fees and other charges imposed upon Delaware residents as long as the spouse or child remains enrolled at such institution.

Subchapter VIII. ~~Legislative Essay Scholarship~~ [Repealed.]

~~§ 3470. Purpose.~~

~~The purpose of the Legislative Essay Scholarship is to encourage high school students to learn about and appreciate the foundations of American government, and to demonstrate this understanding and writing skill through an annual essay contest.~~

~~§ 3471. Eligibility.~~

~~Eligible students are 12th graders who are enrolled in a public, private or charter school or a home school program.~~

~~§ 3472. Essays.~~

~~(a) Essays must be original and between 500 and 2,000 words in length.~~

~~(b) The topic shall be chosen each year by a committee that consists of 1 member of the Delaware Higher Education Office designated by the Director of the Office, 1 member designated by the president of the Delaware Society Sons of the American Revolution, and 1 member designated by the regent of the Delaware State Society Daughters of the American Revolution.~~

~~(c) The topic of the essay must relate to:~~

~~(1) Events, persons, philosophies, technologies, governments or ideals in American history;~~

~~(2) The approximate 90-year period from 1770 to 1860, including events leading up to the American Revolutionary War, but excluding the Civil War; and~~

~~(3) A positive approach to the overall theme of "Building the Foundations of the Modern United States of America."~~

~~§ 3473. Awards.~~

~~(a) One $1,000 nonrenewable scholarship shall be awarded to a twelfth grade student-resident from each senatorial and representative district in the State whose essay meets the standards established by the Office.~~

~~(b) Three statewide awards shall be made to the writers of the top 3 senatorial or representative district scholarship winners. These nonrenewable scholarships will be in the amounts of $10,000, $7,500 and $5,000.~~

~~§ 3474. [Reserved.]~~

Subchapter IX. ~~Education Endowment Fund~~ [Repealed.]

~~§ 3475. Purpose.~~

~~From time to time individuals, corporations and businesses desire to assist Delaware students in pursuing higher education by establishing or contributing to scholarship funds. This endowment fund is established to encourage and focus such giving.~~

~~§ 3476. Fund.~~

~~The Office may receive, hold, invest, reinvest and use funds in the form of grants or gifts from private corporations, trusts, individuals, organizations, groups and other sources to support Delaware residents in postsecondary education programs.~~

~~(1) To qualify as tax deductible donations, contributions to the Fund must be made without restriction or precondition.~~

~~(2) The Office shall ensure that contributors of qualifying donations receive such documentation as may be necessary to support tax deduction of gifts to the Fund.~~

~~(3) The Office may establish such rules and regulations as it deems necessary for administration of this subchapter.~~

~~(4) The Office shall hold the Fund in an interest-bearing account, or may invest and reinvest funds to advance the purposes of this subchapter.~~

~~(5) Awards from the Fund must be based on student financial need, but may include other criteria as may be established by the Office.~~

Subchapter XII. ~~Delaware College Investment Plan~~ DE529 Education Savings Plan Administered by the Plans Management Board

§ 3483. Purpose.

It is the intent and purpose of the General Assembly through this subchapter to establish the ~~Delaware College Investment~~ DE529 Education Savings Plan pursuant to 26 U.S.C. § 529 or successor section and to charge the Plans Management Board to implement and maintain the Plan through the adoption of rules and regulations for the administration of the Plan.

§ 3485. Definitions.

As used in this subchapter:

(4) "Designated beneficiary" means, except as provided in § 3490 of this title, the individual designated at the time the account is opened as having the right to receive a qualified withdrawal for the payment of qualified ~~higher~~ education expenses or, if such designated beneficiary is replaced in accordance with § 3490 of this title, such replacement.

(9) "Plan" means the ~~Delaware College Investment~~ DE529 Education Savings Plan established by this subchapter.

(10) "Qualified ~~higher~~ education expenses" means tuition and other permitted expenses as ~~presently~~ set forth in 26 U.S.C. § 529(e) or as hereafter permitted by such successor or amended section for the enrollment or attendance of a designated beneficiary at a ~~higher~~ education institution.

(11) "Qualified withdrawal" means a withdrawal from an account to pay the qualified ~~higher~~ education expenses of the designated beneficiary, but only if the withdrawal is made in accordance with the requirements of the Plan.

§ 3487. The Program.

(d) Total contributions to all accounts shall not exceed those reasonably necessary, considering the return on contributions and the age and circumstances of the designated beneficiary, to provide for the qualified ~~higher~~ education expenses of the beneficiary. The Board shall establish maximum contribution limits applicable to Plan accounts and shall require such information from the account owner and the designated beneficiary to establish the limit as it relates to such account.

§ 3489. Prohibitions.

(a) No account nor any interest in an account ~~shall~~ may be assignable or pledged or otherwise used to secure or obtain a loan or other advancement.

(b) No refund of a qualified educational expense payment may be paid by ~~a higher~~ an education institution directly to the designated beneficiary or to the account owner. Any refund of qualified tuition expenses owed by a ~~higher~~ education institution on account of an overpayment of educational expenses must be refunded to the Plan for credit to the designated beneficiary's account.

(c) A qualified withdrawal that is used to pay for qualified education expenses must be paid jointly to the designated beneficiary and the ~~higher~~ education institution or directly to the ~~higher~~ education institution. A payment of qualified education expenses may not be made directly to the beneficiary.

(d) Total contributions to all accounts established on behalf of a particular beneficiary in excess of those reasonably necessary to meet the designated beneficiary's qualified ~~higher~~ education expenses are prohibited.

Subchapter XIV. The Delaware Student Excellence Equals Degree Act Administered by Delaware Technical and Community College and University of Delaware

Subchapter XV. The Delaware State Inspire Scholarship Act Administered by Delaware State University

Subchapter XVI. The Delaware Advance Scholarship Act Administered by University of Delaware

Section 2. Amend Subchapter IV, Chapter 34, Title 14 and Subchapter V, Chapter 34, Title 14 of the Delaware Code by transferring § 3435, Subchapter IV, Chapter 34, Title 14 to Subchapter V, Chapter 34, Title 14, redesignating

present § 3435 as § 3447 of Subchapter V, Chapter 34, Title 14 and then making deletions as shown by strike through and insertions as shown by underline as follows:

§ ~~3435. Diamond State Scholarship.~~ 3447. Charles L. "Chuck" Hebner Scholarship awarded after July 1, 2022.

~~(a) *Purpose.* — It is the purpose of this program to award merit-based scholarships to Delaware students who have demonstrated academic excellence. The program is intended to serve as both an incentive and a reward for serious academic achievement.~~

~~(b) *Awards.* — (1)~~ (a) High school seniors who plan to enroll as full-time students at a degree-granting college during the academic year immediately following high school graduation and who meet application requirements established by the Office are eligible to apply.

(b) The amount of the award will be determined by the Office.

~~(2) Application requirements shall be established by the Office and may include grades, standardized test scores, participation in extra-curricular activities, essay questions and other indicators of achievement.~~

~~(3) Awards may be renewed for a total of 4 years of undergraduate study, provided the recipient meets renewal requirements established by the Office and communicated in writing at the time of the original award.~~

~~(4) If a student fails to meet the renewal requirements, eligibility for the scholarship is terminated. Attainment of qualifying grades in subsequent years will not qualify the student for reinstatement to the program.~~

~~(5)~~ (c) ~~Scholarships are provided for the purpose of meeting direct and indirect costs of higher education.~~ Where such education costs are nonexistent or reduced, as in the case of U.S. military academies, the Office may designate a particular student as a ~~Diamond State~~ Charles L. Hebner Scholar without monetary award or may reduce the value of the scholarship.

Section 3. Amend Subchapter IV, Chapter 34, Title 14 and Subchapter VII, Chapter 34, Title 14 of the Delaware Code by transferring § 3461, Subchapter VII, Chapter, 34, Title 14 to Subchapter IV, Chapter 34, Title 14 redesignating present § 3461 as § 3436 of Subchapter IV, Chapter 34, Title 14 and then making deletions as shown by strike through and insertions as shown by underline as follows:

§ ~~3461.~~ 3436. Critical need reimbursement program.

(a) Purpose. — It is the purpose of this program to increase the number of public school teachers with a standard certificate in their area of instruction. This will improve student achievement by enabling and encouraging those teachers to pursue education that will enable them to become fully certified and prepared to deliver high-quality instruction in state-approved critical ~~needs~~ need areas. This program will provide direct reimbursement to an institute of higher education or

Secretary of Education-approved Alternative Routes for Teacher Licensure and Certification Program for coursework taken during the academic year, which includes fall, winter, spring and summer sessions.

(b) Eligibility. — ~~(1) [Repealed.]~~

~~(2)~~ ~~Eligible teachers~~ Applicants must meet all of the following criteria:

~~a.~~ (1) ~~Are~~ Be full-time employees of a Delaware public school district or a charter school.

~~b.~~ (2) Teach on an emergency certification or a certificate of eligibility.

~~c.~~ (3) Teach in a critical need ~~areas~~ area as defined by the Department of Education.

~~1.~~ (c) The Department shall identify a list of critical ~~needs~~ need areas and publish the list on the Department's website annually.

~~2.~~ (d) Eligible institutions of higher education include any out-of-state regionally-accredited college or university, or Alternative Routes for Teacher Licensure and Certification Programs approved by the Delaware Secretary of Education and authorized to operate in Delaware.

~~(3), (4) [Repealed.]~~

~~(c), (d) [Repealed.]~~

(e) Reimbursements. —

(1) a. Reimbursement ~~shall~~ will be provided to eligible institutions and ~~for~~ programs identified in ~~subsection (b)~~ subsections (c) and (d) of this section for approved coursework that meets Department of Education requirements.

~~a.~~ b. For a full-time employee of a public school district or charter school teaching on an emergency certification or certificate of eligibility, up to 1 of the following per academic year:

1. Two noncredit-bearing seminars or workshops required for certification.

2. Up to 6 credits.

3. One noncredit-bearing seminar or workshop required for certification up to 1 3-credit course.

(2) Reimbursement funds shall be distributed to the institution of higher education upon course completion with a 2.0 or higher on a 4.0 scale for credit bearing courses or an equivalent passing grade in a noncredit-bearing course. Eligible institutions must verify enrollment and course grades prior to disbursement of funds.

(3) Funding may not exceed the cost of tuition and fees or the equivalent at the highest cost public institution in Delaware. If funding exceeds the appropriation, eligible institutions of higher education will be awarded funds in a prorated share of the applicant pool.

(4) The Department may set aside funds as available for teachers meeting these criteria as demand requires.

Section 4. Amend § 153, Title 14 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 153. Matriculation and academic promotion requirements.

(c) ~~The Department, by regulation, shall establish a program to recognize superior and proficient student performance on the assessments administered pursuant to § 151(b) and (c) of this title. Such a program for superior and proficient performance shall include: the award of certificates and plaques and the endorsement of student transcripts. The program shall also include the award of funds which may be used by students who demonstrate superior performance to defray the costs of post-secondary education. Scholarships awarded pursuant to this program shall be known as the Michael C. Ferguson Achievement Awards and shall be administered by the Delaware Higher Education Office. A maximum of 600 scholarships at $1,000 each may be awarded to students annually in the following manner: the students with the 150 highest scores on assessment or assessments in the state assessment system without reference to any other indicators of performances and the students with the 150 highest scores on assessment or assessments in the state assessment system who participate in free and reduced lunch programs in grades 8 and 10. The Department of Education will promulgate rules and regulations to implement this program.~~ The Department will promulgate rules and regulations for scholarships awarded through the Michael C. Ferguson Achievement Awards program prior to 2016. Unused funds will revert to the Scholarships fund for the Delaware Higher Education Office to allocate among the various programs under Chapter 34 of this title, with prior approval of the Secretary of Education, the Director of the Office of Management and Budget, and the Controller General, to meet state priorities, achieve program objectives, and respond to student demand.

Section 5. Amend Subchapter V, Chapter 34, Title 14 and Subchapter VII, Chapter 34, Title 14 of the Delaware Code by transferring § 3445 from Subchapter V, Chapter 34, Title 14 to Subchapter VII, Chapter 34, Title 14 redesignating present § 3445 of Subchapter V, Chapter 34, Title 14 as § 3463 of Subchapter VII, Chapter 34, Title 14 and then making deletions as shown by strike through and insertions as shown by underline as follows:

§ ~~3445.~~ 3463. Ivyane D.F. Davis Memorial Scholarship Fund.

(a) *Purpose.* — It is the intent and purpose of the General Assembly through this section to provide scholarships in memory of Ivyane D.F. Davis, who died February 7, 1989, to deserving Delaware ~~residents~~ students who have ~~been placed under~~ experienced foster care in Delaware, and to this end there hereby is established the Ivyane D.F. Davis Memorial Scholarship Fund.

(b) *Administration.* — (1) Notwithstanding any other provision to the contrary, this scholarship fund shall be administered by the Child Protection Accountability ~~Committee ("Committee").~~ Commission (Commission) with staffing from the Office of the Child Advocate.

(2) The ~~Committee~~ Commission shall adopt such rules and regulations as it deems necessary and proper to administer the provisions of this scholarship fund.

(3) The ~~Committee~~ Commission shall ~~annually report to the General Assembly of the State~~ include in its annual summary to the Governor and the General Assembly, as required by § 931(b)(6)a. of Title 16, the number of recipients of scholarships, the institutions attended by said recipients, the total of expenditures made under this scholarship fund, and such other information as it deems ~~useful for members of the General Assembly.~~ useful. The summary may not include identifying or confidential information on scholarship recipients.

(c) *Eligibility.* — Scholarships awarded under this scholarship fund ~~shall be~~ are available to applicants who have been residents of Delaware for at least 1 year immediately preceding the application and who ~~were~~ at any time ~~under~~ experienced foster care in Delaware, and who have been accepted at or who are attending an institution of higher learning or trade school.

(d) *Scholarship awards.* — (1) The ~~Committee~~ Commission shall award ~~up to 50~~ Ivyane D.F. Davis Memorial Scholarships ~~annually,~~ subject to General Assembly appropriations and private donations to and interest earned on proceeds of the scholarship fund created under this section.

(2) The Commission may establish maximum and minimum awards. Scholarship awards ~~shall~~ may not exceed the amount set by the ~~Committee.~~ Commission.

(3) Scholarships may be renewed upon application by recipients on an annual basis if the ~~Committee~~ Commission is satisfied that the recipient is making satisfactory academic or vocational progress.

(4) Selection of scholarship recipients shall be based on such criteria, established by the ~~Committee,~~ Commission, as academic achievement, community service, participation in extracurricular ~~activities~~ activities, and promise of success in the institution of higher learning or vocational courses selected by applicants.

(e) *Creation of Ivyane D.F. Davis Memorial Scholarship Fund.* — (1) The Ivyane D.F. Davis Memorial Scholarship Fund ("Fund") is hereby created.

(2) Funding shall be appropriated by the General Assembly as a separate programmatic line to be expended in accordance with the needs of the recipients.

~~(2)~~ (3) The ~~Committee is authorized to~~ Commission may accept donations from private individuals and organizations for deposit in the Fund.

~~(3)~~ (4) ~~A portion of the Fund, not to exceed one-half of the Fund's principle and interest,~~ The Fund may be used ~~to assist the Division of Family Services in obtaining~~ as the state required match for federal Chafee Educational and Training ~~Vouchers funding;~~ Vouchers; provided, that the ~~Committee~~ Commission or the Office of the Child

Advocate is authorized, by regulation, contract, or memorandum of understanding with the ~~Division of Family Services,~~ Department of Services for Children, Youth and Their Families, to administer the funding obtained; and further provided, that the portion of the Fund used to obtain the funding is utilized in accordance with the purpose and intent of this section.

~~(4)~~ (5) Except as provided in ~~the preceding subsection,~~ paragraph (e)(4) of this section, all appropriations from the General Assembly to the Fund shall be used solely for the award of scholarships as provided under this section.

Section 6. Amend § 931, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and redesignating accordingly:

§ 931. The Child Protection Accountability Commission.

(b) The Commission is designated as a "citizen review panel" as required under the federal Child Abuse Prevention and Treatment Act, 42 U.S.C. § 5106a(c) and the "state task force" as required under the federal Children's Justice Act, 42 U.S.C. § 5106c(c). The Commission may delegate tasks to its committees, workgroups, and panels as necessary to accomplish its duties. The Commission's purpose is to monitor Delaware's child protection system to best ensure the health, safety, and well-being of Delaware's abused, neglected, and dependent children. To that end, the Commission shall meet on a quarterly basis and shall:

(10) Administer the Ivyane D.F. Davis Scholarship Fund as required by § 3463 of Title 14 and the federal Chafee Educational and Training Vouchers as requested by the Department of Services for Children, Youth and Their Families.

(c) The Child Advocate shall serve as the Executive Director of the Commission, and the Office of the Child Advocate shall provide staff support to the Commission. The Office of the Child Advocate shall assist the Commission in investigating and reviewing the deaths or near deaths of abused or neglected children under § 932 of this ~~title,~~ title and in administering scholarship funds, in addition to performing any other duties assigned by the Commission. The Child Advocate shall hire employees or contract for services as necessary to assist the Commission in performing its duties under this subchapter, within the limitations of funds appropriated by the General Assembly or obtained from other sources.

Section 7. Amend §9005A, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 9005A. Duties of the Child Advocate.

The Child Advocate shall perform the following duties:

(13) Provide staff support to the Commission, including assisting the Commission, its committees, and panels in investigating and reviewing the deaths or near deaths of abused or neglected ~~children.~~ children and in administering scholarship funds.

Section 8. Amend Chapter 11A, Title 14 and Chapter 34, Title 14 of the Delaware Code by transferring Chapter 11A, Title 14 to Subchapter IV, Chapter 34, Title 14, redesignating present §§ 1101A through 1111A of Chapter 11A, Title 14 as §§ 3437(a) through 3437(k) of Chapter 34, Title 14 and then making deletions as shown by strike through and insertions as shown by underline as follows and redesignating accordingly:

§ 3437. High needs educator student loan payment program.

~~§ 1101A.~~ (a) Establishment; statement of purpose.

~~(a)~~ (1) 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)~~ (2) 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)~~ (3) The application prescribed and policies adopted pursuant to this ~~chapter~~ section shall be available on the ~~Department's~~ Office's website.

~~§ 1102A. Definitions.~~ (b) As used in this section:

~~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:~~

(1) "Award" means the ~~Department's~~ Office's decision to make a loan payment on an applicant's behalf.

~~(2) "Department" means the Delaware Department of Education.~~

~~(3)~~ (2) "Educator" ~~shall have the meaning set forth in~~ means as defined in § 1202 of this title. ~~The definition of "educator" also~~ "Educator" includes teachers employed by the Delaware Division for the Visually Impaired who teach ~~visually impaired students.~~ students with visual impairment.

~~(4)~~ (3) "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.

~~(5)~~ (4) "High needs area" ~~means:~~ means any of the following:

a. ~~Any~~ A certification ~~field the Department~~ area the Office has identified as being difficult to staff or of critical ~~need, or~~ need.

b. ~~Any~~ A school ~~either:~~ in

~~1. In~~ the top quartile in 3 or more of the following:

~~A.~~ 1. Percentage of low-income ~~students,~~ students.

~~B.~~ 2. Percentage of English ~~learners,~~ learners.

~~C.~~ 3. Percentage of students with ~~disabilities, or~~ disabilities.

~~D.~~ 4. Percentage of minority ~~students; or~~ students.

~~2.~~ c. A school with ~~Having~~ 90% of its students classified as low-income, English learners, or minority.

~~e.~~ d. Any facility operated by the Department of Services for Children, Youth and their Families in which education programs are provided.

~~(6)~~ (5) "Loan payment" means a payment by the ~~Department~~ Office to a successful applicant's lending agency to retire a portion of the applicant's qualified educational loan.

~~(9)~~ (8) "Program" means the High Needs Educator Student Loan Payment Program established in this ~~chapter.~~ section.

~~(12) "Secretary" means the Delaware Secretary of Education.~~

~~§ 1103A.~~ (c) ~~Funding~~ 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.~~ (d) Eligibility for ~~Program~~ Program. In order to qualify to participate in the Program, all of the following must apply:

(4) ~~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.~~ The individual has not had an ineffective evaluation on the State's current evaluation system or the equivalent thereof on a state-approved alternative educator evaluation system.

~~§ 1105A.~~ (e) Application

~~(a)~~ (1) The application to participate in the Program shall require the applicant to certify that they meet the eligibility requirements of ~~§ 1104A of this title.~~ subsection (d) of this section. The application shall otherwise be in the form prescribed by the ~~Department.~~ Office.

~~(b)~~ (2) The applicant must submit a new, completed application each year, along with any additional information the ~~Department~~ Office may request in accordance with program regulations.

~~§ 1106A.~~ (f) Decision and disbursement

~~(a)~~ (1) The ability to make awards each year is contingent upon the availability of funds.

~~(b)~~ (2) If possible, the ~~Department~~ Office shall make an award to every applicant who satisfies the requirements of this ~~chapter,~~ section, consistent with the limitations established in ~~§ 1107A of this title.~~ subsection (g) of this section.

~~(c)~~ (3) Where there are insufficient funds to make an award to every applicant who satisfies the requirements of this ~~chapter, the Secretary~~ section, the Office shall give priority to applicants who meet either of the following criteria:

~~(1)~~ a. Applicants employed in both a certification ~~field~~ area and a school that the ~~Department~~ Office has identified as a high needs area as defined in ~~§ 1102A(5)b. of this title; or~~ paragraph (b)(4) of this section.

~~(2)~~ b. Applicants having the greatest financial need.

~~(d)~~ (4) The applicants having the greatest financial need shall be determined in the sole discretion of the ~~Secretary. The Secretary~~ Office. The Office 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:~~ Office:

~~(1)~~ a. The applicant's ~~income;~~ income.

~~(2)~~ b. The applicant's spousal ~~income;~~ income.

~~(3)~~ c. The number of the applicant's ~~dependents; and~~ dependents.

~~(4)~~ d. The total amount of the applicant's qualified educational loans.

~~(e)~~ (5) The ~~Secretary shall have~~ Office has the sole discretion to prioritize applications and determine awards consistent with the requirements of ~~subsections (b) and (c)~~ paragraphs (f)(2) and (3) of this section.

~~(f)~~ (6) The ~~Department~~ Office shall make a loan payment directly to the applicant's lending agency on behalf of the applicant.

~~(g)~~ (7) An applicant may receive only 1 award per year, and may receive no more than 5 awards in ~~their~~ the applicant's lifetime.

~~§ 1107A.~~ (g) Amount of ~~award~~ award. An award under this ~~chapter~~ section 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 § 1102A(5)b. of this title,~~ defined as high needs under subsection (b) of this section, must be employed in the same school for which they are applying for the award.

~~§ 1108A. Rules and regulations~~

(h) ~~The Department shall adopt implementing rules and regulations.~~ The Department of Education through the Delaware Higher Education Office is authorized to adopt rules and regulations to implement this section, subject to the

State Board of Education's approval. The ~~Department~~ Office may adopt rules and regulations that refine or narrow eligibility requirements or high needs areas, but in no event shall the ~~Department~~ Office expand the pool of educators who may receive an award beyond the limits set forth in this ~~chapter.~~ section.

~~§ 1109A.~~ (i) Penalties. If ~~it becomes apparent that~~ an applicant knowingly ~~submitted~~ submits false information or ~~committed~~ commits fraud in connection with the application process, the ~~Department~~ Office 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~~ Department of Justice through an action at law.

~~§ 1110A.~~ (j) Annual reporting

~~(a)~~ (1) Each fiscal year, the ~~Department~~ Office shall report to the chairs of the House and Senate Education Committees of the General Assembly all of the following summary data, which shall be de-identified to the greatest extent possible:

~~(1)~~ a. The aggregate number of educators who applied for an ~~award;~~ award.

~~(2)~~ b. The aggregate number of educators who received an ~~award;~~ award.

~~(3)~~ c. The races or ethnicities represented by educators who applied for an ~~award;~~ award.

~~(4)~~ d. The races or ethnicities represented by educators who received an ~~award;~~ award.

~~(5)~~ e. The certification areas of educators who applied for an ~~award;~~ award.

~~(6)~~ f. The certification areas of educators who received an ~~award;~~ award.

~~(7)~~ g. The average amount of an award to an educator pursuant to the ~~Program;~~ Program.

~~(8)~~ h. 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;~~ students.

~~(9)~~ i. 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~~ students

~~(10)~~ j. Other summary data identified by the ~~Secretary~~ Office as outcome indicators.

(b) The summary data required to be provided under ~~subsection (a)~~ paragraph (j)(1) of this section shall be included with the annual report provided to the General Assembly pursuant to ~~§ 3402(q)~~ § 3402 of this title.

~~§ 1111A.~~ (k) ~~Severability~~ If any provision of this ~~chapter~~ section 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~~ circumstance other than those as to which it is held invalid, shall not be affected.

Section 9. Amend § 2722, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows

§ 2722. Plans Management Board.

(a) *Establishment; purposes.* — There is hereby established the Plans Management Board (the "Board"). The Board's purpose shall be to administer the ~~College Investment~~ DE529 Education Savings Plan established pursuant to subchapter XII, Chapter 34 of Title 14, the Delaware Achieving a Better Life Experience Program established pursuant to Chapter 96A of Title 16, and the Deferred Compensation Program established pursuant to Chapter 60A of this title (collectively, "the Plans"), in each case, in accordance with the individual purposes of each of the Plans.

(d) *Standard of care.*

(2) With respect to the ~~College Investment~~ DE529 Education Savings Plan ("Plan") and Delaware Achieving a Better Life Experience Program ("Program"), the Board, its subcommittees, and each of their members shall discharge their duties with respect to the Plan and Program in accordance with the implementing Plan and Program trust documents and applicable law. When investing, managing, or using trust assets, the Board, its subcommittees, and each of their members shall act with the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use to attain the purposes of the Plan and Program. The Board may authorize the use of administrative fees from the Plan and Program to defray reasonable expenses of administering each Plan and Program, including marketing expenses, and to fund scholarship, match, or promotional programs as the Board, in its discretion, may establish.

Section 10. Amend § 1172, Title 30 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1172. Procedures for contributions to the ~~Delaware College Investment~~ DE529 Education Savings Plan.

(a) The Secretary of Finance shall provide on the Delaware income tax return a means by which an individual claiming and entitled to a refund on such return may elect to have the amount of such refund deposited into an existing ~~Delaware College Investment~~ DE529 Education Savings Plan account established pursuant to subchapter XII of Chapter 34 of Title 14.

Section 11. This Act takes effect on July 1, 2022.

SYNOPSIS

This Act amends the Delaware Code relating to financial assistance for education in order to promote and support the state's high demand career fields and reduce student debt for Delaware residents. The Act clarifies the Delaware Higher Education Office's role in administering programs. Professional incentive scholarship loan programs will generally

be replaced with the career-based scholarship program and the educator support scholarship and mental health services scholarship programs will be established. In addition, a loan repayment program is created for speech-language pathology and mental health professions to attract and retain these professionals in Delaware schools. Career-based and educator support scholarships will be made to Delaware students who intend to pursue careers in specific fields identified as areas of need in Delaware. Academic scholarships will be awarded to Delaware students in memory of elected officials and other distinguished citizens. Need-based scholarships will be awarded to Delaware students so that they will not be denied the opportunity of an education because of financial need.

The Act also clarifies the programs that are not administered by the Delaware Higher Education Office. The Education Endowment Fund and the Michael C. Ferguson Achievement Awards will be repealed because they are no longer funded. The Delaware College Investment Plan has been renamed the DE529 Education Savings Plan, and conforming changes are made to other parts of the Code. The Ivyane D. F. Davis Memorial Scholarship program is updated.