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HOUSE OF REPRESENTATIVES
152nd GENERAL ASSEMBLY

HOUSE BILL NO. 23

AN ACT TO AMEND TITLE 14 AND TITLE 29 OF THE DELAWARE CODE RELATING TO ADMINISTRATION
OF HIGHER EDUCATION FINANCIAL ASSISTANCE PROGRAMS FOR STUDENTS WHO EXPERIENCED
FOSTER CARE.

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

1 Section 1. Amend § 3463, Title 14 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 3463. Ivyane D.F. Davis Memorial Scholarship Fund.

4 (c) Eligibility. —

5 Scholarships awarded under this scholarship fund are available to applicants who ~~have been residents of Delaware~~
6 ~~for at least 1 year immediately preceding the application and who~~ at any time experienced foster care in Delaware, and who
7 have been accepted at or who are attending an institution of higher ~~learning~~ education or trade school. Scholarships may
8 also be awarded for preparatory courses for standard admission tests required for higher education or trade school.

9 (d) Scholarship awards. —

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

13 (5) In cases where more than 1 applicant are judged to be equally qualified for scholarships, financial need
14 shall be considered in establishing priorities for the award of available scholarships.

15 (6) ~~Funds disbursed under this scholarship fund shall be disbursed on an annual or semiannual basis and shall~~
16 ~~be disbursed to the institution or school which a recipient attends, not directly to the student. Scholarships awarded~~
17 under this section may not be used to reduce the amount of any waiver provided under subchapter XVII of Chapter 34
18 of this title, Fostering Independence Through Education Tuition Waiver.

19 (e) Creation of Ivyane D.F. Davis Memorial Scholarship Fund. —

(5) Except as provided in 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. Scholarships are provided for the purpose of meeting direct and indirect educational expenses.

Section 2. Amend § 3432A, Title 14 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3432A. Definitions.

As used in this subchapter:

(1) “Department” means the Department of Services for Children, Youth & Their Families.

(2) “Eligible costs” means tuition and all mandatory fees relating to attendance at the institution. Where the institution offers room and board to its students, eligible costs ~~includes~~ include on-campus housing and a standard meal plan, which shall be made available to waiver recipients year-round, so long as the waiver recipient is registered for a sufficient number of credits in the spring and fall semesters to be eligible for on-campus housing.

(3) “Fostering independence waiver” or “waiver” means ~~the Delaware Fostering Independence Through Education Tuition Waiver Program established under this subchapter.~~ a waiver of tuition under the Program.

(4) “Institution of higher education” or “institution” means University of Delaware, Delaware State University, and Delaware Technical and Community College.

(5) “Office” means the Office of the Child Advocate.

(6) “Program” means the Delaware Fostering Independence Through Education Tuition Waiver Program established by this subchapter.

Section 3. Amend § 3433A, Title 14 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3433A. Delaware Fostering Independence Through Education Tuition Waiver Program.

(a) This subchapter establishes the Delaware Fostering Independence Through Education Tuition Waiver Program (“Program”).

(b) ~~Beginning in the spring semester of 2022, an institution of higher education shall award a fostering independence waiver for undergraduate courses at the institution for each individual who is eligible under this section. The amount of the waiver shall be total eligible costs of attending the institution, less any grants or scholarships the individual receives. The waiver shall be awarded for up to 5 years if the individual is enrolled full-time. An institution of higher education shall award a fostering independence waiver for undergraduate courses at the institution for each student who is eligible under this section.~~

(c) ~~In order to~~ To receive a fostering independence waiver under this section, an individual a student must be a current resident of this State, under the age of ~~27~~, 26, and meet 1 of the following:

(1) ~~Eligible~~ Be eligible for the Delaware Chafee Education and Training Voucher program.

(2) ~~Spent~~ Have 12 or more months in the custody of the Department when the ~~individual~~ student was between the ages of 14 and 18.

(d) The amount of the waiver is for total eligible costs of attending the institution, less any grants or scholarships the student receives.

(1) The institution of higher education may not apply any loans toward the eligible costs of attendance. Loans may only be applied to costs that exceed the eligible costs of attendance.

(2) Ivyane Davis Scholarships and Chafee Education and Training Vouchers administered by the Office may not be included as grants or scholarships, and must instead be applied to any direct or indirect costs in excess of the waiver.

(e) The waiver covers eligible costs for winter and summer courses if offered by the institution. This includes Delaware State University's Summer Academy regardless of a student's admission status.

(f) The waiver covers eligible costs for students whether enrolled full time or part time.

(1) If continuously enrolled full time, the student is eligible for the waiver for up to 5 years, until the student earns a bachelor's degree, or until the student reaches the age of 26, whichever occurs first.

(2) If at any time the student is enrolled part time, the student is eligible for the waiver until the student reaches the age of 26 or the student earns a bachelor's degree, whichever occurs first.

Section 4. Amend § 3434A, Title 14 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3434A. Administration of the Program.

(a) ~~Each institution of higher education shall designate an appropriate staff person as the point of contact for students eligible for the Program. Contact information for the point of contact must be posted on the publicly accessible internet website of the institution of higher education.~~

(b) ~~The point of contact, and staff designated to assist the point of contact, shall do all of the following:~~

(1) ~~Assist students in obtaining verification of eligibility for the Program from the courts, the Department, and any other relevant agency.~~

(2) ~~Assist individuals who are eligible for the Program to access available federal and state financial aid resources and identify further scholarship and grant opportunities.~~

80 (3) ~~Serve as the primary contact for all individuals eligible for the Program who are applying to or attending~~
81 ~~the institution.~~

82 (4) ~~Provide individuals eligible for the Program with information and referrals for on-campus support services~~
83 ~~and resources, including admissions, housing financial aid, health, mental health, tutoring, career, academic advising~~
84 ~~and other services.~~

85 (5) ~~Provide individuals eligible for the Program with information and referrals for available off-campus~~
86 ~~support services, including transitional housing and medical insurance and services.~~

87 (e) ~~Each institution of higher education shall report by April 1 each year to the Controller General and the Office~~
88 ~~of Management and Budget the number of students who are receiving a waiver pursuant to this subchapter.~~

89 (a) The Office shall administer the Program. The Office shall coordinate with the Department and each institution
90 of higher education to provide resources and assistance to eligible students and to achieve the purposes of the Program.

91 (b) In implementing the Office's role in administering the Program, the Office shall do all of the following:

92 (1) Serve as the primary contact for students participating in the Program.

93 (2) Coordinate eligibility verification for the Program.

94 (3) Assist eligible students with identifying additional direct and indirect costs of higher education to
95 determine whether any additional sources of funding are required.

96 (4) Coordinate with the Department and each institution of higher education to ensure the institution has
97 policies and procedures in place for application of the waiver, scholarships and grants, and any additional costs and
98 fees, as well as housing and food access during school breaks for students eligible for on-campus housing.

99 (5) Coordinate with the Department and the Department's contracted independent living providers to assist
100 students in addressing issues related to participation in the Program.

101 (6) Maintain a record of students participating in the Program and coordinate with each institution of higher
102 education to report by April 1 of each year to the Controller General and the Office of Management and Budget the
103 number of students who are receiving a waiver under this subchapter.

104 (7) Include in the Office's annual summary to the Governor and the General Assembly, as required by §
105 9005A(11) of Title 29, the number of recipients of the tuition waiver, the institutions attended by the recipients, and
106 such other information as the Office deems useful. The summary may not include identifying or confidential
107 information on recipients.

108 (8) Adopt rules and regulations as the Office deems necessary and proper to administer the Program.

109 (c) In implementing the role of the institutions of higher education in administering the Program, each institution
110 of higher education shall designate an appropriate staff person to serve as the point of contact for the Office and for students

participating in the Program who are attending the institution. The point of contact, and staff designated to assist the point of contact, shall do all of the following:

(1) Ensure contact information for the point of contact is posted on the publicly accessible internet website of the institution of higher education.

(2) Assist students with obtaining verification of eligibility for the Program from the Office.

(3) Assist eligible students to access available federal and state financial aid resources and identify further scholarship and grant opportunities. Notwithstanding this paragraph (c)(3), the institution of higher education shall coordinate with the Office before any eligible student applies for or receives loans.

(4) Provide students participating in the Program with information and referrals for on-campus and off-campus support services and resources.

(5) Maintain a record of students participating in the Program and provide those records to the Office so the Office may comply with paragraph (b)(6) of this section.

Section 5. 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:

(17) Administer the Delaware Fostering Independence through Education Tuition Waiver Program under subchapter XVII of Chapter 34 of Title 14.

SYNOPSIS

This Act does the following:

(1) Makes amendments to the administration of the Ivyane Davis Memorial Scholarship Fund by removing disbursement requirements to allow more flexibility to scholarship recipients, and clarifying that scholarship funds may be used for direct or indirect educational expenses and may not be used to reduce the amount of a waiver under the Delaware Fostering Independence Through Education Tuition Waiver Program. The Act also removes the 1 year residency requirement preceding application for the scholarship.

(2) Makes amendments to the administration of the Delaware Fostering Independence Through Education Tuition Waiver Program by codifying responsibility for administering the program with the Office of the Child Advocate ("Office"), and clarifying the responsibilities of the Office and those of the institutions of higher education. The Act clarifies that the waiver applies to both full-time and part-time students and summer and winter classes. The Act also lowers the maximum age of eligibility from 26 to 25, to bring this Program into alignment with the requirements of the Chafee Educational and Training Voucher program. Finally, the Act mandates that Ivyane Davis Scholarships and Chafee Education and Training Vouchers may not be applied to reduce the amount of the waiver and that students eligible for waivers may not apply for or take out loans to reduce the amount of the waiver.

(3) Amends the Office of the Child Advocate's duties outlined in § 9005A of Title 29 of the Delaware Code to include administration of the Fostering Independence Through Education Tuition Waiver Program.

(4) Makes technical corrections for uniformity of language and to conform existing law to the standards of the Delaware Legislative Drafting Manual.