



SPONSOR: Rep. K. Williams & Sen. Poore  
Reps. Baumbach, Kowalko, Mitchell, M. Smith, Viola;  
Sens. Bushweller, Delcollo, Henry, McDowell,  
Richardson, Sokola, Walsh

HOUSE OF REPRESENTATIVES  
149th GENERAL ASSEMBLY

HOUSE BILL NO. 326

AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO THE DELAWARE ADVANCE SCHOLARSHIP PROGRAM.

1 WHEREAS, the Higher Education Opportunity Act of 2008 authorized comprehensive transition and  
2 postsecondary programs as a pathway to higher education for students with intellectual disabilities, who had historically  
3 been excluded from postsecondary education; and

4 WHEREAS, the Delaware Student Excellence Equals Degree Act, Subchapter XIV of Chapter 34 of Title 14 , and  
5 the Delaware State Inspire Scholarship Act, Subchapter XV of Chapter 34 of Title 14, provide tuition support for eligible  
6 Delaware students; and

7 WHEREAS, the General Assembly finds that providing the opportunity to attain a college credential can be an  
8 effective strategy for students with intellectual disabilities to successfully achieve competitive employment; and

9 WHEREAS, the General Assembly finds that providing the opportunity for Delaware students with intellectual  
10 disabilities to achieve a college credential will promote their economic self-sufficiency and result in demonstrable  
11 economic benefits to the State in the form of a more diverse, well-prepared workforce that is less reliant on government  
12 support; and

13 WHEREAS, Delaware students with intellectual disabilities who have the opportunity to pursue a college  
14 credential will be well prepared for full participation and greater independence in the community.

15 NOW, THEREFORE:

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

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

19 SUBCHAPTER XVI. THE DELAWARE ADVANCE SCHOLARSHIP ACT.

20 § 3421A. Purpose.

21 Under this subchapter, qualified, state-resident students with intellectual disabilities are eligible for grants to pay  
22 tuition at institutions of higher education in this State to pursue studies leading to a recognized credential. It is the intent

23 and purpose of the General Assembly, through this subchapter, to help ensure that students with intellectual disabilities in  
24 this State have the same opportunities as their peers without disabilities to excel academically and pursue higher education  
25 regardless of financial circumstances. Therefore, payments under this program are grants, not loans.

26 § 3422A. Definitions.

27 As used in this subchapter:

28 (1) “Academic year” means the 3 consecutive academic semesters beginning with the fall semester.

29 (2) “Full-time” means a minimum of 24 credit hours or 300 clock hours in each academic year.

30 (3) “CTP Program” means a federally-approved comprehensive transition and postsecondary program, under  
31 34 CFR § 668.232, for students with intellectual disabilities that leads to a degree, certificate, non-degree, or non-  
32 certificate credential that, in accordance with 34 CFR § 668.231, meets all of the following:

33 a. Is offered by a participating institution.

34 b. Is delivered to students physically attending the institution.

35 c. Is designed to support students with intellectual disabilities who are seeking to continue academic,  
36 career and technical, and independent living instruction at an institution of higher education in order to prepare for  
37 gainful employment.

38 d. Includes an advising and curriculum structure.

39 e. Requires students with intellectual disabilities to have at least one-half of their participation in the  
40 program, as determined by the institution, focus on academic components through 1 or more of the following  
41 activities:

42 1. Taking credit-bearing courses with students without disabilities.

43 2. Auditing or otherwise participating in courses with students without disabilities for which the  
44 student does not receive regular academic credit.

45 3. Taking non-credit-bearing, non-degree courses with students without disabilities.

46 4. Participating in internships or work-based training in settings with individuals without disabilities.

47 f. Provides students with intellectual disabilities opportunities to participate in coursework and other  
48 activities with students without disabilities.

49 (4) “Institution” means the University of Delaware or another state-funded institution of higher education in  
50 this State that offers a CTP Program.

51           (5) “Student with an intellectual disability” means a student with a cognitive impairment characterized by  
52           significant limitations in cognitive functioning and adaptive behavior as expressed in conceptual, social, and practical  
53           adaptive skills who meets 1 or both of the following:

54           a. Is currently, or was formerly, eligible for special education and related services under the Individuals  
55           with Disabilities Education Act (IDEA), including a student who was determined eligible for special education or  
56           related services under the IDEA but was home-schooled or attended private school.

57           b. Is eligible for services from the Division of Developmental Disabilities Services.

58           § 3423A. Delaware Advance Scholarship Program; establishment; administration; report.

59           (a) This subchapter establishes the Delaware Advance Scholarship Program.

60           (b) An institution at which a student is enrolled or has sought admission shall administer this subchapter for the  
61           institution.

62           (c) An institution under subsection (b) of this section shall adopt rules and regulations as it deems necessary and  
63           proper for the administration of this subchapter.

64           (1) The institution may include in its rules and regulations an appeals process to grant exceptions to the  
65           eligibility requirements set forth in § 3424A of this title for applicants who are unable to attend classes in the fall  
66           semester immediately after graduation from high school due to a documented medical or mental condition.

67           (2)a. If an institution adopts an appeals process under paragraph (c)(1) of this section, the institution may offer  
68           an admission deferral of up to 1 calendar year in duration to a student who seeks to defers admission due to a  
69           documented medical or mental condition.

70           b. An institution may grant a student who was offered an admission deferral under paragraph (c)(2)a. of  
71           this section an additional admission deferral of up to 1 calendar year in duration if the student seeks the additional  
72           deferral due to a documented medical or mental condition.

73           (d) An institution shall annually report to the Controller General the number of students enrolled in the Delaware  
74           Advance Scholarship Program and the total amount of expenditures made under this subchapter.

75           § 3424A. Initial eligibility.

76           (a) A student must meet all of the following to be eligible to participate in the Delaware Advance Scholarship  
77           Program and to qualify for a grant to pay tuition by the State under this subchapter for the first semester or other academic  
78           unit of post-secondary enrollment at an institution:

79           (1) Be under 25 years of age.

80           (2) Be a student with an intellectual disability.

81           (3) Meet the state residency requirements in the institution's residency policy.

82           (4) Be enrolled at the institution on a full-time, credential-seeking basis or be seeking a credential through the  
83 institution's academic accommodation policy.

84           (5) Not have a felony conviction. The student must certify this fact. If the student is unable to so certify,  
85 whether due to minority or disability, the student's parent, legal guardian, or relative caregiver shall make this  
86 certification on the student's behalf.

87           (6) Have applied for all appropriate forms of financial aid for which the student is eligible including the  
88 Federal Pell Grant, financial aid programs administered by the Delaware Higher Education Office, and financial aid  
89 programs administered by the institution, and have accepted all such financial assistance offered or awarded to the  
90 student, except for loans.

91           (7) Have graduated from a public or nonpublic high school in this State with a certificate of completion or  
92 diploma as indicated on the student's official high school transcript.

93           (8) Meet the institution's admission standards.

94           (9) Be admitted and attend classes at the institution no later than 2 years after the student's completion of high  
95 school.

96           (b) An institution shall create and implement its own equivalency standards for paragraphs (a)(7) and (a)(9) of this  
97 section in establishing eligibility of home-schooled students of this State for grants under this subchapter.

98           (c) Notwithstanding other provisions of this subchapter, the provisions of paragraphs (a)(7) and (a)(9) of this  
99 section do not apply to any of the following:

100           (1) A student who is a resident of this State and who acquired an intellectual disability within the  
101 developmental period between the ages of 18 and 21.

102           (2) A student who has lived in foster care under the jurisdiction of the Department of Services for  
103 Children, Youth, and Their Families at any point between the ages of 16 and 18, whether placed within this State  
104 or outside the State.

105           § 3425A. Grant awards.

106           (a) An institution shall establish and implement its own procedures to award grants to students who meet the  
107 eligibility requirements of this subchapter, subject to appropriations for such purpose.

108           (b)(1) An institution's procedures under subsection (a) of this section must include a procedure to determine  
109 priority among students if the amount of grants requested by students who meet the eligibility requirements of this  
110 subchapter exceeds the appropriation.

111 (2) An institution's procedure under paragraph (b)(1) of this section may include consideration of financial  
112 need and academic achievement.

113 (c) An institution's grant awards may not exceed the available appropriation for each fiscal year.

114 (d) Beginning with the 2018 through 2019 academic year, an institution shall disburse its grant awards as follows:

115 (1) A student who meets the eligibility requirements of this subchapter and who is not receiving any other  
116 financial assistance specifically designated for tuition and other regularly assessed fees, not including loans, may  
117 receive a grant equal to the full amount of tuition charged by the institution.

118 (2) A student who meets the eligibility requirements of this subchapter and who is receiving other financial  
119 assistance specifically designated for tuition and other regularly assessed fees may receive a grant in the amount of the  
120 difference between the amount of tuition charged by the institution and the amount of the other financial assistance  
121 available to the student.

122 (3)a. If a student meets the eligibility requirements of this subchapter, an institution may renew a grant made  
123 under this subchapter.

124 b. Notwithstanding paragraph (d)(3)a. of this section, the total amount of grants awarded under this  
125 subchapter to a student over the course of a student's education may not exceed the total amount of grants awarded  
126 to a student under Subchapter XIV, Chapter 34 of this title over the course of that student's education.

127 (e) If, as a result of applying for federal and state student financial aid, or through other means, it becomes  
128 apparent that deliberate fraud was involved in the application process, the institution may reevaluate the student's eligibility  
129 for grant assistance, and may withdraw a grant award. The State may recover a grant award made as the result of deliberate  
130 fraud through an action at law.

131 (f) A student may not use grants awarded under this subchapter for courses or other post-secondary units repeated  
132 or taken in excess of the requirements for completion of the program credential.

133 § 3426A. Maintaining eligibility.

134 (a) A student must meet all of the following to maintain eligibility for grants under this subchapter once enrolled at  
135 an institution:

136 (1) Make steady academic progress toward a credential, earning not less than the minimum number of clock  
137 or credit hours required for full-time standing in each academic year.

138 (2) Maintain continuous enrollment for not less than 2 semesters in each successive academic year, unless  
139 granted an exception for cause by the institution.

140           (3) Maintain satisfactory academic progress in accordance with the institution’s financial aid policy, unless  
141 granted an exception for cause by the institution.

142           (4) Not have a felony conviction. The student must certify this fact. If the student is unable to so certify,  
143 whether due to minority or disability, the student’s parent, legal guardian, or relative caregiver shall make this  
144 certification on the student’s behalf.

145           (b)(1) A student who meets the eligibility requirements of this subchapter may participate in the Delaware  
146 Advance Scholarship Program for a period not to exceed 6 continuous semesters, not including any summer semester.

147           (2) Notwithstanding paragraph (b)(1) of this section, a student may not take more than 5 years to attain a  
148 credential.

149           (c) Notwithstanding other provisions of this subchapter, subsection (b) of this section does not apply to any of the  
150 following:

151           (1) A student who is a resident of this State and who acquired an intellectual disability within the  
152 developmental period between the ages of 18 and 21.

153           (2) A student who has lived in foster care under the jurisdiction of the Department of Services for Children,  
154 Youth, and Their Families at any point between the ages of 16 and 18, whether placed within this State or outside the  
155 State.

156           § 3427A. Disbursement.

157           (a) Funds awarded under this subchapter are to be disbursed on a semester by semester basis upon receipt of  
158 enrollment verification.

159           (b) A disbursement of funds on behalf of a student under this subchapter may not exceed the tuition charged by the  
160 institution at which the student is enrolled.

161           § 3428A. Additional responsibilities.

162           (a) An institution participating in the Delaware Advance Scholarship Program shall develop, promote, and  
163 coordinate a public awareness program to inform students and parents of the Delaware Advance Scholarship Program.

164           (b) The Department of Education shall ensure that every school district, and each charter and nonpublic high  
165 school, designates at least one Delaware Advance Scholarship Program contact person, who must be a counselor, teacher,  
166 or transition coordinator at each high school in this State.

SYNOPSIS

This Act creates the Delaware Advance Scholarship Program (“Program”). The goal of this Act is to encourage Delaware students with intellectual disabilities to pursue studies for a comprehensive certificate or degree at a Delaware institution of higher education in order to promote economic self-sufficiency. This will result in an economic benefit to the State in the form of a more diverse, well-prepared workforce that is less reliant on government support. This Act follows

the Higher Education Opportunities Act of 2008, which authorizes comprehensive transition and post-secondary programs as a pathway to higher education for students with intellectual disabilities. The Program will be effective beginning in the 2018 through 2019 academic year.