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Cook, DeLuca, Sokola, Sorenson, Winslow

HOUSE OF REPRESENTATIVES

141st GENERAL ASSEMBLY

HOUSE BILL NO. 246

AS AMENDED BY

HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO FINANCIAL ASSISTANCE FOR HIGHER EDUCATION AND THE EDUCATIONAL BENEFITS FOR CHILDREN OF DECEASED VETERANS AND OTHERS.

1 WHEREAS, the State's student financial aid programs have been created over a period of at least three decades;

2 and

3 WHEREAS, each program was created in an environment or attitude focused on a specific problem or objective;

4 and

5 WHEREAS, some programs were established and have been operating without legislation; and

6 WHEREAS, some internal inconsistencies exist that make administration of these programs burdensome and
7 difficult to explain to applicants; and

8 WHEREAS, it is important that Delaware students and their families are able to understand the purposes and
9 requirements of these sources of financial assistance; and

10 WHEREAS, growth and modernization in the field of student financial aid requires that these programs work
11 effectively in conjunction with federal and institutional aid; and

12 WHEREAS, not all scholarships are administered by the Higher Education Commission; and

13 WHEREAS, there needs to be full integration of the Higher Education Commission staff with the Department of
14 Education; and

15 WHEREAS, standard definitions and procedures will assist the Higher Education Commission in effectively
16 administering these programs, and it is a purpose of the following streamlined Chapter to improve administration of the
17 several financial aid programs administered by the Higher Education Commission.

18 NOW THEREFORE:

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

20 Section 1. Amend Chapter 34, Title 14 of the Delaware Code by striking subchapters I through IX in their
21 entirety and replacing with the following:

22 "Subchapter I. Higher Education Commission Student Assistance Programs.

23 Subchapter II. Scholarship Incentive Programs.

24 Subchapter III. Professional Incentive Programs.

25 Subchapter IV. Merit based scholarships.

26 Subchapter V. Memorial Scholarships.

27 Subchapter VI. Educational Benefits for Children of Deceased Veterans and Others.

28 Subchapter VII. Engineering and Applied Science Recruitment Fund.

29 Subchapter VIII. Legislative Essay Scholarship.

30 Subchapter IX. Education Endowment Fund.

31 Subchapter X. Higher Education for Senior Citizens.

32 Subchapter XI. Delaware National Guard Educational Benefits

33 Subchapter XII. Delaware College Investment Plan.

34 Subchapter XIII. Participation in National and Regional Higher Education Organizations.

35 *Subchapter I. Higher Education Commission Student Assistance Programs.*

36 §3401. Purpose.

37 It is the intent and purpose of the General Assembly through this Chapter to standardize aspects of and
38 streamline administration of a variety of student assistance programs administered by the Higher Education Commission.

39 §3402. Administration.

40 (a) This Chapter shall be administered by the Higher Education Commission, hereinafter referred to as
41 the "Commission."

42 (b) The Commission is hereby authorized to award student financial aid from the programs described
43 in this Chapter subject to the limits of its appropriations for this purpose.

44 (c) The Commission shall adopt such rules and regulations as it deems necessary, proper, convenient or
45 incidental to the administration of this subchapter.

46 (d) The Commission may establish temporary or permanent advisory groups to assist in administration
47 of these programs.

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

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

63 (g) Unless otherwise provided, awards from the programs authorized in this Chapter may be used only
64 at regionally accredited colleges and universities. Under exceptional circumstances in the case of a person who
65 will attend a program of graduate study, the Commission may, in its discretion, grant a temporary waiver to the
66 requirement of accreditation by one of the regional accrediting associations where the institution is in the process
67 of becoming accredited or where other comparable evidence of academic quality is provided.

68 (h) Unless otherwise provided, awards from the programs authorized in this Chapter are intended for
69 full-time study. The Commission may, however, in its discretion, make prorated awards to recipients enrolled
70 less than full-time in specific programs.

71 (i) By applying to the programs authorized in this Chapter, an applicant agrees to release his or her
72 academic and financial aid records to the Commission.

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

76 (k) If, at the end of the drop/add period for a term, a recipient has withdrawn from school or otherwise
77 does not qualify for full payment, the following refund policy shall apply: 1) a student who will not be charged
78 tuition or will receive a full refund of tuition paid is not entitled to receive any portion of the award and the full
79 amount shall be refunded to the Commission; 2) a student who will be charged full tuition shall receive the full
80 amount of the award for that term; 3) a student who will be charged a percentage of tuition is entitled to that
81 same percentage of the award, and the balance shall be refunded to the Commission.

82 (l) The Commission may grant leaves of absence to students under circumstances including but not
83 limited to: severe or prolonged illness, family emergency, religious obligation or to pursue activities directly
84 related to the student's educational program.

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

87 (n) Calculation of high school grade point average shall include unweighted grades in a core
88 curriculum defined by the Commission.

89 (o) Calculation of cumulative grade point average in postsecondary coursework will include grades
90 earned at all postsecondary institutions.

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

94 (q) The Commission shall annually report to the General Assembly of the State the number of
95 recipients, the institutions attended by the recipients and the total amount of expenditures made under this
96 Chapter.

97 (r) The Commission is authorized to allocate unused funds among the various programs, with prior
98 approval of the Secretary of Education, the Budget Director, and the Controller General, to meet State priorities,
99 achieve program objectives, and respond to student demand.

100 (s) Unused funds appropriated for these programs in any fiscal year shall be carried forward to the next
101 fiscal year.

102 (t) The General Assembly shall each year in the Budget Act appropriate a sum to be known as
103 Scholarships and Loans for the purpose of carrying out the provisions of this Chapter.

104 *Subchapter II. Scholarship Incentive Program*

105 §3411. Purpose.

106 It is the intent and purpose of the General Assembly through this subchapter to:

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

110 (b) Provide a financial incentive for higher academic achievement for students who qualify to receive
111 such scholarships; and

112 (c) Encourage qualified Delaware students to pursue courses of graduate and professional education
113 when such courses are unavailable in state-supported institutions and when such pursuit is deemed
114 in the best interest of the State.

115 §3412. Administration.

116 (a) The Commission shall receive and administer Federal funds under the Leveraging Educational
117 Assistance Partnership (LEAP) and Special Leveraging Educational Assistance Partnership
118 (SLEAP) [20 U.S.C. § 1070c], State funds appropriated from the General Fund and private sources
119 for the purposes set forth in this subchapter.

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

123 §3413. Scholarships.

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

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

- 128 (b) No student may receive more than 5 annual scholarships for either undergraduate or graduate study.
- 129 (c) Scholarships shall be used only at educational institutions:
- 130 (1) In Delaware for undergraduate study;
- 131 (2) In states that have established scholarship reciprocity agreements with the State and the
- 132 Commission for undergraduate study; or
- 133 (3) For undergraduate or graduate study in degree programs that are not offered by a publicly
- 134 assisted institution in Delaware.
- 135 (d) Scholarships shall be awarded on the basis of financial need and academic merit. Financial need
- 136 shall be determined by a federally approved need analysis system. The financial need calculation
- 137 shall consider the student's expected family contribution, the expense of attending the institution
- 138 selected, and the student's eligibility for Pell grants and other Federal, State or private grant
- 139 assistance.
- 140 (e) Students must reapply for the scholarships annually, and must continue to meet all qualifications of
- 141 the program.

142 *Subchapter III. Professional Incentive Programs.*

143 §3416. Purpose.

144 It is the intent and purpose of the General Assembly through this subchapter to enable and encourage

145 academically talented Delawareans to pursue careers in specific fields identified as areas of need and to encourage

146 students to practice their profession in Delaware.

147 §3417. Awards.

- 148 (a) Awards shall be made based on academic merit using criteria established by the Commission.
- 149 (b) For the purpose of this section an award is a loan, the repayment of which is forgiven when the
- 150 borrower is employed in the specified profession required in each program for the specified period
- 151 of time in accordance with the conditions specified in this section.
- 152 (c) Renewal of awards shall be limited to the number of years that constitute the standard full-time
- 153 completion rate. To be eligible for renewal of an award, the recipient must meet the academic
- 154 progress standards set by the Commission and communicated in writing to the recipient at the time
- 155 the initial award is granted.

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

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

161 §3418. Repayment and Forgiveness.

162 (a) The Commission shall determine payment amounts, length of repayment period, and the rate and
163 type of interest to accrue on awards, within the limitations specified in this Chapter.

164 (b) The Commission shall communicate the terms of repayment and interest accrual to the recipient
165 and secure a promissory note from the recipient attesting to the recipient's agreement to such terms
166 at the time the award is made.

167 (c) Repayment or forgiveness will commence following completion of the program of study and a
168 grace period not to exceed 12 months; or, immediately after the student discontinues full-time
169 enrollment or discontinues the specified program of study.

170 (d) If after 12 months following graduation the recipient is engaged in qualifying employment, no
171 repayment of award principal or interest will be required. The recipient's awards will be forgiven in
172 accordance with the service repayment ratios specified in this Chapter and in the order in which
173 they were made.

174 (e) If during the period of service repayment, the recipient terminates qualifying employment, the
175 recipient will be required to commence repayment of the awards or portions thereof which have not
176 been forgiven at the time qualifying employment was terminated.

177 (f) If after 12 months following graduation the recipient is not engaged in qualifying employment, the
178 recipient shall be obligated to make monthly payments until the amount of the award and interest
179 on the award from the date of disbursement is paid in full.

180 (g) If during the period of cash repayment the recipient begins qualifying employment, payments will
181 be deferred and the service repayment ratio specified in this chapter will be applied. Under no
182 circumstances will payments already made by the recipient be reimbursed as a result of obtaining
183 qualifying employment.

- 184 (h) The Commission may, in its discretion, grant deferments from repayment in cases of economic
185 hardship, inability to secure qualifying employment, severe or prolonged illness, or other
186 circumstances that can be documented to the satisfaction of the Commission. Such deferments will
187 be limited to periods not to exceed 1 year and only 1 deferment may be granted. The length and
188 terms of a deferment shall be communicated in writing to the recipient.
- 189 (i) The Commission may grant a deferment of repayment obligations of up to 1 year to students who
190 have a compelling reason to interrupt coursework temporarily. Students must submit a written
191 request for deferment and provide such documentation as the Commission deems necessary.
192 Interest on the loan will continue to accrue during deferment periods.
- 193 (j) A recipient's repayment obligation may be cancelled if the Secretary of Education, with the
194 concurrence of the State Board of Education, determines that the recipient is unable to meet
195 repayment obligations because of permanent disability or death. The Commission may require
196 such documentation as it deems necessary to verify claims or disability or death, including but not
197 limited to a sworn affidavit from a qualified physician or a death certificate.

198 §3419. Christa McAuliffe Teacher Scholarship Loans.

199 (a) Purpose.

200 It is the intent and purpose of this program to encourage academically talented Delawareans to
201 pursue teaching careers in the Delaware public schools.

202 (b) Awards.

203 (1) Except where there are no equivalent programs of study offered in state, awards shall be
204 provided for study at Delaware institutions in undergraduate education or programs
205 leading to teacher certification.

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

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

209 (c) Repayment and Forgiveness.

210 (1) For purposes of this program, qualifying employment is employment as a teacher in a
211 Delaware public school.

212 (2) Awards will be forgiven at a rate of 1 year of qualifying employment for 1 year of loan.
213 §3420. Critical Need Scholarships.

214 (a) Purpose.

215 It is the purpose of this program to reduce the number of Delaware public school teachers who do not
216 hold Standard Certification in their area of instruction by enabling and encouraging those teachers to pursue
217 education that will enable them to become fully certified.

218 (b) Eligibility.

219 (1) Eligible applicants are Delaware school districts.

220 (2) Eligible teachers are:

221 (A) Full-time employees of a Delaware school district.

222 (B) Teaching on a Temporary or Limited Standard Certificate.

223 (C) Teaching in critical need areas as defined by the Department of Education.

224 (3) Awards will be made on behalf of specific teachers, or if demand exceeds available
225 funding, then allocated among the districts on a prorated share of the applicant pool.

226 (4) Districts are authorized to reimburse teachers for all or part of tuition and fees paid for
227 coursework that will enable them to achieve Standard Certification upon receipt of evidence that
228 the teacher has successfully completed coursework with a grade equivalent of a 2.0 or higher on a
229 4.0 scale.

230 (c) Benefit.

231 Districts will receive funding to reimburse eligible teachers (those not certified in the critical need area
232 in which they teach) only for tuition and fees for up to 3 credits per term during the regular academic year.
233 Recipients may attend any accredited college, but reimbursement is not to exceed the cost of 3 credits and fees at
234 the highest-cost Delaware public college.

235 (d) Awards.

236 (1) If funding permits, districts will receive funding sufficient to allow each eligible teacher
237 for whom a request is made to receive full tuition and fee reimbursement, pursuant to the provisions
238 of §3420(c) of this Title, for up to three credits in each Fall and Spring semester. Districts must

239 verify course completion with a grade equivalent of a 2.0 or higher on a 4.0 scale before
240 reimbursing tuition.

241 (2) If funding requests exceed the program's appropriation, districts will be awarded funds
242 in a prorated share of the applicant pool.

243 §3421. Delaware Nursing Incentive Program.

244 (a) Purpose.

245 It is the intent and purpose of the General Assembly through this subchapter to enable and
246 encourage academically talented Delawareans to pursue nursing careers at State-operated hospitals.

247 (b) Awards.

248 (1) Awards shall be provided for undergraduate education at regionally accredited institutions
249 of higher education or accredited hospital schools of nursing, for the following objectives:

250 (a) A course of study leading to a Bachelor of Science in Nursing degree, if the award
251 recipient is a registered nurse employed by this State, and also has 5 years or more of
252 state service; or

253 (b) For all other recipients, a course of study leading to certification as a registered nurse
254 or practical nurse.

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

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

260 (c) Repayment and Forgiveness.

261 (1) For the purposes of this program, qualifying employment shall be employment as a
262 licensed practical nurse or a registered nurse at a State-owned hospital or clinic.

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

264 §3422. Speech/Language Pathologist Incentive Loan.

265 (a) Purpose.

266 It is the intent and purpose of this program to encourage academically talented Delawareans to
267 pursue careers in speech language pathology in Delaware public schools.

268 (b) Awards.

269 (1) Awards shall be provided for graduate education in programs that will satisfy the
270 educational requirements for Delaware state licensure as a speech/language pathologist.

271 (2) Awards shall be made to applicants who have received a baccalaureate degree and who
272 plan to enroll as full-time students in qualifying programs.

273 (3) Awards may be made available on a prorated basis to employees of Delaware's public
274 schools who are enrolled as part-time students in qualifying programs.

275 (c) Repayment and Forgiveness.

276 (1) For purposes of this program, qualifying employment shall be employment as a licensed
277 speech pathologist in a Delaware public school.

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

279 §3423. Professional Librarian and Archivist Incentive Program.

280 (a) Purpose.

281 It is the intent and purpose of this program to enable and encourage academically talented
282 Delawareans to pursue careers as librarians and archivists in the public libraries, public school libraries,
283 state agencies and political subdivisions of Delaware.

284 (b) Awards.

285 (1) Awards shall be provided for graduate education in master's degree programs of library
286 and information studies that are accredited by the American Library Association.

287 (2) Preference shall be given to persons currently employed by a Delaware public library,
288 county department of libraries, public school library or state agency library or archive.

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

291 (c) Repayment and Forgiveness.

292 (1) For purposes of this program, qualifying employment shall be employment as a librarian or
293 archivist in a public library, public school library, state agency or political subdivision in Delaware.

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

295 §3424. Optometry Scholarship Loan.

296 (a) Purpose.

297 It is the intent of this program to encourage academically talented students to pursue careers as
298 optometrists in Delaware. This program replaces the Optometric Institutional Aid program, but does not change
299 or limit the terms of contracts made to individuals under the provisions of the Optometric Institutional Aid
300 program.

301 (b) Awards.

302 (1) Awards shall be made to baccalaureate degree holders who will enroll as full-time
303 students in programs that prepare students for licensure as optometrists in Delaware.

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

306 (c) Repayment and Forgiveness.

307 (1) For purposes of this program, qualifying employment shall be the practice of optometry
308 in the State of Delaware.

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

310 *Subchapter IV. Merit based scholarship Programs.*

311 §3435. Diamond State Scholarship.

312 (a) Purpose.

313 It is the purpose of this program to award merit-based scholarships to Delaware students who have
314 demonstrated academic excellence. The program is intended to serve as both an incentive and a reward for
315 serious academic achievement.

316 (b) Awards.

317 (1) High school seniors who plan to enroll as full-time students at a degree-granting college during the
318 academic year immediately following high school graduation and who meet application
319 requirements established by the Commission are eligible to apply.

- 320 (2) Application requirements shall be established by the Commission and may include grades,
321 standardized test scores, participation in extra-curricular activities, essay questions, and other
322 indicators of achievement.
- 323 (3) Awards may be renewed for a total of 4 years of undergraduate study, provided the recipient meets
324 renewal requirements established by the Commission and communicated in writing at the time of
325 the original award.
- 326 (4) If a student fails to meet the renewal requirements, eligibility for the Scholarship is terminated.
327 Attainment of qualifying grades in subsequent years will not qualify the student for reinstatement to
328 the program.
- 329 (5) Scholarships are provided for the purpose of meeting direct and indirect costs of higher education.
330 Where such education costs are non-existent or reduced, as in the case of U.S. military academies,
331 the Commission may designate a particular student as a Diamond State Scholar without monetary
332 award or may reduce the value of the scholarship.

333 *Subchapter V. Memorial Scholarships.*

334 §3440. Purpose.

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

340 §3441. Awards.

- 341 (a) Scholarships shall be awarded to students who will enroll as first-time full-time students in
342 the academic year following award of the scholarship.
- 343 (b) Scholarships shall be awarded in an amount sufficient to meet the costs of tuition, required
344 fees, room, board and books at the institution specified.
- 345 (c) Selection of scholarship recipients shall be based on criteria established by the
346 Commission that shall include the qualities of academic achievement, community service,
347 participation in extracurricular activities and promise of academic success in college.

- 348 (d) Where several students are judged to be equally qualified for the scholarships, financial
349 need may be considered in making scholarship awards.
- 350 (e) Awards shall be renewable within the limits of appropriations for the program, to a
351 maximum of 4 awards, provided the student meets the academic progress standards set by
352 the Commission and communicated in writing to the recipient at the time the initial award
353 is granted.

354 §3442. B. Bradford Barnes Memorial Scholarship.

355 (a) Awards.

- 356 (1) One scholarship shall be awarded each year to a graduating high school senior who will
357 enter the University of Delaware.
- 358 (2) The Commission shall award scholarships only to students who have accepted an
359 admissions offer from the University of Delaware by a deadline date established by
360 agreement between the University of Delaware and the Commission.

361 §3443. Herman M. Holloway, Sr. Memorial Scholarship.

362 (a) Awards.

- 363 (1) One scholarship shall be awarded each year to a student who will enter Delaware State
364 University.
- 365 (2) The Commission shall award scholarships only to students who have accepted an
366 admissions offer from Delaware State University by a deadline date established by
367 agreement between Delaware State University and the Commission.

368 §3444. Charles L. "Chuck" Hebner Memorial Scholarship.

369 (a) Awards.

- 370 (1) Each year, one scholarship shall be awarded to a qualifying student at the University of
371 Delaware, and one scholarship shall be awarded to a qualifying student at Delaware State
372 University.
- 373 (2) Scholarships will be awarded to students who will major in humanities or social sciences.
- 374 (3) Priority will be given to students who will major in political science.

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

379 §3445. Ivyane D.F. Davis Memorial Scholarship Fund.

380 (a) Purpose.

381 It is the intent and purpose of the General Assembly through this section to provide scholarships in
382 memory of Ivyane D.F. Davis, who died February 7, 1989, to deserving Delaware residents who have been
383 placed under foster care in Delaware, and to this end there hereby is established the Ivyane D.F. Davis Memorial
384 Scholarship Fund.

385 (b) Administration.

386 (1) Notwithstanding any other provision to the contrary, this scholarship fund shall be
387 administered by the Child Placement Review Board.

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

390 (3) The Board shall annually report to the General Assembly of the State the number of
391 recipients of scholarships, the institutions attended by said recipients, the total of expenditures
392 made under this scholarship fund, and such other information as it deems useful for members
393 of the General Assembly.

394 (c) Eligibility.

395 Scholarships awarded under this scholarship fund shall be available to applicants who have
396 been residents of Delaware for at least 1 year immediately preceding the application and who were at
397 any time under foster care in Delaware, and who have been accepted at or who are attending an
398 institution of higher learning or trade school.

399 (d) Scholarship awards.

400 (1) The Board shall award up to 50 Ivyane D.F. Davis Memorial Scholarships annually,
401 subject to General Assembly appropriations and private donations to, and interest earned on
402 proceeds of the scholarship fund created herein.

- 403 (2) Scholarship awards shall not exceed the amount set by the Board.
- 404 (3) Scholarships may be renewed upon application by recipients on an annual basis if the
405 Board is satisfied that the recipient is making satisfactory academic or vocational progress.
- 406 (4) Selection of scholarship recipients shall be based on such criteria, established by the
407 Board, as academic achievement, community service, participation in extracurricular activities and
408 promise of success in the institution of higher learning or vocational courses selected by applicants.
- 409 (5) In cases where more than 1 applicant are judged to be equally qualified for scholarships,
410 financial need shall be considered in establishing priorities for the award of available scholarships.
- 411 Funds disbursed under this scholarship fund shall be disbursed on an annual or semiannual basis and shall be
412 disbursed to the institution or school which a recipient attends, not directly to the student.

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

- 414 (1) The Ivyane D.F. Davis Memorial Scholarship Fund is hereby created.
- 415 (2) The Board is authorized to accept donations from private individuals and organizations
416 for deposit in the Fund.
- 417 (3) All appropriations from the General Assembly to the Fund, donations to the Fund, and
418 interest earned on moneys in the Fund shall be used solely for the award of scholarships as
419 provided under this Section.

420 §3446. Michael C. Ferguson Achievement Awards.

421 Michael C. Ferguson Achievement Awards shall be administered pursuant to rules and regulations
422 adopted by the Department of Education as set forth in the provisions of § 153 (c), Title 14 of the Delaware
423 Code.

424 *Subchapter VI. Educational Benefits for*
425 *Children of Deceased Veterans*
426 *and Others.*

427 §3451. Statement of purpose.

428 It is the purpose of this subchapter to provide educational benefits for the children of deceased veterans
429 of the military services of the United States, military service personnel held prisoner of war, military service
430 personnel officially declared to be missing in action and state police officers killed in the line of duty.

431 §3452. Requirements to receive benefits.

- 432 (a) In order to qualify for the benefits of this subchapter, an applicant shall be:

- 433 (1) The child of:
- 434 (A) A member of the armed forces who was killed while on active duty or who died from
- 435 disease, wounds, injuries or disabilities arising or resulting from performance of duty; or
- 436 (B) A member of the armed forces who is being held, or who was held as a prisoner of war; or
- 437 (C) A member of the armed forces officially declared missing in action; or
- 438 (D) A state police officer who was killed in the line of duty or who died from disease, wounds
- 439 or disabilities arising or resulting from pursuit of the officer's official duties;
- 440 (2) A person who at the time of application for benefits is at least 16 years of age, but not more
- 441 than 24 years of age, and who shall have been a resident of the State for at least 3 years prior to
- 442 the date of application; and
- 443 (3) Attending or admitted for attendance at an educational institution beyond the high school
- 444 level in a program not to exceed 4 years in duration.
- 445 (b) No child of a member of the armed forces shall receive educational benefits in accordance with this
- 446 subchapter unless such child qualifies under subsection (a) of this section, and;
- 447 (1) A parent of such child is a resident of the State and is or was missing in action or held as
- 448 a prisoner of war; or
- 449 (2) A parent of such child was a resident of the State at the time such parent was killed or
- 450 later died from disease, wounds, injuries or disabilities arising or resulting from performance of
- 451 duty.

452 §3453. Vested rights.

453 Any person found to be qualified for the benefits of this subchapter as the child of a deceased or missing

454 veteran shall not be divested of the benefits upon the return of the veteran who was a prisoner of war, missing in

455 action or mistakenly listed as deceased.

456 §3454. Eligible institutions.

457 Benefits authorized in this subchapter may be utilized for attendance at:

- 458 (1) An institution financially supported by the State; or
- 459 (2) If the desired major or training is not available in such an institution, then at a private institution in
- 460 Delaware; or

- 461 (3) If there is no institution in Delaware offering such major or training, at a public or private
462 institution in another state; or
463 (4) If an eligible student chooses to attend an institution out of the sequence described herein, the value
464 of the benefit will be reduced as described in this Subchapter.

465 §3455. Extent of benefit.

- 466 (a) The per student benefits granted under this subchapter may not exceed the amount of tuition and
467 fees per academic year.
468 (b) Benefits shall be limited to 4 years of training or education.
469 (c) If the student attends an institution according to the priority sequence outlined above, the benefit
470 shall be equal to the amount of tuition and fees. If the student chooses to attend a Delaware private
471 institution when his/her major is offered at a Delaware public institution, or if the student chooses
472 to attend an out-of-state institution when his/her major is offered at a Delaware public institution
473 and/or a Delaware private institution, the amount of the benefit shall be equal to the tuition and fees
474 of:
475 (1) The average tuition and fees of the Delaware public institutions which offer the major; or
476 (2) The average tuition and fees of the Delaware private institutions which offer the major, if it is
477 not offered at a Delaware public institution.

478 *Subchapter VII. Engineering and Applied Science*
479 *Recruitment Fund.*

480 §3460. Purpose.

481 Because women and members of racial and ethnic minorities are, considering their percentage of the Delaware
482 population, underrepresented in programs of engineering and applied science at Delaware institutions of higher education,
483 this program is established to support recruitment of women and racial and ethnic minorities into those programs.

484 §3461. Definitions.

485 In this subchapter:

- 486 (a) "Fund" means the Engineering and Applied Science Recruitment Fund.
487 (b) "Director" means the Executive Director of the Delaware Higher Education Commission.
488 (c) "Underrepresented group" means women and racial or ethnic minorities who are underrepresented
489 in engineering and applied science programs at institutions of higher education.

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- §3462. Fund.
- (a) The Fund consists of State funds appropriated to further the purpose of this Subchapter.
- (b) The Commission may apply for and receive funds from federal or local governments, and grants and gifts from private corporations, trusts and other sources.
- (c) For any fiscal year the General Assembly may not appropriate to the Fund an amount that exceeds the amount of donations to eligible organizations from private sources during the preceding fiscal year.

- §3463. Use of Fund.
- The Commission shall allocate the Fund to eligible nonprofit organizations for the purpose of:
- (a) Establishing or operating educational programs to assist women and racial or ethnic minority group members in preparing for or participating in programs leading to an undergraduate degree in engineering or applied science from an institution of higher education; and
- (b) Disseminating information concerning:
 - (1) Educational and career opportunities in engineering and applied science; and
 - (2) The Fund and programs funded under this Subchapter.

- §3464. Allocation of Fund.
- (a) The Fund shall be allocated in accordance with guidelines adopted by the Commission, unless otherwise designated by the General Assembly through the Budget Act.
- (b) Programs approved for funding must:
 - (1) Use professional volunteers or qualified staff at each level of instruction;
 - (2) Encourage parental involvement;
 - (3) Coordinate with public school preparation for engineering and applied science careers;
 - (4) Coordinate with postsecondary educational institutions;
 - (5) Involve organizations of women and minority group members;
 - (6) Involve participants beginning in 7th grade or earlier;
 - (7) Provide demonstrated professional leadership in educational activities for women and racial and ethnic minority group members; and
 - (8) Be compatible with state and federal laws governing education.

517 (c) Preference shall be given to programs that stress the development of mathematical and scientific
518 competence.

519 (d) In making allocations, the Commission may solicit advice from groups or individuals that work for
520 the recruitment of women and racial and ethnic minority group members into engineering and applied
521 science careers.

522 (e) The Commission shall adopt rules establishing procedures by which an agency or organization
523 must apply for funding and account for any funds received.

524 §3465. Eligible organizations.

525 (a) To be eligible to receive funds under this subchapter, an agency or organization must:

526 (1) Qualify for exemption from federal income tax under § 501, Internal Revenue Code [26
527 U.S.C. § 501];

528 (2) Not distribute net earnings to any private shareholder or other individual; and

529 (3) Serve women and racial or ethnic minority group members.

530 (b) The Director shall determine annually which groups meet the requirements of this subchapter.

531 *Subchapter VIII. Legislative Essay Scholarship*

532 §3470. Purpose.

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

536 §3471. Eligibility.

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

539 §3472. Essays.

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

541 (b) The topic shall be chosen each year by a committee that consists of one member of the Higher
542 Education Commission designated by the Executive Director, one member designated by the president of the
543 Delaware Society Sons of the American Revolution, and one member designated by the regent of the
544 Delaware State Society Daughters of the American Revolution.

- 545 (c) The topic of the essay must relate to:
- 546 (1) Events, persons, philosophies, technologies, governments, or ideals in American history;
- 547 (2) The approximate 90-year period from 1770 to 1860, including events leading up to the American
- 548 Revolutionary War, but excluding the Civil War; and
- 549 (3) A positive approach to the overall theme of 'Building the Foundations of the Modern United States of
- 550 America.'

551 §3473. Awards.

552 (a) One \$500 nonrenewable scholarship shall be awarded to a 12th grade student-resident from each

553 senatorial and representative district in the State whose essay meets the standards established by the

554 Commission.

555 (b) Three statewide awards shall be made to the writers of the top 3 senatorial or representative district

556 scholarship winners. These nonrenewable scholarships will be in the amounts of \$5,000, \$2,500, and

557 \$1,500.

558 *Subchapter IX. Education Endowment Fund.*

559 §3475. Purpose.

560 From time to time individuals, corporations, and businesses desire to assist Delaware students in

561 pursuing higher education by establishing or contributing to scholarship funds. This endowment fund is established to

562 encourage and focus such giving.

563 §3476. Fund.

564 The Commission may receive, hold, invest, reinvest and use funds in the form of grants or gifts from private

565 corporations, trusts, individuals, organizations, groups and other sources to support Delaware residents in postsecondary

566 education programs.

567 (a) To qualify as tax deductible donations, contributions to the Fund must be made without restriction or

568 precondition.

569 (b) The Commission shall ensure that contributors of qualifying donations receive such documentation as may

570 be necessary to support tax deduction of gifts to the Fund.

571 (c) The Commission may establish such rules and regulations as it deems necessary for administration of this

572 Subchapter.

573 (d) The Commission shall hold the Fund in an interest-bearing account, or may invest and reinvest funds to
574 advance the purposes of this Subchapter.

575 (e) Awards from the Fund must be based on student financial need, but may include other criteria as may be
576 established by the Commission.

577 *Subchapter X. Higher Education for Senior Citizens.*

578 §3478. Fees.

579 The Boards of Trustees of the University of Delaware, Delaware State University, and Delaware Technical and
580 Community College are hereby authorized and directed to establish, by not later than the fall quarter of 1986, a program
581 whereby citizens of this State who are 60 years of age or older, and who are formal degree candidates, may attend classes
582 for credit or audit without payment of application, course registration or other related fees. Persons enrolled in such
583 program shall be required to pay the cost of all books, supplies, laboratory fees and shop fees.

584 §3479. Limitations.

585 The privilege authorized by this subchapter may be granted only on a space available basis if such classes are not
586 filled as of the close of registration. The institutions listed in this subchapter may limit or deny the privilege for courses
587 which are in programs for which a selective admissions criteria has been established."

588 *Subchapter XI. Delaware National Guard Educational Benefits*

589 §3480. Education benefits.

590 (a) Any active member of a federally recognized unit of the Delaware National Guard, who meets the
591 requirements for satisfactory membership as defined by the Adjutant General of the Delaware
592 National Guard, shall be eligible for funding support by the Delaware National Guard for certain
593 post-secondary education tuition and fees under the following conditions:

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

597 (2) The member must make application to the Adjutant General for tuition and fee assistance
598 in advance of a class or course of instruction according to a schedule announced by the
599 Adjutant General.

- 600 (3) Education benefits authorized by this section may be used only for attendance at a post-
601 secondary educational institution either financially supported by the State or, if private,
602 located in the State. If a member chooses to attend a State-supported institution, tuition
603 and fees shall be reimbursed for the full amount expended, not to exceed the in-state
604 resident rate. If a member chooses to attend a Delaware private institution, the amount of
605 the benefit shall be equal to the average tuition and fees of the Delaware post-secondary
606 institutions which offer the class or course of instruction, based on the in-state resident
607 rate.
- 608 (4) Each class or course of instruction taken by a member must be one that is required by the
609 institution for the award of a specific certificate or of a specific associate's degree or
610 bachelor's degree.
- 611 (5) The per-member benefits granted under this section shall be limited to only 1 certificate or
612 degree program at each level of study, namely, a certificate program, an associate's degree
613 or a bachelor's degree.
- 614 (6) A member may be enrolled in a certificate or degree program full-time or part-time.
- 615 (7) A member may not receive education benefits pursuant to this section more than 10 years
616 after the date on which the member begins the first course for which funds are granted.
617 However, in the event that a member is called to active duty or to an activation that
618 requires the member to discontinue his or her education benefits the 10-year limit may be
619 extended by the amount of time the member serves on that active duty or activation.
- 620 (8) This tuition and fee assistance program will be subject to the limits of the total funding
621 appropriated by the legislature and approved by the Governor for that purpose.
- 622 (b) In order to receive funds for tuition and fees for a post-secondary class or course of instruction
623 authorized by this section, a member must:
- 624 (1) Agree to serve in a satisfactory manner for a period of not less than 6 years in the
625 Delaware National Guard. The 6-year requirement may include service time before,
626 during, and after the member receives funding for education benefits pursuant to this
627 section;

- 628 (2) Earn a grade no lower than a 2.0 on a 4.0 scale, or its equivalent, for each individual
629 course for which tuition and fee assistance is granted. In any course for which a specific
630 grade is not issued, the member must show documentation to verify satisfactory
631 completion. Failure to maintain a cumulative grade-point-average of 2.0 or higher will be
632 cause for forfeit of funding for all courses taken for the semester or period in which the
633 grade point average remains below the 2.0 level; and
- 634 (3) Submit to the Adjutant General within 45 days after completing a course proof of:
- 635 a. The course title and grade received;
 - 636 b. The amount of tuition and fees paid for the course;
 - 637 c. The name of the post-secondary institution where the course was taken; and
 - 638 d. Evidence of the member's cumulative grade point average for courses taken to
639 date.
- 640 (c) The Adjutant General shall appoint a board to adopt rules and regulations and to provide forms as
641 deemed necessary and proper for the efficient administration of this section.
- 642 (d) Upon approval by the Adjutant General, and subject to the availability of appropriated funds,
643 tuition and fee assistance shall be provided by the Delaware National Guard to the member from
644 funds appropriated to the National Guard in the annual Budget Appropriations Act or in
645 amendments thereto for that purpose.
- 646 (e) A member who has received funding pursuant to this section but who does not fulfill the service
647 commitment required by subsection (b)(1) of this section, or who is terminated from the National
648 Guard for cause, or who otherwise fails to comply with any requirement of this section shall
649 immediately become ineligible to receive education benefits pursuant to this section and shall repay
650 the Delaware National Guard for all tuition and fee funding previously extended to the member,
651 including interest, on a pro rata basis from the time of termination or noncompliance. The Adjutant
652 General shall determine the amount of repayment due by the member pursuant to this subsection.
- 653 (f) If membership in the National Guard is terminated for other than cause, the member will not be
654 required to repay previously funded tuition and fees.

- 655 (g) A member shall not receive funding for any tuition or fees not applied for prior to termination for
656 any reason of membership in the National Guard.
- 657 (h) The Adjutant General shall report annually to the General Assembly:
- 658 (1) The number of members who participated at each Delaware post-secondary school during
659 the year;
 - 660 (2) The total amount of tuition and fee expenditures made pursuant to this section during the
661 year;
 - 662 (3) The total amount required to be repaid to the National Guard by defaulting members
663 during the year; and
 - 664 (4) The total amount of moneys actually repaid by defaulting members during the year.

665 Section 2. Amend Subchapter X, Chapter 34, Title 14 of the Delaware Code by renumbering Subchapter "X" as
666 Subchapter "XII".

667 Section 3. Amend Subchapter XI, Chapter 34, Title 14 of the Delaware Code by renumbering Subchapter "XI"
668 as Subchapter "XIII".

669 Section 4. Amend Subchapter XII, Chapter 34, Title 14 of the Delaware Code by striking the subchapter in its
670 entirety.

671 Section 5. Amend Chapter 36, Title 14 of the Delaware Code by striking the chapter in its entirety.

672 Section 6. Amend Chapter 1, Title 14 of the Delaware Code by adding thereto a new Subchapter designated as
673 "Subchapter V. Delaware Higher Education Commission" which shall read as follows:

674 "Subchapter V. Delaware Higher Education Commission.

675 §170. Purpose.

676 The Delaware Higher Education Commission serves as a source of higher education information and expertise
677 for the Executive and Legislative departments of the State, and for Delaware citizens who can benefit from higher
678 education. It serves as a mechanism for members of the public and professional groups to address higher education issues
679 and ensure that resources are continuously focused to meet State priorities. The Higher Education Commission with the
680 Department of Education will support student transition between K-12 education and post-secondary education
681 environments, and support increased student achievement.

682 §171. Responsibilities.

- 683 The Commission shall:
- 684 (1) Ensure that State resources for higher education are targeted on State priorities serving
- 685 Delawareans;
- 686 (2) Ensure that higher education is accessible and affordable to all Delaware students who qualify for
- 687 admission by providing financial assistance and guidance services;
- 688 (3) Strengthen the role and impact of higher education in elementary and secondary education
- 689 reform, achievement of student performance expectations, and teacher professional development;
- 690 (4) Ensure that higher education curricula and student achievement standards are aligned with
- 691 Delaware's workforce development needs;
- 692 (5) Ensure that higher education and elementary and secondary education curricula and student
- 693 achievement standards are aligned to facilitate student readiness to enter college;
- 694 (6) Enhance the capacity for quality data collection and reporting to meet federal mandates, regional
- 695 and interstate contractual agreements, and national data sharing requirements;
- 696 (7) In cooperation with the Department of Education, identify and implement methods to ensure a
- 697 seamless transition for Delaware residents from elementary and secondary education to post secondary
- 698 education;
- 699 (8) Ensure that higher education services reflect changing needs and capabilities by exploring
- 700 regional and national trends, and recommending implementation as appropriate;
- 701 (9) Promote student academic preparation for higher education and facilitate families saving for
- 702 college;
- 703 (10) Expand education opportunities available through interstate agreements such as the Southern
- 704 Regional Education Board (SREB), the Pennsylvania Higher Education Assistance Agency (PHEAA), and
- 705 the State University of New York (SUNY) Maritime College, and publicize and promote their use;
- 706 (11) Expand and promote use of quality technology opportunities in higher education, including
- 707 distance learning and internet-based options;
- 708 (12) Monitor and assist in resolution of consumer complaints related to student financial assistance,
- 709 academic credit, and credit transfer; coordinate efforts as appropriate with Department of Justice and private
- 710 consumer protection agencies;

- 711 (13) Promote and help focus private sector giving for student financial assistance;
- 712 (14) Provide administrative support to the Delaware College Investment Plan Board of Trustees and
- 713 coordinate marketing and promotion of the Delaware College Investment Plan;
- 714 (15) Administer specific programs relating to higher education and others as may be established or
- 715 assigned by the General Assembly, State Board of Education and the Department of Education;
- 716 (16) Approve out of state colleges to operate in Delaware;
- 717 (17) Approve proprietary trade and technical schools; and
- 718 (18) Approve Delaware colleges for Veteran's Administration programs.

719 §172. Membership.

720 The membership of the Higher Education Commission shall consist of the following: Presidents of

721 Public Colleges in Delaware (3), Chairman of one public college board of trustees, appointed by the Governor

722 (1), President of an independent college, appointed by the Governor (1), President of the Board of Trustees of an

723 independent college, appointed by the Governor (1), Secretary of Education (1), Representative of the Governor's

724 Office (1), Governor's appointees (5), for a total membership of 13 persons. The Governor shall appoint the

725 Chair of the commission.

726 §173. Staff.

727 The Commission may employ an Executive Director and other staff as necessary to meet its mandate and provide

728 effective service within the limitations set forth in the annual appropriations act. For purposes of administrative

729 coordination, the Executive Director will report directly to the Secretary of Education and the Chair of the Commission.

730 Employees of the Higher Education Commission shall be compensated in accordance with the provisions set forth in

731 Chapter 13 of Title 14 of the Delaware Code.

732 §174. Regulations.

733 Regulations developed by the Commission are subject to approval of the Secretary of Education and the State

734 Board of Education."

735 Section 7. Amend §104(b) of Title 14 of the Delaware Code by adding a new subsection designated as

736 §104(b)(12) which shall read as follows:

737 "(12) The State Board of Education shall approve all regulations of the Higher Education

738 Commission."

739 Section 8. Amend Subchapter III, Chapter 55, of Title 14 of the Delaware Code by striking Subsection III in its
740 entirety.

741 Section 9. Amend Chapter 89B, Title 14 of the Delaware Code by striking Chapter 89B in its entirety.

742 Section 10. Amend Chapter 89C, Title 14 of the Delaware Code by striking Chapter 89C in its entirety."

743 Section 11. This bill shall become effective immediately upon passage as law.