

DEPARTMENT OF EDUCATION
OFFICE OF THE SECRETARY
Statutory Authority: 14 Delaware Code, Section 1108A (14 **Del.C.** §1108A)

PROPOSED

PUBLIC NOTICE

Education Impact Analysis Pursuant to 14 Del.C. Section 122(d)

1204 High Needs Educator Student Loan Payment Program

A. TYPE OF REGULATORY ACTION REQUIRED

New Regulation

B. SYNOPSIS OF SUBJECT MATTER OF THE REGULATION

Pursuant to 14 **Del.C.** §1108A (House Substitute 1 to House Bill 346 with House Amendment 2 of the 149th General Assembly), the Secretary of Education intends to create 14 **DE Admin. Code** 1204 High Needs Educator Student Loan Payment Program. This regulation is being created to provide eligibility criteria for the High Needs Educator Student Loan Payment Program.

Persons wishing to present their views regarding this matter may do so in writing by the close of business on or before November 5, 2018 to Department of Education, Office of the Secretary, Attn: Regulation Review, 401 Federal Street, Suite 2, Dover, Delaware 19901 or email to DOEregulations.comment@doe.k12.de.us. A copy of this regulation may be viewed online at the Registrar of Regulation's website, http://regulations.delaware.gov/services/current_issue.shtml, or obtained at the Department of Education, located at the address listed above.

C. IMPACT CRITERIA

1. Will the new regulation help improve student achievement as measured against state achievement standards? The new regulation does not address improving student achievement as measured against state achievement standards.

2. Will the new regulation help ensure that all students receive an equitable education? The new regulation is intended to continue to ensure all students receive an equitable education.

3. Will the new regulation help to ensure that all students' health and safety are adequately protected? The new regulation does not address students' health and safety.

4. Will the new regulation help to ensure that all students' legal rights are respected? The new regulation continues to ensure that all students' legal rights are respected.

5. Will the new regulation preserve the necessary authority and flexibility of decision making at the local board and school level? The new regulation does not change the decision making at the local board and school level.

6. Will the new regulation place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels? The new regulation does not place any unnecessary reporting or administrative requirements on decision makers.

7. Will the decision making authority and accountability for addressing the subject to be regulated be placed in the same entity? The decision making authority and accountability for addressing the subject to be regulated does not change because of the new regulation.

8. Will the new regulation be consistent with and not an impediment to the implementation of other state educational policies, in particular to state educational policies addressing achievement in the core academic subjects of mathematics, science, language arts and social studies? The new regulation is consistent with and not an impediment to the implementation of other state educational policies.

9. Is there a less burdensome method for addressing the purpose of the regulation? There is not a less burdensome method for addressing the purpose of the new regulation.

10. What is the cost to the State and to the local school boards of compliance with the regulation? There is no expected cost to implementing this new regulation.

1204 High Needs Educator Student Loan Payment Program

1.0 Purpose

The purpose of this regulation is to provide eligibility criteria and to delineate the application process for the High Needs Educator Student Loan Payment Program, pursuant to 14 **Del.C.** Ch. 11A, §§1101A through 1111A.

2.0 Definitions

"Award" means the Department's decision to make a Loan Payment on an applicant's behalf.

"Department" means the Delaware Department of Education.

"Educator" means a person licensed and certified by the State to engage in the practice of instruction, administration or other related professional support services in Delaware public schools, including charter schools, pursuant to rules and regulations promulgated by the Standards Board and approved by the State Board of Education. For purposes of this regulation, Educator also includes teachers employed by the Delaware Division for the Visually Impaired who teach visually impaired students.

"English Learner" means a student with limited English proficiency and who meets the definition of English Learner as defined by the Department's rules and regulations.

"High Needs Area" means:

- (1) Any certification field the Department has identified as being difficult to staff or of critical need; or
- (2) Any school either:
 - (a) In the top quartile in three or more of the following:
 - (1) Percentage of Low-Income Students;
 - (2) Percentage of English Learners;
 - (3) Percentage of Students with Disabilities; or
 - (4) Percentage of Minority Students; or
 - (b) Having 90% of its students classified as Low-Income, English Learners, or Minority;
- (3) Any facility operated by the Department of Services for Children, Youth and Their Families in which education programs are provided.

"Loan Payment" means a payment by the Department to a successful applicant's lending agency to retire a portion of the applicant's Qualified Educational Loan.

"Low Income Students" means students within the statewide metric determined by the Department of Education utilizing direct certification for Temporary Assistance for Needy Families (TANF) and Supplemental Nutrition Assistance Program (SNAP).

"Minority Students" means students who are members of a racial or ethnic group other than the racial or ethnic group that represents the majority of the State of Delaware's population.

"Program" means the High Needs Educator Student Loan Payment Program.

"Qualified Educational Loan" means a government, commercial, or foundation loan for actual costs paid for tuition and reasonable educational expenses related to an Educator's undergraduate or graduate degree program.

"School" means a Delaware public school, including a vocational-technical school and a charter school.

"Secretary" means the Delaware Secretary of Education.

"Students With Disabilities" means students who because of mental, physical, emotional, developmental, speech or learning disability problems, as defined by the Department of Education, require special education and related services in order to develop their own capabilities.

3.0 Eligibility

3.1 In order to qualify to participate in the Program all of the following must apply:

- 3.1.1 The applicant shall be an Educator;
- 3.1.2 The applicant shall have secured a Qualified Educational Loan prior to submitting an application;
- 3.1.3 The applicant shall have obtained a license and certificate through Delaware;
- 3.1.4 The applicant shall have 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 evaluation cycle;
- 3.1.5 The applicant shall instruct or provide educational support in an identified High Needs Area; and
- 3.1.6 The applicant shall not be in default of any federal or state education loan.

4.0 Application

- 4.1 The application to participate in the Program shall require the applicant to certify that he or she meets all eligibility requirements.
- 4.2 The applicant must submit for review and approval a new, completed application each year, along with any additional information the Department may request.

5.0 Award Decision and Disbursement

- 5.1 The ability to make Awards each year is contingent upon the availability of funds.
- 5.2 If possible, the Department shall make an Award to every applicant who satisfies the requirements of this regulation, consistent with Section 6.0 Amount of Award of this regulation. Awards will be determined based on the pool of eligible applicants in the given year.
 - 5.2.1 Applicants seeking eligibility based on eligible school shall maintain continuous employment by the same School as in the previous school year in order to be eligible for the Award.
 - 5.2.1.1 Applicants shall still be eligible for an Award if they have separated from the School they were previously employed with if separation was involuntary, including reduction in force, or was otherwise beyond the applicant's control.
- 5.3 Where there are insufficient funds to make an Award to every applicant who satisfies Program requirements, the Secretary shall give priority to applicants who meet the following criteria:
 - 5.3.1 Applicants employed in both a certification field and a School, or a facility operated by the Department of Services for Children, Youth and Their Families, that the Department has identified as a High Needs Area as defined in this regulation.
 - 5.3.2 Applicants having the greatest financial need.
- 5.4 The applicants having the greatest financial need shall be determined at the sole discretion of the Secretary. Such decision shall be based upon:
 - 5.4.1 The applicant's income;
 - 5.4.2 The applicant's spousal income;
 - 5.4.3 The number of applicant's dependents; and
 - 5.4.4 The total amount of the applicant's Qualified Educational Loans.
- 5.5 The Secretary shall have the sole discretion to prioritize applications and determine Awards consistent with the requirements of the Program as noted in this regulation.
- 5.6 The Department shall make a Loan Payment directly to the applicant's lending agency on behalf of the applicant.
- 5.7 An applicant may receive only one Award per year, and may receive no more than five Awards in their lifetime.

6.0 Amount of Award

An Award shall be a minimum of \$1,000 and shall not exceed \$2,000.
22 DE Reg. 256 (10/01/18) (Prop.)