



Governor's Advisory Council for Exceptional Citizens (GACEC) 516 West Lookerman St., Dover, DE 19904
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October 22, 2018

Department of Education
Office of the Secretary
Attn: Regulation Review
401 Federal Street, Suite 2
Dover, DE 19901

RE: 22 DE Reg. 256/14 DE Admin. Code 1204 [DOE High Needs Educator Student Loan Payment Program Regulation (October 1, 2018)]

Dear Secretary Bunting:

The Governor's Advisory Council for Exceptional Citizens (GACEC) has reviewed the Department of Education (DOE) proposal implementing House Substitute for House Bill 346, with amendment, which created the High Needs Educator Student Loan Payment Program. This program will pay some of the student loan debt of educators that work and remain in high-needs schools or facilities and/or are certified and teach in areas in which there are teacher shortages. The proposed regulation closely tracks the statute, and sets forth a financial incentive that may help recruit and retain educators in high needs areas. Council **supports** the proposed regulation and would like to offer the following observations and requests for clarification.

First, **Council queries whether teachers who work within the Department of Correction education program are included in the proposed regulation.**

Second, there appear to be a few minor drafting errors that the Department of Education may wish to address. First, Section 1204.3.1.5 states that "the applicant shall instruct or provide educational support in an identified High Needs Area." However, it leaves out the statutory requirement that the educator shall instruct in a High Needs Area for at least one school year. A High Needs Area is defined as a critical need/shortage certification area, or a school with certain characteristics, or a facility operated by Department of Services for Children, Youth, and Their Families (DSCYF). While DOE may limit eligibility as defined by the statute, it may not broaden it. Though 1204.5.2.1 inserts a one-year requirement for educators seeking eligibility based on school, no such time limit is placed on educators satisfying the High Needs Area criteria based on certification type or by teaching in a DSCYF facility. Failing to include the one year requirement for these educators may impermissibly broaden eligibility.

Third, the definition of High Needs Area should have an 'or' at the end of subsection (2)(b). There likely should be an 'or' at the end of 1204.5.3.1; the statute utilizes an 'or,' and it is not clear that the Department wishes to depart from that.

Lastly, Council would like clarification on the amounts to be disbursed and how amounts are decided as discussed in sections 5.0 and 6.0. Will qualified applicants receive equal awards or will qualified applicants receive different amounts between \$1000-\$2000? If awards will differ, what are the criteria that will be used to determine why one applicant will receive more or less than a different applicant? **Priority and amount of award are to be solely determined by the Secretary of Education in the event that there are not adequate funds for all applicants. How does the Secretary determine the amount per applicant if there are limited funds, a high number of applicants and the amount has to be a minimum of \$1000 and no more than \$2000?**

Thank you for the opportunity to share our endorsement and observations with you. Please contact me or Wendy Strauss at the GACEC office if you have any questions on our comments.

Sincerely,

Ann C Fisher

Ann C. Fisher
Chairperson

ACF: kpc

CC: Ms. Whitney Sweeney, State Board of Education
Mary Ann Mieczkowski, Department of Education
Ms. Jenna Ahner, State Board of Education
Mr. Chris Kenton, Professional Standards Board
Ms. Terry Hickey, Esq.
Ms. Valerie Dunkle, Esq.