

DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Sections 153(c), 181(15), 183, and 3402(c) (14 **Del.C.** §§153(c), 181(15), 183, & 3402(c))
14 **DE Admin. Code** 245

FINAL

ORDER

245 Michael C. Ferguson Achievement Awards

I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

Pursuant to 14 **Del.C.** §§153(c), 181(15), 183, and 3402(c), the Delaware Department of Education ("Department"), through the Delaware Higher Education Office, proposes to repeal 14 **DE Admin. Code** 245 Michael C. Ferguson Achievement Awards. House Bill 480 of the 151st General Assembly repealed the Michael C. Ferguson Achievement Awards because they were no longer funded. The bill was signed into law on August 25, 2022.

Notice of the proposed regulation was published in the *Register of Regulations* on December 1, 2022. The Department did not receive any written submittals concerning the proposed repeal of the regulation.

II. FINDINGS OF FACTS

The Department finds that House Bill 480 of the 151st General Assembly repealed the Michael C. Ferguson Achievement Awards, effective August 25, 2022. Therefore, the repeal of 14 **DE Admin. Code** 245 Michael C. Ferguson Achievement Awards is necessary.

III. DECISION TO REPEAL THE REGULATION

For the foregoing reasons, the Department concludes that it is appropriate to repeal 14 **DE Admin. Code** 245 Michael C. Ferguson Achievement Awards subject to the State Board of Education's approval. On February 16, 2023, the State Board of Education approved repealing 14 **DE Admin. Code** 245 Michael C. Ferguson Achievement Awards. Therefore, pursuant to 14 **Del.C.** §§153(c), 181(15), 183, and 3402(c), 14 **DE Admin. Code** 245 Michael C. Ferguson Achievement Awards, attached hereto as Exhibit A, is hereby repealed.

IV. TEXT AND CITATION

The text of 14 **DE Admin. Code** 245 Michael C. Ferguson Achievement Awards repealed hereby shall be in the form attached hereto as Exhibit A and said regulation shall be cited as 14 **DE Admin. Code** 245 Michael C. Ferguson Achievement Awards in the *Administrative Code of Regulations* for the Department.

V. EFFECTIVE DATE OF ORDER

The effective date of this Order shall be ten days from the date this Order is published in the *Register of Regulations*.

IT IS SO ORDERED the 16th day of February, 2023.

Department of Education

Mark A. Holodick, Ed.D., Secretary of Education

Approved this 16th day of February, 2023.

State Board of Education:

/s/ Shawn Brittingham, President

Vincent Lofink, Vice President (Absent)

/s/ Candice Fifer

/s/ Audrey J. Noble, Ph.D.

/s/ Rev. Provey Powell, Jr.

/s/ Wali W. Rushdan, II

/s/ Deborah Stevens

*Please note: Electronic signatures ("/s/") were accepted pursuant to 6 Del.C. §12A-107(d).

245 Michael C. Ferguson Achievement Awards

1.0 Purpose

The Michael C. Ferguson Achievement Awards recognizes students who demonstrate superior performance on state assessments pursuant to 14 Del.C. §153 (c).

22 DE Reg. 1006 (06/01/19)

2.0 Definitions

The words and terms, when used in this regulation, shall have the following meaning unless the context clearly indicates otherwise:

"Award" means a scholarship under the Michael C. Ferguson Achievement Awards program, to be used at a post-secondary institution of higher education as specified in 14 Del.C. §153(c).

"Delaware Higher Education Office" or **"DHEO"** is the Department of Education's office which administers specific programs related to higher education, including, but not limited to, scholarship and loan programs.

"Department" means Delaware Department of Education.

"Direct Educational Expenses" means tuition, room and board, mandatory fees, books and supplies.

"Institution of Higher Education" means a college, university or other post-secondary institution authorized to offer programs and degrees or to confer degrees. For the purpose of this regulation, "post-secondary institutions" and "Institutions of Higher Education" shall have the same meaning.

22 DE Reg. 1006 (06/01/19)

3.0 Basis for Granting Awards

3.1 Subject to available funding, the Michael C. Ferguson Achievement Awards shall be made based on the student's score on the annual state summative assessments in English language arts and mathematics. The student's score that is used to determine proficiency in the state accountability system shall be used to determine this award. The awards may be awarded to a maximum of 300 eighth grade students in the content areas of reading and mathematics and to a maximum of 300 eleventh grade students in the content areas of reading and mathematics. The high school award year is subject to change based on the year the state high school summative assessment is offered to students.

3.2 The awards shall be provided to the highest scoring eighth and eleventh grade students in the state in reading and mathematics as well as the highest scoring eighth and eleventh grades students in the state in reading and mathematics who participate in the free and reduced lunch program pursuant to the provisions below:

3.2.1 The highest scoring eighth and eleventh grade students in the state in reading and in mathematics shall receive the awards.

3.2.1.1 The eighth grade awards may be given to a maximum of 150 students in the combined areas of reading and mathematics. The number of awards shall be as close to fifty percent (50%) in each area as possible. The unassigned awards shall be awarded in the priority order of highest reading score then highest mathematics score.

3.2.1.2 The eleventh grade awards may be given to a maximum of 150 students in the combined areas of reading and mathematics. The number of awards shall be as close to fifty percent (50%) in each area as possible. The unassigned awards shall be allocated in the priority order of highest reading score then highest mathematics score.

3.2.2 The highest scoring eighth and eleventh grade students in the state in reading and in mathematics, who participate in the free and reduced lunch program and who are not already identified as one of the students in subsection 3.2 shall receive the awards.

3.2.2.1 The eighth grade awards may be given to a maximum of 150 students in the combined areas of reading and mathematics. The number of awards shall be as close to fifty percent (50%) in each area as possible. The unassigned awards shall be allocated in the priority order of highest reading score then highest mathematics score.

3.2.2.2 The eleventh grade awards may be given to a maximum of 150 students in the combined areas of reading, writing and mathematics. The number of awards shall be as close to fifty percent (50%) in each area as possible. The unassigned awards shall be allocated in the priority order of highest reading score then highest mathematics score.

3.3 ~~A Foreign Exchange student who is on a temporary visa is not eligible to receive the Michael C Ferguson Achievement Award.~~

~~5 DE Reg. 1906 (04/01/02)~~

~~7 DE Reg. 998 (02/01/04)~~

~~12 DE Reg. 780 (12/01/08)~~

~~15 DE Reg. 639 (11/01/11)~~

~~22 DE Reg. 1006 (06/01/19)~~

4.0 Eligibility for More Than One Award

~~Students who receive an award in eighth grade will also be eligible for the award in eleventh grade.~~

~~5 DE Reg. 1906 (04/01/02)~~

~~12 DE Reg. 780 (12/01/08)~~

~~22 DE Reg. 1006 (06/01/19)~~

5.0 Use of Award Funds

~~The Michael C. Ferguson Achievement Award can only be used at a regionally or nationally accredited Institution of Higher Education or at a Delaware or other state approved private business and trade school in the United States of America and its territories. The award cannot exceed Direct Educational Expenses.~~

~~5 DE Reg. 1906 (04/01/02)~~

~~12 DE Reg. 780 (12/01/08)~~

~~15 DE Reg. 639 (11/01/11)~~

~~22 DE Reg. 1006 (06/01/19)~~

6.0 Higher Education (Commission) Office Account and Notification Procedures

6.1 ~~All awards shall be deposited in an account at the Delaware Higher Education Office in an interest bearing account. Interest earned or forfeited scholarships shall be utilized by the Department of Education and DHEO to offset administrative expenses associated with the program.~~

6.2 ~~Funds deposited for awards through the Michael C. Ferguson Achievement Awards shall cease to be available to the recipient if the recipient does not attend an Institution of Higher Education within five calendar years after graduating from high school. Provided further that a recipient may have one additional year of availability of the funds for each year the recipient serves as an active duty member of the military.~~

6.3 ~~It is the responsibility of the DHEO to publish, on its website, instructions for receiving the award funds and notify high schools of the award winners. Students who move out of state during the Award eligibility period are responsible for monitoring instructions posted online by the DHEO.~~

6.4 ~~When funding permits the awards to be given, the Department shall announce the winners of Michael C. Ferguson Awards.~~

6.5 ~~Students have up to five years after high school graduation to request the award fund, unless they meet the active duty exemption listed in subsection 6.2 above.~~

6.5.1 ~~Awarded students will contact the DHEO when they are ready to request the award funds be sent to their Institution of Higher Education. The DHEO shall request enrollment verification from the Institution of Higher Education identified by recipients. When completed verification forms are received by the DHEO, disbursement of award funds will be made to the Institution of Higher Education.~~

6.5.2 ~~Awarded funds will be distributed directly to the Institution of Higher Education and can be used for any Direct Educational Expenses.~~

4 DE Reg. 224 (07/01/00)

5 DE Reg. 1906 (04/01/02)

7 DE Reg. 998 (02/01/04)

12 DE Reg. 780 (12/01/08)

15 DE Reg. 639 (11/01/11)

22 DE Reg. 1006 (06/01/19)

26 DE Reg. 832(04/01/23) (Final)