

# DEPARTMENT OF EDUCATION

## OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 122(d) (14 Del.C. §122(d))  
14 DE Admin. Code 245

### PROPOSED

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

#### 245 Michael C. Ferguson Achievement Awards Scholarship

##### A. Type of Regulatory Action Required

Amendment to Existing Regulation

##### B. Synopsis of Subject Matter of the Regulation

The Secretary of Education seeks to amend 14 DE Admin. Code 245 Michael C. Ferguson Achievement Award Scholarship. This regulation is being amended to clarify the subject areas and grade levels in which the scholarship can be given as based on the new state assessment system. The Department of Education wishes to remove the word "Scholarship" from the regulation to clarify that these are awards and not funds that need to be applied for as is done with scholarships. Also, while the statute uses the term "free and reduced lunch", the Department of Education is using "low-income" because of the changes in the federal school nutrition program, and which is in accordance with epilogue provisions of the FY 15 budget bill.

Persons wishing to present their views regarding this matter may do so in writing by the close of business on or before **December 5, 2014** to Tina Shockley, Education Associate, Department of Education, Regulatory Review, at 401 Federal Street, Suite 2, Dover, Delaware 19901. A copy of this regulation may be viewed or obtained at the Department of Education, Finance Office located at the address listed above.

##### C. Impact Criteria

1. Will the amended regulation help improve student achievement as measured against state achievement standards? The amended regulation is intended to improve student achievement as measured against the new state assessment system which institutes more rigorous standards.

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

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

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

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

6. Will the amended regulation place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels? The amended 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 amendment.

8. Will the amended 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 amendment 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 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 amended regulation.

#### **245 Michael C. Ferguson Achievement Awards Scholarship Program**

The Michael C. Ferguson Achievement Awards Scholarship Program, included in the Educational Accountability Act of 1998, recognizes students who demonstrate superior performance on the state assessments pursuant to 14 Del.C. §153

(c).

## 1.0 Basis for Granting Scholarships

- 1.1 Subject to available funding, the Michael C. Ferguson Achievement Awards shall be made based on the student's score on the results of the annual spring summative administration of the state assessment. ~~The student's score that is used for federal Adequate Yearly Progress (AYP) shall be used to determine this award.~~ The Scholarships awards may be awarded given to a maximum of 300 eighth grade students in the content areas of reading English Language Arts and Mathematics and to a maximum of 300 tenth eleventh grade students in the content areas of reading English Language Arts and Mathematics.
- 1.2 The awards shall be provided to the highest scoring eighth and tenth eleventh grade students in the state in reading English Language Arts and Mathematics as well as the highest scoring eighth and tenth eleventh grades students in the state in reading English Language Arts and Mathematics who ~~participate in the free and reduced lunch program~~ are identified as low-income pursuant to the provisions below:
  - 1.2.1 The highest scoring eighth and tenth eleventh grade students in the state in reading English Language Arts and in Mathematics shall receive the scholarships awards.
    - 1.2.1.1 The eighth grade awards may be given to a maximum of 150 students in the areas of reading English Language Arts 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 reading English Language Arts then Mathematics.
    - 1.2.1.2 The tenth eleventh grade awards may be given to a maximum of 150 students in the areas of reading English Language Arts 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 reading English Language Arts then Mathematics.
  - 1.2.2 The highest scoring eighth and tenth eleventh grade students in the state in reading English Language Arts and in Mathematics, who ~~participate in the free and reduced lunch program~~ are identified as low-income and who are not already identified as one of the students in section 1.2 shall receive the scholarships awards.
    - 1.2.2.1 The eighth grade awards may be given to a maximum of 150 students in the areas of reading English Language Arts 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 reading English Language Arts then Mathematics.
    - 1.2.2.2 The tenth eleventh grade awards may be given to a maximum of 150 students in the areas of reading English Language Arts, writing and Mathematics. The number of awards shall be as close to fifty in each area as possible. The unassigned awards shall be allocated in the priority order of reading English Language Arts then Mathematics.
- 1.3 A Foreign Exchange student who is on a temporary visa is not eligible to receive the Michael C Ferguson Achievement Award Scholarship.

5 DE Reg. 1906 (4/1/02)

7 DE Reg. 998 (2/1/04)

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

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

## 2.0 Eligibility for More Than One Scholarship Award

Students may receive ~~a scholarship~~ an award in more than one content area and may also receive scholarships awards for their 8th eighth and their 10th eleventh grade scores. A student may receive an award no more than twice in one content area.

5 DE Reg. 1906 (4/1/02)

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

## 3.0 Use of Scholarship Awarded Funds

The Michael C. Ferguson ~~Scholarship~~ Achievement Award can only be used at a regionally or nationally accredited post secondary institution 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 costs.

5 DE Reg. 1906 (4/1/02)

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

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

#### **4.0 Delaware Higher Education (Commission) Office Account and Notification Procedures**

- 4.1 All scholarship 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's ~~and~~ Delaware Higher Education Office to offset administrative expenses associated with the program.
- 4.2 Funds deposited for ~~scholarships awards~~ through the Michael C. Ferguson Achievement Awards shall cease to be available to the recipient if the recipient does not attend a post secondary institution 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.
- 4.3 It is the responsibility of the parent or guardian to notify the Delaware Higher Education Office of any change of address during the ~~scholarship award~~ eligibility period. Students may receive their scholarship awards even if they are living in another state at the time they attend a post secondary institution.
- 4.4 The Department of Education shall annually announce the winners of Michael C. Ferguson ~~Scholarships Awards~~.
- 4.5 The Delaware Higher Education Office shall send a "Request for Information" form to Michael C. Ferguson ~~Scholarship Award~~ recipients annually to update their account information.
  - 4.5.31 Recipients may defer all or a portion of payment of Michael C. Ferguson ~~Scholarships Awards~~ beyond their first post secondary year, but must assume the responsibility to notify the Delaware Higher Education Office of their plans to claim the ~~Scholarship Award~~, and may not extend payment beyond the five year limit.
  - 4.5.12 The Delaware Higher Education Office shall send enrollment verification forms to institutions identified by recipients. When completed verification forms are received by the Delaware Higher Education Office, disbursement of ~~scholarship award~~ funds will be made to the institution.
  - 4.5.2 ~~If a student does not plan to attend a post secondary institution immediately after high school graduation, it is the parent or guardian's responsibility to provide timely notification to the Delaware Higher Education Office prior to enrollment in order to receive payment of the scholarship.~~

**4 DE Reg. 224 (7/1/00)**

**5 DE Reg. 1906 (4/1/02)**

**7 DE Reg. 998 (2/1/04)**

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

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

**18 DE Reg. 340 (11/01/14) (Prop.)**