

**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 intends to amend 14 **DE Admin. Code** 245 Michael C. Ferguson Achievement Awards Scholarship to take into consideration changes from the Delaware Student Testing Program (DSTP) to the current state assessment system, titled the Delaware Comprehensive Assessment System (DCAS). Additionally, amendments are being made to a provision for military obligations and clarification that the scholarship may also be used in US territories.

Persons wishing to present their views regarding this matter may do so in writing by the close of business on or before October 4, 2011 to Susan Haberstroh, Education Associate, Regulation Review, Department of Education, at 401 Federal Street, Suite 2, Dover, Delaware 19901. A copy of this regulation is available from the above address or may be viewed at the Department of Education business office.

**C. Impact Criteria**

1. Will the amended regulation help improve student achievement as measured against state achievement standards? The amendments update the regulation to reflect the changes in the state assessment system. This program provides an incentive for students to do well on the state assessments.

2. Will the amended regulation help ensure that all students receive an equitable education? The amendments update the regulation to reflect the changes in the state assessment system and do not specifically address equity of education.

3. Will the amended regulation help to ensure that all students' health and safety are adequately protected? The amendments update the regulation to reflect the changes in the state assessment system and do not specifically address the health and safety of students.

4. Will the amended regulation help to ensure that all students' legal rights are respected? The amendments update the regulation to reflect the changes in the state assessment system and do not specifically address the legal rights of students.

5. Will the amended regulation preserve the necessary authority and flexibility of decision making at the local board and school level? The amendments preserve the necessary authority and flexibility of 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 amendments do not place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels.

7. Will the decision making authority and accountability for addressing the subject to be regulated be placed in the same entity? There are no changes to the decision making authority or accountability.

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 amendments are consistent with 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 are no additional costs to the State or local boards for compliance with this regulation.

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

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 administered pursuant to 14

## 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 ~~Delaware Student Testing Program~~ state assessment. The student's score that is used for federal Adequate Yearly Progress (AYP) shall be used to determine this award. ~~Scores from re-testing shall not be considered. Students who have completed the eighth grade prior to first participating in the eighth grade assessment(s) pursuant to 14 Del.C. §151 shall not be eligible to receive an eighth grade scholarship.~~ The Scholarships may be awarded to a maximum of 300 eighth grade students in the content areas of reading, ~~writing~~ and mathematics and to a maximum of 300 tenth grade students in the content areas of reading, ~~writing~~, and mathematics.
- 1.2 The awards shall be provided to the highest scoring eighth and tenth grade students in the state in reading and mathematics as well as the highest scoring eighth and tenth grades students in the state in reading and mathematics who participate in the free and reduced lunch program pursuant to the provisions below:
- 1.2.1 The highest scoring eighth and tenth grade students in the state in reading, ~~in writing~~ and in mathematics shall receive the scholarships.
- 1.2.1.1 The eighth grade awards may be given to a maximum of 150 students in the areas of reading ~~writing~~ and mathematics. The number of awards shall be as close to fifty percent (50%) in each area as possible ~~and the~~. The unassigned awards shall be awarded in the priority order of reading, then mathematics ~~and writing~~.
- 1.2.1.2 The tenth grade awards may be given to a maximum of 150 students in the areas of reading ~~writing~~ and mathematics. The number of awards shall be as close to fifty percent (50%) in each area as possible. ~~and~~ the unassigned awards shall be allocated in the priority order of reading then mathematics ~~and writing~~.
- 1.2.2 The highest scoring eighth and tenth grade students in the state in reading, ~~in writing~~ and in mathematics, who participate in the free and reduced lunch program and who are not already identified as one of the students in section ~~4-4~~. 1.2 shall receive the scholarships.
- 1.2.2.1 The eighth grade awards may be given to a maximum of 150 students in the areas of reading, ~~writing~~ and mathematics. The number of awards shall be as close to fifty percent (50%) in each area as possible ~~and the~~. The unassigned awards shall be allocated in the priority order of reading, then mathematics ~~and writing~~.
- 1.2.2.2 The tenth grade awards may be given to a maximum of 150 students in the areas of reading, writing and mathematics. The number of awards shall be as close to fifty in each area as possible ~~and the~~. The unassigned awards shall be allocated in the priority order of reading, then mathematics ~~and writing~~.
- 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)**

## 2.0 Eligibility for More Than One Scholarship

Students may receive a scholarship in more than one content area and may also receive scholarships for their 8th and their 10th grade scores.

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

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

## 3.0 Use of Scholarship Funds

The Michael C. Ferguson Scholarship 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)**

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

- 4.1 All scholarship awards shall be deposited in an account at the Delaware Higher Education Commission Office in an interest bearing account. Interest earned or forfeited scholarships shall be utilized by the Department of

Education and Delaware Higher Education ~~Commission~~ Office to offset administrative expenses associated with the program.

- 4.42 Funds deposited for scholarships 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.
- 4.23 It is the responsibility of the parent or guardian to notify the Delaware Higher Education ~~Commission~~ Office of any change of address during the scholarship 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.
- 4.34 The Department of Education shall annually announce the winners of Michael C. Ferguson Scholarships.
- 4.45 The Delaware Higher Education ~~Commission~~ Office shall send a "Request for Information" form to Michael C. Ferguson Scholarship recipients annually to update their account information.
  - 4.45.1 The Delaware Higher Education ~~Commission~~ Office shall send enrollment verification forms to institutions identified by recipients. When completed verification forms are received by the Delaware Higher Education ~~Commission~~ Office, disbursement of scholarship funds will be made to the institution.
  - 4.45.2 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 ~~Commission~~ Office prior to enrollment in order to receive payment of the scholarship.
  - 4.45.3 Recipients may defer all or a portion of payment of Michael C. Ferguson Scholarships beyond their first post secondary year, but must assume the responsibility to notify the Delaware Higher Education ~~Commission~~ Office of their plans to claim the Scholarship, and may not extend payment beyond the five year limit.

**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. 265 (09/01/11) (Prop.)**