

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

FINAL

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

245 Michael C. Ferguson Achievement Awards Scholarship

I. Summary of the Evidence and Information Submitted

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 provide a provision for military obligations and clarification that the scholarship may also be used in US territories.

Notice of the proposed regulation was published in the *News Journal* and the *Delaware State News* on **September 2, 2011**, in the form hereto attached as *Exhibit "A"*. The Department did not receive comments on the amendments.

II. Findings of Facts

The Secretary finds that it is appropriate to amend 14 **DE Admin. Code** 245 Michael C. Ferguson Achievement Awards Scholarship in order 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 provide a provision for military obligations and clarification that the scholarship may also be used in US territories.

III. Decision to Amend the Regulation

For the foregoing reasons, the Secretary concludes that it is appropriate to amend 14 **DE Admin. Code** 245 Michael C. Ferguson Achievement Awards Scholarship. Therefore, pursuant to 14 **Del.C.** §122, 14 **DE Admin. Code** 245 Michael C. Ferguson Achievement Awards Scholarship attached hereto as *Exhibit "B"* is hereby amended. Pursuant to the provision of 14 **Del.C.** §122(e), 14 **DE Admin. Code** 245 Michael C. Ferguson Achievement Awards Scholarship hereby amended shall be in effect for a period of five years from the effective date of this order as set forth in Section V. below.

IV. Text and Citation

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

V. Effective Date of Order

The actions hereinabove referred to were taken by the Secretary pursuant to 14 **Del.C.** §122 on **October 20, 2011**. The effective date of this Order shall be ten (10) days from the date this Order is published in the *Delaware Register of Regulations*.

IT IS SO ORDERED the 20th day of October 2011.

Department of Education

Lillian M. Lowery, Ed.D., Secretary of Education

Approved this 20th day of October 2011

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 **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 ~~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~~ 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. 639 (11/01/11) (Final)