

# DEPARTMENT OF EDUCATION

## OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Sections 122(b) and 154(e)  
(14 Del.C. §122(b) and §154(e))  
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

Reauthorization of Existing Regulation

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

The Secretary of Education intends to reauthorize 14 DE Admin. Code 245 Michael C. Ferguson Achievement Awards Scholarship with no changes.

Persons wishing to present their views regarding this matter may do so in writing by the close of business on or before November 3, 2008 to Susan K. 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 regulation serves as an incentive to students to do well on the DSTP that measures the state achievement standards.

2. Will the amended regulation help ensure that all students receive an equitable education? The regulation defines the conditions of the scholarship awards and ensures that the awards are distributed in an equitable way.

3. Will the amended regulation help to ensure that all students' health and safety are adequately protected? The regulation addresses the conditions of the scholarship award not health and safety issues.

4. Will the amended regulation help to ensure that all students' legal rights are respected? The regulation addresses the conditions of the scholarship award not student's legal rights.

5. Will the amended regulation preserve the necessary authority and flexibility of decision making at the local board and school level? The regulation will preserve the necessary authority and flexibility of decision makers 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 regulation will 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? The decision-making authority and accountability for addressing the subject to be regulated will remain in the same entity.

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 regulation will be consistent with and not an impediment to the implementation of other state education policies.

9. Is there a less burdensome method for addressing the purpose of the regulation? The Department of Education is required by statute to maintain regulations in this area.

10. What is the cost to the State and to the local school boards of compliance with the regulation? There is no additional cost to the local school boards for compliance with the 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 assessments administered pursuant to 14 **Del.C.** §153 (c).

#### **1.0 Basis for Granting Scholarships**

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 administration of the Delaware Student Testing Program. 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.

1.1 The highest scoring eighth and tenth grade students in the state in reading, in writing and in mathematics shall receive the scholarships.

1.1.1 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 in each area as possible and the unassigned awards shall be awarded in the priority order of reading, mathematics and writing.

1.1.2 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 in each area as possible and the unassigned awards shall be allocated in the priority order of reading, mathematics and writing.

1.2 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 1.1. shall receive the scholarships.

1.2.1 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 in each area as possible and the unassigned awards shall be allocated in the priority order of reading, mathematics and writing.

1.2.2 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 unassigned awards shall be allocated in the priority order of reading, 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)**

#### **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)**

#### **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. The award cannot exceed direct educational costs.

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

**4.0 Higher Education Commission Account and Notification Procedures**

All scholarship awards shall be deposited in an account at the Delaware Higher Education Commission in an interest bearing account. Interest earned shall be utilized by the Department of Education and Delaware Higher Education Commission to offset administrative expenses associated with the program.

- 4.1 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.
- 4.2 It is the responsibility of the parent or guardian to notify the Higher Education Commission 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.
- 4.3 The Department of Education shall annually announce the winners of Michael C. Ferguson Scholarships.
- 4.4 The Delaware Higher Education Commission shall send a "Request for Information" form to Michael C. Ferguson Scholarship recipients annually to update their account information.
  - 4.4.1 The Delaware Higher Education Commission shall send enrollment verification forms to institutions identified by recipients. When completed verification forms are received by the Delaware Higher Education Commission, disbursement of scholarship funds will be made to the institution.
  - 4.4.2 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 prior to enrollment in order to receive payment of the scholarship.
  - 4.4.3 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 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)**

**12 DE Reg. 398 (10/01/08) (Prop.)**