



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES
Margaret M. O'Neill Bldg., Suite 1, Room 311
410 Federal Street
Dover, Delaware 19901
302-739-3621

The Honorable John Carney
Governor

John McNeal
SCPD Director

March 20, 2017

Ms. Tina Shockley, Education Associate
Department of Education
401 Federal Street, Suite 2
Dover, DE 19901

RE: 20 DE Reg. 685 [Proposed DOE Scholarship Incentive Program Regulation (3/1/17)]

Dear Ms. Shockley:

The State Council for Persons with Disabilities (SCPD) has reviewed the Department of Education's (DOE's) proposed regulation to adopt regulations implementing the State Scholarship Incentive Program established by the attached Title 14 Del.C. §§3411-3413. The proposed regulation was published as 20 DE Reg. 685 in the March 1, 2017 issue of the Register of Regulations.

The enabling law authorizes scholarships only to full-time students in degree programs. A student can qualify for a scholarship only if attending: 1) an undergraduate educational institution in Delaware; or 2) an undergraduate educational institution in another state with a reciprocity agreement; or 3) an undergraduate or graduate educational institution in another state offering courses not available in state-supported institutions in Delaware when the course work is deemed in the best interest of the State. Scholarships are awarded based on both financial merit and academic merit. The amount of the scholarships is small. Consistent with the attached excerpt from the DOE website, they range from \$700- \$2,200 annually. The regulations contemplate allocating up to 80% of funding to undergraduates and up to 20% of funding for graduate students (§5.1.1).

SCPD has the following observations.

First, the numbering in §4.0 should be reviewed. There should be no §4.1 since there is no §4.2. See attached §3.3 from the Delaware Administrative Code Drafting and Style Manual.

Second, the regulations ostensibly omit the statutory authorization to approve scholarships to attend institutions outside Delaware “that have established scholarship reciprocity agreements with the State and the Office of Undergraduate study”. Compare Title 14 Del.C. §3413(3)b with regulatory §4.1. Perhaps there are no reciprocity agreements. If there are reciprocity agreements, the DOE should consider adding a conforming provision to the regulations. The statutory authorization is an independent basis for a scholarship distinct from enrolling in course work not offered in Delaware. Third, it’s unclear how a scholarship for a graduate student enrolled in pass/fail course work would be calculated. Section 5.2.2.3 authorizes scholarship eligibility for such students. However, based on the table on the website, query whether such a student would only be eligible for a needs-based \$700 award with no opportunity to qualify for a merit supplement. The DOE may wish to clarify if a graduate student qualifying for a scholarship under §5.2.2.3 is only eligible for a needs-based award.

Fourth, the table suggests that awards are weighted in favor of academics as juxtaposed to need. Students qualify for the same \$700 need-based stipend whether they are in abject poverty or whether they barely meet the threshold for need. In contrast, students can qualify for the academic stipend based on more discriminating standards ranging from \$0 to \$1,500. Reasonable persons could differ on whether this approach should be reversed, i.e., anyone with a 2.5 GPA would receive the same stipend while the needs-based stipend would vary based on extent of need. The enabling statute does not prioritize academic merit versus financial need and vice versa. See Title 14 Del.C. §3413(4). I infer the rationale for the current table is ease of administration, i.e., it’s easier to document a GPA than financial need.

Thank you for your consideration and please contact SCPD if you have any questions or comments regarding our observations on the proposed regulation.

Sincerely,



Jamie Wolfe, Chairperson
State Council for Persons with Disabilities

cc: The Honorable Steven Godowsky, Ed.D, Secretary of Education
Mr. Chris Kenton, Professional Standards Board
Dr. Teri Quinn Gray, State Board of Education
Ms. Mary Ann Mieczkowski, Department of Education
Ms. Laura Makransky, Esq., Department of Justice
Ms. Terry Hickey, Esq., Department of Justice
Ms. Valerie Dunkle, Esq., Department of Justice
Mr. Brian Hartman, Esq.
Developmental Disabilities Council
Governor’s Advisory Council for Exceptional Citizens

TITLE 14

Education

Free Public Schools

CHAPTER 34. FINANCIAL ASSISTANCE FOR HIGHER EDUCATION

Subchapter II. Scholarship Incentive Program

§ 3411 Purpose.

It is the intent and purpose of the General Assembly through this subchapter to:

- (1) Provide financial aid to Delaware residents with demonstrated financial need so that within the limits of the fiscal capabilities of the State they shall not be denied an opportunity for a college education because of financial need;
- (2) Provide a financial incentive for higher academic achievement for students who qualify to receive such scholarships; and
- (3) Encourage qualified Delaware students to pursue courses of graduate and professional education when such courses are unavailable in state-supported institutions and when such pursuit is deemed in the best interest of the State.

14 Del. C. 1953, § 3401; 54 Del. Laws, c. 208, § 1; 61 Del. Laws, c. 472, § 1; 62 Del. Laws, c. 258, § 2; 70 Del. Laws, c. 161, § 1; 73 Del. Laws, c. 188, § 1.;

§ 3412 Administration.

(a) The Office shall receive and administer federal funds under the Leveraging Educational Assistance Partnership (LEAP) and Special Leveraging Educational Assistance Partnership (SLEAP) [20 U.S.C. § 1070c], state funds appropriated from the General Fund, and private sources for the purposes set forth in this subchapter.

(b) The Office may apply for and receive such funds as may be available to the State from any agency of the federal government or private sources as grants for student financial assistance programs at the postsecondary level.

14 Del. C. 1953, § 3402; 54 Del. Laws, c. 208, § 1; 61 Del. Laws, c. 472, § 1; 62 Del. Laws, c. 258, § 2; 70 Del. Laws, c. 161, § 2; 73 Del. Laws, c. 188, § 1; 77 Del. Laws, c. 431, § 12.;

§ 3413 Scholarships.

The Office is hereby authorized to award scholarships from the Scholarship Incentive Program (SciP) subject to the limits of its appropriations and the following limitations:

(1) Scholarships shall be awarded only to persons who will enroll as full-time students in degree programs.

(2) No student may receive more than 5 annual scholarships for either undergraduate or graduate study.

(3) Scholarships shall be used only at educational institutions:

a. In Delaware for undergraduate study;

b. In states that have established scholarship reciprocity agreements with the State and the Office for undergraduate study; or

c. For undergraduate or graduate study in degree programs that are not offered by a publicly assisted institution in Delaware.

(4) Scholarships shall be awarded on the basis of financial need and academic merit. Financial need shall be determined by a federally approved need analysis system. The financial need calculation shall consider the student's expected family contribution, the expense of attending the institution selected, and the student's eligibility for Pell grants and other federal, state or private grant assistance.

(5) Students must reapply for the scholarships annually, and must continue to meet all qualifications of the program.

14 Del. C. 1953, § 3404; 54 Del. Laws, c. 208, § 1; 61 Del. Laws, c. 472, § 1; 62 Del. Laws, c. 258, § 2; 70 Del. Laws, c. 161, § 4; 73 Del. Laws, c. 188, § 1; 77 Del. Laws, c. 431, § 12.;



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SCHOLARSHIP INCENTIVE PROGRAM (SCIP)

Application and Deadline for the 2017-2018 Academic Year

The application process for SCIP requires three steps:

1. Complete the Free Application for Federal Student Aid (FAFSA) by April 15, 2017.
2. Provide your academic records to the Delaware Higher Education Office by June 30, 2017 to dheo@doe.k12.de.us. Please see below for steps on how to submit your academic records.

If you are a current high school student attending a Delaware public or Charter school the Delaware Higher Education Office will import your academic records from Delaware Department of Education files.

If you are a high school student who is home schooled or attending a private school in Delaware please forward an unofficial copy of your final transcript showing an un-weighted cumulative GPA to the Delaware Higher Education Office by June 30, 2017.

If you are a current college/university student please forward a copy of your unofficial transcript to DHEO after spring 2017 grades have posted. Alternatively you could forward the [Academic Record Request](#) form to the Registrars office at your school and request that they complete it once spring grades have posted and return it to DHEO by June 30, 2017. It is your responsibility to ensure that the Registrar's office sends the completed form by the deadline. Late forms will not be accepted.

If you are not currently enrolled in college or high school please send your most recent academic records to the Delaware Higher Education office.

3. Log onto your student account at www.de.gov/scholarshipsto to provide your anticipated college enrollment information for 2017-2018 by June 30, 2017.

NOTE: All communications regarding deadlines for additional information are sent to the email address you provide in your FAFSA. Check your email frequently. To avoid delivery problems, you should add our originating e-mail address (dheo@doe.k12.de.us) to your address book or safe list.

- You can complete your 2017-2018 FAFSA online beginning October 1, 2016, and you can apply for an FSA ID at any time. Your FSA ID can be used each year to electronically apply for federal student aid and to access your Federal Student Aid records online.
- SCIP grants are **non renewable**. Your FAFSA must be received by the federal processor by April 15 each year and you must provide an unofficial transcript and enrollment information by June 30, 2017 to be reviewed for SCIP eligibility.

Eligibility requirements:

- Legal residents of Delaware
- U.S. citizens or eligible non-citizens
- Demonstrate substantial financial need, as determined using the Free Application for Federal Student Aid (FAFSA)
- Have a minimum cumulative, unweighted grade point average of 2.5 on a 4.0 scale, (grades submitted on a weighted scale will be recalculated to unweighted)
- Enroll **full-time** in an **undergraduate** degree program at a nonprofit, regionally accredited institution (<http://www.chea.org/default.asp>) in Delaware or Pennsylvania
- Or enroll **full-time** at a nonprofit, regionally accredited college in an undergraduate or graduate degree program that is **not** offered at the University of Delaware (<http://www.udel.edu/academics>), Delaware State University (<http://www.desu.edu/academics>) or Delaware Technical Community College (<https://www.dtcc.edu/academics/programs-study>).

Restrictions:

- Graduate degree programs at the public colleges in Delaware (the University of Delaware or Delaware State University) are **not eligible** .
- Minors, non-degree, diploma, certificate, or continuing education programs are **not eligible** .
- Independent study, individualized majors, co-operative programs and other arranged or negotiated programs of study are **not eligible**.
- A student cannot receive the Scholarship Incentive Program for more than 5 years for either undergraduate or graduate study

Award:

- Not to exceed tuition, mandatory fees, and other direct educational expenses , excluding winter and summer sessions.
- Students must demonstrate financial need, as determined by FAFSA, and be in an eligible program of study to receive an award. GPA is used to determine award amount.
- Awards will be made after July 1. Check your email frequently.
- Graduate awards: \$1,000/year

- Undergraduate awards: \$700 to \$2,200/year, depending on GPA, as follows:

GPA Range	Need Base	Merit Supplement	Total Award
3.75 - 4.0	\$700.00	\$1,500.00	\$2,200.00
3.50 - 3.74	\$700.00	\$1,200.00	\$1,900.00
3.25 - 3.49	\$700.00	\$900.00	\$1,600.00
3.00 - 3.24	\$700.00	\$600.00	\$1,300.00
2.75 - 2.99	\$700.00	\$300.00	\$1,000.00
2.50 - 2.74	\$700.00	\$0.00	\$700.00
Less than 2.50	\$0.00	\$0.00	\$0.00

QUICK RESOURCES

Department of Education - School Supports
 The Townsend Building
 401 Federal Street, Suite 2
 Dover, DE 19901-3639
 302-735-4000

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3.3 Numbering

Regulatory text should be designated with numerals only.

Start out with 1.0 as the first section and number down tabbing in one level for additional subsections. See Figure 3.2 for an example. In order to divide a section, there must be at least two subsections (for example, 2.1 and 2.2), unless the section consists of an introductory portion followed by a list. If the section is not divisible, use just the section number (for example, 2.0, not 2.0 and 2.1). Similarly, there must be at least two subdivisions to divide a subsection. This rule applies to all divisions within a regulation. See Section 7.3 for additional information on tabulations and the use of bullets.

Figure 3.2
Numbering a Regulation

Example:

8.0 Use of Designations

8.1 Designation "Certified Public Accountant" and the Abbreviation "CPA" in the Practice of Certified or Public Accountancy:

8.1.1 Only the following individuals and entities may use the designation "certified public accountant", the abbreviation "CPA", and other designations which suggest that the user is a certified public accountant, in the practice of certified or public accountancy:

8.1.1.1 An individual who is registered with the Board and holds a certificate of certified public accountant and a current permit to practice.

8.1.1.2 A sole proprietorship, partnership, corporation, or any other entity authorized under Delaware law or a similar statute of another state which is registered with the Board and holds a current firm permit to practice.

8.2 Designation "Certified Public Accountant" and the abbreviation "CPA" by certificate holders who do not maintain a permit to practice:

8.2.1 An individual who holds a certificate of certified public accountant but does not maintain a permit to practice may use the designation "certified public accountant" or the abbreviation "CPA" on business cards and stationery if:

8.2.1.1 The certificate of certified public accountant has not been suspended or revoked and is in good standing.

8.2.1.2 The individual does not engage in the practice of certified or public accountancy and does not offer to perform certified or public accountancy services.

3.4 Body of Text

1. All documents shall be typed in conventional uppercase and lowercase format.
2. Documents shall be typed in *Arial* font face and *10 point* font size. Do not use automatic numbering or the automatic bullets function of the software when creating lists.
3. An agency shall request and obtain existing regulation text from the Registrar's office in order to ensure proposed changes are made to the current version of the regulatory text before submission.