

March 16, 2017

Tina Shockley  
Education Associate – Policy Advisor  
Department of Education  
401 Federal Street, Suite 2  
Dover, DE 19901

**RE: 20 DE Reg. 685/14 DE Admin. Code 1203 [DOE Proposed Scholarship Incentive Program Regulation (March 1, 2017)]**

Dear Ms. Shockley:

The Governor’s Advisory Council for Exceptional Citizens (GACEC) has reviewed the Department of Education (DOE) proposal to adopt regulations implementing the State Scholarship Incentive Program established by Title 14 Del.C. §§3411-3413. Council would like to share the following observations.

First, the enabling law authorizes scholarships to full-time students only in degree programs. Limiting the scholarships to only students who are full time may be viewed as inherently discriminatory to a subset of individuals with disabilities. Less than 12 credits may be the maximum that is appropriate for some students, given medical or other capacity limitations due to manifestations or characteristics of their disability. These individuals will be excluded from the benefit of this program due to the nature of their disability, even though they are pursuing higher education and are as capable of obtaining a degree as any other student, just over a longer period of time.

Second, 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.

Third, the regulations seemingly 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.

Fourth, it is 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, Council queries 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.

Fifth, the table suggests that awards are weighted in favor of academics as compared 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 grade point average (GPA) would receive the same stipend while the needs-based stipend would vary based on the extent of need. The enabling statute does not prioritize academic merit versus financial need and vice versa. See Title 14 Del.C. §3413(4). Council assumes the rationale for the current table is ease of administration, i.e., it is easier to document a GPA than financial need.

Thank you for the opportunity to share our observations with you. Please contact me or Wendy Strauss at the GACEC office if you have any questions on our comments.

Sincerely,

Dafne A. Carnright  
Chairperson

DAC:kpc

CC: The Honorable Susan Bunting, Secretary of Education  
Dr. Teri Quinn Gray, State Board of Education  
Mr. Chris Kenton, Professional Standards Board  
Mary Ann Mieczkowski, Department of Education  
Matthew Korobkin, Department of Education  
Terry Hickey, Esq.  
Valerie Dunkle, Esq.

Attachments