

DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Sections 122(b)(4) and (b)(5) and 153 (14 **Del.C.** §§122(b)(4) & (b)(5) and 153)
14 **DE Admin. Code** 230

PROPOSED

PUBLIC NOTICE

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

230 Promotion

A. TYPE OF REGULATORY ACTION REQUIRED

Amendment to Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF THE REGULATION

Pursuant to 14 **Del.C.** §122(b)(4) and (b)(5) and 14 **Del.C.** §153, the Secretary of Education seeks the consent of the State Board of Education to amend 14 **DE Admin. Code** 230 Promotion. This regulation is being amended to align with the current student promotional process. The regulation will be effective July 1, 2021 and should be implemented for the 2021-2022 school year.

Persons wishing to present their views regarding this matter may do so in writing by the close of business on or before April 1, 2021 to the Department of Education, Office of the Secretary, Attn: Regulation Review, 401 Federal Street, Suite 2, Dover, Delaware 19901 or email to DOERegulations.comment@doe.k12.de.us. A copy of this regulation may be viewed online at the Registrar of Regulation's website, http://regulations.delaware.gov/services/current_issue.shtml or obtained at the Department of Education's Office of the Secretary, located at the address above.

C. IMPACT CRITERIA

1. Will the amended regulation help improve student achievement as measured against state achievement standards? The amended regulation specifically addresses the improvement of student achievement as measured against state achievement standards. The amended regulation will improve student achievement by ensuring that students do not pass through the elementary and middle school grade configurations without demonstrating proficiency in mathematics, as well as English Language Arts. The amendment also identifies science and social studies as core instructional areas of instruction.

2. Will the amended regulation help ensure that all students receive an equitable education? The amended regulation will help ensure all students receive an equitable education.

3. Will the amended regulation help to ensure that all students' health and safety are adequately protected? The amendment regulation does not significantly impact students' health and safety.

4. Will the amended regulation help to ensure that all students' legal rights are respected? The amended regulation continues to help ensure that all students' legal rights are respected.

5. Will the amended regulation preserve the necessary authority and flexibility of decision making at the local board and school level? The amended regulation does not change the 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 amended regulation does not place any unnecessary reporting or administrative requirements or mandates on decision makers.

7. Will the decision making authority and accountability for addressing the subject to be regulated be placed in the same entity? The amended regulation does not change the decision making authority and accountability for addressing the subject to be regulated.

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 amended regulation is consistent with and not an impediment to the implementation of other state educational policies regarding the promotion of students.

9. Is there a less burdensome method for addressing the purpose of the regulation? There is no less burdensome method for addressing the purpose of the amended regulation.

10. What is the cost to the State and to the local school boards of compliance with the regulation? There are no anticipated material costs to implementing this amended regulation. The additional "core" classes are offered in the school district's basic curriculum.

230 Promotion

1.0 Each Local School District and Charter School Shall Have a Promotion Policy for Kindergarten Through Grade 12

- 1.1 Local school districts and charter schools must follow, at a minimum, the requirements for promotion as defined in 14 **Del.C.** §153, titled Matriculation and Academic Promotion Requirements and 14 **DE Admin. Code** 925, Children with Disabilities Subpart D, Evaluations, Eligibility Determination, Individualized Education Programs.
- 1.2 The promotion policies for grades 1 to 8 must also, at a minimum, include the following:
 - 1.2.1 Students in grades 1 to 8 must receive instruction in English Language Arts or its equivalent, mathematics, social studies and science each year as defined in the Delaware State Content Standards.
 - 1.2.2 ~~Students in grades 1 to 8 must pass 50% of their instructional program each year (excluding physical education) to be promoted to the next grade level. One of the subject areas that must be passed is English Language Arts or its equivalent. English Language Arts or its equivalent includes English as a Second Language (ESL), and bilingual classes that are designed to develop the English language proficiency of students who have been identified as LEP. Classes in English Language Arts, mathematics, science and social studies include those which employ alternative instructional methodologies designed to meet the needs of LEP students in the content areas.~~
 - 1.2.2 Students in grades K-8 must pass three (3) of the four (4) core classes to be promoted to the next grade level. Core classes are English Language Arts, mathematics, science and social studies. Two of the three core classes must be English Language Arts and mathematics.
 - 1.2.3 In addition to English Language Arts and mathematics mentioned in subsections 1.2.1 and 1.2.2, for promotion to grade 3 students must have passed science and social studies in at least one grade level from K-2. For promotion to grade 6, students must have passed science and social studies in at least one grade level from 3-5. For promotion to grade 9, students must have passed science and social studies in at least one grade level from 6-8.

2 DE Reg. 1248 (01/01/99)

7 DE Reg. 928 (01/01/04)

12 DE Reg. 932 (01/01/09)

2.0 Policy Reporting Requirements

- 2.1 ~~Each local school district and charter school shall have an electronic copy of its current promotion policy on file with the Department of Education. post its promotion policy on its website, and notify a parent, guardian or relative caregiver of each student in writing where this policy can be accessed. A hard copy shall be provided to a parent, guardian or relative caregiver upon request.~~
- 2.2 ~~Each local school district and charter school shall provide an electronic copy of its promotion policy to the Department of Education update their policy and website within thirty (30) days of any revision(s) revision regardless of whether said revisions were revision was made as a result of changes to Federal, state or local law, regulations, guidance, or policies.~~

12 DE Reg. 932 (01/01/09)

24 DE Reg. 831 (03/01/21) (Prop.)