

DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 122(b) (14 **Del.C.** §122(b))

FINAL

REGULATORY IMPLEMENTING ORDER

917 Accelerated Academic Programs

I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

The Secretary of Education seeks the consent of the State Board of Education to amend 14 **DE Admin. Code** 917 Accelerated Academic Programs. Senate Bill 27 of the 147th General Assembly created a new program of start-up grants to public schools for the purpose of initiating new programs to offer specialized educational services to students who are capable of performing accelerated academic work, or renewing existing programs of the same description whose funding sources are expiring. Senate Bill 27 expressly requires the Department of Education to promulgate regulations creating an explicit formula for evaluating proposals for these grants, and this proposed regulation is promulgated to comply with that statutory requirement. The criteria outlined in this proposed regulation are those required by Senate Bill 27.

Notice of the proposed regulation was published in the *News Journal* and the *Delaware State News* on August 3, 2013, in the form hereto attached as Exhibit "A". Comments were received from Governor's Advisory Council for Exceptional Citizens, the State Council for Persons with Disabilities and the Delaware Arts Alliance. Based on the comments received, the Department has amended section 2.5 for clarification purposes. In addition, the Department considered the comment related to the professional development and how this directly impacts students. The Department supports the current language as there is a need to ensure general education teachers are provided professional development on how to engage, react and to teach academically accelerated students.

In view of the timing of the legislation and the publication requirements for the regulation, for the 2013-14 academic year only, the Department will accept applications for these programs through October 25, 2013. Decisions will be made by November 1, 2013.

II. FINDINGS OF FACTS

The Secretary finds that it is appropriate to amend 14 **DE Admin. Code** 917 Accelerated Academic Programs in order to meet the requirements of the new statute.

III. DECISION TO AMEND THE REGULATION

For the foregoing reasons, the Secretary concludes that it is appropriate to amend 14 **DE Admin. Code** 917 Accelerated Academic Programs. Therefore, pursuant to 14 **Del.C.** §122, 14 **DE Admin. Code** 917 Accelerated Academic Programs attached hereto as Exhibit "B" is hereby amended. Pursuant to the provision of 14 **Del.C.** §122(e), 14 **DE Admin. Code** 917 Accelerated Academic Programs 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** 917 Accelerated Academic Programs amended hereby shall be in the form attached hereto as Exhibit "B", and said regulation shall be cited as 14 **DE Admin. Code** 917 Accelerated Academic Programs 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 September 19, 2013. 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 19th day of September 2013.

Department of Education

Mark T. Murphy, Secretary of Education

Approved this 19th day of September 2013

State Board of Education

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917 Accelerated Academic Programs

1.0 Definitions

The following words and terms, when used in this regulation, have the following meaning unless the context clearly indicates otherwise:

“Academic work” means work in the areas of writing, reading, science, math, or engineering, or work in other areas (including history, social studies and visual and/or performing arts) that specifically incorporates one of those academic areas.

“Accelerated academic work” shall have the same meaning as “advanced academic work.”

“Advanced academic work” means academic work that would meet the content standard dictated by 14 DE Admin. Code 501 or its successor at least one semester earlier than anticipated by the standard. For example, a course targeted at having students meet content standards in academic work by the middle of their school year which they otherwise would not be expected to meet until the end of their school year would consist of advanced academic work.

2.0 Applications for Accelerated Academic Program Grants

- 2.1 By August 1 of each calendar year, the Department of Education shall determine if the state has allocated funds for grants under this regulation and 14 Del.C. §3113. If such grants have been allocated, the Department shall ensure that applications for such grants are delivered by September 1 of the same calendar year to each public school in the state.
- 2.2 Applications for grants under this regulation shall be due by October 1 of each calendar year, and decisions regarding grants shall be made by November 1 of each calendar year.
- 2.3 All decisions regarding the awarding of grants shall be made according the numeric scoring rubric outlined in Section 3.0 of this regulation, and the scoring sheets used to determine grantees shall be preserved and considered public information.
- 2.4 Grants under this regulation and 14 Del.C. §3113 shall be for a one-year period. Absent some affirmative showing by the Department as to why a grant awarded under this regulation should not be renewed, it will be renewed for a second year to a recipient that complies with the conditions of the grant. Grants under this regulation shall not be awarded for more than two years.
- 2.5 Only programs that offer educational services specifically targeted at students who are capable of performing advanced academic work may receive grants under this regulation and 14 Del.C. §3113. Proposed programs may include programming in areas that are not academic work as defined by this regulation~~[, including visual and performing arts.]~~ provided that the stated purpose of the program and effect of its curriculum is improved student performance in academic work.
- 2.6 Only programs that propose a method for assessing the impact of the proposed program on participating students’ academic growth may receive grants under this regulation and 14 Del.C. §3113.
- 2.7 Proposed programs that do not meet the requirements of subsection 2.5 and 2.6 cannot receive grant funds and will not be scored under the rubric established by Section 3.0.
- 2.8 Grants under this regulation and 14 Del.C. §3113 are limited to new programs and existing programs whose funding sources are expiring. Grants shall not be awarded to supplant existing funds for current programs. Any proposal for an existing program to receive funds must specify the existing funding source for the program, specify the reason that the existing funding source is expiring, and explain why the proposed grant would not be supplanting existing funds.

3.0 Scoring of Applications

All applications for grants under this regulation shall receive a specific numerical score from the panel of persons assigned by the Department to rate the applications. Those programs receiving the top possible scores shall receive grants to the extent that funds are available. Scoring shall be done on formal score sheets.

- 3.1 Quality of proposed curriculum (zero to 20 points). What is the proposed curriculum for the program, from what sources is the curriculum derived, and how likely is it to enable students to learn the advanced academic work that is the subject of the proposed program? A proposed program that is not based upon a reliable source and is not likely to enable students to learn the advanced academic work that is the subject of the proposed program should receive zero points under this measure. A proposed program that is based upon a reliable source but does not adequately explain how that curriculum will enable students to learn the advanced academic work that is the subject of the proposed program should receive five points under this measure. A proposed program that is based upon a reliable source and adequately explains how that curriculum will enable students to learn the advanced academic work that is the subject of the proposed program should receive fifteen points under this measure. The Department shall have the discretion to award up to five additional points for proposed curriculums that have exceptional features which the Department can articulate.
- 3.2 Qualifications of instructors (zero to 20 points). Who are the persons who will teach the proposed curriculum, what is their experience generally and specifically with respect to teaching material similar to the proposed curriculum, are there any objective criteria that qualify them as outstanding instructors? A proposed program that offers no specific information regarding the instructors who will teach students in the proposed program should receive zero points under this measure. A proposed program that demonstrates subject matter expertise among the teachers for the proposed program that is directly aligned with the subject matter of the program should receive ten points under this measure. A proposed program that demonstrates both subject matter expertise and additional indicia of high teacher quality, which may include licensures, certifications, recommendations, accreditations, or other equivalent criteria, should receive fifteen points under this measure. The Department shall have the discretion to award up to five additional points for proposed programs that will use instructors who demonstrate extraordinary credentials or qualifications which the Department can articulate.
- 3.3 Integration with existing school programs (zero to 8 points). How will this new program be integrated with the existing programming at the school, both to ensure that the program is logistically feasible and to ensure that participating students are able to participate in other school activities outside the program? A proposed program that does not demonstrate how it will be integrated with existing school programming should receive zero points under this measure. A proposed program that demonstrates that it is logistically coordinated with other activities occurring within the school where the program is sited should receive four points under this measure. A proposed program that demonstrates that its curriculum is integrated in a substantive way with other school activities which are available to participating students should receive eight points under this measure.
- 3.4 Sustainability (zero to 8 points). Has the applicant described how it will sustain the proposed program after the requested grant expires in one to two years, either by showing how the program can be sustained with existing state and local funds or by identifying the funding sources that will be used to sustain the program? A program that does not identify how it will be sustained should receive zero points under this measure. A program that provides information and/or commitments making it likely that the program can be sustained after expiration of the requested grant should receive four points under this measure. A program that provides information and/or commitments providing a high level of certainty that the program can be sustained after expiration of the requested grant should receive eight points under this measure.
- 3.5 Transportation issues (zero to 8 points). Is the program offered during the normal school day where bus transportation is available, and if not, how does the program propose to provide transportation to participating students? If the program is not offered during the normal school day and does not propose to provide transportation to participating students, the program should receive zero points under this measure. If the program is either (a) offered during the normal school day or (b) specifies how it will provide transportation for participating students, the program should receive eight points under this measure.
- 3.6 Incorporation of successful program designs (zero to 8 points). Does the proposed program incorporate elements of existing programs targeted at students capable of doing advanced academic work, or adequately explain why it has considered existing models and decided to use a different model? If the proposed program does not incorporate elements of any existing programs and fails to indicate why it has examined existing programs targeted at students capable of doing advanced academic work and elected to choose a different design, the proposed program should receive zero points under this measure. If the proposed program does not incorporate elements of any existing programs but satisfactorily explains its decision, after examining existing programs, to not incorporate elements of those programs, the proposed program should receive four points under this measure. If the proposed program specifically incorporates elements of existing programs, it should receive eight points under this measure.

- 3.7 Efficiency of spending (zero to 6 points). Does the proposed program target the maximum possible percentage of its funds on activities that will directly impact students? Professional development and program assessment are considered activities that will directly impact students. If the proposed program does not address the degree to which the funds it requests will be dedicated to activities that directly impact students, the program should receive zero points under this measure. If the proposed program demonstrates that more than 85% of the requested funds will be dedicated to activities that directly impact students (which include professional development, purchase of books and supplies, and program assessment), the proposed program should receive three points under this measure. If the proposed program demonstrates that more than 95% of the requested funds will be dedicated to activities that directly impact students (which include professional development, purchase of books and supplies, and program assessment), the proposed program should receive six points under this measure.
- 3.8 Encouragement of participation by students from diverse backgrounds (zero to 8 points). Does the proposed program encourage students from diverse backgrounds, including students with disabilities, low-income students, African-American students, and ESL students, to participate in the program provided that they are capable of doing advanced academic work? To the extent that accommodations are needed for students with disabilities who are otherwise capable of doing advanced academic work, does the proposed program provide for such accommodations? A proposed program that does not specifically describe any efforts that will be made to encourage participation by students from diverse backgrounds should receive zero points under this measure. A proposed program that proposes credible steps that will be taken to encourage participation by students from diverse backgrounds should receive four points under this measure. A proposed program that proposes credible steps that will be taken to encourage participation by students from diverse backgrounds and demonstrates advance consideration of accommodating otherwise-qualified students with disabilities should receive eight points under this measure.
- 3.9 Identification of eligible students (zero to 8 points). Does the proposed program have a transparent, reliable, fair, and robust method to determine which students are eligible to participate? A proposed program that does not specify the means by which students will be determined to be eligible for the program should receive zero points under this measure. A proposed program that specifies a single, reliable method for determining eligibility for the proposed program, tied specifically to the proposed curriculum, should receive four points under this measure. A proposed program that demonstrates multiple reliable methods for determining eligibility for the proposed program, tied specifically to the proposed curriculum, should receive eight points under this measure.
- 3.10 Program evaluation (zero to 6 points). How reliable and accurate is the program evaluation component of the applicant's proposal? A program that proposes a single, reliable method for evaluating the success of the proposed program after students have completed the program should receive three points under this measure. A proposed program that proposes multiple reliable methods for evaluating the success of the proposed program after students have completed the program should receive six points under this measure.