

# DEPARTMENT OF EDUCATION

## OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 122(d) (14 Del.C. §122(d))  
14 DE Admin. Code 1001

### PROPOSED

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

##### 1001 Participation in Extra Curricular Activities

#### A. Type of Regulatory Action Required

Reauthorization of Existing Regulation

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

The Secretary of Education intends to amend 14 DE Admin. Code 1001 Participation in Extra Curricular Activities. The regulation was reviewed as part of the five year review cycle. It was determined no amendments were needed.

Persons wishing to present their views regarding this matter may do so in writing by the close of business on or before **May 4, 2012** to Susan 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 is related to district and charter school academic eligibility criteria for participation in extra curricular activities and there are no proposed changes.

2. Will the amended regulation help ensure that all students receive an equitable education? The regulation is related to district and charter school academic eligibility criteria for participation in extra curricular activities and is in place to help ensure all students receive an equitable education as it related to extra curricular activities.

3. Will the amended regulation help to ensure that all students' health and safety are adequately protected? The regulation is related to district and charter school academic eligibility criteria for participation in extra curricular activities and not specifically related to students' health and safety.

4. Will the amended regulation help to ensure that all students' legal rights are respected? The regulation is related to district and charter school academic eligibility criteria for participation in extra curricular activities and is in place to help ensure 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? There are no proposed changes to the regulation.

6. Will the amended regulation place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels? There are no proposed changes to the regulation.

7. Will the decision making authority and accountability for addressing the subject to be regulated be placed in the same entity? There are no proposed changes to the regulation.

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 continues to be consistent with other state educational policies.

9. Is there a less burdensome method for addressing the purpose of the regulation? There are no changes to the regulation and there is not a less burdensome method for addressing this issue.

10. What is the cost to the State and to the local school boards of compliance with the regulation? There are no additional costs to the local school boards for compliance as there are no changes to the regulation.

##### 1001 Participation in Extra Curricular Activities

#### 1.0 Academic Eligibility Criteria

Local school districts and charter schools shall establish their own academic eligibility criteria for participation in all extra curricular activities except for interscholastic athletics. The academic eligibility criteria for interscholastic athletics is established in 14 DE Admin. Code 1009.2.6 DIAA Senior High School Interscholastic Athletics, and in 14 DE Admin. Code 1008.2.6 DIAA Junior High and Middle School Interscholastic Athletics.

Comment: In establishing and implementing academic eligibility criteria applicable to students with disabilities, districts are reminded that some flexibility may be contemplated by Federal guidelines. See 34 CFR Sec. 104.4.

**1 DE Reg. 173 (8/1/97)**

**6 DE Reg. 279 (9/1/02)**

**10 DE Reg. 1433 (03/01/07)**

**15 DE Reg. 1404 (04/01/12) (Prop.)**