

DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 122(b) (14 **Del.C.** §122(b))
14 **DE Admin. Code** 605

FINAL

Regulatory Implementing Order

605 Student Rights and Responsibilities

I. Summary of the Evidence and Information Submitted

The Secretary of Education intends to amend 14 **DE Admin. Code** 605 Student Rights and Responsibilities. The amendments clarify that district and charter school student rights and responsibilities policy(s) must be based on the most current version or reauthorization of Delaware Code, Delaware Administrative Code, federal legislation such as, but not limited to, Individuals with Disabilities Education Act (IDEA), Civil Rights Act, Elementary and Secondary Education Act (ESEA), and the Code of Federal Regulations Title IX.

Notice of the proposed regulation was published in the *News Journal* and the *Delaware State News* on Tuesday, June 3, 2008, in the form hereto attached as Exhibit "A". Comments were received from the State Council for Persons with Disabilities and from the Governor's Advisory Council for Exceptional Citizens. Both Councils endorsed the changes with recommendations for changes to the federal law references. The final order reflects those recommendations.

II. Findings of Facts

The Secretary finds that it is appropriate to amend 14 **DE Admin. Code** 605 Student Rights and Responsibilities in order to clarify the state and federal laws the policy(s) must be based and how the policy(s) are to be distributed to students and families.

III. Decision to Amend the Regulation

For the foregoing reasons, the Secretary concludes that it is appropriate to amend 14 **DE Admin. Code** 605 Student Rights and Responsibilities. Therefore, pursuant to 14 **Del.C.** §122, 14 **DE Admin. Code** 605 Student Rights and Responsibilities attached hereto as Exhibit "B" is hereby amended. Pursuant to the provision of 14 **Del.C.** §122(e), 14 **DE Admin. Code** 605 Student Rights and Responsibilities 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** 605 Student Rights and Responsibilities amended hereby shall be in the form attached hereto as Exhibit "B", and said regulation shall be cited as 14 **DE Admin. Code** 605 Student Rights and Responsibilities 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 July 14, 2008. 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 14th day of July 2008.

DEPARTMENT OF EDUCATION

Valerie A. Woodruff, Secretary of Education

Approved this 14th day of July 2008

605 Student Rights and Responsibilities

1.0 Required Policy

- 1.1 All local school districts and charter schools shall have their own policies on student rights and responsibilities. ~~and shall distribute and explain these policies to every student at the beginning of every school year and whenever a student enrolls or re-enrolls in the school during the school year. These policies shall be based on the Department of Education document Guidelines for the Development of District Policies on Student Rights and Responsibilities, as may be from time to time revised by the Department of Education, and on Department of Education regulations, Possession, Use or Distribution of Drugs and Alcohol, and Compliance with the Gun Free Schools Act. These policies shall be based on the most current version or reauthorization of Delaware Code, Delaware Administrative Code, federal legislation such as, but not limited to, Individuals with Disabilities Education Act (IDEA), Civil Rights Act, Elementary and Secondary Education Act (ESEA), [Section 504 of the Rehabilitation Act, Americans with Disabilities Act (ACD),] and the [Code of Federal Regulations Title IX Patsy T. Mink Equal Opportunity in Education Act (Title IX)].~~

2.0 Distribution of Student Rights and Responsibilities Policy

- 2.1 Each local school district and charter school shall distribute and explain these policies to every student at the beginning of each school year.
- 2.2 Each district and charter school shall distribute and explain these policies to each student enrolling or re enrolling during the school year.
- 2.3 Each district and charter school shall post the policies on student rights and responsibilities on its website and notify a parent, guardian or Relative Caregiver of each student in writing where this policy(s) can be accessed. A hard copy shall be provided to a parent, guardian or Relative Caregiver upon request.

3.0 Reporting Requirements and Timelines

- 3.1 Each local school district and charter school shall have an electronic copy of its current student rights and responsibilities policy(s) on file with the Department of Education.
- 3.2 Each local school district and charter school shall provide an electronic copy of any student rights and responsibilities policy(s) to the Department within ninety (90) days of such revision(s) regardless of whether said revisions were made as a result of changes to Federal, state or local law, regulations, guidance or policies.

12 DE Reg. 219 (08/01/08)