

DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Sections 122(b) and 154(e)
(14 **Del.C.** §122(b) and §154(e))
14 **DE Admin. Code** 255

PROPOSED

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

255 Definitions of Public School, Private School and Nonpublic School

A. Type of Regulatory Action Required

Reauthorization of Existing Regulation

B. Synopsis of Subject Matter of the Regulation

The Secretary of Education intends to reauthorize 14 **DE Admin. Code** 255 Definitions of Public School, Private School and Nonpublic School with no changes.

Persons wishing to present their views regarding this matter may do so in writing by the close of business on or before September 5, 2008 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 reauthorized regulation provides definitions and does not directly address student achievement issues.

2. Will the amended regulation help ensure that all students receive an equitable education? The reauthorized regulation provides definitions and does not directly address equitable education issues.

3. Will the amended regulation help to ensure that all students' health and safety are adequately protected? The reauthorized regulation provides definitions and does not directly address health and safety issues.

4. Will the amended regulation help to ensure that all students' legal rights are respected? The reauthorized regulation provides definitions and does not directly address students' legal rights.

5. Will the amended regulation preserve the necessary authority and flexibility of decision making at the local board and school level? The reauthorized regulation will preserve the necessary authority and flexibility of 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 reauthorized regulation will not place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels.

7. Will the decision making authority and accountability for addressing the subject to be regulated be placed in the same entity? The decision making authority and accountability for addressing the subject to be regulated will remain in the same entity.

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 reauthorized regulation will 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.

9. Is there a less burdensome method for addressing the purpose of the regulation? The is not a less burdensome method for addressing the purpose of this regulation and is intended to reflect state statute.

10. What is the cost to the State and to the local school boards of compliance with the regulation? There is no additional cost to the State and to the local school boards.

255 Definitions of Public School, Private School and Nonpublic School

1.0 Public School

A public school shall mean a school or Charter School having any or all of grades kindergarten through twelve, supported primarily from public funds and under the supervision of public school administrators. It also shall include the agencies of states and cities which administer the public funds.

2.0 Private School

A private school shall mean a school having any or all of grades kindergarten through twelve, operating under a board of trustees and maintaining a faculty and plant which are properly supervised and shall be interpreted further to include an accredited or approved college or university.

4 DE Reg. 1251 (2/1/01)

3.0 Nonpublic School

A nonpublic school shall mean a private school as that term is defined in paragraph 2.0 of this regulation or any homeschool defined in 14 **Del.C.** §2703A.

7 DE Reg. 618 (11/1/03)

12 DE Reg. 108 (08/01/08)