

DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 122(b) (14 **Del.C.** §122(b))
14 **DE Admin. Code** 503

FINAL

REGULATORY IMPLEMENTING ORDER

503 Instructional Program Requirements

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** 503 Instructional Program Requirements. This regulation is being amended to: (1) remove outdated references to previous school years regarding occurrence of physical fitness assessments, (2) include instructional requirements for World Languages and (3) clarify instructional requirements for Career and Technical Education.

Notice of the proposed regulation was published in the *News Journal* and the *Delaware State News* on December 1, 2015, in the form hereto attached as *Exhibit "A"*. Comments were received from Governor's Advisory Council for Exceptional Citizens and the State Council for Persons with Disabilities generally endorsing the regulation, but with one comment regarding the use of the term "licensed medical provider" being the appropriate term to us. In order to align with similar regulations, the Department changed the term to "Licensed Healthcare Provider" and defined it in subsection 5.4.

II. FINDINGS OF FACTS

The Secretary finds that it is appropriate to amend 4 **DE Admin. Code** 503 Instructional Program Requirements in order to remove outdated references to previous school years regarding occurrence of physical fitness assessments, include instructional requirements for World Languages and to clarify instructional requirements for Career and Technical Education.

III. DECISION TO AMEND THE REGULATION

For the foregoing reasons, the Secretary concludes that it is appropriate to amend 14 **DE Admin. Code** 503 Instructional Program Requirements. Therefore, pursuant to 14 **Del.C.** §122, 14 **DE Admin. Code** 503 Instructional Program Requirements attached hereto as *Exhibit "B"* is hereby amended. Pursuant to the provision of 14 **Del.C.** §122(e), 14 **DE Admin. Code** 503 Instructional Program Requirements 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 4 **DE Admin. Code** 503 Instructional Program Requirements amended hereby shall be in the form attached hereto as *Exhibit "B"*, and said regulation shall be cited as 4 **DE Admin. Code** 503 Instructional Program Requirements 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 January 21, 2016. 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 21st day of January 2016.

Department of Education

Steven Godowsky, Secretary of Education

Approved this 21st day of January 2016

State Board of Education

Teri Quinn Gray, Ph.D., President

Jorge L. Melendez, Vice President (absent)

Gregory B. Coverdale, Jr.

Terry M. Whittaker, Ed.D.

503 Instructional Program Requirements

1.0 English Language Arts

- 1.1 Local school districts and ~~each~~ charter schools shall provide instructional programs in English Language Arts for each grade K to 12.
- 1.2 All public school students in each grade K to 8 shall be enrolled in an English language arts program.
- 1.3 All public school students in grades 9 to 12 shall complete the credits in English language arts necessary to graduate from high school.

2.0 Mathematics

- 2.1 Local school districts and ~~each~~ charter schools shall provide instructional programs in mathematics for each grade K to 12.
- 2.2 All public school students in each grade K to 8 shall be enrolled in a mathematics program.
- 2.3 All public school students in grades 9 to 12 shall complete the credits in mathematics necessary to graduate from high school.

3.0 Science

- 3.1 Local school districts and ~~each~~ charter schools shall provide instructional programs in science for each grade K to 12.
- 3.2 All public school students in each grade K to 8 shall be enrolled in a science program.
- 3.3 All public school students in grades 9 to 12 shall complete the credits in science necessary to graduate from high school.

4.0 Social Studies

- 4.1 Local school districts and ~~each~~ charter schools shall provide instructional programs in social studies for each grade K to 12.
- 4.2 All public school students in each grade K to 8 shall be enrolled in a social studies program.
- 4.3 All public school students in grades 9 to 12 shall complete the credits in social studies necessary to graduate from high school.

5.0 Physical Education

- 5.1 Local school districts and ~~each~~ charter schools shall provide instructional programs in physical education for each grade K to 12 with the exception of the James H. Groves High School program.
- 5.2 All public school students in each grade 1 to 8 shall be enrolled in a physical education program.
- 5.3 All public school students in grades 9 to 12 shall complete the credit in physical education necessary to graduate from high school.
 - 5.3.1 In addition to the one credit required for high school graduation, only one additional elective credit in physical education may be used to fulfill the graduation requirements.
- 5.4 The physical education requirements may be waived only for students who have an excuse from a qualified ~~physician licensed [medical healthcare] provider~~, **which is defined as anyone lawfully authorized to diagnose and prescribe medical treatment or restriction,** or objections based on religious beliefs. The local school district or charter school shall have the authority to grant such waivers. The local school district or charter school shall maintain records of the waivers granted and upon request, make them available for review consistent with Federal and state confidentiality laws.
- 5.5 Local school districts and charter schools shall annually assess the physical fitness of each student in grades 4 and 7, and in grade 9 or 10. ~~Beginning in the 2006-2007 school year and annually thereafter, all students in grade 4 will be assessed. Beginning in the 2007-2008 school year and annually thereafter all students in grade 7 and in grade 9 or 10 will be assessed.~~ The physical fitness assessment tool used by the districts and charter schools shall be one designated by the Delaware Department of Education.
 - 5.5.1 The local school districts and charter schools shall provide the results of the physical fitness assessment to the parent(s) guardian(s) or Relative Caregiver of each student. The districts and charter schools shall also report this information to the Delaware Department of Education in a format determined by the Department.

- 5.5.1.1 The Delaware Department of Education shall annually report the statewide grade level results of the physical fitness assessment to the public.

10 DE Reg. 985 (12/01/06)

6.0 Visual and Performing Arts

- 6.1 Local school districts and ~~each~~ charter schools shall provide instructional programs in the visual and performing arts for each grade K to 12 with the exception of the James H. Groves High School program.
- 6.2 All public school students in each grade 1 to 6 shall be enrolled in a visual and performing arts program.

7.0 Career and Technical Education

- 7.1 Local school districts and charter schools, when consistent with the charter school's approved program, shall provide instructional program(s) ~~in two or more vocational technical education areas~~ in grades 7 and 8 that demonstrate alignment to career and technical education programs of study within the high school feeder pattern(s).
- 7.1.1 No later than the 2017-2018 school year, career and technical instructional program(s) in grades 7 and 8 shall be aligned to career and technical education programs of study at the high school level.
- 7.2 All public school students in grades 9 through 12 in local school districts, and charter schools when consistent with the charter school's approved program, shall be provided with the opportunity to enroll in and complete a career and technical education program of study.

8.0 World Language

- 8.1 Local school districts and charter schools with any of grades 9 through 12 shall provide instructional programs in world languages for grades 9 through 12.
- 8.2 All public school students in grades 9 through 12 shall complete the credits in world languages required to graduate from high school.

5 DE Reg. 865 (10/1/01)

8 DE Reg. 1709 (6/1/05)

10 DE Reg. 985 (12/01/06)

19 DE Reg. 739 (02/01/16) (Final)