

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

PROPOSED

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

605 Student Rights and Responsibilities

A. Type of Regulatory Action Required

Amendment to Existing Regulation

B. Synopsis of Subject Matter of the Regulation

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.

Persons wishing to present their views regarding this matter may do so in writing by the close of business on or before Thursday, July 3, 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 amended regulation addresses students' rights and responsibilities which can have an impact on school climate and student achievement.

2. Will the amended regulation help ensure that all students receive an equitable education? The amended regulation continues to ensure that all students have the same information about their rights and responsibilities.

3. Will the amended regulation help to ensure that all students' health and safety are adequately protected? The amended regulation continues to assure that students' health and safety are adequately protected as found in the information on their rights and responsibilities.

4. Will the amended regulation help to ensure that all students' legal rights are respected? The amended regulation continues to ensure that all students' legal rights are protected as found in the information on their rights and responsibilities.

5. Will the amended regulation preserve the necessary authority and flexibility of decision making at the local board and school level? The amended regulation continues to give the districts and charter schools the authority and flexibility to develop their own rights and responsibilities policies in compliance with federal and state laws.

6. Will the amended regulation place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels? The amended regulation clarifies how the policy(s) will be distributed.

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 continues to be 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 amended regulation continues to 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? There is no less burdensome method for addressing the purpose of the amended regulation.

10. What is the cost to the State and to the local school boards of compliance with the regulation? The amended regulation does require a change in how the student rights and responsibilities policies are distributed, but change should not affect costs.

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), and the Code of Federal Regulations 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.