

# 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

### FINAL

#### REGULATORY IMPLEMENTING ORDER

##### 1001 Participation in Extra Curricular Activities

###### I. Summary of the Evidence and Information Submitted

The Secretary of Education intends to reauthorize 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 that no amendments were needed.

Notice of the proposed regulation was published in the News Journal and the Delaware State News on April 5, 2012, 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. The comments provided were related to DIAA participation rules and the comment section of the regulation. The DOE and Delaware Interscholastic Athletic Association (DIAA) appreciated and reviewed the comment to see if subsequent changes need to be made in this or other regulations. At this time, the DOE does not feel the need to make changes to this regulation.

The flexibility in the determination of eligibility for students with disabilities and participation in interscholastic sports does exist based on current regulations and practices; however, the DOE and DIAA will pursue clarification to the DIAA regulations.

###### II. Findings of Facts

The Secretary finds that it is appropriate to reauthorize 14 **DE Admin. Code** 1001 Participation in Extra Curricular Activities upon reviewing this regulation as part of the five year review cycle and determining that amendments were not needed at this time.

###### III. Decision to Reauthorize the Regulation

For the foregoing reasons, the Secretary concludes that it is appropriate to reauthorize 14 **DE Admin. Code** 1001 Participation in Extra Curricular Activities. Therefore, pursuant to 14 **Del.C.** §122, 14 **DE Admin. Code** 1001 Participation in Extra Curricular Activities attached hereto as *Exhibit "B"* is hereby reauthorized. Pursuant to the provision of 14 **Del.C.** §122(e), 14 **DE Admin. Code** 1001 Participation in Extra Curricular Activities hereby reauthorized 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** 1001 Participation in Extra Curricular Activities reauthorized hereby shall be in the form attached hereto as *Exhibit "B"*, and said regulation shall be cited as 14 **DE Admin. Code** 1001 Participation in Extra Curricular Activities 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 May 17, 2012. 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 17 day of May 2012.

###### Department of Education

Lillian M. Lowery, Ed.D., Secretary of Education

Approved this 17 day of May 2012

**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. 1714 (06/01/12) (Final)**