

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 clarify instructional program requirements and to demonstrate alignment to adopted standards in each content area as adopted by the Department of Education.

Notice of the proposed regulation was published in the *News Journal* and the *Delaware State News* on April 1, 2017, 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 noting the proposed regulation aligns with existing law and practice and thus no concerns were identified. However, the Department of Education, in response to concerns voiced by the State Board of Education, clarified terminology used in the regulation related to classes and performance expectations.

II. FINDINGS OF FACTS

The Secretary finds that it is appropriate to amend 14 **DE Admin. Code** 503 Instructional Program Requirements in order to clarify instructional program requirements and to demonstrate alignment to adopted standards in each content area as adopted by the Department of 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 14 **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 14 **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 May 18, 2017. 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 18th day of May 2017.

Department of Education

Susan S. Bunting, Ed.D., Secretary of Education

Approved this 18th day of May 2017

State Board of Education

Teri Quinn Gray, Ph.D., President

Nina L. Bunting, Vice President

G. Patrick Heffernan

Barbara B. Rutt

Gregory B. Coverdale, Jr. (absent)

Terry M. Whittaker, Ed.D.

503 Instructional Program Requirements

1.0 English Language Arts

- 1.1 Local school districts and 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 that demonstrates alignment to the Department of Education's adopted English Language Arts standards and grade level [performance] expectations.
- 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 through [classes courses] that demonstrate alignment to the adopted English Language Arts standards and grade level [performance] expectations.

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

2.0 Mathematics

- 2.1 Local school districts and 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 that demonstrates alignment to the Department of Education's adopted mathematics standards and grade level [performance] expectations.
- 2.3 All public school students in grades 9 to 12 shall complete the credits in mathematics necessary to graduate from high school through [classes courses] that demonstrate alignment to the adopted mathematics standards and grade level [performance] expectations.

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

3.0 Science

- 3.1 Local school districts and 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 that demonstrates alignment to the Department of Education's adopted science standards and grade level [performance] expectations.
- 3.3 All public school students in grades 9 to 12 shall complete the credits in science necessary to graduate from high school through [classes courses] that demonstrate alignment to the adopted science standards and course [performance] expectations.

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

4.0 Social Studies

- 4.1 Local school districts and 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 that demonstrates alignment to the Department of Education's adopted social studies standards and grade level [performance] expectations.
- 4.3 All public school students in grades 9 to 12 shall complete the credits in social studies necessary to graduate from high school through [classes courses] that demonstrate alignment to the adopted Social Studies standards and grade level [performance] expectations.

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

5.0 Physical Education

- 5.1 Local school districts and 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 that demonstrates alignment to the Department of Education's adopted physical education standards and grade level [performance] expectations.
- 5.3 All public school students in grades 9 to 12 shall complete the credit in physical education necessary to graduate from high school through [classes courses] that demonstrate alignment to the adopted physical education standards and grade level [performance] expectations.
 - 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 either have an excuse from a qualified licensed 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. 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)

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

6.0 Visual and Performing Arts

- 6.1 Local school districts and 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 [through classes] that demonstrates alignment to the Department of Education's adopted visual and performing arts [standards] and grade level [proficiency level] expectations.

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

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 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.

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

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 that demonstrate alignment to the Department of Education's adopted world language standards and [proficiency level course] expectations.

- 8.2 All public school students in grades 9 through 12 shall complete the credits in world languages required to graduate from high school through [classes courses] that demonstrates alignment to the Department of Education's adopted world language standards and [proficiency level course] expectations.

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

8 DE Reg. 1709 (06/01/05)

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

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

20 DE Reg. 971 (06/01/17) (Final)