

DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 122 (14 Del.C. §122)
14 DE Admin. Code 940

PROPOSED

940 Early Admission to Kindergarten for Gifted Students

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

A. Type of Regulatory Action Required

Amendment to Existing Regulation

B. Synopsis of Subject Matter of the Regulation

The Secretary of Education seeks the consent of the State Board of Education 14 DE Admin. Code 940 Early Admission to Kindergarten for Gifted Students. The amendments reflect a change to the assessment tools for evaluation the readiness of children for entry into kindergarten. This regulation was reviewed under the five year cycle. The Department received comments and input from the Statewide Advisory Council for Gifted Education.

Persons wishing to present their views regarding this matter may do so in writing by the close of business on or before June 2, 2010 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? This regulation is related to early admission to kindergarten and as such the amendments should help to ensure students are ready to begin school.

2. Will the amended regulation help ensure that all students receive an equitable education? This regulation is related to early admission to kindergarten and as such the amendments should help to ensure students who may be gifted allowed entry school even though they do not meet the age cut-off date.

3. Will the amended regulation help to ensure that all students' health and safety are adequately protected? The amendments should continue to ensure the health and safety of students.

4. Will the amended regulation help to ensure that all students' legal rights are respected? This regulation is related to early admission to kindergarten and as such the amendments should help to ensure students who may be gifted allowed for entry into school even though they do not meet the age cut-off date.

5. Will the amended regulation preserve the necessary authority and flexibility of decision making at the local board and school level? The amended regulation preserves the necessary authority and flexibility of decision making at the local board and school levels.

6. Will the amended regulation place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels? The amendments do 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 does not changes.

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 amendments are consistent with and not an impediment to the implementation of other state educational policies.

9. Is there a less burdensome method for addressing the purpose of the regulation? There is not a less burdensome method for addressing the purpose of the regulation.

10. What is the cost to the State and to the local school boards of compliance with the regulation? The Department does not contemplate additional costs to the state or local school boards for compliance.

940 Early Admission to Kindergarten for Gifted Students

1.0 Requirements for Early Admission to Kindergarten

- 1.1 When providing early enrollment into kindergarten of children who are gifted pursuant to the provisions of 14 **Del.C.** §3101(3)(a) or (b), local school districts and charter schools shall comply with the following requirements:
- 1.1.1 At the request of any parent, legal guardian or person acting as a caregiver pursuant to 14 **Del.C.** §202(f), the district or charter school shall conduct an evaluation of any such potentially gifted child by a school psychologist or other professionally qualified person, in conjunction with other appropriate personnel, to determine if the child possesses outstanding mental and cognitive abilities and to determine if the child can demonstrate the social, emotional, and physical maturity, normally expected for successful participation in kindergarten. A discussion shall be held to determine the parent, guardian or Relative Caregiver's reason for requesting the child's early admission to kindergarten prior to the legal age. The evaluation shall be conducted at no cost to the parent, guardian or Relative Caregiver.
- 1.1.2 For the 2010-11 school year, in order to qualify for early enrollment, the child must achieve a measured score at least 1.5 standard deviations above the mean score for the assessment instrument(s) used to determine the child's mental and cognitive abilities. In addition, the evaluation instrument(s) must indicate that the child possesses the social, emotional and physical maturity to successfully participate in kindergarten.
- 1.1.3 Beginning for the 2011-2012 school year, the school district or charter school shall use multiple means for assessing the school readiness of the child. Assessment instruments used shall be valid and reliable for school readiness in early childhood populations.
- 1.1.3.1 In order to qualify for early enrollment, the child must achieve a measured score at least 1.5 standard deviations above the mean score for the assessment instrument used to determine the child's mental and cognitive abilities.
- 1.1.3.2 In addition, the evaluation instrument(s) must indicate that the child possesses the social, emotional and physical maturity to successfully participate in kindergarten.
- 1.31.4 Following the completion of the evaluation, a representative of the school district or charter school who is knowledgeable of the evaluation process and any assessments used during the evaluation shall talk with the parent, guardian or Relative Caregiver to discuss the evaluation results.

8 DE Reg. 1479 (4/1/05)

13 DE Reg. 1384 (05/01/10) (Proposed)