

# DEPARTMENT OF EDUCATION

## OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 122(b) (14 Del.C. §122(b))  
14 DE Admin. Code 230

### PROPOSED

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

#### 230 Promotion

##### 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 to amend 14 DE Admin. Code 230 Promotion. The regulation requires that local school districts have promotion policies in place for grades K through grade 12. The local policies must also incorporate the promotion requirements as defined in the *Delaware Code* and in 14 DE Admin. Code 925 Children with Disabilities Subpart D, Evaluations, Eligibility Determination, Individualized Education Programs. The amendments: 1) clarify charter schools are subject to this regulation; 2) require a copy of the current promotion policy be on file with the Department; and 3) make a technical correction to a cited regulation.

Persons wishing to present their views regarding this matter may do so in writing by the close of business on or before December 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 supports efforts to improve student achievement by not permitting students to be promoted if they have not met academic standards except when an IEP allows for such promotion.

2. Will the amended regulation help ensure that all students receive an equitable education? The amended regulation applies to all students and consequences are applied in an equitable manner.

3. Will the amended regulation help to ensure that all students' health and safety are adequately protected? The amended regulation applies to promotion issues not health and safety issues.

4. Will the amended regulation help to ensure that all students' legal rights are respected? The amended regulation continues to reflect the requirements set forth in the *Delaware Code* concerning promotion reflecting the laws attention to students' legal rights.

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

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 will 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 and accountability for addressing the subject to be regulated will remain 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 will 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 amended regulation? The regulation is required under state statute.

10. What is the cost to the State and to the local school boards of compliance with the regulation? There is no additional cost to the State and to the local school boards of compliance with the regulation.

## **230 Promotion**

### **1.0 Each Local School District and Charter School Shall Have a Promotion Policy for Kindergarten Through Grade 12**

- 1.1 Local school districts and charter schools must follow, at a minimum, the requirements for promotion as defined in 14 **Del.C.** §153, titled Matriculation and Academic Promotion Requirements and 14 **DE Admin. Code** 925, Children with Disabilities Subpart D, Evaluations, Eligibility Determination, Individualized Education Programs.
- 1.2 The promotion policies for grades 1 to 8 must also, at a minimum, include the following:
  - 1.2.1 Students in grades 1 to 8 must receive instruction in English Language Arts or its equivalent, mathematics, social studies and science each year as defined in the Delaware Content Standards.
  - 1.2.2 Students in grades 1 to 8 must pass 50% of their instructional program each year (excluding physical education) to be promoted to the next grade level. One of the subject areas that must be passed is English Language Arts or its equivalent. English Language Arts or its equivalent includes English as a Second Language (ESL), and bilingual classes that are designed to develop the English language proficiency of students who have been identified as LEP. Classes in English Language Arts, mathematics, science and social studies include those which employ alternative instructional methodologies designed to meet the needs of LEP students in the content areas.

**2 DE Reg. 1248 (1/1/99)**

**7 DE Reg. 928 (1/1/04)**

### **2.0 Policy Reporting Requirements**

- 2.1 Each local school district and charter school shall have an electronic copy of its current promotion policy on file with the Department of Education.
- 2.2 Each local school district and charter shall provide an electronic copy of its promotion policy to the Department of Education within ninety (90) days of any revision(s) regardless of whether said revisions were made as a result of changes to Federal, state or local law, regulations, guidance, or policies.

**12 DE Reg. 556 (11/01/08) (Prop.)**