

**DEPARTMENT OF EDUCATION
OFFICE OF THE SECRETARY**

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

PROPOSED

PUBLIC NOTICE

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

255 Definitions of Public School, Private School and Nonpublic School

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** 255 Definitions of Public School, Private School and Nonpublic School. The purpose of amending this regulation is to include and clarify definitions of various types of schools as well as change the title of the regulation to more accurately reflect its content.

This regulation was originally published in July 2016. Due to comments received which resulted in substantive changes to the definitions of Charter School, Reorganized School District and Vocational Technical School District, the regulation is being republished at this time.

Persons wishing to present their views regarding this matter may do so in writing by the close of business on or before December 7, 2016 to Tina Shockley, Education Associate, Department of Education, Regulatory Review, at 401 Federal Street, Suite 2, Dover, Delaware 19901. A copy of this regulation may be viewed online at the Registrar of Regulation's website, http://regulations.delaware.gov/services/current_issue.shtml, or obtained at the Department of Education, Finance Office located at the address listed above.

C. IMPACT CRITERIA

1. Will the amended regulation help improve student achievement as measured against state achievement standards? The amended regulation does not directly address the improvement of student achievement as measured against state achievement standards.

2. Will the amended regulation help ensure that all students receive an equitable education? The amended regulation does not directly help to ensure that all students receiving an equitable education.

3. Will the amended regulation help to ensure that all students' health and safety are adequately protected? The amendments do not address students' health and safety.

4. Will the amended regulation help to ensure that all students' legal rights are respected? The amended regulation does not address student's 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 does not change the 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 does not place any unnecessary reporting or administrative requirements on decision makers.

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 do not change because of the amendment.

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 amendment is 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? There is no expected cost to implementing this amended regulation.

255 Definitions of Public School, Private School and Nonpublic School Types of Schools

1.0 Public School Purpose

~~A public school shall mean a school or Charter School having any or all of grades kindergarten through twelve, supported primarily from public funds and under the supervision of public school administrators. It also shall include the agencies of states and cities which administer the public funds. The purpose of this regulation is to define various types of schools and educational entities operating in the State of Delaware identified in Title 14 of the Delaware Code.~~

2.0 Private School Definitions

~~A private school shall mean a school having any or all of grades kindergarten through twelve, operating under a board of trustees and maintaining a faculty and plant which are properly supervised and shall be interpreted further to include an accredited or approved college or university.~~

The following words and terms are applicable unless a specific regulation, statute or the context in which they are used clearly indicates otherwise:

"Charter School" means a non-home-based public school including two or more of grade kindergarten through twelve, operating in an approved physical plant for the personal physical attendance of all students and is managed by a board of directors. It exists under a charter granted by a public school district or the Delaware Department of Education, with the approval of the State Board of Education, pursuant to 14 Del.C. Ch. 5.

"Homeschool" means a nonpublic school as defined in 14 Del.C. §2703A.

"Local Education Agency (LEA)" means a reorganized traditional school district, vocational/technical school district or Charter School legally constituted and established, under Delaware law for either administrative control or direction of public elementary or secondary school(s).

"Nonpublic School" means a private school or any home school as defined in this regulation or 14 Del.C. §2703A.

"Private School" means a school having any or all of grades kindergarten through twelve, operating under a board of trustees and maintaining a faculty and plant which are properly supervised.

"Public School" means a physical plant having any or all of grades kindergarten through twelve, supported primarily from public funds and under the supervision of public school administrators. A Charter School, as defined herein, is also a public school.

"Reorganized School District" means a clearly defined geographic subdivision of the state organized for the purposes of administering public education in that area.

"School District" means either a Reorganized School District or a Vocational-Technical School District or both depending upon the context in which the term is used.

"Vocational-Technical School District" means a subdivision of the state, the boundaries of which are co-extensive with the boundaries of the county in which it is located, organized for the purposes of administering vocational and technical education in that area.

4 DE Reg. 1251 (02/01/01)

3.0 Nonpublic School

~~A nonpublic school shall mean a private school as that term is defined in paragraph 2.0 of this regulation or any homeschool defined in 14 Del.C. §2703A.~~

4 DE Reg. 1251 (02/01/01)

7 DE Reg. 618 (11/01/03)

12 DE Reg. 668 (11/01/08)

20 DE Reg. 338 (11/01/16) (Prop.)