

DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

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

Repeal

B. Synopsis of Subject Matter of the Regulation

The Secretary of Education seeks the consent of the State Board of Education to repeal 14 **DE Admin. Code** 940 Early Admission to Kindergarten for Gifted Students. This regulation was reviewed under the five year cycle, and a proposed amendment was published in the May 2010 *Register of Regulations*. The Department received comments from the Governor's Advisory Council and thereafter reviewed the regulation and proposed amendment again. Upon this further review and consideration of the comments received, the Department determined that the identification by professionally qualified persons under 14 **Del.C.** §3101(4) and the local district's assessment of the best interest of the child under 14 **Del.C.** §2702(b) is the better mechanism to determine early admission to Kindergarten for Gifted Students. That mechanism will allow students with all statutorily listed areas of abilities, singularly or in combination, to be assessed with the same criteria. Accordingly, the Department has determined that continued regulation in this area is unnecessary 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 October 4, 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 Will the repealed regulation help improve student achievement as measured against state achievement standards? The repealing of the regulation is consistent with the provisions in Delaware Code related to exceptions to entry into school.

2. Will the amended regulation help ensure that all students receive an equitable education? The repealing of the regulation is consistent with the provisions in Delaware Code related to exceptions to entry into school.

3. Will the amended regulation help to ensure that all students' health and safety are adequately protected? The repeal of this regulation is not intended to affect the health and safety of students.

4. Will the amended regulation help to ensure that all students' legal rights are respected? The repealing of the regulation is consistent with the provisions in Delaware Code related to exceptions to entry into school.

5. Will the amended regulation preserve the necessary authority and flexibility of decision making at the local board and school level? The repealing of the regulation is consistent with the provisions in Delaware Code related to exceptions to entry into school, especially as it related to authority and flexibility of 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 repealing of the regulation is consistent with the provisions in Delaware Code related to exceptions to entry into school and is not intended to place unnecessary reporting, administrative requirements or mandates upon decision makers at the local board or school level.

7. Will the decision making authority and accountability for addressing the subject to be regulated be placed in the same entity? The repealing of the regulation is consistent with the provisions in Delaware Code related to exceptions to entry into school.

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 repealing of the regulation is consistent with the provisions in Delaware Code related to exceptions to entry into school and not inconsistent with other state educational policies.

9. Is there a less burdensome method for addressing the purpose of the regulation? The repealing of the regulation is consistent with the provisions in Delaware Code related to exceptions to entry into school.

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 with the repeal of this regulation.

940 Early Admission to Kindergarten for Gifted Students

1.0 Requirements for Early Admission to Kindergarten

~~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 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.~~
- ~~1.1.1 The evaluation shall be conducted at no cost to the parent, guardian or Relative Caregiver.~~
- ~~1.2 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. In addition, the evaluation must indicate that the child possesses the social, emotional and physical maturity to successfully participate in kindergarten.~~
- ~~1.3 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)~~

14 DE Reg. 140 (09/01/10) (Prop.)