

DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

Statutory Authority: 11 Delaware Code, Section 1457(j) (11 Del.C. §1457(j))
14 DE Admin. Code 603

PROPOSED

PUBLIC NOTICE

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

603 Compliance with the Gun Free Schools Act

A. Type of Regulatory Action Required

Amendment to Existing Regulation

B. Synopsis of Subject Matter of the Regulation

Pursuant to 11 Del.C. §1457(j), the Secretary of Education intends to amend 14 DE Admin. Code 603 Compliance with the Gun-Free Schools Act. This amendment is needed to update the statutory reference, make minor clarifications and comply with 29 Del.C. §10407 which requires regulations to be reviewed on a recurring basis every four years.

Persons wishing to present their views regarding this matter may do so in writing by the close of business on or before October 2, 2019 to Department of Education, Office of the Secretary, Attn: Regulation Review, 401 Federal Street, Suite 2, Dover, Delaware 19901 or email to DOERegulations.comment@doe.k12.de.us. 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, 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 helps improve 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 intends to ensure all students receive an equitable education.

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

4. Will the amended regulation help to ensure that all students' legal rights are respected? The amended regulation continues to ensure that all students' legal rights are respected.

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 does 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 no 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.

603 Compliance with the ~~Gun-Free~~ Gun-Free Schools Act

1.0 Written Policy Required

1.1 Each school district and charter school requesting assistance under the Elementary and Secondary Education Act (ESEA) shall have a written policy implementing the ~~Gun-Free~~ Gun-Free Schools Act [(20 USC 4141) (20

~~USC 7151~~ (20 U.S.C. §7961)] and complying with 11 Del.C. §1457(j) or its successor statute. At a minimum, the policy must contain the following elements:

~~4.11.1.1~~ A student who is determined to have brought a firearm to school, or to have possessed a firearm at school, shall be expelled for not less than one year.

~~4.21.1.2~~ Modification to the expulsion requirement may be made on a case by case basis by the chief school officer. Any modification to the expulsion requirement must be made in writing to the Department.

~~4.31.1.3~~ The definition of "**Firearm**" shall be the same as the meaning given to the term in the federal Gun-Free Schools Act.

12 DE Reg. 325 (09/01/08)

2.0 Submission of the Policy to the State Department of Education

~~2.1~~ Each school district and charter school ~~requesting assistance under the ESEA~~ shall submit the following to the Delaware Department of Education ~~by June 1 each year~~ annually, in such form as the Department requires:

~~2.12.1.1~~ ~~An assurance that its policies comply with this regulation and~~ An electronic copy of its policy implementing the Gun-Free Schools Act [(20 U.S.C. §7961)] and complying with 11 Del.C. §1457(j) or its successor statute; and

~~2.1.2~~ An electronic copy of any revised policy implementing the Gun-Free Schools Act [(20 U.S.C. §7961)] and complying with 11 Del.C. §1457(j) or its successor statute under the policy implemented in accord with this regulation within ninety (90) days of such revision regardless of whether revisions were made as a result of changes to federal, state or local law, regulations, guidance or policies; and

~~2.22.1.3~~ Descriptions of the expulsions imposed under 11 **Del.C.** §1457(j) or its successor statute and under the policy implemented in accord with this regulation.

3.0 Individuals with Disabilities Act

Nothing in this regulation shall alter a district or charter school's duties pursuant to the Individuals with Disabilities Education Act.

1 DE Reg. 1976 (6/1/98)

7 DE Reg. 333 (9/1/03)

4.0 Reporting Requirements and Timelines

~~4.1~~ Each public school district and charter school shall have an electronic copy of its policy implementing the Gun-Free Schools Act [(20 USC 4141) (20 USC 7151)] and 11 **Del.C.** §1457(j) or its successor statute on file with the Department of Education.

~~4.2~~ Each public school district and charter school shall provide an electronic copy of any policy implementing the Gun-Free Schools Act [(20 USC 4141) (20 USC 7151)] and 11 **Del.C.** §1457(j) or its successor statute within ninety (90) days of such 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. 325 (09/01/08)

23 DE Reg. 147 (09/01/19) (Prop.)