

DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 122, 29 Delaware Code, Section 10407 (14 Del.C. §122, 29 Del.C. §10407)
14 DE Admin. Code 255

PROPOSED

PUBLIC NOTICE

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

255 Definitions of Types of Schools

A. TYPE OF REGULATORY ACTION REQUIRED

Amendment to Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF THE REGULATION

Pursuant to 14 Del.C. §122, the Secretary of Education intends to amend 14 DE Admin. Code 255 Definitions of Types of Schools. This regulation is being reviewed as required by 29 Del.C. §10407 which states regulations are to be reviewed every four years. This regulation is being amended to include magnet schools, provide general clarification and to comply with the *Delaware Administrative Code Drafting and Style Manual*.

Persons wishing to present their views regarding this matter may do so in writing by the close of business on or before May 2, 2022 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 does not specifically 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 will help ensure all students receive an equitable education by clarifying school types.

3. Will the amended regulation help to ensure that all students' health and safety are adequately protected? The amended regulation will help ensure 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 help 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. The amended regulation clarifies that reorganized school districts may designate schools offering unique curriculum as magnet schools.

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 or mandates 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 amended regulation does not change the decision making authority and accountability for addressing the subject to be regulated.

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 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 amended regulation.

10. What is the cost to the State and to the local school boards of compliance with the regulation? There are no material costs to implementing this amended regulation.

255 Definitions of Types of Schools

1.0 Purpose

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.

20 DE Reg. 547 (01/01/17)

2.0 Definitions

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

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

"Magnet 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. It exists under a designation granted by a reorganized school district.

"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~~ 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~~ pursuant to 14 **Del.C.** Ch. 10.

"School District" means either a ~~Reorganized School District or a Vocational-Technical School District~~ 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~~ pursuant to 14 **Del.C.** Ch. 10.

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

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

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

20 DE Reg. 547 (01/01/17)

25 DE Reg. 903 (04/01/22) (Prop.)