

DEPARTMENT OF EDUCATION
Statutory Authority: 14 Delaware Code, Section 122(d) (14 Del.C. §122(d))
14 DE Admin. Code 940

PROPOSED

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

PUBLIC NOTICE

940 Early Admission to Kindergarten for Gifted Students

A. Type of Regulatory Action Required

New Regulation

B. Synopsis of Subject Matter of the Regulation

The Secretary of Education seeks the approval of the State Board of Education to adopt a new regulation 14 **DE Admin. Code** 940 Early Admission to Kindergarten for Gifted Students in order to clarify what a school must do if they choose to admit gifted students to kindergarten before they are five years of age.

C. Impact Criteria

1. Will the new regulation help improve student achievement as measured against state achievement standards? The new regulation may have an effect on student achievement as a fairness issue for gifted four year olds.

2. Will the new regulation help ensure that all students receive an equitable education? The new regulation may have an effect on issues of an equitable education as a fairness issue for gifted four year olds.

3. Will the new regulation help to ensure that all students' health and safety are adequately protected? The new regulation may have an effect on issues of health and safety of the gifted four olds.

4. Will the new regulation help to ensure that all students' legal rights are respected? The new regulation will help to clarify the rights of gifted four olds.

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

6. Will the new regulation place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels? The new 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 new 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 new 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 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? Early entry kindergarteners add to the cost of the unit count.

940 Early Admission to Kindergarten for Gifted Students

1.0 When providing early enrollment into kindergarten of children who are gifted pursuant to the provisions of 14 Del.C. §3103(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 the child's

outstanding mental/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 caregiver's reason for requesting the child's early admission to kindergarten prior to the legal age.

1.2 The evaluation shall be conducted at no cost to the parent, guardian or caregiver. In order to qualify for early enrollment, the results of the evaluation must indicate that the child achieved a measured score at least 1.5 standard deviations above the mean score for the assessment instrument used to determine the child's outstanding mental/cognitive abilities, and 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 caregiver to discuss the evaluation results.

8 DE Reg. 1074 (2/1/05)