

**DEPARTMENT OF EDUCATION**  
**OFFICE OF THE SECRETARY**  
Statutory Authority: 14 Delaware Code, Section 122 (14 **Del.C.** §122)  
14 **DE Admin. Code** 201

**FINAL**

**REGULATORY IMPLEMENTING ORDER**

**201 District and School Shared Decision Making**

**I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED**

The Secretary of Education seeks the approval of the State Board of Education to repeal 14 **DE Admin. Code** 201 District and School Shared Decision Making. The current regulation mirrors sections of 18 **Del.C.** Ch. 8, School Shared Decision-Making, and its repeal will not modify the Department of Education's responsibilities. The Department has not processed a School Shared Decision Making Transition Planning Grant in a number of fiscal years.

Notice of the proposed regulation was published in the *Delaware Register of Regulations* on November 1, 2020. In addition, notice was published in *The News Journal* and the *Delaware State News* on November 1, 2020, in the form hereto attached as *Exhibit "A"*. No comments were received.

**II. FINDINGS OF FACTS**

The Secretary finds that it is appropriate to repeal 14 **DE Admin. Code** 201 District and School Shared Decision Making because the current regulation mirrors sections of 18 **Del.C.** Ch. 8, School Shared Decision-Making. Its repeal will not modify the Department of Education's responsibilities. The Department has not processed a School Shared Decision Making Transition Planning Grant in a number of fiscal years.

**III. DECISION TO AMEND THE REGULATION**

For the foregoing reasons, the Secretary concludes that it is appropriate to repeal 14 **DE Admin. Code** 201 District and School Shared Decision Making. Therefore, pursuant to 14 **Del.C.** §122, 14 **DE Admin. Code** 201 District and School Shared Decision Making attached hereto as *Exhibit "B"* is hereby repealed. Pursuant to the provision of 14 **Del.C.** §122(e), 14 **DE Admin. Code** 201 District and School Shared Decision Making hereby repealed shall be in effect for a period of five years from the effective date of this order as set forth in Section V. below.

**IV. TEXT AND CITATION**

The text of 14 **DE Admin. Code** 201 District and School Shared Decision Making repealed hereby shall be in the form attached hereto as *Exhibit "B"*, and said regulation shall be cited as 14 **DE Admin. Code** 201 District and School Shared Decision Making in the *Administrative Code of Regulations* for the Department of Education.

**V. EFFECTIVE DATE OF ORDER**

The actions hereinabove referred to were taken by the Secretary pursuant to 14 **Del.C.** §122 on December 17, 2020. The effective date of this Order shall be ten (10) days from the date this Order is published in the *Delaware Register of Regulations*.

**IT IS SO ORDERED** the 17th day of December 2020.

**Department of Education**

Susan S. Bunting, Ed.D., Secretary of Education

Approved this 17th day of December 2020

## State Board of Education

/s/ Whitney Townsend Sweeney, President /s/ Candice Fifer  
/s/ Wali W. Rushdan, II, Vice President /s/ Vincent Lofink  
/s/ Audrey J. Noble, Ph.D. /s/ Provey Powell, Jr.

**\*Please Note: Electronic signatures ("/s/") were accepted pursuant to 6 Del.C. §12A-107(d).**

### 201 District and School Shared Decision Making

#### **1.0 ~~District Shared Decision Making Transition Planning Grant Process~~**

- 1.1 ~~Requests for a district shared decision making transition planning grant shall be submitted to the Office of the Secretary of Education, Delaware Department of Education, 401 Federal Street, Suite 2, Dover, DE 19901-3639. Grant requests shall include the following information:~~
  - 1.1.1 ~~The local board of education Resolution endorsing both the concept of shared decision making and the Report and Recommendations of the District Advisory Committee. See 14 ~~Del.C.~~ §802(b)(c).~~
- 1.2 ~~A copy of the Report and Recommendations of the District Advisory Committee. The Report must be signed by a representative of each stakeholder group that participated in the process and should include the following information, indicating that the requirements of 14 ~~Del.C.~~ §802 have been met.~~
  - 1.2.1 ~~District Advisory Committee (list names and groups represented);~~
  - 1.2.2 ~~Listing of the structured conversations and a brief description of the activities;~~
  - 1.2.3 ~~Brief description of how stakeholders made a good faith effort to communicate with their constituent groups;~~
  - 1.2.4 ~~Recommendation to develop a district transition plan to implement shared decision-making;~~
  - 1.2.5 ~~Process for establishing a district transition plan; and~~
  - 1.2.6 ~~Process for determining the composition and roles and responsibilities delegated to the District Transition Team.~~
- 1.3 ~~The District Transition Team (list names and groups represented).~~
- 1.4 ~~A description of the process for the District Transition Team to reach decisions and resolve conflicts.~~
- 1.5 ~~A description of the plan for communicating the results of the district transition plan to the broader school community for information and critical review.~~
- 1.6 ~~Acknowledgment that within the district transition plan there must be a policy for supporting shared decision making activities from the local budget, including the school improvement planning process set forth in 14 ~~Del.C.~~ §806, and acknowledgment that funds must be specifically identified and made available for use by school committees.~~
- 1.7 ~~A description of how the various stakeholder groups will formally express their opinion regarding the district transition plan prior to its adoption by the local board of education.~~
- 1.8 ~~Signatures of each stakeholder group representative indicating the stakeholder's belief that the grant should be awarded to the district. Any stakeholder refusing to sign should explain why as part of the grant request.~~
- 1.9 ~~Assurance that a copy of the Report and Recommendations is posted within the district for public review.~~
- 1.10 ~~Assurance that each stakeholder signing the Report and Recommendations has received a copy of the signed report, as well as a copy of the grant request.~~
- 1.11 ~~Procedure to be used by interested parties to obtain a copy of the district grant request.~~

#### **2.0 ~~School Shared Decision Making Transition Planning Grant Process~~**

- 2.1 ~~Requests for a school shared decision making transition planning grant shall be submitted via the local board of education to the Office of the Secretary of Education, Delaware Department of Education, 401 Federal Street, Suite 2, Dover, DE 19901-3639. Grant requests shall include the following information:~~
  - 2.1.1 ~~Report and Recommendations of the School Advisory Committee:~~
    - 2.1.1.1 ~~A copy of the Report must be signed by a representative of each stakeholder group that participated in the process and should include the following information, indicating that the requirements of 14 ~~Del.C.~~ §804 have been met.~~
      - 2.1.1.1.1 ~~School Advisory Committee (list names and groups represented);~~
      - 2.1.1.1.2 ~~Listing of the structured conversations and a brief description of the activities;~~
      - 2.1.1.1.3 ~~Brief description of how stakeholders made a good faith effort to communicate with their constituent groups;~~

- 2.1.1.1.4 Recommendation to develop a school transition plan to implement shared decision-making;
- 2.1.1.1.5 Process for establishing a school transition plan; and
- 2.1.1.1.6 Process for determining the composition and roles and responsibilities delegated to the School Transition Team
- 2.2 The School Transition Team (List Names and Groups Represented)
- 2.3 A description of the process for the School Transition Team to reach decisions and resolve conflicts.
- 2.4 Assurance that the school has committed to develop a school improvement plan including comprehensive school improvement goals tied to state and local academic performance standards and strategies to achieve these goals and including staff development for building the necessary capacities and skills to successfully implement shared decision-making and improve parental involvement.
- 2.5 A description of the plan for communicating the results of the school improvement plan to the broader school community for information and critical review.
- 2.6 A description of how the various stakeholder groups will formally express their opinion regarding the school transition plan prior to its adoption by the local board of education.
- 2.7 Signatures of each stakeholder group representative indicating the stakeholder's belief that the grant should be awarded to the school. Any stakeholder refusing to sign should explain why as part of the grant request.
- 2.8 Assurance that a copy of the Report and Recommendations is posted within the school for public review.
- 2.9 Assurance that each stakeholder signing the Report and Recommendations has received a copy of the signed report, as well as a copy of the grant request.
- 2.10 Procedure to be used by interested parties to obtain a copy of the school grant request

### **3.0 Approval of School Improvement Grants**

- 3.1 A school that has an approved shared decision making transition plan as specified in 14 ~~Del.C.~~ §806, may apply for a school improvement implementation grant. To apply for a grant, the principal of the eligible school should submit a letter of request to the Office of the Secretary of Education, Delaware Department of Education, 401 Federal Street, Suite 2, Dover, DE 19901-3639. Requests shall include the following information:
  - 3.1.1 Evidence that the local board of education has adopted the school's transition plan; and
  - 3.1.2 The school improvement plan containing the following components:
    - 3.1.2.1 Comprehensive school improvement goals tied to state and local academic performance standards and strategies to achieve these and other goals identified by the school, including staff development and parental involvement;
    - 3.1.2.2 A description of the rationale for the proposed governance structure, stating how and why the governance process should improve decision making and support continuous improvement in teaching and student learning;
    - 3.1.2.3 Evidence of review by the broader school community with agreement that the school improvement plan is consistent with the school district plan and evidence that the local board of education has formally adopted the school's improvement plan;
    - 3.1.2.4 A proposed budget that explains the use of resources allocated to the school to support strategies for achieving the school improvement goals;
    - 3.1.2.5 The structural changes or procedures for providing the necessary time and skill-building to support shared decision making and continuous improvement in teaching and student learning;
    - 3.1.2.6 The assessment and evaluation process that the school will use to measure its progress toward achieving its stated goals;
    - 3.1.2.7 A proposed timeline for phasing in the school improvement plan; and
    - 3.1.2.8 A proposed budget for the use of the school improvement grant.
- 3.2 A school with an approved application shall be eligible for a school improvement grant for the following (3) years as provided in the annual appropriations act. Subsequent applications may be made only after the review and evaluation of the school improvement plan required by 14 ~~Del.C.~~ §808 is completed and the results of such are included in the school's application.

1 DE Reg. 1400 (03/01/98)

5 DE Reg. 1615 (02/01/02)

10 DE Reg. 1140 (01/01/07)

24 DE Reg. 770 (02/01/21) (Final)