

DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 122(b) (14 **Del.C.** §122(b))
14 **DE Admin. Code** 851

FINAL

REGULATORY IMPLEMENTING ORDER

851 K to 12 Comprehensive Health Education Program

I. Summary of the Evidence and Information Submitted

The Secretary of Education seeks the consent of the State Board of Education 14 **DE Admin. Code** 851 K to 12 Comprehensive Health Education Program. The regulation was amended for formatting purposes and also clarification on necessary components of the district and charter school health education programs. In addition, clarifies that charter schools are subject to these program requirements.

Notice of the proposed regulation was published in the *News Journal* and the *Delaware State News* on Monday, November 2, 2009, in the form hereto attached as Exhibit "A". Comments were received from Governor's Advisory Council for Exceptional Citizens and the State Council for Persons with Disabilities endorsing inclusion of the reference to "interpersonal violence prevention program" in § 1.1.7.. In response to the Councils' comments, the Department has added the phrase "and family life education" to § 1.1.3.3. The Department declines to add additional specification around traumatic brain injury education as this is covered in the core concept of injury prevention and safety.

II. Findings of Facts

The Secretary finds that it is appropriate to amend 14 **DE Admin. Code** 851 K to 12 Comprehensive Health Education Program for formatting purposes and also clarification on necessary components of the district and charter school health education programs. In addition, clarifies that charter schools are subject to these program requirements.

III. Decision to Amend the Regulation

For the foregoing reasons, the Secretary concludes that it is appropriate to amend 14 **DE Admin. Code** 851 K to 12 Comprehensive Health Education Program. Therefore, pursuant to 14 Del.C. §122, 14 **DE Admin. Code** 851 K to 12 Comprehensive Health Education Program attached hereto as Exhibit "B" is hereby amended. Pursuant to the provision of 14 **Del.C.** §122(e), 14 **DE Admin. Code** 851 K to 12 Comprehensive Health Education hereby amended 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 851 K to 12 Comprehensive Health Education amended hereby shall be in the form attached hereto as Exhibit "B", and said regulation shall be cited as 14 **DE Admin. Code** 851 K to 12 Comprehensive Health Education 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 9, 2009. 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 9th day of December 2009.

DEPARTMENT OF EDUCATION

Lillian M. Lowery, Ed. D., Secretary of Education

Approved this 9th day of November 2009

STATE BOARD OF EDUCATION

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851 K to 12 Comprehensive Health Education Program

1.0 Program Requirements

- 1.1 Each school district and charter school shall have a sequential, skill-based K to 12 Comprehensive Health Education Program based on the Delaware Health Education Standards that establishes a foundation of understanding the relationship between personal behavior and health and shall include at a minimum the following:
 - 1.1.1 Identification of a district level person to coordinate the district program and a coordinator in each building to assure compliance at the building level. Each charter school shall identify a person to coordinate the program for the charter school.
 - 1.1.2 Appointment of persons such as teachers, parents, school nurses, community leaders, guidance counselors, law enforcement officers and others with expertise in the areas of health, family life and safe and drug free schools and communities to serve as members of the ~~District~~ Consolidated Application Planning Committee.
 - 1.1.3 The use of the state content standards for health education for grades K to 12 ~~inclusive of to address~~ the core concepts: tobacco, alcohol and other drugs, injury prevention and safety, nutrition and, physical activity, family life and sexuality, ~~tobacco, emotional~~ personal health and wellness, mental, personal and consumer health and community and environmental health with minimum hours of instruction as follows:
 - 1.1.3.1 In grades K to 4, a minimum of thirty (30) hours in each grade of comprehensive health education and family life education of which ten (10) hours, in each grade, must address drug and alcohol education.
 - 1.1.3.2 In grades 5 and 6, a minimum of thirty five (35) hours in each grade of comprehensive health education and family life education of which fifteen (15) hours, in each grade, must address drug and alcohol education.
 - 1.1.3.3 In grades 7 and 8, separate from other subject areas, a minimum of sixty (60) hours of comprehensive health education **[and family life education]** of which fifteen (15) hours, in each grade, must address drug and alcohol education. If all of the 60 hours are provided in one year at grade 7 or 8, an additional fifteen hours of drug and alcohol education must be provided in the other grade.
 - 1.1.3.4 In grades 9 to 12, one half (1/2) credit of comprehensive health education is required for graduation of which fifteen (15) hours of this 1/2 credit course must address drug and alcohol education. This 1/2 credit course may be provided in the 9th, 10th, 11th or 12th grade. In each of the remaining three grades, fifteen (15) hours of drug and alcohol education must be provided for all students.
- 1.1.4 Inclusion of a comprehensive sexuality education and an HIV prevention program that stresses the benefits of abstinence from high risk behaviors.

1.1.5 Inclusion of the core concepts of nutrition and family life and sexuality implemented through Family and Consumer Science courses.

1.1.6 Inclusion of research-based fire safety education in grades kindergarten through grade 6.

1.1.7 Inclusion of an evidence-based tobacco, alcohol, drug and interpersonal violence prevention program.

~~4.6 1.1.8 An annual staff development plan that describes t~~The use of effective instructional methods as demonstrated in sound research in the core concepts and skills inclusive of accessing information, self management, analyzing internal and external influences, interpersonal communication, decision making and goal setting and advocacy.

~~4.7 1.1.9 A description of the method(s) used to implement and evaluate the effectiveness of the program which shall be reported every three years as part of the Quality Review for Ensuring School and Student Success in the District/School Success Plan.~~

3 DE Reg. 1073 (2/1/00)

8 DE Reg. 1012 (1/1/05)

13 DE Reg. 935 (01/01/10) (Final)