

DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 122(d)(2) (14 **Del.C.** §122(d)(2))
14 **DE Admin. Code** 605

FINAL

REGULATORY IMPLEMENTING ORDER

605 Student Rights and Responsibilities

I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

Pursuant to 14 **Del.C.** §122(d)(2), the Secretary of Education intends to reauthorize 14 **DE Admin. Code** 605 Student Rights and Responsibilities. The Department has reviewed the regulation in order to comply with 29 **Del.C.** §10407 which requires regulations to be reviewed on a recurring bases every four years and concluded that the regulation should be readopted without any changes.

Notice of the proposed regulation was published in the *News Journal* and *Delaware State News* on November 1, 2019, in the form hereto attached as *Exhibit "A"*. No comments were received.

II. FINDINGS OF FACTS

The Secretary finds that it is appropriate to reauthorize 14 **DE Admin. Code** 605 Student Rights and Responsibilities in order to comply with 29 **Del.C.** §10407 which requires regulations to be reviewed on a recurring bases every four years and concluded that the regulation should be readopted without any changes.

III. DECISION TO AMEND THE REGULATION

For the foregoing reasons, the Secretary concludes that it is appropriate to reauthorize 14 **DE Admin. Code** 605 Student Rights and Responsibilities. Therefore, pursuant to 14 **Del.C.** §122, 14 **DE Admin. Code** 605 Student Rights and Responsibilities attached hereto as *Exhibit "B"* is hereby reauthorized. Pursuant to the provision of 14 **Del.C.** §122(e), 14 **DE Admin. Code** 605 Student Rights and Responsibilities hereby reauthorize 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** 605 Student Rights and Responsibilities reauthorized hereby shall be in the form attached hereto as *Exhibit "B"*, and said regulation shall be cited as 14 **DE Admin. Code** 605 Student Rights and Responsibilities 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 16, 2019. 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 16th day of December 2019.

Department of Education

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

Approved this 16th day of December 2019

605 Student Rights and Responsibilities

1.0 Required Policy

- 4.4 All local school districts and charter schools shall have their own policies on student rights and responsibilities. These policies shall be based on the most current version or reauthorization of **Delaware Code**, **Delaware Administrative Code**, federal legislation such as, but not limited to, Individuals with Disabilities Education Act

(IDEA), Civil Rights Act, Elementary and Secondary Education Act (ESEA), Section 504 of the Rehabilitation Act, Americans with Disabilities Act (ADA), and the Patsy T. Mink Equal Opportunity in Education Act (Title IX).

2 DE Reg. 112 (07/01/98)

7 DE Reg. 161 (08/01/03)

12 DE Reg. 219 (08/01/08)

2.0 Distribution of Student Rights and Responsibilities Policy

- 2.1 Each local school district and charter school shall distribute and explain these policies to every student at the beginning of each school year.
- 2.2 Each district and charter school shall distribute and explain these policies to each student enrolling or re-enrolling during the school year.
- 2.3 Each district and charter school shall post the policies on student rights and responsibilities on its website and notify a parent, guardian or Relative Caregiver of each student in writing where this policy(s) can be accessed. A hard copy shall be provided to a parent, guardian or Relative Caregiver upon request.

12 DE Reg. 219 (08/01/08)

3.0 Reporting Requirements and Timelines

- 3.1 Each local school district and charter school shall have an electronic copy of its current student rights and responsibilities policy(s) on file with the Department of Education.
- 3.2 Each local school district and charter school shall provide an electronic copy of any student rights and responsibilities policy(s) to the Department 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. 219 (08/01/08)

23 DE Reg. 559 (01/01/20) (Final)