

# DEPARTMENT OF EDUCATION

Statutory Authority: 14 Delaware Code, Section 122(d) (14 **Del.C.** §122(d))  
14 **DE Admin. Code** 503

## FINAL

## ORDER

### 503 Instructional Program Requirements

#### I. Summary of the Evidence and Information Submitted

The Secretary of Education seeks the consent of the State Board of Education to amend 14 **DE Admin. Code** 503 Instructional Program Requirements by removing section 5.0 Functional Life Skills Curriculum. The reference to the Standards for the Functional Life Skills was removed from 14 **DE Admin. Code** 501 State Content Standards in September 2004 because federal regulations no longer allow the use of separate functional standards that are aligned to academic content standards. In order to align 14 **DE Admin. Code** 503 Instructional Program Requirements with 14 **DE Admin. Code** 501 State Content Standards the reference to the Functional Life Skills Curriculum in 5.0 of 14 **DE Admin. Code** 503 Instructional Program Requirements must be removed.

Notice of the proposed regulation was published in the *News Journal* and the *Delaware State News* on March 18, 2005, in the form hereto attached as *Exhibit "A"*. Comments were received from Governor's Advisory Council for Exceptional Children and the State Council for Persons with Disabilities. The Department has declined to make any changes now except to remove the reference to the Functional Life Skills Curriculum as 14 **DE Admin. Code** 503 refers to instructional program requirements and reference to academic standards in this section would be inappropriate. There continue to be federal requirements regarding appropriate alternate assessments and alternate achievement standards that will address the curriculum needs of students eligible for the Delaware Alternate Portfolio Assessment (DAPA).

#### II. Findings of Facts

The Secretary finds that it is appropriate to amend 14 **DE Admin. Code** in order to align 14 **DE Admin. Code** 503 Instructional Program Requirements with 14 **DE Admin. Code** 501 State Content Standards by removing the reference to the Functional Life Skills Curriculum in 5.0 of 14 **DE Admin. Code** 503 Instructional 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** 503. Therefore, pursuant to 14 **Del.C.** §122, 14 **DE Admin. Code** 503 attached hereto as *Exhibit "B"* is hereby amended. Pursuant to the provision of 14 **Del.C.** §122(e), 14 **DE Admin. Code** 503 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** 503 amended hereby shall be in the form attached hereto as *Exhibit "B"*, and said regulation shall be cited as 14 **DE Admin. Code** 503 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 May 19, 2005. 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 19<sup>th</sup> day of May 2005.

**DEPARTMENT OF EDUCATION**  
Valerie A. Woodruff, Secretary of Education

Approved this day 19<sup>th</sup> day May 2005

**STATE BOARD OF EDUCATION**

Dr. Joseph A. Pika, President  
Jean W. Allen, Vice President  
Richard M. Farmer, Jr.  
Mary B. Graham, Esquire  
Valarie Pepper  
Dennis J. Savage  
Dr. Claibourne D. Smith

**503 Instructional Program Requirements**

**1.0 English Language Arts**

- 1.1 Local school districts and each charter school shall provide instructional programs in English Language Arts for each grade K-12.
- 1.2 All public school students in each grade K-8 shall be enrolled in an English language arts program.
- 1.3 All public school students in grades 9-12 shall complete the credits in English language arts necessary to graduate from high school.

**2.0 Mathematics**

- 2.1 Local school districts and each charter school shall provide instructional programs in mathematics for each grade K-12.
- 2.2 All public school students in each grade K-8 shall be enrolled in a mathematics program.
- 2.3 All public school students in grades 9-12 shall complete the credits in mathematics necessary to graduate from high school.

**3.0 Science**

- 3.1 Local school districts and each charter school shall provide instructional programs in science for each grade K-12.
- 3.2 All public school students in each grade K-8 shall be enrolled in a science program.
- 3.3 All public school students in grades 9-12 shall complete the credits in science necessary to graduate from high school.

**4.0 Social Studies**

- 4.1 Local school districts and each charter school shall provide instructional programs in social studies for each grade K-12.
- 4.2 All public school students in each grade K-8 shall be enrolled in a social studies program.
- 4.3 All public school students in grades 9-12 shall complete the credits in social studies necessary to graduate from high school.

**~~5.0 Functional Life Skills Curriculum~~**

- ~~5.1 Local school districts and each charter school shall provide instructional programs for students for whom a functional life skills curriculum is appropriate.~~
- ~~5.2 Public school students in the Functional Life Skills Curriculum shall participate in health, physical education, visual and performing arts and vocational technical programs as directed by their Individual Education Program (IEP).~~

**6.0 5.0Physical Education**

~~6.1~~ 5.1 Local school districts and each charter school shall provide instructional programs in physical education for each grade K-12 with the exception of the James H. Groves High School program.

~~6.2~~ 5.2 All public school students in each grade 1-8 shall be enrolled in a physical education program.

~~6.3~~ 5.3 All public school students in grades 9-12 shall complete the credit in physical education necessary to graduate from high school.

~~6.4~~ 5.4 In addition to the one credit required for high school graduation, only one additional elective credit in physical education may be used to fulfill the graduation requirements.

~~6.5~~ 5.5 The physical education requirements may be waived only for students who have an excuse from a qualified physician or objections based on religious beliefs. The local school district shall have the authority to grant such waivers.

#### **~~7.0~~ 6.0 Visual and Performing Arts**

~~7.1~~ 6.1 Local school districts and each charter school shall provide instructional programs in the visual and performing arts for each grade K-12 with the exception of the James H. Groves High School program.

~~7.2~~ 6.2 All public school students in each grade 1-6 shall be enrolled in a visual and performing arts program.

#### **~~8.0~~ 7.0 Vocational Technical Education**

~~8.1~~ 7.1 Local school districts and charter schools, when consistent with the charter school's approved program, shall provide instructional programs in two or more vocational technical education areas in grades 7 and 8.

**5 DE Reg. 865 (10/1/01)**

**8 DE Reg. 1709 (6/1/05)**