

DEPARTMENT OF EDUCATION
OFFICE OF THE SECRETARY
Statutory Authority: 14 Delaware Code, Section 122(d) (14 **Del.C.** §122(d))
14 **DE Admin. Code** 1001

FINAL

REGULATORY IMPLEMENTING ORDER

1001 Participation in Extra Curricular Activities

I. Summary of the Evidence and Information Submitted

The Secretary of Education intends to amend 14 **DE Admin. Code** 1001 in order to add charter schools to the regulation and to correct the references to the Delaware Interscholastic Athletic Association (DIAA) regulations.

Notice of the proposed regulation was published in the News Journal and the Delaware State News on Thursday December 21, 2006, in the form hereto attached as *Exhibit "A"*. Comments were received from the Governor's Advisory Council for Exceptional Children and the State Council for Persons with Disabilities recommending that the Department not allow any disincentives for participation in extra curricular activities because students involved in extra curricular activities tend to stay in school longer. The Department prefers to allow local school districts and charter schools to set the standards for participation in extra curricular activities in all areas except interscholastic athletics.

II. Findings of Facts

The Secretary finds that it is appropriate to amend 14 **DE Admin. Code** 1001 in order to add charter schools to the regulation and to correct the references to the Delaware Interscholastic Athletic Association (DIAA) regulations.

III. Decision to Amend the Regulation

For the foregoing reasons, the Secretary concludes that it is appropriate to amend 14 **DE Admin. Code** 1001. Therefore, pursuant to 14 **Del.C.** §122, 14 **DE Admin. Code** 1001 attached hereto as *Exhibit "B"* is hereby amended. Pursuant to the provision of 14 **Del.C.** §122(e), 14 **DE Admin. Code** 1001 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** 1001 amended hereby shall be in the form attached hereto as *Exhibit "B"*, and said regulation shall be cited as 14 **DE Admin. Code** 1001 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 February 9, 2007. 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 February 2007.

Department of Education
Valerie A. Woodruff, Secretary of Education

1001 Participation in Extra Curricular Activities

1.0 Academic Eligibility Criteria

Local school districts and charter schools shall establish their own academic eligibility criteria for participation in ~~extra-curricular activities~~ for all extra curricular activities except for interscholastic athletics. The academic eligibility criteria for interscholastic athletics is established in 14 **DE Admin. Code** 1009.42.6 DIAA Senior High School Interscholastic Athletics, and in 14 **DE Admin. Code** 1008.42.6 DIAA Junior High and Middle School Interscholastic Athletics.

Comment: In establishing and implementing academic eligibility criteria applicable to students with disabilities, districts are reminded that some flexibility may be contemplated by Federal guidelines. See 34 CFR Sec. 104.4.

1 DE Reg. 173 (8/1/97)

6 DE Reg. 279 (9/1/02)

10 DE Reg. 1433 (03/01/07) (Final)