

# DEPARTMENT OF EDUCATION

## OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 122(a) (14 **Del.C.** §122(a))  
14 **DE Admin. Code** 201

### PROPOSED

### PUBLIC NOTICE

#### Education Impact Analysis Pursuant to 14 Del.C. Section 122(d)

#### 201 District and School Shared Decision Making

#### A. TYPE OF REGULATORY ACTION REQUIRED

Repealing of Existing Regulation

#### B. SYNOPSIS OF SUBJECT MATTER OF THE REGULATION

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.

Persons wishing to present their views regarding this matter may do so in writing by the close of business on or before December 3, 2020 to the Department of Education, Office of the Secretary, Attn: Regulation Review, 401 Federal Street, Suite 2, Dover, Delaware 19901 or email to [DOEregulations.comment@doe.k12.de.us](mailto:DOEregulations.comment@doe.k12.de.us). A copy of this regulation may be viewed online at the Registrar of Regulation's website, [http://regulations.delaware.gov/services/current\\_issue.shtml](http://regulations.delaware.gov/services/current_issue.shtml) or obtained at the Department of Education's Office of the Secretary, located at the address above.

#### C. IMPACT CRITERIA

1. Will the regulation help improve student achievement as measured against state achievement standards? The repeal of the regulation will not impact student achievement as measured against state achievement standards. The current regulation mirrors sections of 18 **Del.C.** § 801 et seq., and its repeal will not modify the Department of Education's responsibilities.

2. Will the regulation help ensure that all students receive an equitable education? The repeal of the regulation will not impact students' receipt of an equitable education.

3. Will the regulation help to ensure that all students' health and safety are adequately protected? The repeal of the regulation will not impact students' health and safety.

4. Will the regulation help to ensure that all students' legal rights are respected? The repeal of the regulation will not impact students' legal rights.

5. Will the regulation preserve the necessary authority and flexibility of decision making at the local board and school level? The repeal of the regulation will not impact the necessary authority and flexibility of decision making at the local board and school level. The current regulation mirrors sections of 18 **Del.C.** § 801 et seq., and its repeal will not modify the Department of Education's responsibilities to provide local school boards with assistance, guidance, and strategies to initiate and plan the implementation of these structured conversations and activities.

6. Will the regulation place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels? The repeal of the regulation will not place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels.

7. Will the decision making authority and accountability for addressing the subject to be regulated be placed in the same entity? The repeal of the regulation will not alter the decision making authority and accountability for addressing the subject to be regulated.

8. Will the regulation be consistent with and not an impediment to the implementation of other state educational policies, in particular to state educational policies addressing achievement in the core academic subjects of mathematics, science, language arts and social studies? The repeal of the regulation will not be an impediment to the implementation of other state educational policies.

9. Is there a less burdensome method for addressing the purpose of the regulation? The current regulation mirrors sections of 18 **Del.C.** § 801 et seq., and its repeal will not modify the Department of Education's responsibilities to provide local school boards with assistance, guidance, and strategies to initiate and plan the implementation of these structured conversations and activities.

10. What is the cost to the State and to the local school boards of compliance with the regulation? There are no costs

to the State and to the local school boards related to repeal of the regulation.

## 201 District and School Shared Decision Making

### 4.0 ~~District Shared Decision Making Transition Planning Grant Process~~

- 4.1 ~~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:~~
  - 4.1.1 ~~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).~~
- 4.2 ~~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.~~
  - 4.2.1 ~~District Advisory Committee (list names and groups represented);~~
  - 4.2.2 ~~Listing of the structured conversations and a brief description of the activities;~~
  - 4.2.3 ~~Brief description of how stakeholders made a good faith effort to communicate with their constituent groups;~~
  - 4.2.4 ~~Recommendation to develop a district transition plan to implement shared decision-making;~~
  - 4.2.5 ~~Process for establishing a district transition plan; and~~
  - 4.2.6 ~~Process for determining the composition and roles and responsibilities delegated to the District Transition Team.~~
- 4.3 ~~The District Transition Team (list names and groups represented).~~
- 4.4 ~~A description of the process for the District Transition Team to reach decisions and resolve conflicts.~~
- 4.5 ~~A description of the plan for communicating the results of the district transition plan to the broader school community for information and critical review.~~
- 4.6 ~~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.~~
- 4.7 ~~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.~~
- 4.8 ~~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.~~
- 4.9 ~~Assurance that a copy of the Report and Recommendations is posted within the district for public review.~~
- 4.10 ~~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.~~
- 4.11 ~~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. 445 (11/01/20) (Prop.)