

**DEPARTMENT OF EDUCATION
OFFICE OF THE SECRETARY**

Statutory Authority: 14 Delaware Code, Section 122(a) and (b)(6) (14 **Del.C.** §122(a) & (b)(6))
14 **DE Admin. Code** 503

PROPOSED

PUBLIC NOTICE

Educational Impact Analysis Pursuant to 14 Del.C. §122(d)

503 Instructional Program Requirements

A. TYPE OF REGULATORY ACTION REQUIRED

Amendment to Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF THE REGULATION

Pursuant to 14 **Del.C.** §122(a) and (b)(6), the Secretary of Education intends to amend 14 **DE Admin. Code** 503 Instructional Program Requirements. This regulation is being amended to update references to grade-level and course-level expectations to ensure alignment with current practice, to remove reference to "local" school districts, to add Health Education instructional program requirements, and to amend grammar and punctuation to comply with the *Delaware Administrative Code Drafting and Style Manual*.

Persons wishing to present their views regarding this matter may do so in writing by submitting them to the Department of Education, Office of the Secretary, Attn: Regulation Review, 401 Federal Street, Suite 2, Dover, Delaware 19901 or through the Department's online submission form at the website: <https://education.delaware.gov/community/governance/regulations-code/post-a-comment/> by the close of business (4:30 p.m. EST) on or before December 1, 2023. Any person who wishes to receive a copy of the proposed regulation may obtain a copy from the Department at the Office of the Secretary on the second floor of the Townsend Building, 401 Federal Street, Dover, Delaware.

C. IMPACT CRITERIA

1. Will the regulation help improve student achievement as measured against state achievement standards? The amended regulation will help improve student achievement as measured against state achievement standards by ensuring instructional program requirements are met.

2. Will the regulation help ensure that all students receive an equitable education? The amended regulation will help ensure all students receive an equitable education.

3. Will the regulation help to ensure that all students' health and safety are adequately protected? The amended regulation does not directly impact student's health and safety.

4. Will the regulation help to ensure that all students' legal rights are respected? The amended regulation continues to help ensure that all students' legal rights are respected.

5. Will the regulation preserve the necessary authority and flexibility of decision making at the local board and school level? The amended regulation does not change the decision making at the local board and school level.

6. Will the regulation place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels? The amended regulation does not place any unnecessary reporting or administrative requirements on decision makers.

7. Will the decision-making authority and accountability for addressing the subject to be regulated be placed in the same entity? The decision-making authority and accountability for addressing the subject to be regulated does not change because of the amended regulation.

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 amended regulation is consistent with and not an impediment to the implementation of other state educational policies.

9. Is there a less burdensome method for addressing the purpose of the regulation? There is no less burdensome method for addressing the purpose of the amended regulation.

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

503 Instructional Program Requirements

1.0 English Language Arts

- 1.1 ~~Local school~~ School districts and charter schools shall provide instructional programs in English language arts for each grade K to 12.
- 1.2 All public school students in each grade K to 8 shall be enrolled in an English language arts program that demonstrates alignment to the Department of Education's adopted English Language Arts content standards ~~and grade level expectations~~.
- 1.3 All public school students in grades 9 to 12 shall complete the credits in English language arts necessary to graduate from high school through courses that demonstrate alignment to the Department of Education's adopted English Language Arts content standards ~~and grade level expectations~~.

19 DE Reg. 739 (02/01/16)

20 DE Reg. 971 (06/01/17)

2.0 Mathematics

- 2.1 ~~Local school~~ School districts and charter schools shall provide instructional programs in mathematics for each grade K to 12.
- 2.2 All public school students in each grade K to 8 shall be enrolled in a mathematics program that demonstrates alignment to the Department of Education's adopted mathematics content standards ~~and grade level expectations~~.
- 2.3 All public school students in grades 9 to 12 shall complete the credits in mathematics necessary to graduate from high school through courses that demonstrate alignment to the Department of Education's adopted mathematics content standards and ~~grade level~~ course-level expectations.

19 DE Reg. 739 (02/01/16)

20 DE Reg. 971 (06/01/17)

3.0 Science

- 3.1 ~~Local school~~ School districts and charter schools shall provide instructional programs in science for each grade K to 12.
- 3.2 All public school students in each grade K to 8 shall be enrolled in a science program that demonstrates alignment to the Department of Education's adopted science content standards ~~and grade level expectations~~.
- 3.3 All public school students in grades 9 to 12 shall complete the credits in science necessary to graduate from high school through courses that demonstrate alignment to the Department of Education's adopted science content standards ~~and course expectations~~.

19 DE Reg. 739 (02/01/16)

20 DE Reg. 971 (06/01/17)

4.0 Social Studies

- 4.1 ~~Local school~~ School districts and charter schools shall provide instructional programs in social studies for each grade K to 12.
- 4.2 All public school students in each grade K to 8 shall be enrolled in a social studies program that demonstrates alignment to the Department of Education's adopted social studies content standards ~~and grade level expectations~~.
- 4.3 All public school students in grades 9 to 12 shall complete the credits in social studies necessary to graduate from high school through courses that demonstrate alignment to the Department of Education's adopted ~~Social Studies~~ social studies content standards ~~and grade level expectations~~.

19 DE Reg. 739 (02/01/16)

20 DE Reg. 971 (06/01/17)

5.0 Physical Education

- 5.1 ~~Local school~~ School districts and charter schools shall provide instructional programs in physical education for each grade K to 12 ~~with the exception of the James H. Groves High School program. James H. Groves High School program is not required to provide instructional programs in physical education to its students and is exempt from the provisions of this subsection.~~
- 5.2 All public school students in each grade ~~4 to~~ K through 8 shall be enrolled in a comprehensive physical education program that demonstrates alignment to the Department of Education's adopted physical education content standards ~~and grade level expectations~~.

5.3 All public school students in grades 9 to 12 shall complete the credit in physical education necessary to graduate from high school through courses that demonstrate alignment to the Department of Education's adopted physical education content standards and grade-level expectations.

~~5.3.4~~ In addition to the ~~one~~ 1 credit required for high school graduation, only ~~one~~ 1 additional elective credit in physical education may be used to fulfill the graduation requirements.

5.4 The physical education requirements may be waived only for students who either have an excuse from a qualified licensed healthcare provider, which is defined as anyone lawfully authorized to diagnose and prescribe medical treatment or restriction, or objections based on religious beliefs. The ~~local~~ school district or charter school shall have the authority to grant such waivers. The ~~local~~ school district or charter school shall maintain records of the waivers granted and upon request, make them available for review consistent with Federal and state confidentiality laws.

5.5 ~~Local school~~ School districts and charter schools shall annually assess the physical fitness of each student in grades 4 and 7, and in grade 9 or 10. The physical fitness assessment tool used by the districts and charter schools shall be ~~one~~ 1 designated by the Delaware Department of Education.

5.5.1 ~~The local school~~ School districts and charter schools shall provide the results of the physical fitness assessment to the ~~parent(s), guardian(s), or Relative Caregiver~~ parents, guardians, or relative caregiver of each student. The school districts and charter schools shall also report this information to the Delaware Department of Education in a format determined by the Department.

~~5.5.1.4~~ 5.5.2 The Delaware Department of Education shall annually report the statewide grade level results of the physical fitness assessment to the public.

10 DE Reg. 985 (12/01/06)

19 DE Reg. 739 (02/01/16)

20 DE Reg. 971 (06/01/17)

6.0 Visual and Performing Arts

6.1 ~~Local school~~ School districts and charter schools shall provide instructional programs in the visual and performing arts for each grade K to 12 ~~with the exception of the James H. Groves High School program. James H. Groves High School program is not required to provide instructional programs in visual and performing arts to its students and is exempt from the provisions of this subsection.~~

6.2 All public school students in each grade ~~4 to~~ K through 6 shall be enrolled in a both visual and performing arts ~~program~~ programs that ~~demonstrates~~ demonstrate alignment to the Department of Education's adopted visual and performing arts content standards and ~~grade-level~~ grade-level or course-level expectations.

19 DE Reg. 739 (02/01/16)

20 DE Reg. 971 (06/01/17)

7.0 Career and Technical Education

7.1 ~~Local school~~ School districts and charter schools, when consistent with the charter school's approved program, shall provide instructional ~~program(s)~~ programs in grades 7 and 8 that demonstrate alignment to career and technical education programs of study within the high school feeder ~~pattern(s)~~ patterns.

7.1.1 ~~No later than the 2017-2018 school year, career~~ Career and technical instructional ~~program(s)~~ programs in grades 7 and 8 shall be aligned to career and technical education programs of study at the high school level.

7.2 All public school students in grades 9 through 12 in ~~local~~ school districts, and charter schools when consistent with the charter school's approved program, shall be provided with the opportunity to enroll in and complete a career and technical education program of study.

19 DE Reg. 739 (02/01/16)

8.0 World Language

8.1 ~~Local school~~ School districts and charter schools with any of grades 9 through 12 shall provide instructional programs in world languages for grades 9 through 12 that demonstrate alignment to the Department of Education's adopted world language content standards and ~~course~~ course-level expectations.

8.2 All public school students in grades 9 through 12 shall complete the credits in world languages required to graduate from high school through courses that ~~demonstrates~~ demonstrate alignment to the Department of Education's adopted world language content standards and ~~course~~ course-level expectations.

19 DE Reg. 739 (02/01/16)

9.0 Health Education

- 9.1 School districts and charter schools shall provide instructional programs in health education for each grade K through 12 that meet the hours requirements outlined in 14 DE Admin. Code 551. James H. Groves High School program is not required to provide instructional programs in health education to its students and is exempt from the provisions of this subsection.
- 9.2 School districts and charter schools shall provide comprehensive health education programming for each grade K through 8 that demonstrates alignment to the Department of Education's adopted health education content standards.
- 9.3 All public school students in grades 9 to 12 shall complete the credits in health education necessary to graduate from high school through health education programming that demonstrates alignment to the Department of Education's adopted health education content standards.

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

8 DE Reg. 1709 (06/01/05)

10 DE Reg. 985 (12/01/06)

19 DE Reg. 739 (02/01/16)

20 DE Reg. 971 (06/01/17)

27 DE Reg. 299 (11/01/23) (Prop.)