

DEPARTMENT OF EDUCATION
14 DE Admin. Code 501

REGULATORY IMPLEMENTING ORDER

501 State Content Standards

FINAL

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** 501 State Content Standards by removing the reference to the Standards for Functional Life Skills Curriculum in 1.1 because federal regulations no longer allow the use of separate functional standards that are aligned to academic content standards. For the past five years, the Standards for Functional Life Skills Curriculum served as the foundation of the Delaware Alternative Portfolio Assessment (DAPA), an assessment system designed for students with the most significant cognitive disabilities. The No Child Left behind Act (NCLB) requires that all students be assessed on the same academic content standards. In addition, the 1997 re-authorization of IDEA mandates that students with disabilities have access to and make progress in the general curriculum.

The No Child Left Behind Act (NCLB) allows students in the alternate assessment to have different access points to the academic content standards. Existing performance indicators within the Delaware content standards do not adequately address the educational issues of all students who participate in the alternate assessment. Therefore, it was necessary to develop Extended Performance Indicators (ExPIs), which are embedded functional skills within the academic content standards. Unlike the DSTP, the DAPA-II may use off-grade PIs or ExPIs. The Individual Education Plan (IEP) team will select which standards and corresponding performance indicators (PIs or ExPIs) may be used in the student's IEP. The IEP does not have to link to all standards. The Extended Performance Indicators will not become part of the regulations but State Board of Education approval will be requested as was done in the case of the indicators in other content areas.

Notice of the proposed regulation was published in the News Journal and the Delaware State News on June 22, 2004, in the form hereto attached as *Exhibit "A"*. Comments were received from the Governor's Advisory Council for Exceptional Citizens and the State Council for Persons with Disabilities. The comments received from the Councils were primarily concerned either with the way the DAPA is used to assess children with the most significant disabilities, not to the changes in the Content Standards themselves or with the legal requirements that children with the most significant disabilities have access to the same curriculum as children without disabilities and that they be included in the assessment system used for all children. The DOE has concluded that the current regulatory changes are necessary to comply with federal requirements in a manner that promotes quality programming and meaningful progress for children with significant disabilities.

II. Findings Of Facts

The Secretary finds that it is appropriate to amend 14 **DE Admin. Code** 501 in order to remove the reference to the Standards for Functional Life Skills Curriculum in 1.1 because federal regulations no longer allow the use of separate functional standards that are aligned to academic content standards.

III. Decision to Amend the Regulation

For the foregoing reasons, the Secretary concludes that it is appropriate to amend 14 **DE Admin. Code** 501. Therefore, pursuant to 14 **Del.C** §122, 14 **DE Admin. Code** 501 attached hereto as *Exhibit "B"* is hereby amended. Pursuant to the provision of 14 **Del.C.** §122(e), 14 **DE Admin. Code** 501 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** 501 amended hereby shall be in the form attached hereto as *Exhibit "B"*, and said regulation shall be cited as 14 **DE Admin. Code 501** 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 August 19, 2004. 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 19th day of August 2004.

DEPARTMENT OF EDUCATION

Valerie A. Woodruff, Secretary of Education

Approved this 19th day of August 2004

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

501 State Content Standards

1.0 Instructional Programs

1.1 Instructional programs offered in the public schools of Delaware shall be in alignment with the appropriate content standards documents. These documents are: English Language Arts Curriculum Framework, Mathematics Curriculum Framework, Science Curriculum Framework, Social Studies Curriculum Framework, Health Education Curriculum Framework and Assessment, Physical Education Content Standards, Visual and Performing Arts Content Standards, Agriscience Curriculum Framework Content Standards, Business Finance and Marketing Education Curriculum Framework Content Standards, Foreign Language Curriculum Framework Content Standards, Technology Education Curriculum Framework Content Standards, and the Family and Consumer Sciences Content Standards ~~and the Standards for Functional Life Skills Curriculum.~~

1.1.1 The content standards documents may from time to time hereafter be amended with the approval of the Secretary and the State Board of Education.

1.1.2 Integration of the content standards shall be provided for within and across the curricula.

1.1.3 Instructional materials and curricula content shall be kept current and consistent with the Guidelines for the Selection of Instructional Materials.

8 DE Reg. 445 (9/01/04)