

CHAPTER 264
FORMERLY
HOUSE BILL NO. 317
AS AMENDED BY
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO KINDERGARTEN READINESS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §151, Title 14 of the Delaware Code by making insertions as shown by underlining and deletions as shown by strike through as follows:

§ 151. State assessment system; rules and regulations.

(a) The Department shall adopt rules and regulations consistent with the laws of this State governing the statewide assessment of student achievement and the assessment of the educational attainments of the Delaware public school system. The Secretary shall consult with the State Board and representatives of the local school districts in designing and implementing the assessment program required under this section. The assessment program shall be designed and operated to provide the General Assembly, the Governor, the Secretary, the State Board of Education, educational administrators, teachers, parents and the public with timely and accurate information on student achievement and educational attainments.

(b) Beginning with the 2010-2011 school year, the Department shall begin to administer both accountability and growth assessments of student achievement for students in grades 3 through 8, provided that additional grades may be added by the Department. One assessment shall occur within 30 school days of the beginning of the academic year, the second assessment shall occur at a time established by the Department which will allow its results to guide education of students within the current school year. In addition, the Department shall administer end of course assessments in appropriate high school grades.

(c) The assessments referred to in subsection (b) of this section shall measure achievement in reading and mathematics for students in a minimum of grades 3 through 8 and high school, provided additional grades may be added by the Department. Science and social studies shall be assessed for students at least once in the elementary grades, once in the middle grades, and once in high school.

(d) The assessments required in subsections (b) and (c) of this section shall measure:

(1) Student performance as required by any federal mandate; and

(2) For grades 3 through 8, the academic progress of individual students in reading and mathematics within a single school year.

(e) Notwithstanding any law or regulation to the contrary, matriculation and academic promotion requirements imposed by § 153 of this title shall be based upon the student's best assessment results received on 1 of the multiple assessments referred to in subsections (b) and (c) of this section.

(f) The Department shall establish alternate assessments for children with disabilities who cannot participate in the statewide assessment of student achievement even with appropriate accommodations and modifications. Alternate assessments must be developed and used in the annual statewide assessment beginning not later than the 2010-2011 school year. Each local school district, through the individual student's Individualized Education Program Team or 504 Team, shall determine what assessment the student will take, as well as the student's matriculation or promotion status and necessary remedial activities if the student's performance on the assessment is below standard, and if the statewide assessment is administered, what accommodations and/or modifications will be utilized. However, no student shall be denied the opportunity to take the state assessments administered pursuant to subsections (b) and (c) of this section.

(g) For kindergarten and first grade, all school districts are required to follow the state standards, to assess the progress of students toward meeting those standards, and to report such progress to parents.

(h) The Department shall adopt rules and regulations to implement a common statewide readiness tool that will review a child's readiness for learning when they enter kindergarten. The readiness tool shall serve as the basis for an objective readiness review conducted by the child's teacher or other members of the child's school team. The readiness tool shall review, but not be limited to, the following five domains:

(i) Language and literacy development;

- (ii) Cognition and general knowledge;
- (iii) Approaches toward learning;
- (iv) Physical well-being and motor development; and
- (v) Social and emotional development.

(i) Implementation of the tool delineated in paragraph (h) above shall be phased in with the first identified kindergarten classes completing the readiness review in Fall 2012. Thereafter the implementation of the readiness reviews shall be phased in with additional kindergarten classes participating in Fall 2013 and Fall 2014, with statewide implementation no later than Fall 2015. The readiness reviews shall be completed within thirty (30) school days of the start of school. A kindergarten student shall be required to be reviewed for readiness once during the student's enrollment in kindergarten. The Department regulations promulgated pursuant to this section shall address any exceptions to the requirement for implementation of the readiness tool for all students, based on factors such as a student's late enrollment in kindergarten.

(h_j) Rules and regulations pursuant to this subchapter shall be proposed by the Secretary subject to approval by the State Board of Education.

Approved June 19, 2012