

CHAPTER 194
FORMERLY
SENATE BILL NO. 68
AS AMENDED BY
SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING
TO STUDENT ASSESSMENT AND ACADEMIC PROMOTION.

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

Section 1. Amend Title 14, Section 151 of the Delaware Code by eliminating subsections (b) through (e) in their entirety, and replacing them with the following:

“(b) The Department shall continue to conduct any student achievement assessments it is currently conducting through the end of the 2009-2010 school year.

(c) 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.

(d) The assessments referred to in paragraph (c) 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.

(e) The assessments required in paragraph (c) shall measure (i) student performance as required by any federal mandate and (ii) for grades 3 through 8, the academic progress of individual students in reading and mathematics within a single school year.

(f) Notwithstanding any law or regulation to the contrary, matriculation and academic promotion requirements imposed by Section 153 of this Title shall be based upon the student’s best assessment results received on one of the multiple assessments referred to in subsection (c) of this Section.”

Section 2. Amend Title 14, Section 151 of the Delaware Code by eliminating subsection (g) in its entirety, and replacing it with the following:

“(g) 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.”

Section 3. Amend Title 14, Section 151 of the Delaware Code by deleting the first two sentences of Section 151(h).

Section 4. Except where otherwise noted, this legislation is effective with the beginning of the 2010-2011 academic year.

Approved August 13, 2009