

# Appendix E

## List of Rules and Regulations with Date Adopted

Summary of Action Items per Fiscal Year

FY 14	
Regulatory Discussion Items	17
Regulatory Actions Items	30
Charter Action Items	38
Other Action Items	5
Appeals	9
<b>Total</b>	<b>99</b>

FY 15	
Regulatory Discussion Items	29
Regulatory Actions Items	37
Charter Action Items	26
Other Action Items	6
Appeals	4
<b>Total</b>	<b>102</b>

FY 16	
Regulatory Discussion Items	37
Regulatory Actions Items	47
Charter Action Items	13
Other Action Items	9
Appeals	4
<b>Total</b>	<b>110</b>

## **List of Rules and Regulations**

### **State Board of Education Action FY July 2013-June 2014**

#### **VI. July 18, 2013**

##### ***Career and Technical Education Plan, Perkins IV***

As the Eligible Agency and sole agency responsible for the supervision of administration of career and technical education for purposes of the Federal Carl D. Perkins Career and Technical Education Act of 2006 (Perkins IV), the Board will take action to create this special committee of the State Board. Additionally, please note that the Board has published the State Plan on its website for Public Comment and has scheduled two public hearings to receive public comment on the plan before adoption and approval. The first public hearing is 7/18, 11am and the 2nd is 7/31, 3pm.

##### ***Department of Education Regulations***

- **106 Teacher Appraisal Process Delaware Performance Appraisal System (DPAS II) - For Action**

The Secretary of Education is seeking the consent of the State Board of Education to repeal 14 DE Admin. Code 106 Teacher Appraisal Process Delaware Performance Appraisal System (DPAS II). The regulation is no longer applicable because 14 DE Admin. Code 106A Teacher Appraisal Process Delaware Performance Appraisal System (DPAS II) Revised took effect beginning in the 2011-2012 school year. Comments were received from the State Council for Persons with Disabilities and the Governor's Advisory Council for Exceptional Citizens endorsing the repeal. A motion was made by Dr. Whittaker to consent to repeal 14 Delaware Administrative Code 106. The motion was seconded by Mr. Coverdale and carried unanimously.

- **107 Specialist Appraisal Process Delaware Performance Appraisal System (DPAS II) - For Action**

The Secretary of Education is seeking the consent of the State Board of Education to repeal 14 DE Admin. Code 107 Specialist Appraisal Process Delaware Performance Appraisal System (DPAS II). The regulation is no longer applicable because 14 DE Admin. Code 107A Specialist Appraisal Process Delaware Performance Appraisal System (DPAS II) Revised took effect beginning in the 2011-2012 school year. Comments were received from the State Council for Persons with Disabilities and the Governor's Advisory Council for Exceptional Citizens endorsing the repeal. A motion was made by Dr. Whittaker to consent to repeal 14 Delaware Administrative Code 107. The motion was seconded by Mr. Coverdale and carried unanimously.

- **108 Administrator Appraisal Process Delaware Performance Appraisal System (DPAS II) - For Action**

The Secretary of Education is seeking the consent of the State Board of Education to repeal 14 DE Admin. Code 108 Administrator Appraisal Process Delaware Performance Appraisal System (DPAS II). The regulation is no longer applicable because 14 DE Admin. Code 108A Administrator Appraisal Process Delaware Performance Appraisal System (DPAS II) Revised took effect beginning in the 2011-2012 school year. Comments were received from the State Council for Persons with Disabilities and the Governor's Advisory Council for Exceptional Citizens endorsing the repeal. A motion was made by Mr. Coverdale to consent to repeal 14 Delaware Administrative Code 106. The motion was seconded by Dr. Whittaker and carried unanimously.

- 106A Teacher Appraisal Process Delaware Performance Appraisal System (DPAS II) Revised – For Action

The Secretary of Education is seeking the consent of the State Board of Education to amend 14 DE Admin. Code 106A Teacher Appraisal Process Delaware Performance Appraisal System (DPAS II) Revised.

The amendments address the following: 1) eliminates provisions that were in place for the 2011- 2012 and 2012-2013 school years only; 2) provides that the proposed amended regulation will be in effect beginning with the 2013-2014 school year; 3) defines “Credentialed Observer” and “Evaluator” in order to be specific about which individuals are responsible for certain teacher appraisal activities; 4) provides more specificity on the definition of “summative evaluation”; 5) changes the configuration of announced and unannounced observations for both experienced and novice teachers; 6) provides districts and charter schools flexibility in the appraisal criterion to be used for DPAS II in the first four Appraisal Components; 7) requires Appraisal Criteria observed to be rated on each observation conducted and to be assigned an overall rating in a teacher's Summative Evaluation; 8) modifies when an Improvement Plan must be developed versus may be developed for a teacher if the teacher's overall performance during an observed lesson is unsatisfactory; and 9) eliminates the requirement that professional development completed during the time of an Improvement Plan is in effect to be certified by the Department.

The amendments have been reviewed and comments provided by several stakeholder groups over the last several months. This includes the Department's DPAS II Review Committees and the DPAS Advisory Committee. Comments were received from the Governor's Advisory Council for Exceptional Citizens, State Council for Persons with Disabilities and the Delaware State Education Association. Mr. Ruskowski commented on the public comment received and changes made based on those comments. He cited a few of them including a clarification made to the summative evaluation and in Section 5 on appraisal criteria.

There was discussion on the comments by GACEC and looking at data to insure that the most rigorous policies are put in place. Mr. Ruskowski noted that any changes of that nature would have been substantive in nature. The Board also asked about data on the impact of these changes. Mr. Ruskowski discussed the inputting of the data by districts and charter schools. He hopes to have data available to the Board in late August.

A motion was made by Dr. Whittaker to consent to amending 14 Delaware Administrative Code 106A Teacher Appraisal Process Delaware Performance Appraisal Systems (DPAS II) Revised. The motion was seconded by Mr. Coverdale and carried unanimously.

- 107A Specialist Appraisal Process Delaware Performance Appraisal System (DPAS II) Revised - For Action

The Secretary of Education is seeking the consent of the State Board of Education to amend 14 DE Admin. Code 107A Specialist Appraisal Process Delaware Performance Appraisal System (DPAS II) Revised.

The amendments address the following: 1) eliminates provisions that were in place for the 2011- 2012 and 2012-2013 school years only; 2) provides that the proposed amended regulation will be in effect beginning with the 2013-2014 school year; 3) defines “Credentialed Observer” and “Evaluator” in order to be specific about which individuals are responsible for certain specialist appraisal activities; 4) provides more specificity on the definition of “summative evaluation”; 5) changes the configuration of announced and unannounced observations for both experienced and novice specialists and modifies the number of observations required for novice specialists; 6) provides districts and charter schools flexibility in the appraisal criterion to be used for DPAS II in the first four Appraisal Components; 7) requires Appraisal Criteria observed to be rated on each observation conducted and to be assigned an overall rating in a specialist’s Summative Evaluation; 8) modifies when an Improvement Plan must be developed versus may be developed for a specialist if the specialist’s overall performance during an observed lesson is unsatisfactory; and 9) eliminates the requirement that professional development completed during the time of an Improvement Plan is in effect to be certified by the Department.

The amendments have been reviewed and comments provided by several stakeholder groups over the last several months in relation to 14 DE Admin. Code 106A, as 107A has historically been a parallel regulation. This includes the Department’s DPAS II Review Committees and the DPAS Advisory Committee. Comments were received from the Governor’s Advisory Council for Exceptional Citizens, the State Council for Persons with Disabilities and the Delaware State Education Association. Mr. Ruszkowski said that 107A mirrors 106A except for the provision for novice specialists. All other feedback is the same as 106A.

A motion was made by Mr. Coverdale to consent to amending 14 Delaware Administrative Code 107A Specialist Appraisal Process Delaware Performance Appraisal Systems (DPAS II) Revised. The motion was seconded by Mr. Heffernan and carried unanimously.

### ***Charter Schools***

- Application to Modify an Existing Charter: New Maurice J. Moyer Academy (For Action)

The proposed modification is to reduce the school’s authorized enrollment and change the high school educational program from online instruction to traditional instruction. The Charter School Accountability Committee issued its report on the application. A public hearing was held July 11, 2013. It was the recommendation of the Charter School Accountability Committee to deny both requests. The motion failed.

- Application to Modify an Existing Charter: Reach Academy for Girls (For Action)

The proposed modification is to relocate to a different site. The Charter School Accountability Committee issued its report on the application. A public hearing was held July 11, 2013. The Charter School Accountability Committee issued its report on the application recommended approval of the request to the Secretary. The motion was approved.

- Application to Modify an Existing Charter: Delaware Academy for Public Safety and Security (For Action)

The proposed modification is to relocate to a different site. The Charter School Accountability Committee issued its report on the application. A public hearing was held July 11, 2013. The motion was approved.

## ***Appeals***

- J.W. v. Smyrna School District Board of Education (2013-04)

In Executive Session the Board considered the Hearing Officer's recommendation in Smyrna's expulsion of Student J.W. in J.W. v. Smyrna School District (SBE No. 2013-05). The decision of the district was upheld.

- A.G. v. Smyrna School District Board of Education (2013-05)

In Executive Session the Board considered the Hearing Officer's recommendation in Smyrna's expulsion of Student A.G. in A.G. v. Smyrna School District (SBE No. 2013-05). The decision of the district was upheld.

[July 18, 2013 Minutes](#)

## **VII. August 15, 2013**

### ***Career and Technical Education Plan, Perkins IV***

- Final CTE Plan for Approval

The Board is the sole agency responsible for the supervision of administration of career and technical education for purposes of the Federal Carl D. Perkins Career and Technical Education Act of 2006 (Perkins IV). A motion was made by Mrs. Rutt to adopt the State Plan for funding under the Perkins Career and Technical Education Act of 2006, as described, and to ratify all actions taken thus far by the Department to implement the State Plan. The motion was seconded by Mr. Coverdale and carried unanimously.

### ***Department of Education Regulations***

- Regulation 851 K to 12 Comprehensive Health Education Program (For Discussion)

The Secretary of Education is seeking the consent of the State Board of Education to amend 14 DE Admin. Code 851 K to 12 Comprehensive Health Education Program to require cardiopulmonary resuscitation (CPR) awareness and use of an automated external defibrillator (AED) and awareness of organ/tissue donating in high school. It would be at the discretion of the district or charter school the high school grade level each would be provided and the curricular materials to be used. The addition of these curricular areas would commence in schools no later than the 2014-2015 school year. The Department will work with the districts and schools to identify potential curricular resources that may be used. All public comment will be shared with the State Board next month when the amendment is on the agenda for approval.

- Regulation 501 State Content Standards (For Discussion)

The Secretary of Education is seeking the consent of the State Board of Education to amend 14 DE Admin. Code 501 State Content Standards to adopt the Next Generation Science Standards (NGSS) as the content standards for science. The public comment period ends on September 5th. All comments will be shared with the State Board next month when the regulation amendment will be on the agenda for action.

- Regulation 917 Accelerated Academic Programs (For Discussion)

The Secretary of Education seeks the consent of the State Board of Education to add a new regulation to be identified as 14 DE Admin. Code 917 Accelerated Academic Programs. Senate Bill 27 of the 147<sup>th</sup> General Assembly created a new program of start-up grants to public schools for the purpose of initiating new programs to offer specialized educational services to students who are capable of performing accelerated academic work, or renewing existing programs of the same description whose funding sources are expiring. Senate Bill 27 expressly requires the Department of Education to promulgate regulations creating an explicit formula for evaluating proposals for these grants, and this proposed regulation is promulgated to comply with that statutory requirement. The criteria outlined in this proposed regulation are those required by Senate Bill 27.

### ***Professional Standards Board***

- Praxis II Test Approval – 5551 Health Education (For Action)

The Professional Standards Board is seeking the approval of the State Board of Education for recently rescaled Praxis II test to provide a new version of the Health Education test. This new test will be offered in a computer-delivered format and the new test code will be 5551. The new test covers the same content as the previous test. However, scores are reported on a different scale, adjusting the cut score to 162 (from 160). All scores for discontinued tests are reportable for 10 years from the date the test was taken. The following Praxis II test is before the Board for approval: 5551 Health Education.

A motion was made by Mr. Hughes to approve the rescaled Praxis II Health Education test, test code 5551. The motion was seconded by Dr. Whittaker and carried unanimously.

- Praxis Test – 5031 Elementary Education and 5021 Education of Young Children (For Discussion)

The following Praxis II tests are being further evaluated before presentation to the Board for approval:

5031 – Elementary Education – Multiple Subjects

5021 – Education of Young Children (both required for Reg. 1520)

Action on this test approval may be presented to the State Board at its next meeting.

### ***Appeals***

- D.F. v. Smyrna School District Board of Education (2013-06)

In Executive Session the Board considered the Hearing Officer's recommendation in Smyrna's expulsion



of Student D.F. in *D.F. v. Smyrna School District* (SBE No. 2013-06). The decision of the district was upheld.

[August 15, 2013 Minutes](#)

## **VIII. September 19, 2013** ***Assessments***

- Accountability Resources – End of Course Assessment Standard Setting for Algebra II and Integrated Math III

A motion was made by Mr. Hughes to approve the standard setting recommendations for Algebra II and Integrated Math III. The motion was seconded by Dr. Whittaker and carried.

### ***Department of Education Regulations***

- Regulation 917 Accelerated Academic Programs (For Action)

The Secretary of Education is seeking the consent of the State Board of Education to add a new regulation to be identified as 14 DE Admin. Code 917 Accelerated Academic Programs. Senate Bill 27 of the 147th General Assembly created a new program of start-up grants to public schools for the purpose of initiating new programs to offer specialized educational services to students who are capable of performing accelerated academic work, or renewing existing programs of the same description whose funding sources are expiring. Senate Bill 27 expressly requires the Department of Education to promulgate regulations creating an explicit formula for evaluating proposals for these grants, and this proposed regulation is promulgated to comply with that statutory requirement. The criteria outlined in this proposed regulation are those required by Senate Bill 27. A motion was made by Mr. Hughes to add a new regulation 917 to Title 14 of the Delaware Administrative Code. The motion was seconded by Dr. Whittaker and carried.

- Regulation 851 K to 12 Comprehensive Health Education Program (For Action)

The Secretary of Education seeks the consent of the State Board of Education to amend 14 DE Admin. Code 851 K to 12 Comprehensive Health Education Program to require cardiopulmonary resuscitation (CPR) awareness and use of an automated external defibrillator (AED) and awareness of organ/tissue donating in high school. It would be at the discretion of the district or charter school the high school grade level each would be provided and the curricular materials to be used. The addition of these curricular areas would commence in schools no later than the 2014-2015 school year. The Department will work with the districts and schools to identify potential curricular resources that may be used. A motion was made by Mr. Coverdale to amend 14 Delaware Administrative Code, Section 851. The motion was seconded by Mrs. Rutt. The motion carried unanimously.

- Regulation 501 State Content Standards (For Action)

The Secretary of Education seeks the consent of the State Board of Education to amend 14 DE Admin. Code 501 State Content Standards to adopt the Next Generation Science Standards (NGSS) as the content standards for science. The NGSS were developed in partnership with 26 states, including Delaware. The timeline for full implementation, including aligned curriculum and assessments, will be developed by the

Department. The Department recognizes the need to update the science standards, but is also cognizant of the processes and work needed to ensure the professional development, alignment of curriculum and assessments are done in a structured manner. A motion was made by Dr. Whittaker to amend 14 Delaware Administrative Code, Section 501. The motion was seconded by Mr. Hughes and carried.

### Regulation 275 Charter Schools (For Discussion)

The Secretary of Education is seeking the consent of the State Board of Education to amend 14 DE Admin. Code 275 Charter Schools. The amendments reflect revisions in the process for Performance Reviews, renewal and new application process, annual reports as well as other amendments to align with specific Delaware Code revised during the 147th General Assembly.

John Carwell from the Charter School Office was also present. Dr. Haberstroh walked through the proposed changes to the regulation. Dr. Gray reflected on the Boards discussion at its work session on the request for additional legal perspective of the contract and what it would look like and its impact on the new applications and renewals. Ms. Johnson noted that the Department indicated that a template of the contract would be presented in November. She also spoke on the role of the contract and the Board's concern for a legal perspective prior to taking action. The amendments to the regulation that were presented were mainly based on Code changes due to House Bill 165.

### *Charters*

- Approval of Performance Agreement—(For Action) Academy of Dover

The Family Foundations Academy, a renewing charter school, has submitted its new performance agreement dated October 4, 2013. Dr. Gray noted that the school's 2011-12 overall academic rating was "does not meet;" the financial rating was "does not meet;" and the organizational overall rating was "does not meet."

Family Foundations has submitted an agreement that states that they will be rated Meets or Exceeds Standard in all areas: Academic, Organizational, and Financial by their next renewal, which is Fall 2014, and show sufficient growth to meet that goal each year. A motion was made by Mr. Heffernan to approve Family Foundation's performance agreement. The motion was seconded by Mr. Melendez. The motion for the performance agreement for Family Foundations carried unanimously.

- Approval of Performance Agreement—(For Action) Campus Community

Ms. Janiszewski informed the State Board that each charter school board has voted on their performance agreement in a public meeting.

Campus Community School, a renewing charter school, has submitted its new performance agreement dated September 4, 2013. Dr. Gray noted that the school's 2011-12 overall academic rating was "does not meet;" the financial rating was "meets;" and the organizational overall rating was "meets."

Campus Community School has submitted an agreement that states that they will be rated Meets or Exceeds Standard in all areas: Academic, Organizational, and Financial by their next renewal and show sufficient growth to meet that goal each year. A motion was made by Dr. Whittaker to approve Campus Community's performance agreement. The motion was seconded by Mr. Heffernan and carried unanimously.



- Approval of Performance Agreement—(For Action) Delaware Design Lab High School

The Delaware Design Lab High School, a new charter school, has submitted a performance agreement. Dr. Gray noted that this was a new school. Delaware Design Lab has submitted an agreement that states that they will be rated Meets or Exceeds Standard in all areas: Academic, Organizational, and Financial by their next renewal and show sufficient growth to meet that goal each year. A motion was made by Dr. Whittaker to approve Delaware Design Lab High School's performance agreement. The motion was seconded by Mr. Heffernan and carried unanimously.

- Approval of Performance Agreement—(For Action) The Thomas A. Edison Charter School

The Thomas A. Edison Charter School, a renewing charter school, has submitted its new performance agreement dated August 19, 2013. Dr. Gray noted that the school's 2011-12

overall academic rating was "meets;" the financial rating was "does not meet;" and the organizational overall rating was "meets."

Thomas A. Edison Charter School has submitted an agreement that states that they will be rated Meets or Exceeds Standard in all areas: Academic, Organizational, and Financial by their next renewal and show sufficient growth to meet that goal each year. A motion was made by Dr. Whittaker to approve Thomas Edison Charter School's performance agreement. The motion was seconded by Mr. Coverdale and carried unanimously.

- Approval of Performance Agreement—(For Action) MOT Charter

MOT Charter School, a renewing charter school, has submitted its new performance agreement dated September 16, 2013. Dr. Gray noted that the school's 2011-12 overall academic rating was "meets;" the financial rating was "meets;" and the organizational overall rating was "meets."

MOT Charter School has submitted an agreement that states that they will be rated Meets or Exceeds Standard in all areas: Academic, Organizational, and Financial by their next renewal and show sufficient growth to meet that goal each year. A motion was made by Dr. Whittaker to approve MOT Charter School's performance agreement. The motion was seconded by Mr. Coverdale and carried unanimously.

- Approval of Performance Agreement—(For Action) Prestige Academy Charter School

Prestige Academy Charter School, a renewing charter school, has submitted its new performance agreement dated August 26, 2013. Dr. Gray noted that the school's 2011-12 overall academic rating was "does not meet;" the financial rating was "meets;" and the organizational overall rating was "meets."

Prestige Academy Charter School has submitted an agreement that states that they will be rated Meets or Exceeds Standard in all areas: Academic, Organizational, and Financial by their next renewal and show sufficient growth to meet that goal each year. A motion was made by Dr. Whittaker to approve Prestige Academy Charter School's performance agreement. The motion was seconded by Mr. Heffernan and carried unanimously.

- Approval of Performance Agreement—(For Action) Sussex Academy

Sussex Academy, a renewing charter school, has submitted its new performance agreement dated September 11, 2013. Dr. Gray noted that the school’s 2011-12 overall academic rating was “exceeds;” the financial rating was “meets;” and the organizational overall rating was “does not meet.”

Sussex Academy has submitted an agreement that states that they will be rated Meets or Exceeds Standard in all areas: Academic, Organizational, and Financial by their next renewal and show sufficient growth to meet that goal each year. A motion was made by Dr. Whittaker to approve Sussex Academy's performance agreement. The motion was seconded by Mr. Heffernan and carried unanimously.

### ***Professional Standards Board***

- 1510 Issuance of Initial License (For Publication)

The Professional Standards Board, acting in cooperation and collaboration with the Department of Education, is seeking the consent of the State Board of Education to amend regulation DE Admin. Code 1510 Issuance of Initial License. The regulation applies to the issuance of an Initial License for educators, pursuant to 14 Del. C. §1210. It is necessary to amend this regulation in order to update and clarify some of the requirements and to adopt a new examination of general knowledge (Praxis CORE). A motion was made by Mrs. Rutt to approve the publication of Regulation 1510. The motion was seconded by Mr. Heffernan and carried unanimously.

- Core Academic Skills for Educators (For Action) Reading, Writing, Math

To support the decision making process of education agencies establishing passing scores (cut scores) for the Praxis Core Academic Skills for Educators Reading, Writing, and Mathematics subtests, research staff from Educational Testing Service (ETS) designed and conducted a multistate standards setting study. The Professional Standards Board is seeking the consent of the State Board of Education to adopt the Praxis CORE assessment, replacing Praxis I, with the following recommended cut scores:

Reading - 156 Writing - 162 Mathematics - 150

Dr. Mitchell noted that this general knowledge assessment is more rigorous than PRAXIS I.

A motion was made by Mr. Coverdale to approve the CORE assessment. The motion was seconded by Mr. Heffernan and carried unanimously

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## **IX. October 17, 2013** ***Department of Education Regulations***

- Regulation 275 Charter Schools (For Action)

The Secretary of Education is seeking the consent of the State Board of Education to amend 14 DE Admin. Code 275 Charter Schools. The amendments reflect revisions in the process for Performance Reviews, renewal and new application process, annual reports as well as other amendments to align with specific Delaware Code revised during the 147th General Assembly. A motion was made by Mr. Heffernan to amend Regulation 275 Charter Schools of Title 14 of the Delaware Administrative Code. The motion was seconded by Mrs. Rutt and carried.

## *Charters*

- Approval of Performance Agreement—(For Action) Family Foundations Academy

The Family Foundations Academy, a renewing charter school, has submitted its new performance agreement dated October 4, 2013. Dr. Gray noted that the school's 2011-12 overall academic rating was "does not meet;" the financial rating was "does not meet;" and the organizational overall rating was "does not meet."

Family Foundations has submitted an agreement that states that they will be rated Meets or Exceeds Standard in all areas: Academic, Organizational, and Financial by their next renewal, which is Fall 2014, and show sufficient growth to meet that goal each year. A motion was made by Mr. Heffernan to approve Family Foundation's performance agreement. The motion was seconded by Mr. Melendez. The motion for the performance agreement for Family Foundations carried unanimously.

- Approval of Performance Agreement—(For Action) Las Americas ASPIRA Academy

Las Americas Aspira, a renewing charter school, has submitted its new performance agreement dated October 17, 2013. Dr. Gray noted that the school's 2011-12 overall academic rating was "does not meet;" the financial rating was "meets;" and the organizational overall rating was "meets."

ASPIRA Academy has submitted an agreement that states that they will be rated Meets or Exceeds Standard in all areas: Academic, Organizational, and Financial by their next renewal, which is Fall 2014, and show sufficient growth to meet that goal each year. A motion was made by Mr. Melendez to approve ASPIRA's performance agreement. The motion was seconded by Mr. Heffernan and carried unanimously.

- Approval of Performance Agreement—(For Action) The New Moyer Academy

The New Moyer Academy, a new charter school, has submitted a performance agreement. Dr. Gray noted that the school's 2011-12 overall academic rating was "does not meet;" the financial rating was "does not meet;" and the organizational overall rating was "does not meet."

The school has submitted a performance agreement dated September 24, 2013 that states that they will be rated Meets or Exceeds Standard in all areas: Academic, Organizational, and Financial by their next renewal, which is Fall 2015, and show sufficient growth to meet that goal each year. A motion was made by Mr. Heffernan to approve New Moyer Academy's performance agreement. The motion was seconded by Mr. Melendez and carried unanimously.

- Approval of Performance Agreement—(For Action) The Odyssey Charter School

The Odyssey Charter School, a renewing charter school, had their performance agreement approved last month. An error was detected in the renewal year and the school is resubmitting its performance agreement. Dr. Gray noted that the school's 2011- 12 overall academic rating was "meets;" the financial rating was "meets;" and the organizational overall rating was "meets."



Odyssey Charter School has submitted its new performance agreement dated September 11, 2013 that states that they will be rated Meets or Exceeds Standard in all areas: Academic, Organizational, and Financial by their next renewal, which is Fall 2014, and show sufficient growth to meet that goal each year.

A motion was made by Dr. Whittaker to approve Odyssey Charter School's performance agreement. The motion was seconded by Mr. Melendez and carried unanimously.

- Approval of Performance Agreement—(For Action) Providence Creek Academy  
Providence Creek Charter School, a renewing charter school, has submitted its new performance agreement. Dr. Gray noted that the school's 2011-12 overall academic rating was “meets;” the financial rating was “meets;” and the organizational overall rating was “meets.”

The school has submitted its performance agreement dated September 24, 2013 that states that they will be rated Meets or Exceeds Standard in all areas: Academic, Organizational, and Financial by their next renewal, which is Fall of 2015, and show sufficient growth to meet that goal each year. A motion was made by Dr. Whittaker to approve Providence Creek Charter School's performance agreement. The motion was seconded by Mr. Melendez and carried unanimously.

### ***Professional Standards Board***

- 1503 Educator Mentoring (For Publication)  
The Professional Standards Board, acting in cooperation and collaboration with the Department of Education, seeks the consent of the State Board of Education to amend regulation DE Admin. Code 1503 Educator Mentoring. The regulation applies to the Comprehensive Induction Program for novice educators, pursuant to 14 Del.C. § 1212. It is necessary to amend this regulation to revise definitions and include the newly designed Comprehensive Induction Program providing mentoring and establishing accountability and monitoring for implementation with fidelity. A motion was made by Mrs. Rutt to approve the publication of Regulation 1503 of Title 14 of the Delaware Administrative Code which will amend the current regulation relating to the Comprehensive Induction Program for novice educators. The motion was seconded by Mr. Heffernan and carried unanimously.

- 1510 Issuance of Initial License (For Discussion)  
The Professional Standards Board, acting in cooperation and collaboration with the Department of Education, seeks the consent of the State Board of Education to amend regulation DE Admin. Code 1510 Issuance of Initial License. The regulation applies to the issuance of an Initial License for educators, pursuant to 14 Del. C. §1210. It is necessary to amend this regulation in order to update and clarify some of the requirements and to adopt a new examination of general knowledge (CORE).

### ***Appeals***

- A.N. v. Delmar School District Board of Education (2013-08)

In Executive Session the Board considered the Hearing Officer's recommendation in Delmar's expulsion of Student A.N. in *A.N. v. Delmar School District* (SBE No. 2013-08). The decision of the district was upheld.

- A.C. v. Delmar School District Board of Education (2013-09)

In Executive Session the Board considered the Hearing Officer's recommendation in Delmar's expulsion of Student A.C. in *A.C. v. Delmar School District* (SBE No. 2013-09). The decision of the district was upheld.

[October 17, 2013 Minutes](#)

## **X. November 12, 2013**

### ***Department of Education Regulations***

- 910 Delaware General Educational Development (GED) Endorsement (For Discussion)

The Secretary of Education is seeking the consent of the State Board of Education to amend 14 DE Admin. Code 910 Delaware General Educational Development (GED) Endorsement. This regulation is being reviewed in order to provide greater access to a secondary credential assessment in Delaware. The new GED® Test to be initiated in January 2014 will only be computer based and will have an increased cost of \$120, up from \$75.00.

This revision aligns with the Department's focus of preparing Delawareans to be college and career ready. The use of multiple secondary credential assessments, in addition to the GED®, will permit adults without a high school diploma increased access to attaining a secondary credential for entry into post-secondary institutions, training opportunities and employment. Because the new GED® Test is computerized, the Official Practice Test and the 45-day waiting period between retests are no longer necessary and the elimination will allow for Delawareans access to a credential faster and also reduces the administrative burden to the State.

Maureen Whelan, Director of Adult and Prison Education Resources, joined Dr. Haberstroh to respond to questions. The amendment will be presented for action next month.

- Regulation 614 Uniform Definitions (For Information)

It was noted that this regulation is for the Board's information as it requires only the approval of the Secretary of Education. The Secretary of Education intends to amend Title 14 of the Administrative Code by adding a new regulation 614 Uniform Definitions for Student Conduct Which May Result in Alternative Placement or Expulsion. This regulation is required by House Bill 42 of the 146th General Assembly.

For purposes of consistency among the local school districts and charters, this legislation directed the Delaware Department of Education to create standardized definitions for certain acts of student misconduct which may result in alternative placement or expulsion. The definitions were developed through review of current school district School Codes of Conduct and in consultation with the school district staff, including attorneys, involved in school discipline.

## *Charters*

- Approval of Performance Agreement—(For Action) Delaware Academy of Public Safety and Security

DAPSS, a charter school in its first charter term, has submitted its new performance agreement dated October 4, 2013. Dr. Gray noted that the school's 2011-12 overall academic rating was "does not meet;" the financial rating was "does not meet;" and the organizational overall rating was "meets."

The school has submitted an agreement that states that they will be rated Meets or Exceeds standard in all areas: Academic, Organizational, and Financial by their next renewal, which is Fall 2014. A motion was made by Mr. Heffernan to approve DAPSS's performance agreement. The motion was seconded by Mr. Coverdale and carried.

- Decisions on Charter Renewals and New Performance Agreements—(For Action) Kuumba Academy

The School opened in 2001 and is authorized for 295 students in grades K-6. The school will be expanding to K-8. The school is located in Wilmington and this is its third renewal request. The school has two modification requests as part of its renewal, one to reduce enrollment during the already approved grade expansion and one to relocate the school to the Community Education Building rather than operate from two facilities as previously approved in an earlier modification. Two public hearings were held on the renewal. The school's overall academic performance is "meets or exceeds," its financial rating is "meets" and its organizational rating is also "meets" all based on the Performance Framework. It was the recommendation of the Charter School Accountability Committee to renew the school's charter. The Committee also recommended approval of both new modification requests as part of the renewal.

Secretary Murphy noted the school's continued success and noted that after reviewing the record, he is accepting the recommendation of the Charter School Accountability Committee as set forth in its final report to renew the school's charter and is asking for the assent of the State Board.

Dr. Gray stated that Kuumba Academy, a renewing charter school has submitted its renewal, application and a new performance agreement dated September 30, 2013. She asked for a motion to approve Kuumba Academy's renewal and performance agreement. The motion was made by Mr. Coverdale and seconded by Mr. Heffernan.

- Decisions on Charter Renewals and New Performance Agreements—(For Action) Newark Charter School

The School opened in 2001 and is authorized for 1760 students in grades K-12. The school is located in Newark and this is its third renewal request. The school added Grades 9-12 in 2012 and the first 9th graders entered the school this year. Two public hearings were held. The school's overall academic

performance is “exceeds standards,” its financial rating is “meets” and its organizational rating is also “meets” all based on the Performance Framework. It was the recommendation of the Charter School Accountability Committee to renew the school's charter.

Secretary Murphy noted the school’s continued success and explained the school submitted an outreach plan as requested by the Department. The outreach plan was updated in June of 2013. Mr. Murphy stated that after review of the record, he is accepting the recommendation of the Charter School Accountability Committee as set forth in its final report to renew the school's charter and is asking for the assent of the State Board.

Dr. Gray stated that Newark Charter School, a renewing charter school has submitted its renewal, application and a new performance agreement dated September 18, 2013. She asked for a motion to approve Newark Charter School's renewal and performance agreement. The motion was made by Dr. Whittaker and seconded by Mrs. Rutt.

- Decisions on Charter Renewals and New Performance Agreements—(For Action) Positive Outcomes Charter School

The School opened in 1996 and is authorized for 120 students in grades 7-12. The school is located in Dover and this is its fourth renewal request. The school is designated as a school for at-risk students and as such is measured against the alternate framework. Two public hearings were held. The school's overall academic performance based on the alternate academic framework is “does not meet,” and has been for the past three years. Mr. Blowman did note that the school is making tremendous academic growth in the right direction. Its financial rating is “meets” and its organizational rating is also “meets.” Given the significant growth of the students at the school, it was the recommendation of the Charter School Accountability Committee to renew the school’s charter.

Dr. Gray stated that Positive Outcomes Charter School, a renewing charter school has submitted its renewal application dated September 30, 2013 and a new performance agreement dated September 15, 2013. She asked for a motion to approve Positive Outcomes Charter School’s renewal application and performance agreement. The motion was made by Mr. Coverdale and seconded by Dr. Whittaker.

- Decisions on Charter Renewals and New Performance Agreements—(For Action) Reach Academy Charter School

Ms. McLaughlin provided the Board with the information on this renewal. The School opened in 2010 and is authorized for 475 students in grades K-8. The school currently serves 468 students and is located in New Castle. This is the school's first application for renewal. The school came before the Board in 2010 and was placed on formal review for concerns with leadership, governance and economic viability. In 2011 the charter school was placed on probation for various issues including board training, compliance with an oversight committee, day to day financial training, and a revised budget. The Department has provided quarterly visits to assist with curriculum implementation and monthly reporting. The school was removed from probation in May of 2013. Two public hearings were held. The Charter

School Accountability Committee determined that the school's financial and organizational standards have been met as measured on the framework. On the academic framework, it shows that the school is trending in the wrong direction and is rated as “falls far below.” The school did little in part to address these concerns. It was the recommendation of the Charter School Accountability Committee that the school’s charter not be renewed.

Secretary Murphy first thanked the Charter School Accountability Committee for its work on all four schools up for renewal. He stated that as he reviews the record for each school he asks if the school is serving its students. With Reach requesting its charter renewal, a decision needs to be made if the school should continue for another five years. The Charter School Accountability Committee highlighted many issues with the school’s performance. Reach is at the bottom of all schools in the state with its academic performance and Secretary Murphy noted that the school has taken a downward trend in the last two years. The school is not meeting the standard in any area that measures growth and these students deserve much better noting that other schools have shown positive results with students with significant challenges and disadvantaged backgrounds. He explained that he knows success is possible. Secretary Murphy said it has been stated that the school is a safe and nurturing environment and that does not go unnoticed. However, the demonstration of student learning is not there and if you review the criteria and the law, the school did not provide for the children it serves. Secretary Murphy stated that after review of the record he concurs with the Charter School Accountability Committee that the school has failed to comply with its charter and not satisfied the criteria set forth in the charter law. The school has failed to meet the academic standards criteria. He agreed with the committee's findings and in the interest of the students and based on his full review of the record, he is not recommending the renewal of Reach Academy.

Dr. Gray stated that the Secretary has recommended that the renewal of Reach Academy's charter not be renewed. Since Code requires that the Board assent to the Secretary's recommendation for a renewal and since there was no recommendation by the Secretary, no Board action is required. Mr. Heffernan echoed the Secretary's comments. Other Board members concurred with the comments. Mr. Melendez asked that the Board be updated on the status of the Reach students in transitioning to new schools. Dr. Gray stated that this was not easy but where the Board is now is different than in the past. The Performance Framework shows there are expectations and how using multiple measures can assess charter schools to insure they are high quality schools.

- New Moyer Academy - Corrective Action Plan Report

Ms. McLaughlin stated that a letter has been sent to the New Moyer Academy outlining a corrective action plan that addresses four areas: curriculum, facility, attendance, and discipline reporting. The revised curriculum was submitted by the school and reviewed by Department staff. Onsite visits and monitoring has been ongoing. Several areas show lack of coherence and need improvement as well as a lack of alignment to Common Core Standards. While concerned with the curriculum, the Department is encouraged by the growth of the students and that upward trend of its students needs to be acknowledged. This part of the corrective action plan will continue. Ms. McLaughlin explained that the school has provided the deed of its ownership of the building and property. For the area of attendance, the school is receiving training and a new attendance policy has been initiated. The school is making advances in

attendance and should reach its 95% goal. Staff will also receive training on discipline reporting and how the school can monitor situations. The Department will continue to observe these areas.

There was discussion on the data that was available for the school as well as how current the data is. The school's annual report should be available on December 1st and should contain 2012-2013 data. The Board discussed its concerns on the difficulty to see any data on Moyer and asked why it is not readily available. The Board pointed out that the curriculum is currently not aligned and the same was true back in 2012. The Board also discussed its concerns for the financial and organizational performance of New Moyer as measured by the framework. There was discussion on the school's admission policies and the Board again expressed its concerns that students with IEPs have to submit documentation and records prior to acceptance at the school and the statement that an interview with the principal is required for admission and the decision of acceptance is given to the school leader. The Board asked if this issue had been addressed. The Board also raised the issue of the alleged theft at the school of computer equipment. Mr. Carwell explained that these issues were raised with the school and it is the school's responsibility to address them. He did not know if charges were filed against the person who committed the theft. Dr. Gray stated that the Board has major concerns about the school and it is not getting better. The community also has concerns but mixed messages are being received. She stated she needs to understand how the students in that school are being served and the lack of information is unacceptable. President Gray noted the framework is clear and the expectations are clear that the students should be served well and it is unfair to the community to not have a true picture.

### ***Professional Standards Board***

- **Regulation 1517 Paraeducator Permit (For Publication)**

The Professional Standards Board, acting in cooperation and collaboration with the Department of Education, is seeking the consent of the State Board of Education to amend regulation DE Admin. Code 1517 Paraeducator Permit. The regulation applies to the issuance of a Paraeducator Permit, pursuant to 14 Del. C. §1205. It is necessary to amend this regulation in order to update and clarify some of the definitions, requirements and to update the application procedures.

Mr. Melendez asked if there was a motion to publish regulation 1517 Paraeducator Permit. A motion was made by Mr. Heffernan to publish Regulation 1517 of title 14 of the Delaware Administrative Code. The motion was seconded by Dr. Whittaker and carried.

- **Regulation 1503 Educator Mentoring (For Discussion)**

The Professional Standards Board, acting in cooperation and collaboration with the Department of Education, is seeking the consent of the State Board of Education to amend regulation DE Admin. Code 1503 Educator Mentoring. The regulation applies to the Comprehensive Induction Program for novice educators, pursuant to 14 Del. C. §1212. It is necessary to amend this regulation to revise definitions and include the newly designed Comprehensive Induction Program providing mentoring and establishing accountability and monitoring for implementation with fidelity.

- **1510 Issuance of Initial License (For Action)**

The Professional Standards Board, acting in cooperation and collaboration with the Department of Education, is seeking the consent of the State Board of Education to amend regulation DE Admin. Code 1510 Issuance of Initial License. The regulation applies to the issuance of an Initial License for educators, pursuant to 14 Del. C. §1210. It is necessary to amend this regulation in order to update and clarify some of the requirements and to adopt a new examination of general knowledge (Praxis CORE). A motion was made by Mr. Heffernan to approve amendment to Regulation 1510 of Title 14 of the Delaware Administrative Code. The motion was seconded by Dr. Whittaker and carried.

## ***Appeals***

- **H.W. v. Indian River School District (2013-10) For Action**

In Executive Session the Board considered the Hearing Officer's recommendation in Indian River's expulsion of Student H.W. in *H.W. v. Indian River School District* (SBE No. 2013-10). The decision of the district was upheld.

### [November 12, 2013 Minutes](#)

## **XI. December 19, 2013**

### ***Department of Education Regulations***

- **275 Charter Schools (For Discussion)**

The Secretary of Education seeks the consent of the State Board of Education to amend 14 DE Admin. Code 275 Charter Schools. The amendments reflect revisions in the regulation regarding the administration of the new Performance Fund, as well as other amendments to align with specific Delaware Code revised during the 147<sup>th</sup> General Assembly.

Dr. Gray explained that she would like the Department to follow up with the Board on two key areas by the January Board meeting: 1) The Board would like to see the application and rubric prior to action due to concerns regarding the alignment of the criteria and the intent of the process and 2) Clarification of the criteria that will be used in assessing applications for the fund. This speaks to the Board's stewardship of the allocation of public funds which is a part of this process. The Board is not asking to review and approve the applications, but they want to be clear from a stewardship and obligation to public service to have a full understanding of the regulation being asked for approval that it meets the intent of the code.

Ms. Johnson will follow up with the Department on the clarification of the language in the regulation amendment to provide more detail than what is in Code, specifically regarding new applicants to Delaware, and stated that the Board would like to review both the application and rubric prior to taking action, with sufficient time to review the materials before taking action. In addition to clarification on the public comment and performance funding, the Board asked for a clarification of the definition of "high needs" with respect to its use in other areas currently. It was specifically questioned whether schools serving English Language Learners and Students with Special Needs would be considered high needs and



eligible to apply for performance funds. At this time the language in the proposed regulation amendment would not include those groups.

- 910 Delaware General Educational Development (GED) Endorsement (For Action)

The Secretary of Education is seeking the consent of the State Board of Education to amend 14 DE Admin. Code 910 Delaware General Educational Development (GED) Endorsement. This regulation is being reviewed in order to provide greater access to a secondary credential assessment in Delaware. The new GED® Test to be initiated in January 2014 will only be computer based and will have an increased cost of \$120, up from \$75.00. A motion was made by Mr. Coverdale to consent to amend Regulation 14 Delaware Administrative Code 910 as presented. The motion was seconded by Mrs. Rutt and carried.

## *Charters*

- Approval of Performance Agreement—(For Action) East Side Charter School

It was explained that charter schools are required to develop new Performance Agreements that are aligned with the requirements in 14 DE Admin. Code 275 and to submit those Performance Agreements for approval to the Secretary and State Board of Education. East Side Charter School, a renewing charter school, has submitted its new performance agreement dated October 1, 2013.

Dr. Gray noted that the school's 2011-12 overall academic rating was “does not meet;” the financial rating was “meets;” and the organizational overall rating was “meets.” The school has submitted an agreement that states that they will be rated Meets or Exceeds standard in all areas: Academic, Organizational, and Financial by 2014-2015. A motion was made by Mr. Heffernan to approve East Side’s performance agreement. The motion was seconded by Mr. Coverdale and carried.

- Approval of Performance Agreement—(For Action) Newark Charter School

Newark Charter School, a renewing charter school, has submitted its amended performance agreement dated November 19, 2013. Dr. Gray noted that the school’s current academic rating was “exceeds;” the financial rating was “meets;” and the organizational overall rating was “meets.” The school has submitted an agreement that states that they will be rated Meets or Exceeds standard in all areas: Academic, Organizational, and Financial by 2018. A motion was made by Mrs. Rutt to approve Newark Charter School's performance agreement. The motion was seconded by Mr. Heffernan and carried.

- Approval of Performance Agreement—(For Action) Las Americas ASPIRA Academy

Las Americas ASPIRA Academy, a renewing charter school, has submitted its amended performance agreement dated December 19, 2013. Dr. Gray noted that the school's overall academic rating was “does not meet;” the financial rating was “meets;” and the organizational overall rating was “meets.” The school has submitted an agreement that states that they will be rated Meets or Exceeds standard in all areas: Academic, Organizational, and Financial by September 30, 2014. A motion was made by Mr. Heffernan

to approve Las Americas ASPIRA's performance agreement. The motion was seconded by Mrs. Rutt and carried.

- Approval of Performance Agreement—(For Action) Delaware MET

The Delaware MET, a new charter school, has submitted a performance agreement dated November 15, 2013. The school has submitted an agreement that states that they will be rated Meets or Exceeds standard in all areas: Academic, Organizational, and Financial by September 2017. A motion was made by Mr. Heffernan to approve Delaware MET's performance agreement. The motion was seconded by Mrs. Rutt and carried.

- Approval of Performance Agreement—(For Action) First State Montessori Academy

First State Montessori Academy, a new charter school, has submitted a performance agreement dated July 30, 2013. The school has submitted an agreement that states that they will be rated Meets or Exceeds standard in all areas: Academic, Organizational, and Financial by September 2017. A motion was made by Mr. Coverdale to approve First State Montessori's performance agreement. The motion was seconded by Mrs. Rutt and carried.

### ***Professional Standards Board***

- Regulation 1503 Educator Mentoring (For Action)

The Professional Standards Board, acting in cooperation and collaboration with the Department of Education, is seeking the consent of the State Board of Education to amend regulation DE Admin. Code 1503 Educator Mentoring. The regulation applies to the Comprehensive Induction Program for novice educators, pursuant to 14 Del. C. §1212. It is necessary to amend this regulation to revise definitions and include the newly designed Comprehensive Induction Program providing mentoring and establishing accountability and monitoring for implementation with fidelity. A motion was made by Mr. Coverdale to approve amendment to Regulation 1503 of Title 14 of the Delaware Administrative Code. The motion was seconded by Mr. Heffernan and carried.

- Regulation 1517 Paraeducator Permit (For Discussion)

The Professional Standards Board, acting in cooperation and collaboration with the Department of Education, is seeking the consent of the State Board of Education to amend regulation DE Admin. Code 1517 Paraeducator Permit. The regulation applies to the issuance of a Paraeducator Permit, pursuant to 14 Del. C. §1205. It is necessary to amend this regulation in order to update and clarify some of the definitions, requirements and to update the application procedures. This regulation will also be on the Board's agenda next month for further discussion and the item will be presented for action at a future Board meeting.

[December 19, 2013 Minutes](#)

## **XII. January 16, 2014**

### ***Budget***

- Research Agenda

Mr. Heffernan provided a brief highlight of the discussion of the Research Committee which discussed the new assessment to be implemented and best practice for measuring growth. The Research Committee has proposed to gather proposals to commission a report which would look at independent views and outside expertise on the best way to approach the implementation of calculating growth based upon the parameters of the SBAC developed assessment that would align with the growth measures established in the Academic Framework.

Also Research Committee also discussed the Board's literacy campaign which is an initiative of the Board this year that ties in with Common Core, Educator Preparation, Licensure, and Early Childhood Education Initiatives. The Research Committee is also looking at best practice on how to improve literacy instruction. Research may be done that reviews best practices for teaching reading as specifically outlined in Senate Bill 51 for teacher preparation. Mr. Heffernan stated that the Board's Literacy Campaign is posted on eBoard and encouraged everyone to review it; copies were also made available to attendees at the meeting. Mr. Melendez noted that the Budget Committee also met to discuss funding the research requested and discussed by the State Board Research Committee.

### ***Department of Education Accountability***

- Accountability and ESEA Update

Susan Haberstroh, Associate Secretary of Education Supports and Innovative Practices, provided an update on the State's extension submission to the U.S. Department of Education regarding the ESEA Flexibility initially approved in 2012. Dr. Haberstroh noted that federal U.S. guidance recently changed the extension submission to one year. She also highlighted how the Department will respond to the U.S. DOE Part B monitoring for focus schools and other Title I schools and recommendations to strengthen implementation. The Department is also required to address the changes to the educator evaluation system that departs from what was originally submitted and approved. The Department has proposed draft language for an addition to Principle 3, Supporting Effective Instruction and Leadership. With the transition to the Smarter Balanced assessment, the Department will modify the implementation of Component 5 which will continue to include multiple measures for student growth and student development. Smarter Balanced results will be used as an "informative measure" of student growth in 2014-2015. Individual educator reports will be provided to the educators who teach ELA and math in the tested grades. Those results will also be publicly reported in the aggregate. For 2015-2016, the Smarter Balanced assessment will be fully incorporated as one of the multiple measures of student growth within Component 5.

Secretary Murphy noted that it seemed very complicated but many considerations were part of these decisions after many months of conversations. The evaluation system and Component 5 were based on certain things and this holds true to maintain those values. Dr. Haberstroh commented that if the U.S. Department of Education does not approve the extension the State would revert back to No Child Left

Behind requirements. It is expected to hear back from the U.S. Department of Education before June.

There was discussion on other Title 1 schools that did not fall into these categories. Dr. Haberstroh did state that Title 1 schools that miss the target in the same area for two years the school must submit a plan that will address its plan to remedy the issue. Mr. Heffernan asked for clarification on impact for students with disabilities, their transition and ELL students with the ESEA waiver. Dr. Haberstroh noted that the ESEA flexibility waiver touches on many aspects of the Department's work but does not touch every federal program. There was also discussion on community outreach. The Board was asked to contact Dr. Haberstroh if they had any subsequent questions.

### ***Department of Education Regulations***

- **502 Curriculum Alignment (For Information)**

The Secretary of Education seeks the consent of the State Board of Education to amend 14 DE Admin. Code 502 Alignment of Local School District Curricula to the State Content Standards. The amendments process changes related to the demonstration of alignment of local school district curricula to the state content standards. This reduces the burden of the districts as well as the Department and also provides for flexibility based on the uniqueness of each district related to the development of local curricula. This regulation was presented to the State Board as an information item as it only requires the approval of the Secretary of Education.

### ***Professional Standards Board***

- **Regulation 1517 Paraeducator Permit (For Discussion)**

The Professional Standards Board, acting in cooperation and collaboration with the Department of Education, is seeking the consent of the State Board of Education to amend regulation DE Admin. Code 1517 Paraeducator Permit. The regulation applies to the issuance of a Paraeducator Permit, pursuant to 14 Del. C. §1205. It is necessary to amend this regulation in order to update and clarify some of the definitions, requirements and to update the application procedures. This regulation will be presented for action at a future Board meeting.

She provided data to the State Board that she received from HR directors in districts on paraeducators. The permit would add \$662 in annual salary supplement for each paraeducator with the extra education that is proposed. Districts have expected this increase and statistics show that districts are already paying paraeducators for the permit. Thus there is no real fiscal impact on districts. She noted that all but 8 paraeducators possess the permit. Should a paraeducator let their permit expire they would then have to meet the additional requirements.

- **Review Recommendations for Applications for 1595 (For Action)**

The Professional Standards Board presents the following recommendation on an application of Principal Preparation Program as specified in Regulation 1595 for consideration by the State Board of Education. The State Board's recommendation on the approval or denial of such application will be provided to the Secretary of Education along with the Standards Board's recommendation for final approval.

Pursuant to 14 DE Admin Code 1595, the Professional Standards Board is submitting the following recommendation on the application for “A School Principal Certification Program.”

Dr. Mitchell noted that this is the first time for this process. Applications go through the License, Certification and Criteria Subcommittee of the Professional Standards Board who review applications first. They spend a great deal of time reviewing the application in depth and comparing it to regulations and a rubric. Comments and feedback are provided to the Professional Standards Board prior to their vote. The comments and feedback could become special considerations for the application or conditions of approval. Applications are then submitted to the Secretary of Education for final approval. The State Board must also make a recommendation to the Secretary.

Dr. Mitchell stated that this program is in its third cohort of the pilot. There are nine sections that are reviewed and special considerations were made in four of the areas. Comments were based on timing and notifications and Dr. Mitchell provided brief comments on each of the four areas that were noted.

Ms. Johnson provided clarification by providing the Board members with the highlights of the regulation. This is the first application under Regulation 1595 submitted. A motion was made by Mrs. Rutt that the State Board recommends to Secretary Murphy approval of the application for two cohorts along with the Professional Standards Board's recommendation for approval. The motion was seconded by Mr. Heffernan and carried.

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### **XIII. February 20, 2014**

#### ***Budget***

- Research Agenda

Mr. Heffernan provided a brief highlight of the discussion of the Research Committee. The Board received proposals for research on growth measures and received one from SAS. He recommended that the Board ask them to make a presentation on the various research available at a work session prior to the March meeting. He noted that Public Impact also responded and it was suggested they make a presentation to the Board the following month. The Budget Committee also asked that Ms. Johnson contact Public Impact in reference to the amount of their proposal.

Dr. Gray noted that as the State transitions to Smarter Balanced, the three growth measures based on DCAS in the academic framework will need to be measured using Smarter Balanced and this research is to help address that. A motion was made by Mr. Heffernan that the State Board fund the Research Committee's action to have SAS and Public Impact make presentations before the Board. Mr. Melendez stated that the Budget Committee approved this recommendation with the cost not to exceed \$7250 for both proposals. The motion was seconded by Mrs. Rutt and carried.

## ***Department of Education Regulations***

- **Regulation 275 Charter Schools (For Action)**

The Secretary of Education is seeking the consent of the State Board of Education to amend 14 DE Admin. Code 275 Charter Schools. The amendments reflect revisions in the regulation regarding the administration of the new Performance Fund, as well as other amendments to align with specific Delaware Code revised during the 147th General Assembly. Mary Kate McLaughlin, Chief of Staff, and Jennifer Nagourney, Charter Schools Executive Director, assisted in presenting the amendments to this regulation. Comments were received from the State Council for Persons with Disabilities, the Governor's Advisory Council for Exceptional Citizens and the State Board of Education. Comments were also made during discussion from the December State Board meeting. Comments centered on the definitions of high needs students, standards for the eligibility requirements and criteria to evaluate applications. The Department made changes to the address the definition of "high needs students" to expand to English Language Learners and students with disabilities. The application and rubric for the performance fund has been with shared with the State Board and will be posted on the Charter Office website.

A motion was made by Mr. Heffernan that the State Board amend 14 Delaware Administrative Code 275 relating to Charter Schools. The amendments reflect revisions regarding the administration of the Performance Fund as well as other amendments to align with the Delaware Code as revised during the 147th General Assembly. The motion was seconded by Mr. Melendez.

## ***Charters***

- **Approval of Performance Agreement—(For Action) Academia Antonia Alonso**

Charter schools are required to develop new Performance Agreements that are aligned with the requirements in 14 DE Admin. Code 275. Performance Agreements have been submitted for approval by the Secretary and State Board of Education. Academia Antonia Alonso, a new charter school, has submitted its performance agreement dated February 15, 2014.

The school has submitted an agreement that states that they will be rated Meets or Exceeds the standard in all areas: Academic, Organizational, and Financial by September 2017.

A motion was made by Mr. Heffernan to approve Academia Antonia Alonso's performance agreement. The motion was seconded by Mrs. Rutt and carried.

- **Approval of Performance Agreement—(For Action) Early College High**

Early College High School at Delaware State University, a new charter school, has submitted its performance agreement dated October 24, 2013.

The school has submitted an agreement that states that they will be rated Meets or Exceeds the standard in all areas: Academic, Organizational, and Financial by September 2017.

A motion was made by Mrs. Rutt to approve Early College High School at Delaware State University's performance agreement. The motion was seconded by Mr. Heffernan and carried.

## ***Professional Standards Board***

- **Regulation 1517 Paraeducator Permit (For Action)**

The Professional Standards Board, acting in cooperation and collaboration with the Department of Education, is seeking the consent of the State Board of Education to amend regulation DE Admin. Code 1517 Paraeducator Permit. The regulation applies to the issuance of a Paraeducator Permit, pursuant to 14 Del. C. §1205. It is necessary to amend this regulation in order to update and clarify some of the definitions, requirements and to update the application procedures. It was noted that comments were received from the State Council on Persons with Disabilities and the Governor's Advisory Council for Exceptional Citizens. Some edits were made on comments but they were not substantive. A motion was made by Mrs. Rutt to consent to amend Regulation 14 Delaware Administrative Code 1517 Paraeducator Permit as presented. The motion was seconded by Mr. Heffernan and carried.

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## **XIV. March 20, 2014 *Department of Education***

- **Delaware Leadership Project**

Secretary Murphy stated that today he approved the Delaware Leadership Project under Regulation 1595 for two cohorts. The TLEU office will work collaboratively with the Professional Standards Board on the monitoring and reporting. The project has been piloted and each new cohort will have 15 candidates.

- **ESEA**

Mr. Murphy provided an update on the ESEA extension and amendment. Conversations have taken place on the amendment and it will be submitted at the end of the month. With this amendment will be the ability to improve how to measure the performance of schools shifting from the AYP metric to the academic performance framework to measure school and district success. There has been considerable outreach on the amendment and information sessions were held, as well as webinars and an FAQ document. The amendment has been posted and written comments have been received.

- **Teacher Preparation Program Approval and Implementation of SB 51**

Constance Lindsay and Shana Young from the Teacher Leader Effectiveness Unit presented the update to the members of the State Board. The implementation of Senate Bill 51 which was signed into law last year is through Department Regulation 290. Regulation 290 provides the Department's purview on approving and regulating educator prep programs in the state. Based on Senate Bill 51, revisions will be made to the regulation. Ms. Lindsay highlighted the State policy considerations: program approval which will include the requirements and process for Department approval; data collection requirements such as scorecard metrics; entry requirements which may include standardized tests, GPA/class rank requirements; required program components which would include clinical residency, high quality educator definition, research-based strategies for instruction; and exit requirements which would include content-readiness exam and performance assessment.





Ms. Lindsay explained that in addition to revisions for Regulation 290, the Professional Standards Board will have to rewrite Regulation 1510, Initial License. The Board received the timeline which includes ongoing stakeholder engagement, public comment, and the development of the scorecard development. Senate Bill 51 will go into effect on July 1, 2014. The proposed revisions to Regulation 290 will be published in May Register of Regulations.

- College and Career Readiness Initiatives Update

Michael Watson, Chief Academic Officer, and Shana Payne, Director of Higher Education Office, provided an update on the Getting to Zero college readiness campaign for this year. Mr. Watson reminded the Board of the chart that was shared in the Fall that showed that 18% of students that are deemed college ready do not even apply. The Getting to Zero campaign focused on those seniors who scored a 1550 on their SAT last year. These students were contacted and received assistance on filling out applications and FAFSA forms. Ms. Payne stated she had good news to share. Of the students that scored an 1850 on their SAT that also qualify for free and reduced lunch, all of the students have applied to college and of the students that scored a 1550 on their SATs, all but nine have applied to college. Ms. Payne also highlighted the partnerships the Department has formed through its College Access Challenge Grant and the grants that were given to schools and other partners. Schools are currently tracking their students through various ways but it is hoped to have an automated system in place next year. The system would track students and their applications and completion of their FAFSA forms.

- Advanced Placement

Michael Watson, Chief Academic Officer and Alison Procopio from College Board presented the State's AP test score data, a comparison to the nation, and additional supports for increasing college readiness in Delaware that are being supported through work with the College Board. The benefits of taking an AP courses are many and include exposure to rigorous curriculum and earn college credit which saves money in college.

The Board was presented with a listing of AP exams taken most frequently and their score distribution. English Language and Psychology lead the list. She also shared the demographics of AP exam takers in 2013. Also shared was the percentage of students that were deemed "AP potential" that did not participate. Mr. Watson shared initiatives in the state, many in middle school that will increase AP access and AP success in Delaware. There was discussion on district initiatives to increase AP access and the Board asked for the AP data by district.

- Regulation 275 Charter Schools (For Action)

The Secretary of Education is seeking the consent of the State Board of Education to amend 14 DE Admin. Code 275 Charter Schools. The amendments reflect revisions in the process for Performance Reviews, renewal and new application process, annual reports as well as other amendments to align with specific Delaware Code revised during the 147th General Assembly. A motion was made by Mr. Heffernan to amend Regulation 275 Charter Schools of Title 14 of the Delaware Administrative Code. The motion was seconded by Mrs. Rutt and carried.

## ***Professional Standards Board***

- Content Readiness Exams (For Action)

The Professional Standards Board requested that in addition to current content readiness assessments (French, German, Spanish), it was seeking the Board's approval to add to 1565-World Language Teacher Foreign Language – Chinese & Latin: Chinese Mandarin 5665; cut score 164; Latin (Paper only at this point) 0601; cut score 152

The Professional Standards Board, acting in cooperation and collaboration with the Department of Education, seeks the consent of the SBE to add Mandarin Chinese and Latin to the current readiness assessments of Regulation 1565 of Title 14 of the Delaware Administrative Code relating to World Language Teachers. A motion was made by Mrs. Rutt to consent to add Chinese and Latin to the content readiness assessments of Regulation 1565. The motion was seconded by Mr. Hughes and carried.

Also requested were new Regenerated Exams – New Cut Scores &/or Exam Questions Agriscience 5701; cut score 147. The Professional Standards Board, acting in cooperation and collaboration with the Department of Education, seeks the consent of the SBE for a regenerated exam for Agriscience using a new cut score. A motion was made by Mr. Heffernan to consent to use a regenerated exam with a new cut score for Agriscience. The motion was seconded by Dr. Whittaker and carried.

- Application for Leadership Course of Study: University of Delaware Principal/ Assistant Principal Preparation Program

Pursuant to 14 DE Admin Code 1595 Certification Programs for Leaders in Education section 4.1.5, the Professional Standards Board's recommendation for Approval is made to the State Board for their decision to either recommend approval or denial of the program. Pursuant to section 4.1.6, the PSB's and SBE's recommendation will be submitted to the Secretary for the final approval or denial of the certification program.

Ms. Johnson explained that this was the second request under 1595 the Board has received and this is an alternative program for school leadership. Dr. Jackie Wilson from DASL was present and joined Dr. Mitchell and provided additional information for the Board. The Professional Standards Board has presented, for consideration by the State Board, its February 18, 2014 recommendation for approval of an application by the University of Delaware for a Principal/Assistant Principal Preparation Program. In accordance with the procedure set forth in Regulation 1595, the State Board recommendation on whether to approve or deny the application will be provided to the Secretary of Education along with the Professional Standards Board's recommendation for approval. A motion was made by Dr. Whittaker to approve the application. The motion was seconded by Mr. Hughes and carried.

## ***Appeals***

- *M.R. v. Delaware College Preparatory (2013-11)*

*M.R. v. Delaware College Preparatory* (SBE No. 2013-11). The Board signed an Order of Dismissal for this appeal.

[March 20, 2014 Minutes](#)

## **XV. April 17, 2014**

### ***Charters***

- Application Approval—(For Action) Delaware STEM Academy

Secretary Murphy is seeking the assent of the State Board for approval of the application of Delaware STEM Academy. A motion was made by Mr. Heffernan that based on the review of the record and consideration of the Secretary's approval the Board assents to the approval of the application for the Delaware STEM Academy charter school as recommended by the Secretary. The motion was seconded by Mrs. Rutt, after discussion on the application by the Board with the representatives from the Department of Education presenting the item; the action was voted on and carried unanimously.

- Application Approval—(For Action) Freire Charter School

Secretary Murphy is seeking the assent of the State Board for approval of the application of Freire Charter School. A motion was made by Mr. Melendez that based on the review of the record and consideration of the Secretary's approval the Board assents to the approval of the application for the Freire Charter School as recommended by the Secretary. The motion was seconded by Mr. Heffernan, after discussion on the application by the Board with the representatives from the Department of Education presenting the item; the action was voted on and carried.

- Application Approval—(For Action) Great Oaks High School

Secretary Murphy is seeking the assent of the State Board for approval of the application of Great Oaks High School. A motion was made by Mr. Melendez that based on the review of the record and consideration of the Secretary's approval the Board assents to the approval of the application for the Great Oaks High School as recommended by the Secretary. The motion was seconded by Mr. Coverdale, after discussion on the application by the Board with the representatives from the Department of Education presenting the item; the action was voted on

and carried unanimously.

- Application Approval—(For Action) Mapleton Charter School

Secretary Murphy is seeking the assent of the State Board for approval of the application of Mapleton Charter School. A motion was made by Mr. Melendez that based on the review of the record and consideration of the Secretary's approval the Board assents to the approval of the application for the Mapleton Charter School as recommended by the Secretary. The motion was seconded by Mrs. Rutt, after discussion on the application by the Board with the representatives from the Department of Education presenting the item; the action was voted on and carried.

- Application Approval—(For Action) Pike Creek Charter Middle School

The application for Pike Creek Charter Middle School was not recommended for approval.

- Major Modification—(For Action) New Moyer Academy

The Secretary is seeking the assent of the State Board of Education for approval of the

New Moyer Academy's application for a major modification to its charter to reduce its enrollment. A motion was made by Mr. Melendez that based on the review of the record and consideration of the Secretary's approval, the Board assents to the approval of the application for a major modification to the New Moyer Academy's charter as recommended by the Secretary. The motion was seconded by Mr. Coverdale, after discussion on the application by the Board with the representatives from the Department of Education presenting the item; the action was voted on and carried.

- Approval of Performance Agreement—(For Action) Reach Academy

Reach was required to develop a new Performance Agreement that is aligned with the requirements of 14 Delaware Administrative Code, Section 275. Reach Academy has submitted its new Performance Agreement for approval by the Secretary and State Board of Education. A motion was made by Mr. Melendez to approve Reach Academy's new performance agreement. The motion was seconded by Mrs. Rutt, after discussion on the action item by the Board with the representatives from the Department of Education presenting the item; the action was voted on and failed unanimously.

- Formal Review—(For Action) Academia Antonio Alonso

The Department is seeking the consent of the State Board to place Academia Antonio Alonso on formal review to review concerns relative to economic viability and compliance with enrollment within their charter. A motion was made by Dr. Whittaker to consent to placing Academia Antonio Alonso on formal review. The motion was seconded by Mr. Melendez, after discussion on the action item by the Board with the representatives from the Department of Education presenting the item; the action was voted on and carried unanimously.

- Formal Review—(For Action) Delaware MET

The Department is seeking the consent of the State Board to place Delaware MET on formal review to review concerns relative to economic viability and compliance with enrollment

within their charter. A motion was made by Mrs. Rutt to consent to placing Delaware MET on formal review. The motion was seconded by Mr. Coverdale, after discussion of the action item by the Board with the representatives from the Department of Education presenting the item; the action was voted on and carried unanimously.

### ***Professional Standards Board***

- Content Readiness Exams (For Action)

The Professional Standards Board, acting in cooperation and collaboration with the Department of Education, seeks the consent of the State Board to adopt content Readiness Assessment Praxis II 5122 for Family Consumer Science Teacher with a cut score of 153 and an effective date of July 1, 2014. A motion was made by Dr. Whittaker to adopt Content Readiness Assessment Praxis II 5122 for Family Consumer Science Teacher effective July 1, 2014. The motion was seconded by Mr. Coverdale, after discussion by

the Board with Executive Director of the Professional Standards Board presenting the item; the action was voted on and carried unanimously.

The Professional Standards Board, acting in cooperation and collaboration with the Department of Education, seeks the consent of the State Board to adopt content Readiness Assessment Praxis II 5051 for Technology Education Teacher with a cut score of 159 and an immediate effective date. A motion was made by Dr. Whittaker to adopt Content Readiness Assessment Praxis II 5051 for Technology Education Teacher effective immediately. The motion was seconded by Mr. Coverdale, after discussion by the Board with Executive Director of the Professional Standards Board presenting the item; the action was voted on and carried unanimously.

- Regulation 1510 Issuance of Initial License (For Action)

The Professional Standards Board, in cooperation and collaboration with the DOE, is seeking the consent of the State Board of Education to amend Regulation 1510 Issuance of Initial License. A motion was made by Mr. Heffernan to consent to publication of amended regulation 14 Delaware Administrative Code 1510 as presented. The motion was seconded by Mr. Melendez, after discussion by the Board with Executive Director of the Professional Standards Board presenting the item; the action was voted on and carried unanimously.

- Regulation 1599 Delaware Technology Standards for Teachers and Leaders (For Action)

The Professional Standards Board, in cooperation and collaboration with the DOE, is seeking the consent of the State Board of Education to amend Regulation 1599 Delaware Education Technology Standards for Leaders and Teachers. A motion was made by Mr. Coverdale to consent to publication of amended regulation 14 Delaware Administrative Code 1599 as presented. The motion was seconded by Mr. Heffernan, after discussion by the Board with Executive Director of the Professional Standards Board presenting the item; the action was voted on and carried unanimously.

- Content Readiness Exams (For Action)

The Professional Standards Board requested that in addition to current content readiness assessments (French, German, Spanish), it was seeking the Board's approval to add to 1565-World Language Teacher Foreign Language – Chinese & Latin:

Chinese Mandarin 5665; cut score 164; Latin (Paper only at this point) 0601; cut score 152

## *Appeals*

- B.K. v. DIAA (2014-01)

A motion was made by Mr. Coverdale to adopt the decision of the hearing officer. The motion was seconded by Dr. Whittaker and carried unanimously.

- H.W. v. Indian River School District Board of Education (2013-10)

A motion was made by Mr. Heffernan to accept and adopt the decision officer. The motion was seconded by Mr. Coverdale and carried unanimously.

[April 17, 2014 Minutes](#)

## **XVI. May 15, 2014**

- State Board Presentation on Legislative Task Force Report on Gifted and Talented

Board member Barbara Rutt represented the State Board on the Legislative Task Force on Gifted and Talented. She highlighted the recommendations from the report which included the Department acquiring a full time staff person for the program. Other recommendations addressed teacher certification and guidance on best practices.

## ***Department of Education Regulations***

- **Regulation 106A Teacher Appraisal Process DPAS II Revised (For Discussion)**

The Secretary of Education, with the consent of the State Board of Education, intends to amend 14 DE Admin. Code 106A Teacher Appraisal Process Delaware Performance Appraisal System (DPAS II) Revised.

The amendment: 1) provides that the proposed amended regulation will be in effect beginning with the 2014-15 school year; 2) provides that the DPAS-II appraisal process must be used by all districts and charter schools unless another teacher appraisal system has been state-approved under the applicable provisions of Delaware Code; 3) provides that an observation form may be utilized as part of an Announced or Unannounced observation; 4) clarifies the definition of Student Achievement and modifies the definitions of groups of educators as it pertains to Student Achievement; 5) states the Department of Education's intent to not incorporate its proposed new statewide English Language Arts and Mathematics assessment as part of Student Achievement in the 2014-2015 school year; 6) defines a summative rating of "Needs Improvement" to be considered an Unsatisfactory Evaluation; 7) defines, creates, and incorporates the concept of a Short Observation into the DPAS-II appraisal process; 8) provides the opportunity for districts and charter schools to substitute a local-developed Professional Responsibilities Appraisal Component, provided it has been state-approved, follows the guidelines set forth pursuant to a state-approval process, and is established no later than the last day of July of a given year.

- **Regulation 107A Specialist Appraisal Process DPAS II Revised (For Discussion)**

The Secretary of Education, with the consent of the State Board of Education, intends to amend 14 DE Admin. Code 107A Specialist Appraisal Process Delaware Performance Appraisal System (DPAS II) Revised.

The amendment: 1) provides that the proposed amended regulation will be in effect beginning with the 2014-15 school year; 2) provides that the DPAS-II appraisal process must be used by all districts and charter schools unless another specialist appraisal system has been state-approved under the applicable provisions of Delaware Code; 3) provides that an observation form may be utilized as part of an Announced or Unannounced observation; 4) clarifies the definition of Student Achievement beginning with the 2014-2015 school year; 5) states the Department of Education's intent to not incorporate its proposed new statewide English Language Arts and Mathematics assessment as part of Student Achievement in the 2014-2015 school year; 6) defines a summative rating of "Needs Improvement" to be considered an Unsatisfactory Evaluation; 7) clarifies that the annual evaluation of the DPAS-II process must include Specialists; 8) provides the opportunity for districts and charter schools to substitute a locally determined Professional Responsibilities Appraisal Component, provided it has been state-approved, follows the guidelines set forth pursuant to a state-approval process, and is established no later than the last day of July of a given year.

- **Regulation 108A Administrator Appraisal Process DPAS II Revised (For Discussion)**



The Secretary of Education, with the consent of the State Board of Education, intends to amend 14 DE Admin. Code 108A Administrator Appraisal Process Delaware Performance Appraisal System (DPAS II) Revised.

The amendments include but are not limited to provisions that: 1) provide that the proposed amended regulation will be in effect beginning with the 2014-15 school year; 2) provide that the Department will create up to four Guides differentiated by administrator role; 3) replace the formative process with the required components of the Annual Appraisal Cycle; 4) clarify that student achievement data from new state assessments in ELA and Mathematics will not be used as part of the Annual Appraisal Cycle during the 2014-15 school year; 5) replace appraisal cycles differentiated by administrator experience with an Annual Appraisal Cycle (new definition) for all administrators; 6) remove Appraisal Criteria from the regulation to allow for the development of Appraisal Criteria differentiated by administrator role in the relevant Guides; 7) amend the language of the Appraisal Components to include revised descriptions; 8) clarify that the differentiated Guides will include guidance on evidence collection, among other resources; 9) replace the binary summative evaluation rating system with a four-level rating system that mirrors the Appraisal Component and Appraisal Criteria rating system; and 10) simplify the description of the Improvement Plan and Challenge Process.

- Regulation 290 Educator Preparation Programs (For Information)

The Secretary of Education intends to amend 14 DE Admin. Code 290 Approval of Educator Preparation Programs. The amendment is to align the regulation to Senate Bill No. 51 as amended by Senate Amendment No. 1 of the 147th General Assembly and align to the changes in the national teacher education accrediting agency. For ease of reading, the regulation was stricken though in its entirety and the regulation will be represented as underlined. Some language, from the original regulation has been incorporated into the amendment.

The amendment includes but is not limited to: 1) inclusion of a Department-led educator preparation program approval and renewal process, replacing the prior process which relied heavily on a partner organization, National Council for Accreditation of Teacher Education (NCATE); 2) an update of the name of the partner which will contribute to the Department-led approval process to the Council for the Accreditation of Educator Preparation (CAEP) (formerly NCATE); 3) establishment of rigorous entry requirements as prerequisites for admission into an approved program; 4) the requirement that approved programs have a clinical residency component, supervised by high quality educators, consisting of at least ten weeks of full-time student teaching, with clinical experiences interwoven throughout; 5) the requirement that approved programs for early childhood and elementary school teachers include instruction using research-based strategies for teaching childhood literacy and age-appropriate mathematics content; 6) the requirement that programs conduct ongoing evaluation of their students, aligned to the state-wide educator evaluation system; 7) establishment of rigorous exit requirements for approved programs, including achievement of passing scores on a content-readiness exam and a performance assessment; 8) the requirement that approved programs collaborate with the Department to collect and report data, including data on performance and effectiveness of program graduates by student achievement; 9) the requirement that approved programs report on all aspects of program compliance and outcomes as a prerequisite for ongoing program approval; 10) establishment of a process for public

reporting that provides and publishes ratings of programs based on outcomes; and 11) inclusion of definitions for all key terms in this regulation.

## *Charters*

- Action on Major Modification—Odyssey Charter School

Secretary Murphy is seeking the assent of the State Board for approval of the Odyssey Charter School's application for a major modification to the location of its Lower Elementary. A motion was made by Mrs. Rutt that based on the review of the record and consideration of the Secretary's approval the Board assents to the approval of the application for a major modification to the Odyssey Charter School's charter as recommended by the Secretary. The motion was seconded by Mr. Coverdale and carried unanimously.

[May 15, 2014 Minutes](#)

## **XVII. June 19, 2014**

### *Career and Technical Education Plan, Perkins IV*

As the Eligible Agency and sole agency responsible for the supervision of administration of career and technical education for purposes of the Federal Carl D. Perkins Career and Technical Education Act of 2006 (Perkins IV), the Board approved the State Plan.

### *Department of Education Regulations*

- Regulation 610 Restraint and Seclusion (For Information)

The Secretary of Education intends to amend Title 14 of the Delaware Administrative Code by adding new regulation 14 DE Admin. Code 610 Limitations on Use of Seclusion and Restraint. This regulation is required by Senate Bill 100 of the 147<sup>th</sup> General Assembly.

- Regulation 290 Educator Preparation Programs (For Information)

The Secretary of Education intends to amend 14 DE Admin. Code 290 Approval of Educator Preparation Programs. The amendment is to align the regulation to Senate Bill No. 51 as amended by Senate Amendment No. 1 of the 147<sup>th</sup> General Assembly and align to the changes in the national teacher education accrediting agency. For ease of reading, the regulation was stricken though in its entirety and the regulation will be represented as underlined. Some language, from the original regulation has been incorporated into the amendment.

The amendment includes but is not limited to: 1) inclusion of a Department-led educator preparation program approval and renewal process, replacing the prior process which relied heavily on a partner organization, National Council for Accreditation of Teacher Education (NCATE); 2) an update of the name of the partner which will contribute to the Department-led approval process to the Council for the Accreditation of Educator Preparation (CAEP) (formerly NCATE); 3) establishment of rigorous entry

requirements as prerequisites for admission into an approved program; 4) the requirement that approved programs have a clinical residency component, supervised by high quality educators, consisting of at least ten weeks of full-time student teaching, with clinical experiences interwoven throughout; 5) the requirement that approved programs for early childhood and elementary school teachers include instruction using research-based strategies for teaching childhood literacy and age-appropriate mathematics content; 6) the requirement that programs conduct ongoing evaluation of their students, aligned to the state-wide educator evaluation system; 7) establishment of rigorous exit requirements for approved programs, including achievement of passing scores on a content-readiness exam and a performance assessment; 8) the requirement that approved programs collaborate with the Department to collect and report data, including data on performance and effectiveness of program graduates by student achievement; 9) the requirement that approved programs report on all aspects of program compliance and outcomes as a prerequisite for ongoing program approval; 10) establishment of a process for public reporting that provides and publishes ratings of programs based on outcomes; and 11) inclusion of definitions for all key terms in this regulation.

- Regulation 505 High School Graduation Requirements and Diplomas (For Discussion)

The Secretary of Education seeks the consent of the State Board of Education to amend 14 DE Admin. Code 505 High School Graduation Requirements and Diplomas. The amendments include, but not limited to: 1) requiring an advisement process to the student success planning; 2) modifications to definitions; 3) revising the date for which diplomas may be awarded to the previous graduating class; and 4) addressing students in the custody of the Department of Services for Children, Youth & Their Families (“DSCYF”).

- Regulation 106A Teacher Appraisal Process DPAS II Revised (For Action)

The Secretary of Education, with the consent of the State Board of Education, intends to amend 14 DE Admin. Code 106A Teacher Appraisal Process Delaware Performance Appraisal System (DPAS II) Revised.

The amendment: 1) provides that the proposed amended regulation will be in effect beginning with the 2014-15 school year; 2) provides that the DPAS-II appraisal process must be used by all districts and charter schools unless another teacher appraisal system has been state-approved under the applicable provisions of Delaware Code; 3) provides that an observation form may be utilized as part of an Announced or Unannounced observation; 4) clarifies the definition of Student Achievement and modifies the definitions of groups of educators as it pertains to Student Achievement; 5) states the Department of Education’s intent to not incorporate its proposed new statewide English Language Arts and Mathematics assessment as part of Student Achievement in the 2014-2015 school year; 6) defines a summative rating of “Needs Improvement” to be considered an Unsatisfactory Evaluation; 7) defines, creates, and incorporates the concept of a Short Observation into the DPAS-II appraisal process; 8) provides the opportunity for districts and charter schools to substitute a local-developed Professional Responsibilities Appraisal Component, provided it has been state-approved, follows the guidelines set forth pursuant to a state-approval process, and is established no later than the last day of July of a given year. Consent was granted.

- Regulation 107A Specialist Appraisal Process DPAS II Revised (For Action)

The Secretary of Education, with the consent of the State Board of Education, intends to amend 14 DE Admin. Code 107A Specialist Appraisal Process Delaware Performance Appraisal System (DPAS II) Revised.

The amendment: 1) provides that the proposed amended regulation will be in effect beginning with the 2014-15 school year; 2) provides that the DPAS-II appraisal process must be used by all districts and charter schools unless another specialist appraisal system has been state-approved under the applicable provisions of Delaware Code; 3) provides that an observation form may be utilized as part of an Announced or Unannounced observation; 4) clarifies the definition of Student Achievement beginning with the 2014-2015 school year; 5) states the Department of Education's intent to not incorporate its proposed new statewide English Language Arts and Mathematics assessment as part of Student Achievement in the 2014-2015 school year; 6) defines a summative rating of "Needs Improvement" to be considered an Unsatisfactory Evaluation; 7) clarifies that the annual evaluation of the DPAS-II process must include Specialists; 8) provides the opportunity for districts and charter schools to substitute a locally determined Professional Responsibilities Appraisal Component, provided it has been state-approved, follows the guidelines set forth pursuant to a state-approval process, and is established no later than the last day of July of a given year. Consent was granted.

- Regulation 108A Administrator Appraisal Process DPAS II Revised (For Action)

The Secretary of Education, with the consent of the State Board of Education, intends to amend 14 DE Admin. Code 108A Administrator Appraisal Process Delaware Performance Appraisal System (DPAS II) Revised.

The amendments include but are not limited to provisions that: 1) provide that the proposed amended regulation will be in effect beginning with the 2014-15 school year; 2) provide that the Department will create up to four Guides differentiated by administrator role; 3) replace the formative process with the required components of the Annual Appraisal Cycle; 4) clarify that student achievement data from new state assessments in ELA and Mathematics will not be used as part of the Annual Appraisal Cycle during the 2014-15 school year; 5) replace appraisal cycles differentiated by administrator experience with an Annual Appraisal Cycle (new definition) for all administrators; 6) remove Appraisal Criteria from the regulation to allow for the development of Appraisal Criteria differentiated by administrator role in the relevant Guides; 7) amend the language of the Appraisal Components to include revised descriptions; 8) clarify that the differentiated Guides will include guidance on evidence collection, among other resources; 9) replace the binary summative evaluation rating system with a four-level rating system that mirrors the Appraisal Component and Appraisal Criteria rating system; and 10) simplify the description of the Improvement Plan and Challenge Process. The motion carried unanimously.

## ***Charters***

- Action on Major Modification—Gateway Academy

Gateway Academy sought the enrollment preference addition of *At-Risk Designation*. The motion carried.

- Action on Formal Review of Academia Antonia Alonso Charter School (For Action)

In April, the Department with the consent of the State Board of Education to placed Academia Antonia Alonso charter school on formal review. The issues for the formal review included concerns relative to economic viability and compliance with enrollment within their charter. The formal review was conducted by the Charter School Accountability Committee. The Secretary will make his decision on the recommendation of the Accountability Committee and request the assent of the Board as needed in connection with his decision. The Charter School Accountability Committee noted improvements; however, the Committee recommended that Academia Antonia Alonso open on probation subject to conditions to ensure the school's long-term success. Secretary Murphy stated he was seeking assent of the Board to place the school on probation, allowing it to open for the 2014-2015 school year with the following conditions:

(1) By June 30, 2014, the school shall provide the Department with a plan that describes the Board's plan for CMO oversight. (2) By October 30, 2014, the school shall provide the Department with a final budget based on the September 30<sup>th</sup> unit count. (3) By the 1<sup>st</sup> of each month, until September 30, 2014, the school shall provide the Department with a summary of monthly enrollment changes and response to any negative trends. The motion carried 5-1.

### ***Professional Standards Board***

- Regulation 1510 Initial Licensure (For Discussion)

The Professional Standards Board, acting in cooperation and collaboration with the Department of Education, seeks the consent of the State Board of Education to amend regulation DE Admin. Code 1510 Issuance of Initial License.

Regulation DE Admin. Code 1510 Issuance of Initial License applies to the issuance of an Initial License for educators, pursuant to 14 Del. C. §1210. It is necessary to amend this regulation in order to align licensure requirements and timelines to Amended 14 Del C. §1210 effective July 1, 2014.

Notice of the proposed adoption of the regulation was published in the Delaware Register of Regulations for public comment from May 1, 2014 through May 31, 2014. No public comments related to this regulation were received prior to the deadline. However, the PSB did receive public comments from State Council for Persons with Disabilities; and Governor's Advisory Council for Exceptional Citizens, marked for regulation 1510. Upon review of these comments, it was discovered that they related to Department of Education Regulation 290 rather than PSB 1510. This was a result of a technical error. The PSB permitted both organizations the opportunity to submit the correct public comments, which were received June 11<sup>th</sup>.

Comments resulted in clerical and technical edits to the regulation. In addition, the Professional Standards Board considered the remaining comments related to alignment to statute and examination of general knowledge.

- Regulation 1599 Delaware Education Technology Standards for Leaders and Teachers (For Discussion)

The Professional Standards Board, acting in cooperation and collaboration with the Department of Education, seeks the consent of the State Board of Education to adopt regulation DE Admin. Code 1599 Delaware Educational Technology Standards for Leaders and Teachers.

Regulation DE Admin. Code 1599 Delaware Educational Technology Standards for Leaders and Teachers has adopted this regulation in order to establish state-wide expectations for Educational Technology, which will serve as the foundation for professional development, instructional practice or leadership, for all Delaware educators, and as indicators that guide the learning, teaching, and leading with technology in education. The standards make explicit the skills and knowledge needed in an increasingly connected global and digital society.

Notice of the proposed adoption of the regulation was published in the Delaware Register of Regulations for public comment from May 1, 2014 through May 31, 2014. Public comments were received from State Council for Persons with Disabilities; and Governor’s Advisory Council for Exceptional Citizens. Comments resulted in clerical and technical edits to the regulation.

- Praxis II Exams and Other Content Readiness Exams (For Action)

The Professional Standards Board, acting in cooperation and collaboration with the Department of Education, seeks the consent of the State Board of Education to adopt Content Readiness Assessment in the following areas:

Education of Young Children (5024)—Test Replacement/Regenerated; cut score of 160; effective 7/1/2014; Early Childhood Teacher Regulation 1520

Elementary Ed: Multiple Subjects (5001)—Test Renumbered/Subtest Regenerated; effective date of July 1, 2014; Elementary Teacher Regulation 1521

Reading and Language Arts (5002); cut score of 157

Mathematics (5003); cut score of 157

Science (5005); cut score of 157

Social Studies (5004); cut score of 157

Middle School Science (5440) – Test Replacement/ Regenerated; cut score of 150; effective 7/1/2014;  
Middle Level Science Teacher – Regulation 1533

Physical Education & Health (5857) – New Test for Dual Certification – reduces the number of tests required; cut score of 160; effective July 1, 2014

Physical Education Teacher – Regulation 1564 & Health Education Teacher – Regulation 1539

General Science (5435) – Test Adopted to replace Retired Assessment; cut score of 160; effective July 1, 2014; Secondary Science Teacher of Physical Science – Regulation 1543

Theatre (0641) – New; cut score of 153; effective July 1, 2014; Theatre Teacher – Regulation 1558

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## **State Board of Education Action FY July 2014-June 2015**

### **I. July 17, 2014**

- Updated Strategic Plan

Ms. Johnson presented the State Board’s Strategic Plan. The plan which was developed two years ago was revised at the Board’s recent retreat.

- Legislative Session Update

The Board also received a legislative update on key education related legislation from the 147th General Assembly.

### ***Department of Education Assessment***

- State Assessment Summary Results - DCAS and DCAS-Alt1 for Math and ELA, DCAS Science, Social Studies, and End of Course Assessments

Brian M. Touchette, Director, Office of Assessment, presented the DCAS and DCAS-Alt 1 annual state summary results of the Reading, Mathematics, Science, and Social Studies Assessments. The Board also received an overview of the summary results of the DCAS end-of- course results. Accompanying Mr. Touchette in the presentation was Christopher Ruskowski, Chief Officer, Teacher and Leader Effectiveness Unit. Results show that students statewide have sustained past gains, with some variations in student progress by grade and subject, while more students met their individual growth targets than last year. Results for DCAS-Alt 1 showed increases in student learning in all subjects tested. DCAS-Alt 1 is administered to students with the most significant cognitive disabilities. This was the last year for students to take the DCAS in reading and math. In 2015, the Smarter ELA (English/language arts) and Smarter Mathematics assessments will replace DCAS in those subjects. DCAS will continue for science



and social studies as will the DCAS-Alt.

## ***Department of Education Regulations***

- **Regulation 930 Supportive Instruction (For Information)**

The Secretary of Education intends to amend 14 DE Admin. Code 930 Supportive Instruction (Homebound). The amendment is related to supportive instruction for students who are pregnant.

- **Regulation 505 High School Graduation Requirements and Diplomas (For Action)**

The Secretary of Education seeks the consent of the State Board of Education to amend 14 DE Admin. Code 505 High School Graduation Requirements and Diplomas. The amendments include, but not limited to: 1) requiring an advisement process to the student success planning; 2) modifications to definitions; 3) revising the date for which diplomas may be awarded to the previous graduating class; and 4) addressing students in the custody of the Department of Services for Children, Youth & Their Families (“DSCYF”). A motion was made by Mrs. Rutt to consent to the amendment of Regulation 505. The motion was seconded by Mr. Heffernan and carried unanimously.

## ***Charters***

- **Approval of Performance Agreement—(For Action) Gateway Lab School**

Gateway Performance Agreement. Charter schools are required to develop Performance Agreements that are aligned with the requirements in 14 DE Admin. Code 275. Gateway Lab School has submitted a Performance Agreement for approval by the Secretary with the assent of the State Board of Education. The agreement was approved by the school in October but it was not presented to the State Board due to the school’s modification. It was noted that the school is up for renewal this Fall There was discussion that the renewal would be based on the school’s current data. Secretary Murphy approved the Performance Agreement and asked for the Board’s assent. A motion was made by Mr. Heffernan that based on the review of the record and consideration of the Secretary’s approval, the Board assents to the approval of the application modification as recommended by the Secretary. The motion was seconded by Mrs. Rutt and carried by roll call vote.

- **Recommendation for Formal Review of an Existing Charter (For Action)– Moyer Academic Institute**

Ms. Nagourney stated that unacceptable academic performance was noted in the performance data for the 2013-2014 school year. Other concerns included appropriate strategies to accommodate the needs of at-risk students and those needing special education services; educational program; school discipline; attendance; student assessment; economic viability; staff credentialing; and financial and administrative operations. Secretary Murphy asked for the Board’s assent to place the school on formal review. The Secretary seeks the consent of the State Board to place the Maurice J. Moyer Academic Institute on formal review outlined in his request. A motion was made by Mr. Heffernan that based on the consideration of the Secretary’s recommendation, the Board consents to placing the Maurice J. Moyer

Academic Institute on formal review. The motion was seconded by Mrs. Rutt and carried unanimously by voice vote.

## ***Appeals***

- J.H.W. v. New Castle County Vo-Tech (2014-02)—For Action

A motion was made by Mr. Heffernan that having read and considered the record of the proceedings below, including the hearing transcript, any submissions to the hearing officer including exceptions and comments filed by the parties, and the Proposed Order and it appearing the decision is fully supported by the record, free of legal error, and otherwise within the Board's powers, the Proposed Order of the Hearing Officer be accepted and adopted as the Decision and Order of the State Board of Education. The motion was seconded by Mrs. Rutt and carried unanimously by voice vote.

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## **II. August 21, 2014** ***Budget***

- State Board's FY 15 Budget—For Action

Mr. Melendez chair of the State Board Budget Committee stated that there were no changes to the draft FY 15 budget. A motion was made by Mr. Heffernan to approve the Board's FY 15 budget. The motion was seconded by Mr. Melendez and carried unanimously

## ***State Board Special Committees***

- Special Committee on Financial Literacy—For Action

The Board will take action on a motion to create a special committee of the State Board to study and make recommendations to improve financial literacy of students in Delaware. Mr. Coverdale requested that the State Board form a special committee of stakeholders to study and make recommendations on financial literacy. The motion was made by Mr. Heffernan, seconded by Dr. Whittaker and carried unanimously.

## ***Department of Education Accountability***

- Accountability Results

Penny Schwinn, Chief Officer for Assessment, Accountability, Performance and Evaluation was joined by Brian Touchette, Office of Assessment and Kate Villari, Office of Performance Management for this presentation. Mr. Touchette provided a follow up to the presentation the Board received in July on state assessment as the Board received a deeper analysis of flat scores and the achievement gap. The Board was reminded that different rules apply when calculating the state summary results and accountability results. Ms. Villari provided background information of LEA monitoring which merged ESEA and RTTT

monitoring routines. Ms. Schwinn provided accountability results noting that four districts did not meet their targets. The Board received reasons districts felt they had growth and also challenges identified by districts. Ms. Schwinn noted that the new priority schools would be announced on September 4th and will be based on the new methodology focused on proficiency. It was explained that charter schools fall under a different accountability system and no charter school would be a priority school but they can be in the school support system.

### ***Department of Education Regulations***

- Regulation 851 K to 12 Comprehensive Health Education Program—For Discussion

The Secretary of Education seeks the consent of the State Board of Education to amend 14 DE Admin. Code 851 K to 12 Comprehensive Health Education Program. The amendment is needed in order to clarify some language regarding the incorporation of psychomotor skills learning into the instruction, and the implementation date shall be no later than the 2015-2016 school year.

- Regulation 930 Supportive Instruction (Homebound)—For Information Secretary Action Only

The Secretary of Education intends to amend 14 DE Admin. Code 930 Supportive Instruction (Homebound). The amendment is related to supportive instruction for students who are pregnant.

- Regulation 401 Major Capital Improvement Programs—For Information

The Secretary of Education seeks the consent of the State Board of Education to amend 14 DE Admin. Code 401 Major Capital Improvement Programs. This regulation amendment eliminates the Voluntary School Assessment Section. A new regulation, 415 Voluntary School Assessment, is being proposed.

- Regulation 415 Voluntary School Assessment—For Information

The Secretary of Education intends to propose a new regulation related to 14 DE Admin Code 415 Voluntary School Assessment. The Voluntary School Assessment was removed from 14 DE Admin Code 401 Major Capital Improvement Programs. The Department of Education proposes this regulation to further delineate the process related to Voluntary School Assessment.

### ***Charters***

- Major Modification: Moyer Academic Institute—For Action

Moyer Academic Institute submitted an application for a major modification of its charter's education plan which would institute a new curriculum in English language arts and mathematics. It was noted that additional information was requested and the school's response failed to include the curriculum's scope and sequence. Secretary Murphy stated he was not approving the school's modification request therefore since charter statute requires approval by both the Secretary and the State Board and given the Secretary's recommendation not to approve, no Board action was required.

## ***Professional Standards Board***

- **Regulation 1510 Initial Licensure—For Action**

Regulation 1510 Initial Licensure was presented and amends the regulation in order to align licensure requirements and timelines. Comments were received and some revisions made based on the comments. The Professional Standards Board, acting in cooperation and collaboration with the Department of Education is seeking the assent of the State Board to amend Regulation 1510 Issuance of Initial License. A motion was made by Mr. Coverdale to consent to the amendment. The motion was seconded by Mr. Heffernan and carried by roll call vote.

- **Regulation 1599 Delaware Education Technology Standards for Leaders and Teachers—For Action**

Regulation 1599 Delaware Education Technology Standards for Leaders and Teachers was presented. Comments were also received for this amendment. The Professional Standards Board, acting in cooperation and collaboration with the Department of Education is seeking the assent of the State Board to amend Regulation 1599 Delaware Education Technology Standards for Leaders and Teachers. A motion was made by Dr. Whittaker to consent to the amendment. The motion was seconded by Mrs. Rutt and carried unanimously.

- **Praxis II Exams and Other Content Readiness Exams—For Action**

The Professional Standards Board is asking that the State Board amend the cut scores that were approved at the June meeting for the Elementary Education Multiple Subjects (5001) assessments. At the June meeting we approved the following cut scores:

Reading and Language Arts (5002) with a cut score of 157 and Mathematics (5003) with a cut score of 157. These cut scores are correct. Science (5005) with a cut score of 157 and Social Studies (5004) with a cut score of 157 were approved, but these are wrong. The cut score for Science (5005) should have read 159. The cut score for Social Studies should have read 155. These were clerical mistakes in our minutes. These two assessments had not changed; therefore, the cut scores should not have changed either. A motion was made by Mr. Heffernan to consent to the amendments of the cut scores for Elementary Education Science and Social Studies. The motion was seconded by Mr. Coverdale and carried unanimously.

[August 21, 2014 Minutes](#)

### **III. September 18, 2014** ***Department of Education Regulations***

- **Regulation 275 Charter Schools—For Discussion**

The Secretary of Education seeks the consent of the State Board of Education to amend 14 DE Admin. Code 275 Charter Schools. This regulation amends the approval procedure for charter schools as required by Senate Bill 209 as amended by Senate Amendment 1. The amendments are related

specifically to how “impact” may be used as an element of approval and any conditions upon approval or disapproval of a charter.

- Regulation 405 Minor Capital Improvement Programs—For Information

The Secretary of Education seeks the consent of the State Board of Education to amend 14 DE Admin. Code 401 Major Capital Improvement Programs. This regulation amendment eliminates the Voluntary School Assessment Section. A new regulation, 415 Voluntary School Assessment, is being proposed.

### ***Professional Standards Board***

- Regulation 1572 Teacher of Students who are Gifted and Talented—For Discussion

The Professional Standards Board, acting in cooperation and collaboration with the Department of Education, seeks the consent of the State Board of Education to amend regulation DE Admin. Code 1572 – Teacher of Students Who Are Gifted and Talented. The regulation applies to the issuance of a Standard Certificate for educators, pursuant to 14 Del. C. §1220 (a), for Teacher of Students Who Are Gifted or Talented (Category). This certification is required in programs that are identified as specific to students who have been identified as gifted or talented through assessments and other criteria set forth by local school districts or other programs specifically identified by the Department as programs for students who are gifted or talented. Byron Murphy, Chair of the Professional Standards Board, presented Regulation 1572. Mr. Hughes made a motion to to approve the publication of the amendment to the regulation. The motion was seconded by Mrs. Rutt and carried.

[September 18, 2014 Minutes](#)

## **IV. October 9, 2014**

### ***Department of Education Regulations***

- Regulation 851 K to 12 Comprehensive Health Education Program—For Action

The Secretary of Education seeks the consent of the State Board of Education to amend 14 DE Admin. Code 851 K to 12 Comprehensive Health Education Program. The amendment is needed in order to clarify some language regarding the incorporation of psychomotor skills learning into the instruction, and the implementation date shall be no later than the 2015-2016 school year. A motion was made by Mr. Melendez to consent to the Secretary’s approval to amend Regulation 851. The motion was seconded by Mr. Coverdale and carried unanimously.

- Regulation 275 Charter Schools—For Action

The Secretary of Education seeks the consent of the State Board of Education to amend 14 DE Admin. Code 275 Charter Schools. This regulation amends the approval procedure for charter schools as required by Senate Bill 209 as amended by Senate Amendment 1. The amendments are related specifically to how “impact” may be used as an element of approval and any conditions upon approval or disapproval of a charter. The motion was seconded by Mr. Melendez and failed by roll call vote. Ayes:

Mr. Coverdale, Mr. Melendez, Dr. Gray. Nays: Mr. Heffernan, Mr. Hughes, Mrs. Rutt, Dr. Whittaker. Deputy Attorney General Kirshon informed the State Board that its denial of Regulation 275 and its amendments puts the State Board of compliance with the Code and noted that the definition of “impact” is in Code. The Board discussed the definition of “impact” and the October 31st deadline that was part of the legislation. A motion was made by Mr. Hughes for the State Board to reconsider its action on Regulation 275. The motion was seconded by Dr. Whittaker and carried with the following roll call vote. Ayes: Mr. Coverdale, Mr. Hughes, Mr. Melendez, Dr. Whittaker, Dr. Gray. Nays: Mr. Heffernan, Mrs. Rutt. A motion was made by Mr. Hughes that the State Board approves the amendments to Regulation 275, Charter Schools. The motion was seconded by Mr. Coverdale and carried.

- Regulation 101 State Assessment System—For Discussion

The Secretary of Education seeks the consent of the State Board of Education to amend 14 DE Admin. Code 401 Major Capital Improvement Programs. This regulation amendment eliminates the Voluntary School Assessment Section. A new regulation, 415 Voluntary School Assessment, is being proposed.

- Regulation 923 Children with Disabilities Subpart B General Duties and Eligibility of Agencies—For Discussion

The Secretary of Education seeks the consent of the State Board of Education to amend 14 DE Admin. Code 923 Children with Disabilities Subpart B General Duties and Eligibility of Agencies. As a result of Senate Bill 229 w/ SA 2&3 and HA 1 of the 147<sup>th</sup> General Assembly, this amendment is needed in order to clarify the eligibility for extended school year reading services for students who are not beginning to read by age seven.

- Regulation 925 Children with Disabilities Subpart D, Evaluations, Eligibility Determination, Individualized Education Programs—For Discussion

The Secretary of Education seeks the consent of the State Board of Education to amend 14 DE Admin. Code 925 Children with Disabilities Subpart D, Evaluations, Eligibility Determination, Individualized Education Programs. As a result of Senate Bill 229 w/ SA 2&3 and HA 1 of the 147<sup>th</sup> General Assembly, this regulation has been amended to meet the requirements of 14 Del. C., Chapter 31, Section 3110(e) to address reading services and supports in a child’s Individualized Education Program (IEP), if the child is a student with a disability who is not beginning to read by age seven. Please note this regulation has a 60-day comment period, so it will not come before the State Board of Education for action until the December meeting.

- Regulation 405 Minor Capital Improvement Programs—For Information

The Secretary of Education intends to amend 14 DE Admin. Code 405 Minor Capital Improvement Programs. This regulation amendment increases the threshold from \$500,000 to \$750,000 for such projects that can be classified as Minor Capital Improvement Projects.

## ***Charters***

- Formal Review: Moyer Academic Institute—For Action

Ms. Nagourney highlighted the formal review. On July 17, 2014, with the assent of the State Board of Education, the Department of Education placed the Maurice J. Moyer Academic Institute charter school on Formal Review, pursuant to Title 14 Delaware Code § 515(b), to determine whether the charter holder is violating the terms of its charter and, if so, whether to order remedial measures. The Charter School Advisory Committee concluded that the charter was out of compliance and recommended revocation of the school's charter. Secretary Murphy stated his decision was based on if the school was effectively serving its students and based on the review of the record he agreed with the Charter School Advisory Committee to revoke the school's charter. A motion was made by Mr. Coverdale to assent to the recommendation of the Secretary. The motion was seconded by Mr. Melendez and carried unanimously by voice vote. Secretary Murphy did state that the Department would set up a phone line and email dedicated to assist parents with questions for the transition to a new school next year.

## ***Professional Standards Board***

- **Regulation 1572 Teacher of Students who are Gifted and Talented—For Discussion**

The Professional Standards Board, acting in cooperation and collaboration with the Department of Education, seeks the consent of the State Board of Education to amend regulation DE Admin. Code 1572 – Teacher of Students Who Are Gifted and Talented. The regulation applies to the issuance of a Standard Certificate for educators, pursuant to 14 Del. C. §1220 (a), for Teacher of Students Who Are Gifted or Talented (Category). This certification is required in programs that are identified as specific to students who have been identified as gifted or talented through assessments and other criteria set forth by local school districts or other programs specifically identified by the Department as programs for students who are gifted or talented.

- **Regulation 1512—Issuance and Renewal of Advanced License - For Publication**

The Professional Standards Board, acting in cooperation and collaboration with the Department of Education, seeks the consent of the State Board of Education to amend regulation DE Admin. Code 1512 – Issuance and Renewal of Advanced License. The regulation applies to the issuance and renewal of an Advanced License for educators, pursuant to 14 Del. C. §1213 and §1214. This regulation is being reviewed under a five-year cycle. Small changes were deemed necessary for clarification of the term of the license pursuant to 14 Del. C. § 1213 & 1216. A motion was made by Mr. Hughes to approve publication of the regulation. The motion was seconded by Dr. Whittaker and carried unanimously.

- **Regulation 1513 - Denial of Licenses—For Publication**

The Professional Standards Board, acting in cooperation and collaboration with the Department of Education, seeks the consent of the State Board of Education to amend regulation DE Admin. Code 1513 – Denial of Licenses. This regulation shall apply to the denial of an Initial License, Continuing License or Advanced License for educators pursuant to 14 Del. C. §1210, 1211, 1212, 1213, 1214, and 1217. This regulation is being reviewed under a five-year cycle. Small changes were deemed necessary for clarification of the appeal process. A motion was made by Mr. Melendez to approve publication of the regulation. The motion was seconded by Dr. Whittaker and carried unanimously.

- **Regulation 1514 - Revocation, Limitation, or Suspension of Licenses—For Publication**

The Professional Standards Board, acting in cooperation and collaboration with the Department of Education, seeks the consent of the State Board of Education to amend regulation DE Admin. Code 1514 –Revocation, Limitation, or Suspension of Licenses. This regulation shall apply to the revocation, limitation, or suspension of an Initial License, Continuing License or Advanced License issued pursuant to 14 Del. C. Ch. 12; or a Limited Standard, Standard or Professional Status Certificate issued prior to August 31, 2003 for educators, pursuant to 14 Del. C. §1218. This regulation is being reviewed under a five-year cycle. After review, this regulation is being reauthorized without any changes. A motion was made by Dr. Whittaker to approve publication of the regulation. The motion was seconded by Mr. Melendez and carried unanimously.





## **V. November 20, 2014**

### ***Department of Education Regulations***

- **Regulation 101 State Assessment System—For Discussion**

The Secretary of Education seeks the consent of the State Board of Education to amend 14 DE Admin. Code 101 State Assessment System. As a result of House Bill 334 and Senate Bill 229 w/ SA 2& 3 and HA 1 of the 147<sup>th</sup> General Assembly, this regulation is amended based on changes in the state assessment system and provides clarification as to the assessment of students with disabilities as per 14 Del. C., Section 151.

- **Regulation 923 Children with Disabilities Subpart B General Duties and Eligibility of Agencies—For Discussion**

Mr. Murphy provided an update on the ESEA extension and amendment. Conversations have taken place on the amendment and it will be submitted at the end of the month. With this amendment will be the ability to improve how to measure the performance of schools shifting from the AYP metric to the academic performance framework to measure school and district success. There has been considerable outreach on the amendment and information sessions were held, as well as webinars and an FAQ document. The amendment has been posted and written comments have been received.

- **Regulation 925 Children with Disabilities Subpart D, Evaluations, Eligibility Determination, Individualized Education Programs—For Discussion**

Constance Lindsay and Shana Young from the Teacher Leader Effectiveness Unit presented the update to the members of the State Board. The implementation of Senate Bill 51 which was signed into law last year is through Department Regulation 290. Regulation 290 provides the Department's purview on approving and regulating educator prep programs in the state. Based on Senate Bill 51, revisions will be made to the regulation. Ms. Lindsay highlighted the State policy considerations: program approval which will include the requirements and process for Department approval; data collection requirements such as scorecard metrics; entry requirements which may include standardized tests, GPA/class rank requirements; required program components which would include clinical residency, high quality educator definition, research-based strategies for instruction; and exit requirements which would include content-readiness exam and performance assessment.

- **Regulation 915 James H. Groves High School—For Discussion**

The Secretary of Education seeks the consent of the State Board of Education to amend 14 DE Admin. Code 915 James H. Groves High School. This regulation is to clarify alignment to 14 DE Admin Code 505 High School Graduation Requirements and Diplomas with regard to the World Languages credit requirement and for other minor clarifications. This regulation also clarifies that the Groves In School Credit Program cannot occur during the school's regularly scheduled school day.

- **Regulation 245 Michael C. Ferguson Scholarship - For Information**

Michael Watson, Chief Academic Officer and Alison Procopio from College Board presented the State's AP test score data, a comparison to the nation, and additional supports for increasing college readiness in

Delaware that are being supported through work with the College Board. The benefits of taking an AP courses are many and include exposure to rigorous curriculum and earn college credit which saves money in college.

### ***Professional Standards Board***

- Regulation 1572 Teacher of Students who are Gifted and Talented—For Discussion

The Professional Standards Board, acting in cooperation and collaboration with the Department of Education, seeks the consent of the State Board of Education to amend regulation DE Admin. Code 1572 – Teacher of Students Who Are Gifted and Talented. The regulation applies to the issuance of a Standard Certificate for educators, pursuant to 14 Del. C. §1220 (a), for Teacher of Students Who Are Gifted or Talented (Category). This certification is required in programs that are identified as specific to students who have been identified as gifted or talented through assessments and other criteria set forth by local school districts or other programs specifically identified by the Department as programs for students who are gifted or talented.

- Regulation 1512 - Issuance and Renewal of Advanced License—For Discussion

Pursuant to 14 DE Admin Code 1595 Certification Programs for Leaders in Education section 4.1.5, the Professional Standards Board’s recommendation for Approval is made to the State Board for their decision to either recommend approval or denial of the program. Pursuant to section 4.1.6, the PSB’s and SBE’s recommendation will be submitted to the Secretary for the final approval or denial of the certification program.

- Regulation 1513 - Denial of Licenses—For Discussion

The Professional Standards Board, acting in cooperation and collaboration with the Department of Education, seeks the consent of the State Board of Education to amend regulation DE Admin. Code 1513 – Denial of Licenses. This regulation shall apply to the denial of an Initial License, Continuing License or Advanced License for educators pursuant to 14 Del. C. §1210, 1211, 1212, 1213, 1214, and 1217. This regulation is being reviewed under a five-year cycle. Small changes were deemed necessary for clarification of the appeal process.

- Regulation 1514 - Revocation, Limitation, or Suspension of Licenses—For Discussion

The Professional Standards Board, acting in cooperation and collaboration with the Department of Education, seeks the consent of the State Board of Education to amend regulation DE Admin. Code 1514 –Revocation, Limitation, or Suspension of Licenses. This regulation shall apply to the revocation, limitation, or suspension of an Initial License, Continuing License or Advanced License issued pursuant to 14 Del. C. Ch. 12; or a Limited Standard, Standard or Professional Status Certificate issued prior to August 31, 2003 for educators, pursuant to 14 Del. C. §1218. This regulation is being reviewed under a five-year cycle. After review, this regulation is being reauthorized without any changes.

- Regulation 1507 Alternate Routes to Teacher Licensure and Certification Program—For Publication

The Professional Standards Board, acting in cooperation and collaboration with the Department of Education, seeks the consent of the State Board of Education to amend regulation DE Admin. Code 1507 – Alternate Routes to Teacher Licensure and Certification Program. This regulation shall apply to the Alternative Routes for Teacher Licensure and Certification Program, pursuant to Del. C. §§1260 through 1264. This regulation is being reviewed under a five-year cycle. After review, this regulation is being reauthorized without any changes.

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## **VI. December 18, 2014**

### ***Department of Education Regulations***

- Common Core State Standards and Regulation 502 Implementation

Secretary Murphy provided his monthly report. He highlighted that over 1500 Delaware high school students are enrolled in college coursework this year which is an increase from last year's count of 600 students. He commented on SPARC, a non-profit group that provides students access to work experiences stating 98 businesses are participating and schools are piloting in all three counties. Secretary Murphy also noted a grant the Department received that will address services for the state's youngest students, infants and toddlers.

Michael Watson and Shelley Rouser from the Department's Teaching and Learning Branch provided an update on Common Core Standards Implementation. They were joined by John Ewald, Superintendent in the Laurel School District who highlighted implementation in his district. The presentation also touched on site visits and revisions to Regulation 502. The Board was also briefed on the support work provided to districts by Common Ground for the Common Core.

Brian Touchette from the Department's Office of Assessment provided the Board with the standard setting process for the achievement levels for the Smarter Balanced assessment. The timeline began in April of 2014 and included online panels, in person panel participation, a cross grade review and review by the Technical Advisory Committee. Delaware teachers participated on the panels. Mr. Touchette noted that the new standards set higher expectations for students and the new tests are designed to assessment performance against these higher expectations.

- Regulation 101 State Assessment System—For Action

The Secretary of Education seeks the consent of the State Board of Education to amend 14 DE Admin. Code 101 State Assessment System. As a result of House Bill 334 and Senate Bill 229 w/ SA 2& 3 and HA 1 of the 147th General Assembly, this regulation is amended based on changes in the state assessment system and provides clarification as to the assessment of students with disabilities as per 14 Del. C., Section 151. A motion was made by Mr. Melendez to consent to the amendment of the regulation. The motion was seconded by Mr. Heffernan and carried unanimously.

- Regulation 923 Children with Disabilities Subpart B General Duties and Eligibility of Agencies—For Action

The Secretary of Education seeks the consent of the State Board of Education to amend 14 DE Admin. Code 923 Children with Disabilities Subpart B General Duties and Eligibility of Agencies. As a result of Senate Bill 229 w/ SA 2&3 and HA 1 of the 147th General Assembly, this amendment is needed in order to clarify the eligibility for extended school year reading services for students who are not beginning to read by age seven. A motion was made by Mrs. Rutt to consent to the amendment of the regulation. The motion was seconded by Mr. Melendez and carried unanimously.

- Regulation 925 Children with Disabilities Subpart D, Evaluations, Eligibility Determination, Individualized Education Programs—For Action

The Secretary of Education seeks the consent of the State Board of Education to amend 14 DE Admin. Code 925 Children with Disabilities Subpart D, Evaluations, Eligibility Determination, Individualized Education Programs. As a result of Senate Bill 229 w/ SA 2&3 and HA 1 of the 147th General Assembly, this regulation has been amended to meet the requirements of 14 Del. C., Chapter 31, Section 3110(e) to address reading services and supports in a child’s Individualized Education Program (IEP), if the child is a student with a disability who is not beginning to read by age seven. A motion was made by Dr. Whittaker to consent to the amendment of the regulation. The motion was seconded by Mr. Melendez and carried unanimously.

- Regulation 915 James H. Groves High School—For Action

The Secretary of Education seeks the consent of the State Board of Education to amend 14 DE Admin. Code 915 James H. Groves High School. This regulation is to clarify alignment to 14 DE Admin Code 505 High School Graduation Requirements and Diplomas with regard to the World Languages credit requirement and for other minor clarifications. This regulation also clarifies that the Groves In School Credit Program cannot occur during the school’s regularly scheduled school day. A motion was made by Dr. Whittaker to consent to the amendment of the regulation. The motion was seconded by Mr. Coverdale and carried unanimously.

- Regulation 817 Medications and Treatment—For Information

The Secretary of Education seeks to amend 14 DE Admin. Code 817 Medications and Treatments. This regulation is being amended to be in compliance with Senate Bill 246 as amended by Senate Amendment #1 of 147th General Assembly. It clarifies what constitutes an emergency medication, who can administer that medication and whether it can be administered to a diagnosed or undiagnosed individual, and in what school setting.

## ***Charters***

- Renewal Application: Delaware Academy of Public Safety and Security

Delaware Academy of Public Safety and Security, a renewing charter school submitted its renewal application on September 29, 2014. It was the recommendation of the Secretary that the school’s charter be renewed with the conditions indicated in the final report of the Charter School Accountability Committee. The conditions were: 1) the school shall attain a rating of “Meets Standard” on the Academic Framework for the 2014-2015 school year and 2) the school shall attain a rating of “Meets Standard” on the Financial Framework for the 2014-2015 school year. The Board reviewed the school’s performance report and discussed their application. A motion was made by Mr. Coverdale to approve the renewal application for DAPSS. The motion was seconded by Dr. Whittaker and carried unanimously.

- Renewal Application: East Side Charter School

East Side Charter School, a renewing charter school submitted its renewal application on September 30, 2014. It was the recommendation of the Secretary that the school’s charter be renewed and include the

modification on the school's enrollment preference. The Board reviewed the school's performance report and discussed their application. A motion was made by Mrs. Rutt to approve the renewal application for East Side. The motion was seconded by Mr. Coverdale. There was discussion on the motion including the modification or if there should be a separate motion. A motion was then made by Mrs. Rutt to approve the school's renewal application and its major modification. The motion was seconded by Mr. Coverdale and carried unanimously.

- Renewal Application: Family Foundations

Family Foundations, a renewing charter school submitted its renewal application on September 30, 2014. Secretary Murphy noted that the Department just received a 200-page document on the allegations that have been brought forward on the school. The school was contacted and has waived the 60-day time period for action and Secretary Murphy stated that action on this renewal was being deferred at this time. No action by necessary by the State Board.

- Renewal Application: Gateway Lab

Gateway Lab School, a renewing charter school submitted its renewal application on September 30, 2014. It was noted that the recommendation of the Charter School Advisory Committee was to not renew the school's charter. Secretary Murphy noted the public comment that was received, both written and oral on the school's renewal application. He also noted that the school wished to establish an alternate framework as many of its student population consists of many at- risk students. It was his recommendation that the school's charter be renewed with the condition that the school's performance is meets on the alternate academic framework in 2015-2016. Should the school fail to do so then the Secretary would move forward with revocation and formal review? The Board reviewed the school's performance report and discussed their application. A motion was made by Mr. Coverdale to approve the renewal application for Gateway. The motion was seconded by Mrs. Rutt and approved 4-3 by roll call vote.

- Renewal Application: Las Americas ASPIRA Academy

Las Americas ASPIRA Academy, a renewing charter school submitted its renewal application on September 29, 2014. It was the recommendation of the Secretary that the school's charter be renewed. The Board reviewed the school's performance report and discussed their application.

A motion was made by Dr. Whittaker to approve the renewal application for ASPIRA. The motion was seconded by Mr. Coverdale and approved unanimously by roll call vote.

- Renewal Application: Odyssey Charter School

Odyssey Charter School, a renewing charter school submitted its renewal application on September 30, 2014. It was the recommendation of the Secretary that the school's charter be renewed with the conditions indicated in the final report of the Charter School Accountability Committee. The conditions were: 1) the school's bylaws shall be brought into compliance with State Code as it relates to the public nature of the Executive Committee and attendance procedures at all public meetings by the close of business on December 10, 2014; 2) the CBOC shall be brought into compliance with State Code as it relates to membership by close of business on December 31, 2014; and 3) all Board members shall participate in

training provided by DANA and the PIC by February 28, 2015. It was noted that condition 1 had already been met. The Board reviewed the school's performance report and discussed their application. A motion was made by Mr. Coverdale to approve the renewal application for Odyssey Charter School. The motion was seconded by Mrs. Rutt and approved unanimously by roll call vote.

- Renewal Application: Reach Academy for Girls

Reach Academy for Girls, a renewing charter school submitted its renewal application on September 30, 2014. It was the recommendation of the Secretary that the school's charter not be renewed. Secretary Murphy commented that despite the additional time to show growth the school remains the lowest school academically for all public schools and students are not reaching proficiency and performing worse than their peers. Dr. Gray noted that charter statute requires approval of a renewal application by both the Secretary and the State Board and given the Secretary's recommendation not to renew no action is required by the State Board.

### ***Professional Standards Board***

- Regulation 1572 Teacher of Students who are Gifted and Talented—For Action

The Professional Standards Board, acting in cooperation and collaboration with the Department of Education, seeks the consent of the State Board of Education to amend regulation DE Admin. Code 1572 – Teacher of Students Who Are Gifted and Talented. The regulation applies to the issuance of a Standard Certificate for educators, pursuant to 14 Del. C. §1220 (a), for Teacher of Students Who Are Gifted or Talented (Category). This certification is required in programs that are identified as specific to students who have been identified as gifted or talented through assessments and other criteria set forth by local school districts or other programs specifically identified by the Department as programs for students who are gifted or talented. A motion was made by Mrs. Rutt to approve the amendments to the regulation. The motion was seconded by Dr. Whittaker and carried unanimously

- Praxis II Exam and Other Content Readiness Exam—For Action

The Professional Standards Board, acting in cooperation and collaboration with the Department of Education, seeks approval from the State Board of Education to adopt a Content Readiness Assessment in the following area: Gifted Education (5358) – New Test Adoption; cut Score of 157; effective January 11, 2015. A motion was made by Dr. Whittaker to consent to the adoption of a Content Readiness Assessment for Gifted Education. The motion was seconded by Mr. Coverdale and carried unanimously.

- Regulation 1512 - Issuance and Renewal of Advanced License—For Action

The Professional Standards Board, acting in cooperation and collaboration with the Department of Education, seeks the consent of the State Board of Education to amend regulation DE Admin. Code 1512 – Issuance and Renewal of Advanced License. The regulation applies to the issuance and renewal of an Advanced License for educators, pursuant to 14 Del. C. §1213 and §1214. This regulation is being reviewed under a five-year cycle. Small changes were deemed necessary for clarification of the term of the license pursuant to 14 Del. C. §1213 & 1216. A motion was made by Mr. Heffernan to approve the amendments to the regulation. The motion was seconded by Mr. Coverdale and carried unanimously.



- Regulation 1513 - Denial of Licenses—For Action

The Professional Standards Board, acting in cooperation and collaboration with the Department of Education, seeks the consent of the State Board of Education to amend regulation DE Admin. Code 1513 – Denial of Licenses. This regulation shall apply to the denial of an Initial License, Continuing License or Advanced License for educators pursuant to 14 Del. C. §1210, 1211, 1212, 1213, 1214, and 1217. This regulation is being reviewed under a five-year cycle. Small changes were deemed necessary for clarification of the appeal process. A motion was made by Dr. Whittaker to approve the amendments to the regulation. The motion was seconded by Mr. Heffernan and carried unanimously.

- Regulation 1514 - Revocation, Limitation, or Suspension of Licenses—For Action

The Professional Standards Board, acting in cooperation and collaboration with the Department of Education, seeks the consent of the State Board of Education to amend regulation DE Admin. Code 1514 –Revocation, Limitation, or Suspension of Licenses. This regulation shall apply to the revocation, limitation, or suspension of an Initial License, Continuing License or Advanced License issued pursuant to 14 Del. C. Ch. 12; or a Limited Standard, Standard or Professional Status Certificate issued prior to August 31, 2003 for educators, pursuant to 14 Del. C. §1218. This regulation is being reviewed under a five-year cycle. After review, this regulation is being reauthorized without any changes. A motion was made by Mr. Hughes to approve the amendments to the regulation. The motion was seconded by Mr. Coverdale and carried unanimously.

- Regulation 1507 Alternate Routes to Teacher Licensure and Certification Program—For Discussion

The Professional Standards Board, acting in cooperation and collaboration with the Department of Education, seeks the consent of the State Board of Education to amend regulation DE Admin. Code 1507 – Alternate Routes to Teacher Licensure and Certification Program. This regulation shall apply to the Alternative Routes for Teacher Licensure and Certification Program, pursuant to Del. C. §§1260 through 1264. This regulation is being reviewed under a five-year cycle. After review, this regulation is being reauthorized without any changes.

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## **VII. January 15, 2015**

### ***Department of Education ESEA Flexibility Renewal Application***

Penny Schwinn and Ryan Reyna from the Office of Accountability presented an update on the ESEA Flexibility Renewal Application. An overview of the process, timeline and the requirements were highlighted noting that the Elementary and Secondary Education Act has not been renewed. The principles of ESEA Flexibility Renewal focus on college and career ready expectations for all students; differentiated recognition, accountability and support systems for schools and districts; supporting effective instruction and leadership and the addition of reducing duplication and unnecessary burden.

Delaware was approved for an ESEA Flexibility extension in July 2014 for 2014-2015 which included amendments to address Smarter Balanced assessments. The current application is due by the end of March and is a renewal for three years. The application may request a one year “pause” in the implementation of school ratings due to the administration of the new assessment Smarter Balanced. The Department is currently

conducting input through public town hall meetings and presentations to stakeholder groups.

### ***Department of Education Standard Setting***

- **Standard Setting—For Action**

Brian Touchette, Director, Accountability Resources, presented the details of the standard setting recommendations for Smarter English Language Arts and Mathematics at the Board’s December meeting. The Board was asked to take action on the recommendations presented. A motion was made by Mrs. Rutt to approve the proposed scores. The motion was seconded by Dr. Whittaker and carried unanimously.

### ***Department of Education Regulations***

- **Regulation 235 Teacher of the Year Award—For Information**

The Secretary of Education intends to amend 14 DE Admin. Code 235 Teacher of the Year Award. This regulation is being amended to clarify representatives serving on the panel of judges for the Teacher of the Year Award.

- **Regulation 245 Michael C. Ferguson Scholarship—For Information**

The Secretary of Education seeks to amend 14 DE Admin. Code 245 Michael C. Ferguson Achievement Award Scholarship. This regulation is being amended to clarify the subject areas and grade levels in which the scholarship can be given as based on the new state assessment system. The Department of Education wishes to remove the word “scholarship” from the regulation to clarify that these are awards and not funds that need to be applied for as is done with scholarships. Also, while the statute uses the term “free and reduced lunch”, the Department of Education is using “low-income” because of changes in the federal school nutrition program, which is in accordance with epilogue provisions in the FY16 budget bill.

to the amendment of the regulation. The motion was seconded by Mr. Heffernan and carried unanimously.

### ***Charters***

- **Renewal Application: Family Foundations Academy—For Action**

Information was provided on the school as well as its performance on the academic performance framework, financial framework and organizational framework. Family Foundations, a renewing charter school submitted its renewal application on September 30, 2014. The Board reviewed the school’s performance report and discussed their application. It was noted that on December 18, pursuant to the

approval of the Family Foundations Academy Board of Directors to waive the 60-day time period for a decision on its renewal application, the Secretary of Education deferred the decision to allow for necessary due diligence on potentially serious allegations of financial mismanagement. Secretary Murphy noted that the co-leaders of the school had resigned along with several board members. Four board members from East Side Charter School have agreed to serve on the Family Foundations Board and provide their experience. Also Lamont Browne has agreed to serve as school leader for both schools. Secretary Murphy asked the Board's assent to renew the school's charter with the following conditions:

- By January 30, 2015, the school shall submit clarification and documentation, to the satisfaction of the Department, of how the new FFA Board will operate FFA and East Side Charter School;
- By January 30, 2015, the school shall submit clarification and documentation, to the satisfaction of the Department, of the identification and responsibilities of the individual or team who will operate the school on a daily basis, including who will be providing the services of the Head of School and Business Manager, respectively;
- By January 30, 2015, the school shall submit clarification and documentation, to the satisfaction of the Department, regarding the role and responsibilities of Dr. Lamont Browne as to both FFA and East Side Charter School, including addressing potential violations of 29 Del. C., Chapter 58;
- By February 27, 2015, all Board members who have not participated in a Delaware Alliance for Nonprofit Advancement (DANA) board training must participate in such a program and provide verification of such participation;
- By February 27, 2015, all Board members must participate in training offered by the Public Integrity Commission in the area of conflicts of interest best practices and provide verification of such participation;
- The school shall respond, within three (3) business days, to the Department's requests for any financial information.

A motion was made by Mr. Hughes to approve Family Foundation Academy's renewal application. The motion was seconded by Mrs. Rutt and carried 6-1 by roll call vote. (Dr. Whittaker voted no.)

Secretary Murphy also asked for the Board's consent to place Family Foundations Academy on formal review. The issues for the formal review include concerns to Organizational and Financial Performance. A motion was made by Mr. Coverdale to consent to place the school on formal review. The motion was seconded by Mr. Melendez and carried unanimously by roll call vote.

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## **VIII. February 19, 2015**

### ***Department of Education ESEA Flexibility***

- **ESEA Flexibility Update**

Penny Schwinn and Ryan Reyna from the Office of Accountability presented an update on the ESEA Flexibility Renewal Application. The Board was provided with a comparison of No Child Left Behind and the ESEA Flexibility as well as the comparison of the three principles with the flexibility and without the flexibility. Ms. Schwinn highlighted the community presentations and town hall meetings to date as

well as future planned meetings. The Board also heard some of the feedback from their community presentations. There was discussion on the Epilogue language to develop interim regulations that would need to be developed until a decision is rendered by the U.S. Department of Education. The Board will have another work session on the ESEA Flexibility Application prior to the March meeting and action on the application will also be requested next month.

### ***Department of Education Regulations***

- **Regulation 902 Gifted or Talented Education—For Discussion**

The Secretary of Education seeks the consent of the State Board of Education to add 14 DE Admin. Code 902 Gifted or Talented Education Plan. This regulation is being created pursuant to 14 Del. C. §3126, which states that the extent of programs and facilities provided for children determined to be gifted or talented shall be in accordance with the rules and regulations of the Department. This regulation develops the rules and regulations relative to standards for identifying gifted or talented students, and the development, implementation and monitoring of programs for gifted or talented children.

- **Regulation 923 Children with Disabilities Subpart B General Duties and Eligibility of Agencies—For Discussion**

The Secretary of Education seeks the consent of the State Board of Education to add 14 DE Admin. Code 923 Children with Disabilities Subpart B General Duties and Eligibility of Agencies. This regulation is being amended as requested by the Governor’s Advisory Council for Exceptional Citizens in regard to Senate Bill 229 of the 147th General Assembly in order to presumptively include the eligibility for extended school year reading services in a student’s IEP for students who are not beginning to read by age seven.

- **Regulation 925 Children with Disabilities Subpart D, Evaluations, Eligibility Determination, Individualized Education Programs—For Discussion**

The Secretary of Education seeks the consent of the State Board of Education to amend 14 DE Admin. Code 925 Children with Disabilities Subpart D, Evaluations, Eligibility Determination, Individualized Education Programs. This regulation is being amended as requested by the Governor’s Advisory Council for Exceptional Citizens in regard to Senate Bill 229 of the 147th General Assembly in order to clarify that eligibility for reading-based extended school year services shall be determined in accordance with 14 DE Admin. Code §923.6.0.

### ***Professional Standards Board***

- **Regulation 1507 Alternate Routes to Teacher Licensure and Certification Program—For Action**

Regulation 1507 Alternate Routes to Teacher Licensure and Certification Program was presented for action and it was noted that it was part of the five-year review cycle. A motion was made by Mrs. Rutt to consent to amending the regulation as presented. The motion was seconded by Mr. Coverdale and carried unanimously.

- Regulation 1559 Skilled and Technical Science Teacher—For Publication

Regulation 1559 Skilled and Technical Science Teacher was presented for publication. A motion was made by Dr. Whittaker to consent to publication of amended regulation 1559. The motion was seconded by Mr. Melendez and carried unanimously.

- Regulation 1590 Delaware Administrator Standards—For Publication

Regulation 1590 Delaware Administrator Standards was presented for publication. A motion was made by Mrs. Rutt to consent to publication of regulation 1590 which is being reauthorized without any changes as part of the five-year review cycle. The motion was seconded by Dr.

Whittaker and carried unanimously.

## ***Appeals***

- P.T-J. v Smyrna School District 2014-03 and Q.T-J. v. Smyrna School District 2014-04—For Action

A motion was made by Mr. Heffernan that having read and considered the records of the proceedings below, including the hearing transcripts, any submissions to the hearing officer including exceptions and comments filed by the parties, and the Proposed Order and it appearing

the decision is fully supported by the record, free of legal error, and otherwise within the Board's powers, the Proposed Orders of the Hearing Officer be accepted and adopted as the Decision and Order of the State Board of Education. The motion was seconded by Dr. Whittaker and carried unanimously.

[February 19, 2015 Minutes](#)

## **IX. March 19, 2015** ***Literacy Campaign***

- Professional Learning Workshop hosted by SBE - March 4, 2015

The focus of the workshop was furthering awareness of programs and efforts throughout the state to increase student literacy and our keynote presentation will focus on deepening your understanding of Intellectual Freedom as it pertains to Education and the law.

The evening began with an overview of present literacy initiatives in the state including programs by the United Way, Reading Assist, Read Aloud Delaware, and resources from the Annie Casey Foundation regarding its grade level reading campaign. Workshop attendees then heard Deborah Caldwell-Stone, Deputy Director for the American Library Association, Office of Intellectual Freedom provide a review of federal and state laws that have been established in history pertaining to intellectual freedom, how the laws pertain to education and how to safeguard our students and our freedoms. Discussion will focus on how we balance preparing students for real world situations while also protecting them follow among all attendees.

## ***ESEA***

- **ESEA Flexibility Application Approval**

Penny Schwinn and Ryan Reyna provided the Board with the changes that had been made to the EXEA Flexibility application based on stakeholder feedback. It was explained that as per U.S. Department of Education guidelines, Delaware has requested a one year “pause” in the implementation of school ratings following the administration of a new assessment. The annual assessment targets will be reset in January 2016. A motion was made by Dr. Whittaker to approve the ESEA Flexibility Renewal application which will be submitted to the U.S. Department of Education on March 31, 2015. The motion was seconded by Mr. Melendez and carried unanimously.

## ***Career and Technical Education Plan, Perkins IV***

- **Approval of State Perkins Plan**

Michael Watson, Chief Academic Officer and Luke Rhine, CTE/STEM Director highlighted the State Plan for Career and Technical Education. As eligible agency and sole agency responsible for the supervision of administration of career and technical education for purposes of the federal Carl D. Perkins Career and Technical Education Act of 2006, Perkins IV, the Board was asked to take action to approve the plan. A motion was made by Mr. Heffernan to approve the one-year plan revision of the Perkins IV State Plan for Career and Technical Education for the 2015-2016 program year. The motion was seconded by Mr. Hughes and carried unanimously.

## ***Department of Education Regulations***

- **Regulation 902 Gifted or Talented Education—For Action**

The Secretary of Education seeks the consent of the State Board of Education to add 14 DE Admin. Code 902 Gifted or Talented Education Plan. This regulation is being created pursuant to 14 Del. C. §3126, which states that the extent of programs and facilities provided for children determined to be gifted or talented shall be in accordance with the rules and regulations of the Department. This regulation develops the rules and regulations relative to standards for identifying gifted or talented students, and the development, implementation and monitoring of programs for gifted or talented children. Ms. Johnson noted the Board’s concern and the comments received about the removal of charter schools from the regulation and the timing of implementation of the plan after development of the plan. Ms. Shockley stated that the Department was postponing its request for action on this new regulation until next month.

- **Regulation 923 Children with Disabilities Subpart B General Duties and Eligibility of Agencies—For Discussion**

The Secretary of Education seeks the consent of the State Board of Education to add 14 DE Admin. Code 923 Children with Disabilities Subpart B General Duties and Eligibility of Agencies. This regulation is being amended as requested by the Governor’s Advisory Council for Exceptional Citizens in regard to Senate Bill 229 of the 147th General Assembly in order to presumptively include the eligibility for extended school year reading services in a student’s IEP for students who are not beginning to read by age

seven. The amendments to this regulation were presented for discussion. Sarah Celestin from the Exceptional Children Resources Work Group was present to respond to questions.

- Regulation 925 Children with Disabilities Subpart D, Evaluations, Eligibility Determination, Individualized Education Programs—For Discussion

The Secretary of Education seeks the consent of the State Board of Education to amend 14 DE Admin. Code 925 Children with Disabilities Subpart D, Evaluations, Eligibility Determination, Individualized Education Programs. This regulation is being amended as requested by the Governor’s Advisory Council for Exceptional Citizens in regard to Senate Bill 229 of the 147th General Assembly in order to clarify that eligibility for reading-based extended school year services shall be determined in accordance with 14 DE Admin. Code §923.6.0. The amendments to this regulation were presented for discussion. Sarah Celestin from the Exceptional Children Resources Work Group was present to respond to questions.

- Credit for Experience of Educators and for Secretarial Staff—Approval by Secretary Only

The Secretary of Education intends to amend 14 DE Admin. Code 727 Credit For Experience For Educators and For Secretarial Staff. This regulation is amended to clarify the credit for experience received for individuals who graduate from a five-year preservice program as defined in the regulation and for individuals who graduate from a four-year preservice program with a GPA of 3.75 or higher.

## *Charters*

- Major Modifications: Academia Antonia Alonso—For Action

Academia Antonia Alonso has requested a major modification to decrease the student enrollment by more than 15%. Dr. Haberstroh noted that the Charter School Accountability Committee voted unanimously to recommend approval and asked for the consent of the State Board to approve the request. A motion was made by Dr. Whittaker to consent to the approval of the major modification request. The motion was seconded by Mr. Heffernan and carried unanimously.

- Major Modifications: Early College High School—For Action

Early College High School has requested a major modification to remove two of the preferences for admissions contained in its charter application. Dr. Haberstroh noted that the Charter School Accountability Committee voted unanimously to recommend approval and asked for the consent of the State Board to approve the request. A motion was made by Mr. Hughes to consent to the approval of the major modification request. The motion was seconded by Dr. Whittaker and carried unanimously.

- Major Modifications: Freire Charter School—For Action

Freire Charter School has requested two major modifications to decrease the student enrollment so the schools starts with only Grades 8 and 9 in the first year and to move the specific interest enrollment preference contained in its charter application. Dr. Haberstroh noted that the Charter School Accountability Committee voted unanimously to recommend approval and asked for the consent of the State Board to approve the requests. A motion was made by Mr. Hughes to consent to the approval of the major modification request. The motion was seconded by Mr. Heffernan and carried unanimously.

- Formal Review Action Regarding Family Foundations Academy

Ms. Nagourney briefly highlighted the issues causing Family Foundations to be placed on formal review and the actions of board members from East Side Charter School and its leader Lamont Browne to lend their experience and those allow the school's charter to be renewed with conditions and to be placed on formal review to address the remaining significant concerns. The Charter School Accountability Committee issued in its final report that the school had violated its charter in the area of board governance, board oversight and conflicts of interest, financial operations and administrative operations. Probation was recommended for a period of one year with the school providing a monthly report to the Department.

Dr. Haberstroh stated that it was the recommendation of the Secretary that the school be placed on probation for a period of six months subject to the following specific conditions, which directly relate to the violations and will better allow the Department to continue its oversight

obligations in light of those violations:

- The school shall provide a monthly report to the DOE outlining the school's progress on each of the identified violations of the school's charter, to be received no later than the 1st day of each month;
- The school shall provide a monthly financial (or web) report to the Executive Director of the Charter School Office;
- The school's FY15 audit shall be conducted by an independent auditing firm that has neither audited the school in the past nor provided technical assistance to the school;
- The school shall hold a Citizens Budget Oversight Committee meeting by May 1, 2015 and at least quarterly thereafter throughout the period of probation; and
- The school will comply with the recommendations of the Public Integrity Commission's determination, set forth in its letter of March 3, 2015, that the school maintain its finances separate from East Side's and that FFA's board is expanded to allow members who are



also members of East Side's Board to recuse without adversely affecting FFA's quorum when conflicts of interest make participation inappropriate. The Secretary is seeking the assent of the State Board in both the findings of this formal review and the remedial measure of six months probation with the specified conditions. A motion was made by Dr. Whittaker that the State Board consents to the recommendation of the Secretary. The motion was seconded by Mr. Heffernan and carried unanimously.

### [March 19, 2015 Minutes](#)

## **X. April 16, 2015** ***Department of Education Assessment***

- Assessment Inventory Initiative and Update on Implementation of Smarter Balanced Summative Assessment

Penny Schwinn and Carolyn Lazar made this presentation to the State Board. An overview was presented on the review of current state assessments and the feedback that has been received from schools and districts. It was noted that over the next five years the Department's goal is to reduce total testing time and ensure that students are given meaningful assessments. Grants are available for districts to assist in completing an assessment inventory and developing an action plan on the findings of the inventory. The Board also received an update on Smarter Balanced which indicated that 15,132 tests have been completed in ELA in 22 districts and charter and 9,175 tests in mathematics in 21 districts and charters. Feedback on the Smarter Balanced assessment notes that there have been more issues for the Help Desk but that was anticipated as this is a new assessment. Student comments are that the test is more interesting and teachers are pleased to have the writing included.

## ***Department of Education Regulations***

- Regulation 923 Children with Disabilities Subpart B General Duties and Eligibility of Agencies—For Action

The regulation was presented for action. It was noted that comments were received and revisions made based on those comments. The Secretary seeks the consent of the State Board to amend Regulation 923 in order to presumptively include the eligibility for extended school year

reading services in a student's IEP for students who are not beginning to read by age seven. The motion was made by Mrs. Rutt; seconded by Mr. Melendez and carried unanimously.

- Regulation 925 Children with Disabilities Subpart D, Evaluations, Eligibility Determination, Individualized Education Programs—For Action

The regulation was presented for action. It was noted that comments were received. The Secretary seeks the consent of the State Board to amend Regulation 925 in order to clarify that eligibility for reading-based extended school year services shall be determined in accordance with 14 Delaware Administrative Code, Section 923.6.0. The motion was made by Mr. Melendez; seconded by Dr. Whittaker and carried unanimously.

- Regulation 1105 School Transportation—For Discussion

The Secretary of Education intends to amend 14 DE Admin. Code 1105 School Transportation. This regulation is being amended to align with changes in Title 14 of the Delaware Code including, but not limited to, the maximum age of a school bus for use on a regular route, criminal background checks, and the process for training school bus drivers. Additionally, it will establish a mandatory in-service training program for school bus drivers and aides, it will require an annual physical for school bus aides, and will direct districts to make disbursements on a prorated basis when they fund a portion of the transportation costs.

## *Charters*

- Major Modifications: Design Lab Charter School—For Action

Design Lab Charter High School has requested a major modification to modify its site from 519 Market Street in Wilmington to 179 Stanton Christin Road in Newark. The Charter School Accountability Committee has reviewed the modification application and recommends approval. Secretary Murphy agreed with the recommendation of the Charter School Accountability Committee and asked for the consent of the State Board to approve the request. A motion was made by Mr. Melendez to consent to the approval of the major modification change of location request of Delaware Design Lab. The motion was seconded by Mr. Heffernan and carried unanimously.

- Formal Review—(For Action) Academy of Dover

Ms. Nagourney briefly highlighted the issues causing Academy of Dover to be placed on formal review including an incomplete audit, concerns if the Citizens Budget Oversight Committee has been established and its overall rating of “Does Not Meet” on the Academic Framework. Secretary Murphy recommended that the school be placed on formal review. A motion was made by Mr. Heffernan that the State Board consents to the recommendation of the Secretary and places Academy of Dover on formal review. The motion was seconded by Dr. Whittaker and carried unanimously by voice vote.

- Formal Review—(For Action) Delaware Design Lab

Ms. Nagourney briefly highlighted that Delaware Design Lab has failed to meet its 80% minimum enrollment as required by law. Secretary Murphy recommended that the school be placed on formal review. A motion was made by Dr. Whittaker that the State Board consents to the recommendation of the Secretary and places Delaware Design Lab on formal review. The motion was seconded by Mrs. Rutt and carried unanimously.

- Formal Review—(For Action) Freire Charter School

Ms. Nagourney briefly highlighted that Freire Charter School has failed to meet its 80% minimum enrollment as required by law. Secretary Murphy recommended that the school be placed on formal review. A motion was made by Mr. Melendez that the State Board consents to the recommendation of the Secretary and places Freire Charter School on formal review. The motion was seconded by Mrs. Rutt and carried unanimously.

- Formal Review—(For Action) Prestige Academy

Ms. Nagourney briefly highlighted that Prestige Academy has failed to meet its 80% minimum enrollment as required by law. The school also has an overall rating of “Does Not Meet” on its academic framework. Secretary Murphy recommended that the school be placed on formal review. A motion was made by Mr. Heffernan that the State Board consents to the recommendation of the Secretary and places Prestige Academy on formal review. The motion was seconded by Mrs. Rutt and carried unanimously.

- Removal of Probation—(For Action) Academia Antonio Alonso

Ms. Nagourney noted that in April of 2014, this school was placed on probation due to concerns about low enrollment and financial instability. Over the last year, the Department has monitored the school's enrollment and finances. The school's current enrollment is 91% of its approved enrollment. Secretary Murphy recommended that the school be discharged from the status of probation. A motion was made by Mrs. Rutt that the State Board consents to the recommendation of the Secretary to discharge Academia Antonio Alonso from probation. The motion was seconded by Dr. Whittaker and carried unanimously.

## ***Professional Standards Board***

- Regulation 1559 Skilled and Technical Science Teacher—For Discussion

This regulation shall apply to the issuance of a Standard Certificate, pursuant to 14 Del. C. §1220(a) for Skilled and Technical Sciences Teacher in a Specific Career Area. This certification is required for grades 9 to 12 and for grades 6 to 8 in a Middle Level school. Certificates issued are in the specific career area. A general Skilled and Technical Sciences certification does not exist, and qualified educators may become certified for more than one specific career area by meeting the qualifications for each area. This regulation is being reviewed under a five-year cycle. Luke Rhine, CTE/STEM Director for the Department was also present to respond to questions.

- Regulation 1590 Delaware Administrator Standards—For Discussion

It was noted that the Interstate School Leaders Licensure Consortium (ISLLC) Standards for School Leaders establish a common set of knowledge, skills and attributes expected of school leaders. These nationally recognized standards describe leadership behaviors and skills established for Delaware School Leaders, and serve as the foundation for preparation and appraisal of school leaders. In accordance with 14 Del. C. §1205, this regulation shall be applied to all school administrators employed within the public schools and charter schools of the State of Delaware. This regulation is being reviewed under a five-year cycle. After review, this regulation is being reauthorized without changes.

- Leadership Preparation Application Program—For Action

The Board received a brief overview of the application for A School Principal Certification Program. At its April meeting, the Professional Standards Board made a motion to recommend approval for 2 cohorts, the Course of Study Program UDEL PPP as submitted. A motion was made by Dr. Whittaker to agree with the recommendation of the Professional Standards Board and requested that the Secretary concur with final approval of the certification program. The motion was seconded by Dr. Whittaker and carried unanimously.

- Request for Forgiveness of Days/Hours—For Action

Representing the Delaware Chief School Officers Association, Dr. Kevin Fitzgerald, Superintendent of the Caesar Rodney School District; Dr. Susan Bunting, Superintendent of the Indian River School District and Debbie Wicks, Superintendent of the Smyrna School District, requested that the two days that Governor Markell closed State Offices, February 17 and March 5, 2015 be forgiven for staff and students. There was discussion on how districts are making up the lost time and how other districts have enough

hours currently in their school calendars. Secretary Murphy commented that many districts were proactive after his comments last year when a similar request was made and the creative ways districts are responding to lost time this year. He requested the approval of the State Board to forgive the two staff days State Offices were closed on February 17 and March 5, 2015 and the equivalent hours for high school seniors only. A motion was made by Mrs. Rutt to approve the Secretary's recommendation. The motion was seconded by Mr. Melendez and carried.

#### [April 16, 2015 Minutes](#)

### **XI. May 21, 2015**

#### ***Statewide Review of Educational Opportunities***

The SREO effort will be co-led by the State Board of Education and the Department of Education. We are excited about this opportunity to undertake this comprehensive review of the educational opportunities available for students in the state. We will be working together along with other stakeholders to accomplish this work, which as State Board President, Teri Quinn Gray stated at the press event announcing this work, will be a comprehensive effort that to our knowledge has not been undertaken elsewhere as a complete statewide effort and surely will not be an easy accomplishment. None the less, we have confidence that together we can see this work accomplished and the end result will provide more students with the educational opportunities that they need and from which they will benefit most.

#### ***Department of Education Regulations***

- **Regulation 1105 School Transportation—For Action**

The regulation was presented for action. It was noted that the regulation is being amended to align with changes in Title 14 of the Delaware Code including, but not limited to, the maximum age of a school bus for use on a regular route, criminal background checks, and the process for training school bus drivers. It will also add a mandatory in-service training program for school bus drivers and aides, as well as prorated funding. The Secretary seeks the consent of the State Board to amend Regulation 1105. The motion was made by Mr. Heffernan, seconded by Dr. Whittaker and carried unanimously.

- **Regulation 902 Gifted and Talented Education Plan—For Discussion**

This regulation is for discussion and states that the extent of programs and facilities provided for children determined to be gifted or talented shall be in accordance with the rules and regulations of the Department. This regulation is currently being advertised and will be presented for action next month.

- **Regulation 106A Delaware Performance Appraisal System (DPAS) II Teachers—For Discussion**

The Secretary of Education seeks the consent of the State Board of Education to amend 14 DE Admin. Code 106A Teacher Appraisal Process Delaware Performance Appraisal System (DPAS II) Revised. For

ease of reading, the regulation is provided in its entirety. The revisions include, but are not limited to, the vertical articulation and symmetry of language across the majority of Appraisal Criteria, Component, and Summative ratings areas, an increase in the weight of the observational Components and a decrease in the weight of the Student Improvement Component in certain summative scenarios, and an overall shift to Annual Appraisal Cycles for all teachers. This regulation is therefore being amended to ensure continuity of language in the Appraisal Criteria, Component and Summative ratings section and to identify the shift to Annual Appraisal Cycles for all teachers (to begin in the 2016-2017 school year), and to address revisions that arise as a result. The proposed revisions respond to stakeholder feedback by further streamlining the evaluation system, giving administrators greater ability to differentiate support, and promoting a greater emphasis on the annual processes of observation, feedback, and professional growth.

- Regulation 107A Delaware Performance Appraisal System (DPAS) II Specialists—For Discussion

The Secretary of Education seeks the consent of the State Board of Education to amend 14 DE Admin. Code 107A Specialist Appraisal Process Delaware Performance Appraisal System (DPAS II) Revised. For ease of reading, the regulation has been provided in its entirety. The revisions include, but are not limited to, the vertical articulation and symmetry of language across the majority of Appraisal Criteria, Component, and Summative ratings areas, an increase in the weight of the observational Components and a decrease in the weight of the Student Improvement Component in certain summative scenarios, and an overall shift to Annual Appraisal Cycles for all specialists. This regulation is therefore being amended to ensure continuity of language in the Appraisal Criteria, Component and Summative ratings section and to identify the shift to Annual Appraisal Cycles for all teachers (to begin in the 2016-2017 school year), and to address revisions that arise as a result. The proposed revisions respond to stakeholder feedback by further streamlining the evaluation system, giving administrators greater ability to differentiate support, and promoting a greater emphasis on the annual processes of observation, feedback, and professional growth.

- Regulation 108A Delaware Performance Appraisal System (DPAS) II Administrators—For Discussion

The Secretary of Education seeks the consent of the State Board of Education to amend 14 DE Admin. Code 108A Administrator Appraisal Process Delaware Performance Appraisal System (DPAS II) Revised. The amendments include, but are not limited to clarifying the possible combination of summative ratings for “Needs Improvement,” clarifying the processes to earn one’s credential to evaluate various administrators utilizing DPAS-II, and issuing the proposed amended regulation to be in effect beginning with the 2015-16 school year.

- Regulation 804 Immunizations—For Information

The Secretary of Education intends to amend 14 DE Admin. Code 804 Immunizations. This regulation is being amended to be in alignment with recommendations made by the Delaware Division of Public Health related to immunizations for students.

## ***Professional Standards Board***

- Regulation 1560 Art Teacher—For Publication

The Professional Standards Board, acting in cooperation and collaboration with the Department of Education, seeks the consent of the State Board of Education to amend DE. Admin. Code 1560 – Art Teacher. This regulation shall apply to the requirements for a Standard Certificate, pursuant to 14 Del. C. §1220(a), for Art Teacher. This certification is required for grades K to 12 and this regulation is being reviewed under a five-year cycle. A motion was made by Mr. Heffernan to approve the publication of this regulation. The motion was seconded by Mr. Melendez and carried unanimously.

- Regulation 1563 Music Teacher—For Publication

The Professional Standards Board, acting in cooperation and collaboration with the Department of Education, seeks the consent of the State Board of Education to amend DE. Admin. Code 1563 – Music Teacher. This regulation shall apply to the issuance of a Standard Certificate, pursuant to 14 Del. C. §1220(a), for Music Teacher. This certification is required for grades K to 12 and this regulation is being reviewed under a five-year cycle. A motion was made by Mr. Melendez to approve the publication of this regulation. The motion was seconded by Dr. Whittaker and carried unanimously.

- Regulation 1564 Physical Education Teacher—For Publication

The Professional Standards Board, acting in cooperation and collaboration with the Department of Education, seeks the consent of the State Board of Education to amend DE. Admin. Code 1564 – Physical Education Teacher. This regulation shall apply to the issuance of a Standard Certificate, pursuant to 14 Del. C. §1220(a), for Physical Education Teacher. This certification is required for grades K to 12 and this regulation is being reviewed under a five-year cycle. A motion was made by Dr. Whittaker to approve the publication of this regulation. The motion was seconded by Mr. Heffernan and carried unanimously.

- Regulation 1571 Special Education Teacher of Students with Disabilities—For Publication

The Professional Standards Board, acting in cooperation and collaboration with the Department of Education, seeks the consent of the State Board of Education to amend DE. Admin. Code 1571 – Special Education Teacher of Students with Disabilities. This regulation shall apply to the issuance of a Standard Certificate, pursuant to 14 Del. C. §1220(a), for Special Education Teacher of Students with Disabilities (Category). This certification is required for an educator within the Delaware public school system whose primary assignment is teaching children with disabilities in grades K to 12. A motion was made by Dr. Whittaker to approve the publication of this regulation. The motion was seconded by Mr. Coverdale and carried unanimously.

- Regulation 1595 Certification Program for Leader in Education—For Publication

The Professional Standards Board, acting in cooperation and collaboration with the Department of Education, seeks the consent of the State Board of Education to amend DE. Admin. Code 1595 – Certification Program for Leader in Education. This regulation will streamline the process and also reduce the timeline for approvals. A motion was made by Dr. Whittaker to approve the publication of this regulation. The motion was seconded by Mrs. Rutt and carried unanimously.

## *Appeals*

- D.H. v. Polytech (2014-05)

A motion was made by Mr. Heffernan that having read and considered the records of the proceedings below, including the hearing transcripts, any submissions to the hearing officer including exceptions and comments filed by the parties, and the Proposed Order and it appearing the decision is fully supported by the record, free of legal error, and otherwise within the Board's powers, the Proposed Orders of the Hearing Officer be accepted and adopted as the Decision and Order of the State Board of Education. The motion was seconded by Mr. Coverdale and carried

by roll call vote.

[May 21, 2015 Minutes](#)

## **XII. June 18, 2015**

### *Budget*

- End of Year Finances

Mr. Melendez noted that the Budget Committee recent met to discuss the end of the year finances. The Committee was in agreement to enter into a contract with Margaret Aitken to assist with communication and outreach. It was noted that the funds for Ms. Aitken's contract were earmarked when the Board approved is budget for FY '15 last August. Mr. Melendez made a motion that the Board proceed with the contract. The motion was seconded by Mrs. Rutt and carried unanimously.

### *Department of Education Regulations*

- Regulation 902 Gifted and Talented Education Plan—For Action

The Secretary of Education seeks the consent of the State Board of Education to add 14 DE Admin. Code 902 Gifted or Talented Education Plan. This regulation is being created pursuant to 14 Del. C. §3126, which states that the extent of programs and facilities provided for children determined to be gifted or talented shall be in accordance with the rules and regulations of the Department. This regulation develops the rules and regulations relative to standards for identifying gifted or talented students, and the development, implementation and monitoring of programs for gifted or talented children. It was republished because of feedback received related to the timing of the development and implementation of plans and whether charter schools should be subject to this requirement. The regulation has been updated to provide more time for school districts to develop and implement plans and to eliminate this requirement by regulation for charter schools. Additionally, the regulation has been revised to change the order of some of the subsections so that information about the same subject or component is grouped together. Finally, the regulation has been revised to clarify the process of identification of a gifted or talented student. Ms. Shockley briefly highlighted the comments received and Deb Hansen was present to respond to questions from the Board. A motion was made by Mrs. Rutt to consent to the promulgation of Regulation 902. The motion was seconded by Mr. Hughes and carried unanimously.

- Regulation 106A Delaware Performance Appraisal System (DPAS) II Teachers—For



### Action

The Secretary of Education seeks the consent of the State Board of Education to amend 14 DE Admin. Code 106A Teacher Appraisal Process Delaware Performance Appraisal System (DPAS II) Revised. For ease of reading, the regulation is provided in its entirety. The revisions include, but are not limited to, the vertical articulation and symmetry of language across the majority of Appraisal Criteria, Component, and Summative ratings areas, an increase in the weight of the observational Components and a decrease in the weight of the Student Improvement Component in certain summative scenarios, and an overall shift to Annual Appraisal Cycles for all teachers. This regulation is therefore being amended to ensure continuity of language in the Appraisal Criteria, Component and Summative ratings section and to identify the shift to Annual Appraisal Cycles for all teachers (to begin in the 2016-2017 school year), and to address revisions that arise as a result. The proposed revisions respond to stakeholder feedback by further streamlining the evaluation system, giving administrators greater ability to differentiate support, and promoting a greater emphasis on the annual processes of observation, feedback, and professional growth. Ms. Shockley briefly highlighted the comments received. Christopher Ruzkowski and Shannon Holston were present and responded to questions from the Board. A motion was made by Mr. Melendez to amend Regulation 106A. The motion was seconded by Dr. Whittaker and carried.

- Regulation 107A Delaware Performance Appraisal System (DPAS) II Specialists—For Action

The Secretary of Education seeks the consent of the State Board of Education to amend 14 DE Admin. Code 107A Specialist Appraisal Process Delaware Performance Appraisal System (DPAS II) Revised. For ease of reading, the regulation has been provided in its entirety. The revisions include, but are not limited to, the vertical articulation and symmetry of language across the majority of Appraisal Criteria, Component, and Summative ratings areas, an increase in the weight of the observational Components and a decrease in the weight of the Student Improvement Component in certain summative scenarios, and an overall shift to Annual Appraisal Cycles for all specialists. This regulation is therefore being amended to ensure continuity of language in the Appraisal Criteria, Component and Summative ratings section and to identify the shift to Annual Appraisal Cycles for all teachers (to begin in the 2016-2017 school year), and to address revisions that arise as a result. The proposed revisions respond to stakeholder feedback by further streamlining the evaluation system, giving administrators greater ability to differentiate support, and promoting a greater emphasis on the annual processes of observation, feedback, and professional growth. Ms. Shockley briefly highlighted the comments received. Christopher Ruzkowski and Shannon Holston were present and responded to questions from the Board. A motion was made by Dr. Whittaker to amend Regulation 107A. The motion was seconded by Mr. Melendez and carried.

- Regulation 108A Delaware Performance Appraisal System (DPAS) II Administrators—For Action

The Secretary of Education seeks the consent of the State Board of Education to amend 14 DE Admin. Code 108A Administrator Appraisal Process Delaware Performance Appraisal System (DPAS II) Revised. The amendments include, but are not limited to clarifying the possible combination of summative ratings for “Needs Improvement,” clarifying the processes to earn one’s credential to evaluate various administrators utilizing DPAS-II, and issuing the proposed amended regulation to be in effect beginning with the 2015-16 school year. Ms. Shockley briefly highlighted the comments received. Christopher Ruzkowski and Shannon Holston were present and responded to questions from the Board.

A motion was made by Mrs. Rutt to amend Regulation 108A. The motion was seconded by Dr. Whittaker and carried.

## *Charters*

- Formal Review—(For Action) Academy of Dover

In its June 5th Final Report, the Charter School Accountability Committee recommended that the Secretary find that the school, or its representative, had misappropriated funds. The CSAC also recommended that Academy of Dover be placed on probation for a period of one year, subject to 8 conditions addressing all five areas of formal review. The meeting included discussion of a settlement that had been reached that same day with Mosaica, and two conditions required the submission of the executed final settlement agreement and a budget demonstrating that Academy of Dover could meet its obligations under the agreement and remain financially viable. The required materials were submitted, and the Department of Education has concluded that that the first two recommended conditions have been met. Secretary Murphy noted that after considering the entirety of the record, the Academy of Dover had failed to comply with the following areas in Section 512 of Delaware's Charter School Law: board oversight, financial management, and academic performance, and that the school, or its representative, misappropriated funds. He asked for the Board's assent in placing the school on probation through June 30, 2016, subject to the following conditions:

(1) The school shall submit copies of updated financial management and oversight procedures by August 1, 2015; (2) All members of the school's board of directors shall participate in training offered by the Delaware Alliance for Nonprofit Advancement by October 1, 2015; (3) All members of the school's board of directors shall participate in training offered by the Public Integrity Commission by October 1, 2015; (4) The school shall establish regular board oversight committee meetings by October 1, 2015; (5) The school shall submit evidence of ongoing academic progress by December 31, 2015; and (6) The school shall continue to hold monthly CBOC meetings and post the required documentation from each meeting to its website within the time required by law.

A motion was made by Mr. Hughes that based on the review of the record and consideration of the Secretary's decision, the Board assents to placing Academy of Dover on probation with the conditions as stated. The motion was seconded by Mr. Heffernan and carried unanimously by voice vote. A motion was also made by Mr. Hughes to assent to the findings of the formal review. The motion was seconded by Mr. Melendez and carried unanimously.

- Formal Review—(For Action) Delaware Design Lab

Delaware Design-Lab High School was approved to open in Fall 2015 with a total of 300 students, and according to Delaware law, was required to have 80%, or 240, students enrolled by April 1. On that date, Design-Lab had enrolled only 137 students, or 46%. On April 16, with the assent of the State Board of Education, the Department of Education placed Design-Lab on formal review to determine whether the school was violating the terms of its charter in the areas of: financial viability, Leadership capacity; and Ability to implement the approved charter with fidelity.

The Charter School Accountability Committee reviewed this matter and over the process, Design-Lab's enrollment continued to grow, with 205, or 68% of total approved students enrolled by the CSAC Initial Meeting on May 13 and 240, or 80% of total approved students enrolled by the CSAC Final Meeting on June 3. Design-Lab's current enrollment is 254 students, or 85% of approved enrollment.

Although Design-Lab eventually met the 80% requirement, the CSAC recommended that Design-Lab be placed on probation, subject to conditions addressing all 3 areas of formal review. Secretary Murphy noted that after considering the entirety of the record, Delaware Design-Lab High School has failed to comply with the April 1 80% enrollment requirement. Additionally, he found ongoing concerns about financial viability, leadership capacity, and the school's ability to implement the approved charter with fidelity as it relates to services for special education students. He asked for the Board's assent that Design-Lab be placed on probation through January 31, 2016 subject to the following conditions: (1) The school shall submit monthly updates on recruitment and enrollment efforts by the first day of each month, beginning July 1, 2015 (2) The school shall submit an updated detailed budget based on the September 30, 2015 enrollment and unit count by October 31, 2015 (3) The school shall submit updates on the School Leader selection process as they become available, beginning by June 30, 2015 (4) All members of the school's board of directors shall participate in training offered by the Delaware Alliance for Nonprofit Advancement by October 1, 2015; and (5) The school shall submit a revised budget and statement of expenditures through December 31, 2015.

A motion was made by Mr. Hughes that based on the review of the record and consideration of the Secretary's decision, the Board assents to placing Academy of Dover on probation with the conditions as stated. The motion was seconded by Mr. Heffernan and carried unanimously by voice vote. A motion was also made by Mr. Hughes to assent to the findings of the formal review. The motion was seconded by Mr. Melendez and carried unanimously.

- Formal Review—(For Action) Freire Charter School

Secretary Murphy noted that after considering the entirety of the record, Freire Charter School had failed to comply with the April 1 80% enrollment requirement and he expressed ongoing concerns about financial viability, leadership capacity, and the school's ability to implement the approved charter with fidelity as it relates to services for special education students. As recommended by the Charter School Accountability Committee, he asked that the State Board assent and that Freire will be placed on probation through December 31, 2015, subject to the following conditions: (1) The school shall submit a report on its transportation plan by June 30, 2015; with an update to be submitted by October 31, 2015 (2) All members of the school's board of directors shall participate in training offered by the Delaware Alliance for Nonprofit Advancement by October 1, 2015; and (3) The school shall submit a report by October 31, 2015 based upon the September 30 enrollment and unit count outlining the number of basic, intensive, and complex students by grade and what Freire is doing to implement all of the services outlined in the IEPs of those individual students.

Members of the Board discussed several of the public comments received with regard to this school with Ms. Nagourney and Mr. Blowman. A motion was made by Dr. Whittaker that based on the review of the record and consideration of the Secretary's decision, the Board assents to the findings of the formal review and to placing Freire School on probation with the conditions as stated. The motion was seconded by Mr. Melendez and carried unanimously.

- Formal Review—(For Action) Prestige Academy

Secretary Murphy noted that after considering the entirety of the record Prestige Charter School has failed to comply with the April 1 80% enrollment requirement. He cited ongoing concerns about leadership capacity, academic achievement, and ability to implement the approved charter with fidelity.

As recommended by the Charter School Accountability Committee, Mr. Murphy asked for the State Board's assent that Prestige will be placed on probation through June 30, 2016, subject to the following conditions: (1) Submit monthly updates on recruitment and enrollment through September 30, 2015; (2) Submit internal student achievement data and state assessment testing data demonstrating academic growth as it becomes available (June 2015, January 2016, and June 2016); (3) Board members must participate in training offered by the Delaware Alliance for

Nonprofit Advancement by October 1, 2015; and (4) Submit a budget demonstrating continued financial viability based on September 30 enrollment and unit count by October 31, 2015. A motion was made by Mr. Hughes that based on the review of the record and consideration of the Secretary's decision, the Board assents to the findings of the formal review and to placing Prestige Academy on probation with the conditions as stated. The motion was seconded by Mr. Melendez and carried unanimously.

## *Appeals*

- P.W. v. DIAA (2015-01) – For Action

The Board returned to open session on a motion by Mr. Melendez. The motion was seconded by Mr. Hughes and carried unanimously by voice vote. A motion was made by Mr. Hughes that having read and considered the record of the proceedings below, including the hearing transcripts, any submissions to the hearing officer including exceptions and comments filed by the parties, and the Proposed Order and it appearing the decision is fully supported by the record, free of legal error, and otherwise within the Board's powers, the Proposed Orders of the Hearing Officer be accepted and adopted as the Decision and Order of the State Board of Education. The motion was seconded by Mr. Melendez and carried unanimously by voice vote.

[June 18, 2015 Minutes](#)

## **State Board of Education Action FY July 2015-June 2016**

## **I. July 16, 2015**

### ***ESEA***

- Update Year in Review of Assessment Implementation and Update on ESEA Flexibility Request

Dr. Penny Schwinn, Associate Secretary of Assessment, Accountability, Performance, and Evaluation and Carolyn Lazar, Director of Assessments, presented an update on the ESEA Flexibility Application and recent conditional approval; provided an overview of the first implementation of the Smarter Balanced Assessment and an overall assessment implementation summary. The presentation included preliminary testing times and feedback from the observations. The Board received some technical updates and it was noted that changes for the upcoming school year includes training via Schoology instead of Blackboard. An update was presented on the Smarter Balanced Educator Survey, school reports and score reports that parents will receive. Test security incidents were presented with cellphone use having the most followed by cheating. There was discussion on when the scores would be released from the Smarter Balanced assessment and it was indicated that data would be released at the State Board's September meeting.

### ***Professional Standards Board***

- New Program for Approval - Leadership Certification Program—For Review

This application for a Leadership Certification Program has been submitted for review of the SBE. The Board will make its recommendation with regard to approval of the program to the Secretary of Education in August. The Board will also receive feedback on the proposal and a recommendation from the Professional Standards Board prior to action in August.

### ***Appeals***

- R.M v. Smyrna School District Board of Education (2015-02) – For Action

A motion was made by Mr. Coverdale that having read and considered the record of the proceedings below, including the hearing transcripts, any submissions to the hearing officer including exceptions and comments filed by the parties, and the Proposed Order and it appearing the decision is fully supported by the record, free of legal error, and otherwise within the Board's powers, the Proposed Orders of the Hearing Officer be accepted and adopted as the Decision and Order of the State Board of Education. The motion was seconded by Mr. Melendez and carried unanimously.

[July 16, 2015 Minutes](#)

## **II. August 20, 2015**

### ***Department of Education Assessments***

- Statewide Data Report from State Assessments

Carolyn Lazar, Interim Director of Assessments in the Department of Education presented the DCAS State Summary Report for Science and Social Studies and results from DCAS Alt 1 in Reading,

Mathematics, Science and Social Studies. The highlights included 2015 DCAS Science assessment in grades 5, 8, and 10 where the results indicate that about 47% of the students in grade 5, 49% in grade 8, and 44% in grade 10 performed at the Meets Standard and Advanced levels. In the Social Studies assessment in grades 4 and 7, the results indicate that about 61% of students in grade 4 and 58% in grade 7 performed at the Meet Standard and Advanced levels.

For the DCAS-Alt1 administration, Grade 5 has the highest percentage of students who are in the advanced performance level in reading at 44%, while grade 10 has the lowest at 18%. Grades 5 and 8 show the highest proficiency rates (Meets and Advanced levels combined) at 72% and 73% respectively. Grade 11 has a proficiency rate of 58%. The proficiency rate for grade 10 of 61% is higher than the grade 9 proficiency of 53%. In DCAS-Alt1 Mathematics, the proportion of students performing at Meets Standard ranges from 24% at grades 3 to 35% at grade 8. The proportion of students performing at Advanced level has a range of 15% in grade 11 to 35% in grade 8. Grades 5 and 8 have the highest proficiency level with 59% and 70% respectively. Grades 7 and 10 are next with an identical proficiency level at 56%. In DCAS-Alt1 2015 Science, the proportion of students at Meets Standard has a range of 25% in grade 10 to 38% in grade 8. The proportion of students performing at Advanced level has a range of 25% in grade 5 to 28% in grade 10. And in DCAS-Alt1 Social Studies, the percent proficient ranges from 35% in grade 7 to 64% in grade 9. Grades 4 and 7 show decreases from 2014 especially for grade 7 with a 7% drop.

### ***Department of Education Regulations***

- **Regulation 505 High School Graduation Requirements and Diplomas—For Discussion**

The Secretary of Education seeks the consent of the State Board of Education to amend 14 DE Admin. Code 505 High School Graduation Requirements and Diplomas. This regulation is being amended to include language which specifically allows a district or charter school to award credit based on demonstration of mastery of a particular course. This language was proposed based on the Competency Based Learning Guiding Coalition that was facilitated by the Department of Education and that included educators in Delaware. In addition, an amendment was made in section 10.0 that expands the scope of students covered in this section. This section allows a student under DSCFY custody during their high school years to graduate from high school based on the State's graduation requirements if the district or charter school exceeds what is required by the State. With the amendment those students in DSCYF within Youth Rehabilitations Services are included.

- **Regulation 545 School Counseling Plans—For Discussion**

The Secretary of Education seeks the consent of the State Board of Education to amend Title 14 DE Admin. Code 545 K to 12 School Counseling Programs. This regulation is being amended to update the language to align with the new edition of the American School Counselor Association (ASCA) National Model. The original model was written in 2003. In 2012, ASCA released a new version of the model that was updated to reflect current educational practices. Over the past three months, a group of counselors have been meeting to review and understand the new model, as well as develop user-friendly templates that will assist counselors in streamlining this process. This group will also be responsible for providing technical assistance to other counselors around the state.

- Regulation 1007 DIAA Sportsmanship—For Discussion

This regulation is being amended to align to changes in the Code of Interscholastic Athletics as set by the National Federation of State High Schools. This is part of a series of comprehensive reviews and updates to be made to all DIAA regulations. DIAA Executive Director Kevin Charles was present to respond to questions.

- 1008 DIAA Junior High and Middle School Interscholastic Athletics—For Discussion

This regulation is being amended to incorporate the ability for the DIAA Board to waive the age rule for students with physically or mentally limiting disabilities; update the middle school wrestling weight control program; bring practice regulations more in line with national best practice models; provide member schools with a policy to determine appropriate placement for transgendered students participating on interscholastic athletic teams; update coaches' regulation to mandate an approved concussion course; and make non-substantive changes to improve readability. This is part of a series of comprehensive reviews and updates to be made to all DIAA regulations. Mr. Charles was present to respond to questions.

- 1009 DIAA High School Interscholastic Athletics—For Discussion

This regulation is being amended to incorporate the ability for the DIAA Board to waive the age rule for students with physically or mentally limiting disabilities; update the transfer rule with respect to choice and school closing or discontinuing a sport; amend eighth grade participation regulations in order to limit 8th grade transfers for athletic purposes; expand participation opportunities for international students; amend pre-participation medical examinations requirements enable parents to better use insurance physicals; to update wrestling weight control protocol; to bring practice regulations more in line with national best practice models; provide member schools with a policy to determine appropriate placement for transgendered students participating on interscholastic athletic teams; update coaches' regulation to mandate an approved concussion course; and make non-substantive changes to improve readability. This is part of a series of comprehensive reviews and updates to be made to all DIAA regulations. Mr. Charles was present to respond to questions.

- 1150 School Transportation—For Discussion

This regulation is being amended to clarify the requirement for school bus drivers and aides to receive four hours of in-service training each year and annual physicals for aides. These requirements are not effective unless the General Assembly appropriates funding for these purposes. The regulation was originally amended to require annually in-service training of bus drivers and aides where previously it was suggested and to require annual physicals for aides. The regulation is being amended to be in compliance with 80 Del. Laws, c. 79 §337(b). Ron Love, Education Associate for Pupil Transportation was present to respond to questions.

- Major Modification - Location Change for Family Foundations (For Action)

Family Foundations Academy has requested a major modification to change the location of the school. The Charter School Accountability Committee voted unanimously to recommend approval of the request

to the Secretary of Education. Secretary Murphy recommended that the State Board consent to his recommendation. A motion was made by Mrs. Rutt that the State Board consent to the Secretary's request for Family Foundation's major modification to offer educational services at a site other than the site approved as part of the school's charter. This would result in its elementary and middle schools being located in close proximity in New Castle. The motion was seconded by Mr. Coverdale and carried unanimously.

### ***Professional Standards Board***

- **Regulation 1559 Skilled and Technical Science Teacher—For Publication**

This regulation shall apply to the issuance of a Standard Certificate, pursuant to 14 Del. C. §1220(a) for Skilled and Technical Sciences Teacher in a Specific Career Area. This certification is required for grades 9 to 12 and for grades 6 to 8 in a Middle Level school. Certificates issued are in the specific career area. A general Skilled and Technical Sciences certification does not exist, and qualified educators may become certified for more than one specific career area by meeting the qualifications for each area.

- **Regulation 1583 School Psychologist—For Publication**

The Professional Standards Board, acting in cooperation and collaboration with the Department of Education, seeks the consent of the State Board of Education to amend DE. Admin. Code 1583 – School Psychologist. This regulation shall apply to the requirements for a Standard Certificate, pursuant to 14 Del. C. §1220(a), for School Psychologist. This certification is required for all School Psychologists providing services to children within the Delaware public school system.

- **Regulation 1595 Certification Program for Leaders in Education—For Publication**

The Professional Standards Board, acting in cooperation and collaboration with the Department of Education, seeks the consent of the State Board of Education to amend DE. Admin. Code 1595 – Certification Program for Leader in Education. This regulation shall apply to Certification Programs for Leaders in Education, pursuant to 14 DE Admin Code 1591 School Principal and Assistant School Principal, 14 DE Admin Code 1592 Certified Central Office Personnel, 14 DE Admin Code 1593 Superintendent, and 14 DE Admin Code 1594 Special Education Director.

- **Regulation 1560 Art Teacher—For Discussion**

The Professional Standards Board, acting in cooperation and collaboration with the Department of Education, seeks the consent of the State Board of Education to amend DE. Admin. Code 1560 – Art Teacher. This regulation shall apply to the requirements for a Standard Certificate, pursuant to 14 Del. C. §1220(a), for Art Teacher. This certification is required for grades K to 12.

- **Regulation 1563 Music Teacher—For Discussion**

The Professional Standards Board, acting in cooperation and collaboration with the Department of Education, seeks the consent of the State Board of Education to amend DE. Admin. Code 1563 – Music



Teacher. This regulation shall apply to the issuance of a Standard Certificate, pursuant to 14 Del. C. §1220(a), for Music Teacher. This certification is required for grades K to 12.

- Regulation 1564 Physical Education Teacher—For Discussion

The Professional Standards Board, acting in cooperation and collaboration with the Department of Education, seeks the consent of the State Board of Education to amend DE. Admin. Code 1564 – Physical Education Teacher. This regulation shall apply to the issuance of a Standard Certificate, pursuant to 14 Del. C. §1220(a), for Physical Education Teacher. This certification is required for grades K to 12.

- Regulation 1571 Exceptional Children Special Education Teacher—For Discussion

The Professional Standards Board, acting in cooperation and collaboration with the Department of Education, seeks the consent of the State Board of Education to amend DE. Admin. Code 1571 – Special Education Teacher of Students with Disabilities. This regulation shall apply to the issuance of a Standard Certificate, pursuant to 14 Del. C. §1220(a), for Special Education Teacher of Students with Disabilities (Category).

[August 20, 2015 Minutes](#)

### **III. September 17, 2015**

#### ***Budget***

- FY 2016 Budget Approval

Mr. Melendez chairs the State Board Budget Committee and stated that the Board’s proposed

FY ’16 budget was drafted by the Committee and asked that the Board approve the budget. The FY ’16 budget was approved unanimously.

#### ***WEIC—Wilmington Education Improvement Commission***

- WEIC Overview of Commission, Committees, Timeline and Process

Dr. Dan Rich from the University of Delaware provided an overview of the Wilmington Education Improvement Commission which will advise the Governor and General Assembly on improvements to the quality and availability of education for children in Wilmington and New Castle County. The 23-member Commission is chaired by Tony Allen, an executive with Bank of America. The Commission is also a community based council and will support the implementation of the recommendations of the WEAC/Wilmington Education Advisory Committee’s report. WEIC must submit an annual report to the Governor and General Assembly.

Joining Dr. Rich were Dr. Joe Pika and Dr. Henry Harper, co-chairs of the Redistricting Committee. There are five WEIC Committees. Dr. Pika and Dr. Harper outlined the redistricting timeline. There was a lengthy discussion with members of the State Board that also focused on developing the redistricting

plan, what would be included in the record and also on funding. Public comment will begin on November 17th and conclude on January 14, 2016.

Dr. Rich clarified the role of the State Board noting the Board's authority in reference to any submission presented to the State Board. The Board will receive WEIC updates at its meetings.

### ***Department of Education Assessments***

- Statewide Assessment Results of English/Language Arts and Mathematics

Penny Schwinn, Associate Secretary of Assessment, Accountability, and Performance Management; Michael Watson, Chief Academy Officer; Shana Young, Chief of Staff; and Carolyn Lazar, Interim Director of Assessments presented the assessment results for Smarter Balanced in English/Language Arts and Mathematics. It was noted that Smarter Balanced is a more rigorous assessment with a focus on deeper learning and testing new skills. The results from last spring will be the baseline to measure student growth moving forward. The overall statewide proficiency for English/Language Arts was 51.9% and 38.8% in Mathematics. The Board received trend information as well as disaggregated data. Participation rates statewide was 96.8% for English/Language Arts and 95.8% in Mathematics. The Board was also presented with the results of the online student survey that consisted of ten questions designed for students at the elementary, middle school and high school level. Participation in the survey was the highest in Grades 3-5 and the lowest in Grade 11.

### ***Department of Education Regulations***

- Regulation 103 - Accountability for Schools, Districts and State—For Discussion

Dr. Susan Haberstroh joined Ms. Shockley for presenting this regulation. It was noted that this regulation was published for compliance with the State's ESEA Waiver. Since sections of the regulation are incomplete, the regulation will not be moving forward at this time for action by the Board next month. The regulation will be presented once it has been completed and republished.

- Regulation 284 - Licensure and Certification of Public Education Employees in the Department of Education, in Adult Education and in Prison Education Programs Whose Work Responsibilities Are Directly Related to Curriculum and Instruction—For Information

The Secretary of Education intends to amend 14 DE Admin. Code 284 Licensure and Certification of Public Education Employees in the Department of Education, in Adult Education and in Prison Education Programs Whose Work Responsibilities Are Directly Related to Curriculum and Instruction. This regulation is being amended to reflect the revised Professional Standards Board licensure and certification regulations.

- Regulation 505 High School Graduation Requirements and Diplomas—For Action

The Secretary of Education seeks the consent of the State Board of Education to amend 14 DE Admin. Code 505 High School Graduation Requirements and Diplomas. This regulation is being amended to include language which specifically allows a district or charter school to award credit based on demonstration of mastery of a particular course. This language was proposed based on the Competency Based Learning Guiding Coalition that was facilitated by the Department of Education and that included educators in Delaware. In addition, an amendment was made in section 10.0 that expands the scope of students covered in this section. This section allows a student under DSCFY custody during their high school years to graduate from high school based on the State’s graduation requirements if the district or charter school exceeds what is required by the State. With the amendment those students in DSCYF within Youth Rehabilitations Services are included. It was noted that comments were received. A motion was made by Mr. Heffernan to consent to the amendment of Regulation 505 as requested by the Secretary. The motion was seconded by Dr. Whittaker and carried unanimously.

- Regulation 545 School Counseling Plans—For Action

The Secretary of Education seeks the consent of the State Board of Education to amend Title 14 DE Admin. Code 545 K to 12 School Counseling Programs. This regulation is being amended to update the language to align with the new edition of the American School Counselor Association (ASCA) National Model. The original model was written in 2003. In 2012, ASCA released a new version of the model that was updated to reflect current educational practices. Over the past three months, a group of counselors have been meeting to review and understand the new model, as well as develop user-friendly templates that will assist counselors in streamlining this process. This group will also be responsible for providing technical assistance to other counselors around the state.

- Regulation 1150 School Transportation—For Action

This regulation is being amended to clarify the requirement for school bus drivers and aides to receive four hours of in-service training each year and annual physicals for aides. These requirements are not effective unless the General Assembly appropriates funding for these purposes. The regulation was originally amended to require annually in-service training of bus drivers and aides where previously it was suggested and to require annual physicals for aides. The regulation is being amended to be in compliance with 80 Del. Laws, c. 79 §337(b). A motion was made by Mr. Heffernan to consent to the amendment to Regulation 1150 as requested by the Secretary. The motion was seconded by Mr. Melendez and carried unanimously.

### ***Professional Standards Board***

- Regulation 1559 Skilled and Technical Science Teacher—For Discussion

This regulation shall apply to the issuance of a Standard Certificate, pursuant to 14 Del. C. §1220(a) for Skilled and Technical Sciences Teacher in a Specific Career Area. This certification is required for grades 9 to 12 and for grades 6 to 8 in a Middle Level school. Certificates issued are in the specific career area. A general Skilled and Technical Sciences certification does not exist, and qualified educators may become certified for more than one specific career area by meeting the qualifications for each area.

- Regulation 1583 School Psychologist—For Discussion

The Professional Standards Board, acting in cooperation and collaboration with the Department of Education, seeks the consent of the State Board of Education to amend DE. Admin. Code 1583 – School Psychologist. This regulation shall apply to the requirements for a Standard Certificate, pursuant to 14 Del. C. §1220(a), for School Psychologist. This certification is required for all School Psychologists providing services to children within the Delaware public school system.

- Regulation 1595 Certification Program for Leaders in Education—For Discussion

The Professional Standards Board, acting in cooperation and collaboration with the Department of Education, seeks the consent of the State Board of Education to amend DE. Admin. Code 1595 – Certification Program for Leader in Education. This regulation shall apply to Certification Programs for Leaders in Education, pursuant to 14 DE Admin Code 1591 School Principal and Assistant School Principal, 14 DE Admin Code 1592 Certified Central Office Personnel, 14 DE Admin Code 1593 Superintendent, and 14 DE Admin Code 1594 Special Education Director.

- Regulation 1560 Art Teacher—For Action

The Professional Standards Board, acting in cooperation and collaboration with the Department of Education, seeks the consent of the State Board of Education to amend DE. Admin. Code 1560 – Art Teacher. This regulation shall apply to the requirements for a Standard Certificate, pursuant to 14 Del. C. §1220(a), for Art Teacher. This certification is required for grades K to 12. A motion was made by Mr. Heffernan to consent to the amendment of Regulation 1560. The motion was seconded by Dr. Whittaker and carried unanimously.

- Regulation 1563 Music Teacher—For Action

The Professional Standards Board, acting in cooperation and collaboration with the Department of Education, seeks the consent of the State Board of Education to amend DE. Admin. Code 1563 – Music Teacher. This regulation shall apply to the issuance of a Standard Certificate, pursuant to 14 Del. C. §1220(a), for Music Teacher. This certification is required for grades K to 12. A motion was made by Mr. Heffernan to consent to the amendment of Regulation 1563. The motion was seconded by Mr. Melendez and carried unanimously.

- Regulation 1564 Physical Education Teacher—For Action

The Professional Standards Board, acting in cooperation and collaboration with the Department of Education, seeks the consent of the State Board of Education to amend DE. Admin. Code 1564 – Physical Education Teacher. This regulation shall apply to the issuance of a Standard Certificate, pursuant to 14 Del. C. §1220(a), for Physical Education Teacher. This certification is required for grades K to 12. A motion was made by Dr. Whittaker to consent to the amendment of Regulation 1564. The motion was seconded by Mr. Melendez and carried unanimously.

- Regulation 1571 Exceptional Children Special Education Teacher—For Action

The Professional Standards Board, acting in cooperation and collaboration with the Department of Education, seeks the consent of the State Board of Education to amend DE. Admin. Code 1571 – Special Education Teacher of Students with Disabilities. This regulation shall apply to the issuance of a Standard Certificate, pursuant to 14 Del. C. §1220(a), for Special Education Teacher of Students with Disabilities (Category). A motion was made by Dr. Whittaker to consent to the amendment of Regulation 1571. The motion was seconded by Mr. Melendez and carried unanimously.

- New Program for Approval - Leadership Certification Program—For Action

This application for a Leadership Certification Program, Fostering Leadership Excellence (FLEX), has been submitted by Supporting School Success, LLC for review by the State Board of Education. The Board will make its recommendation with regard to approval of the program to the Secretary of Education. The Board will also receive feedback on the proposal and a recommendation from the Professional Standards Board.

In many of the smaller school districts, especially in southern Delaware, there has been a significant turnover in administrators and a limited capacity in these districts to provide an alternative route to certification for aspiring administrators. The Supporting School Success, LLC (SSS) team is submitting this Application for the Certification Program for Leaders in Education that will lead to an alternative certification for building administrator positions. This application is designed specifically for certification of Principal/Assistance Principal candidates only.

Two of the FLEX Team members were involved in the development and implementation of Indian River’s Administrative Development Program (ADP) and experienced firsthand how this type of program can successfully prepare aspiring administrators for the difficult task of being a learning leader. Working with administrators in southern Delaware, the FLEX Team will develop partnerships that will train exemplary educators from the districts for potential administrative placement within the public schools.

This training will be aligned to the Interstate School Leaders Licensure Consortium (ISLLC) standards, as well as address the specific knowledge and skills identified as essential by the partner school districts. The target cohort of about fifteen candidates for each cycle will first come from southern Delaware; however, it is expected that the certification program will have an appeal to other school districts in Delaware.

The FLEX: Fostering Leadership Excellence Program is designed to provide a twelve to fifteen-month experience for qualified candidates leading to Delaware certification as building administrators. FLEX is a program developed and facilitated by experienced practitioners who will provide the professional development and mentoring needed for candidates to be able to step into administrative positions ready to face the daily challenges of an administrator with the knowledge, skills, and confidence necessary to succeed. Most importantly, the FLEX Program will focus on developing the skills needed for the candidates to become learning leaders who have a positive impact on student and school success.

The FLEX team met with the PSB subcommittee (LCCC) who first reviewed the application and following that meeting they made slight revisions to address questions and comments received during the committee meeting. The revised application was presented to the PSB and received their recommendation for approval on September 3rd.

The revisions to the FLEX application were:

1. A clarification statement on page 8 that the application must be approved by the Secretary of Education, not the PSB as originally stated.
2. Edits to the timelines for FLEX to align with the approval process. (For example, the chart on page 6 was revised from Summer 2015 to Fall 2015.) These same edits were done throughout the application as needed.
3. The attachments were revised to include changes in the timeline charts as needed and to add the Letter of Support from Seaford School District. The letter had been mailed to FLEX and was received the same day the application was originally submitted and thus not initially included.

Sandy Smith and Juanita Wilson, on behalf of Supporting School Success, LLC presented the Fostering Leadership Excellence (FLEX) program application to the State Board for its review. A motion was made by Mr. Melendez to recommend to the Secretary of Education that this program be approved. The motion was seconded by Mrs. Bunting and carried unanimously by voice vote. Secretary Murphy stated he was granting approval for the FLEX program for 2 cohorts.

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#### **IV. October 15, 2015**

##### ***WEIC—Wilmington Education Improvement Commission***

- **WEIC Update**

Dr. Joe Pika, co-chair of the WEIC Redistricting Committee provided an update for the State Board. Dr. Dan Rich from the University of Delaware joined Dr. Pika for the presentation. A brief overview of the recommendations of the WEAC final report were noted in that Christina and Colonial should no longer serve Wilmington students and Red Clay should take responsibility for all Wilmington schools in the Christina School District and Red Clay or Brandywine should take responsibility for Wilmington students served by the Colonial School District. The draft plan of the Redistricting Committee will be released for public comment on November 17th. Dr. Pika stated that the plan would not be just a Wilmington plan but a statewide project. The Redistricting Committee has been reviewing research and working with the funding committee on meeting the needs of the Wilmington students. Currently there are 18 public

education governance entities that serve Wilmington students. Information was provided on the town hall meetings and what the public record will contain.

Board members asked about the research the committee has used for its analysis as well as a comparison of the WEIC funding committee and the Education Funding Improvement Commission. The State Board also pointed out that at a recent board meeting the Colonial School District Board of Education voted to not release its students. Dr. Rich commented that a strip of property in the Colonial District is actually surrounded by three districts. Dusty Blakey, Superintendent of the Colonial School District, also a WEIC Redistricting Committee member, was in the audience and was asked to comment on his Board's decision. Dr. Blakey stated that the district did an academic analysis of its students in that area (low SES) and stated that the Colonial students have higher achievement levels than comparable students in the other Wilmington districts. The Colonial District Board felt that the students would not be better served if transferred to a different district. These Colonial students also receive health services and other resources. The State Board stressed that they were still under how the proposed plan from WEIC would directly impact student learning and expressed concern that students needed improvements to their educational opportunities now not just in the future. The State Board also voiced its concern that it was essential that resources be available from the legislature to support any plan that is recommended and was concerned what would happen if those funds were not available. The State Board will receive the redistricting plan at its December 17th State Board meeting and action is anticipated at the Board's January meeting. If the Board declines the plan WEIC will have sixty days for resubmission. Dr. Rich stated that any approved plan would be implemented in the fall of 2018. Mr. Heffernan reminded all to not lose sight of the goal of improved teaching and learning for students. Mrs. Bunting commented that high quality teachers with high expectations has the greatest impact on students.

### ***Department of Education Assessments***

- **Statewide SAT Assessment Results**

Michael Watson, Chief Academy Officer; Carolyn Lazar, Interim Director of Assessments and Allison Procopio from College Board presented the Class of 2015 results. The Class of 2015 results include students who took the SAT at any point during high school and the SAT School Day results are for the SAT day where all public school 11th graders take the test during the school day. Delaware is one of the leaders in the country in participation and had a total of 8,155 public school test takers. Average scores are below the national average but increased from last year's average. Critical reading was up six points to 444 and mathematics was up three points to 445. The writing average score was 425. Average scores from the SAT School day were critical reading at 440, mathematics at 433 and writing at 420. The Board received the average scores for each public high school and the percent of students meeting the College Board benchmark for college readiness of 1550. The SAT presentation also highlighted the changes to the SAT for spring 2016 and the improvements to the student report. The Board discussed the participation rates on the SAT in 11th grade and the accommodations available and implemented for students with IEP's. There was brief discussion of the possibility of using the new SAT as the state high school assessment in the future, as was listed in the 5 Year Assessment Plan published by the Department.

### ***Department of Education Regulations***

- Regulation 811- School Health Record Keeping Requirements - For Information

This regulation is being amended to clarify procedures and purpose of school health record keeping documents.

## ***Charters***

- ADDED TO AGENDA (10/13/15) - Formal Review the Delaware MET Charter School—For Action

The DOE Charter School Office is seeking to submit the charter of The Delaware Met to formal review to determine whether the school is violating the terms of its charter and whether to order remedial measures under the Delaware Code. The issues for formal review include, but are not limited to, concerns about the school's compliance with its charter, financial viability, policies regarding student conduct and discipline, and appropriate strategies to accommodate the needs of at-risk students and those needing special education services. In accordance with the requirements of 14 Del. C. § 511(c), the Department is seeking the assent of the Acting Secretary and the State Board of Education to the formal review of The Delaware Met. Acting Secretary of Education Godowsky asked for the State Board's assent for the formal review of then Delaware Met in accordance with the requirements of 14 Delaware Code, §511(c). A motion was made by Mr. Heffernan to consent to placing The Delaware Met on formal review as recommended by the Acting Secretary. The motion was seconded by Mr. Melendez and carried unanimously by voice vote. The Board expressed its concerns about the allegations that have surfaced and the safety of the students attending the school. They stressed the importance of making these decisions on documented concerns versus hearsay since this was a serious step in the role of an authorizer. They had additional dialog related to specific concerns from site visits or other documented events collected by the Charter School Office.

## ***Professional Standards Board***

- New Program for Approval - Lead for Delaware—For Action

The application for a Leadership Certification Program, Lead for Delaware, has been submitted for review. Representatives for the application were present to explain its components of 1000 hours of professional development over two years as they continue to teach. A motion was made by Mr. Coverdale to recommend approval to the Acting Secretary of Education. The motion was seconded by Mrs. Rutt and carried unanimously.

- Regulation 1502 - Professional Growth Salary Increments—For Publication

The Professional Standards Board, acting in cooperation and collaboration with the Department of Education, seeks the consent of the State Board of Education to amend DE Admin. Code 1502 – Professional Growth Salary Increments. This regulation shall apply to graduate level salary increments for educators, pursuant to 14 Del. C. 1305 (a). It was necessary to review and amend this regulation in order to provide current formatting and to eliminate unnecessary language. Regulation 1502 Professional Growth Salary Increments was approved for publication. The motion was made by Mrs. Rutt and seconded by Mr. Melendez. The motion carried unanimously.



- Regulation 1506 - Emergency Certificate—For Publication

The Professional Standards Board, acting in cooperation and collaboration with the Department of Education, seeks the consent of the State Board of Education to amend DE Admin. Code 1506 – Emergency Certificate. This regulation shall apply to the issuance of an Emergency Certificate, pursuant to 14 Del. C. 1221. It was necessary to review and amend this regulation in order to provide current formatting and to eliminate unnecessary language, as well as to allow the Department of Education the ability to process some Emergency Certificates automatically for those enrolled in an approved Alternate Routes program. Regulation 1506 Emergency Certificate was approved for publication. The motion was made by Mrs. Bunting and seconded by Mr. Melendez. The motion carried unanimously.

## ***Career and Technical Education Plan, Perkins IV***

- **Budget Amendment to Perkins State Plan—For Information**

Due to the federal budget resolution we need to file the related budget amendment for our State Perkins plan.

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## **V. November 19, 2015**

### ***ESEA***

- **Delaware School Success Framework**

Penny Schwinn and Ryan Reyna presented the final revisions to the State's ESEA flexibility and recommendations to the State Board for the Delaware School Success Framework. The State's ESEA flexibility waiver has been approved through the end of 2015-2016 but renewal for 2017-2018 is contingent upon submission of an amended request that incorporates the final version of DSSF and demonstration that DSSF will also Delaware to name priority, focus, and reward schools in the future. It was noted that additional focus and priority schools will not be named for at least three years as current schools move through the process. The Board received the whole system overview that includes Part A which are components that are rated and Part B which are components that are presented but not rated. Dr. Schwinn stated that the Accountability Framework Working Group (AFWG) has not revised their recommendation. There was discussion on the 95% participation rate and it was noted that if a school achieves the 95% they receive 100% of the points which makes it a positive consequence for those testing more than 95%. Mr. Reyna stated that based on the participation rate multiplier, no schools would have decreased their overall rating and one school actually increased its overall rating. In the area of academic achievement alone, one school had a decreased rating and three schools improved. There was discussion on the AMO's and performance thresholds and the weighted metrics by the AFWG. It was noted that all the recommendations of the AFWG are included with the exception of the participation rate. It was also explained that DESS would receive an update on the AMO's in December. Secretary Godowsky commented that he felt that the most important measurable outcome was the idea of the inclusion and strong weight for growth as brought forth by the AFWG. The Department hopes to receive a response from the U.S. Department of Education in January. After final approval, the Department would begin revising Regulation 103 as there would be sixty days to promulgate those revisions and bring to the board for discussion and action. A motion was made by Mr. Coverdale to approve the ESEA Flexibility Waiver application revisions as outlined in the presentation. The motion was seconded by Mr. Heffernan and carried.

### ***Department of Education Regulations***

- **Regulation 286 - Application Fee for Educator Licensure—For Discussion**

This regulation is being amended to clarify procedures and purpose of school health record keeping documents. This regulation is being created pursuant to House Bill 146 of the 148th General Assembly which revises the regulation to charge a fee for educator licensure. Erin Pieshala from the Department's Licensure and Certification Work Group was present to respond to questions.



- Regulation 1007 DIAA Sportsmanship—For Action

Regulation 1007 was before the Board for action. It is a DIAA regulation on sportsmanship and the changes align the Code of Interscholastic Athletics to those set by the National Federation of State High Schools. Kevin Charles, DIAA Executive Director, was present to respond to questions. A motion was made by Mrs. Rutt to assent to the amendment to Regulation 1007 Sportsmanship. The motion was seconded by Mr. Coverdale and carried unanimously.

### ***Professional Standards Board***

- Regulation 1522 - Elementary School Counselor—For Publication

The Professional Standards Board, acting in cooperation and collaboration with the Department of Education, seeks the consent of the State Board of Education to amend DE. Admin. Code 1522 – Elementary School Counselor. This regulation shall apply to the issuance of a Standard Certificate, pursuant to 14 Del. C. §1220(a), for Elementary School Counselor. This certification is required for grades K to five (5), and is valid in grades six (6) to eight (8) in a Middle Level school. A Middle Level School Counselor must hold either an Elementary School Counselor Standard Certificate or a Secondary School Counselor Standard Certificate. This regulation is being reviewed and amended to adjust the current course count for an Elementary School Counselor. Regulation 1522 Elementary School Counselor was approved for publication. The motion was made by Mr. Heffernan and seconded by Mrs. Rutt. The motion carried unanimously.

- Regulation 1545- Secondary School Counselor—For Publication

The Professional Standards Board, acting in cooperation and collaboration with the Department of Education, seeks the consent of the State Board of Education to amend DE. Admin. Code 1545 – Secondary School Counselor. This regulation shall apply to the issuance of a Standard Certificate, pursuant to 14 Del. C. §1220(a), for Secondary School Counselor. This certification is required for grades nine (9) to twelve (12) and is valid in grades six (6) to eight (8) in a Middle Level school. A Middle Level School Counselor must hold either an Elementary School Counselor Standard Certificate or a Secondary School Counselor Standard Certificate. This regulation is being reviewed and amended to adjust the current course count for a Secondary School Counselor. Regulation 1545 Secondary School Counselor was approved for publication. The motion was made by Mr. Coverdale and seconded by Mrs. Bunting. The motion carried unanimously.

- Regulation 1502 - Professional Growth Salary Increments—For Discussion

The Professional Standards Board, acting in cooperation and collaboration with the Department of Education, seeks the consent of the State Board of Education to amend DE Admin. Code 1502 – Professional Growth Salary Increments. This regulation shall apply to graduate level salary increments for educators, pursuant to 14 Del. C. 1305 (a). It was necessary to review and amend this regulation in order to provide current formatting and to eliminate unnecessary language.

- Regulation 1506 - Emergency Certificate—For Discussion

The Professional Standards Board, acting in cooperation and collaboration with the Department of Education, seeks the consent of the State Board of Education to amend DE Admin. Code 1506 – Emergency Certificate. This regulation shall apply to the issuance of an Emergency Certificate, pursuant to 14 Del. C. 1221. It was necessary to review and amend this regulation in order to provide current formatting and to eliminate unnecessary language, as well as to allow the Department of Education the ability to process some Emergency Certificates automatically for those enrolled in an approved Alternate Routes program.

- Regulation 1559 Skilled and Technical Science Teacher—For Action

The Professional Standards Board, acting in cooperation and collaboration with the Department of Education, seeks the consent of the State Board of Education to amend DE Admin. Code 1559 – Skilled and Technical Science Teacher. This regulation shall apply to the issuance of a Standard Certificate, pursuant to 14 Del. C. §1220(a) for Skilled and Technical Sciences Teacher in a Specific Career Area. This certification is required for grades 9 to 12 and for grades 6 to 8 in a Middle Level school. Certificates issued are in the specific career area. A general Skilled and Technical Sciences certification does not exist, and qualified educators may become certified for more than one specific career area by meeting the qualifications for each area. A motion was made by Mrs. Rutt to approve the amendment to Regulation 1559 Skilled and Technical Science Teacher. The motion was seconded by Mr. Coverdale and carried unanimously.

- Regulation 1583 School Psychologist—For Action

The Professional Standards Board, acting in cooperation and collaboration with the Department of Education, seeks the consent of the State Board of Education to amend DE. Admin. Code 1583 – School Psychologist. This regulation shall apply to the requirements for a Standard Certificate, pursuant to 14 Del. C. §1220(a), for School Psychologist. This certification is required for all School Psychologists providing services to children within the Delaware public school system. A motion was made by Mrs. Bunting to approve the amendment to Regulation 1583 School Psychologist. The motion was seconded by Mrs. Rutt and carried unanimously.

- Regulation 1595 Certification Program for Leaders in Education—For Action

The Professional Standards Board, acting in cooperation and collaboration with the Department of Education, seeks the consent of the State Board of Education to amend DE. Admin. Code 1595 – Certification Program for Leader in Education. This regulation shall apply to Certification Programs for Leaders in Education, pursuant to 14 DE Admin Code 1591 School Principal and Assistant School Principal, 14 DE Admin Code 1592 Certified Central Office Personnel, 14 DE Admin Code 1593 Superintendent, and 14 DE Admin Code 1594 Special Education Director. A motion was made by Mr. Heffernan to approve the amendment to Regulation 1595 Certification Program for Leaders in Education. The motion was seconded by Mrs. Bunting and carried unanimously.

## *Appeals*

- J.W. v. Brandywine School District Board of Education (2015-04)—For Action

A motion was made by Mr. Heffernan that having read and considered the record of the proceedings below, including the hearing recording, any submissions to the hearing officer including exceptions and comments filed by the parties and that the Proposed Order not be accepted by the State Board. The motion was seconded by Mr. Coverdale and carried unanimously.

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## **VI. December 17, 2015**

### ***WEIC—Wilmington Education Improvement Commission***

- WEIC Update

Dr. Dan Rich, Tony Allen, Elizabeth Lockman, Dr. Joe Pika and Dr. Henry Harper presented the WEIC of the final proposal. The final proposal was approved by WEIC and submitted to the Board the day before this meeting. It was noted that public comment will continue until January 14th. Several WEIC members were present at the meeting and were introduced by Mr. Allen. He also stated that low income students are struggling and there is a need for a better system to meet the needs of these students. Not having such a system could be costly to the State making it less attractive for businesses. Of the State's 135,000 students, 11,500 are in the City of Wilmington attending 23 schools. It is the recommendation that the Wilmington students currently served by the Christina School District be assigned to the Red Clay School District. The Christina District approved the redistricting framework and the Red Clay Board approved altering their boundaries to include the Christina School District students in the City of Wilmington. The Colonial and Brandywine School Districts both affirmed their commitment to continue to serve students in the City of Wilmington that are in their current boundaries. The timeline noted that if approved 2016-2017 would be for planning, with 2017-2018 as a transition year and implementation in 2018-2019. WEIC would continue to evaluate and measure success and if resources have been sufficiently provided. The proposal also recommends a weighted unit funding to address the needs of low income students and ELL students as well as other at risk students statewide. This would be rolled out over three years. The proposal also calls for funding during the transition stage and improvements for early childhood education and strengthening the revenue base for public education.

The Board asked that WEIC elaborate on the funding for the proposal as well as projected costs. WEIC stated that any property reassessment would not be included in the initial stage and the weighted funding would be rolled out. A very base estimated cost of \$7.5M was noted, which is a recurring cost not a one-time expenditure. The Board questioned how they could approve a plan without knowing what funding would be need. WEIC stated that the funding issue would be up to the General Assembly and the State Board was only asked to approve the plan. Dr. Gray

stated that weighted funding was important to the State Board and commented on the Task Force, EFIC, which is reviewing funding structures. The Board stressed that the funding and the numbers and amounts associated with the plan are needed so the Board has a feel for what it considering for approval. Dr. Rich noted that the roll out of the proposal was dependent on the resources that would be allocated. WEIC also noted the need for \$3M in one-time funding for the transition stage. Mrs. Bunting commented that the proposal does not focus on teaching and learning and a high quality education and asked how these

changes would improve teaching and learning. It was noted again that public comment would be accepted until January 14th with the Board taking action at its January 21st meeting.

### ***Department of Education Assessment***

- **Delaware Accountability System**

Penny Schwinn provided the Board with an update beginning with the transition of the SAT for 11th grade accountability. Dr. Godowsky noted that the technical details are being discussed with hopes for a 2016 roll out. In reference to the State's accountability plan, the waiver received from the U.S. Department of Education is in effect until August 1, 2016 and the State will have until July 1, 2017 to make any adjustments. It was also noted that the State's Assessment Inventory has been recognized nationally as a model for other states.

### ***Department of Education Regulations***

- **Regulation 286 - Application Fee for Educator Licensure—For Action**

This regulation is being amended to clarify procedures and purpose of school health record keeping documents. This regulation is being created pursuant to House Bill 146 of the 148th General Assembly which revises the regulation to charge a fee for educator licensure. Regulation 286 was before the Board for action. This regulation is being created pursuant to House Bill 146 of the 148th General Assembly which revises the regulation to charge a fee for educator licensure. A motion was made by Mrs. Rutt to approve the regulation. The motion was seconded by Mr. Coverdale and carried unanimously.

- **Regulation 503 - Instructional Program Requirements—For Discussion**

This regulation is being amended to: (1) remove specific references to previous school years as to when implementation of physical fitness assessments would occur, (2) include instructional requirements for World Languages and (3) clarify instructional requirements for Career and Technical Education.

- **Regulation 932 - Military-Connected Youth—For Discussion**

This regulation is being created to align with 14 Delaware Code §122(b) (28) which requires the development of a process for districts and charter schools to annually identify enrolled students who are "military-connected youth". This is necessary to ensure school officials are aware of their military connection should they require any special services or supports.

- **Regulation 1008 - DIAA Junior High and Middle School Interscholastic Athletics—(Republished 11-15-15) For Discussion**

This regulation was originally published on July 25, 2015 and August 1, 2015 in the News Journal and Delaware State News with proposed amendments. Those amendments incorporated the ability for the DIAA Board to waive the age rule for students with physically or mentally limiting disabilities; update the middle school wrestling weight control program; bring practice regulations more in line with national best practice models; provide member schools with a policy to determine appropriate placement for

transgendered students participating on interscholastic athletic teams; update coaches' regulation to mandate an approved concussion course; and make non-substantive changes to improve readability. Comments were received from the State Council for Persons with Disabilities (SCPD) and the Governor's Advisory Council for Exceptional Citizens, and a thorough review was done by the DIAA Board of Directors. Comments received which are incorporated herein are: (1) the definition of "Student with a Disability" has been changed to include students with 504 plans; (2) the Department clarified language regarding the conditions for students who play sports outside of their school noting that, "nothing in this regulation shall be construed as prohibiting schools from providing transportation or school supplied assistive technology and equipment to or for non-school activities for students with disabilities; (3) a definition of Superintendent was added; and (4) language was also added regarding the eligibility of a child in DSCYF custody. Other minor grammatical changes were made throughout the regulation. This is part of a series of comprehensive reviews and updates to be made to all DIAA regulations.

Additionally, the State Board of Education expressed concerns that the regulation permits members' schools to determine a policy about transgendered students participating in interscholastic sports, in accordance with the minimum standards designated by DIAA, rather than the Department of Education setting the policy. In support of the decision remaining at the local level, the Department received a letter from the Delaware Chief School Officers Association noting that the consensus among all 19 school district superintendents is that the decision regarding the participation of transgendered students in interscholastic sports should remain at the local level. There was also a comment regarding the age waiver protocol for students with disabilities being limited to an IEP and not expanded to cover 504 Plans, and the involvement of the IEP team. After considering public comment, the DIAA Board voted to remove this proposed change for further consideration and analysis at this time. Due to the fact that this is a substantive change, the regulation is being republished for comment at this time.

- Regulation 1009 - DIAA High School Interscholastic Athletics (Republished 11-15-15)—For Discussion

1009 – DIAA High School Interscholastic Athletics (republished 11.15.15) - This regulation was originally published on July 25, 2015 and August 1, 2015 in the News Journal and Delaware State News, with proposed amendments which incorporated the ability for the DIAA Board to waive the age rule for students with disabilities; updated the transfer rule in choice schools; addressed schools that close or discontinue a sport; amended eighth grade participation regulations in order to limit eighth grade transfers for athletics; expand participation for international students; amended pre-participation medical examination requirements to provide parents a better opportunity to use insurance for the required examination; updated wrestling weight control protocol; better aligned practice regulations with national best practice models; provided member schools with a policy for transgendered students participating on interscholastic athletic teams; mandated an approved concussion course for coaches; and made other non-substantive changes to improve readability. Comments were received from the State Council for Persons with Disabilities (SCPD) and the Governor's Advisory Council for Exceptional Citizens, and a thorough review was done by the DIAA Board of Directors. Revisions made as a result of comments received are: (1) the definition of "Student with a Disability" has been changed to include students with 504 plans; (2) the Department clarified language regarding the conditions for students who play sports outside of their school noting that the regulation is not to be construed as prohibiting schools from providing transportation or school supplied assistive technology and equipment to or for non-school activities for students with disabilities; (3) a definition of Superintendent was added; and (4) language was also added



regarding the eligibility of a child in DSCYF custody. Other minor grammatical changes were made throughout the regulation. This is part of a series of comprehensive reviews and updates to be made to all DIAA regulations. Additionally, the State Board of Education expressed concerns that the regulation permits member schools to determine their policies about transgendered students participating in interscholastic sports, in accordance with the minimum standards designated by DIAA, rather than the Department of Education setting the policy. In support of the decision remaining at the local level, the Department received a letter from the Delaware Chief School Officers Association noting that the consensus among all 19 school district superintendents is that the decisions and determination of policies regarding the participation of transgendered students in interscholastic sports should remain at the local level. There were also comments regarding the age waiver protocol for students with disabilities being limited to students with an IEP and not covering students with 504 Plans, and the involvement of the IEP team. After considering these public comments, the DIAA Board voted to remove this proposed change for further consideration and analysis at this time. Due to the fact that this is a substantive change, the regulation is being republished for comment.

- Regulation 252 - Required Educational Records and Transfer and Maintenance of Educational Records - For Information—Secretary Only Approval

This regulation is being amended to clarify the maintenance and transfer of student records as it pertains to private and public schools and educational programs operated by the Department of Services for Children, Youth and Their Families. It also clarifies when the student's records should be maintained as an original Cumulative Record File and when they are permitted to be copied and transferred.

- Regulation 616 - Uniform Due Process Procedures for Alternative Placement Meetings and Expulsion Hearings—For Information - Secretary Only Approval

This regulation is being created pursuant to 14 Del. C. §122 (b) (26) to provide uniform procedures for alternative placement meetings and expulsion hearings.

- Regulation 775 - New Teacher Hiring Date Reporting—For Information - Secretary Only Approval

775 New Teacher Hiring Date Reporting - This regulation is being amended to align teacher hiring date collection with annual reporting done within the Teacher and Leader Effectiveness branch of the Department of Education and as required by 14 Del. Code §1725.

- Regulation 817 - Medications and Treatments—For Information Secretary Only Approval

This regulation is amended to clarify assistance with self-administration of medications at unique approved school activities, such as extended field trips and to update a citation to the Delaware Code.

## ***Charters***

- Renewal Application—Campus Community School (For Action)

The first school on the agenda was Campus Community School. The school serves 417 students and was established in 1998. Secretary Godowsky concurred with the recommendation of the Charter School Accountability Committee and asked for the assent of the State Board. A motion was made by Mr. Coverdale to assent to the Secretary's approval to renew the charter application for Campus Community School. The motion was seconded by Mr. Melendez and carried unanimously.

- Renewal Application—MOT Charter School (For Action)

The next school was MOT Charter School. The school serves 1020 students and was established in 2002. Secretary Godowsky concurred with the recommendation of the Charter School Accountability Committee and asked for the assent of the State Board. A motion was made by Mrs. Rutt to assent to the Secretary's approval to renew the charter application for MOT Charter School. The motion was seconded by Mr. Heffernan and carried unanimously.

- Renewal Application—Providence Creek Academy Charter School (For Action)

Providence Creek Academy Charter School serves 688 students and was established in 2002. Secretary Godowsky concurred with the recommendation of the Charter School Accountability Committee and asked for the assent of the State Board. The recommendation also includes the school's request to change the school's mission. A motion was made by Mr. Melendez to assent to the Secretary's approval to renew the charter application for Providence Creek Academy Charter School. The motion was seconded by Mr. Heffernan and carried unanimously.

- Formal Review: The Delaware MET Charter School

In October the Delaware MET Charter School was placed on formal review. Ms. Nagourney cited the issues that resulted in the formal review and the timeline to the present of the CSAC meetings and multiple public hearings. It was the recommendation of the Charter School Accountability Committee to revoke the school's charter effective January 22, 2016. Secretary Godowsky noted the careful consideration that went into his decision. He asked for the assent of the State Board to accept his recommendation to revoke the school's charter effective January

2016. A motion was made by Mr. Melendez to assent to the Secretary's recommendation and revoke the charter of Delaware MET, effective January 22, 2016. The motion was seconded by Mr. Heffernan and carried.

## ***Professional Standards Board***

- Regulation 1502 - Professional Growth Salary Increments - For Publication

The Professional Standards Board, acting in cooperation and collaboration with the Department of Education, seeks the consent of the State Board of Education to amend DE Admin. Code 1502 – Professional Growth Salary Increments. This regulation shall apply to graduate level salary increments for educators, pursuant to 14 Del. C. 1305 (a). It was necessary to review and amend this regulation in order to provide current formatting and to eliminate unnecessary language. A motion was made by Mr. Heffernan to approve the publication of Regulation 1502. The motion was seconded by Mr. Coverdale and carried unanimously.

- Regulation 1590 - Delaware Administrator Standards—For Publication

The Professional Standards Board, acting in cooperation and collaboration with the Department of Education, seeks the consent of the State Board of Education to amend DE Admin. Code 1590 – Delaware Administrator Standards. This regulation shall apply to all school administrators employed within the public schools and charter schools of the State of Delaware. This regulation is being reviewed under a five-year cycle. A motion was made by Mr. Coverdale to approve the publication of Regulation 1590. The motion was seconded by Mr. Melendez and carried unanimously.

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## **VII. January 21, 2016**

### ***Department of Education Assessments***

- **SAT Update**

Secretary Godowsky commented that using the SAT for 11th graders in lieu of the Smarter Balanced assessment was in the best interest of the students and reduces the amount of testing. The Department is working with schools and charters on the transition.

- **Assessment Update**

Chief Academic Officer Michael Watson and Carolyn Lazar from the Assessment Office provided the assessment update. It was explained that a digital library and resources for the interim assessment are currently available. Online scores this year will be available earlier and score reports for parents and schools will arrive in July in the mail. It was noted that the Department has been providing outreach and communications to district schools and charter schools on assessment issues. Site visits are currently taking place and weekly conference calls will be held during the testing window. The Board was provided with some of the improvements that will be made to the parent score reports and accessibility improvements to the assessment. Information was also provided on the SAT School Day and the SAT replacing the Smarter Balance assessment in 11th grade. The Senate Joint Resolution 2 Committee is currently meeting on assessment inventories and will finalize its recommendations by June 30th.

### ***WEIC—Wilmington Education Improvement Commission***

- **WEIC Final Proposal (For Action)**

Dr. Gray noted that the State Board received the Wilmington Education Improvement Commission's final report on December 16, 2015. The report was entitled "Redistricting in the City of Wilmington and New Castle County: A Transition, Resource and Implementation Plan." She highlighted the record which included minutes from WEIC meetings and subcommittees, correspondence and public comment from November 17 through January 14th. The record also included the transcripts from the public hearings.

A motion was made by Dr. Whittaker to approve the proposal as presented. The motion was seconded by Mr. Melendez. There was a lengthy discussion on the motion as Board members noted that even with all the information they have received, there are still some concerns including equitable funding and funding for special education students, high poverty students and ELL students. There was also discussion on doing better for all students and not just focusing on the City of Wilmington. Board members also asked if the four districts in the City of Wilmington have reaffirmed their position since the final proposal was just released. Also raised was the Board's concern for how the funding would implement the plan as well as how moving district lines would improve student outcomes. The Board expressed concerns about what happens in short term versus long term. There was concern on what happens to the students in the meantime as the districts' lines are redrawn and during the transition to full implementation. Mrs. Rutt asked if the motion could be amended to return the plan to WEIC expressing the Board's concerns and ask that the plan be resubmitted. The Board discussed the timeline for review. Dr. Whittaker amended the motion to ask that WEIC be notified of the Board's concerns that have been expressed and ask WEIC to revise the plan and resubmit to the State Board for action within 60 days of receipt of the Board's correspondence. The Board also noted that it would take action within the March 31st timeline. Mr. Melendez agreed to the amended motion and seconded it. The motion carried unanimously.

## ***Department of Education Regulations***

- **Regulation 503 - Instructional Program Requirements—For Action**

This regulation is being amended to: (1) remove specific references to previous school years as to when implementation of physical fitness assessments would occur, (2) include instructional requirements for World Languages and (3) clarify instructional requirements for Career and Technical Education. Regulation 503, Instructional Program Requirements Regulation was before the Board for action. Comments were received. A motion was made by Dr. Whitaker to approve the amendments to the regulation. The motion was seconded by Mr. Coverdale and carried unanimously.

- **Regulation 932 - Military-Connected Youth—For Action**

This regulation is being created to align with 14 Delaware Code §122(b) (28) which requires the development of a process for districts and charter schools to annually identify enrolled students who are “military-connected youth”. This is necessary to ensure school officials are aware of their military connection should they require any special services or supports. Comments were received. A motion was made by Mrs. Bunting to approve this new regulation. The motion was seconded by Dr. Whittaker and carried unanimously.

- **Regulation 1008 - DIAA Junior High and Middle School Interscholastic Athletics—(Republished 11-15-15)—For Action**

This regulation was originally published on July 25, 2015 and August 1, 2015 in the News Journal and Delaware State News with proposed amendments. Those amendments incorporated the ability for the DIAA Board to waive the age rule for students with physically or mentally limiting disabilities; update the middle school wrestling weight control program; bring practice regulations more in line with national best practice models; provide member schools with a policy to determine appropriate placement for transgendered students participating on interscholastic athletic teams; update coaches’ regulation to mandate an approved concussion course; and make non-substantive changes to improve readability. Comments were received from the State Council for Persons with Disabilities (SCPD) and the Governor’s Advisory Council for Exceptional Citizens, and a thorough review was done by the DIAA Board of Directors. Comments received which are incorporated herein are: (1) the definition of “Student with a Disability” has been changed to include students with 504 plans; (2) the Department clarified language regarding the conditions for students who play sports outside of their school noting that, “nothing in this regulation shall be construed as prohibiting schools from providing transportation or school supplied assistive technology and equipment to or for non-school activities for students with disabilities; (3) a definition of Superintendent was added; and (4) language was also added regarding the eligibility of a child in DSCYF custody. Other minor grammatical changes were made throughout the regulation. This is part of a series of comprehensive reviews and updates to be made to all DIAA regulations.

Additionally, the State Board of Education expressed concerns that the regulation permits members’ schools to determine a policy about transgendered students participating in interscholastic sports, in accordance with the minimum standards designated by DIAA, rather than the Department of Education setting the policy. In support of the decision remaining at the local level, the Department received a letter from the Delaware Chief School Officers Association noting that the consensus among all 19 school

district superintendents is that the decision regarding the participation of transgendered students in interscholastic sports should remain at the local level. There was also a comment regarding the age waiver protocol for students with disabilities being limited to an IEP and not expanded to cover 504 Plans, and the involvement of the IEP team. After considering public comment, the DIAA Board voted to remove this proposed change for further consideration and analysis at this time. Due to the fact that this is a substantive change, the regulation is being republished for comment at this time. Regulation 1008 DIAA Junior High and Middle School Interscholastic Athletics was before the Board for action. This regulation clarifies definitions and also addresses athletic participation by transgender students. Comments were received. Kevin Charles, Executive Director of the DIAA, was available and responded to questions from the Board. A motion was made by Dr. Whitaker to approve the amendments to the regulation. The motion carried by roll call vote.

- Regulation 1009 - DIAA High School Interscholastic Athletics (Republished 11-15-15)—For Action

1009 – DIAA High School Interscholastic Athletics (republished 11.15.15) - This regulation was originally published on July 25, 2015 and August 1, 2015 in the News Journal and Delaware State News, with proposed amendments which incorporated the ability for the DIAA Board to waive the age rule for students with disabilities; updated the transfer rule in choice schools; addressed schools that close or discontinue a sport; amended eighth grade participation regulations in order to limit eighth grade transfers for athletics; expand participation for international students; amended pre-participation medical examination requirements to provide parents a better opportunity to use insurance for the required examination; updated wrestling weight control protocol; better aligned practice regulations with national best practice models; provided member schools with a policy for transgendered students participating on interscholastic athletic teams; mandated an approved concussion course for coaches; and made other non-substantive changes to improve readability. Comments were received from the State Council for Persons with Disabilities (SCPD) and the Governor’s Advisory Council for Exceptional Citizens, and a thorough review was done by the DIAA Board of Directors. Revisions made as a result of comments received are: (1) the definition of “Student with a Disability” has been changed to include students with 504 plans; (2) the Department clarified language regarding the conditions for students who play sports outside of their school noting that the regulation is not to be construed as prohibiting schools from providing transportation or school supplied assistive technology and equipment to or for non-school activities for students with disabilities; (3) a definition of Superintendent was added; and (4) language was also added regarding the eligibility of a child in DSCYF custody. Other minor grammatical changes were made throughout the regulation. This is part of a series of comprehensive reviews and updates to be made to all DIAA regulations. Additionally, the State Board of Education expressed concerns that the regulation permits member schools to determine their policies about transgendered students participating in interscholastic sports, in accordance with the minimum standards designated by DIAA, rather than the Department of Education setting the policy. In support of the decision remaining at the local level, the Department received a letter from the Delaware Chief School Officers Association noting that the consensus among all 19 school district superintendents is that the decisions and determination of policies regarding the participation of transgendered students in interscholastic sports should remain at the local level. There were also comments regarding the age waiver protocol for students with disabilities being limited to students with an IEP and not covering students with 504 Plans, and the involvement of the IEP team. After considering these public comments, the DIAA Board voted to remove this proposed change for further consideration and analysis at this time. Due to the fact that this is a substantive change, the regulation is being republished for comment.

Regulation 1009 DIAA High School Interscholastic Athletics was before the Board for action. This regulation is similar and parallels Regulation 1008. Comments were received. Kevin Charles, Executive Director of the DIAA, was available to respond to questions from the Board. A motion was made by Dr. Heffernan to approve the amendments to the regulation. The motion was seconded by Mrs. Bunting and carried.

- Regulation 616 - Uniform Due Process Procedures for Alternative Placement Meetings and Expulsion Hearings—For Information - Secretary Only Approval

This regulation is being created pursuant to 14 Del. C. §122 (b) (26) to provide uniform procedures for alternative placement meetings and expulsion hearings.

### ***Professional Standards Board***

- Regulation 1502 - Professional Growth Salary Increments - For Discussion

The Professional Standards Board, acting in cooperation and collaboration with the Department of Education, seeks the consent of the State Board of Education to amend DE Admin. Code 1502 – Professional Growth Salary Increments. This regulation shall apply to graduate level salary increments for educators, pursuant to 14 Del. C. 1305 (a). It was necessary to review and amend this regulation in order to provide current formatting and to eliminate unnecessary language. A motion was made by Mr. Heffernan to approve the publication of Regulation 1502. The motion was seconded by Mr. Coverdale and carried unanimously.

- Regulation 1590 - Delaware Administrator Standards—For Discussion

The Professional Standards Board, acting in cooperation and collaboration with the Department of Education, seeks the consent of the State Board of Education to amend DE Admin. Code 1590 – Delaware Administrator Standards. This regulation shall apply to all school administrators employed within the public schools and charter schools of the State of Delaware. This regulation is being reviewed under a five-year cycle. A motion was made by Mr. Coverdale to approve the publication of Regulation 1590. The motion was seconded by Mr. Melendez and carried unanimously.

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## **VIII. February 2016**

### ***WEIC—Wilmington Education Improvement Commission***

- WEIC Final Proposal (For Action)

Dr. Gray noted that the State Board received the Wilmington Education Improvement Commission’s revised report on February 11th and its addendum to the final report of December 16, 2015. The report was entitled “Redistricting in the City of Wilmington and New Castle County: A Transition, Resource

and Implementation Plan.” She noted that the Board’s action on January 21, 2016 was to return the plan noting the Board’s concerns. The record was highlighted which included minutes from WEIC meetings and subcommittees, correspondence and public comment from November 17 through January 14th. The record also included the transcripts from the public hearings. A motion was made by Dr. Whittaker to approve the WEIC Redistricting Plan with Addendum as presented. The motion was seconded by Mr. Melendez. Tony Allen, WEIC Chair, joined the State Board to respond to any questions.

There was a lengthy discussion on different aspects of the plan including equity of best practices for all students in Wilmington and that six of the ten schools in Wilmington are priority schools. The Board asked if the districts have signed off on the final proposed/revised plan. Action by the district boards to approve the WEIC plans were before the final proposal was submitted to the State Board, however each New Castle County district has a representative on the Commission. The Board asked how implementation of the plan would increase student outcomes, increase the graduation rate, and close the achievement gap. Mr. Allen noted that there would be annual evaluations. The Board asked what WEIC was adding that would improve student outcomes and

teaching and learning. Mr. Allen cited the many social supports and partnerships that would take place. There was also discussion that other school districts in the state have students in poverty. Mr. Allen acknowledged that Sussex County did have a higher poverty rate and noted that the WEIC plan in the City of Wilmington could be used a pilot for changes statewide.

Board members stressed that the Board is not adversaries to WEIC and are behind fair funding 100%. Board members also commented about their concern for pausing the initiative if there is not successful funding or academic success. There was also discussion on the priority school plan submitted by the Christina School District. Board members also expressed concern on the wording of the resolution. Some Board members preferred the word “may” over the word “shall.” There was discussion on no unfunded mandates as well as the General Assembly designating the funding. The funds placed in the Governor’s recommended budget were also

discussed and questions were asked regarding specifics of how those funds would be appropriated.

Dr. Gray noted that the plan is a risk for both sides and should have mutual safeguards and accountability measures of success. Mrs. Rutt asked that the motion be tabled until there was action on the Christina’s priority plan and a change in the wording on the resolution. Mr. Allen suggested that the motion be changed to include a caveat. Dr. Gray asked for a brief recess to ask counsel about procedural issues. The Board recessed at 3:46 p.m. and returned at 4:17 p.m. Dr. Gray noted that there was a motion to table the motion to approve the WEIC final proposal and a proposal to approve the plan with conditions including the approval of the Christina priority schools plans and change in the wording from “may” to “shall.” Mr. Allen noted that he felt confident with the submission and approval of the Christina priority schools plans but could not speak for the committee on the resolution re-wording. Mrs. Rutt withdrew her motion and Mr. Allen proposed the Board make a motion for conditional approval for the Department to approve the priority schools plans from Christina and formal action by WEIC on the wording change in the resolution. Mr. Allen asked the Board to take a recess so he could talk with members of the Committee. The Board recessed from 4:39 p.m. to 4:44 p.m.



Mr. Allen stated that after conferring with several members of the Committee they were proposing that all provisions in the resolution be removed and it be based on sufficient funding and take all responsibility away from this State Board and any future State Boards which addresses pausing the timetable. There was discussion on the necessary funding and supports being in place at every milestone and that redistricting is under the State Board's purview. Since there was no interest in amending the motion Dr. Gray stated that it was time to vote and the motion on the table was the original motion which is to approve the WEIC Redistricting Plan with Addendum as presented. The motion failed with a roll call vote. Voting in favor of the motion was Mr. Melendez, Dr. Whittaker and Dr. Gray. Opposing the motion was Mrs. Bunting, Mr. Coverdale, Mr. Heffernan and Mrs. Rutt. A motion was then made by Mrs. Rutt to approve the WEIC Redistricting Plan with the following conditions added: approval of the Christina priority schools plans by the Department and change in wording of "shall" to "may" in the resolution. The motion carried by a roll call vote. Voting in favor of the motion was Dr. Whittaker, Mr. Melendez, Mrs. Rutt and Dr. Gray. Opposing the motion was Mrs. Bunting, Mr. Coverdale and Mr. Heffernan. It was noted that the Board would be sending a letter to Dr. Allen outlining the Board's conditional approval.

### ***Department of Education Standards***

- **Revised Content Standards - World Language—For Action**

Chief Academic Officer Michael Watson was joined by Dr. Gregory Fulkerson, Director of World Languages and provided the Board with a brief presentation on the changes made to refresh these content standards. Language was revised to be more precise to align with expectations of the Common Core State Standards for ELA and more transparent in what learners can do with language. The revisions were reviewed by the Delaware World Language

Leader Network which includes all school districts and several charters. Dr. Gray noted that the Secretary is seeking the approval of the State Board on the revised World Language Content Standards. A motion was made by Mr. Heffernan to approve these revised standards. The motion was seconded by Mrs. Rutt and carried unanimously.

### ***Department of Education Regulations***

- **Regulation 923 - Children with Disabilities, Subpart B—For Information**

The Secretary of Education seeks the consent of the State Board of Education to amend 14 DE Admin. Code 923 Children with Disabilities Subpart B General Duties and Eligibility of Agencies. The amendments are being made to align the regulation with 14 Delaware Code §3125 related to the establishment and procedures for the creation and maintenance of a parent council for the parents of students with disabilities. The Department of Education has met and received preliminary input from the Governor's Advisory Council for Exceptional Citizens regarding the amendments to this regulation.

- **Regulation 924 - Children with Disabilities - Subpart C—For Information**

The Secretary of Education seeks the consent of the State Board of Education to amend 14 DE Admin. Code 924 Children with Disabilities Subpart C Local Educational Agency (LEA) Eligibility. The amendments are being made to align with changes made to 14 Del. Code §3125A regarding training in

the legal responsibility of preparing Individualized Education Programs for students with disabilities who attend charter schools.

- Regulation 925 - Children with Disabilities -Subpart D—For Information

The Secretary of Education seeks the consent of the State Board of Education to amend 14 DE Admin. Code 925 Children with Disabilities Subpart D, Evaluations, Eligibility Determination, Individualized Education Programs. The amendments are being made to align with changes made to 14 Del. Code, Ch. 31 which includes progress on transition goals and conduct of Individualized Education Program (IEP) meetings, notice of such meetings and parent input prior to IEP meetings. The amendments also include notice that the DOE, in response to the Department of Justice, shall survey annually parents who have children with IEPs to ensure compliance with state and federal laws and this regulation.

- Regulation 926 - Children with Disabilities - Subpart E—For Information

The Secretary of Education seeks the consent of the State Board of Education to amend 14 DE Admin. Code 926 Children with Disabilities Subpart E Procedural Safeguards for Parents and Children. The amendments are being made to align with changes made to 14 Del. Code §3131 (b) regarding IEP meeting minutes being digitally provided by the public agency if initiated, as well as prior written notice for proposed changes.

- Regulation 745 - Criminal Background Check—For Information - Secretary Only Approval

The Secretary of Education intends to amend 14 DE Admin. Code 745 Criminal Background Check for Public School Related Employment. This regulation is being amended to update regulation language due to changes in Titles 11, 16 and 31 of the Delaware Code related to Background Checks for Child Serving Entities.

- Regulation 746 - Criminal Background Check for Student Teaching—For Information - Secretary Only Approval

The Secretary of Education intends to amend 14 DE Admin. Code 746 Criminal Background Check for Student Teaching. This regulation is being amended due to changes in Titles 11, 16 and 31 of the Delaware Code related to Background Checks for Child Serving Entities.

- Regulation 747 - Criminal Background Check for Private School and Youth Camp Related Employment—For Information - Secretary Only Approval

The Secretary of Education intends to create 14 DE Admin. Code 747 Criminal Background Check for Private School and Youth Camp Related Employment. This regulation is being created due to changes in Titles 11, 16 and 31 of the Delaware Code related to Background Checks for Private Schools.

- Regulation 775 - New Teacher Hiring Date Reporting—For Information - Secretary Only Approval

The Secretary of Education intends to amend 14 DE Admin. Code 775 New Teacher Hiring Date Reporting. This regulation is being amended to align teacher hiring date collection with annual reporting done within the Teacher and Leader Effectiveness branch of the Department of Education and as required by 14 Del. Code §1725. This regulation was published in the November Register of Regulations and because of comments received is being republished.

### ***Professional Standards Board***

- Regulation 1506 - Emergency Certificate—For Publication

The Professional Standards Board, acting in cooperation and collaboration with the Department of Education, seeks the consent of the State Board of Education to amend DE Admin. Code 1506 – Emergency Certificate. This regulation shall apply to the issuance of an Emergency Certificate, pursuant to 14 Del. C. 1221. It was necessary to review and amend this regulation in order to provide current formatting and to eliminate unnecessary language, as well as to allow the Department of Education the ability to process some Emergency Certificates automatically for those enrolled in an approved Alternate Routes program. Regulation 1506 Emergency Certificate was approved for publication on a motion by Mrs. Bunting that was seconded by Mrs. Rutt. The motion carried unanimously.

- Regulation 1590 - Delaware Administrator Standards—For Action

The Professional Standards Board, acting in cooperation and collaboration with the Department of Education, seeks the consent of the State Board of Education to amend DE Admin. Code 1590 – Delaware Administrator Standards. This regulation shall apply to all school administrators employed within the public schools and charter schools of the State of Delaware. This regulation is being reviewed under a five-year cycle. A motion was made by Mr. Coverdale to approve the publication of Regulation 1590. The motion was seconded by Mr. Melendez and carried unanimously. Delaware Administrator Standards was presented for action. A motion was made by Mrs. Rutt to amend the regulation. The motion was seconded by Mrs. Bunting and carried unanimously.

- Ed TPA/PPAT Performance Assessments—For Action

After review and analysis of the two approved Performance Assessments, the PSB has recommended cut scores for both the edTPA and PPAT effective July 1, 2016.

Recommended Cut Scores:

PPAT: 38

edTPA:

13 rubric fields (for world language teachers): 33

15 rubric fields (covers approx. 90% of certification fields): 38

18 rubric fields (for multiple content combination fields - elementary): 46

The PSB has recommended that the passing scores on each assessment be revisited in September 2017 using Delaware and national data. A motion was made by Mrs. Bunting to approve the cut scores effective July 1, 2016. The motion was seconded by Mr. Coverdale and carried unanimously.

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## **IX. March 17, 2016**

### ***Career and Technical Education Plan, Perkins IV***

#### Amendments to the State Perkins Plan – For Action

Luke Rhine, Director of CTE Initiatives for the Department, noted that the amendments to the State Perkins Plan were presented last month. The State Board is the eligible agency and sole agency responsible for the supervision of administration of career and technical education for purposes of the Federal Carl D. Perkins Career and Technical Education Act of 2006 Amendments to the State Perkins Plan. Mr. Rhine explained that the State Board's CTE Special Committee met and held public hearings for public comment. A motion was made by Mr. Heffernan to approve the plan as presented. The motion was seconded by Mr. Melendez and carried unanimously.

### ***WEIC—Wilmington Education Improvement Commission***

- WEIC Final Proposal (For Action)

Dr. Gray noted that on December 16, 2015 the Wilmington Education Improvement Commission submitted to the SBE its final report entitled "Redistricting in the City of Wilmington and New Castle County: A Transition, Resource, and Implementation Plan." The State Board at its meeting on January 21, 2016 voted to return the plan to the Commission for revision and resubmission. The WEIC resubmitted the plan with an addendum for action at the Board's February 18, 2016 meeting. The Board first voted not to approve the plan as presented, and then voted to approve the plan with 2 conditions. By letter to WEIC dated February 23, 2016 the SBE recited the conditions of its conditional approval as follows:

1. Approval by the Delaware Department of Education of priority school plans submitted by Christina School District.
2. Change of the word "shall" to "may" in item #2 of the resolution within the plan.

On March 15th the WEIC resubmitted its final plan containing the addendum. Condition 1 has been shown to be met and is memorialized in a March 8, 2016 letter from Secretary Godowsky to the State Board and WEIC, which is part of the record. Condition 2 was addressed by modification to the language

in clause #2 of the Resolution by removing the sentence in question containing the word “shall.” The role for suspending the plan due to insufficient funding is that of WEIC and the Districts.

Dr. Gray also noted the official record which the Board will base its decision. A motion was made by Mr. Melendez to approve the WEIC Redistricting Plan with Addendum as submitted. The motion was seconded by Mr. Coverdale. Mrs. Rutt commented that the first condition has been met and felt that the second condition had been partially met and that the plan was in the best interest of children.

Mr. Heffernan stated that he cannot accept the argument that one is either for this current plan or against the kids. He stated that he is for kids and for a plan but these students need a stronger plan. Mr. Heffernan also agrees with WEIC in that a more equitable funding system is needed. He also noted that there is little difference in the achievement of low income students in Red Clay when compared to Christina and the Board asked in the very beginning that it needed to see improving student outcomes in the plan. Mr. Heffernan stated that he cannot accept an education improvement plan that does nothing better than what is currently being done. Mr. Melendez commented that the Board has always been focused on the students and challenged WEIC to make substantial changes and not come back with excuses. The motion carried by roll call vote. Voting yes was Mr. Melendez, Mrs. Rutt, Dr. Whittaker, and Dr. Gray. Mrs. Bunting, Mr. Coverdale, and Mr. Heffernan voted no.

### ***Department of Education Standards***

- **Revisions to Arts Standards—For Action**

Chief Academic Officer Michael Watson and Deb Hansen noted that the State Board was presented with the revisions to the arts standards at its February meeting. Ms. Hansen provided the Board with the feedback received from the public workshops. A motion was made by Mrs. Bunting to consent to the revised Arts Standards. The motion was seconded by Mr. Coverdale and carried unanimously.

### ***Department of Education Regulations***

- **Regulation 106A - Teacher Appraisal Process, Delaware Performance Appraisal System DPAS II Revised—For Discussion**

The regulation is being amended to clarify policy and procedures for credentialing and re-credentialing of those who utilize the statewide teacher evaluation system. The regulation is also being amended to reduce the number of surveys educators receive for the evaluation of the teacher appraisal system by setting the requirement to biennial instead of annual.

- **Regulation 107A - Specialist Appraisal Process Delaware Performance Appraisal System DPASII Revised—For Discussion**

The regulation is being amended to clarify policy and procedures for credentialing and re-credentialing of those who utilize the statewide specialist evaluation system. The regulation is also being amended to

reduce the number of surveys educators receive for the evaluation of the specialist appraisal system by setting the requirement to biennial instead of annual.

- Regulation 292 - Post Secondary Institutions and Degree Granting Institutions of Higher Learning—For Discussion

The amendments reformat the regulation in order to clarify the approval process for Degree Granting Institutions of Higher Education.

- Regulation 923 - Children with Disabilities, Subpart B—For Discussion

The Secretary of Education seeks the consent of the State Board of Education to amend 14 DE Admin. Code 923 Children with Disabilities Subpart B General Duties and Eligibility of Agencies. The amendments are being made to align the regulation with 14 Delaware Code §3125 related to the establishment and procedures for the creation and maintenance of a parent council for the parents of students with disabilities. The Department of Education has met and received preliminary input from the Governor’s Advisory Council for Exceptional Citizens regarding the amendments to this regulation.

- Regulation 924 - Children with Disabilities - Subpart C—For Discussion

The Secretary of Education seeks the consent of the State Board of Education to amend 14 DE Admin. Code 926 Children with Disabilities Subpart E Procedural Safeguards for Parents and Children. The amendments are being made to align with changes made to 14 Del. Code §3131 (b) regarding IEP meeting minutes being digitally provided by the public agency if initiated, as well as prior written notice for proposed changes.

- Regulation 925 - Children with Disabilities -Subpart D—For Discussion

The Secretary of Education seeks the consent of the State Board of Education to amend 14 DE Admin. Code 925 Children with Disabilities Subpart D, Evaluations, Eligibility Determination, Individualized Education Programs. The amendments are being made to align with changes made to 14 Del. Code, Ch. 31 which includes progress on transition goals and conduct of Individualized Education Program (IEP) meetings, notice of such meetings and parent input prior to IEP meetings. The amendments also include notice that the DOE, in response to the Department of Justice, shall survey annually parents who have children with IEPs to ensure compliance with state and federal laws and this regulation.

- Regulation 926 - Children with Disabilities - Subpart E—For Discussion

The Secretary of Education seeks the consent of the State Board of Education to amend 14 DE Admin. Code 926 Children with Disabilities Subpart E Procedural Safeguards for Parents and Children. The amendments are being made to align with changes made to 14 Del. Code §3131 (b) regarding IEP meeting minutes being digitally provided by the public agency if initiated, as well as prior written notice for proposed changes.

- Regulation 621 - District and School Emergency Preparedness Policy – Repeal—For Information, Secretary Only Approval

This regulation is being repealed in order to eliminate confusion for districts and charter schools in terms of the policy to follow with regards to emergency preparedness. These entities are to comply with the 29 Del. C. §8237, otherwise known as the Omnibus School Safety Act (OSSA), and therefore this regulation is no longer needed.

## ***Charters***

- Major Modification—Delaware Academy of Public Safety and Security: For Action

Delaware Academy of Public Safety and Security requested a major modification to decrease the student enrollment by 22% over five years, effective July 1, 2016. The Charter School Accountability Committee voted unanimously to recommend approval of the request. Secretary Godowsky stated that after review of the record he agreed and recommended that the State Board

consent to his decision. A motion was made by Mrs. Bunting to consent to the major modification request. The motion was seconded by Mr. Melendez and carried unanimously by voice vote (Not Present: Dr. Whittaker).

- Major Modification—Delaware Design Lab High School: For Action

Delaware Design Lab High School requested a major modification to decrease the student enrollment by 15% over five years. The Charter School Accountability Committee voted unanimously to recommend approval of the request. Secretary Godowsky stated that after review of the record he agreed and recommended that the State Board consent to his decision. A motion was made by Mrs. Rutt to consent to the major modification request. The motion was seconded by Mr. Melendez and carried unanimously by voice vote (Not Present: Dr. Whittaker).

- Major Modification—First State Montessori Academy: For Action

First State Montessori Academy requested a major modification to increase the student enrollment by 15% in 2016-2017 and to change the grade configuration to add 7th and 8th grade in 2017 and 2018. The request also added space to accommodate the increased enrollment. The Charter School Accountability Committee voted unanimously to recommend approval of the request. Secretary Godowsky stated that after review of the record he agreed and recommended that the State Board consent to his decision. A motion was made by Mrs. Bunting to consent to the major modification request. The motion was seconded by Mr. Melendez and carried unanimously by voice vote (Not Present: Dr. Whittaker).

- Major Modification—Prestige Academy: For Action

Prestige Academy requested a major modification to change its grade configuration to eliminate Grade 5 and serve Grades 6-8 and to reduce the number of school attendance days from 194 to 184. The Charter School Accountability Committee voted unanimously to recommend approval of the request. Secretary Godowsky stated that after review of the record he agreed and recommended that the State Board consent

to his decision. A motion was made by Mr. Melendez to consent to the major modification request. The motion was seconded by Mrs. Bunting and

carried by roll call vote (Yes: Mrs. Bunting, Mr. Coverdale, Mr. Heffernan, Mrs. Rutt, Dr. Gray; No: Mr. Melendez; Not Present: Dr. Whittaker).

### ***Professional Standards Board***

- **Regulation 1559 - Skilled and Technical Sciences Teacher—For Publication**

The Professional Standards Board, acting in cooperation and collaboration with the Department of Education, seeks the consent of the State Board of Education to amend DE Admin. Code 1559 – Skilled and Technical Sciences Teacher. This regulation shall apply to the issuance of a Standard Certificate, pursuant to 14 Del. C. §1220(a) for Skilled and Technical Sciences Teacher in a specific career area. It was necessary to review and amend this regulation so that it accurately reflects on what the Professional Standards Board voted on. Regulation 1559 was approved for publication. The motion was made by Mrs. Rutt and seconded by Mr. Melendez. The motion carried unanimously.

- **Regulation 1506 - Emergency Certificate—For Discussion**

The Professional Standards Board, acting in cooperation and collaboration with the Department of Education, seeks the consent of the State Board of Education to amend DE Admin. Code 1506 – Emergency Certificate. This regulation shall apply to the issuance of an Emergency Certificate, pursuant to 14 Del. C. 1221. It was necessary to review and amend this regulation in order to provide current formatting and to eliminate unnecessary language, as well as to allow the Department of Education the ability to process some Emergency Certificates automatically for those enrolled in an approved Alternate Routes program.

- **Regulation 1502 - Professional Growth Salary Increments—For Action**

The Professional Standards Board, acting in cooperation and collaboration with the Department of Education, seeks the consent of the State Board of Education to amend DE Admin. Code 1502 – Professional Growth Salary Increments. This regulation shall apply to graduate level salary increments for educators, pursuant to 14 Del. C. 1305 (a). It was necessary to review and amend this regulation in order to provide current formatting and to eliminate unnecessary language. A motion was made by Mrs. Bunting to approve the amendments to the regulation. The motion was seconded by Mr. Melendez and carried unanimously.

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### **X. April 21, 2016**

#### ***Department of Education Standards***

- **Revisions to Social Studies Standards—For Action**



Carolyn Lazar and Dusty Shockley presented the revisions to the Social Studies standards. The proposed updates clarify the content expectations and better reflect the level of understanding required in the field of social studies education. Examples of updated standards were highlighted and the revision process. In November 2015 the Department requested a partnership with the Social Studies Coalition of Delaware to investigate the need for an update to the Social Studies standards. A motion was made Mr. Coverdale to approve the adoption of the revised and updated Social Studies standards. The motion was seconded by Mr. Melendez and carried by roll call vote (Yes: Mr. Coverdale, Mr. Melendez, Dr. Whittaker, Dr. Gray; No: Mrs. Bunting). Mrs. Bunting commented that her dissenting vote was due to the lack of detail where information is being taught. She cited the example of teaching students about the country's founding fathers. Secretary Godowsky stated he would convey her concerns to the Social Studies Coalition.

### ***Department of Education Regulations***

- Regulation 106A - Teacher Appraisal Process, Delaware Performance Appraisal System DPAS II Revised—For Action

The regulation is being amended to clarify policy and procedures for credentialing and re-credentialing of those who utilize the statewide teacher evaluation system. The regulation is also being amended to reduce the number of surveys educators receive for the evaluation of the teacher appraisal system by setting the requirement to biennial instead of annual. A motion was made by Mrs. Bunting to approve the amended Regulation 106A. The motion was seconded by Dr. Whittaker and carried unanimously.

- Regulation 107A - Specialist Appraisal Process Delaware Performance Appraisal System DPASII Revised—For Action

The regulation is being amended to clarify policy and procedures for credentialing and re-credentialing of those who utilize the statewide specialist evaluation system. The regulation is also being amended to reduce the number of surveys educators receive for the evaluation of the specialist appraisal system by setting the requirement to biennial instead of annual. A motion was made by Mr. Melendez to approve the amended Regulation 107A. The motion was seconded by Dr. Whittaker and carried unanimously.

- Regulation 923 - Children with Disabilities, Subpart B—For Action

The Secretary of Education seeks the consent of the State Board of Education to amend 14 DE Admin. Code 923 Children with Disabilities Subpart B General Duties and Eligibility of Agencies. The amendments are being made to align the regulation with 14 Delaware Code §3125 related to the establishment and procedures for the creation and maintenance of a parent council for the parents of students with disabilities. The Department of Education has met and received preliminary input from the Governor's Advisory Council for Exceptional Citizens regarding the amendments to this regulation. A motion was made by Dr. Whittaker to approve the amended Regulation 923 Children with Disabilities Subpart B General Duties and Eligibility of Agencies. The motion was seconded by Mr. Melendez and carried unanimously.

- Regulation 924 - Children with Disabilities - Subpart C—For Discussion

The Secretary of Education seeks the consent of the State Board of Education to amend 14 DE Admin. Code 926 Children with Disabilities Subpart E Procedural Safeguards for Parents and Children. The amendments are being made to align with changes made to 14 Del. Code §3131 (b) regarding IEP meeting minutes being digitally provided by the public agency if initiated, as well as prior written notice for proposed changes. A motion was made by Dr. Whittaker to approve the amended Regulation 924 Children with Disabilities Subpart C Local Educational Agency Eligibility. The motion was seconded by Mr. Melendez and carried unanimously.

- Regulation 926 - Children with Disabilities - Subpart E—For Discussion

The Secretary of Education seeks the consent of the State Board of Education to amend 14 DE Admin. Code 926 Children with Disabilities Subpart E Procedural Safeguards for Parents and Children. The amendments are being made to align with changes made to 14 Del. Code §3131 (b) regarding IEP meeting minutes being digitally provided by the public agency if initiated, as well as prior written notice for proposed changes. A motion was made by Dr. Whittaker to approve the amended Regulation 926 Children with Disabilities Subpart E Procedural Safeguards for Parents and Children. The motion was seconded by Mr. Melendez and carried unanimously.

## ***Charters***

- Academia Antonio Alonso – Charter Modification—For Action

Academia Antonio Alonso has requested a charter modification to move from its current location to the former Odyssey site on Barley Mill Plaza. The Charter School Accountability Committee voted unanimously to recommend approval of the request. Secretary Godowsky stated that after review of the record he agreed and recommended that the State Board consent to his decision. A motion was made by Mrs. Bunting to consent to the major modification request. The motion was seconded by Dr. Whittaker and carried unanimously.

- Delaware STEM Academy – Formal Review—For Action

Delaware STEM has an approved enrollment of 250 9th and 10th graders. Charter schools are required to have 80% of its projected enrollment by April 1st. Delaware STEM had an enrollment of 72 students or 29% and as of today, there are 90 students enrolled or 36% of its enrollment. Secretary Godowsky has asked that the State Board assent to proceed with formal review for Delaware STEM Academy. A motion was made by Mr. Melendez to assent to the Secretary's request for formal review for Delaware STEM. The motion was seconded by Mrs. Bunting and carried unanimously.

## ***Professional Standards Board***

- Regulation 1522 Elementary School Counselor—For Publication

The Professional Standards Board, acting in cooperation and collaboration with the Department of Education, seeks the consent of the State Board of Education to amend DE. Admin. Code 1522 – Elementary School Counselor. This regulation shall apply to the issuance of a Standard Certificate, pursuant to 14 Del. C. §1220(a), for Elementary School Counselor. This certification is required for

grades K to five (5), and is valid in grades six (6) to eight (8) in a Middle Level school. A Middle Level School Counselor must hold either an Elementary School Counselor Standard Certificate or a Secondary School Counselor Standard Certificate. This regulation is being reviewed and amended to adjust the current course count for an Elementary School Counselor. Regulation 1552 Elementary School Counselor was approved for publication. The motion was made by Mrs. Bunting and seconded by Dr. Whittaker. The motion carried unanimously.

- Regulation 1545 - Secondary School Counselor—For Publication

The Professional Standards Board, acting in cooperation and collaboration with the Department of Education, seeks the consent of the State Board of Education to amend DE. Admin. Code 1545 – Secondary School Counselor. This regulation shall apply to the issuance of a Standard Certificate, pursuant to 14 Del. C. §1220(a), for Secondary School Counselor. This certification is required for grades nine (9) to twelve (12) and is valid in grades six (6) to eight (8) in a Middle Level school. A Middle Level School Counselor must hold either an Elementary School Counselor Standard Certificate or a Secondary School Counselor Standard Certificate. This regulation is being reviewed and amended to adjust the current course count for a Secondary School Counselor. Regulation 1545 Secondary School Counselor was approved for publication. The motion was made by Dr. Whittaker and seconded by Mr. Melendez. The motion carried unanimously.

- Regulation 1582 - School Nurse—For Publication

The Professional Standards Board, acting in cooperation and collaboration with the Department of Education, seeks the consent of the State Board of Education to amend DE Admin. Code 1582 – School Nurse. This regulation shall apply to the issuance of a Standard Certificate, pursuant to 14 Del. C. §1220(a), for School Nurse. This certification is required for all School Nurses providing services to children within the Delaware public school system. This regulation is being reviewed under a five-year cycle.

- Regulation 1559 - Skilled and Technical Sciences Teacher—For Discussion

The Professional Standards Board, acting in cooperation and collaboration with the Department of Education, seeks the consent of the State Board of Education to amend DE. Admin. Code 1559 – Skilled and Technical Sciences Teacher. This regulation shall apply to the issuance of a Standard Certificate, pursuant to 14 Del. C. §1220(a) for Skilled and Technical Sciences Teacher in a specific career area. It was necessary to review and amend this regulation so that it accurately reflects on what the Professional Standards Board voted on. Regulation 1559 Skilled and Technical Sciences Teacher was discussed. Approval of the amended regulation will be presented next month.

- Regulation 1506 - Emergency Certificate—For Action

The Professional Standards Board, acting in cooperation and collaboration with the Department of Education, seeks the consent of the State Board of Education to amend DE Admin. Code 1506 – Emergency Certificate. This regulation shall apply to the issuance of an Emergency Certificate, pursuant to 14 Del. C. 1221. It was necessary to review and amend this regulation in order to provide current formatting and to eliminate unnecessary language, as well as to allow the Department of Education the ability to process some Emergency Certificates automatically for those enrolled in an approved Alternate Routes program. Regulation 1506 Emergency Certificate was presented for approval. Mr. Kenton stated that comments were received from the Governor’s Advisory Council for Exceptional Citizens. A motion was made by Mr. Coverdale to approve the amended regulation. The motion was seconded by Mr. Melendez and carried unanimously.



## **XI. May 19, 2016**

### ***Department of Education—Assessments***

- Social Studies Assessment

Secretary Godowsky explained that the committee formed by Senate Joint Resolution 2 on assessment inventory is finalizing its recommendations. One recommendation is the pausing of the state assessment in social studies. This recommendation is supported by the Social Studies Coalition. A new test will be administered in 2017-2018 and be aligned to Common Core and Delaware's new Social Studies Standards.

- SAT Update

Dr. Godowsky noted that the transition from Smarter Balanced to the SAT for Grade 11 was very successful and thanked the schools for the smooth transition. The Department will be determining the SAT cut scores and is working with teachers and stakeholders.

### ***Department of Education Regulations***

- Regulation 922 - Children with Disabilities Subpart A, Purposes and Definitions—For Information

The Secretary of Education seeks the consent of the State Board of Education to amend 14 DE Admin. Code 922 Children with Disabilities Subpart A, Purposes and Definitions. The regulation is being amended to change the terminology of "Emotional Disturbance" to also be known as "Emotional Disability" as these terms are used interchangeably.

- Regulation 925 - Children with Disabilities Subpart D, Evaluations, Eligibility Determination and Individualized Education Programs—For Information

The Secretary of Education seeks the consent of the State Board of Education to amend 14 DE Admin. Code 925 Children with Disabilities Subpart D, Evaluations, Eligibility Determination, Individualized Education Programs. The regulation is being amended to align the regulation with changes made to 14 DE Code, Chapter 31, which includes progress on transition goals and conduct of Individualized Education Program (IEP) meetings, notice of such meetings and parent input prior to IEP meetings. The amendments also include that the Department of Education (DOE), in conjunction with the Department of Justice, will annually survey a random and representative sample of parents and their children who have Individualized Education Programs (IEP) with respect to their satisfaction with the IEP process. Additionally, it is being amended to change the terminology of "Emotional Disturbance" to also be known as "Emotional Disability" as these terms are often used interchangeably.

- Regulation 292 - Post Secondary Institutions and Degree Granting Institutions of Higher Learning—For Action

The Secretary of Education seeks the consent of the State Board of Education to amend 14 DE Admin. Code 292 Post Secondary Institutions and Degree Granting Institutions of Higher Education. The regulation is being reformatted and revised to clarify the approval process for Degree Granting

Institutions of Higher Education. A motion was made by Mr. Coverdale to approve the amended Regulation 292. The motion was seconded by Dr. Whittaker and carried unanimously.

### ***Professional Standards Board***

- Regulation 1522 Elementary School Counselor—For Discussion

The Professional Standards Board, acting in cooperation and collaboration with the Department of Education, seeks the consent of the State Board of Education to amend DE. Admin. Code 1522 – Elementary School Counselor. This regulation shall apply to the issuance of a Standard Certificate, pursuant to 14 Del. C. §1220(a), for Elementary School Counselor. This certification is required for grades K to five (5), and is valid in grades six (6) to eight (8) in a Middle Level school. A Middle Level School Counselor must hold either an Elementary School Counselor Standard Certificate or a Secondary School Counselor Standard Certificate. This regulation is being reviewed and amended to adjust the current course count for an Elementary School Counselor.

- Regulation 1545 - Secondary School Counselor—For Discussion

The Professional Standards Board, acting in cooperation and collaboration with the Department of Education, seeks the consent of the State Board of Education to amend DE. Admin. Code 1545 – Secondary School Counselor. This regulation shall apply to the issuance of a Standard Certificate, pursuant to 14 Del. C. §1220(a), for Secondary School Counselor. This certification is required for grades nine (9) to twelve (12) and is valid in grades six (6) to eight (8) in a Middle Level school. A Middle Level School Counselor must hold either an Elementary School Counselor Standard Certificate or a Secondary School Counselor Standard Certificate. This regulation is being reviewed and amended to adjust the current course count for a Secondary School Counselor.

- Regulation 1582 - School Nurse—For Discussion

The Professional Standards Board, acting in cooperation and collaboration with the Department of Education, seeks the consent of the State Board of Education to amend DE Admin. Code 1582 – School Nurse. This regulation shall apply to the issuance of a Standard Certificate, pursuant to 14 Del. C. §1220(a), for School Nurse. This certification is required for all School Nurses providing services to children within the Delaware public school system. This regulation is being reviewed under a five-year cycle.

- Regulation 1559 - Skilled and Technical Sciences Teacher—For Action

The Professional Standards Board, acting in cooperation and collaboration with the Department of Education, seeks the consent of the State Board of Education to amend DE. Admin. Code 1559 – Skilled and Technical Sciences Teacher. This regulation shall apply to the issuance of a Standard Certificate, pursuant to 14 Del. C. §1220(a) for Skilled and Technical Sciences Teacher in a specific career area. It was necessary to review and amend this regulation so that it accurately reflects on what the Professional Standards Board voted on. Regulation 1559 Skilled and Technical Sciences Teacher was discussed. Regulation 1559 Skilled and Technical Sciences Teacher was presented for action. A motion was made

by Mr. Coverdale to approve the amended regulation. The motion was seconded by Mrs. Bunting and carried unanimously.



- PRAXIS Score - Professional School Counselor—For Action

The Professional Standards Board requested the Board’s approval for a Praxis II test for Professional School Counselors that will be required for certification: (5421) Professional School Counselor. The adoption of this assessment which is designed to measure whether entry-level school counselors have the standards-relevant knowledge, skills, and abilities is believed necessary for competent professional practice. It was requested that the Board approve a passing score of a 156 on (5421) Professional School Counselor Praxis II exam, with an effective date of January 1, 2017. A motion was made by Dr. Whittaker to approve the passing score and effective date. The motion was seconded by Mr. Heffernan and carried unanimously.

## *Appeals*

- J.M. v. Cape Henlopen School District Board of Education (2016-01)—For Action

A motion was made by Mr. Coverdale to accept the proposed Decision and Order of the Hearing Office and adopt it as the State Board’s Decision. The motion was seconded by Dr. Whittaker and carried by roll call vote. (Ayes: Mr. Coverdale, Mr. Heffernan, Dr. Whittaker, Mr. Melendez. No: Mrs. Bunting).

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## **XII. June 16, 2016**

### ***Department of Education Regulations***

- Regulation 922 - Children with Disabilities Subpart A, Purposes and Definitions—For Discussion

The Secretary of Education seeks the consent of the State Board of Education to amend 14 DE Admin. Code 922 Children with Disabilities Subpart A, Purposes and Definitions. The regulation is being amended to change the terminology of “Emotional Disturbance” to also be known as “Emotional Disability” as these terms are used interchangeably.

- Regulation 925 - Children with Disabilities Subpart D, Evaluations, Eligibility Determination and Individualized Education Programs—For Discussion

The Secretary of Education seeks the consent of the State Board of Education to amend 14 DE Admin. Code 925 Children with Disabilities Subpart D, Evaluations, Eligibility Determination, Individualized Education Programs. The regulation is being amended to align the regulation with changes made to 14 DE Code, Chapter 31, which includes progress on transition goals and conduct of Individualized Education Program (IEP) meetings, notice of such meetings and parent input prior to IEP meetings. The amendments also include that the Department of Education (DOE), in conjunction with the Department of Justice, will annually survey a random and representative sample of parents and their children who have Individualized Education Programs (IEP) with respect to their satisfaction with the IEP process. Additionally, it is being amended to change the terminology of “Emotional Disturbance” to also be known as “Emotional Disability” as these terms are often used interchangeably.



- For State Board Information Only - Regulation 616 - Uniform Due Process Procedures for Alternative Placement Meetings and Expulsion Hearings—Approval by Secretary

The Secretary of Education intends to create 14 DE Admin. Code 616 Uniform Due Process Procedures for Alternative Placement Meetings and Expulsion Hearings. This regulation is being created pursuant to 14 Del. C. §122 (b) (26) to provide uniform procedures for alternative placement meetings and expulsion hearings.

This regulation was published for public comment on December 1, 2015 with comments being received from the Attorney General Matt Denn, the ACLU Foundation of Delaware, Representative Kimberly Williams, the Governor’s Advisory Council for Exceptional Citizens, the State Council for Persons with Disabilities and various school district personnel. One comment specifically required the removal of 10.4.1.2 in its entirety, as per the Administrative Procedures Act, school districts are not required to receive written exceptions, comments or arguments relative to expulsion decisions. This is a substantive change which required the regulation to be republished.

Additionally, several comments received were found to warrant changes and those changes were made to this republished proposed regulation. In general they are: (1) Corrected definition of Parent to include a student age 18 or older, (2) Clarified definition of and added Appropriate Educational Services where pertinent, (3) Clarified definition of Expulsion to include “any other Delaware public school”, (4) Added language in Grievance definition to note that the Grievance Guidelines will be posted on the DOE website, (5) Clarified definition of Student Review to include student and parent participation, as well as alignment with individual goals and expectations, (6) Clarified the principal’s authority for removing student from general student population as part of the Preliminary Discipline Investigation and relative to due process delay provisions, (7) Noted reasonable efforts would be made to include the allegedly offending student with regard to the student interview, (8) Clarified timeframe (“as soon as practicable”) regarding when confiscated contraband shall be turned over to police, (9) Strengthened language throughout regulation regarding notification of various meetings/hearings relative to specific timetables, persons involved, and multiple methods of notification, (10) Added language relative to the Individualized Service Plan where warranted, (11) Relative to student conference, added language that there shall be one other person present at the conference or the conference shall be audio recorded, (12) Referenced student placement eligibility in a Consortium Discipline Alternative Program and associated services, and (13) Other minor word, numbering and grammatical changes as needed. There were also several comments received and considered that for various reasons did not warrant changes be made to the proposed regulation.

## ***Charters***

- Delaware STEM Academy Formal Review—For Action

Ms. Nagourney explained that Delaware STEM Academy was required to have 80% of its total approved enrollment enrolled by April 1st. The school has been approved for 200 students but showed an enrollment of only 29% or 72 students by April 4th. Enrollment is currently 129 students which is below the 80% requirement. It was the recommendation of the Charter School Accountability Committee to revoke the school’s charter. Dr. Godowsky stated that after review of the record he concurred with the CSAC recommendation and asked that the Board assent to the revocation of the school’s charter

immediately. A motion was made by Mrs. Bunting that based on the review of the record and the Secretary's decision, the Board assents to the decision to revoke the charter of the Delaware STEM Academy. The motion was seconded by Dr. Whittaker and carried by roll call vote (Yes: Mrs. Bunting, Mr. Heffernan, Mr. Melendez, Mrs. Rutt, Dr. Whittaker; No: Dr. Gray).

### ***Professional Standards Board***

- **Regulation 1522 Elementary School Counselor—For Action**

The Professional Standards Board, acting in cooperation and collaboration with the Department of Education, seeks the consent of the State Board of Education to amend DE. Admin. Code 1522 – Elementary School Counselor. This regulation shall apply to the issuance of a Standard Certificate, pursuant to 14 Del. C. §1220(a), for Elementary School Counselor. This certification is required for grades K to five (5), and is valid in grades six (6) to eight (8) in a Middle Level school. A Middle Level School Counselor must hold either an Elementary School Counselor Standard Certificate or a Secondary School Counselor Standard Certificate. This regulation is being reviewed and amended to adjust the current course count for an Elementary School Counselor. Regulation 1552 Elementary School Counselor was presented for action. Mr. Kenton did acknowledge that written comments were received. A motion was made by Mrs. Rutt to approve the amended regulation. The motion was seconded by Mr. Heffernan and carried unanimously.

- **Regulation 1545 - Secondary School Counselor—For Action**

The Professional Standards Board, acting in cooperation and collaboration with the Department of Education, seeks the consent of the State Board of Education to amend DE. Admin. Code 1545 – Secondary School Counselor. This regulation shall apply to the issuance of a Standard Certificate, pursuant to 14 Del. C. §1220(a), for Secondary School Counselor. This certification is required for grades nine (9) to twelve (12) and is valid in grades six (6) to eight (8) in a Middle Level school. A Middle Level School Counselor must hold either an Elementary School Counselor Standard Certificate or a Secondary School Counselor Standard Certificate. This regulation is being reviewed and amended to adjust the current course count for a Secondary School Counselor. Regulation 1545 Secondary School Counselor was presented to the State Board for action. Comments were also received for this amended regulation. Jennifer Davis from the Department was present to respond to questions. A motion was made by Mrs. Rutt to approve the amended regulation. The motion was seconded by Dr. Whittaker and carried unanimously.

- **Regulation 1582 - School Nurse—For Action**

The Professional Standards Board, acting in cooperation and collaboration with the Department of Education, seeks the consent of the State Board of Education to amend DE Admin. Code 1582 – School Nurse. This regulation shall apply to the issuance of a Standard Certificate, pursuant to 14 Del. C. §1220(a), for School Nurse. This certification is required for all School Nurses providing services to children within the Delaware public school system. This regulation is being reviewed under a five-year cycle. Regulation 1582 School Nurse was also presented for action. Linda Wolfe and Sue Smith were present to respond to any questions. A motion was made by Mrs. Rutt to approve the amended regulation. The motion was seconded by Mr. Melendez and carried unanimously.



## *Appeals*

- J.M. v. Cape Henlopen School District Board of Education (2016-01)—For Action

A motion was made by Mr. Coverdale to accept the proposed Decision and Order of the Hearing Office and adopt it as the State Board’s Decision. The motion was seconded by Dr. Whittaker and carried by roll call vote. (Ayes: Mr. Coverdale, Mr. Heffernan, Dr. Whittaker, Mr. Melendez. No: Mrs. Bunting).

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## **XIII. July 21, 2016**

### *Department of Education Regulations*

- Regulation 922 – Children with Disabilities Subpart A, Purposes and Definitions – For Action

The Secretary of Education requested the consent of the State Board of Education to amend 14 DE Admin. Code 922 Children with Disabilities Subpart A, Purposes and Definitions. The regulation is being amended to change the terminology of “Emotional Disturbance” to also be known as “Emotional Disability” as these terms are used interchangeably. A motion was made by Mrs. Rutt to amend the regulation. The motion was seconded by Mr. Melendez and carried unanimously by voice vote. The Board signed the appropriate Order.

- Secretary Only Regulations

Ms. Johnson noted that the Board receives for its information only notice of regulations that require the approval of the Secretary only. These regulations do not require action by the Board but may inform or connect with other policy items before the Board and are thus presented for their information and awareness. The Board received information on Regulation 616 and Regulation 255.

### 616 Uniform Due Process Procedures for Alternative Placement Meetings and Expulsion Hearings.

The Secretary of Education intends to create 14 DE Admin. Code 616 Uniform Due Process Procedures for Alternative Placement Meetings and Expulsion Hearings. This regulation is being created pursuant to 14 Del. C. §122 (b) (26) to provide uniform procedures for alternative placement meetings and expulsion hearings. This regulation was published for public comment on December 1, 2015 with comments being received from the Attorney General Matt Denn, the ACLU Foundation of Delaware, Representative Kimberly Williams, the Governor’s Advisory Council for Exceptional Citizens, the State Council for Persons with Disabilities and various school district personnel. One comment specifically required the removal of 10.4.1.2 in its entirety, as per the Administrative Procedures Act, school districts are not required to receive written exceptions, comments or arguments relative to expulsion decisions. This is a substantive

change which required the regulation to be republished. Additionally, several comments received were found to warrant changes and those changes were made to this republished proposed regulation. In general they are: (1) Corrected definition of Parent to include a student age 18 or older, (2) Clarified definition of and added Appropriate Educational Services where pertinent, (3) Clarified definition of Expulsion to include “any other Delaware public school”, (4) Added language in Grievance definition to note that the Grievance Guidelines will be posted on the DOE website, (5) Clarified definition of Student Review to include student and parent participation, as well as alignment with individual goals and expectations, (6) Clarified the principal’s authority for removing student from general student population as part of the Preliminary Discipline Investigation and relative to due process delay provisions, (7) Noted reasonable efforts would be made to include the allegedly offending student with regard to the student interview, (8) Clarified timeframe (“as soon as practicable”) regarding when confiscated contraband shall be turned over to police, (9) Strengthened language throughout regulation regarding notification of various meetings/hearings relative to specific timetables, persons involved, and multiple methods of notification, (10) Added language relative to the Individualized Service Plan where warranted, (11) Relative to student conference, added language that there shall be one other person present at the conference or the conference shall be audio recorded, (12) Referenced student placement eligibility in a Consortium Discipline Alternative Program and associated services, and (13) Other minor word, numbering and grammatical changes as needed. There were also several comments received and considered that for various reasons did not warrant changes be made to the proposed regulation.

#### 255 Definitions of Public School, Private School and Nonpublic School

The Secretary of Education intends to amend 14 DE Admin. Code 255 Definitions of Public School, Private School and Nonpublic School. The purpose of amending this regulation is to expand and clarify definitions of various types of schools as well as change the title of the regulation to more accurately reflect its content. Persons wishing to present their views regarding this matter may do so in writing by the close of business on or before August 5, 2016 to Tina Shockley, Education Associate, Department of Education, Regulatory Review, at 401 Federal Street, Suite 2, Dover, Delaware 19901. A copy of this regulation may be viewed online at the Register 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, Finance Office located at the address listed above. C. IMPACT CRITE

### ***Charters***

David Blowman presented the Charter School update. He highlighted that 114 of the 129 former Delaware STEM students have enrolled in a new school for the 2016-2017 school year and the charter office is continuing to reach out to the parents of the remaining students. The Board also received a timeline for the revisions to the Framework process as well as the timeline for charter renewals.

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#### **XIV. August 18, 2016**

##### ***Department of Education Regulations***

- **Regulation 925 – Children with Disabilities Subpart D, Evaluations, Eligibility Determination, Individualized Education Programs – For Action**

The Secretary of Education seeks the consent of the State Board of Education to amend 14 DE Admin. Code 925 Children with Disabilities Subpart D, Evaluations, Eligibility Determination, Individualized Education Programs. The regulation is being amended to align the regulation with changes made to 14 DE Code, Chapter 31, which includes progress on transition goals and conduct of Individualized Education Program (IEP) meetings, notice of such meetings and parent input prior to IEP meetings. The amendments also include that the Department of Education (DOE), in conjunction with the Department of Justice, will annually survey a random and representative sample of parents and their children who have Individualized Education Programs (IEP) with respect to their satisfaction with the IEP process. Additionally, it is being amended to change the terminology of “Emotional Disturbance” to also be known as “Emotional Disability” as these terms are often used interchangeably. A motion was made by Mrs. Rutt to amend the regulation. The motion was seconded by Mr. Melendez and carried unanimously by voice vote. The Board signed the appropriate Order.

- **Secretary Only Regulations**

Ms. Johnson noted that the Board receives for its information only notice of regulations that require the approval of the Secretary only. These regulations do not require action by the Board.

##### **Department of Education Proposed and Final Regulations**

The following regulation is proposed and out for comment as of August 1, 2016:

Proposed Regulation 706

The following are comments received for the previous months' regulations:

GACEC Reg 255 Comment

SCPD Reg 255 Comment

The following regulation was finalized on August 1, 2016:

Regulation 922

##### ***Charters***

David Blowman presented the Charter School update. He highlighted that First State Military Academy has requested a minor modification to revert back to DPAS II and to modify their agreement with Innovative Schools to reduce costs. Secretary Godowsky has approved the school's minor modification request. The Board received a STEM Update about the nine remaining students that are currently not yet enrolled elsewhere to the Department's knowledge.



Five of those students are in the process of being enrolled in other schools, but have not yet fully completed the enrollment process. Mr. Blowman also presented the Organizational and Financial Framework Revision Process and a brief update on the Alternate Framework.

### ***Professional Standards Board***

Chris Kenton, Executive Director of the Professional Standards Board, presented Regulation 1562 English to Speakers of Other Languages (ESOL) Teacher.

The Professional Standards Board, acting in cooperation and collaboration with the Department of Education, seeks the consent of the State Board of Education to amend DE. Admin. Code 1562 – Teacher of English Language Learners.

This regulation shall apply to the issuance of a Standard Certificate, pursuant to 14 Del.C. §1220(a) for Teacher of English Language Learners.

This regulation is being reviewed and amended as part of the five year review cycle. A motion was made by Dr. Whittaker to approve the publication of this regulation. The motion was seconded by Mr. Melendez and carried unanimously by voice vote.



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