



Governor's Advisory Council for Exceptional Citizens (GACEC)
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March 26, 2021

Department of Education
Office of the Secretary
Attn: Regulation Review
401 Federal Street, Suite 2
Dover, DE 19901

RE: 24 DE Reg. 831/14 DE Admin. Code 230 [DOE Proposed Promotion Process Regulation (March 1, 2021)]

Dear Secretary Bunting:

The Governor's Advisory Council for Exceptional Citizens (GACEC) has reviewed the Delaware Department of Education (DDOE) proposal to change the requirements for students to be promoted from grade to grade in K-12 education. Council **does not endorse** the proposed changes. We would like to share the following observations.

First, Council notes that the motivation for this regulation is unclear.

Second, section 1.2.2 has been removed and replaced with new promotion requirements, changing promotion policies to students in grades K-8 and the percentage needed in order to be promoted from 50% to 75%. Under the proposed changes, students must pass "three (3) of the four (4) core classes to be promoted to the next grade level." These core classes include: "English Language Arts, mathematics, science and social studies." In addition, "two of the three core classes must be English Language Arts and mathematics." So essentially, a student must pass English Language Arts and *either* Social Studies or Science to be promoted to the next grade level. Council requests that any proposed language retain exceptions or specific language allowing ESL and bilingual classes to count toward the Language Arts requirement.

While Council can appreciate that these policies reflect higher standards for core content understanding that students do need to progress in their educational careers, it does not seem appropriate to intensify standards for promotion after a year of academic uncertainty and disruption

due to COVID-19. Also, this change may disproportionately impact students whose lives have already had the most disruption. Do data projections exist regarding the number of children at risk for retention if the standard is increased to 75%? If so, please share with Council.

Third, there is a lack of clarity on practices relative to promotion, assignment and retention. Council would request additional information on each of these policies. There is also a lack of clarity on whether this regulation would apply to students with IEPs. Council would request additional information on this question as well.

Council does support the changes to the regulation that improve parent, guardian and student access to promotion policies. However, as mentioned earlier, we cannot endorse changing promotion policies during the current healthcare and educational upheaval.

Thank you for the opportunity to share our observations with you. Please contact Wendy Strauss or me if you have any questions.

Sincerely,

Ann C Fisher

Ann C. Fisher
Chairperson

ACF: kpc

CC: Whitney Sweeney, State Board of Education
Mary Ann Mieczkowski, Department of Education
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