

DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 122(b)(18) (14 **Del.C.** §122(b)(18))
14 **DE Admin. Code** 503

FINAL

REGULATORY IMPLEMENTING ORDER

503 Instructional Program Requirements

I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

Pursuant to 14 **Del.C.** §122(a) and (b)(6), the Secretary of Education seeks the consent of the State Board of Education to amend 14 **DE Admin. Code** 503 Instructional Program Requirements. This regulation is being amended to update references to grade-level and course-level expectations to ensure alignment with current practice, to remove reference to "local" school districts, to add Health Education instructional program requirements, and to amend grammar and punctuation to comply with the *Delaware Administrative Code Drafting and Style Manual*.

Notice of the proposed regulation was published in the *Register of Regulations* on November 1, 2023. The Department received five written comments, all generally supportive of the regulation amendments. However, one comment concerned the following:

Issue: The exemption for the James H. Groves High School programs from the program requirements. Specifically, education of students at James H. Groves High School should not involve any lesser program requirements.

Response: The James H. Groves High School is composed of adult learners not enrolled in the K12 system who wish to attain their high school diploma. These students can reside in the community or under Department of Correction supervision. The James H. Groves High School follows the Department of Education requirements for graduation with substitutions due to the populations of students attending the program. On average, over the past four years, 60% of all Groves learners were 19 to 60+ years of age. In the Prison Education Program, an average 85% of Groves learners were between 19 and 60+ years of age. An additional elective credit was substituted for the physical education credit due to the appropriateness of physical fitness activities for the wide range of age groups.

Health education instruction is available to all James H. Groves High School students in the community and prison education programs and is a required course to graduate.

Visual arts courses are available as electives to James H. Groves High School students in the community and prison education programs.

II. FINDINGS OF FACT

The Department further finds that the proposed amendments to the regulation are necessary to update references to grade-level and course-level expectations to ensure alignment with current practice, to remove reference to "local" school districts, to add Health Education instructional program requirements, and to amend grammar and punctuation to comply with the *Delaware Administrative Code Drafting and Style Manual*.

III. DECISION TO AMEND THE REGULATION

For the foregoing reasons, the Secretary concludes that it is appropriate to amend 14 **DE Admin. Code** 503 Instructional Program Requirements. Therefore, pursuant to 14 **Del.C.** §122, 14 **DE Admin. Code** 503 Instructional Program Requirements attached hereto as Exhibit A, is hereby amended. Pursuant to the provision of 14 **Del.C.** §122(e), 14 **DE Admin. Code** 503 Instructional Program Requirements hereby amended shall be in effect for a period of five years from the effective date of this order as set forth in Section V. below.

IV. TEXT AND CITATION

The text of 14 **DE Admin. Code** 503 Instructional Program Requirements amended hereby shall be in the form attached hereto as Exhibit A and said regulation shall be cited as 14 **DE Admin. Code** 503 Instructional Program Requirements in the *Administrative Code of Regulations* for the Department.

V. EFFECTIVE DATE OF ORDER

The effective date of this Order shall be ten days from the date this Order is published in the *Register of Regulations*.

Pursuant to 14 **Del.C.** §122(e), 14 **DE Admin. Code** 503 Instructional Program Requirements shall be in effect for a period of five years from the effective date of this Order unless it is amended or repealed sooner.

IT IS SO ORDERED the 14th day of December, 2023.

Department of Education

Mark A. Holodick, Ed.D., Secretary of Education
Approved this 14th day of December, 2023.

State Board of Education

/s/ Shawn Brittingham, President /s/ Wali W. Rushdan, II
/s/ Deborah Stevens, Vice President
/s/ Candice Fifer
Rev. Provey Powell, Jr. (Absent)

***Please note: Electronic signatures ("/s/") were accepted pursuant to 6 Del.C. §12A-107(d).**

503 Instructional Program Requirements

1.0 English Language Arts

- 1.1 ~~Local school~~ School districts and charter schools shall provide instructional programs in English language arts for each grade K to 12.
- 1.2 All public school students in each grade K to 8 shall be enrolled in an English language arts program that demonstrates alignment to the Department of Education's adopted English Language Arts content standards ~~and grade level expectations.~~
- 1.3 All public school students in grades 9 to 12 shall complete the credits in English language arts necessary to graduate from high school through courses that demonstrate alignment to the Department of Education's adopted English Language Arts content standards ~~and grade level expectations.~~

19 DE Reg. 739 (02/01/16)

20 DE Reg. 971 (06/01/17)

2.0 Mathematics

- 2.1 ~~Local school~~ School districts and charter schools shall provide instructional programs in mathematics for each grade K to 12.
- 2.2 All public school students in each grade K to 8 shall be enrolled in a mathematics program that demonstrates alignment to the Department of Education's adopted mathematics content standards ~~and grade level expectations.~~
- 2.3 All public school students in grades 9 to 12 shall complete the credits in mathematics necessary to graduate from high school through courses that demonstrate alignment to the Department of Education's adopted mathematics content standards and ~~grade level~~ course-level expectations.

19 DE Reg. 739 (02/01/16)

20 DE Reg. 971 (06/01/17)

3.0 Science

- 3.1 ~~Local school~~ School districts and charter schools shall provide instructional programs in science for each grade K to 12.
- 3.2 All public school students in each grade K to 8 shall be enrolled in a science program that demonstrates alignment to the Department of Education's adopted science content standards ~~and grade level expectations.~~
- 3.3 All public school students in grades 9 to 12 shall complete the credits in science necessary to graduate from high school through courses that demonstrate alignment to the Department of Education's adopted science content standards ~~and course expectations.~~

19 DE Reg. 739 (02/01/16)

20 DE Reg. 971 (06/01/17)

4.0 Social Studies

- 4.1 ~~Local school~~ School districts and charter schools shall provide instructional programs in social studies for each grade K to 12.
- 4.2 All public school students in each grade K to 8 shall be enrolled in a social studies program that demonstrates alignment to the Department of Education's adopted social studies content standards ~~and grade-level expectations.~~
- 4.3 All public school students in grades 9 to 12 shall complete the credits in social studies necessary to graduate from high school through courses that demonstrate alignment to the Department of Education's adopted Social Studies social studies content standards ~~and grade-level expectations.~~

19 DE Reg. 739 (02/01/16)

20 DE Reg. 971 (06/01/17)

5.0 Physical Education

- 5.1 ~~Local school~~ School districts and charter schools shall provide instructional programs in physical education for each grade K to 12 ~~with the exception of the James H. Groves High School program. James H. Groves High School program is not required to provide instructional programs in physical education to its students and is exempt from the provisions of this subsection.~~
- 5.2 All public school students in each grade ~~4 to~~ K through 8 shall be enrolled in a comprehensive physical education program that demonstrates alignment to the Department of Education's adopted physical education content standards ~~and grade-level expectations.~~
- 5.3 All public school students in grades 9 to 12 shall complete the credit in physical education necessary to graduate from high school through courses that demonstrate alignment to the Department of Education's adopted physical education content standards ~~and grade-level expectations.~~
 - ~~5.3.4~~ In addition to the ~~one~~ 1 credit required for high school graduation, only ~~one~~ 1 additional elective credit in physical education may be used to fulfill the graduation requirements.
- 5.4 The physical education requirements may be waived only for students who either have an excuse from a qualified licensed healthcare provider, which is defined as anyone lawfully authorized to diagnose and prescribe medical treatment or restriction, or objections based on religious beliefs. The ~~local~~ school district or charter school shall have the authority to grant such waivers. The ~~local~~ school district or charter school shall maintain records of the waivers granted and upon request, make them available for review consistent with Federal and state confidentiality laws.
- 5.5 ~~Local school~~ School districts and charter schools shall annually assess the physical fitness of each student in grades 4 and 7, and in grade 9 or 10. The physical fitness assessment tool used by the districts and charter schools shall be ~~one~~ 1 designated by the Delaware Department of Education.
 - 5.5.1 ~~The local school~~ School districts and charter schools shall provide the results of the physical fitness assessment to the ~~parent(s), guardian(s), or Relative Caregiver~~ parents, guardians, or relative caregiver of each student. The school districts and charter schools shall also report this information to the Delaware Department of Education in a format determined by the Department.
 - ~~5.5.1.1~~ 5.5.2 The Delaware Department of Education shall annually report the statewide grade level results of the physical fitness assessment to the public.

10 DE Reg. 985 (12/01/06)

19 DE Reg. 739 (02/01/16)

20 DE Reg. 971 (06/01/17)

6.0 Visual and Performing Arts

- 6.1 ~~Local school~~ School districts and charter schools shall provide instructional programs in the visual and performing arts for each grade K to 12 ~~with the exception of the James H. Groves High School program. James H. Groves High School program is not required to provide instructional programs in visual and performing arts to its students and is exempt from the provisions of this subsection.~~
- 6.2 All public school students in each grade ~~4 to~~ K through 6 shall be enrolled in a both visual and performing arts ~~program~~ programs that ~~demonstrates~~ demonstrate alignment to the Department of Education's adopted visual and performing arts content standards ~~and grade-level~~ grade-level or course-level expectations.

19 DE Reg. 739 (02/01/16)

20 DE Reg. 971 (06/01/17)

7.0 Career and Technical Education

- 7.1 ~~Local school~~ School districts and charter schools, when consistent with the charter school's approved program, shall provide instructional ~~program(s)~~ programs in grades 7 and 8 that demonstrate alignment to career and technical education programs of study within the high school feeder ~~pattern(s)~~ patterns.
- 7.1.4 ~~No later than the 2017-2018 school year, career~~ Career and technical instructional ~~program(s)~~ programs in grades 7 and 8 shall be aligned to career and technical education programs of study at the high school level.
- 7.2 All public school students in grades 9 through 12 in ~~local~~ school districts, and charter schools when consistent with the charter school's approved program, shall be provided with the opportunity to enroll in and complete a career and technical education program of study.

19 DE Reg. 739 (02/01/16)

8.0 World Language

- 8.1 ~~Local school~~ School districts and charter schools with any of grades 9 through 12 shall provide instructional programs in world languages for grades 9 through 12 that demonstrate alignment to the Department of Education's adopted world language content standards and ~~course~~ course-level expectations.
- 8.2 All public school students in grades 9 through 12 shall complete the credits in world languages required to graduate from high school through courses that ~~demonstrates~~ demonstrate alignment to the Department of Education's adopted world language content standards and ~~course~~ course-level expectations.

19 DE Reg. 739 (02/01/16)

20 DE Reg. 971 (06/01/17)

9.0 Health Education

- 9.1 School districts and charter schools shall provide instructional programs in health education for each grade K through 12 that meet the hours requirements outlined in 14 DE Admin. Code 551. James H. Groves High School program is not required to provide instructional programs in health education to its students and is exempt from the provisions of this subsection.
- 9.2 School districts and charter schools shall provide comprehensive health education programming for each grade K through 8 that demonstrates alignment to the Department of Education's adopted health education content standards.
- 9.3 All public school students in grades 9 to 12 shall complete the credits in health education necessary to graduate from high school through health education programming that demonstrates alignment to the Department of Education's adopted health education content standards.

5 DE Reg. 865 (10/01/01)

8 DE Reg. 1709 (06/01/05)

10 DE Reg. 985 (12/01/06)

19 DE Reg. 739 (02/01/16)

20 DE Reg. 971 (06/01/17)

27 DE Reg. 519 (01/01/24) (Final)