

**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** 915

FINAL

ORDER

915 James H. Groves High School

I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

Pursuant to 14 **Del.C.** §122(b)(18), the Delaware Department of Education ("Department") developed amendments to 14 **DE Admin. Code** 915 James H. Groves High School. The regulation provides for the operation of James H. Groves High School, an adult education high school. The proposed amendments in this regulation include adding a defined term in Section 1.0, replacing "State Director" with "Director of Adult and Prison Education Resources" throughout the regulation, and striking the standardized assessment requirement from subsection 2.1.1.1.2. In addition, the proposed amendments include nonsubstantive changes consistent with the Delaware Administrative Code Drafting and Style Manual.

The proposed amendments were published in the *Register of Regulations* on November 1, 2022. The Department received one written submittal concerning the proposed amendments. Benjamin Schrader, Chairperson of the State Council for Persons with Disabilities ("SCPD") commented that the SCPD recommends that the Department include "education" between "alternative" and "program" in the definition of "In School Credit Program" and that the Department not remove the requirement the standard assessment requirement from subsection 2.1.1.1.2 or identify other ways of meeting the secondary skill level. In addition, Mr. Schrader commented that SCPD recommends there be additional language that identifies Groves as providing education to incarcerated students and that those students are otherwise exempt from the admission criteria; the Department reconsider whether expelled students can enroll in Groves without a waiver in subsection 2.3; and reconsider amending subsection 4.2 regarding the absence policy.

As a result of SCPD's written submittal, the Department decided to add "education" to the definition of "In School Credit Program" in Section 1.0 and to not strike the standardized assessment requirement from subsection 2.1.1.1.2 and add additional language to the subsection. Additionally, the Department decided to strike the requirement that provision cannot be made for excused absences from subsection 4.2 because each Groves site has its own attendance policy and the requirement is not necessary. The Department decided not to make any further changes to the regulation that was published on November 1, 2022 as a result of SCPD's written submittal.

In accordance with 29 **Del.C.** §10118(c), the additional changes in Section 1.0, subsection 2.1.1.1.2, and subsection 4.2 are substantive changes. Therefore, the additional changes, together with the amendments that were published on November 1, 2022, are included in this proposed regulation.

Notice of the proposed regulation was published in the *Register of Regulations* on February 1, 2023. The Department received one written submittal concerning the proposed regulation from Ann C. Fisher, Chairperson of the Governor's Advisory Council for Exceptional Citizens ("GACEC"). Ms. Fisher commented that GACEC submitted comments on November 30, 2022 on the proposed regulation that was published on November 1, 2022 but GACEC's comments were not noted in the synopsis of the proposed regulation that was published on February 1, 2023. Ms. Fisher further commented that GACEC's comments in November 2022 were similar to SCPD's comments. Regarding the proposed regulation, Ms. Fisher commented that GACEC thanked the Department for incorporating "education" to the definition of "In School Credit Program" in Section 1.0 and removing the ban on excused absences. Ms. Fisher commented that the proposed change to subsection 2.1.1.1.2 partially addresses GACEC's concern and that GACEC requested clarification about the meaning of "high school credits attained" and whether there are specific instances where one measure is used over another. Additionally, Ms. Fisher commented that GACEC recommended the Department include language that identifies Groves as providing education to incarcerated students and that those students are exempt from the admission criteria. Ms. Fisher also commented that GACEC recommend the Department reconsider the requirement that a student who is pending expulsion or has been expelled from a public school must receive a waiver from the Department in order to enroll in James H. Groves Adult High School.

II. FINDINGS OF FACT

The Department considered GACEC's written submittal and finds that further changes as a result of the written submittals are not necessary. The Department finds that the written comment period for the proposed regulation that was published on November 1, 2022 ended on December 1, 2022 and that it did not receive GACEC's November 30, 2022 written submittal until March 1, 2023, three months after the deadline. The Department further finds that subsection 2.1.1.1.2 provides the requirement that an applicant for enrollment in James H. Groves Adult High School have secondary level skills and the proposed regulation would allow two options for demonstrating that requirement is met by either passing

a high school level standardized assessment or earning some high school credits. In addition, the Department finds that individuals who are incarcerated in a Delaware Department of Correction facility receive education through the Prison Education Program established under 11 *Del. C.* § 6531A. Although some students in the Prison Education Program attend classes through James H. Groves Adult High School, the Prison Education Program provides other educational opportunities for incarcerated individuals, including special education, vocational training, and life skills courses. The Department also finds that the statute cited by GACEC, 14 *Del. C.* § 4130, concerns public school students who are expelled from a school district or charter school and it does not prohibit the Department from requiring students who have been expelled or are pending expulsion from obtaining a waiver to enroll in James H. Groves Adult High School. The waiver process in subsection 2.3 is in place to support students' progress and to help protect the safety of students and staff.

The Department further finds that the proposed amendments to the regulation are necessary for the operation of the adult education. Accordingly, the Department finds that it is appropriate to amend 14 **DE Admin. Code** 915 James H. Groves High School.

III. DECISION TO AMEND THE REGULATION

For the foregoing reasons, the Department concludes that it is appropriate to amend 14 **DE Admin. Code** 915 James H. Groves High School subject to the State Board of Education's approval. On March 16, 2023, the State Board of Education approved amending 14 **DE Admin. Code** 915 James H. Groves High School. Therefore, pursuant to 14 **Del.C.** §122(b)(18), 14 **DE Admin. Code** 915 James H. Groves High School, attached hereto as Exhibit A, is hereby amended.

IV. TEXT AND CITATION

The text of 14 **DE Admin. Code** 915 James H. Groves High School adopted hereby shall be in the form attached hereto as Exhibit A and said regulation shall be cited as 14 **DE Admin. Code** 915 James H. Groves High School 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*.

IT IS SO ORDERED the 16th day of March, 2023.

Department of Education

Mark A. Holodick, Ed.D., Secretary of Education

Approved this 16th day of March, 2023.

State Board of Education

/s/ Shawn Brittingham, President

/s/ Rev. Provey Powell, Jr.

/s/ Vincent Lofink, Vice President

/s/ Wali W. Rushdan, II

/s/ Candice Fifer

/s/ Deborah Stevens

/s/ Audrey J. Noble, Ph.D.

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

915 James H. Groves High School

1.0 Definitions

The following words and terms, when used in this regulation, have the following meaning:

"Certificate of Educational Attainment" or **"CEA3"** means that the holder of the certificate has passed the designated assessments with the required scores in each sub test area and has written an approved Groves content area research paper.

"Department" means the Delaware Department of Education.

"Groves Leadership Team" means an advisory group composed of the Groves Center administrators, the ~~State Director of Adult Education~~ Director of Adult and Prison Education Resources, a representative from the Groves student association and prison education teacher supervisors. The Associate Secretary, Student Supports shall be an ex officio member of the leadership team.

"In School Credit Program" means an alternative education program operated by the James H. Groves High School that provides an opportunity for students who are age 14 or older and enrolled in their local day school to attain credits needed to fulfill high school graduation requirements.

“**James H Groves Center**” or “**Center**” or “**Centers**” means the specific location in a school district, agency or organization where instruction is provided for the James H. Groves High School program.

“**James H. Groves High School**” or “**Groves**” means an adult high school established by the State of Delaware to provide the opportunity for adults and out of school youth to earn and obtain a high school diploma. The James H. Groves High School is a single school with multiple centers established and operated through a proposal application process. The James H. Groves High School is administered by the Delaware Department of Education.

“**Sex Offender**” means an offender convicted of offenses specified in 11 **Del.C.** §4121(a)(4).

10 DE Reg. 988 (12/01/06)

18 DE Reg. 561 (01/01/15)

22 DE Reg. 587 (01/01/19)

24 DE Reg. 1060 (06/01/21)

2.0 Admission Criteria and Process

2.1 The following individuals may enroll in the James H. Groves High School:

2.1.1 An adult 18 years of age and older, who resides in ~~the State of~~ Delaware or is a resident of another state and is currently employed in Delaware and has been so employed for a minimum of 6 months prior to enrollment.

2.1.1.1 The applicant shall:

2.1.1.1.1 Submit an application on forms approved by the Department;

2.1.1.1.2 Qualify as meeting secondary level skills, as determined by the Department, on a standardized assessment or a review of high school credits attained.

2.1.2 Out of school youth 16 to 17 years of age, who have officially withdrawn from a day school and who have not been expelled or have an expulsion pending shall enroll under a waiver process.

2.1.2.1 To apply for an age waiver, the prospective student shall submit to the Groves Center administrator the ~~following.~~ following information:

2.1.2.1.1 A letter of request for admission with the rationale for granting a waiver;

2.1.2.1.2 A letter of recommendation from the high school of record;

2.1.2.1.3 Proof of exit from high school; and

2.1.2.1.4 Proof of age.

2.1.2.2 The prospective student seeking the age waiver shall be subject to the requirements in subsection 2.1.1.1.

2.1.2.3 The decision regarding admission shall be made by the Center administrator.

2.1.2.4 The names of all students receiving an age waiver shall be forwarded within 5 working days of approval by the Center administrator or designee to the Department’s Director of Adult and Prison Education Resources for reporting purposes.

2.2 High school students who are at least 14 years of age, have completed at least one semester of high school and enrolled for at least 1 credit in their high school of record may earn an unrestricted number of credits in the Groves In School Credit Program and still graduate from their high school of record.

2.2.1 To enroll in ~~this program~~ the In School Credit Program, students shall have the permission of their high school of record, their parent, guardian or relative caregiver and the Groves High School principal or designee.

2.2.2 All students enrolled in the Groves In School Credit Program shall be included in the September 30th unit count of their high school of record.

2.2.3 Students who withdraw from their high school of record and transfer to the Groves High School shall no longer be considered a student in the Groves In School Credit Program and shall be assessed the materials fee for that semester.

2.2.4 Students in the Groves In School Credit ~~program~~ Program shall not receive instruction during the school’s regularly scheduled school day.

2.3 Individuals expelled or pending expulsion from a local school district or charter school shall not be enrolled in Groves High School during the period of expulsion or pending expulsion without a waiver from the Department. Individuals who enroll without a waiver shall lose credits earned during the expulsion period.

2.3.1 An applicant for an expulsion or pending expulsion waiver shall meet the following requirements:

2.3.1.1 Be 16 or 17 years of age;

2.3.1.2 Intend to graduate from the James H. Groves High School;

- 2.3.1.3 Be expelled or be pending expulsion for a nonviolent reason and not be a security threat;
 - 2.3.1.4 Submit a letter of recommendation signed by the principal or designee of their high school of record;
 - 2.3.1.5 Meet with the Department's Director of Adult and Prison Education Resources or designee to orally present their case for entry into Groves. The decision regarding admission shall be made by the Director or designee; and
 - 2.3.1.6 Meet the requirements in subsection 2.1.1.1.
- 2.4 An adult 18 years of age and older who is a registered Sex Offender and who resides in ~~the State of~~ Delaware or is a resident of another state and is currently employed in Delaware and has been continuously employed in Delaware for a minimum of 6 months prior to enrollment shall:
- 2.4.1 Present a letter to the Groves Center administrator from a licensed counselor, psychologist or physician including a summary of past behavior and a statement that the individual does not pose a safety threat to students or staff. The letter shall be dated within 2 months prior to enrollment in the Groves Center.
 - 2.4.2 An adult 18 years of age and older who is a registered Sex Offender may be enrolled in the Diploma-At-A-Distance without the letter described in subsection 2.4.1.
 - 2.4.3 The names of all students that are registered Sex Offenders and enrolled in the James H. Groves Adult High School shall be reported to the ~~State~~ Director of Adult and Prison Education Resources within 5 working days.

10 DE Reg. 988 (12/01/06)

18 DE Reg. 561 (01/01/15)

22 DE Reg. 587 (01/01/19)

24 DE Reg. 1060 (06/01/21)

26 DE Reg. 102 (08/01/22)

3.0 Acceptable Methods for Offering Units of Credit and Granting Units of Credit for the James H. Groves High School Diploma

- 3.1 The Groves School is authorized to offer credit for the following methods or any combination of the following methods of accruing credit that were used prior to enrollment as well as while enrolled in the Groves program:
- 3.1.1 High school classroom courses;
 - 3.1.2 Summer school courses offered through a district or charter school;
 - 3.1.3 Groves classroom courses;
 - 3.1.4 Distance learning courses;
 - 3.1.5 Independent study courses;
 - 3.1.6 Correspondence courses;
 - 3.1.7 Courses completed through schools in foreign countries and evaluated in terms of content equivalent to the State's high school graduation requirements;
 - 3.1.8 Career technical courses and apprenticeship courses;
 - 3.1.9 Higher education courses;
 - 3.1.10 Internships designed to provide practical real-life experiences and based on the skills gained and the length of time of the experience;
 - 3.1.11 Military experience based on military training and experience;
 - 3.1.12 Employment or training experience based on the length of employment, the level of job responsibility and the scope of work;
 - 3.1.13 Community service that recognizes the community life experiences of the student and encourages the student to assume civic responsibility. The emphasis is upon volunteer service within a non-profit or governmental agency given freely for the betterment of the community and other persons and is based on verification of length of service;
 - 3.1.14 The knowledge assessments approved by the Groves Leadership Team for students to demonstrate their knowledge of course content; and
 - 3.1.15 The Certificate of Educational Attainment (CEA 3) that may provide up to 10 units of credit toward graduation.

10 DE Reg. 988 (12/01/06)

18 DE Reg. 561 (01/01/15)

22 DE Reg. 587 (01/01/19)

24 DE Reg. 1060 (06/01/21)

4.0 Attendance, Grading and Graduation Criteria

- 4.1 A graduation plan shall be developed for each student enrolled in the James H. Groves High School by the Groves Administrator or the student's designee.
- 4.2 Students enrolled in James H. Groves High School courses which have an attendance requirement, shall attend a minimum of 85% of the course hours to receive a unit of credit. ~~No provision is made for excused absences.~~
- 4.3 The grading system for the James H. Groves High School shall be based on a 10 point numeric scale. An alpha conversion chart to determine level of performance shall be:
 - 4.3.1 Students receiving a grade of "A" (90 to 100) demonstrate superior understanding of the content and have demonstrated knowledge and competence at the highest level.
 - 4.3.2 Students receiving a grade of "B" (80-89) demonstrate better than average understanding of the content and have demonstrated above average knowledge and competence.
 - 4.3.3 Students receiving a grade of "C" (70-79) demonstrate average understanding of the content and have demonstrated knowledge and competence.
 - 4.3.4 Students receiving a grade of "D" (60-69) demonstrate satisfactory understanding of the content and have demonstrated knowledge and competence.
 - 4.3.5 No credit is awarded for grades less than 60.
- 4.4 Groves High School students shall be eligible to receive a State of Delaware diploma when they have met the State graduation requirements, pursuant to 14 **DE Admin. Code** 505 High School Graduation Requirements and Diplomas, in effect at the time of their graduation, except as noted below:
 - 4.4.1 Physical education is waived in lieu of another credit.
 - 4.4.2 All course content shall be based on the State Content Standards. Notwithstanding the above, students enrolled in the James H. Groves High School shall successfully complete and receive credit for a minimum of 1 Groves course to receive a State of Delaware diploma.
 - 4.4.3 The James H. Groves High School must offer at least 1 computer science course pursuant to 14 **Del.C.** §4139 and 14 **DE Admin. Code** 505 High School Graduation Requirements and Diplomas.

10 DE Reg. 988 (12/01/06)

12 DE Reg. 63 (07/01/08)

18 DE Reg. 561 (01/01/15)

22 DE Reg. 587 (01/01/19)

24 DE Reg. 1060 (06/01/21)

5.0 Fees

All fees for the James H. Groves High School shall be set by the Delaware Secretary of Education.

10 DE Reg. 988 (12/01/06)

6.0 Students Rights and Responsibilities

Students enrolled in each Center shall have such rights and be subject to such responsibilities as set forth in the *James H. Groves Student Rights and Responsibilities* document, and as such may be amended from time to time by the Department.

10 DE Reg. 988 (12/01/06)

7.0 Establishing a Center

- 7.1 A school district, agency or organization may seek to establish a James H. Groves Center for service delivery by following the process outlined below. No district, agency or organization shall have more than 1 Groves Center.
 - 7.1.1 An affiliation shall be established with an existing Groves Center as a satellite site or obtain approval from the Groves Leadership Team to establish a pilot Center.
 - 7.1.2 After a 2-year affiliation as a satellite Center of an existing Groves Center or 2-year success as a pilot Center, the Department may grant full Center status to the satellite site or the pilot Center.
 - 7.1.2.1 A formal request for full Center status shall be made to the Department at the end of the first year as a satellite or pilot Center. The request shall include:
 - 7.1.2.1.1 A needs assessment documenting program need for services in the district's adult community, potential population to be served, impact on existing Centers, and rationale for requesting a Groves Center;

- 7.1.2.1.2 A description of the district, agency or organization's experience and success in adult program delivery;
- 7.1.2.1.3 An explanation of the commitment to the Groves adult education program and assurances;
- 7.1.2.1.4 Budget requirements including in kind contributions;
- 7.1.2.1.5 Submission of an annual performance report; and
- 7.1.2.1.6 Submission of the State Evaluation Report completed in the tenth month of the first year.
- 7.1.3 The district agency or organization representatives shall meet with the Groves Leadership Team to review the Center request.
- 7.1.4 The Groves Leadership Team shall make a recommendation for Center status through the Department's Director for ~~Adult Education~~ of Adult and Prison Education Resources to the Secretary of Education.
- 7.1.5 Approval or denial shall be communicated to the district, agency or organization by the Department within 60 days of the Center status application.
- 7.1.6 If approved, the Department shall apply for Center funding in the upcoming State budget cycle. If State funding is allocated for the additional Center, full Center status shall be given to the program provided the annual performance report and State Evaluation Report are satisfactory.
- 7.1.7 Appeal Process: In the event Center status is denied by the Department a hearing may be requested by the district, agency or organization. The hearing shall be conducted by the Secretary of Education or the Secretary's designee.

10 DE Reg. 988 (12/01/06)

24 DE Reg. 1060 (06/01/21)

8.0 Closing a Center

- 8.1 Voluntary Closing: A school district, agency or organization shall close a James H. Groves Center in their service delivery area by following the process outlined below. For a voluntary closing, a school district, agency or organization shall announce by November its intention to discontinue service at the end of the fiscal year. The following steps shall be followed:
 - 8.1.1 Within 2 months of closing, the district, agency or organization shall:
 - 8.1.1.1 Notify all current students of the Center closing and provide them with information to transfer to another Center. Records of active students shall be sent to the new Center;
 - 8.1.1.2 Provide all current and past student and administrative records to the Department;
 - 8.1.1.3 Send all equipment purchased for the Center to the Department or to the designated Centers for redistribution; and
 - 8.1.1.4 Return unspent funds to the Department.
 - 8.1.2 District, agency or organization representatives shall meet with the Groves Leadership Team at the monthly meetings to implement a smooth closing.

10 DE Reg. 988 (12/01/06)

24 DE Reg. 1060 (06/01/21)

9.0 Non-Voluntary Closing

- 9.1 A non-voluntary closing shall be made by the Secretary of Education when:
 - 9.1.1 There is insufficient enrollment or graduates to sustain a Center; or
 - 9.1.2 The Center does not follow the policies, procedures, rules, regulations, or instructional program set forth for the James H. Groves High School; or
 - 9.1.3 The Secretary of Education determines the Center is not providing a quality instructional program to the students at that Center.
- 9.2 The Secretary of Education shall provide notice to the school district, agency, or organization of the closing by November giving 8 months to close the Center.
 - 9.2.1 Within 2 months of closing, the district, agency, or organization shall:
 - 9.2.1.1 Notify all current students of the Center closing and provide them with information to transfer to another Center.
 - 9.2.1.2 Provide all current and past student and administrative records to the Department;
 - 9.2.1.3 Send all equipment purchased for the Center to the Department or to the designated Centers for redistribution; and
 - 9.2.1.4 Return unspent funds to the Department.

9.3 The District, agency or organization representatives shall meet with the James H. Groves Leadership Team at the monthly meetings to implement a smooth closing.

2 DE Reg. 378 (09/01/98)

5 DE Reg. 1285 (12/01/01)

10 DE Reg. 988 (12/01/06)

12 DE Reg. 63 (07/01/08)

18 DE Reg. 561 (01/01/15)

22 DE Reg. 587 (01/01/19)

24 DE Reg. 1060 (06/01/21)

26 DE Reg. 102 (08/01/22)

26 DE Reg. 940 (05/01/23) (Final)