

DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 122(b) (14 **Del.C.** §122(b))
14 **DE Admin. Code** 505

FINAL

REGULATORY IMPLEMENTING ORDER

505 High School Graduation Requirements and Diplomas

I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

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 Delaware educators. In addition an amendment was made in section 10.0 that expands the scope of students covered by this regulation. This section allows a student in DSCYF 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 this amendment, those students in DSCYF custody within Youth Rehabilitation Services are included.

Notice of the proposed regulation was published in the *News Journal* and the *Delaware State News* on August 1, 2015, in the form hereto attached as Exhibit "A". Comments were received from the State Council for Persons with Disabilities and the Governor's Advisory Council for Exceptional Citizens related to (1) redundancy of code citation in §§10.1 and 10.2 as the code is already cited in the definition of "Student in DSCYF Custody." These sections were updated accordingly; (2) clarification requested in §8.1 to include the Education Unit of DSCYF per House Bill 116 of the 148th General Assembly as an entity that could award credits toward graduation. This section was updated as well; (3) requested removal of the code citation in the definition of "Student in DSCYF Custody" as it is underclusive. Because these comments indicate that there could be some confusion as to which students are covered by this revised regulation and it is the intent of the Department to include all students who are actually in DSCYF custody, the statutory reference was removed, although not all of the commentators' suggested routes for DSCYF custody may actually result in DSCYF having custody.

II. FINDINGS OF FACTS

The Secretary finds that it is appropriate to amend 14 **DE Admin. Code** 505 High School Graduation Requirements and Diplomas in order 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 Delaware educators. In addition an amendment was made in section 10.0 that expands the scope of students covered in this regulation. This section allows a student in DSCYF 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 this amendment, those students in DSCYF custody within Youth Rehabilitation Services are included.

III. DECISION TO AMEND THE REGULATION

For the foregoing reasons, the Secretary concludes that it is appropriate to amend 14 **DE Admin. Code** 505 High School Graduation Requirements and Diplomas. Therefore, pursuant to 14 **Del.C.** §122, 14 **DE Admin. Code** 505 High School Graduation Requirements and Diplomas attached hereto as Exhibit "B" is hereby amended. Pursuant to the provision of 14 **Del.C.** §122(e), 14 **DE Admin. Code** 505 High School Graduation Requirements and Diplomas 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** 505 High School Graduation Requirements and Diplomas amended hereby shall be in the form attached hereto as Exhibit "B", and said regulation shall be cited as 14 **DE Admin. Code** 505 High School Graduation Requirements and Diplomas in the *Administrative Code of Regulations* for the Department of Education.

V. EFFECTIVE DATE OF ORDER

The actions hereinabove referred to were taken by the Secretary pursuant to 14 **Del.C.** §122 on September 17, 2015. The effective date of this Order shall be ten (10) days from the date this Order is published in the Delaware *Register of Regulations*.

IT IS SO ORDERED the 17th day of September 2015.

Department of Education

Mark T. Murphy, Secretary of Education

Approved this 17th day of September 2015

State Board of Education

Teri Quinn Gray, Ph.D., President

Jorge L. Melendez, Vice President

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505 High School Graduation Requirements and Diplomas

1.0 Definitions:

"Advisement" means a documented process that engages students in ongoing discussion and planning with school staff to identify their personal talents and interests and plan their career goals accordingly.

"Career Pathway" means the three (3) credits of pre planned and sequential courses required for graduation designed to develop knowledge and skills in a particular career or academic area. The Career Pathway shall be included in the Student Success Plan.

"Core Course Credit" means a credit in an English Language Arts, Mathematics, Science or Social Studies course.

"Credit" means the acquisition of skills and knowledge at a satisfactory level as determined by the district and charter school boards through 135 hours (a Carnegie Unit) of actual classroom instruction, which may include various methods of delivery or through locally approved options contained in Section 8.0.

"Department" means the Delaware Department of Education.

"English Language Arts" means those four components of reading, writing, language, and speaking and listening that are included in the State Content Standards for high school English Language Arts as required in 14 **DE Admin. Code** 501.

"Health Education" means those components that are included in the State Content Standards for high school health education as required in 14 **DE Admin. Code** 501.

"High School" means grades 9 through 12.

"Mathematics" means those conceptual categories of number and quantity, algebra, functions, geometry, statistics and probability combined with problem solving, modeling, reasoning, communicating, and making connections that are included in the State Content Standards for high school mathematics as required in 14 **DE Admin. Code** 501 either through integrated courses or in courses titles such as Algebra I, Algebra II, Geometry, Trigonometry, Pre-Calculus, Calculus, Discrete Mathematics, Statistics, and Probability.

"Novice-high proficiency level" means the novice-high level of proficiency of certain skills and knowledge as defined by the American Council for the Teaching of Foreign Languages (ACTFL).

"Physical Education" means those components that are included in the State Content Standards for high school physical education as required in 14 **DE Admin. Code** 501.

"Program of Study" means an academic and career plan based on post-secondary goals and comprised of academic, career, and technical content that prepares students to make successful transitions to post-secondary education and the workplace.

"Science" means those components of the nature of science which include science and engineering practices, matter and its interactions, motion and stability, energy and its effects, waves and their applications, Earth's place in the universe, Earth's systems, Earth and human activity, life structure and processes, ecosystems, heredity, diversity and continuity of living thing, engineering design, and the links among engineering, technology, science, and society that are included in the State Content Standards for high school science as

required in 14 **DE Admin. Code** 501 either through integrated courses or in course titles such as Earth Science, Biology, Chemistry and Physics.

"Social Studies" means those components of civics, economics, geography, and history that are included in the State Content Standards for high school social studies as required in 14 **DE Admin. Code** 501 either through integrated courses or in course titles such as United States History, World History, Geography, Economics, and Civics.

"Student Success Plan (SSP)" means a plan encompassing a minimum of five years including one year beyond high school, which sets post-secondary goals for a student based on academic and career interests. The student's plan includes a program of study based on the academic courses, electives, and extracurricular opportunities needed in preparation for immediate entry into the work force and post-secondary education. The plan also includes the support services necessary for the student to graduate from high school.

"Support Services" means those educational interventions such as tutoring; extra time before school, in school, or after school; summer school, an extra year(s) of high school or any other strategy to provide student educational assistance.

"Student in DSCYF custody" means a student, who is or was in the custody of the Department of Services for Children, Youth & Their Families ("DSCYF"), ~~[pursuant to] Chapter 25 of Title 13 of the Delaware Code [10 Del.C., Chapter 9, §1009.]~~ for any length of time, during his or her enrollment in high school.

"World Languages" means any language other than English that is used by peoples around the world for communicating information and ideas and transmitting its culture(s), including American Sign Language (ASL), Latin and Ancient Greek.

10 DE Reg. 1802 (06/01/07)

12 DE Reg. 934 (01/01/09)

14 DE Reg. 555 (12/01/10)

18 DE Reg. 127 (08/01/14)

2.0 Credit Requirements for the Graduation Class of 2011 (Freshman Class of 2007-2008) through the Graduation Class of 2014 (Freshman Class of 2010-2011)

2.1 For the graduating class of 2011, a public school student shall be granted a State of Delaware Diploma when such student has successfully completed a minimum of twenty two (22) credits in order to graduate including: four (4) credits in English Language Arts, four (4) credits in Mathematics; three (3) credits in Science, three (3) credits in Social Studies, one (1) credit in physical education, one half (1/2) credit in health education, three (3) credits in a Career Pathway, and three and one half (3 ½) credits in elective courses.

2.1.1 Students shall complete mathematics course work that includes no less than the equivalent of the traditional requirements of Geometry, Algebra I and Algebra II courses.

2.1.2 Scientific investigations related to the State Science Standards shall be included in all three science course requirements.

2.1.3 During the senior year students shall maintain a credit load each semester that earns them at least a majority of credits that could be taken that semester. A credit in Mathematics shall be earned during the senior year.

2.1.3.1 Senior year credits shall include regular high school course offerings, the options available in 8.0, or a combination of both.

10 DE Reg. 1802 (06/01/07)

15 DE Reg. 62 (07/01/11)

3.0 Credit Requirements Beginning with the Graduation Class of 2015 (Freshman Class of 2011-2012)

3.1 For the graduating class of 2015, a public school student shall be granted a State of Delaware Diploma when such student has successfully completed a minimum of twenty four (24) credits in order to graduate including: four (4) credits in English Language Arts, four (4) credits in Mathematics, three (3) credits in Science, three (3) credits in Social Studies, two (2) credits in a World Language, one (1) credit in physical education, one half (1/2) credit in health education, three (3) credits in a Career Pathway, and three and one half (3 ½) credits in elective courses.

3.1.1 The student shall complete mathematics course work that includes no less than the equivalent of the traditional requirements of Geometry, Algebra I and Algebra II courses.

3.1.2 Scientific investigations related to the State Science Standards shall be included in all three science course requirements.

3.1.3 During the senior year the student shall maintain a credit load each semester that earns the student at least a majority of credits that could be taken that semester. A credit in Mathematics shall be earned during the senior year.

3.1.3.1 Senior year credits shall include regular high school course offerings, the options available in 8.0, or a combination of both.

3.2 World Language:

3.2.1 Students may fulfill the two (2) credit World language requirement by either:

3.2.1.1 Earning a minimum of two (2) World Language credits in the same language or,

3.2.1.2 Demonstrating Novice-high or higher proficiency level on a nationally recognized assessment of language proficiency, except English, in the skill areas of oral or signed expressive and receptive communication, reading and writing, that uses the levels of proficiency as identified by the American Council for the Teaching of Foreign Language, or as approved for use by the Delaware Department of Education.

3.2.2 Any student enrolling in a Delaware public high school from an out-of-state school or nonpublic Delaware high school between and including October 1st of the 11th grade year and September 30th of the 12th grade year with one (1) World Language credit from a previous school shall be required to earn the second credit in that language unless the language is not offered at the enrolling school. In such case, the student shall earn one (1) credit in an additional language for a total of two (2) credits or pursue available options in 8.0 to earn the second credit of the original language.

3.2.3 Any student enrolling in a Delaware public high school from an out-of-state school or nonpublic Delaware high school between and including October 1st of the 11th grade year and September 30th of the 12th grade year with no World Language credits, shall be required to earn at least one (1) World Language credit prior to graduation. Provided further, the minimum twenty-four (24) total credits outlined in this section shall still be met, or any other credit requirements pursuant to 7.1.

3.2.4 Any student enrolling in a Delaware public high school from an out-of-state school or nonpublic Delaware high school on or after October 1st of the 12th grade year, the World Language requirement shall be waived. Provided further, the minimum twenty-four (24) total credits outlined in this section shall still be met, or any other credit requirements pursuant to 7.1.

3.2.5 Any student transferring between Delaware public schools with one (1) World Language credit from a previous school shall be required to earn the second credit in that language unless the language is not offered at the enrolling school. In such case, the student shall pursue available options in 8.0 to earn the second credit of the original language students or earn one (1) credit in an additional language for a total of two (2) credits.

10 DE Reg. 1802 (06/01/07)

12 DE Reg. 934 (01/01/09)

15 DE Reg. 62 (07/01/11)

18 DE Reg. 127 (08/01/14)

4.0 Credit Requirements Beginning with the Graduation Class of 2016 (Freshman Class of 2012-2013)

4.1 Beginning with the graduating class of 2016, a public school student shall be granted a State of Delaware Diploma when such student has successfully completed a minimum of twenty four (24) credits in order to graduate including: four (4) credits in English Language Arts, four (4) credits in Mathematics, three (3) credits in Science, three (3) credits in Social Studies, two (2) credits in a World Language, one (1) credit in physical education, one half (1/2) credit in health education, three (3) credits in a Career Pathway, and three and one half (3 ½) credits in elective courses.

4.1.1 The student shall earn credit upon completion of mathematics course work that includes no less than the equivalent of the traditional requirements of Geometry, Algebra I and Algebra II courses. The student shall complete an Algebra II or Integrated Mathematics III course as one of the Mathematics credits.

4.1.2 Scientific investigations related to the State Science Standards shall be included in all three science course requirements. The student shall complete a Biology course as one of the Science credits.

4.1.3 The student shall complete a U. S. History course as one of the Social Studies credits.

4.1.4 During the senior year the student shall maintain a credit load each semester that earns the student at least a majority of credits that could be taken that semester. A credit in Mathematics shall be earned during the senior year. Further provided, a student participating in a dual enrollment course or dual credit course, as defined in 14 **DE Admin. Code** 506 Policies for Dual Enrollment and Awarding Dual Credit, shall be

considered to be meeting the majority of credits, as long as a credit in Mathematics is earned during the senior year.

- 4.1.4.1 Senior year credits shall include regular high school course offerings, the options available in 8.0, or a combination of both.

4.2 World Language:

4.2.1 Students may fulfill the two (2) credit World language requirement by either:

4.2.1.1 Earning a minimum of two (2) World Language credits in the same language or,

4.2.1.2 Demonstrating Novice-high or higher proficiency level on a nationally recognized assessment of language proficiency, except English, in the skill areas of oral or signed expressive and receptive communication, reading and writing, that uses the levels of proficiency as identified by the American Council for the Teaching of Foreign Language, or as approved for use by the Delaware Department of Education.

4.2.2 Any student enrolling in a Delaware public high school from an out-of-state school or nonpublic Delaware high school between and including October 1st of the 11th grade year and September 30th of the 12th grade year with one (1) World Language credit from a previous school shall be required to earn the second credit in that language unless the language is not offered at the enrolling school. In such case, the student shall earn one (1) credit in an additional language for a total of two (2) credits or pursue available options in 8.0 to earn the second credit of the original language.

4.2.3 Any student enrolling in a Delaware public high school from an out-of-state school or nonpublic Delaware high school between and including October 1st of the 11th grade year and September 30th of the 12th grade year with no World Language credits, shall be required to earn at least one (1) World Language credit prior to graduation. Provided further, the minimum twenty-four (24) total credits outlined in this section shall still be met, or any other credit requirements pursuant to 7.1.

4.2.4 Any student enrolling in a Delaware public high school from an out-of-state school or nonpublic Delaware high school on or after October 1st of the 12th grade year, the World Language requirement shall be waived. Provided further, the minimum twenty-four (24) total credits outlined in this section shall still be met, or any other credit requirements pursuant to 7.1.

4.2.5 Any student transferring between Delaware public schools with one (1) World Language credit from a previous school shall be required to earn the second credit in that language unless the language is not offered at the enrolling school. In such case, the student shall pursue available options in 8.0 to earn the second credit of the original language or earn one (1) credit in an additional language for a total of two (2) credits.

15 DE Reg. 62 (07/01/11)

18 DE Reg. 127 (08/01/14)

5.0 Student Success Planning (Personalizing the School Experience Through Advisement)

5.1 Every eighth through twelfth grade student shall have a Student Success Plan (SSP) developed by the student, the student's advisor, and the student's parent(s), guardian(s) or relative caregiver. For a student with an Individualized Education Program (IEP) the Student Success Plan (SSP) shall also incorporate the other aspects of the transition plan required by 14 **DE Admin. Code** 925.

5.2 Each local school district and charter school shall establish an advisement process for developing Student Success Plans which includes the student, the student's advisor, and the student's parent(s), guardian(s) or relative caregiver. The advisement process shall include:

5.2.1 Setting learning goals for the student based on academic and career interests and identifying required skills needed, as well as the student's program of study aligned to the student's secondary and post-secondary goals;

5.2.2 Actively monitoring student progress in the Student Success Plan through conferences held with the student and student's advisor to discuss educational progress and career planning toward life goals on an ongoing basis and, at a minimum, at least once in each marking period;

5.2.3 Annual review and update of the Student Success Plan by the student, the student's advisor, the student's parent(s) guardian(s) or relative caregiver and others as appropriate to assure alignment of educational progress and career planning toward life goals by the end of each school year;

5.2.4 Providing support services if a student is in danger of failing a course or is not on track toward completing the entry requirements for his or her post-secondary goals as stated in the SSP; and

5.2.5 Following the guidelines for Career and Technical Education (CTE) programs of study outlined in the State Plan for Career and Technical Education;

5.2.6 Reviewing each student's transcript at the end of the first and second year, and beginning in the 2014-15 school year, at the end of the first, second and third year of high school to determine if the student is on track to graduate based on the following criteria:

- 5.2.6.1 At the end of the first year of high school the student has earned at least four (4) core course credits and two (2) other course credits for a total of six (6) course credits;
- 5.2.6.2 At the end of the second year of high school the student has earned at least eight (8) core course credits and four (4) other course credits for a total of twelve (12) course credits; and
- 5.2.6.3 At the end of the third year of high school the student has earned at least eleven (11) core course credits and seven (7) other course credits for a total of eighteen (18) course credits.
- 5.2.6.4 For a student with an Individualized Education Program (IEP), on track to graduate shall be consistent with 5.2.6.1, 5.2.6.2 and 5.2.6.3 unless otherwise determined by the student's IEP Team.

10 DE Reg. 1802 (06/01/07)

12 DE Reg. 934 (01/01/09)

15 DE Reg. 62 (07/01/11)

18 DE Reg. 127 (08/01/14)

6.0 Career Pathway

Local school districts and charter school boards shall establish policies concerning the purpose, content, development, and approval of Career Pathways.

10 DE Reg. 1802 (06/01/07)

7.0 Additional Credit Requirements

District and charter school boards may establish additional credit requirements for graduation above the minimum number of credits required by the Department.

10 DE Reg. 1802 (06/01/07)

8.0 Options for Awarding Credit Toward High School Graduation

8.1 District and charter school boards [**and the Department of Services for Children, Youth and their Families (DSCYF) as provided in 29 Del.C. §9003(8),**] are authorized to award credit toward high school graduation for the following activities, on the condition that the activities incorporate any applicable state content standards. Before awarding credit for any of the following activities, the districts and charter school boards shall have adopted a policy approving the activity for credit and establishing any specific conditions for the award of credit for the activity. Such policy shall be applicable to each school within the district or each charter high school.

- 8.1.1 Courses taken at or through an accredited community college, two or four year college.
- 8.1.2 Voluntary community service as defined in 14 Del.C. §§8901A and 8902A.
- 8.1.3 Supervised work experience in the school and the community which meets the educational objectives or special career interest of the individual student.
- 8.1.4 Independent study.
- 8.1.5 Distance learning courses. These courses may be delivered by the teacher to the learner in real time, online or by video.
- 8.1.6 High school courses taken while in the middle school in conjunction with an articulated agreement between the district middle school and the district high school(s). Such credit shall also transfer to a high school in another district or to a charter school.
- 8.1.7 Course credit transferred from another high school.
- 8.1.8 Course credit earned through summer or evening school classes, as a member of the military service or as part of the James H. Groves Adult High School.
- 8.1.9 Tutoring programs taught by a teacher certified in the subject being taught.
- 8.1.10 Course credit awarded by agencies or instrumentalities of the state other than public schools which provide educational services to students. A description of the program provided to the student, grades given, and the number of clock hours of instruction or a demonstration of competency must be provided to the school district or charter school prior to receipt of credit.
- 8.1.11 Courses taught by a teacher certified in the subject being taught and credit earned upon demonstration of mastery of the competencies of the particular course.

18 DE Reg. 127 (08/01/14)

9.0 High School Diplomas and the Certificate of Performance

- 9.1 A State sanctioned diploma shall be granted to students who meet the state and local district or charter school requirements for graduation pursuant to 14 **Del.C.** §152.
- 9.2 A State sanctioned Certificate of Performance shall be granted to students who meet the requirements of 14 **Del.C.** §152.
- 9.3 Diplomas from one school year shall not be issued after September 15 of the next school year.
- 9.4 Duplicate diplomas or certificates of performance will not be issued, but legitimate requests for validation of the diploma or the certificate of performance will be satisfied through a letter of certification. Requests for diploma information from graduates of Delaware high schools should be directed to the high school the student was attending at the time of graduation. If the school does not have the records then the student should contact the Department in Dover for a notarized letter of certification that contains the name of the applicant, the name of the school, the date of graduation, and the diploma registry number (if available).
- 9.5 State High School Diploma for World War II Veterans Pursuant to 14 **Del.C.** §159
 - 9.5.1 “World War II Veteran” means any veteran who performed wartime service between December 7, 1941 and December 31, 1946. If the veteran was in the service on December 31, 1946, continuous service before July 16, 1947 is considered World War II.
 - 9.5.2 The Department shall provide a high school diploma to any World War II veteran who:
 - 9.5.2.1 Left a Delaware high school prior to graduation in order to serve in the armed forces of the United States.
 - 9.5.2.2 Did not receive a high school diploma, or received a G.E.D., as a consequence of such service and,
 - 9.5.2.3 Was discharged from the armed forces under honorable circumstances.
 - 9.5.3 The diploma may also be awarded posthumously if the deceased veteran meets the qualifications in 9.5.2.1 through 9.5.2.3.
 - 9.5.4 Applications for this high school diploma shall be made on forms designated by the Department and the Delaware Commission of Veterans Affairs and shall have a copy of the candidate’s honorable discharge papers attached to the application.

4 DE Reg. 995 (12/01/00)

5 DE Reg. 625 (09/01/01)

7 DE Reg. 1344 (04/01/04)

10 DE Reg. 547 (09/01/06)

12 DE Reg. 934 (01/01/09)

15 DE Reg. 62 (07/01/11)

18 DE Reg. 127 (08/01/14)

10.0 Exceptions for Students in DSCYF Custody

- 10.1 A student in DSCYF custody [~~pursuant to 10 Del.C., Chapter 9, §1009~~] who transfers into a district or charter school shall be permitted to graduate based on the successful completion of the Department’s graduation requirements as defined in this regulation in lieu of the district’s or charter school’s specific requirements permitted by 7.1.
- 10.2 When a student in DSCYF custody [~~pursuant to 10 Del.C., Chapter 9, §1009~~] transfers into a district or charter school, the district or charter school shall use policies developed pursuant to Section 8.1 to review the student’s prior transcript and award values for credit earned through:
 - 10.2.1 Distance learning courses. These courses may be delivered by the teacher to the learner in real time, online or by video;
 - 10.2.2 Courses completed in mental health or rehabilitative facilities;
 - 10.2.3 Courses completed in other districts or charter schools that use a different standard of awarding credits; or
 - 10.2.4 Any other means as approved by the Chief School Officer of the district or charter school in accordance with policy and the law.

18 DE Reg. 127 (08/01/14)

19 DE Reg. 303 (10/01/15) (Final)