

DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 122(d) (14 **Del.C.** §122(d))
14 **DE Admin. Code** 915

FINAL

REGULATORY IMPLEMENTING ORDER

915 James H. Groves High School

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** 915 James H. Groves High School to bring the regulation in line with 14 **DE Admin. Code** 505 High School Graduation Requirements and Diplomas concerning the number of credits required for graduation. The amendments also add definitions, address changes in current practice and clarify some of the language.

Notice of the proposed regulation was published in the *News Journal* and the *Delaware State News* on September 20, 2006, in the form hereto attached as *Exhibit "A"*. Comments were received from James H. Groves Leadership Team and from the Governor's Advisory Council for Exceptional Children and the State Council for Persons with Disabilities. The Groves Leadership Team recommended some clarifying changes in sections 2.4, 2.4.1.3, 3.1.14 and 4.1. Clarifying changes were made to these sections. The Department declined the recommendation to remove 2.4.1.1, "Be 16 or 17 years of age" because the Department's position is that the waiver should only apply to 16 and 17 year olds.

The Advisory Councils expressed concern that the requirements for the GED Official Practice Test scores should be consistent with the scores for passing the GED Test which are lower. The Department's position is that the GED and Groves are two different program routes to demonstrate high school skills. Groves yields a high school diploma at the completion of the program and the GED Endorsement is issued after passing the GED Test. Processes leading to both may be similar at the beginning stage, but the use of the OPT results are different for Groves and the GED. The scores to pass the GED Official Practice Test (OPT) are uniform to demonstrate eligibility to take the GED Test or to provide evidence of skill to be issued a Certificate of Educational Attainment 3. The score of 2450 on the OPT is a reliable, consistent, and valid score that leads to passing the GED Test and demonstrates skill mastery leading to the high school diploma. (Note: The GED Test is not taken by individuals in the Groves adult high school diploma program.)

The Advisory Councils urged the elimination of the research paper as a part of the Certificate of Educational Attainment process and the passing the GED Test. The Department's position is that the combination of the 2450 score on the OPT and a demonstration of ability to write a research paper in Social Studies or Science according to a specific genre is essential to demonstrate the knowledge and skill of a high school student with respect to the content standards. The GED Testing Service will not permit adult education programs to award credit for passing the GED Test. The CEA3 process does.

The Councils were concerned about disallowing enrollment of minor students who have been expelled without a waiver. They cited Title 14 **Del.C.** Section 4130(d) as explicitly exempting Groves from the prohibition on enrolling expelled students. The Department's position is that State and program administration has a responsibility for ensuring the safety of students and staff within the Groves educational setting. Individuals seeking to enroll in Groves who pose a security risk are not given a waiver. Depending on the nature of the expulsion if restitution that has been provided and the sentences have been issued and served, individuals may be referred to Diploma-At-A-Distance (DAAD) if the individual and the staff conclude that the individual could be successful in an online environment. For example, sex offenders or minors who brought guns or knives to school or minors who have struck a teacher or another staff member are referred to DAAD. This does not deny access, but it does limit contact in a situation that could lead to safety issues.

Finally the Councils were concerned that students enrolled in Groves must maintain an attendance minimum of 85% of the course hours and that no provision is made for excused absences thus preventing a student from receiving credit regardless of good cause. The Department's position is that Groves has an array of

mechanisms to support students facing a variety of life situations. It is accurate that a student who is unable to attend 85% of the classes in a 15-class semester class format or meet the attendance requirement in any other format will not receive course credit. Individuals who have emergencies or who are unable to participate in a seat-based class are able to work through independent study, self-paced classes with flexibility in the amount of time to complete the course, or block schedule within a 9-week span of time, or participate in an online distance education class (which also has a requirement of weekly participation). By building into the program a variety of class formats, The Groves program is able to accommodate individuals with life situations that prevent continued attendance in a class over a 15-week semester. The time requirement is built into each format to assure adequate time to learn the content and skills and to meet the requirement for awarding a Carnegie unit of credit.

II. Findings of Facts

The Secretary finds that it is appropriate to amend 14 **DE Admin. Code** 915 in order to bring the regulation in line with 14 **DE Admin. Code** 505 High School Graduation Requirements and Diplomas concerning the number of credits required for graduation. The amendments also add definitions, address changes in current practice and clarify some of the language.

III. Decision to Amend the Regulation

For the foregoing reasons, the Secretary concludes that it is appropriate to amend 14 **DE Admin. Code** 915. Therefore, pursuant to 14 **Del.C.** §122 (b)(18) 14 **DE Admin. Code** 915 attached hereto as *Exhibit "B"* is hereby amended. Pursuant to the provision of 14 **Del.C.** §122(e), 14 **DE Admin. Code** 915 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** 915 amended hereby shall be in the form attached hereto as *Exhibit "B"*, and said regulation shall be cited as 14 **DE Admin. Code** 915 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 (b) (18) on November 16, 2006. 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 16th day of November 2006.

Department of Education

Valerie A. Woodruff, Secretary of Education

Approved this 16th day of November 2006

State Board of Education

Jean W. Allen, President

Richard M. Farmer, Jr., Vice President

Mary B. Graham, Esquire

Gregory A. Hastings

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915 James H. Groves High School

1.0 Administration Definitions

“Certificate of Educational Attainment (CEA3)” means that the holder of the certificate has passed the Official GED Practice Test with a score of 2450 or better with no less than 470 in each sub test area and has written a Groves approved 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, a representative from the Groves student association and a prison education teacher supervisor. The Associate Secretary, Adult Education and Work Force Development shall be an ex officio member of the leadership team.

The “James H. Groves High School” or “Groves” is 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.

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

2.0 Admission Criteria.

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

~~2.1 Adults, 18 years of age and older, who reside in the State of Delaware or who have worked in Delaware for a minimum of one year.~~

~~2.2 Out of school youth, 16 to 21, who have officially withdrawn from a day school and who have not been expelled or have an expulsion pending.~~

~~2.3 Non residents who otherwise meet the eligibility requirements set forth in 2.1 and 2.2.~~

~~2.4 High school students who are at least 16 years of age and enrolled for at least one credit in their home school may earn an unrestricted number of credits in the Groves In School Credit Program and still graduate from their home high school.~~

~~2.4.1 To enroll in this program, students shall have the permission of their home high school, their parent or guardian and the Groves High School principal or designee.~~

~~2.4.2 All students enrolled in the Groves In School Credit Program shall be included in the September 30th unit count of their home high school.~~

~~2.4.3 Students who withdraw from their home high school and transfer to the Groves High School shall no longer be considered as a student in the Groves In School Credit Program and will be assessed the materials fee for that semester.~~

~~2.5 Individuals expelled from a local school district may not be enrolled in Groves High School without a waiver from the Delaware Department of Education for the duration of the expulsion. Individuals who enroll without a waiver will lose credits earned during the expulsion period.~~

~~2.5.1 An applicant for a waiver must: be at least 17 years of age (except from September 1, 1998 through July 1, 1999 when 16 year olds may also apply), intend to graduate from the James H. Groves High School, be expelled for a nonviolent reason, not be a security threat, demonstrate interest in learning and state specific ways to be a successful student.~~

2.1 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 six months prior to enrollment.

2.1.1 The applicant shall:

2.1.1.1 Submit an application on forms approved by the Department;

2.1.1.2 Qualify as meeting secondary level skills, as determined by the Department, on a standardized assessment.

2.2 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.

2.2.1 To apply for an age waiver, the prospective student must submit a letter of request for admission to the State Director of Adult Education with the rationale for granting a waiver with a letter of

recommendation from the high school of record.

2.2.2 The prospective student seeking the waiver shall also meet the admission process of all other enrollees.

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

2.3 High school students who are at least 16 years of age and enrolled for at least one 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.

2.3.1 To enroll in this program, students shall have the permission of their high school of record, their parent(s), guardian(s) or Relative Caregiver and the Groves High School principal or designee.

2.3.2 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.

2.3.3 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.

2.4 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.

2.4.1 An applicant for a waiver shall:

2.4.1.1 Be 16 or 17 years of age;

2.4.1.2 Intend to graduate from the James H Groves High School;

2.4.1.3 Be expelled [or be pending expulsion] for a nonviolent reason and not be a security threat;

2.4.1.4 Submit a letter of recommendation signed by the principal of their high school of record; and

2.4.1.5 Meet the requirements in 2.1.1.

3.0 ~~Acceptable Methods for Earning High School Units of Credit~~

~~The following methods or any combination of the following methods are acceptable:~~

~~3.1 Course Enrollment, courses are offered in a classroom or distance setting.~~

~~3.2 Correspondence Study, approved courses offered through accredited correspondence schools are accepted for high school credit.~~

~~3.3 Summer School, approved courses offered through summer school are accepted for high school credit.~~

~~3.4 Distance Learning, approved courses offered through accredited distance learning programs are accepted for high school credit.~~

~~3.5 Independent Study, courses offered through independent study must be assigned an instructor who will monitor the progress of the student. The content will be the same as required in the course enrollment.~~

~~3.6 Achievement Testing, credits are awarded through achievement testing based on the content demonstrated. Approved tests used to award credit are standardized and specifically designed to determine the level of student competence.~~

~~3.7 Employment or Training Experience, credit for employment or training experience will be evaluated to determine the number of credits that will be awarded based on length of employment, level of job responsibility and scope of work.~~

~~3.8 Career Technical Courses, upon satisfactory completion of approved Career Technical, vocational or apprenticeship courses, units of credit will be awarded.~~

~~3.9 Military Experience, veterans may be granted credit based on military training and experience.~~

~~3.10 Higher Education Courses, higher education courses will be awarded credit as designated by other Delaware Department of Education policy.~~

~~3.11 Foreign School Attendance, credit for courses completed in schools in foreign countries will be evaluated in terms of equivalent content to Delaware high school graduation requirements.~~

~~3.12 Prior High School Credits, any high school credit earned by the student may be transferred into Groves and become part of the transcript toward graduation.~~

~~3.13 Community Service, the community service unit of credit is designed to recognize the community life experiences of the student and to encourage the student to assume civic responsibility. The emphasis is upon~~

volunteer service given freely for the betterment of the community and other persons.

3.14 Internships, internships are designed to provide practical real life experiences for students. Credit may be earned based on the skills and the length of time of the experience.

3.15 Certificate of Educational Attainment (CEA3), the CEA3 enables a student to demonstrate high school level skills through a written test. By passing the Official GED Practice Test with a score of 2450 or better with no less than 470 in each sub test area and writing a Groves approved content area research paper, students are awarded 10 units of credit toward graduation.

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 created by the Groves **[teachers curriculum committees]** for students to demonstrate their knowledge of course content; and

3.1.15 The Certificate of Educational Attainment (CEA3) that provides 10 units of credit toward graduation.

4.0 Attendance, Grading and Graduation Criteria

4.1 ~~[Students enrolled in James H. Groves High School courses shall develop a graduation plan]~~ **A graduation plan shall be developed for each student enrolled in the James H. Groves High School by the Groves Administrator or his or her designee.]**

4.2 Students attending enrolled in James H. Groves High School courses which have an attendance requirement, shall attend a minimum of 85% of the course hours in order to receive a unit of credit. No provision is made for excused absences.

4.2 The grading system for the James H. Groves High School shall be based on a 100 point numeric scale. An alpha conversion chart to determine level of performance shall be:

4.2.3.1 ~~93 to 100~~ Students receiving a grade of "A" (93 to 100) have demonstrated demonstrate superior understanding of the content and have demonstrated knowledge and competence at the highest level.

4.2.3.2 ~~85 to 92~~ Students receiving a grade of "B" (85 to 92) have a demonstrate better than average understanding of the content and have demonstrated above average knowledge and competence.

4.2.3.3 ~~75 to 84~~ Students receiving a grade of "C" (75 to 84) have a demonstrate satisfactory understanding of the content and have demonstrated knowledge and competence.

4.2.3.4 ~~Less than 75 no credit awarded~~ No credit is awarded for grades less than 75.

4.3 ~~James H. Groves High School graduates shall meet the state graduation requirements with the~~

~~exception of physical education which is waived in lieu of another credit.~~

4.4 Groves High School students shall be eligible to receive a State of Delaware diploma when they have met the State graduation requirements in effect at the time of their graduation. (See 14 DE Admin. Code 505.2, 3.1 or 5.0). The single exception is physical education which is waived in lieu of another credit.

4.3 ~~4.1 All course content shall reflect the state content standards shall be based on the State Content Standards.~~

5.0 Fees

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

6.0 Students Rights and Responsibilities

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

7.0 Establishing a Center

7.1 A school district, agency or organization may seek to establish a James H. Groves Center ~~in their~~ for service delivery ~~area~~ by following the process outlined below. No district, agency or organization shall have more than one Groves Center.

7.1.1 An affiliation ~~must~~ 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~~ Center.

7.1.2 After a two year affiliation as a satellite ~~center~~ Center of an existing Groves Center or two year success as a pilot ~~center~~ Center, ~~a formal request may be made to the Delaware Department of Education for full center status. 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 year one as a satellite or pilot Center. The request shall include:

7.1.3 A formal request for ~~center~~ status may be made ~~after at the end of year one~~ one year as satellite or pilot center site and must be made one year prior to the desired start up date. The request must include:

7.1.3.1 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~~ Centers, and rationale for requesting a Groves Center;

7.1.3.2 7.1.2.1.2 A description of the district, agency or organization's experience and success in adult program delivery;

7.1.3.3 7.1.2.1.3 An explanation of the commitment to the Groves adult education program and assurances;

7.1.3.4 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.

7.1.4 ~~7.1.3~~ 7.1.3 ~~District, Agency or Organization~~ The district agency or organization representatives ~~will~~ shall meet with the Groves Leadership Team to review the Center request.

7.1.5 ~~7.1.4~~ 7.1.4 ~~The Groves Leadership Team will~~ shall make a recommendation for ~~center~~ Center status to the Delaware Department of Education, Education Associate through the Department's Director for Adult Education to the Secretary of Education.

7.1.6 ~~7.1.5~~ 7.1.5 Approval or denial ~~will~~ shall be made communicated to the district, agency or organization by the Department within 60 days of the center Center status application.

7.1.7 ~~7.1.6~~ 7.1.6 If approved, the Delaware Department of Education ~~will~~ shall apply for ~~center~~ Center funding in the upcoming State budget cycle. If State funding is allocated for the additional Center, full ~~center~~ Center status ~~will~~ shall be given to the program provided the annual performance report and State Evaluation Report are satisfactory.

7.1.8 ~~7.1.7~~ 7.1.7 Appeal Process: In the event Center status is denied by the Department of ~~Education~~ a hearing ~~can~~ may be requested by the district, agency or organization. The hearing ~~will~~ shall be conducted by the ~~Department of Education~~ Secretary of Education or his or her designee.

8.0 Closing a Center

8.1 Voluntary Closing: A school district, agency or organization ~~may~~ 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 ~~must~~ shall announce by November its intention to discontinue service at the end of the fiscal year. The following steps ~~will~~ shall be followed:

8.1.1 Within two months of closing, the district, agency or organization ~~must~~ 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 ~~must~~ shall be sent to the new Center;

8.1.1.2 Provide all current and past student and administrative records to the ~~Delaware Department of Education~~;

8.1.1.3 Send all equipment purchased for the Center to the ~~Delaware Department of Education~~ or to the designated ~~centers~~ Centers for redistribution; and

8.1.1.4 Return ~~any~~ unspent funds to the ~~Delaware Department of Education~~.

8.1.2 District, agency or organization representatives ~~will~~ shall meet with the Groves Leadership Team at the monthly meetings to implement a smooth closing.

9.0 ~~Nonvoluntary~~ Non Voluntary Closing

9.1 A ~~nonvoluntary~~ non voluntary closing ~~will~~ 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 ~~Delaware Department of Education~~ Secretary of Education determines the Center is not providing a quality instructional program to the students at that ~~center~~ Center.

9.1.3.1 9.2 The ~~Delaware Department of Education~~ Secretary of Education ~~will~~ shall provide notice to the school district, agency or organization of the closing by November giving eight months to close the Center. ~~The following steps will be followed:~~

9.1.3.1.1 9.2.1 Within two months of closing, the district, agency or organization ~~must~~ shall:

9.1.3.1.1.1 9.2.1.1 Notify all current students of the ~~center~~ Center closing and provide them with information to transfer to another ~~center~~ Center. Records of active students ~~must be sent to the new Center~~;

9.1.3.1.1.2 9.2.1.2 Provide all current and past student and administrative records to the ~~Delaware Department of Education~~;

9.1.3.1.1.3 9.2.1.3 Send all equipment purchased for the ~~center~~ Center to the ~~Delaware Department of Education~~ or to the designated ~~centers~~ Centers for redistribution; and

9.1.3.1.1.4 9.2.1.4 Return ~~any~~ unspent funds to the ~~Delaware Department of Education~~.

9.1.3.1.2 9.3 The ~~D~~istrict, agency or organization representatives ~~will~~ shall meet with the James H. Groves Leadership Team at the monthly meetings to implement a smooth closing.

2 DE Reg. 378 (9/1/98)

5 DE Reg. 1285 (12/1/01)

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