

DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

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

FINAL

REGULATORY IMPLEMENTING ORDER

915 James H. Groves High School

I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

Pursuant to 14 **Del. C.** §122(b), 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. This regulation is being updated to amend language related to the age of a student in the In School Credit (ISC) Program. Specifically, there is no longer a requirement that the ISC Program mirror federal regulations since Groves does not receive federal funding. This change to the regulation will be in effect until June 30, 2022 as it is the result of the COVID-19 pandemic. Other minor changes were made to the regulation to comply with the *Delaware Administrative Code Style Manual*.

Notice of the proposed regulation was published in the *Delaware Register of Regulations* on March 1, 2021. In addition, notice was published in *The News Journal* and the *Delaware State News* on March 1, 2021, in the form hereto attached as *Exhibit "A"*. One comment was received from the Governor's Advisory Council for Exceptional Citizens which was in support of the proposed amended regulation.

II. FINDINGS OF FACTS

The Secretary finds that it is appropriate to amend 14 **DE Admin. Code** 915 James H. Groves High School updated to amend language related to the age of a student in the In School Credit (ISC) Program. Specifically, there is no longer a requirement that the ISC Program mirror federal regulations since Groves does not receive federal funding. This change to the regulation will be in effect until June 30, 2022 as it is the result of the COVID-19 pandemic. Other minor changes were made to the regulation to comply with the *Delaware Administrative Code 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** 915 James H. Groves High School. Therefore, pursuant to 14 **Del.C.** §122, 14 **DE Admin. Code** 915 James H. Groves High School attached hereto as *Exhibit "B"* is hereby amended. Pursuant to the provision of 14 **Del.C.** §122(e), 14 **DE Admin. Code** 915 James H. Groves High School hereby amended shall be in effect for a period of one year 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 James H. Groves High School amended hereby shall be in the form attached hereto as *Exhibit "B"*, 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 of Education.

V. EFFECTIVE DATE OF ORDER

The actions hereinabove referred to were taken by the Secretary pursuant to 14 **Del.C.** §122 on April 22, 2021. 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 22nd day of April 2021.

Department of Education

Susan S. Bunting, Ed.D., Secretary of Education

Approved this 22nd day of April 2021

State Board of Education

/s/ Whitney Townsend Sweeney, President

/s/ Vincent Lofink

/s/ Wali W. Rushdan, II, Vice President

/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

~~"Certificate of Educational Attainment (CEA3)"~~ **"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, a representative from the Groves student association and prison education teacher supervisor(s) supervisors. The Associate Secretary, Student Supports shall be an ex officio member of the leadership team.

"James H Groves Center" or ~~"Center(s)"~~ **"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)

2.0 Admission Criteria and Process

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

2.1.2.1.1 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 six (6) months prior to enrollment.

2.1.4.2.1.1.1 The applicant shall:

2.1.4.4.2.1.1.1.1 Submit an application on forms approved by the Department;

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

2.2.2.1.2 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.

2.2.4.2.1.2.1 To apply for an age waiver, the prospective student shall submit to the Groves Center administrator the following.

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

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

2.2.4.3.2.1.2.1.3 Proof of exit from high school; and

2.2.4.4.2.1.2.1.4 Proof of age.

2.2.2.1.2.2 The prospective student seeking the age waiver shall be subject to subsection 2.1.4 2.1.1.1.

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

2.2.4.2.1.2.4 The names of all students receiving an age waiver shall be forwarded within five (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.

2.3.2.2 High school students who are at least ~~46~~ 14 years of ~~age~~ age, ~~have completed at least one semester of high school~~ and enrolled for at least one (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 until June 30, 2022.

~~2.3.42.2.1~~ To enroll in this program, students shall have the permission of their high school of record, their ~~parent(s), guardian(s) parent, guardian~~ or ~~Relative Caregiver~~ relative caregiver and the Groves High School principal or designee.

~~2.3.22.2.2~~ 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.

~~2.3.32.2.3~~ 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.

~~2.3.42.2.4~~ Students in the Groves In School Credit program shall not receive instruction during the school's regularly scheduled school day.

~~2.4.2.3~~ 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.

~~2.4.42.3.1~~ An applicant for an expulsion or pending expulsion waiver shall meet the following requirements:

~~2.4.4.42.3.1.1~~ Be 16 or 17 years of age;

~~2.4.4.22.3.1.2~~ Intend to graduate from the ~~James H~~ James H. Groves High School;

~~2.4.4.32.3.1.3~~ Be expelled or be pending expulsion for a nonviolent reason and not be a security threat;

~~2.4.4.42.3.1.4~~ Submit a letter of recommendation signed by the principal or designee of their high school of record;

~~2.4.4.52.3.1.5~~ Meet with the Department's Director of Adult and Prison Education Resources or designee to orally present ~~his or her~~ their case for entry into Groves. The decision regarding admission shall be made by the Director or designee; and

~~2.4.4.62.3.1.6~~ Meet the requirements in subsection ~~2.4.4~~ 2.1.1.1.

~~2.52.4~~ 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 six ~~(6)~~ months prior to enrollment shall:

~~2.5.42.4.1~~ 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 two ~~(2)~~ months prior to enrollment in the Groves Center.

~~2.5.22.4.2~~ 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 ~~2.5.4~~ 2.4.1.

~~2.5.32.4.3~~ 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 within five (5) working days.

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

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

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

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~~ real-life experiences and based on the skills gained and the length of time of the experience;

- 3.1.11 Military ~~Experience~~ 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~~ 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 (~~CEA3~~) that may provide up to 40 ten (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)

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 ~~his or her~~ 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 ~~in order~~ 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 40 ten (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.~~ below:
 - 4.4.1 Physical education is waived in lieu of another credit.
 - 4.4.2 ~~Students who were or would have been a first time 9th grader in the 2011-2012 school year or after shall be subject to 14 **DE Admin. Code** 505 High School Graduation Requirements and Diplomas.~~
 - 4.4.3 ~~Students who were or would have been a first time 9th grader in the 2010-2011 school year or prior shall be subject to 14 **DE Admin. Code** 505 High School Graduation Requirements and Diplomas.~~
 - 4.4.4.2 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 one (1) Groves course ~~in order~~ to receive a State of Delaware diploma.
 - 4.4.5.4.3 The James H. Groves High School must offer at least one (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)

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 one (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 two (2) year affiliation as a satellite Center of an existing Groves Center or two (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 ~~year one~~ 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 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 ~~his or her~~ the Secretary's designee.

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

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 two (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)

9.0 ~~Non-Voluntary~~ Non-Voluntary Closing

- 9.1 A ~~non-voluntary~~ 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~~ 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~~ agency, or organization of the closing by November giving eight (8) months to close the Center.
- 9.2.1 Within two (2) months of closing, the district, ~~agency~~ 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) (Final)