



STATE OF DELAWARE  
**STATE COUNCIL FOR PERSONS WITH DISABILITIES**  
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The Honorable John Carney,  
Governor

John McNeal, Director  
SCPD

**MEMORANDUM**

DATE: November 28, 2023

TO: Department of Education, Office of the Secretary, Attn: Regulation Review

FROM: Benjamin Shrader, Chairperson   
State Council for Persons with Disabilities

RE: Proposal to amend 14 Del. Admin. C. § 503 regarding Instructional Program Requirements. The proposed regulation was published as 27 DE Reg. 299 in the November 1, 2023, Register of Regulations.

The State Council for Persons with Disabilities (SCPD) has reviewed the Delaware Department of Education's (DDOE) proposal to amend 14 Del. Admin. C. § 503 regarding Instructional Program Requirements. The proposed regulation was published as 27 DE Reg. 299 in the November 1, 2023, Register of Regulations.

In this legislation, the DDOE states it is proposing to amend this regulation for general language changes. The SCPD has the following comments:

- Throughout the proposed regulations, "local school" is changed to "school." Further, "standards grade level expectations" have been changed to "content standards."
- Language was included to clarify that physical education must be provided to kindergarten students (previously, one paragraph includes kindergarten in the requirements, but the following paragraph regarding who must be enrolled in these classes previously only referred to students in grades 1-8) but adds that James H. Groves programs are not required to provide physical education (there was already an exemption, the proposed language just further clarifies that these programs are not required to provide physical education).
- Language was included to clarify that visual and performing arts must be provided to kindergarten students (previously, one paragraph includes kindergarten, but the following paragraph about what students must be enrolled in these classes previously only referred to students in grades 1-6) but also clarifies that James H. Groves programs are not required to provide visual and performing arts.

- Language is removed stating that 7<sup>th</sup> and 8<sup>th</sup> grade career and technical education programs must be provided “no later than the 2017-2018 school year.”
- An entire new section is added introducing health education requirements – as with the other additions, the proposed regulation exempts James H. Groves High School from providing instructional programs in health education.

**The SCPD supports the regulation but questions the exclusion of James H. Groves High School from the requirement.** The SCPD believes the education provided to students at James H. Groves High School should not be of lesser quality than the education provided to other students in Delaware. Further, eliminating requirements for health/physical education and arts education programs from Groves effectively eliminates any opportunity for incarcerated students to benefit from these programs and research shows that incarcerated individuals have been shown to benefit from not just physical movement but also exposure to the arts<sup>1</sup>. **The SCPD would like for DOE to prioritize making these programs available in alternative and adult education settings.**

Thank you for your consideration and please contact the SCPD with any questions or comments regarding our observations and recommendations on this proposed regulation.

cc: Ms. Marissa Band, Esquire CLASI, DLP  
Governor’s Advisory Council for Exceptional Citizens  
Developmental Disabilities Council

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<sup>1</sup> See *Social Determinants of Health Literature Summaries: Incarceration*, Off. Disease Prevention & Health Population, <https://health.gov/healthypeople/priority-areas/social-determinants-health/literature-summaries/incarceration> (“When compared to the general population, men and women with a history of incarceration are in worse mental and physical health. Data from the Bureau of Justice Statistics found that, in 2011, 44 percent of people who are incarcerated had a mental health disorder.14 Studies have shown that when compared to the general population, people of both sexes who are incarcerated are more likely to have high blood pressure, asthma, cancer, arthritis,15 and infectious diseases, such as tuberculosis, hepatitis C, and HIV.”)

<sup>1</sup> See Jean N. Clark, Richard N. Van Eck, Afreda King, Brenda Glusman, Annie McCain-Williams, Sandra Van Eck. Frances Beech, *HIV/ AIDS education among incarcerated youth*, 28 J. Crim. Jus. 5 (2000), [https://doi.org/10.1016/S0047-2352\(00\)00056-8](https://doi.org/10.1016/S0047-2352(00)00056-8).

<sup>1</sup> L. Gomez Pastor & SD Bravo Cucci, *Physical activity in prison: Should it be a first-line healthcare intervention?*, 20 Rev. Esp. Sanid Enit 1 (2018), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6279183/#:~:text=Three%20groups%20were%20used%3A%20cardiovascular,as%20overall%20mental%20health%203%20>.

<sup>1</sup> See Robert Jerome Sullivan, *Breaking Into Prison: Art Education in Action*, (Master’s degree dissertation, University of Florida) (2013) <https://nicic.gov/resources/nic-library/all-library-items/breaking-prison-art-education-action>, see also Danielle Maude Littman and Shannon M. Sliva, *Prison Arts Program Outcomes*, 71 J. Corr. Ed. 3 (2020), <https://www.jstor.org/stable/27042216>; Amanda Gardner, Lori L. Hager, & Grady Hillman, *Prison Arts Resource Project: An Annotated Bibliography*, Nat. Endowment Arts (2014).