

DEPARTMENT OF EDUCATION
OFFICE OF THE SECRETARY
900 Special Populations

920 Educational Programs for English Learners (ELs)

This regulation shall apply to any district or charter school applying for or receiving funds to provide services or programs for English Learners (ELs).

23 DE Reg. 653 (02/01/20)

1.0 Definitions

The following words and terms, when used in this regulation shall have the following meaning unless the context clearly indicates otherwise:

“ACCESS” means a suite of secure, large-scale, summative English language proficiency assessments.

“Department” means the Delaware Department of Education.

“English Learners” or **“ELs”** means individuals who, among other things, have English language speaking, reading, writing, or understanding difficulties sufficient to deny the individual the ability to meet challenging state academic standards as defined using Delaware’s standardized entrance and exit procedures.

“ESSA Plan” means a document that reflects the goals of the Delaware education system that are in compliance with applicable federal requirements outlined in the Elementary and Secondary Education Act (ESEA) of 1965, reauthorized in December 2015 as the Every Student Succeeds Act (ESSA).

“Home Language Survey” means a questionnaire that is given to a student’s parent, guardian or relative caregiver to help schools and local education agencies identify students who are potential ELs, and who will require assessment of their English language proficiency to determine whether they are eligible for a LIEP.

“Language Instruction Education Program” or **“LIEP”** means an instruction course: (1) in which an English learner is placed for the purpose of developing and attaining English proficiency while meeting challenging State academic standards; and (2) that may make instructional use of both English and a child’s native language to enable the child to develop and attain English proficiency and may include the participation of English proficient children if such course is designed to enable all participating children to become proficient in English and a second language.

“WIDA English Language Development Standards” means the social, instructional, and academic language that students need to engage with peers, educators, and the curriculum in schools.

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2.0 Home Language Survey

- 2.1 A state standardized home language survey or the questions contained in the survey shall be administered as part of the registration process for all registering students and shall elicit from the student’s parent, guardian or relative caregiver the student’s first acquired language and the language or languages spoken in the student’s home or by the student.
- 2.2 For any student whom a language other than English is reported on the home language survey, the school or district shall follow Delaware’s statewide entrance criteria as outlined in Delaware’s approved ESSA Plan and further described in Delaware’s English Learner Guidebook. When appropriate, an initial screening assessment of English language proficiency shall be conducted as soon as practicable, but not later than twenty-five (25) school days after enrollment and shall be conducted by qualified personnel trained in the administration of the assessment instrument.
 - 2.2.1 The English language proficiency screening assessment shall be based on the WIDA English Language Development Standards. The assessment shall be validated for this purpose and approved by the Department for use statewide.
 - 2.2.2 Any student who achieves a score on the English language proficiency screening assessment that is lower than the eligibility cut off score established by the Department shall be identified as an EL and shall be entitled to a program of instruction for ELs.

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3.0 Programs of Instruction for ELs

- 3.1 Programs of instruction for ELs shall include formal instruction to increase English language proficiency and instruction in academic subjects which is designed to provide ELs with access to the regular curriculum. All instruction for ELs must be aligned to the WIDA English Language Development Standards as adopted by the State Board of Education. In selecting programs, each district or charter school shall choose programs that have been demonstrated to be effective in the education of ELs.
- 3.2 Programs shall be implemented consistent with the goal of prompt acquisition of full English proficiency. Programs shall include instruction in academic subjects which is equivalent in scope to the instruction that is provided to students who are not ELs.
- 3.3 Instruction shall be delivered by individuals who meet Department licensure and certification requirements and who are trained in the delivery of instruction to ELs.
- 3.4 The student's parent, guardian or relative caregiver has a right to refuse placement of their child or children in a LIEP, and also has the right to withdraw an identified student from either program. Parents, guardians or relative caregivers of eligible students who refuse placement of their student in either program or withdraw students from either program shall do so in writing.

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4.0 English Language Proficiency Assessment

- 4.1 Every student identified as an EL will be administered the ACCESS English language proficiency assessment annually.
- 4.2 Any student who achieves a score on the annual ACCESS English language proficiency assessment that is higher than the eligibility cut off score established by the Department shall be reclassified as fully English proficient.
 - 4.2.1 For at least two school years following the reclassification, the district or charter school shall monitor the academic performance of the student. Students who experience academic difficulty in the regular classroom during the transition period shall, based on further assessment, reenter a LIEP or shall be provided with additional instructional services as necessary and appropriate.

23 DE Reg. 653 (02/01/20)

5.0 Annual Evaluation

Each district and charter school with ELs shall annually evaluate its program and make programmatic changes as necessary.

23 DE Reg. 653 (02/01/20)

6.0 Data and Information Required

Each district and charter school shall enter such data and information concerning ELs as instructed by the Department and as otherwise required by the Department into the statewide database.

9 DE Reg. 398 (09/01/05)

23 DE Reg. 653 (02/01/20)

7.0 Communication

Each district and charter school shall ensure that communication with parents, guardians and relative caregivers, including notices of eligibility for programs for ELs, notices about the student's educational performance and progress in such programs, and school information that is made available to other parents, guardians and relative caregivers shall be provided in English or in a language the parent, guardian or relative caregiver can understand.

9 DE Reg. 398 (09/01/05)

23 DE Reg. 653 (02/01/20)

8.0 Inclusion in Delaware System of Student Assessments

ELs and students reclassified as fully English proficient shall be included in the Delaware System of Student Assessments (DeSSA) as provided for in the Department's *Accessibility Guidelines for the Delaware System of Student*

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Assessments, or any amended version thereafter.

4 DE Reg. 467 (09/01/00)

9 DE Reg. 398 (09/01/05)

14 DE Reg. 103 (08/01/10)

23 DE Reg. 653 (02/01/20)