

**DEPARTMENT OF EDUCATION
OFFICE OF THE SECRETARY**

Statutory Authority: 14 Delaware Code, Section 1726(b) (14 **Del.C.** §1726(b))

PROPOSED

PUBLIC NOTICE

Education Impact Analysis Pursuant to 14 Del.C. Section 122(d)

702 Education Opportunity Fund

A. TYPE OF REGULATORY ACTION REQUIRED

New Regulation

B. SYNOPSIS OF SUBJECT MATTER OF THE REGULATION

Pursuant to 14 **Del.C.** §1726(b), the Secretary of Education intends to create 14 **DE Admin. Code** 702 Education Opportunity Fund. This new regulation is created as required by Senate Bill 56 of the 151st General Assembly to identify the types of services and supports that may be funded with the per pupil funding money from the Opportunity Fund.

Persons wishing to present their views regarding this matter may do so in writing by submitting them to the Department of Education, Office of the Secretary, Attn: Regulation Review, 401 Federal Street, Suite 2, Dover, Delaware 19901 or through the Department's online submission form at <https://education.delaware.gov/community/delaware-education-laws-and-regulations/provide-public-comment/> by the close of business (4:30 p.m. EST) on or before September 1, 2022. Any person who wishes to receive a copy of the proposed regulation may obtain a copy from the Department at the Office of the Secretary on the second floor of the Townsend Building, 401 Federal Street, Dover, Delaware.

C. IMPACT CRITERIA

1. Will the new regulation help improve student achievement as measured against state achievement standards? The new regulation is intended to help improve student achievement as measured against state achievement standards by ensuring local education agencies abide by processes that are scientific and evidence-based.
2. Will the new regulation help ensure that all students receive an equitable education? The new regulation intends to help ensure all students receive an equitable education.
3. Will the new regulation help to ensure that all students' health and safety are adequately protected? The new regulation does not specifically address students' health and safety; however, students' behavioral, social and emotional skills are addressed.
4. Will the new regulation help to ensure that all students' legal rights are respected? The new regulation continues to help ensure that all student's legal rights are respected.
5. Will the new regulation preserve the necessary authority and flexibility of decision making at the local board and school level? The new regulation does not change the decision making at the local board and school level.
6. Will the new regulation place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels? The new regulation does not place any unnecessary reporting or administrative requirements or mandates on decision makers.
7. Will the decision-making authority and accountability for addressing the subject to be regulated be placed in the same entity? The new regulation does not change the decision-making authority and accountability for addressing the subject to be regulated.
8. Will the new regulation be consistent with and not an impediment to the implementation of other state educational policies, in particular to state educational policies addressing achievement in the core academic subjects of mathematics, science, language arts and social studies? The new regulation is consistent with and not an impediment to the implementation of other state educational policies.
9. Is there a less burdensome method for addressing the purpose of the regulation? There is no less burdensome method for addressing the purpose of the regulation.
10. What is the cost to the State and to the local school boards of compliance with the regulation? There are no expected material costs to implementing this new regulation.

702 Education Opportunity Fund

1.0 Purpose

Pursuant to 14 **Del.C.** §1726(b), the purpose of this regulation is to identify the types of services and supports that may

be funded with the per pupil funding from the Opportunity Fund.

2.0 Definitions

The following words and terms, when used in this regulation, have the following meaning:

"English Learner" or "EL" means an individual who has 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.

"Low Income Students" means students within the statewide metric determined by the Department of Education utilizing direct certification for Temporary Assistance for Needy Families (TANF) and Supplemental Nutrition Assistance Program (SNAP).

"Mental Health Supports" means a variety of strategies and services that can support the social, emotional and behavioral wellbeing and mental health of students and their families. Supports of this type include, behavioral assessment and intervention, individual and group, family psychoeducation and support intervention, social and emotional learning, and mental health promotion, instruction and support, engagement strategies, assessment, screening, crisis management, suicide prevention and coordination of services.

"Opportunity Fund" means the fund containing monies appropriated in the Annual Appropriations Act, which are to be used to enhance services for English Learners and Low Income Students enrolled in public schools.

"Students with Interrupted Formal Educations" or "SIFE" means English Learners who have attended schools in the United States for less than twelve months and who, upon initial enrollment in such schools, are two or more years below grade level in literacy in their home language or two or more years below grade level in mathematics due to inconsistent or interrupted schooling prior to arrival in the United States.

"WIDA English Language Development Standards" means the state adopted standards used to plan and implement language instruction and assessment for English Learners in order to provide the social, instructional, and academic language that students need to engage with peers, educators, and curriculum in schools.

"Wrap-around Services" means a variety of strategies and services to support the needs of the student in the areas of attendance, academic engagement, behavior incidents or referral.

3.0 Types of Services and Supports

3.1 Services and supports identified for improving reading comprehension, math proficiency, wrap-around services and mental health supports for ELs and Low Income Students that may be funded by the Opportunity Fund include:

3.1.1 Employing additional personnel such as:

3.1.1.1 EL Teachers.

3.1.1.2 EL Coaches.

3.1.1.3 EL Paraprofessionals.

3.1.1.4 Reading Specialists.

3.1.1.5 Reading/Mathematics Interventionists.

3.1.1.6 Reading/Mathematics Coach.

3.1.1.7 Reading/Mathematics Paraprofessionals.

3.1.1.8 School Counselors.

3.1.1.9 School Social Workers.

3.1.1.10 School Psychologists.

3.1.1.11 Licensed Clinical Social Worker.

3.1.1.12 Other mental health personnel not limited by the Annual Appropriations Act.

3.1.2 Contractual services such as:

3.1.2.1 Translation and interpretation services and applications.

3.1.2.2 Professional learning services to build educator capacity to implement the WIDA English Language Development Standards.

3.1.2.3 Professional learning services to build educator capacity to strengthen Tier 1 instruction for ELs and students experiencing poverty.

3.1.2.4 Professional learning services to support educators in meeting the needs of unique populations ELs, including long-term ELs, SIFEs, newcomer students, students dually-identified as ELs and with disabilities, and ELs who are talented and gifted.

3.1.2.5 Professional learning services to support personnel listed in subsection 3.1.1.

- 3.1.2.6 Extended day learning experiences.
- 3.1.2.7 Summer learning experiences.
- 3.1.2.8 Contracted coaching and instructional support for installing and implementing interventions.
- 3.1.2.9 Data systems to support instructional decisions.
- 3.1.2.10 Contracted mental health supports.

3.1.3 Supplies and materials such as:

- 3.1.3.1 Supplemental instructional materials for ELs with unique needs such as SIFEs, newcomer students, and long-term ELs.
- 3.1.3.2 Support materials for content classrooms to meet the needs of ELs.
- 3.1.3.3 Social and emotional learning, as well as mental health instructional materials to support ELs and Low Income Students.

26 DE Reg. 87 (08/01/22) (Prop.)