



IN THE SUPERIOR COURT OF THE STATE OF DELAWARE
FOR NEW CASTLE COUNTY

AMERICAN CIVIL LIBERTIES UNION OF
DELAWARE;

Plaintiff

v.

LOUANN HUDSON, in her official capacity as
FOIA Coordinator for the CAPE HENLOPEN
SCHOOL DISTRICT; MARILYN MOORE, in
her official capacity as FOIA Coordinator for the
CHRISTINA SCHOOL DISTRICT; KYLIE
CROSS in her official capacity as FOIA
Coordinator for the WOODBRIDGE SCHOOL
DISTRICT

Defendants

C.A. No.

VERIFIED COMPLAINT

NATURE OF THE ACTION

This action seeks compliance with the Delaware Freedom of Information Act (“FOIA” or “the Act”). 29 *Del. C.* §§ 10001 *et seq.* In response to FOIA requests regarding the educational outcomes of vulnerable students in their districts, which have been routinely answered with minimal or no fees charged to a requestor, the Defendant School Districts have assessed unreasonable administrative fees, erecting a barrier to public information in contravention of the plain language and purpose of FOIA. The ACLU of Delaware (“ACLU-DE”) therefore asks this Court to declare

that Defendant School Districts violated 29 *Del. C.* § 10003(m)(2) by charging unreasonable fees for the production of public documents regarding the education of English Language Learners. ACLU-DE asks this Court to enjoin Defendants from charging unreasonable fees and to order the Defendant School Districts to produce responsive public documents consistent with the Act.

JURISDICTION AND VENUE

1. This complaint is timely filed within 60 days of the Defendants' responses to FOIA requests, pursuant to 29 *Del. C.* § 10005(b).
2. This Court has jurisdiction over this action pursuant to 10 *Del. C.* § 541, and venue is proper under 29 *Del. C.* § 10005(b) because Plaintiff's address is 100 W. 10th St., Wilmington, DE, 19801, in New Castle County.

PARTIES

3. Plaintiff is a private, nonprofit membership corporation founded in 1961 as an affiliate of the national American Civil Liberties Union. The mission of ACLU-DE and the common interest of its members is to preserve and protect fundamental constitutional rights. ACLU-DE has been a consistent advocate for educational equity in Delaware. *See generally Delawareans for Educational Opportunity v. Carney*, 199 A.3d 109 (Del. Ct. Chan. 2018).

4. Defendant Cape Henlopen School District (“Cape Henlopen”) is a public, residential school district headquartered in Lewes, Sussex County, Delaware.
5. Defendant LouAnn Hudson is the Assistant Superintendent and the designated FOIA coordinator for Cape Henlopen. She is sued in her official capacity.
6. Defendant Christina School District (“Christina”) is a public school district headquartered in Newark, New Castle County, Delaware.
7. Defendant Marilyn Moore serves as a Board Liaison in the Office of the Superintendent in Christina and is the designated FOIA coordinator for the district. She is sued in her official capacity.
8. Defendant Woodbridge School District (“Woodbridge”) is a public school district headquartered in Bridgeville, Sussex, Delaware.
9. Defendant Kylie Cross serves as a Secretary to the Superintendent in Woodbridge and serves as the designated FOIA coordinator for the district. She is sued in her official capacity.

FACTS

The FOIA Statute

10. The core purpose of FOIA is to make the records of public bodies open to public view. *See 29 Del. C. § 10001.*

11. FOIA defines a “public body” as “any regulatory, administrative, advisory, executive, appointive or legislative body of the State . . . which: (1) Is supported in whole or in part by any public funds” *Id.* § 10002(k). Public school districts are public bodies under this definition. *See, e.g., Del. Op. Att’y Gen. 24-IB29*, 2024 WL 4046099 (Aug. 9, 2024).
12. FOIA provides that “[a]ll public records shall be open to inspection and copying” and “[r]easonable access to ... these records shall not be denied to any citizen.” *Id.* § 10003(a).
13. FOIA only permits a reasonable administrative fee charged to the requester when producing the relevant records will take more than one hour. *Id.* § 10003(m)(2). The public body “must make every effort to ensure that administrative fees are minimized,” and must “minimize the use of nonadministrative personnel in processing FOIA requests.” *Id.* To that end, administrative fees must be billed at the rate of “the lowest-paid employee capable of performing the service.” *Id.*
14. In addition, prior to fulfilling a request, the public body must offer an itemized written cost estimate to the requesting party and give the requesting party an opportunity to proceed with, modify, or cancel the request based on the cost estimate. *Id.*

15. Defendants are public bodies, their records are public, and they have a duty to “make every effort to ensure that administrative fees are minimized.” *Id.* Defendants may only assess charges, as described in an itemized written estimate, that are reasonably required to process FOIA requests. *Id.*

ELL Requests

16. On October 1, 2025, and October 2, 2025, the ACLU-DE submitted FOIA Requests (the “ELL Requests”) to all 19 Delaware school districts, including Cape Henlopen, Christina, and Woodbridge (“Defendants”). *See* the ELL Request and Response for Cape Henlopen (attached and hereinafter referred to as “Exhibit A”); the ELL Request and Response for Chrstitina (attached and hereinafter referred to as “Exhibit B”); the ELL Request and Response for Woodbridge (attached and hereinafter referred to as “Exhibit C”); and the ELL Requests and Responses for non-defendant districts (attached and hereinafter referred to as “Exhibit D”).¹
17. The ELL Requests sought information relevant to the educational opportunities and outcomes for all ELL students in Delaware public schools,

¹ For ease of reference, the FOIA requests and responses from non-defendant school districts have been consolidated into one exhibit, Exhibit D. The two school districts that never responded to the ELL Requests, have been excluded from Exhibit D.

including the thousands of ELL students enrolled in the Defendant districts.²

See Id.

18. The ELL Requests were supplemental to previous requests (the “2024 Requests”) made to all school districts in August 2024. *See* the 2024 Requests and Responses of Defendant Districts (attached and hereinafter referred to as “Exhibit E”).
19. Each Defendant fully responded to the 2024 Requests without assessing any fees to ACLU-DE. *Id.*
20. The 2024 Requests are substantively identical to the 2025 ELL Requests. That is, the type of information sought in the 2025 ELL Requests was largely identical to that sought in the 2024 Requests that Defendants answered without any charge; Plaintiffs merely sought updated data from the 2024-2025 academic year. *Compare* Exhibits A-C and E.
21. 14 non-Defendant districts responded to the ELL Request. *See* Exhibit D.

² For the 2025-26 school year, Cape Henlopen has 607 ELL students, Christina has 1,899, and Woodbridge has 483. *See Cape Henlopen School District/Fall Enrollment*, Delaware.gov (last accessed Dec. 19, 2025) <https://reportcard.doe.k12.de.us/detail.html#displaypage?scope=district&district=17&school=0&id=778>; *Christina School District/Fall Enrollment*, Delaware.gov, (last accessed Dec. 19, 2025) <https://reportcard.doe.k12.de.us/detail.html#displaypage?scope=district&district=33&school=0&id=778>; *Woodbridge School District/Fall Enrollment*, Delaware.gov, (last accessed Dec. 19, 2025) <https://reportcard.doe.k12.de.us/detail.html#displaypage?scope=district&district=35&school=0&id=778>. The public has a strong interest in understanding the educational outcomes of and opportunities afforded to these many vulnerable students.

22. Four of these 14 districts responded to the 2025 ELL Request without charging any fees. *See* Exhibit D at 8-12, 53-56, 57-64, 65-68.
23. The enrollment of these four non-charging districts is 10,070,³ 15,870⁴, 4,938⁵, and 1,252⁶. For comparison, Christina has 12,799 students⁷, Cape Henlopen has 6,731 students⁸, and Woodbridge has 2,603⁹ students.
24. Seven of these 14 districts estimated administrative fees of less than \$400 and estimated no more than 8 hours of labor to respond to the ELL Request. *See* Exhibit D at 13-19, 20-25, 33-39, 47-52, 69-73, 74-80, 81-86.
25. Only Defendant districts assessed administrative fees for responding to the 2025 ELL Request of \$1,900 or more. *Compare* Exhibits A-C and D.
26. Below, find a comparison chart created by ACLU-DE showing differences between Defendants and the other responding districts.

³ *Brandywine School District/Snapshot*, Delaware.gov (last accessed Dec. 19, 2025)

<https://reportcard.doe.k12.de.us/detail.html#aboutpage?scope=district&district=31&school=0>.

⁴ *Red Clay Consolidated School District/Snapshot*, Delaware.gov (last accessed Dec. 19, 2025)

<https://reportcard.doe.k12.de.us/detail.html#aboutpage?scope=district&district=32&school=0>.

⁵ *New Castle County Vocational-Technical School District Snapshot*, Delaware.gov, accessed Dec. 17, 2025,

<https://reportcard.doe.k12.de.us/detail.html#aboutpage?scope=district&district=38&school=0>

⁶ *Polytech School District Snapshot*, Delaware.gov, (last accessed Dec. 19, 2025)

<https://reportcard.doe.k12.de.us/detail.html#aboutpage?scope=district&district=39&school=0>

⁷ *Christina School District Snapshot*, Delaware.gov, (last accessed Dec. 19, 2025)

<https://reportcard.doe.k12.de.us/detail.html#aboutpage?scope=district&district=33&school=0>

⁸ *Cape Henlopen School District Snapshot*, Delaware.gov, (last accessed Dec. 19, 2025)

<https://reportcard.doe.k12.de.us/detail.html#aboutpage?scope=district&district=17&school=0>

⁹ *Woodbridge School District Snapshot*, Delaware.gov, (last accessed Dec. 19, 2025)

<https://reportcard.doe.k12.de.us/detail.html#aboutpage?scope=district&district=35&school=0>

	Average of all other Districts	Cape Henlopen	Christina	Woodbridge
Hours Billed	7.77 ¹⁰	47.5	32	20
Total Fees billed	\$393.36	\$3,438.05	\$1983.36	\$2,000
Hourly rate	\$35.23 ¹¹	\$72.38	\$61.98	\$100

Cape Henlopen Response

27. Cape Henlopen responded to the 2024 Request without assessing any administrative fees. Exhibit E at 5.
28. FOIA Coordinator Hudson issued a timely response to the 2025 ELL Request on behalf of Cape Henlopen on October 23, 2025. Cape Henlopen replied that they would be charging administrative fees to satisfy the ELL Request. Cape Henlopen estimated that the Request would take 47.5 hours to complete, which would result in a total fee of \$3,438.05, at an average rate of \$72.38 per hour. Exhibit A at 5-6.
29. Cape Henlopen included a limited breakdown of expenses that would be performed by administrative personnel. Cape Henlopen stated that 1 hour of “work” would be completed by the Assistant Superintendent, 16.5 hours of work would be completed by the MLL Coordinator, 20 hours would be

¹⁰ Smyrna did not list their hours and was thus excluded from this calculation.

¹¹ Smyrna did not list their hours and was thus excluded from this calculation.

completed by the Director of Teaching and Learning, 10 hours of work would be completed by the Director of Finance, and an unknown amount of work would be completed by the HR Supervisor. *Id.*

30. The response did not include a specified rate for each administrative personnel's respective labor.
31. Cape Henlopen did not offer an itemized written cost estimate to the ACLU-DE providing information sufficient to understand Cape Henlopen's estimation of fees or what "work" each administrative personnel would perform to complete the response.
32. Cape Henlopen did not make sufficient efforts to minimize the use of nonadministrative personnel in processing FOIA requests; in fact, all work processing the ELL Request was to be performed by higher-paid administrators.
33. Upon information and belief, Cape Henlopen did not bill at the rate of the lowest-paid employee capable of fulfilling the task.
34. Upon information and belief, 47.5 hours is an unreasonable amount of billed time for Cape Henlopen to comply with the ELL Request.
35. Upon information and belief, \$3,648.05 is not the minimum reasonable cost for Cape Henlopen to comply with the ELL request.

36. Cape Henlopen did not make sufficient efforts to ensure that administrative fees are minimized under the FOIA statute.

Christina Response

37. Christina fully responded to the 2024 Request without assessing any fees. Exhibit E at 11-12.
38. FOIA Coordinator Moore responded to the 2025 ELL Request on behalf of Christina on November 18, 2025, explaining that Christina would charge administrative fees to satisfy the ELL Request. Christina estimated that the Request would take 32 hours to complete, which would result in a total fee of \$1,983.62, at an average rate of nearly \$62 per hour. Exhibit B at 6.
39. Christina included a limited breakdown of expenses, which stated that the “work” would be spread amongst the Supervisor of ELL and their Data Specialist. *Id.*
40. Christina did not offer an itemized written cost estimate to the ACLU-DE providing information sufficient to understand Christina estimation of fees or what “work” each administrative personnel would perform to complete the response.

41. Christina did not make sufficient efforts to minimize the use of nonadministrative personnel in processing FOIA requests; in fact, only higher paid administrators were used to process the ELL Request.
42. Upon information and belief, Christina did not bill at the rate of the lowest-paid employee capable of fulfilling the task.
43. Upon information and belief, 32 hours is an unreasonable amount of billed time for Christina to comply with the ELL Request.
44. Upon information and belief, \$1,983.62 is not a reasonable minimum cost required for compliance with the ELL Request.
45. Christina did not make sufficient efforts to ensure that administrative fees are minimized under the FOIA statute.

Woodbridge Response

46. Woodbridge fully responded to the 2024 Request without assessing fees. Exhibit E at 17-18.
47. FOIA Coordinator Cross responded on October 23, 2025, stating that Woodbridge would be charging administrative fees to satisfy the ELL Request. Woodbridge estimated that the Request would take 20 hours to complete, which would result in a total fee of \$2,000, at a rate of nearly \$100 per hour. Exhibit C at 6.

48. Woodbridge included a limited breakdown of expenses, which stated that the “work” would be spread amongst the Director of Curriculum and Instruction, four school principals, four MLL teachers, and the District Technology Specialist. *Id.*
49. Woodbridge did not offer an itemized written cost estimate to the ACLU-DE providing information sufficient to understand Woodbridge's estimation of fees or what “work” each administrative personnel would perform to complete the response.
50. Woodbridge did not make sufficient efforts to minimize the use of nonadministrative personnel in processing FOIA requests and unnecessarily relied upon higher-paid administrators.
51. Upon information and belief, Woodbridge did not bill at the rate of the lowest-paid employee capable of fulfilling the task.
52. Upon information and belief, 20 hours is an unreasonable amount of billed time for Woodbridge to comply with the ELL Request.
53. Upon information and belief, \$2,000 is not a reasonable minimum cost required for compliance with the request.
54. Woodbridge did not make sufficient efforts to ensure that administrative fees are minimized under the FOIA statute.

CLAIMS FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court:

1. Declare that Defendants' stated administrative fees are unreasonable and not the minimum amount necessary, in violation of 29 *Del. C.* § 10003(m)(2);
2. Enjoin Defendants from charging unlawful administrative fees;
3. Order Defendants to provide requested documents in compliance with the law.
4. Award Plaintiffs' attorneys' fees and costs pursuant to 29 *Del. C.* § 10005(d); and
5. Grant all other appropriate relief as the Court deems just and proper.

Dated: December 22, 2025

**The American Civil Liberties Union
of Delaware**

/s/ Andrew Bernstein

Andrew Bernstein (#7161)

100 W. 10th St. #706

Wilmington, DE 19801

Phone: (302) 551-6809 Ext. 119

Email: abernstein@aclu-de.org



EXHIBIT A

Cape Henlopen School District



LouAnn Hudson, Ed.D.
Assistant Superintendent
louann.hudson@cape.k12.de.us

District Office
1270 Kings Highway, Lewes, DE 19958
P (302) 645-6686 F (302) 645-6684

October 21, 2025

VIA ELECTRONIC MAIL

Mr. Oluwatobi Omotoso
Education Equity Fellow
ACLU of Delaware
100 W. 10th Street #706
Wilmington, Delaware 19801
OOmotoso@aclu-de.org

RE: ACLU FOIA Request Dated October 1, 2025

Dear Mr. Omotoso:

The Cape Henlopen School District ("District") is in receipt of your request ("Request") submitted under the Freedom of Information Act ("FOIA") dated as of the date referenced above in the RE: line. We are aware that each of the 19 school districts received a similar request. It is important to know that each district uses different systems and processes. Regarding costs and fees, be aware that each district is staffed differently, and its employees have different training, passwords, abilities, and access. Therefore, any variances in substantive responses or fee estimates among the districts should not be construed against any district or districts. Also, be aware that Infinite Campus is now state-wide this year. Thus, responses you receive this year may differ from the similar requests submitted last year.

Preliminarily, in marshaling a response to the Requests, the District has undertaken extensive diligence and involved its agents in collaborative efforts with the Delaware Department of Education, other districts, and vendors who host data. Much of the data requested does not exist and/or cannot be generated.

I respond to the Requests in the order presented:

- 1) *Documents and/or electronically stored information ("ESI") showing the total number of students across the Cape Henlopen School District ("district") and in each school in the district enrolled in any English Learner Programs; additionally showing the number of students across the district and in each*

school enrolled in the following English Learner Programs, as defined in the Delaware English Learner Guidebook, for the last four school years. If this number is too small to disclose or if any program is not implemented in the district, please state that.

- a) *Dual Language Immersion*
 - i) *Full-Service*
 - ii) *Push-In*
 - iii) *Pull-Out*
- b) *English as a Second Language*
 - i) *Push-In*
 - ii) *Pull-Out*
- c) *Blended Push-In and Pull-Out*
- d) *Sheltered English Instruction*
- e) *Newcomer Program*
- f) *Transitional Bilingual*
- g) *English Language Development Class*
- h) *Heritage Language*
- i) *Co-Teaching*
- j) *Specially designed Pull-Out Support*
- k) *Specially designed Push-In Support*
- l) *Consultative Services*

Response: Some portions of the information sought are not tracked. As for information that is tracked, the requested information cannot be generated without coding to merge data across different software programs. By way of one example, if we were to attempt to identify which students are in dual language immersion and receive full service, we would need to check each student (there is no report) for a flag to see if they are dual language immersion. That data would be in one software platform. Then, we would need to access another software program, enter the student name, and create a record of what service level that student receives. We would have to do the same or a similar process for each sub-request, except for those that cannot be generated. FOIA does not require a public body to “pull[] together information from various sources and arrang[e] it in a [requested] format ... to create a new public record that did not previously exist.” *Att’y Gen. Op. 05-IB08 (Apr. 4, 2005) (quoting Att’y Gen. Op. 03-IB24 (Oct. 30, 2003)) (quoting Att’y Gen. Op. 03-IB13 (June 2, 2003))*.

***Excepted from the foregoing, we are able to run a report to identify the total number of ELL students per school. Due to the Infinite Campus conversion, we are able to access this data for the 2023 through 2026 school years. Costs for such a search and production are referenced below.**

- 2) *Documents and/or ESI showing how many English Learner (“EL”) students exited their EL programs after meeting exit criteria (prior to their graduation) in the district within the past four years. If the number is too small to disclose then please state that.*

Response: The District’s response is the same as the response to Request 1, but not including the paragraph referenced with a “*”.

- 3) *Documents and/or ESI showing the progress of the district’s EL students towards achieving English Language Proficiency (“ELP”) for the last four school years, as defined by the Delaware Every Student Success Act plan, including but not limited to data used to create “ELP Target Reports” submitted to the Delaware Department of Education (“DDOE”) Identity Management System (“IMS”) English Learner Database.*

Response: The District is able to obtain a report reflecting the information sought, but only as to school years 2022-2025. The information is pre-aggregated and will be presented as such. Costs for such a search and production are referenced below.

- 4) *Documents and/or ESI showing the number of EL students who were enrolled*

in any of the district's special programs for the last four school years. This includes but is not limited to Advanced Placement ("AP") courses, Honors courses, or gifted and talented programs.

Response: This District is not among the districts that have access to responsive information and thus responsive information would require the creation of new documents commencing with tracing each individual student who has an ELL flag, and then sorting through special programs to create new documents. Therefore, the District's response is the same as the response to Request 1, but not including the paragraph referenced with a "*" .

- 5) *Documents and/or ESI showing the number of EL students who participated in extracurricular activities for the last four school years, including but not limited to after-school sports, clubs, music ensembles, student organizations, or interest groups.*

Response: This information is not tracked. There are no public records.

- 6) *Documents and/or ESI including but not limited to a staff roster, or EL coordinator data that shows the number of teachers employed by the district that hold a Teacher of English Learners Standard Certificate ("TELSC") in each school.*

Response: The District is able to obtain a report reflecting the information sought. Costs for such a search and production are referenced below.

- 7) *Documents and/or ESI including but not limited to anonymized student roll sheets, a staff roster, time sheets, or EL coordinator data that shows the how much instructional time EL students spend working with TELSC certified teachers in the district and the number of students assigned to each teacher.*

Response: This information is not tracked. There are no public records.

- 8) *Documents and/or ESI showing the district's EL program budget and expenditures for the last four school years. This may take the form of invoices for textbooks, curriculum, staffing availability of positions in specialized EL roles, etc.*

Response: There is ambiguity in the Request with regards to what may or may not be considered responsive, given the use of "etc." Without waiver of that issue, the District is able to obtain a report reflecting the information sought. Costs for

such a search and production are referenced below.

- 9) *Documents and/or ESI detailing the district's curriculum or policy for each English Learner Program that the district utilizes.*

Response: The District is able to obtain the information sought. Costs for such a search and production are referenced below.

- 10) *Documents and/or ESI detailing any reports produced for the DDOE related to the implementation the district's EL programs.*

Response: This information does not exist. There are no public records.

- 11) *Documents and/or ESI sufficient to show which schools participated in Delaware Student Climate Survey.*

Response: Each reference survey is submitted to the University of Delaware on a school-by-school basis. You have the option of obtaining such information directly from the University of Delaware. Alternatively, the District can determine which if any of its schools received and submitted such a survey, and we assume this request is for the 2025 school year. Costs for such a search and production are referenced below.

- 12) *If schools participated in the Delaware Student Climate Survey, documents and/or ESI sufficient to show their organized survey results, with areas of concern and strengths highlighted.*

Response: See response to Request 11.

The District will make every effort to minimize fees and use the lowest paid employee capable of doing the work. Of course, there will not be a charge associated with the first hour, and we will allocate that hour to time spent by the highest paid employee. The estimated fees for the review, processing and production of public records responsive to your Requests is \$3438.05. In further detail, the number of hours and title of each person likely to participate is assistant superintendent (1 hour), MLL coordinator (16.5 hours), director of teaching and learning (20 hours), human resources supervisor, and the director of finance (10 hours). Included in this list is the assistant superintendent, who must, among other things, briefly review the production to ensure, for example, that information protected by law is not produced inadvertently, and that null value numbers (less than 15) are not presented.

Mr. Oluwatobi Omotoso
Education Equity Fellow
ACLU of Delaware

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Administrative fees will be billed to the requesting party per quarter hour. These charges will be billed at the current hourly pay grade (prorated for quarter hour increments) of the lowest-paid employee capable of performing the service. Administrative fees will be in addition to any other charges incurred under this section for copying fees.

You may decide whether to proceed with, cancel, or modify the Request. If you wish to proceed, please confirm your agreement to pay an estimate of \$3438.05 and remit payment to this office, payable to Cape Henlopen School District, at 1270 Kings Hwy. Lewes, DE 19958 in the amount of \$3438.05. You will be billed for any amounts due under our FOIA policy and as permitted by law, before production.

The District reserves all rights afforded by law.

Sincerely,

A handwritten signature in black ink, appearing to read "LouAnn Hudson", written in a cursive style.

LouAnn Hudson, Ed.D.

Assistant Superintendent

cc: Jennifer Nauman, Superintendent
Michelle Esposito



EXHIBIT B

NOVEMBER 17, 2025

VIA ELECTRONIC MAIL

Mr. Oluwatobi Omotoso
Education Equity Fellow
ACLU of Delaware
100 W. 10th Street #706
Wilmington, Delaware 19801
OOmotoso@aclu-de.org
Reference #100125-1

RE: ACLU FOIA Request Dated October 1, 2025

Dear Mr. Omotoso:

The Christina School District (“District”) is in receipt of your request (“Request”) submitted under the Freedom of Information Act (“FOIA”) dated as of the date referenced above in the RE: line. We are aware that each of the 19 school districts received a similar request. It is important to know that each district uses different systems and processes. With regard to costs and fees, be aware that each district is staffed differently, and the districts’ employees have different training, passwords, abilities, and access. Therefore, any variances in substantive responses, or fee estimates among the districts should not be construed against any district or districts. Also, be aware that Infinite Campus is now State-wide this year. Thus, responses you receive this year may differ from the similar requests submitted last year.

Preliminarily, in marshaling a response to the Requests, the District has undertaken extensive diligence and involved its agents in collaborative efforts with the Delaware Department of Education, other districts, and vendors who host data. Much of the data requested does not exist and/or cannot be generated.

I respond to the Requests in the order presented:

- 1) *Documents and/or electronically stored information (“ESI”) showing the total number of students across the Christina District (“district”) and in each school in the district enrolled in any English Learner Programs; additionally showing the number of students across the district and in each school enrolled in the following English Learner Programs, as defined in the Delaware English Learner Guidebook, for the last four school years. If this number is too small to disclose or if any program is not*

implemented in the district, please state that.

- a) Dual Language Immersion*
 - i) Full-Service*
 - ii) Push-In*
 - iii) Pull-Out*
- b) English as a Second Language*
 - i) Push-In*
 - ii) Pull-Out*
- c) Blended Push-In and Pull-Out*
- d) Sheltered English Instruction*
- e) Newcomer Program*
- f) Transitional Bilingual*
- g) English Language Development Class*
- h) Heritage Language*
- i) Co-Teaching*
- j) Specially designed Pull-Out Support*
- k) Specially designed Push-In Support*
- l) Consultative Services*

Response: Some portions of the information sought are not tracked. As for information that is tracked, the requested information cannot be generated without coding to merge data across different software programs. By way of one example, if we were to attempt to identify which students are in dual language immersion and receive full service, we would need to check each student (there is no report) for a flag to see if they are dual language immersion. That data would be in one software platform. Then, we would need to access another software program, enter the student name, and create a record of what service level that student receives. We would have to do the same or a similar process for each sub-request, except for those that cannot be generated. FOIA does not require a public body to “pull[] together information from various sources and arrang[e] it in a [requested] format ... to create a new public record that did not previously exist.” *Att’y Gen. Op. 05-IB08 (Apr. 4, 2005) (quoting Att’y Gen. Op. 03-IB24 (Oct. 30, 2003)) (quoting Att’y Gen. Op. 03-IB13 (June 2, 2003))*.

***Excepted from the foregoing, we are able to run a report to identify the total number of ELL students per school. Due to the Infinite Campus conversion, we anticipate we are able to access this data for the 2025 and 2026 school year. Costs for such a search and production are referenced below.**

- 2) *Documents and/or ESI showing how many English Learner (“EL”) students exited their EL programs after meeting exit criteria (prior to their graduation) in the district within the past four years. If the number is too small to disclose then please state that.*

Response: The District’s response is the same as the response to Request 1, but not including the paragraph referenced with a “*”.

- 3) *Documents and/or ESI showing the progress of the district’s EL students towards achieving English Language Proficiency (“ELP”) for the last four school years, as defined by the Delaware*

Every Student Success Act plan, including but not limited to data used to create “ELP Target Reports” submitted to the Delaware Department of Education (“DDOE”) Identity Management System (“IMS”) English Learner Database.

Response: The District is able to obtain a report reflecting the information sought, for 2025 and 2026 school year. The information is pre-aggregated, and will be presented as such. Costs for such a search and production are referenced below.

- 4) *Documents and/or ESI showing the number of EL students who were enrolled in any of the district’s special programs for the last four school years. This includes but is not limited to Advanced Placement (“AP”) courses, Honors courses, or gifted and talented programs.*

Response: The District is able to obtain a report reflecting the information sought. Costs for such a search and production are referenced below.

- 5) *Documents and/or ESI showing the number of EL students who participated in extracurricular activities for the last four school years, including but not limited to after-school sports, clubs, music ensembles, student organizations, or interest groups.*

Response: This information is not tracked. There are no public records.

- 6) *Documents and/or ESI including but not limited to a staff roster, or EL coordinator data that shows the number of teachers employed by the district that hold a Teacher of English Learners Standard Certificate (“TELSC”) in each school.*

Response: The District is able to obtain a report reflecting the information sought. Costs for such a search and production are referenced below.

- 7) *Documents and/or ESI including but not limited to anonymized*

student roll sheets, a staff roster, time sheets, or EL coordinator data that shows the how much instructional time EL students spend working with TELSC certified teachers in the district and the number of students assigned to each teacher.

Response: This information is not tracked. There are no public records.

- 8) *Documents and/or ESI showing the district's EL program budget and expenditures for the last four school years. This may take the form of invoices for textbooks, curriculum, staffing availability of positions in specialized EL roles, etc.*

Response: There is ambiguity in the Request with regards to what may or may not be considered responsive, given the use of "etc." Without waiver of that issue, the District is able to obtain a report reflecting the information sought. Costs for such a search and production are referenced below.

- 9) *Documents and/or ESI detailing the district's curriculum or policy for each English Learner Program that the district utilizes.*

Response: The District is able to obtain the information sought. Costs for such a search and production are referenced below.

- 10) *Documents and/or ESI detailing any reports produced for the DDOE related to the implementation the district's EL programs.*

Response: This information does not exist. There are no public records.

- 11) *Documents and/or ESI sufficient to show which schools participated in Delaware Student Climate Survey.*

Response: Each reference survey is submitted to the University of Delaware on a school-by-school basis. You have the option of obtaining such information directly from the University of Delaware. Alternatively, [single building districts- the District can determine if its school received and submitted such a survey, and we assume

this request is for the 2025 school year. Costs for such a search and production are referenced below.]; [multiple building districts- the District can determine which if any of its schools received and submitted such a survey, and we assume this request is for the 2025 school year. Costs for such a search and production are referenced below.]

- 12) If schools participated in the Delaware Student Climate Survey, documents and/or ESI sufficient to show their organized survey results, with areas of concern and strengths highlighted.*

Response: See response to Request 11.

The District will make every effort to minimize fees and use the lowest paid employee capable of doing the work. Of course, there will not be a charge associated with the first hour, and we will allocate that hour to time spent by the highest paid employee. The estimated fees for the review, processing and production of public records responsive to your Requests is \$1,983.36. In further detail, the number of hours and title of each person likely to participate is 32 hours and the Supervisor of EL and the District's Data Specialist. Included in this list is the Supervisor of EL who must, among other things, briefly review the production to ensure, for example, that information protected by law is not produced inadvertently, and that null value numbers (less than 15) are not presented.

Administrative fees will be billed to the requesting party per quarter hour. These charges will be billed at the current hourly pay grade (prorated for quarter hour increments) of the lowest-paid employee capable of performing the service. Administrative fees will be in addition to any other charges incurred under this section for copying fees.

Please note: All fees are per Christina School District Board Policy. You may decide whether to proceed with, cancel, or modify the Request. If you wish to proceed, please confirm your agreement to pay an estimate of \$1,983.36. One-half of the estimated fees shall be paid up front, balance is payable upon completion of the service, prior to receipt of the requested records. Remit payment to this office, payable to Christina School District (FOIA Coordinator), at 1899 S. College

Mr. Oluwatobi Omotoso
Education Equity Fellow
ACLU of Delaware
November 17, 2025
Page 7

Avenue, Newark, DE 19702 in the amount of \$991.68. You will be billed for any amounts due under our FOIA policy and as permitted by law, before production.

The District reserves all rights afforded by law.

Sincerely,

Marilyn Moore

Marilyn Moore
FOIA Coordinator
Superintendent's Office
Christina School District



EXHIBIT C

October 23, 2025

VIA ELECTRONIC MAIL

Mr. Oluwatobi Omotoso
Education Equity Fellow
ACLU of Delaware
100 W. 10th Street #706
Wilmington, Delaware 19801
OOmotoso@aclu-de.org

RE: ACLU FOIA Request Dated 10/2/2025

Dear Mr. Omotoso:

The Woodbridge School District (“District”) is in receipt of your request (“Request”) submitted under the Freedom of Information Act (“FOIA”) dated as of the date referenced above in the RE: line. We are aware that each of the 19 school districts received a similar request. It is important to know that each district uses different systems and processes. With regard to costs and fees, be aware that each district is staffed differently, and the districts’ employees have different training, passwords, abilities, and access. Therefore, any variances in substantive responses, or fee estimates among the districts should not be construed against any district or districts. Also, be aware that Infinite Campus is now State-wide this year. Thus, responses you receive this year may differ from the similar requests submitted last year.

Preliminarily, in marshaling a response to the Requests, the District has undertaken extensive diligence and involved its agents in collaborative efforts with the Delaware Department of Education, other districts, and vendors who host data. Much of the data requested does not exist and/or cannot be generated.

I respond to the Requests in the order presented:

- 1) *Documents and/or electronically stored information (“ESI”) showing the total number of students across the Woodbridge School District (“district”) and in each school in the district enrolled in any English Learner Programs; additionally showing the number of students across the district and in each school enrolled in the following English Learner Programs, as defined in the Delaware English Learner Guidebook, for the last four school*

years. If this number is too small to disclose or if any program is not implemented in the district, please state that.

- a) Dual Language Immersion*
 - i) Full-Service*
 - ii) Push-In*
 - iii) Pull-Out*
- b) English as a Second Language*
 - i) Push-In*
 - ii) Pull-Out*
- c) Blended Push-In and Pull-Out*
- d) Sheltered English Instruction*
- e) Newcomer Program*
- f) Transitional Bilingual*
- g) English Language Development Class*
- h) Heritage Language*
- i) Co-Teaching*
- j) Specially designed Pull-Out Support*
- k) Specially designed Push-In Support*
- l) Consultative Services*

Response: Some portions of the information sought are not tracked. As for information that is tracked, the requested information cannot be generated without coding to merge data across different software programs. By way of one example, if we were to attempt to identify which students are in dual language immersion and receive full service, we would need to check each student (there is no report) for a flag to see if they are dual language immersion. That data would be in one software platform. Then, we would need to access another software program, enter the student's name, and create a record of what service level that student receives. We would have to do the same or a similar process for each sub-request, except for those that cannot be generated. FOIA does not require a public body to "pull [] together information from various sources and arrange[e] it in a [requested] format ... to create a new public record that did not previously exist." *Att'y Gen. Op. 05-IB08 (Apr. 4, 2005) (quoting Att'y Gen. Op. 03-IB24 (Oct. 30, 2003)) (quoting Att'y Gen. Op. 03-IB13 (June 2, 2003))*.

***Excepted from the foregoing, we are able to run a report to identify the total number of ELL students per school. Due to the Infinite Campus conversion, we are able to access this data for the 2024-2025 and 2025-2026 school years only. Costs for such a search and production are referenced below.**

- 2) *Documents and/or ESI showing how many English Learner ("EL") students exited their EL programs after meeting exit criteria (prior to their graduation) in the district within the past four years. If the number is too small to disclose then please state that.*

Response: The District's response is the same as the response to Request 1, but not including the paragraph referenced with a "*".

- 3) *Documents and/or ESI showing the progress of the district's EL students towards achieving English Language Proficiency ("ELP") for the last four school years, as defined by the Delaware*

Every Student Success Act plan, including but not limited to data used to create “ELP Target Reports” submitted to the Delaware Department of Education (“DDOE”) Identity Management System (“IMS”) English Learner Database.

Response: The District is able to obtain a report reflecting the information sought, but only as to school years 2024-2025 and 2025-2026. The information is pre-aggregated, and will be presented as such. Costs for such a search and production are referenced below.

- 4) *Documents and/or ESI showing the number of EL students who were enrolled in any of the district’s special programs for the last four school years. This includes but is not limited to Advanced Placement (“AP”) courses, Honors courses, or gifted and talented programs.*

Response: This District is not among the districts that have access to responsive information and thus responsive information would require the creation of new documents commencing with tracing each individual student who has an ELL flag, and then sorting through special programs to create new documents. Therefore, the District’s response is the same as the response to Request 1, but not including the paragraph referenced with a “*”.

- 5) *Documents and/or ESI showing the number of EL students who participated in extracurricular activities for the last four school years, including but not limited to after-school sports, clubs, music ensembles, student organizations, or interest groups.*

Response: This information is not tracked. There are no public records.

- 6) *Documents and/or ESI including but not limited to a staff roster, or EL coordinator data that shows the number of teachers employed by the district that hold a Teacher of English Learners Standard Certificate (“TELSC”) in each school.*

Response: The District is able to obtain a report reflecting the information

sought. Costs for such a search and production are referenced below.

- 7) *Documents and/or ESI including but not limited to anonymized student roll sheets, a staff roster, time sheets, or EL coordinator data that shows the how much instructional time EL students spend working with TELSC certified teachers in the district and the number of students assigned to each teacher.*

Response: This information is not tracked. There are no public records.

- 8) *Documents and/or ESI showing the district's EL program budget and expenditures for the last four school years. This may take the form of invoices for textbooks, curriculum, staffing availability of positions in specialized EL roles, etc.*

Response: There is ambiguity in the Request with regards to what may or may not be considered responsive, given the use of "etc." Without waiver of that issue, the District is able to obtain a report reflecting the information sought. Costs for such a search and production are referenced below.

- 9) *Documents and/or ESI detailing the district's curriculum or policy for each English Learner Program that the district utilizes.*

Response: The District is able to obtain the information sought. Costs for such a search and production are referenced below.

- 10) *Documents and/or ESI detailing any reports produced for the DDOE related to the implementation the district's EL programs.*

Response: This information does not exist. There are no public records.

- 11) *Documents and/or ESI sufficient to show which schools participated in Delaware Student Climate Survey.*

Response: Each reference survey is submitted to the University of Delaware on a school-by-school basis. You have the option of obtaining such

information directly from the University of Delaware. Alternatively, [single building districts- the district can determine if its school received and submitted such a survey, and we assume this request is for the 2025 school year. Costs for such a search and production are referenced below.]; [multiple building districts- the district can determine which if any of its schools received and submitted such a survey, and we assume this request is for the 2025 school year. Costs for such a search and production are referenced below.]

- 12) If schools participated in the Delaware Student Climate Survey, documents and/or ESI sufficient to show their organized survey results, with areas of concern and strengths highlighted.*

Response: See response to Request 11.

The district will make every effort to minimize fees and use the lowest paid employee capable of doing the work. Of course, there will not be a charge associated with the first hour, and we will allocate that hour to time spent by the highest paid employee. The estimated fees for the review, processing and production of public records responsive to your Requests is \$2,000. In further detail, the number of hours and title of each person likely to participate is 20 hours and would include the Director of Curriculum and Instruction, 4 school principals, 4 MLL teachers, and the District Technology Specialist. Included in this list is the Director of Curriculum and Instruction, who must, among other things, briefly review the production to ensure, for example, that information protected by law is not produced inadvertently, and that null value numbers (less than 15) are not presented.

Administrative fees will be billed to the requesting party per quarter hour. These charges will be billed at the current hourly pay grade (prorated for quarter hour increments) of the lowest-paid employee capable of performing the service. Administrative fees will be in addition to any other charges incurred under this section for copying fees.

You may decide whether to proceed with, cancel, or modify the Request. If you wish to proceed, please confirm your agreement to pay an estimate of \$2000,

Mr. Oluwatobi Omotoso
Education Equity Fellow
ACLU of Delaware
October 23, 2025
Page 7

and remit payment to this office, payable to the Woodbridge School District, at 16359 Sussex Hwy, Bridgeville, DE 19933 in the amount of \$2000. You will be billed for any amounts due under our FOIA policy and as permitted by law, before production.

The district reserves all rights afforded by law.

Sincerely,

A handwritten signature in dark ink, appearing to read "Kevin Long", with a stylized flourish extending from the end.

Dr. Kevin Long
Superintendent

cc: Brandon Snyder



EXHIBIT D

1 OF 4



RE: [External] Following up regarding a FOIA request

From Small Edward <Edward.Small@appo.k12.de.us>

Date Fri 10/24/2025 4:37 PM

To Oluwatobi Omotoso <OOmotoso@aclu-de.org>

Cc Pro Hudson Danielle <Danielle.ProHudson@appo.k12.de.us>

This Message Is From an External Sender

This message came from outside your organization.

Good afternoon,

Thank you for your email. Below you will find my initial response, sent to the email you shared within the 15 days. We learned today that there was an error in the email address that you listed.

See the error below as well as the initial response to your request:

Error:

Delivery has failed to these recipients or groups:

oomotoso@aclu-ed.org (oomotoso@aclu-ed.org)

Your message couldn't be delivered. The Domain Name System (DNS) reported that the recipient's domain does not exist.

Response:

Dear Mr. Omotoso:

The Appoquinimink School District ("District") is in receipt of your request ("Request") submitted under the Freedom of Information Act ("FOIA") dated as of the date referenced above in the RE: line. We are aware that each of the 19 school districts received a similar request. It is important to know that each district uses different systems and processes. With regard to costs and fees, be aware that each district is staffed differently, and the districts' employees have different training, passwords, abilities, and access. Therefore, any variances in substantive responses, or fee estimates among the districts should not be construed against any district or districts. Also, be

aware that Infinite Campus is now State-wide this year. Thus, responses you receive this year may differ from the similar requests submitted last year.

Preliminarily, in marshaling a response to the Requests, the District has undertaken extensive diligence and involved its agents in collaborative efforts with the Delaware Department of Education, other districts, and vendors who host data. Much of the data requested does not exist and/or cannot be generated.

I respond to the Requests in the order presented:

1. *Documents and/or electronically stored information (“ESI”) showing the total number of students across the Appoquinimink School District (“district”) and in each school in the district enrolled in any English Learner Programs; additionally showing the number of students across the district and in each school enrolled in the following English Learner Programs, as defined in the Delaware English Learner Guidebook, for the last four school years. If this number is too small to disclose or if any program is not implemented in the district, please state that.*
 - a. *Dual Language Immersion*
 - i. *Full-Service*
 - ii. *Push-In*
 - iii. *Pull-Out*
 - b. *English as a Second Language*
 - i. *Push-In*
 - ii. *Pull-Out*
 - c. *Blended Push-In and Pull-Out*
 - d. *Sheltered English Instruction*
 - e. *Newcomer Program*
 - f. *Transitional Bilingual*
 - g. *English Language Development Class*
 - h. *Heritage Language*
 - i. *Co-Teaching*
 - j. *Specially designed Pull-Out Support*
 - k. *Specially designed Push-In Support*
 - l. *Consultative Services*

Response: Some portions of the information sought are not tracked. As for information that is tracked, the requested information cannot be generated without coding to merge data across different software programs. By way of one example, if we were to attempt to identify which students are in dual language immersion and receive full service, we would need to check each student (there is no report) for a flag to see if they are dual language immersion. That data would be in one software platform. Then, we would need to access another software program, enter the student name,

and create a record of what service level that student receives. We would have to do the same or a similar process for each sub-request, except for those that cannot be generated. FOIA does not require a public body to “pull[] together information from various sources and arrang[e] it in a [requested] format ... to create a new public record that did not previously exist.” *Att’y Gen. Op. 05-IB08 (Apr. 4, 2005) (quoting Att’y Gen. Op. 03-IB24 (Oct. 30, 2003)) (quoting Att’y Gen. Op. 03-IB13 (June 2, 2003))*.

*Excepted from the foregoing, we are able to run a report to identify the total number of ELL students per school. Due to the Infinite Campus conversion, we are able to access this data for the current school year only. Costs for such a search and production are referenced below.

2. *Documents and/or ESI showing how many English Learner (“EL”) students exited their EL programs after meeting exit criteria (prior to their graduation) in the district within the past four years. If the number is too small to disclose then please state that.*

-
Response: The District’s response is the same as the response to Request 1, but not including the paragraph referenced with a “*”.

3. *Documents and/or ESI showing the progress of the district’s EL students towards achieving English Language Proficiency (“ELP”) for the last four school years, as defined by the Delaware Every Student Success Act plan, including but not limited to data used to create “ELP Target Reports” submitted to the Delaware Department of Education (“DDOE”) Identity Management System (“IMS”) English Learner Database.*

-
Response: The District is able to obtain a report reflecting the information sought, but only as to a finite number of school years. The information is pre-aggregated, and will be presented as such. Costs for such a search and production are referenced below.

4. *Documents and/or ESI showing the number of EL students who were enrolled in any of the district’s special programs for the last four school years. This includes but is not limited to Advanced Placement (“AP”) courses, Honors courses, or gifted and talented programs.*

Response: The District is able to obtain a report reflecting the information sought, but only as to the most recent 3 school years. Costs for such a search and production are referenced below.

5. *Documents and/or ESI showing the number of EL students who participated in extracurricular activities for the last four school years, including but not limited to after-school sports, clubs, music ensembles, student organizations, or interest groups.*

Response: This information is not tracked. There are no public records.

6. *Documents and/or ESI including but not limited to a staff roster, or EL coordinator data that shows the number of teachers employed by the district that hold a Teacher of English Learners Standard Certificate ("TELSC") in each school.*

-
Response: The District is able to obtain a report reflecting the information sought. Costs for such a search and production are referenced below.

7. *Documents and/or ESI including but not limited to anonymized student roll sheets, a staff roster, time sheets, or EL coordinator data that shows the how much instructional time EL students spend working with TELSC certified teachers in the district and the number of students assigned to each teacher.*

-
Response: This information is not tracked. There are no public records.

8. *Documents and/or ESI showing the district's EL program budget and expenditures for the last four school years. This may take the form of invoices for textbooks, curriculum, staffing availability of positions in specialized EL roles, etc.*

-
Response: There is ambiguity in the Request with regards to what may or may not be considered responsive, given the use of "etc." Without waiver of that issue, the District is able to obtain a report reflecting the information sought. Costs for such a search and production are referenced below.

9. *Documents and/or ESI detailing the district's curriculum or policy for each English Learner Program that the district utilizes.*

-
Response: The District is able to obtain the information sought. Costs for such a search and production are referenced below.

10. *Documents and/or ESI detailing any reports produced for the DDOE related to the implementation the district's EL programs.*

-
Response: This information does not exist. There are no public records.

11. *Documents and/or ESI sufficient to show which schools participated in Delaware Student Climate Survey.*

Response: Each reference survey is submitted to the University of Delaware on a school-by-school basis. You have the option of obtaining such information directly from

the University of Delaware. Alternatively, the District can determine which if any of its schools received and submitted such a survey, and we assume this request is for the 2025 school year. Costs for such a search and production are referenced below.

12. If schools participated in the Delaware Student Climate Survey, documents and/or ESI sufficient to show their organized survey results, with areas of concern and strengths highlighted.

-
Response: See response to Request 11.

The District will make every effort to minimize fees and use the lowest paid employee capable of doing the work. Of course, there will not be a charge associated with the first hour, and we will allocate that hour to time spent by the highest paid employee. The estimated fees for the review, processing and production of public records responsive to your Requests is \$1,737.25. In further detail, the number of hours and title of each person likely to participate is:

- 12 hours, completed by the Senior Coordinator of Instructional Programs
- 12 hours, completed by the Multilingual language specialist
- 2 hours, completed by the Executive Director of Curriculum, Instruction and Assessment

Included in this list is the Executive Director of Curriculum, Instruction and Assessment, who must, among other things, briefly review the production to ensure, for example, that information protected by law is not produced inadvertently, and that null value numbers (less than 15) are not presented.

Administrative fees will be billed to the requesting party per quarter hour. These charges will be billed at the current hourly pay grade (prorated for quarter hour increments) of the lowest-paid employee capable of performing the service. Administrative fees will be in addition to any other charges incurred under this section for copying fees.

You may decide whether to proceed with, cancel, or modify the request. If you wish to proceed, please confirm your agreement to pay an estimate of \$1,737.25, and remit payment to this office, payable to Appoquinimink School District, at 313 South 5th Street PO 4010, Odessa, DE 19730 Attention Edward Small in the amount of \$1,737.25. You will be billed for any amounts due under our FOIA policy and as permitted by law, before production.

The District reserves all rights afforded by law.

Best Regards,

Interested in teaching or working in Appo? [Click Here!!!](#)

Dr. Edward R. Small
Director of Human Resources
Appoquinimink School District

302-376-4127

Have an HR-related question, but don't know who to ask in HR? [Click Here!!!](#)

Please excuse minor errors, as this message may have been composed using speech to text.

Important Notice to Email Recipient: This email communication may contain or attach confidential information related to individuals and intended solely for the addressee. Please do not read, copy or disseminate this communication (other than to return it to the sender) unless you are the intended recipient. If you have this message in error, please return the email to the sender or call the sender, and delete the message from your mailbox. If you are the intended recipient, federal and/or state law, or contractual agreements with the Employer might require you to take steps to ensure the confidentiality of the information, whether electronically or reduced to hardcopy. If you have questions about your confidentiality obligations you should speak to your organizations Privacy Official or legal counsel.

From: Pro Hudson Danielle <Danielle.ProHudson@appo.k12.de.us>

Sent: Friday, October 24, 2025 3:11 PM

To: Small Edward <Edward.Small@appo.k12.de.us>

Subject: FW: [External] Following up regarding a FOIA request

Good afternoon, Ed,
This email just came through the Contact Us form on our website.
I'm not sure if this individual did not receive your reply from 10/20.

Danielle Pro-Hudson

Chief Communications Officer

Appoquinimink School District

danielle.prohudson@appo.k12.de.us

302.376.4109

[web](#) | [facebook](#) | [instagram](#)



From: noreply@educationalnetworks.net <noreply@educationalnetworks.net>

Sent: Friday, October 24, 2025 3:03 PM

To: Pro Hudson Danielle <Danielle.ProHudson@appo.k12.de.us>

Subject: [External] Following up regarding a FOIA request

WARNING: External Email - This email originated outside of the State email system.
DO NOT CLICK links or attachments unless you recognize the sender and *are expecting* the email.

Below message is sent via an online form at

www.apposchooldistrict.com

Sender's Name : Oluwatobi Omotoso

Sender's Email : oomotoso@aclu-de.org

The sender's identity is not verified.

Please be aware of scams.

[Learn More About Staying Safe With Emails.](#)

Subject : Following up regarding a FOIA request

Hello,

On October 1, 2025, the ACLU of Delaware made a FOIA request to Appoquinimink School District via the online form. Since that date, 15 business days have passed, despite the statute requiring compliance with the request or a request for an extension by the responding public entity.

Please have the district respond to the request in some fashion as soon as possible.

Best,
Tobi Omotoso
Education Equity Fellow
ACLU-DE
Not admitted to practice in Delaware

Sender's IP : 100.19.37.207

Sender's Computer ID: (computer id: 0.4729124226867899)

Timestamp : 10/24/2025 03:02:00 PM US/Eastern

[If you feel this email contains abusive content, please click here.](#)



RE: [External] ACLU-DE FOIA Request

From Harris Tia <Tia.Harris@bsd.k12.de.us>

Date Fri 10/31/2025 1:56 PM

To Oluwatobi Omotoso <OOmotoso@aclu-de.org>

This Message Is From an External Sender

This message came from outside your organization.

This is what was provided to me:

- If I understand her question correctly, the EL teacher services EL students by coteaching and pushing in. Immersion teachers are the classroom teachers of EL students who are in immersion classes.
- Table 1 represents Title III expenditures, and Table 2 local monies spent in ESL.



Tía Harris

*Executive Assistant to the Superintendent of
Schools and the Board of Education*

Brandywine School District
1311 Brandywine Blvd.
Wilmington, DE 19809
(p) 302-793-5002 (f) 302-765-1995

*Life is like a Camera – You focus on what's
Important and capture the **Good Times** –
Develop from the negative and if things don't
work out, **Take Another Shot.***

From: Oluwatobi Omotoso <OOmotoso@aclu-de.org>

Sent: Wednesday, October 29, 2025 10:51 AM

To: Harris Tia <Tia.Harris@bsd.k12.de.us>

Subject: Re: [External] ACLU-DE FOIA Request

Follow up,

For Q8, the two tables are labeled the same, what data is each representing.

Tobi Omotoso
Education Equity Fellow
ACLU-DE
Not admitted to practice in Delaware

From: Oluwatobi Omotoso <OOmotoso@aclu-de.org>
Sent: Tuesday, October 28, 2025 2:18 PM
To: Harris Tia <Tia.Harris@bsd.k12.de.us>
Subject: Re: [External] ACLU-DE FOIA Request

Hello,

For the sake of clarity, in the response to Q6, does (EL Teacher .5) refer to teaching assistants under the unit system? Or are they indicated as partial teachers for another reason.

Best,
Tobi Omotoso
Education Equity Fellow
ACLU-DE
Not admitted to practice in Delaware

From: Harris Tia <Tia.Harris@bsd.k12.de.us>
Sent: Monday, October 27, 2025 5:40 PM
To: Oluwatobi Omotoso <OOmotoso@aclu-de.org>
Subject: RE: [External] ACLU-DE FOIA Request

The Brandywine School District ("District") is in receipt of your request ("Request") submitted under the Freedom of Information Act ("FOIA") dated as October 1, 2025, referenced above in the RE: line. We are aware that each of the 19 school districts received a similar request. It is important to know that each district uses different systems and processes. With regard to costs and fees, be aware that each district is staffed differently, and the districts' employees have different training, passwords, abilities, and access. Therefore, any variances in substantive responses or fee estimates among the districts should not be construed against any district or districts. Also, be aware that Infinite Campus is now State-wide this year. Thus, responses you receive this year may differ from the similar requests submitted last year.

Preliminarily, in marshaling a response to the Requests, the District has undertaken extensive diligence and involved its agents in collaborative efforts with the Delaware Department of Education, other districts, and vendors who host data. Much of the data requested does not exist and/or cannot be generated.

I respond to the Requests in the order presented:

1. **Documents and/or electronically stored information ("ESI") showing the total number of students across the Brandywine School District ("district") and in each school in the district enrolled in any English Learner Programs; additionally showing the number of students across the district and in each school enrolled in the following English Learner Programs, as defined in the Delaware English Learner Guidebook, for the last four school years. If this number is too small to disclose or if any program is not implemented in the district, please state that.**
 - a) Dual Language Immersion
 - i) Full-Service
 - ii) Push-In
 - iii) Pull-Out
 - b) English as a Second Language

- i) Push-In
- ii) Pull-Out
- c) Blended Push-In and Pull-Out
- d) Sheltered English Instruction
- e) Newcomer Program
- f) Transitional Bilingual
- g) English Language Development Class
- h) Heritage Language
- i) Co-Teaching
- j) Specially Designed Pull-Out Support
- k) Specially Designed Push-In Support
- l) Consultative Services

Some portions of the information sought are not tracked. As for information that is tracked, the requested information cannot be generated without coding to merge data across different software programs.

By way of one example, if we were to attempt to identify which students are in dual language immersion and receive full service, we would need to check each student (there is no report) for a flag to see if they are dual language immersion. That data would be in one software platform. Then, we would need to access another software program, enter the student name, and create a record of what service level that student receives. We would have to do the same or a similar process for each sub-request, except for those that cannot be generated. FOIA does not require a public body to "pull together information from various sources and arrange it in a [requested] format ... to create a new public record that did not previously exist." *Att'y Gen. Op. 05-IB08 (Apr. 4, 2005) (quoting Att'y Gen. Op. 03-IB24 (Oct. 30, 2003)) (quoting Att'y Gen. Op. 03-IB13 (June 2, 2003))*.

Excepted from the foregoing, we are able to run a report to identify the total number of ELL students per school. Due to the Infinite Campus conversion, we are able to access this data for the last four years. Costs for such a search and production are referenced below.

2. **Documents and/or ESI showing how many English Learner ("EL") students exited their EL programs after meeting exit criteria (prior to their graduation) in the district within the past four years.**
The District's response is attached.
3. **Documents and/or ESI showing the progress of the district's EL students towards achieving English Language Proficiency ("ELP") for the last four school years.**
The District's response is attached.
4. **Documents and/or ESI showing the number of EL students enrolled in any of the district's special programs for the last four school years.**
This information is not tracked. There are no public records.
5. **Documents and/or ESI showing the number of EL students who participated in extracurricular activities for the last four school years.**
This information is not tracked. There are no public records.
6. **Documents and/or ESI including but not limited to a staff roster or EL coordinator data showing the number of teachers employed by the district that hold a Teacher of English Learners Standard Certificate ("TELSC") in each school.**
The District's response is attached.
7. **Documents and/or ESI showing how much instructional time EL students spend working with TELSC-certified teachers and the number of students assigned to each teacher.**
The District's response is attached.
8. **Documents and/or ESI showing the district's EL program budget and expenditures for the last four school years.**
The District's response is attached.

9. **Documents and/or ESI detailing the district's curriculum or policy for each English Learner Program that the district utilizes.**
The District's response is attached.
10. **Documents and/or ESI detailing any reports produced for the DDOE related to the implementation of the district's EL programs.**
The District's response is attached.
11. **Documents and/or ESI sufficient to show which schools participated in the Delaware Student Climate Survey.**
The District's response is attached.
12. **Documents and/or ESI sufficient to show organized survey results, with areas of concern and strengths highlighted.**
The District's response is attached.



Tia Harris

*Executive Assistant to the Superintendent of
Schools and the Board of Education*

Brandywine School District

1311 Brandywine Blvd.

Wilmington, DE 19809

(p) 302-793-5002 (f) 302-765-1995

*Life is like a Camera – You focus on what's
Important and capture the Good Times –
Develop from the negative and if things don't
work out, Take Another Shot.*

From: Oluwatobi Omotoso <OOmotoso@aclu-de.org>

Sent: Wednesday, October 1, 2025 2:28 PM

To: Harris Tia <Tia.Harris@bsd.k12.de.us>

Subject: [External] ACLU-DE FOIA Request

WARNING: External Email - This email originated outside of the State email system.
DO NOT CLICK links or attachments unless you recognize the sender and *are expecting* the email.

Hello,

I am reaching out seeking public records pursuant to Delaware's Freedom of Information Act. Please see the attached for the entire public records request.

Best,

Oluwatobi Omotoso
Education Equity Fellow

American Civil Liberties Union of Delaware
Oomotoso@aclu-de.org (He/They)

Not admitted to practice in Delaware



Without your support, none of our vital work would be possible.

MAKE A DONATION TODAY →

October 22, 2025

VIA ELECTRONIC MAIL

Mr. Oluwatobi Omotoso
Education Equity Fellow
ACLU of Delaware
100 W. 10th Street #706
Wilmington, Delaware 19801
OOmotoso@aclu-de.org

RE: ACLU FOIA Request Dated October 1, 2025

Dear Mr. Omotoso:

The Caesar Rodney School District ("District") is in receipt of your request ("Request") submitted under the Freedom of Information Act ("FOIA") dated as of the date referenced above in the RE: line. We are aware that each of the 19 school districts received a similar request. It is important to know that each district uses different systems and processes. With regard to costs and fees, be aware that each district is staffed differently, and the districts' employees have different training, passwords, abilities, and access. Therefore, any variances in substantive responses, or fee estimates among the districts should not be construed against any district or districts. Also, be aware that Infinite Campus is now State-wide this year. Thus, responses you receive this year may differ from the similar requests submitted last year.

Preliminarily, in marshaling a response to the Requests, the District has undertaken extensive diligence and involved its agents in collaborative efforts with the Delaware Department of Education, other districts, and vendors who host data. Much of the data requested does not exist and/or cannot be generated.

I respond to the Requests in the order presented:

- 1) *Documents and/or electronically stored information ("ESI") showing the total number of students across the Caesar Rodney School District ("district") and in each school in the district enrolled in any English Learner Programs; additionally showing the number of students across the district and in each school enrolled in the following English Learner Programs, as defined in the Delaware English Learner Guidebook, for the last four school*

years. If this number is too small to disclose or if any program is not implemented in the district, please state that.

- a) Dual Language Immersion*
 - i) Full-Service*
 - ii) Push-In*
 - iii) Pull-Out*
- b) English as a Second Language*
 - i) Push-In*
 - ii) Pull-Out*
- c) Blended Push-In and Pull-Out*
- d) Sheltered English Instruction*
- e) Newcomer Program*
- f) Transitional Bilingual*
- g) English Language Development Class*
- h) Heritage Language*
- i) Co-Teaching*
- j) Specially designed Pull-Out Support*
- k) Specially designed Push-In Support*
- l) Consultative Services*

Response: Some portions of the information sought are not tracked. As for information that is tracked, the requested information cannot be generated without coding to merge data across different software programs. By way of one example, if we were to attempt to identify which students are in dual language immersion and receive full service, we would need to check each student (there is no report) for a flag to see if they are dual language immersion. That data would be in one software platform. Then, we would need to access another software program, enter the student name, and create a record of what service level that student receives. We would have to do the same or a similar process for each sub-request, except for those that cannot be generated. FOIA does not require a public body to “pull[] together information from various sources and arrang[e] it in a [requested] format ... to create a new public record that did not previously exist.” *Att’y Gen. Op. 05-IB08 (Apr. 4, 2005) (quoting Att’y Gen. Op. 03-IB24 (Oct. 30, 2003)) (quoting Att’y Gen. Op. 03-IB13 (June 2, 2003))*.

*Excepted from the foregoing, we are able to run a report to identify the total number of ELL students per school. Due to the Infinite Campus conversion, we feel that we may be able to access this data for the current school year and the previous 3. Costs for such a search and production are referenced below.

- 2) *Documents and/or ESI showing how many English Learner (“EL”) students exited their EL programs after meeting exit criteria (prior to their graduation) in the district within the past four years. If the number is too small to disclose then please state that.*

Response: The District’s response is the same as the response to Request 1, but not including the paragraph referenced with a “*”. Due to the Infinite Campus conversion, we feel that we may be able to access this data for the current school year, however, we may be able to secure data from the previous 3 years. Costs for such a search and production are referenced below.

- 3) *Documents and/or ESI showing the progress of the district's EL students towards achieving English Language Proficiency ("ELP") for the last four school years, as defined by the Delaware Every Student Success Act plan, including but not limited to data used to create "ELP Target Reports" submitted to the Delaware Department of Education ("DDOE") Identity Management System ("IMS") English Learner Database.*

Response: The District is able to obtain a report reflecting the information sought, but only as to the current school year. The information is pre-aggregated, and will be presented as such. Costs for such a search and production are referenced below.

- 4) *Documents and/or ESI showing the number of EL students who were enrolled in any of the district's special programs for the last four school years. This includes but is not limited to Advanced Placement ("AP") courses, Honors courses, or gifted and talented programs.*

Response: This District is not among the districts that have access to responsive information and thus responsive information would require the creation of new documents commencing with tracing each individual student who has an ELL flag, and then sorting through special programs to create new documents. Therefore, the District's response is the same as the response to Request 1, but not including the paragraph referenced with a "*".

- 5) *Documents and/or ESI showing the number of EL students who participated in extracurricular activities for the last four school years, including but not limited to after-school sports, clubs, music ensembles, student organizations, or interest groups.*

Response: This information is not tracked. There are no public records.

- 6) *Documents and/or ESI including but not limited to a staff roster, or EL coordinator data that shows the number of teachers employed by the district that hold a Teacher of English Learners*

Standard Certificate ("TELSC") in each school.

Response: The District is able to obtain a report reflecting the information sought. Costs for such a search and production are referenced below.

- 7) *Documents and/or ESI including but not limited to anonymized student roll sheets, a staff roster, time sheets, or EL coordinator data that shows the how much instructional time EL students spend working with TELSC certified teachers in the district and the number of students assigned to each teacher.*

Response: This information is not tracked. There are no public records.

- 8) *Documents and/or ESI showing the district's EL program budget and expenditures for the last four school years. This may take the form of invoices for textbooks, curriculum, staffing availability of positions in specialized EL roles, etc.*

Response: There is ambiguity in the Request with regards to what may or may not be considered responsive, given the use of "etc." Without waiver of that issue, the District is able to obtain a report reflecting the information sought. Costs for such a search and production are referenced below.

- 9) *Documents and/or ESI detailing the district's curriculum or policy for each English Learner Program that the district utilizes.*

Response: The District is able to obtain the information sought. Costs for such a search and production are referenced below.

- 10) *Documents and/or ESI detailing any reports produced for the DDOE related to the implementation the district's EL programs.*

Response: This information does not exist. There are no public records.

- 11) *Documents and/or ESI sufficient to show which schools participated in Delaware Student Climate Survey.*

Response: The Caesar Rodney School District did not participate in the Delaware Student Climate Survey.

12) If schools participated in the Delaware Student Climate Survey, documents and/or ESI sufficient to show their organized survey results, with areas of concern and strengths highlighted.

Response: See response to Request 11.

The District will make every effort to minimize fees and use the lowest paid employee capable of doing the work. Of course, there will not be a charge associated with the first hour, and we will allocate that hour to time spent by the highest paid employee. The estimated fees for the review, processing and production of public records responsive to your Requests is \$135.52. In further detail, the number of hours and title of each person likely to participate is 3.25 hours / Language Acquisition Coordinator. Included in this list is the Human Resources Coordinator, who must, among other things, briefly review the production to ensure, for example, that information protected by law is not produced inadvertently, and that null value numbers (less than 15) are not presented.

Administrative fees will be billed to the requesting party per quarter hour. These charges will be billed at the current hourly pay grade (prorated for quarter hour increments) of the lowest-paid employee capable of performing the service. Administrative fees will be in addition to any other charges incurred under this section for copying fees.

You may decide whether to proceed with, cancel, or modify the Request. If you wish to proceed, please confirm your agreement to pay an estimate of \$135.52, and remit payment to this office, payable to the Caesar Rodney School District, at 7 Front Street Wyoming, DE 19934 in the amount of \$135.52. You will be billed for any amounts due under our FOIA policy and as permitted by law, before production.

The District reserves all rights afforded by law.

Mr. Oluwatobi Omotoso
Education Equity Fellow
ACLU of Delaware
October 22, 2025
Page 7

Sincerely,

A handwritten signature in blue ink, consisting of a stylized 'R' followed by a horizontal line.

Roger L. Holt

Director of Human Resources

cc: Dr. Jessilene Corbett, Assistant Superintendent

Dear Mr. Omotoso:

The Colonial School District (“District”) is in receipt of your request (“Request”) submitted under the Freedom of Information Act (“FOIA”) dated as of the date referenced above in the RE: line. We are aware that each of the 19 school districts received a similar request. It is important to know that each district uses different systems and processes. With regard to costs and fees, be aware that each district is staffed differently, and the districts’ employees have different training, passwords, abilities, and access. Therefore, any variances in substantive responses, or fee estimates among the districts should not be construed against any district or districts. Also, be aware that Infinite Campus is now State-wide this year. Thus, responses you receive this year may differ from the similar requests submitted last year.

Preliminarily, in marshaling a response to the Requests, the District has undertaken extensive diligence and involved its agents in collaborative efforts with the Delaware Department of Education, other districts, and vendors who host data. Much of the data requested does not exist and/or cannot be generated.

I respond to the Requests in the order presented:

1) Documents and/or electronically stored information (“ESI”) showing the total number of students across the Colonial District (“district”) and in each school in the district enrolled in any English Learner Programs; additionally showing the number of students across the district and in each school enrolled in the following English Learner Programs, as defined in the Delaware English Learner Guidebook, for the last four school years. If this number is too small to disclose or if any program is not implemented in the district, please state that.

a) Dual Language Immersion

i) Full-Service

ii) Push-In

iii) Pull-Out



EXHIBIT D

2 OF 4

b) English as a Second Language

i) Push-In

ii) Pull-Out

c) Blended Push-In and Pull-Out

d) Sheltered English Instruction

e) Newcomer Program

f) Transitional Bilingual

g) English Language Development Class

h) Heritage Language

i) Co-Teaching

j) Specially designed Pull-Out Support

k) Specially designed Push-In Support

l) Consultative Services

Response: Some portions of the information sought are not tracked. As for information that is tracked, the requested information cannot be generated without coding to merge data across different software programs. By way of one example, if we were to attempt to identify which students are in dual language immersion and receive full service, we would need to check each student (there is no report) for a flag to see if they are dual language immersion. That data would be in one software platform. Then, we would need to access another software program, enter the student name, and create a record of what service level that student receives. We would have to do the same or a similar process for each sub-request, except for those that cannot be generated. FOIA does not require a public body to “pull[] together information from various sources and

arrang[e] it in a [requested] format ... to create a new public record that did not previously exist.’ “Att’y Gen. Op. 05-IB08 (Apr. 4, 2005) (quoting Att’y Gen. Op. 03-IB24 (Oct. 30, 2003)) (quoting Att’y Gen. Op. 03-IB13 (June 2, 2003)).

***Excepted from the foregoing, we are able to run a report to identify the total number of ELL students per school. Due to the Infinite Campus conversion, the current school year data will require more time and expertise to access. Costs for such a search and production are referenced below.**

2) Documents and/or ESI showing how many English Learner (“EL”) students exited their EL programs after meeting exit criteria (prior to their graduation) in the district within the past four years. If the number is too small to disclose then please state that.

Response: The District’s response is the same as the response to Request 1, but not including the paragraph referenced with a “*”.

3) Documents and/or ESI showing the progress of the district’s EL students towards achieving English Language Proficiency (“ELP”) for the last four school years, as defined by the Delaware Every Student Success Act plan, including but not limited to data used to create “ELP Target Reports” submitted to the Delaware Department of Education (“DDOE”) Identity Management System (“IMS”) English Learner Database.

Response: The District is able to obtain a report reflecting the information sought. The information is pre-aggregated, and will be presented as such. Costs for such a search and production are referenced below.

4) Documents and/or ESI showing the number of EL students who were enrolled in any of the district’s special programs for the last four school years. This includes but is not limited to Advanced Placement (“AP”) courses, Honors courses, or gifted and talented programs.

We do not have a gifted and talented program. We do not have responsive public records. Preparing a response would require a student-based review of hundreds of files, and then the creation of a new document. Costs for such a search and production are referenced below.

- 5) *Documents and/or ESI showing the number of EL students who participated in extracurricular activities for the last four school years, including but not limited to after-school sports, clubs, music ensembles, student organizations, or interest groups.*

Response: This information is not tracked. There are no public records.

- 6) *Documents and/or ESI including but not limited to a staff roster, or EL coordinator data that shows the number of teachers employed by the district that hold a Teacher of English Learners Standard Certificate (“TELSC”) in each school.*

Response: The District is able to obtain a report reflecting the information sought. Costs for such a search and production are referenced below.

- 7) *Documents and/or ESI including but not limited to anonymized student roll sheets, a staff roster, time sheets, or EL coordinator data that shows the how much instructional time EL students spend working with TELSC certified teachers in the district and the number of students assigned to each teacher.*

Response: This information is not tracked. There are no public records.

- 8) *Documents and/or ESI showing the district’s EL program budget and expenditures for the last four school years. This may take the form of invoices for textbooks, curriculum, staffing availability of positions in specialized EL roles, etc.*

Response: There is ambiguity in the Request with regards to what may or may not be considered responsive, given the use of “etc.” Without

waiver of that issue, the District is able to obtain a report reflecting the information sought. Costs for such a search and production are referenced below.

9) Documents and/or ESI detailing the district's curriculum or policy for each English Learner Program that the district utilizes.

Response: The District is able to obtain the information sought. Costs for such a search and production are referenced below.

10) Documents and/or ESI detailing any reports produced for the DDOE related to the implementation the district's EL programs.

Response: This information does not exist. There are no public records.

11) Documents and/or ESI sufficient to show which schools participated in Delaware Student Climate Survey.

***Response:* Each reference survey is submitted to the University of Delaware on a school-by-school basis. You have the option of obtaining such information directly from the University of Delaware. Alternatively, the District can determine which if any of its schools received and submitted such a survey, and we assume this request is for the 2025 school year. Costs for such a search and production are referenced below.**

12) If schools participated in the Delaware Student Climate Survey, documents and/or ESI sufficient to show their organized survey results, with areas of concern and strengths highlighted.

Response: See response to Request 11.

The District will make every effort to minimize fees and use the lowest paid employee capable of doing the work. Of course, there will not be a charge associated with the first hour, and we will allocate that hour to time spent by the highest paid employee. The estimated fees for the review, processing and production of public records responsive to your Requests is \$378.25. In further detail, the number of

hours and title of each person likely to participate is 5 hours of work by the District Supervisor of ML programs, who must, among other things, briefly review the production to ensure, for example, that information protected by law is not produced inadvertently, and that null value numbers (less than 15) are not presented.

Administrative fees will be billed to the requesting party per quarter hour. These charges will be billed at the current hourly pay grade (prorated for quarter hour increments) of the lowest-paid employee capable of performing the service. Administrative fees will be in addition to any other charges incurred under this section for copying fees.

You may decide whether to proceed with, cancel, or modify the Request. If you wish to proceed, please confirm your agreement to pay an estimate of \$378.25, and remit payment to this office, payable to the Colonial School District at [318 E. Basin Road, New Castle, DE 19720 in the amount of \$378.65. You will be billed for any amounts due under our FOIA policy and as permitted by law, before production.

The District reserves all rights afforded by law.





DELMAR SCHOOL DISTRICT

Delaware's True "Neighborhood School!"

200 North Eighth Street • Delmar, Delaware 19940

Phone (302) 846-9544 • Fax (302) 846-2793

October 28, 2025

VIA ELECTRONIC MAIL

Mr. Oluwatobi Omotoso
Education Equity Fellow
ACLU of Delaware
100 W. 10th Street #706
Wilmington, Delaware 19801
OOmotoso@aclu-de.org

RE: ACLU FOIA Request Dated October 2, 2025

Dear Mr. Omotoso:

The Delmar School District ("District") is in receipt of your request ("Request") submitted under the Freedom of Information Act ("FOIA") dated as of the date referenced above in the RE: line. We are aware that each of the 19 school districts received a similar request. It is important to know that each district uses different systems and processes. With regard to costs and fees, be aware that each district is staffed differently, and the districts' employees have different training, passwords, abilities, and access. Therefore, any variances in substantive responses, or fee estimates among the districts should not be construed against any district or districts. Also, be aware that Infinite Campus is now State-wide this year. Thus, responses you receive this year may differ from the similar requests submitted last year.

Preliminarily, in marshaling a response to the Requests, the District has undertaken extensive diligence and involved its agents in collaborative efforts with the Delaware Department of Education, other districts, and vendors who host data. Much of the data requested does not exist and/or cannot be generated.

I respond to the Requests in the order presented:

- 1) *Documents and/or electronically stored information ("ESI") showing the total number of students across the Delmar School District ("district") and in each school in the district enrolled in any English Learner Programs; additionally showing the number of students across the district and in each school enrolled in the*

The Delmar School District is an equal opportunity employer and does not discriminate against employees, applicants, visitors, or others, and does not deny access to educational or other services, based on any characteristic prohibited by law.

El Distrito Escolar de Delmar es un empleador que ofrece igualdad de oportunidades y no discrimina a empleados, solicitantes u otros, y no niega el acceso a servicios educativos o de otro tipo, basándose en cualquier característica prohibida por la ley.

following English Learner Programs, as defined in the Delaware English Learner Guidebook, for the last four school years. If this number is too small to disclose or if any program is not implemented in the district, please state that.

- a) Dual Language Immersion*
 - i) Full-Service*
 - ii) Push-In*
 - iii) Pull-Out*
- b) English as a Second Language*
 - i) Push-In*
 - ii) Pull-Out*
- c) Blended Push-In and Pull-Out*
- d) Sheltered English Instruction*
- e) Newcomer Program*
- f) Transitional Bilingual*
- g) English Language Development Class*
- h) Heritage Language*
- i) Co-Teaching*
- j) Specially designed Pull-Out Support*
- k) Specially designed Push-In Support*
- l) Consultative Services*

Response: Some portions of the information sought are not tracked. As for information that is tracked, the requested information cannot be generated without coding to merge data across different software programs. By way of one example, if we were to attempt to identify which students are in dual language immersion and receive full service, we would need to check each student (there is no report) for a flag to see if they are dual language immersion. That data would be in one software platform. Then, we would need to access another software program, enter the student name, and create a record of what service level that student receives. We would have to do the same or a similar process for each sub-request, except for those that cannot be generated. FOIA does not require a public body to “pull[] together information from various sources and arrang[e] it in a [requested] format ... to create a new public record that did not previously exist.” *Att’y Gen. Op. 05-IB08* (Apr. 4, 2005) (quoting *Att’y Gen. Op. 03-IB24* (Oct. 30, 2003)) (quoting *Att’y Gen. Op. 03-IB13* (June 2, 2003)).

*Excepted from the foregoing, we are able to run a report to identify the total number of ELL students per school. Due to the Infinite Campus conversion, we are able to access this data for this school year only. Costs for such a search and production are referenced below.

(Data Management Specialist- 7 hours x \$26.80 = \$187.60)

- 2) *Documents and/or ESI showing how many English Learner (“EL”) students exited their EL programs after meeting exit criteria (prior to their graduation) in the district within the past four years. If the number is too small to disclose then please state that.*

Response: The District’s response is the same as the response to Request 1, but not including the paragraph referenced with a “*”.

(Data Management Specialist- 3 hours x \$26.80 = \$80.40)

- 3) *Documents and/or ESI showing the progress of the district’s EL students towards achieving English Language Proficiency (“ELP”) for the last four school years, as defined by the Delaware*

Every Student Success Act plan, including but not limited to data used to create “ELP Target Reports” submitted to the Delaware Department of Education (“DDOE”) Identity Management System (“IMS”) English Learner Database.

Response: The District is able to obtain a report reflecting the information sought, but only as to the last four school years. The information is pre-aggregated, and will be presented as such. Costs for such a search and production are referenced below.

(Data Management Specialist- 3 hours x \$26.80 = \$80.40)

- 4) *Documents and/or ESI showing the number of EL students who were enrolled in any of the district’s special programs for the last four school years. This includes but is not limited to Advanced Placement (“AP”) courses, Honors courses, or gifted and talented programs.*

Response: This District is not among the districts that have access to responsive information and thus responsive information would require the creation of new documents commencing with tracing each individual student who has an ELL flag and then sorting through special programs to create new documents. Therefore, the District’s response is the same as the response to Request 1, but not including the paragraph referenced with a “*”.

(Data Management Specialist- 4.5 hours)

4 hours x \$26.40 = \$105.60 + ½ hour at \$13.40 = \$119.00

- 5) *Documents and/or ESI showing the number of EL students who participated in extracurricular activities for the last four school years, including but not limited to after-school sports, clubs, music ensembles, student organizations, or interest groups.*

Response: This information is not tracked. There are no public records.

(Not Tracked)

- 6) *Documents and/or ESI including but not limited to a staff roster, or EL coordinator data that shows the number of teachers*

employed by the district that hold a Teacher of English Learners Standard Certificate (“TELSC”) in each school.

Response: The District is able to obtain a report reflecting the information sought. Costs for such a search and production are referenced below.

(Human Resources Administrative Assistant- 4 hours x \$37.88 = \$151.52)

- 7) *Documents and/or ESI including but not limited to anonymized student roll sheets, a staff roster, time sheets, or EL coordinator data that shows the how much instructional time EL students spend working with TELSC certified teachers in the district and the number of students assigned to each teacher.*

Response: This information is not tracked. There are no public records.

(Not Tracked)

- 8) *Documents and/or ESI showing the district’s EL program budget and expenditures for the last four school years. This may take the form of invoices for textbooks, curriculum, staffing availability of positions in specialized EL roles, etc.*

Response: There is ambiguity in the Request with regards to what may or may not be considered responsive, given the use of “etc.” Without waiver of that issue, the District is able to obtain a report reflecting the information sought. Costs for such a search and production are referenced below.

(District Financial Secretary - 6 hours x \$36.60 = \$219.60)

- 9) *Documents and/or ESI detailing the district’s curriculum or policy for each English Learner Program that the district utilizes.*

Response: The District is able to obtain the information sought. Costs for such a search and production are referenced below.

(MLL Coordinator- 3 hours x \$56.11 = \$168.33)

10) Documents and/or ESI detailing any reports produced for the DDOE related to the implementation the district's EL programs.

Response: This information does not exist. There are no public records.

(Not tracked)

11) Documents and/or ESI sufficient to show which schools participated in Delaware Student Climate Survey.

Response: Each reference survey is submitted to the University of Delaware on a school-by-school basis. You have the option of obtaining such information directly from the University of Delaware. Alternatively, [single building districts- the District can determine if its school received and submitted such a survey, and we assume this request is for the 2025 school year. Costs for such a search and production are referenced below.]; [multiple building districts- the District can determine which if any of its schools received and submitted such a survey, and we assume this request is for the 2025 school year. Costs for such a search and production are referenced below.]

(Data Management Specialist- 1.5 hours)

1 hour x \$26.80 + ½ hour at \$13.40 = \$40.20

12) If schools participated in the Delaware Student Climate Survey, documents and/or ESI sufficient to show their organized survey results, with areas of concern and strengths highlighted.

Response: See response to Request 11.

(Data Management Specialist - 1.5 hours)

1 hour x \$26.80 + ½ hour at \$13.40 = \$40.20

The District will make every effort to minimize fees and use the lowest paid employee capable of doing the work. Of course, there will not be a charge associated with the first hour, and we will allocate that hour to time spent by the highest paid employee. The estimated fees for the review, processing and production of public records responsive to your Requests is **\$1,087.25**. In further

Mr. Oluwatobi Omotoso
Education Equity Fellow
ACLU of Delaware
October 28, 2025
Page 7

detail, the number of hours and title of each person likely to participate is **33.5** hours and title of each person involved.] Included in this list is the Data Management Specialist, who must, among other things, briefly review the production to ensure, for example, that information protected by law is not produced inadvertently, and that null value numbers (less than 15) are not presented.

Administrative fees will be billed to the requesting party per quarter hour. These charges will be billed at the current hourly pay grade (prorated for quarter hour increments) of the lowest-paid employee capable of performing the service. Administrative fees will be in addition to any other charges incurred under this section for copying fees.

You may decide whether to proceed with, cancel, or modify the Request. If you wish to proceed, please confirm your agreement to pay an estimate of \$1,087.25, and remit payment to this office, payable to Delmar School District, at 200 N. 8th Street, Delmar, Delaware 19940 in the amount of \$1,087.25. You will be billed for any amounts due under our FOIA policy and as permitted by law, before production.

The District reserves all rights afforded by law.

Sincerely,



Andrew J. O'Neal, Ed.D.
Superintendent
Delmar School District
302-846-9544

October 22, 2025

VIA ELECTRONIC MAIL

Mr. Oluwatobi Omotoso
Education Equity Fellow
ACLU of Delaware
100 W. 10th Street #706
Wilmington, Delaware 19801
OOmotoso@aclu-de.org

RE: ACLU FOIA Request Dated October 1, 2025

Dear Mr. Omotoso:

The Indian River School District (“District”) is in receipt of your request (“Request”) submitted under the Freedom of Information Act (“FOIA”) dated as of the date referenced above in the RE: line. We are aware that each of the 19 school districts received a similar request. It is important to know that each district uses different systems and processes. With regard to costs and fees, be aware that each district is staffed differently, and the districts’ employees have different training, passwords, abilities, and access. Therefore, any variances in substantive responses, or fee estimates among the districts should not be construed against any district or districts. Also, be aware that Infinite Campus is now State-wide this year. Thus, responses you receive this year may differ from the similar requests submitted last year.

Preliminarily, in marshaling a response to the Requests, the District has undertaken extensive diligence and involved its agents in collaborative efforts with the Delaware Department of Education, other districts, and vendors who host data. Much of the data requested does not exist and/or cannot be generated.

I respond to the Requests in the order presented:

- 1) *Documents and/or electronically stored information (“ESI”) showing the total number of students across the Indian River School District (“district”) and in each school in the district enrolled in any English Learner Programs; additionally showing the number of students across the district and in each school enrolled in the following English Learner Programs, as defined in the Delaware English Learner Guidebook, for the last four school*

years. If this number is too small to disclose or if any program is not implemented in the district, please state that.

- a) Dual Language Immersion*
 - i) Full-Service*
 - ii) Push-In*
 - iii) Pull-Out*
- b) English as a Second Language*
 - i) Push-In*
 - ii) Pull-Out*
- c) Blended Push-In and Pull-Out*
- d) Sheltered English Instruction*
- e) Newcomer Program*
- f) Transitional Bilingual*
- g) English Language Development Class*
- h) Heritage Language*
- i) Co-Teaching*
- j) Specially designed Pull-Out Support*
- k) Specially designed Push-In Support*
- l) Consultative Services*

Response: Some portions of the information sought are not tracked. As for information that is tracked, the requested information cannot be generated without coding to merge data across different software programs. By way of one example, if we were to attempt to identify which students are in dual language immersion and receive full service, we would need to check each student (there is no report) for a flag to see if they are dual language immersion. That data would be in one software platform. Then, we would need to access another software program, enter the student name, and create a record of what service level that student receives. We would have to do the same or a similar process for each sub-request, except for those that cannot be generated. FOIA does not require a public body to “pull[] together information from various sources and arrang[e] it in a [requested] format ... to create a new public record that did not previously exist.” *Att’y Gen. Op. 05-IB08* (Apr. 4, 2005) (quoting *Att’y Gen. Op. 03-IB24* (Oct. 30, 2003)) (quoting *Att’y Gen. Op. 03-IB13* (June 2, 2003)).

***Excepted from the foregoing, we are able to run a report to identify the total number of ELL students per school. Costs for such a search and production are referenced below.**

- 2) *Documents and/or ESI showing how many English Learner (“EL”) students exited their EL programs after meeting exit criteria (prior to their graduation) in the district within the past four years. If the number is too small to disclose then please state that.*

Response: The District’s response is the same as the response to Request 1, but not including the paragraph referenced with a “*”.

- 3) *Documents and/or ESI showing the progress of the district’s EL students towards achieving English Language Proficiency (“ELP”) for the last four school years, as defined by the Delaware Every Student Success Act plan, including but not limited to data used to create “ELP Target Reports” submitted to the Delaware*

Department of Education (“DDOE”) Identity Management System (“IMS”) English Learner Database.

Response: The District is able to obtain a report reflecting the information sought, but only as to school years 2021-2022, 2022-2023 and 2023-2024. The information is pre-aggregated, and will be presented as such. Costs for such a search and production are referenced below.

- 4) *Documents and/or ESI showing the number of EL students who were enrolled in any of the district’s special programs for the last four school years. This includes but is not limited to Advanced Placement (“AP”) courses, Honors courses, or gifted and talented programs.*

Response: The District is able to obtain a report reflecting the information sought, but only as to school years 2020-2021, 2021-2022 and 2023-2024. Costs for such a search and production are referenced below.

- 5) *Documents and/or ESI showing the number of EL students who participated in extracurricular activities for the last four school years, including but not limited to after-school sports, clubs, music ensembles, student organizations, or interest groups.*

Response: This information is not tracked. There are no public records.

- 6) *Documents and/or ESI including but not limited to a staff roster, or EL coordinator data that shows the number of teachers employed by the district that hold a Teacher of English Learners Standard Certificate (“TELSC”) in each school.*

Response: The District is able to obtain a report reflecting the information sought. Costs for such a search and production are referenced below.

- 7) *Documents and/or ESI including but not limited to anonymized student roll sheets, a staff roster, time sheets, or EL coordinator data that shows the how much instructional time EL students spend*

working with TELSC certified teachers in the district and the number of students assigned to each teacher.

Response: This information is not tracked. There are no public records.

- 8) *Documents and/or ESI showing the district's EL program budget and expenditures for the last four school years. This may take the form of invoices for textbooks, curriculum, staffing availability of positions in specialized EL roles, etc.*

Response: There is ambiguity in the Request with regards to what may or may not be considered responsive, given the use of "etc." Without waiver of that issue, the District is able to obtain a report reflecting the information sought. Costs for such a search and production are referenced below.

- 9) *Documents and/or ESI detailing the district's curriculum or policy for each English Learner Program that the district utilizes.*

Response: The District is able to obtain the information sought. Costs for such a search and production are referenced below.

- 10) *Documents and/or ESI detailing any reports produced for the DDOE related to the implementation the district's EL programs.*

Response: This information does not exist. There are no public records.

- 11) *Documents and/or ESI sufficient to show which schools participated in Delaware Student Climate Survey.*

Response: Each reference survey is submitted to the University of Delaware on a school-by-school basis. You have the option of obtaining such information directly from the University of Delaware. Alternatively, the District can determine which if any of its schools received and submitted such a survey, and we assume this request is for the 2025 school year. Costs for such a search and production are referenced below.

12) If schools participated in the Delaware Student Climate Survey, documents and/or ESI sufficient to show their organized survey results, with areas of concern and strengths highlighted.

Response: See response to Request 11.

The District will make every effort to minimize fees and use the lowest paid employee capable of doing the work. Of course, there will not be a charge associated with the first hour, and we will allocate that hour to time spent by the highest paid employee. The estimated fees for the review, processing and production of public records responsive to your Requests is \$372.80. In further detail, the number of hours and title of each person likely to participate is seven (7) hours and will involve Sylvia Baker, data support specialist; Mendi Smith, administrative assistant; Marisa Hockman, elementary EL/ELA literacy specialist; Patti Scott, administrative assistant; David Maull, public information officer/FOIA coordinator; Celeste Bunting, Director of Personnel; Michelle Gates, administrative assistant; Dr. Renee Jerns, deputy superintendent; and Dr. Jay Owens, superintendent. Included in this list is the FOIA coordinator, who must, among other things, briefly review the production to ensure, for example, that information protected by law is not produced inadvertently, and that null value numbers (less than 15) are not presented.

Administrative fees will be billed to the requesting party per quarter hour. These charges will be billed at the current hourly pay grade (prorated for quarter hour increments) of the lowest-paid employee capable of performing the service. Administrative fees will be in addition to any other charges incurred under this section for copying fees.

Item #	Hours	Rate	Total
1, 4	1	\$54.59	\$54.59
2, 3, 8	1	\$86.12	\$86.12
6	1	\$43.52	\$43.52
8	1	\$44.89	\$44.89

Mr. Oluwatobi Omotoso
Education Equity Fellow
ACLU of Delaware
October 22, 2025
Page 7

11, 12	2	\$42.46	\$84.92
Review and quality control	2	\$58.76	\$58.76 (Waived hourly fee for superintendent review)
TOTAL	8		\$372.80

You may decide whether to proceed with, cancel, or modify the Request. If you wish to proceed, please confirm your agreement to pay an estimate of \$372.80, and remit payment to this office, payable to Indian River School District at 31 Hosier Street, Selbyville, DE 19975 in the amount of \$372.80. You will be billed for any amounts due under our FOIA policy and as permitted by law, before production.

The District reserves all rights afforded by law.

Sincerely,

David Maull
PIO/FOIA Coordinator

cc: Dr. Jay Owens
Dr. Renee Jerns
James H. McMackin III

Office of Human Resources

Brandy Cooper, Ed.D. – Director
Sandra Massie – Administrative Secretary
Samantha Teel – Financial Secretary
302-284-3020 (T) 302-284-4491 (F)

October 20, 2025

VIA ELECTRONIC MAIL

Mr. Oluwatobi Omotoso
Education Equity Fellow
ACLU of Delaware
100 W. 10th Street #706
Wilmington, Delaware 19801
OOmotoso@aclu-de.org

RE: ACLU FOIA Request Dated October 10, 2025

Dear Mr. Omotoso:

The Lake Forest School District (“District”) is in receipt of your request (“Request”) submitted under the Freedom of Information Act (“FOIA”) dated as of the date referenced above in the RE: line. We are aware that each of the 19 school districts received a similar request. It is important to know that each district uses different systems and processes. With regard to costs and fees, be aware that each district is staffed differently, and the districts’ employees have different training, passwords, abilities, and access. Therefore, any variances in substantive responses, or fee estimates among the districts should not be construed against any district or districts. Also, be aware that Infinite Campus is now State-wide this year. Thus, responses you receive this year may differ from the similar requests submitted last year.

Preliminarily, in marshaling a response to the Requests, the District has undertaken extensive diligence and involved its agents in collaborative efforts with the Delaware Department of Education, other districts, and vendors who host data. Much of the data requested does not exist and/or cannot be generated.

I respond to the Requests in the order presented:

Superintendent
Steven V. Lucas, Ed.D.
Central Business Office
5423 Killens Pond Road
Felton, Delaware 19943
Office: 302-284-3020

Board of Education
James L. Rau, President
Sarah Starkey, Vice President
Jordan McCloskey
Betty A. Wyatt, Ed.D.
Amber Rash



EXHIBIT D

3 OF 4

1) *Documents and/or electronically stored information (“ESI”) showing the total number of students across the Lake Forest School District (“district”) and in each school in the district enrolled in any English Learner Programs; additionally showing the number of students across the district and in each school enrolled in the following English Learner Programs, as defined in the Delaware English Learner Guidebook, for the last four school years. If this number is too small to disclose or if any program is not implemented in the district, please state that.*

a) *Dual Language Immersion*

i) *Full-Service*

ii) *Push-In*

iii) *Pull-Out*

b) *English as a Second Language*

i) *Push-In*

ii) *Pull-Out*

c) *Blended Push-In and Pull-Out*

d) *Sheltered English Instruction*

e) *Newcomer Program*

f) *Transitional Bilingual*

g) *English Language Development Class*

h) *Heritage Language*

i) *Co-Teaching*

j) *Specially designed Pull-Out Support*

k) *Specially designed Push-In Support*

l) *Consultative Services*

Response: Some portions of the information sought are not tracked. As for information that is tracked, the requested information cannot be generated without coding to merge data across different software programs. By way of one example, if we were to attempt to identify which students are in dual language immersion and receive full service, we would need to check each student (there is no report) for a flag to see if they are dual language immersion. That data would be in one software platform. Then, we would need to access another software program, enter the student name, and create a record of what service level that student receives. We would have to do the same or a similar process for each sub-request, except for those that cannot be generated. FOIA does not require a public body to “pull[] together information from various sources and arrang[e] it in a [requested] format ... to create a new public record that did not previously exist.” *Att’y Gen. Op. 05-IB08 (Apr. 4, 2005) (quoting Att’y Gen. Op. 03-IB24 (Oct. 30, 2003)) (quoting Att’y Gen. Op. 03-IB13 (June 2, 2003))*.

*Excepted from the foregoing, we are able to run a report to identify the total number of ELL students per school. Due to the Infinite Campus conversion, we are able to access this data for the 2025-2026 school year only. Costs for such a search and production are referenced below.

- 2) *Documents and/or ESI showing how many English Learner (“EL”) students exited their EL programs after meeting exit criteria (prior to their graduation) in the district within the past four years. If the number is too small to disclose then please state that.*

Response: The District’s response is the same as the response to Request 1, but not including the paragraph referenced with a “*”.

- 3) *Documents and/or ESI showing the progress of the district’s EL students towards achieving English Language Proficiency (“ELP”) for the last four school years, as defined by the Delaware Every Student Success Act plan, including but not limited to data used to create “ELP Target Reports” submitted to the Delaware Department of Education (“DDOE”) Identity Management System (“IMS”) English Learner Database.*

Response: The District is able to obtain a report reflecting the information sought, but only as to school years 2025-2026. The information is pre-aggregated, and will be presented as such. Costs for such a search and production are referenced below.

- 4) *Documents and/or ESI showing the number of EL students who were enrolled in any of the district's special programs for the last four school years. This includes but is not limited to Advanced Placement ("AP") courses, Honors courses, or gifted and talented programs.*

Response: This District is not among the districts that have access to responsive information and thus responsive information would require the creation of new documents commencing with tracing each individual student who has an ELL flag, and then sorting through special programs to create new documents. Therefore, the District's response is the same as the response to Request 1, but not including the paragraph referenced with a "*".

- 5) *Documents and/or ESI showing the number of EL students who participated in extracurricular activities for the last four school years, including but not limited to after-school sports, clubs, music ensembles, student organizations, or interest groups.*

Response: This information is not tracked. There are no public records.

- 6) *Documents and/or ESI including but not limited to a staff roster, or EL coordinator data that shows the number of teachers employed by the district that hold a Teacher of English Learners Standard Certificate ("TELSC") in each school.*

Response: The District is able to obtain a report reflecting the information sought. Costs for such a search and production are referenced below.

- 7) *Documents and/or ESI including but not limited to anonymized student roll sheets, a staff roster, time sheets, or EL coordinator data that shows the how much instructional time EL students spend working with TELSC certified teachers in the district and the number of students assigned to each teacher.*

Response: This information is not tracked. There are no public records.

- 8) *Documents and/or ESI showing the district's EL program budget and expenditures for the last four school years. This may take the form of invoices for textbooks, curriculum, staffing availability of positions in specialized EL roles, etc.*

Response: There is ambiguity in the Request with regards to what may or may not be considered responsive, given the use of "etc." Without waiver of that

issue, the District is able to obtain a report reflecting the information sought. Costs for such a search and production are referenced below.

- 9) *Documents and/or ESI detailing the district's curriculum or policy for each English Learner Program that the district utilizes.*

Response: The District is able to obtain the information sought. Costs for such a search and production are referenced below.

- 10) *Documents and/or ESI detailing any reports produced for the DDOE related to the implementation the district's EL programs.*

Response: This information does not exist. There are no public records.

- 11) *Documents and/or ESI sufficient to show which schools participated in Delaware Student Climate Survey.*

Response: Each reference survey is submitted to the University of Delaware on a school-by-school basis. You have the option of obtaining such information directly from the University of Delaware. Alternatively, [single building districts- the District can determine if its school received and submitted such a survey, and we assume this request is for the 2025 school year. Costs for such a search and production are referenced below.]; [multiple building districts- the District can determine which if any of its schools received and submitted such a survey, and we assume this request is for the 2025 school year. Costs for such a search and production are referenced below.]

- 12) *If schools participated in the Delaware Student Climate Survey, documents and/or ESI sufficient to show their organized survey results, with areas of concern and strengths highlighted.*

Response: See response to Request 11.

The District will make every effort to minimize fees and use the lowest paid employee capable of doing the work. Of course, there will not be a charge associated with the first hour, and we will allocate that hour to time spent by the highest paid employee. The estimated fees for the review, processing and production of public records responsive to your Requests is \$1163.40. In further detail, the number of hours and title of each person likely to participate is 15 hours and Data Management Specialist and Director of Human Resources Included in this list is the Director of Human Resources, who must, among other things, briefly review the production to ensure, for example, that information

protected by law is not produced inadvertently, and that null value numbers (less than 15) are not presented.

Administrative fees will be billed to the requesting party per quarter hour. These charges will be billed at the current hourly pay grade (prorated for quarter hour increments)



Office of Human Resources

Brandy Cooper, Ed.D. – Director
Sandra Massie – Administrative Secretary
Samantha Teel – Financial Secretary
302-284-3020 (T) 302-284-4491 (F)

of the lowest-paid employee capable of performing the service. Administrative fees will be in addition to any other charges incurred under this section for copying fees.

You may decide whether to proceed with, cancel, or modify the Request. If you wish to proceed, please confirm your agreement to pay an estimate of \$1163.40, and remit payment to this office, payable to Lake Forest School District, at 5423 Killens Pond Rd. Felton, DE 19943 in the amount of \$1163.40. You will be billed for any amounts due under our FOIA policy and as permitted by law, before production.

The District reserves all rights afforded by law.

Sincerely,

Brandy Cooper

Director of Human Resources

cc: Dr. Steven V. Lucas

Superintendent

Superintendent
Steven V. Lucas, Ed.D.
Central Business Office
5423 Killens Pond Road
Felton, Delaware 19943
Office: 302-284-3020

Board of Education
James L. Rau, President
Sarah Starkey, Vice President
Jordan McCloskey
Betty A. Wyatt, Ed.D.
Amber Rash

Lake Forest School District does not discriminate in employment or in educational programs, services or activities based on race, ethnicity, national origin, religion, gender, gender identity, sexual orientation, age, military/veteran status, disability, marital status or any other legally protected class in accordance with state and federal laws. Inquiries should be directed to the Human Resources Director, Lake Forest Central Business Office, 5423 Killens Pond Road, Felton, Delaware 19943. Telephone: (302)284-3020. Persons with disabilities or other special needs are encouraged to make contact as soon as possible, in order that reasonable accommodations can be made.

November 13, 2025

VIA ELECTRONIC MAIL

Mr. Oluwatobi Omotoso
Education Equity Fellow
ACLU of Delaware
100 W. 10th Street #706
Wilmington, Delaware 19801
OOmotoso@aclu-de.org

Dear Mr. Omotoso:

The Milford School District (“District”) is in receipt of your request (“Request”) submitted under the Freedom of Information Act (“FOIA”) dated as of the date referenced above in the RE: line. We are aware that each of the 19 school districts received a similar request. It is important to know that each district uses different systems and processes. With regard to costs and fees, be aware that each district is staffed differently, and the districts’ employees have different training, passwords, abilities, and access. Therefore, any variances in substantive responses, or fee estimates among the districts should not be construed against any district or districts. Also, be aware that Infinite Campus is now State-wide this year. Thus, responses you receive this year may differ from the similar requests submitted last year.

Preliminarily, in marshaling a response to the Requests, the District has undertaken extensive diligence and involved its agents in collaborative efforts with the Delaware Department of Education, other districts, and vendors who host data. Much of the data requested does not exist and/or cannot be generated.

I respond to the Requests in the order presented:

- 1) *Documents and/or electronically stored information (“ESI”) showing the total number of students across the Milford District (“district”) and in each school in the district enrolled in any English Learner Programs; additionally showing the number of students across the district and in each school enrolled in the following English Learner Programs, as defined in the Delaware English Learner Guidebook, for the last four school years. If this number is too small to disclose or if any program is not implemented in the district, please state that.*

- a) *Dual Language Immersion*
 - i) *Full-Service*
 - ii) *Push-In*
 - iii) *Pull-Out*
- b) *English as a Second Language*
 - i) *Push-In*
 - ii) *Pull-Out*
- c) *Blended Push-In and Pull-Out*
- d) *Sheltered English Instruction*
- e) *Newcomer Program*
- f) *Transitional Bilingual*
- g) *English Language Development Class*
- h) *Heritage Language*
- i) *Co-Teaching*
- j) *Specially designed Pull-Out Support*
- k) *Specially designed Push-In Support*
- l) *Consultative Services*

Response: Some portions of the information sought are not tracked. As for information that is tracked, the requested information cannot be generated without coding to merge data across different software programs. By way of one example, if we were to attempt to identify which students are in dual language immersion and receive full service, we would need to check each student (there is no report) for a flag to see if they are dual language immersion. That data would be in one software platform. Then, we would need to access another software program, enter the student name, and create a record of what service level that student receives. We would have to do the same or a similar process for each sub-request, except for those that cannot be generated. FOIA does not require a public body to “pull[] together information from various sources and arrang[e] it in a [requested] format ... to create a new public record that did not previously exist.” *Att’y Gen. Op. 05-IB08* (Apr. 4, 2005) (quoting *Att’y Gen. Op. 03-IB24* (Oct. 30, 2003)) (quoting *Att’y Gen. Op. 03-IB13* (June 2, 2003)).

***Excepted from the foregoing, we are able to run a report to identify the total number of ELL students per school. Due to the Infinite Campus conversion, we are able to access this data for the school year 2024-2025 and 2025-2026 only. Costs for such a search and production are referenced below.**

- 2) *Documents and/or ESI showing how many English Learner (“EL”) students exited their EL programs after meeting exit criteria (prior to their graduation) in the district within the past four years. If the number is too small to disclose then please state that.*

Response: The District’s response is the same as the response to Request 1, but not including the paragraph referenced with a “*”.

- 3) *Documents and/or ESI showing the progress of the district’s EL students towards achieving English Language Proficiency (“ELP”) for the last four school years, as defined by the Delaware Every Student Success Act plan, including but not limited to data used to create “ELP Target Reports” submitted to the Delaware Department of Education (“DDOE”) Identity Management System (“IMS”) English Learner Database.*

Response: The District is able to obtain a report reflecting the information sought, but only as to school years 2018-2024. The information is pre-aggregated, and will be presented as such. Costs for such a search and production are referenced below.

- 4) *Documents and/or ESI showing the number of EL students who were enrolled in any of the district’s special programs for the last four school years. This includes but is not limited to Advanced Placement (“AP”) courses, Honors courses, or gifted and talented programs.*

Response: This District is not among the districts that have access to responsive information and thus responsive information would require the creation of new documents commencing with tracing each individual student who has an ELL flag, and then sorting

through special programs to create new documents. Therefore, the District's response is the same as the response to Request 1, but not including the paragraph referenced with a "*".

- 5) *Documents and/or ESI showing the number of EL students who participated in extracurricular activities for the last four school years, including but not limited to after-school sports, clubs, music ensembles, student organizations, or interest groups.*

Response: This information is not tracked. There are no public records.

- 6) *Documents and/or ESI including but not limited to a staff roster, or EL coordinator data that shows the number of teachers employed by the district that hold a Teacher of English Learners Standard Certificate ("TELSC") in each school.*

Response: The District is able to obtain a report reflecting the information sought. Costs for such a search and production are referenced below.

- 7) *Documents and/or ESI including but not limited to anonymized student roll sheets, a staff roster, time sheets, or EL coordinator data that shows the how much instructional time EL students spend working with TELSC certified teachers in the district and the number of students assigned to each teacher.*

Response: This information is not tracked. There are no public records.

- 8) *Documents and/or ESI showing the district's EL program budget and expenditures for the last four school years. This may take the form of invoices for textbooks, curriculum, staffing availability of positions in specialized EL roles, etc.*

Response: There is ambiguity in the Request with regards to what may or may not be considered responsive, given the use of "etc." Without waiver of that issue, the District is able to obtain a report reflecting the information sought. Costs for such a search and production are referenced below.

- 9) *Documents and/or ESI detailing the district's curriculum or policy for each English Learner Program that the district utilizes.*

Response: The District is able to obtain the information sought. Costs for such a search and production are referenced below.

- 10) *Documents and/or ESI detailing any reports produced for the DDOE related to the implementation the district's EL programs.*

Response: This information does not exist. There are no public records.

- 11) *Documents and/or ESI sufficient to show which schools participated in Delaware Student Climate Survey.*

Response: Each reference survey is submitted to the University of Delaware on a school-by-school basis. You have the option of obtaining such information directly from the University of Delaware. Alternatively, [single building districts- the District can determine if its school received and submitted such a survey, and we assume this request is for the 2025 school year. Costs for such a search and production are referenced below.]; [multiple building districts- the District can determine which if any of its schools received and submitted such a survey, and we assume this request is for the 2025 school year. Costs for such a search and production are referenced below.]

- 12) *If schools participated in the Delaware Student Climate Survey, documents and/or ESI sufficient to show their organized survey results, with areas of concern and strengths highlighted.*

Response: See response to Request 11.

The District will make every effort to minimize fees and use the lowest paid employee capable of doing the work. Of course, there will not be a charge associated with the first hour, and we will allocate that hour to time spent by the highest paid employee. The estimated fees for the review, processing and production of public records responsive to your Requests is \$116.91. In further detail, the number of hours and title of each person likely to participate is Public Information Officer (3

Mr. Oluwatobi Omotoso
Education Equity Fellow
ACLU of Delaware
Page 6

hours), Superintendent (1 hour for *review and quality control - fee waived*), Legal Counsel (*fee waived*).

Administrative fees will be billed to the requesting party per quarter hour. These charges will be billed at the current hourly pay grade (prorated for quarter hour increments) of the lowest-paid employee capable of performing the service. Administrative fees will be in addition to any other charges incurred under this section for copying fees.

You may decide whether to proceed with, cancel, or modify the Request. If you wish to proceed, please confirm your agreement to pay an estimate of \$116.91, and remit payment to this office, payable to Milford School District, at 906 Lakeview Avenue – Milford, DE 19963 in the amount of \$116.91. You will be billed for any amounts due under our FOIA policy and as permitted by law, before production.

The District reserves all rights afforded by law.

Thank you,

Patricia Gerken

Patricia Gerken
Public Information Officer



RE: [External] New response(s) - FOIA Request

From Sean Sokolowski <sean.sokolowski@nccvt.k12.de.us>

Date Tue 10/21/2025 2:48 PM

To Oluwatobi Omotoso <OOmotoso@aclu-de.org>

 1 attachment (320 KB)

ACLU FOIA Request Dated 10_6_2025.pdf;

This Message Is From an External Sender

This message came from outside your organization.

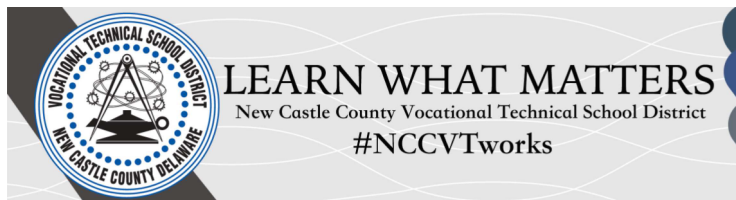
Good Afternoon,

We received your correspondence dated October 1, 2025 requesting information through the Freedom of Information Act. Thank you for your request for materials pertaining to the New Castle County Vo-Tech School District.

Attached you will find the information that we are able to provide.

Again, we appreciate your interest in New Castle County Vo-Tech School District. Please let me know if you have any comments or questions.

Sean Sokolowski
Director of Business
New Castle County VoTech School District
1417 Newport Road
Wilmington, DE 19804
302-995-8020



The contents of this email message and any attachments are intended solely for the addressee(s) and may contain confidential and/or privileged information and may be legally protected from disclosure. If you are not the intended recipient of this message or their agent, or if this message has been addressed to you in error, please immediately alert the sender by reply email and then delete this message and any attachments. If you are not the intended recipient, you are hereby notified that any use, dissemination, copying, or storage of this message or its attachments is strictly prohibited.

From: Edlio <do-not-reply@edliomailer.net>

Sent: Wednesday, October 1, 2025 3:48 PM

To: Sean Sokolowski <sean.sokolowski@nccvt.k12.de.us>

Subject: [External] New response(s) - FOIA Request

Delcastle Technical High school - New form response(s)

FOIA Request

[View Responses](#)

New response received on 10/01/2025 3:47 pm

REQUEST FOR PUBLIC RECORDS PURSUANT TO THE DELAWARE FREEDOM OF INFORMATION ACT 29 Del. C. ch. 100

TO (name of public body)

New Castle County Vocational Technical School District

YOUR NAME

Oluwatobi Omotoso

DATE OF REQUEST

10/01/2025

MAILING ADDRESS

100 W 10th St #706, Wilmington, DE 19801

TELEPHONE (OPTIONAL)

+13026545326

EMAIL (OPTIONAL)

oomotoso@aclu-de.org

RECORDS REQUESTED: (Be as specific as you can, describing types of records, dates, parties to correspondence, subject matter, etc. The public body will make every reasonable effort to assist you in identifying the record being sought. Requests for voluminous records may be delayed.)

A blue and black logo Description automatically generatedWe are seeking information about New Castle County Vocational Technical School District's English Learner programming and data. Therefore, pursuant to the Delaware Freedom of Information Act, 29 Del. C. § 10001 et seq., I request access to, and copies of the public records referred to in the exhibit to this letter in the possession, custody or control of the New Castle County Vocational Technical School District. If you believe that any of the requested records are exempt and need not be disclosed, and intend to withhold

Delcastle Technical High school - New form response(s)

documents on that basis, please explain the basis for your belief, and for each document or portion withheld state its date, sender, recipient and author, and describe its contents sufficiently to enable an independent evaluation of the possible exemption, so that I may decide whether a judicial challenge is appropriate. Further, if part of a document is not responsive to this request or you believe a portion of the document is exempt from disclosure, please redact those documents and produce those portions which are responsive and non-exempt. I request a waiver of all fees for this request. Disclosure of the requested information is in the public interest because it is likely to contribute significantly to the public understanding of the operations or activities of the government and is not primarily in a commercial interest. The information is being requested on behalf of the American Civil Liberties Union of Delaware, a public interest organization that seeks the information for use in the public interest. Please produce the documents within 15 business days of your receipt of this letter. (See 29 Del. C. § 10003(h).) We have attempted to identify with specificity the records we seek. Because we do not have access to information about what records you keep and how you keep them, we request your assistance in framing our request and identifying responsive records that satisfy the purpose of our request. (See 29 Del. C. § 1003(g)(2).) Please be advised that refusing to produce information because it supposedly requires your office to “create new documents,” is improper as a matter of law where your office maintains in its possession, custody, or control the information and data responsive to our requests. In other words, if your office maintains the relevant and responsive data, you must produce it even if production would require your office to search such data and download it to a spreadsheet or other document. See *Vanella on Behalf of Delaware Call v. Duran*, C.A. No. K24A-02-002, 2024 WL 5201305 at *9 (Del. Super. Dec. 23, 2024) (“It would defeat the letter and spirit of FOIA to not use a computer system in a manner that can isolate and produce only [the requested records] Producing easily disclosable information stored in a computer system does not require the creation of a new record”). If you have any questions regarding the scope of the request or any other matters, please contact me, at oomotoso@aclu-de.org. Thank you. Sincerely, Oluwatobi Omotoso Education Equity Fellow ACLU of Delaware

EXHIBIT A We request: Documents and/or electronically stored information (“ESI”) showing the total number of students across the New Castle County Vocational Technical School District (“district”) and in each school in the district enrolled in any English Learner Programs; additionally showing the number of students across the district and in each school enrolled in the following English Learner Programs, as defined in the Delaware English Learner Guidebook, for the last four school years. If this number is too small to disclose or if any program is not implemented in the district, please state that. Dual Language Immersion Full-Service Push-In Pull-Out English as a Second Language Push-In Pull-Out Blended Push-In and Pull-Out Sheltered English Instruction Newcomer Program Transitional Bilingual English Language Development Class Heritage Language Co-Teaching Specially designed Pull-Out Support Specially designed Push-In Support Consultative Services Documents and/or ESI showing how many English Learner (“EL”) students exited their EL programs after meeting exit criteria (prior to their graduation) in the district within the past four years. If the number is too small to disclose then please state that. Documents and/or ESI showing the progress of the district’s EL students towards achieving English Language Proficiency (“ELP”) for the last four school years, as defined by the Delaware Every Student Success Act plan, including but not limited to data used to create “ELP Target Reports” submitted to the Delaware Department of Education (“DDOE”) Identity Management System (“IMS”) English Learner Database. Documents and/or ESI showing the number of EL students who were enrolled in any of the district’s special programs for the last four school years. This includes but is not limited to Advanced

Delcastle Technical High school - New form response(s)

Placement ("AP") courses, Honors courses, or gifted and talented programs. Documents and/or ESI showing the number of EL students who participated in extracurricular activities for the last four school years, including but not limited to after-school sports, clubs, music ensembles, student organizations, or interest groups. Documents and/or ESI including but not limited to a staff roster, or EL coordinator data that shows the number of teachers employed by the district that hold a Teacher of English Learners Standard Certificate ("TELSC") in each school. Documents and/or ESI including but not limited to anonymized student roll sheets, a staff roster, time sheets, or EL coordinator data that shows the how much instructional time EL students spend working with TELSC certified teachers in the district and the number of students assigned to each teacher. Documents and/or ESI showing the district's EL program budget and expenditures for the last four school years. This may take the form of invoices for textbooks, curriculum, staffing availability of positions in specialized EL roles, etc. Documents and/or ESI detailing the district's curriculum or policy for each English Learner Program that the district utilizes. Documents and/or ESI detailing any reports produced for the DDOE related to the implementation the district's EL programs. Documents and/or ESI sufficient to show which schools participated in Delaware Student Climate Survey. If schools participated in the Delaware Student Climate Survey, documents and/or ESI sufficient to show their organized survey results, with areas of concern and strengths highlighted. *We will accept this information in whatever manner is most convenient for you. We do not necessarily need underlying documentation if you prefer to simply provide a list showing each individual and the additional information outlined above.

There may be costs involved in responding to your request. The public body can require you to examine the records at the office of the public body. Refer to the public body's policy or regulations for information about costs and access to records.

PLEASE CONTACT ME IF COSTS WILL BE GREATER THAN

00.01

Within 15 business days from receipt of your request the public body must either provide you with access to the records, deny your request, or state that additional time is needed.

NOTICE: Under Delaware's Freedom of Information Act, 29 Del. C. §§ 10001-10006 ("FOIA"), a FOIA request or petition, along with any information contained therein or any documents attached thereto, submitted to any "public body" subject to FOIA, including, without limitation, any board, bureau, commission, department, agency or committee of the State, may itself be deemed a "public record" subject to disclosure under FOIA.

This is an automatically generated message regarding form responses. Please do not reply. Manage notification settings in Form Options for FOIA Request.





RE: [External] [NEW RESPONSE] for Freedom of Information (FOIA) Requests - 1759348220163.w11a

From JOHNSON, NICHOLAS <Nicholas.Johnson@polytech.k12.de.us>

Date Fri 11/7/2025 7:58 AM

To Oluwatobi Omotoso <OOmotoso@aclu-de.org>

This Message Is From an External Sender

This message came from outside your organization.

1. X = Present
EX = Excused (MLL student communicated participation in another enrichment session, such as ELA support or a club meeting)
AB = Absent from school
ABM = present in school but absent from meeting and did not communicate going to a different enrichment session
2. Funding for MLL students spans several appropriations such as Title funding, Opportunity Funding, and Local Funding.
3. This is a Multilingual Learners Application created by the State of Delaware to share MLL data and is accessible to MLL coordinators through ClassLink. It is a DDOE Application titled "Multilingual Learner".

Nick Johnson
Director of Operations
POLYTECH School District
823 Walnut Shade Road
Woodside, DE 19980-0022
(302) 697-2170

www.polytechschooldistrict.com

From: Oluwatobi Omotoso <OOmotoso@aclu-de.org>

Sent: Tuesday, November 4, 2025 2:46 PM

To: JOHNSON, NICHOLAS <Nicholas.Johnson@polytech.k12.de.us>

Subject: Re: [External] [NEW RESPONSE] for Freedom of Information (FOIA) Requests - 1759348220163.w11a

Following up!

Tobi Omotoso
Education Equity Fellow
ACLU-DE
Not admitted to practice in Delaware

From: Oluwatobi Omotoso <OOmotoso@aclu-de.org>
Sent: Tuesday, October 28, 2025 10:41 AM
To: JOHNSON, NICHOLAS <Nicholas.Johnson@polytech.k12.de.us>
Subject: Re: [External] [NEW RESPONSE] for Freedom of Information (FOIA) Requests - 1759348220163.w11a

Thank you! Further questions are below:

1. In the MLL attendance sheet in response to Q7, what does X, EX, AB, and ABM mean?
2. For Q8 is there any record of the actual appropriations? What is the relevance of the two books?
3. Which MLL App is referred to in Q10?

Best,
Tobi Omotoso
Education Equity Fellow
ACLU-DE
Not admitted to practice in Delaware

From: JOHNSON, NICHOLAS <Nicholas.Johnson@polytech.k12.de.us>
Sent: Tuesday, October 28, 2025 7:42 AM
To: Oluwatobi Omotoso <OOmotoso@aclu-de.org>
Cc: Dwayne Bensing <dbensing@aclu-de.org>
Subject: RE: [External] [NEW RESPONSE] for Freedom of Information (FOIA) Requests - 1759348220163.w11a

Hopefully this is better. ☐ [MLL Data Request 2025.docx](#) Please ignore the previous version sent.

What further questions do you have?

Thanks,
Nick Johnson
Director of Operations
POLYTECH School District
823 Walnut Shade Road
Woodside, DE 19980-0022
(302) 697-2170

www.polytechschooldistrict.com

From: Oluwatobi Omotoso <OOmotoso@aclu-de.org>
Sent: Monday, October 27, 2025 12:52 PM
To: JOHNSON, NICHOLAS <Nicholas.Johnson@polytech.k12.de.us>
Cc: Dwayne Bensing <dbensing@aclu-de.org>
Subject: Re: [External] [NEW RESPONSE] for Freedom of Information (FOIA) Requests - 1759348220163.w11a

Hello,

I have some questions regarding what was sent, but before I get to those, I want to flag that the student attendance for sessions with teachers specialized in teaching MLLs still shows the students' names when you hover on the blotted-out cells. I assume this was unintentional, and wanted to notify you for instructions on how to proceed.

Best,

Tobi Omotoso
Education Equity Fellow
ACLU-DE
Not admitted to practice in Delaware

From: JOHNSON, NICHOLAS <Nicholas.Johnson@polytech.k12.de.us>
Sent: Friday, October 24, 2025 11:52 AM
To: Oluwatobi Omotoso <OOmotoso@aclu-de.org>
Subject: RE: [External] [NEW RESPONSE] for Freedom of Information (FOIA) Requests - 1759348220163.w11a

Please see the attached, and contact me directly should you need anything else.

Thanks,
Nick Johnson
Director of Operations
POLYTECH School District
823 Walnut Shade Road
Woodside, DE 19980-0022
(302) 697-2170

www.polytechschooldistrict.com

From: POLYTECH School District <DO-NOT-REPLY@educationalnetworks.net>
Sent: Wednesday, October 1, 2025 3:50 PM
To: JOHNSON, NICHOLAS <Nicholas.Johnson@polytech.k12.de.us>
Subject: [External] [NEW RESPONSE] for Freedom of Information (FOIA) Requests - 1759348220163.w11a

POLYTECH School District Forms

Freedom of Information (FOIA) Requests - New form submission

This is a notification of a new form submission.

Session ID: 1759348220163.w11a

Request Date: 10/01/2025

Public Body**Requestor**

Name: Oluwatobi Omotoso

Address 1: 100 W 10th St

Address 2: #706

City: Wilmington

State: DE

Zip: 19801

Phone: (302) 654-5326

Email: oomotoso@aclu-de.org

Records Requested

Be as specific as you can, describing types of records, dates, parties to correspondence, subject matter, etc. The public body will make every reasonable effort to assist you in identifying the records being sought. :

A blue and black logo

Description automatically generatedWe are seeking information about Polytech School District's English Learner programming and data.

Therefore, pursuant to the Delaware Freedom of Information Act, 29 Del. C. § 10001 et seq., I request access to, and copies of the public records referred to in the exhibit to this letter in the possession, custody or control of the Polytech School District.

If you believe that any of the requested records are exempt and need not be disclosed, and intend to withhold documents on that basis, please explain the basis for your belief, and for each document or portion withheld state its date, sender, recipient and author, and describe its contents sufficiently to enable an independent evaluation of the possible exemption, so that I may decide whether a judicial challenge is appropriate. Further, if part of a document is not



EXHIBIT D

4 OF 4

responsive to this request or you believe a portion of the document is exempt from disclosure, please redact those documents and produce those portions which are responsive and non-exempt.

I request a waiver of all fees for this request. Disclosure of the requested information is in the public interest because it is likely to contribute significantly to the public understanding of the operations or activities of the government and is not primarily in a commercial interest. The information is being requested on behalf of the American Civil Liberties Union of Delaware, a public interest organization that seeks the information for use in the public interest.

Please produce the documents within 15 business days of your receipt of this letter. (See 29 Del. C. § 10003(h).)

We have attempted to identify with specificity the records we seek. Because we do not have access to information about what records you keep and how you keep them, we request your assistance in framing our request and identifying responsive records that satisfy the purpose of our request. (See 29 Del. C. § 1003(g) (2).)

Please be advised that refusing to produce information because it supposedly requires your office to “create new documents,” is improper as a matter of law where your office maintains in its possession, custody, or control the information and data responsive to our requests. In other words, if your office maintains the relevant and responsive data, you must produce it even if production would require your office to search such data and download it to a spreadsheet or other document. See *Vanella on Behalf of Delaware Call v. Duran*, C.A. No. K24A-02-002, 2024 WL 5201305 at *9 (Del. Super. Dec. 23, 2024) (“It would defeat the letter and spirit of FOIA to not use a computer system in a manner that can isolate and produce only [the requested records] Producing easily disclosable information stored in a computer system does not require the creation of a new record”).

If you have any questions regarding the scope of the

request or any other matters, please contact me, at oomotoso@aclu-de.org.

Thank you. Sincerely,

Oluwatobi Omotoso
Education Equity Fellow
ACLU of Delaware

EXHIBIT A

We request:

Documents and/or electronically stored information (“ESI”) showing the total number of students across the Polytech School District (“district”) and in each school in the district enrolled in any English Learner Programs; additionally showing the number of students across the district and in each school enrolled in the following English Learner Programs, as defined in the Delaware English Learner Guidebook, for the last four school years. If this number is too small to disclose or if any program is not implemented in the district, please state that.

Dual Language Immersion

Full-Service

Push-In

Pull-Out

English as a Second Language

Push-In

Pull-Out

Blended Push-In and Pull-Out

Sheltered English Instruction

Newcomer Program

Transitional Bilingual

English Language Development Class

Heritage Language

Co-Teaching

Specially designed Pull-Out Support

Specially designed Push-In Support

Consultative Services

Documents and/or ESI showing how many English Learner ("EL") students exited their EL programs after meeting exit criteria (prior to their graduation) in the district within the past four years. If the number is too small to disclose then please state that.

Documents and/or ESI showing the progress of the district's EL students towards achieving English Language Proficiency ("ELP") for the last four school years, as defined by the Delaware Every Student Success Act plan, including but not limited to data used to create "ELP Target Reports" submitted to the Delaware Department of Education ("DDOE") Identity Management System ("IMS") English Learner Database.

Documents and/or ESI showing the number of EL students who were enrolled in any of the district's special programs for the last four school years. This includes but is not limited to Advanced Placement ("AP") courses, Honors courses, or gifted and talented programs.

Documents and/or ESI showing the number of EL students who participated in extracurricular activities for the last four school years, including but not limited to after-school sports, clubs, music ensembles, student organizations, or interest groups.

Documents and/or ESI including but not limited to a staff roster, or EL coordinator data that shows the number of teachers employed by the district that hold a Teacher of English Learners Standard Certificate

("TELSC") in each school.

Documents and/or ESI including but not limited to anonymized student roll sheets, a staff roster, time sheets, or EL coordinator data that shows the how much instructional time EL students spend working with TELSC certified teachers in the district and the number of students assigned to each teacher.

Documents and/or ESI showing the district's EL program budget and expenditures for the last four school years. This may take the form of invoices for textbooks, curriculum, staffing availability of positions in specialized EL roles, etc.

Documents and/or ESI detailing the district's curriculum or policy for each English Learner Program that the district utilizes.

Documents and/or ESI detailing any reports produced for the DDOE related to the implementation the district's EL programs.

Documents and/or ESI sufficient to show which schools participated in Delaware Student Climate Survey.

If schools participated in the Delaware Student Climate Survey, documents and/or ESI sufficient to show their organized survey results, with areas of concern and strengths highlighted.

*We will accept this information in whatever manner is most convenient for you. We do not necessarily need underlying documentation if you prefer to simply provide a list showing each individual and the additional information outlined above.

Please contact me if costs will be greater than: 00.01

You are receiving this email because your email is set to be notified. If you do not want to receive any notifications please contact the website administrator at POLYTECH School District.

powered by

EDUCATIONAL NETWORKS






RE: [External] Re: FOIA Request

From Mobley Alveretta <alveretta.mobley@redclay.k12.de.us>

Date Tue 11/18/2025 11:46 AM

To Oluwatobi Omotoso <OOmotoso@aclu-de.org>

Cc skhearn@udel.edu <skhearn@udel.edu>

 1 attachment (573 KB)

FOIA EL.pdf;

This Message Is From an External Sender

This message came from outside your organization.

Good morning Mr. Omotoso,
Thank you for your patience as we continue compiling the information requested through your FOIA submission to the Red Clay Consolidated School District. Attached, please find the EL Programming Data. We will provide the school climate information shortly.
We appreciate your patience and cooperation as we work to fulfill your request.

Alva P. Mobley, MBA | Chief Communications Officer
Red Clay Consolidated School District

From: Oluwatobi Omotoso <OOmotoso@aclu-de.org>
Sent: Sunday, November 16, 2025 6:28 PM
To: Mobley Alveretta <alveretta.mobley@redclay.k12.de.us>
Cc: skhearn@udel.edu
Subject: [External] Re: FOIA Request
Hello,

Following up on this.

Tobi Omotoso
Education Equity Fellow
ACLU-DE
Not admitted to practice in Delaware

From: Oluwatobi Omotoso <OOmotoso@aclu-de.org>
Sent: Thursday, November 6, 2025 2:38 PM
To: Mobley Alveretta <alveretta.mobley@redclay.k12.de.us>
Cc: skhearn@udel.edu <skhearn@udel.edu>
Subject: Re: FOIA Request

Hello,

I am reaching out re: Q11 of the recent request, regarding school climate. Your response directed me to reach out to the UDel MTSS program myself, and I have done so (Sarah Hearn, program director for UD-MTSS is cc'd here). Program Director Hearn has advised me to seek your approval for the release of your school district's school climate data by requesting the following:

1. Email Sarah Hearn – skhearn@udel.edu & CC: Oluwatobi Omotoso <OOmotoso@aclu-de.org>
2. Message to include:
 1. We grant permission for UD to send a copy of DE School Climate Data Reports (via secure DropBox service) for all participating schools in our district to Oluwatobi Omotoso at the ACLU-DE. As available, please include Student, Staff, and Home reports for 2023, 2024, 2025 administrations.

Consider this email a request for approval regarding the release of your district's school climate data (for as many years as possible, if reports only exist for some years).

Best,

Tobi Omotoso

Education Equity Fellow

ACLU-DE

Not admitted to practice in Delaware

From: Oluwatobi Omotoso <OOmotoso@aclu-de.org>

Sent: Monday, October 27, 2025 10:12 PM

To: Mobley Alveretta <alveretta.mobley@redclay.k12.de.us>

Subject: Re: FOIA Request

Received, thank you for your response.

Tobi Omotoso

Education Equity Fellow

ACLU-DE

Not admitted to practice in Delaware

From: Mobley Alveretta <alveretta.mobley@redclay.k12.de.us>

Sent: Monday, October 27, 2025 9:32 PM

To: Oluwatobi Omotoso <OOmotoso@aclu-de.org>

Subject: FOIA Request

Dear Omotoso Oluwatobi,

Thank you for your request for public records under the Delaware Freedom of Information Act, 29 Del. C. ch. 100. We have received your request, in which you specified the following records:

Request: A blue and black logo Description automatically generated. We are seeking information about Red Clay Consolidated School District's English Learner programming and data. Therefore, pursuant to the Delaware Freedom of Information Act, 29 Del. C. § 10001 et seq., I request access to, and copies of the public records referred to in the exhibit to this letter in the possession, custody or control of the Red Clay Consolidated School District. If you believe that any of the requested records are exempt and need not be disclosed, and intend to withhold documents on that basis, please explain the basis for your belief, and for each document or portion withheld state its date, sender, recipient and author, and describe its contents sufficiently to enable an independent evaluation of the possible exemption, so that I may decide whether a judicial challenge is appropriate. Further, if part of a document is not

responsive to this request or you believe a portion of the document is exempt from disclosure, please redact those documents and produce those portions which are responsive and non-exempt. I request a waiver of all fees for this request. Disclosure of the requested information is in the public interest because it is likely to contribute significantly to the public understanding of the operations or activities of the government and is not primarily in a commercial interest. The information is being requested on behalf of the American Civil Liberties Union of Delaware, a public interest organization that seeks the information for use in the public interest. Please produce the documents within 15 business days of your receipt of this letter. (See 29 Del. C. § 10003(h).) We have attempted to identify with specificity the records we seek. Because we do not have access to information about what records you keep and how you keep them, we request your assistance in framing our request and identifying responsive records that satisfy the purpose of our request. (See 29 Del. C. § 1003(g)(2).) Please be advised that refusing to produce information because it supposedly requires your office to "create new documents," is improper as a matter of law where your office maintains in its possession, custody, or control the information and data responsive to our requests. In other words, if your office maintains the relevant and responsive data, you must produce it even if production would require your office to search such data and download it to a spreadsheet or other document. See *Vanella on Behalf of Delaware Call v. Duran*, C.A. No. K24A-02-002, 2024 WL 5201305 at *9 (Del. Super. Dec. 23, 2024) ("It would defeat the letter and spirit of FOIA to not use a computer system in a manner that can isolate and produce only [the requested records] . . . Producing easily disclosable information stored in a computer system does not require the creation of a new record"). If you have any questions regarding the scope of the request or any other matters, please contact me, at oomotoso@aclu-de.org. Thank you. Sincerely, Oluwatobi Omotoso Education Equity Fellow ACLU of Delaware

EXHIBIT A We request: Documents and/or electronically stored information ("ESI") showing the total number of students across the Red Clay Consolidated School District ("district") and in each school in the district enrolled in any English Learner Programs; additionally showing the number of students across the district and in each school enrolled in the following English Learner Programs, as defined in the Delaware English Learner Guidebook, for the last four school years. If this number is too small to disclose or if any program is not implemented in the district, please state that. Dual Language Immersion Full-Service Push-In Pull-Out English as a Second Language Push-In Pull-Out Blended Push-In and Pull-Out Sheltered English Instruction Newcomer Program Transitional Bilingual English Language Development Class Heritage Language Co-Teaching Specially designed Pull-Out Support Specially designed Push-In Support Consultative Services Documents and/or ESI showing how many English Learner ("EL") students exited their EL programs after meeting exit criteria (prior to their graduation) in the district within the past four years. If the number is too small to disclose then please state that. Documents and/or ESI showing the progress of the district's EL students towards achieving English Language Proficiency ("ELP") for the last four school years, as defined by the Delaware Every Student Success Act plan, including but not limited to data used to create "ELP Target Reports" submitted to the Delaware Department of Education ("DDOE") Identity Management System ("IMS") English Learner Database. Documents and/or ESI showing the number of EL students who were enrolled in any of the district's special programs for the last four school years. This includes but is not limited to Advanced Placement ("AP") courses, Honors courses, or gifted and talented programs. Documents and/or ESI showing the number of EL students who participated in extracurricular activities for the last four school years, including but not limited to after-school sports, clubs, music ensembles, student organizations, or interest groups. Documents and/or ESI including but not limited to a staff roster, or EL coordinator data that shows the number of teachers employed by the district that hold a Teacher of English Learners Standard Certificate ("TELSC") in each school. Documents and/or ESI including but not limited to anonymized student roll sheets, a staff roster, time sheets, or EL coordinator data that shows the how much instructional time EL students spend working with TELSC certified teachers in the district and the number of students assigned to each teacher. Documents and/or ESI showing the district's EL program budget and expenditures for the last four school years. This may take the form of invoices for textbooks, curriculum, staffing availability of positions in specialized EL roles, etc. Documents and/or ESI detailing the district's curriculum or policy for each English Learner Program that the district utilizes. Documents and/or ESI detailing any reports produced for the DDOE related to the implementation the district's EL programs. Documents and/or ESI sufficient to show which schools participated in Delaware Student Climate Survey. If schools participated in the Delaware Student Climate Survey, documents and/or ESI sufficient to show their organized survey results, with areas of concern and strengths highlighted. *We will accept this information in whatever manner is most convenient for you. We do not necessarily need underlying documentation if you prefer to simply provide a list showing each individual and the additional information outlined above.

The Red Clay Consolidated School District is committed to transparency and will make every reasonable effort to assist you in fulfilling your request. We are working on our response and will have it to you shortly. I am asking for a little more time to collect the information you have requested.

Sincerely,



Alva P. Mobley, MBA

Chief Communications Officer

Red Clay Consolidated School District

Administrative Offices, 1502 Spruce Avenue, Wilmington, DE 19805

o: (302) 552-3716

c: (302) 332-7336

#RemarkableRedClay

redclayschools.com | [facebook](https://www.facebook.com/redclayschools) | [instagram](https://www.instagram.com/redclayschools) | [twitter](https://twitter.com/redclayschools) | [YouTube](https://www.youtube.com/redclayschools)



Seaford School District

Seaford, Delaware

390 NORTH MARKET STREET EXTENDED
SEAFORD, DELAWARE 19973
Phone (302) 629-4587 Fax (302) 629-2619

OFFICE OF HUMAN RESOURCES
MR. JASON L. CAMERON

October 22, 2025

VIA ELECTRONIC MAIL

Mr. Oluwatobi Omotoso
Education Equity Fellow
ACLU of Delaware
100 W. 10th Street #706
Wilmington, Delaware 19801
OOmotoso@aclu-de.org

RE: ACLU FOIA Request Dated October 1, 2025

Dear Mr. Omotoso:

The Seaford School District ("District") is in receipt of your request ("Request") submitted under the Freedom of Information Act ("FOIA") dated as of the date referenced above in the RE: line. We are aware that each of the 19 school districts received a similar request. It is important to know that each district uses different systems and processes. With regard to costs and fees, be aware that each district is staffed differently, and the districts' employees have different training, passwords, abilities, and access. Therefore, any variances in substantive responses, or fee estimates among the districts should not be construed against any district or districts. Also, be aware that Infinite Campus is now State-wide this year. Thus, responses you receive this year may differ from the similar requests submitted last year.

Preliminarily, in marshaling a response to the Requests, the District has undertaken extensive diligence and involved its agents in collaborative efforts with the Delaware Department of Education, other districts, and vendors who host data. Much of the data requested does not exist and/or cannot be generated.

www.seafordbluejays.org

The Seaford School District is an Equal Opportunity Employer and does not discriminate or deny services on the basis of race, color, national origin, sex, disability, or age in its programs and activities.

I respond to the Requests in the order presented:

- 1) *Documents and/or electronically stored information ("ESI") showing the total number of students across the Seaford District ("district") and in each school in the district enrolled in any English Learner Programs; additionally showing the number of students across the district and in each school enrolled in the following English Learner Programs, as defined in the Delaware English Learner Guidebook, for the last four school years. If this number is too small to disclose or if any program is not implemented in the district, please state that.*
 - a) *Dual Language Immersion*
 - i) *Full-Service*
 - ii) *Push-In*
 - iii) *Pull-Out*
 - b) *English as a Second Language*
 - i) *Push-In*
 - ii) *Pull-Out*
 - c) *Blended Push-In and Pull-Out*
 - d) *Sheltered English Instruction*
 - e) *Newcomer Program*
 - f) *Transitional Bilingual*
 - g) *English Language Development Class*
 - h) *Heritage Language*
 - i) *Co-Teaching*
 - j) *Specially designed Pull-Out Support*
 - k) *Specially designed Push-In Support*
 - l) *Consultative Services*

Response: Some portions of the information sought are not tracked. As for information that is tracked, the requested information cannot be generated without coding to merge data across different software programs. By way of one example, if we were to attempt to identify which students are in dual language immersion and receive full service, we would need to check each student (there is no report) for a flag to see if they are dual language immersion. That data would be in one software platform. Then, we would need to access another software program, enter the student name, and create a record of what service level that student receives. We would have to do the same or a similar process for each sub-request, except for those that cannot be generated. FOIA does not require a public body to "pull[] together information from various sources and arrang[e] it in a [requested] format ... to create a new public record that did not previously exist." *Att'y Gen. Op. 05-IB08 (Apr. 4, 2005) (quoting Att'y Gen. Op. 03-IB24 (Oct. 30, 2003)) (quoting Att'y Gen. Op. 03-IB13 (June 2, 2003))*.

***Excepted from the foregoing, we are able to run a report to identify the total number of ELL students per school. Due to the Infinite Campus conversion, we are able to access this data for the 2024-25 and 2025-36 school years only. Costs for such a search and production are referenced below.**

- 2) *Documents and/or ESI showing how many English Learner ("EL") students exited their EL programs after meeting exit criteria (prior to their graduation) in the district within the past four years. If the number is too small to disclose then please state that.*

Response: The District's response is the same as the response to Request 1, but not including the paragraph referenced with a "*" .

- 3) *Documents and/or ESI showing the progress of the district's EL students towards achieving English Language Proficiency ("ELP") for the last four school years, as defined by the Delaware Every Student Success Act plan, including but not limited to data used to create "ELP Target Reports" submitted to the Delaware Department of Education ("DDOE") Identity Management System ("IMS") English Learner Database.*

Response: The District is able to obtain a report reflecting the information sought. The information is pre-aggregated, and will be presented as such. Costs for such a search and production are referenced below.

- 4) *Documents and/or ESI showing the number of EL students who were enrolled in any of the district's special programs for the last four school years. This includes but is not limited to Advanced Placement ("AP") courses, Honors courses, or gifted and talented programs.*

Response: The District is able to obtain a report reflecting the information sought. Costs for such a search and production are referenced below.

- 5) *Documents and/or ESI showing the number of EL students who participated in extracurricular activities for the last four school years, including but not limited to after-school sports, clubs, music ensembles, student organizations, or interest groups.*

Response: This information is not tracked. There are no public records.

- 6) *Documents and/or ESI including but not limited to a staff roster, or EL coordinator data that shows the number of teachers employed by the district that hold a Teacher of English Learners Standard Certificate ("TELSC") in each school.*

Response: The District is able to obtain a report reflecting the information sought. Costs for such a search and production are referenced below.

- 7) *Documents and/or ESI including but not limited to anonymized student roll sheets, a staff roster, time sheets, or EL coordinator data that shows the how much instructional time EL students spend working with TELSC certified teachers in the district and the number of students assigned to each teacher.*

Response: This information is not tracked. There are no public records.

- 8) *Documents and/or ESI showing the district's EL program budget and expenditures for the last four school years. This may take the form of invoices for textbooks, curriculum, staffing availability of positions in specialized EL roles, etc.*

Response: There is ambiguity in the Request with regards to what may or may not be considered responsive, given the use of "etc." Without waiver of that issue, the District is able to obtain a report reflecting the information sought. Costs for such a search and production are referenced below.

- 9) *Documents and/or ESI detailing the district's curriculum or policy for each English Learner Program that the district utilizes.*

Response: The District is able to obtain the information sought. Costs for such a search and production are referenced below.

- 10) *Documents and/or ESI detailing any reports produced for the DDOE related to the implementation the district's EL programs.*

Response: This information does not exist. There are no public records.

- 11) *Documents and/or ESI sufficient to show which schools participated in Delaware Student Climate Survey.*

Response: Each reference survey is submitted to the University of Delaware on a school-by-school basis. You have the option of obtaining such information directly from the University of Delaware. Alternatively, the District can determine if its schools received and submitted such a survey, and we assume this request is for the 2025 school year. Costs for such a search and production are referenced below.

- 12) *If schools participated in the Delaware Student Climate Survey, documents and/or ESI sufficient to show their organized survey results, with areas of concern and strengths highlighted.*

Response: See response to Request 11.

The District will make every effort to minimize fees and use the lowest paid employee capable of doing the work. Of course, there will not be a charge associated with the first hour, and we will allocate that hour to time spent by the highest paid employee. The estimated fees for the review, processing and production of public records responsive to your Requests is \$139.75. In further detail, the number of hours and title of each person likely to participate is listed in the table below:

Name	Title	Request Number	Hours	Rate/per hour	Total Charge
Ryan Curl	Data/Pupil Coordinator	1 and 4	1.5	\$48.11	\$72.16
Nikki Miller	Supervisor of Instruction	2	.5	\$65.43	\$32.71
Nicole Harrison	District Literacy Specialist and Multi-Lingual Coordinator	3	.5	\$49.75	\$24.87
Teresa Craft	Administrative Assistant III	6	.25	\$33.50	\$8.37
Michael Craft	Financial Analyst	8	1	\$38.79	\$38.79
Kristin Brent	PIO	9	.25	\$45.92	\$11.48
Michelle Henry	Administrative Assistant III	11	.25	\$32.53	\$8.13

Total Estimated Charge is \$196.51

Minus first hour free of highest charge Miller \$32.71(1/2 Hour) and Curl \$24.05 (1/2 Hour)

Final Estimated charge \$139.75

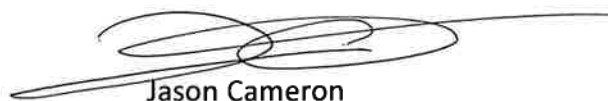
Included in this list is the Data/Pupil Coordinator, who must, among other things, briefly review the production to ensure, for example, that information protected by law is not produced inadvertently, and that null value numbers (less than 15) are not presented.

Administrative fees will be billed to the requesting party per quarter hour. These charges will be billed at the current hourly pay grade (prorated for quarter hour increments) of the lowest-paid employee capable of performing the service. Administrative fees will be in addition to any other charges incurred under this section for copying fees.

You may decide whether to proceed with, cancel, or modify the Request. If you wish to proceed, please confirm your agreement to pay an estimate of \$139.75, and remit payment to this office, payable to Seaford School District, at 390 North Market Street Ext., Seaford, DE 19973 in the amount of \$139.75. You will be billed for any amounts due under our FOIA policy and as permitted by law, before production.

The Seaford School District reserves all rights afforded by law.

Sincerely,



Jason Cameron

www.seafordbluejays.org

October 20, 2025

VIA ELECTRONIC MAIL

Mr. Oluwatobi Omotoso
Education Equity Fellow
ACLU of Delaware
100 W. 10th Street #706
Wilmington, Delaware 19801
OOmotoso@aclu-de.org

RE: ACLU FOIA Request Dated October 2, 2025

Dear Mr. Omotoso:

The Smyrna School District (“District”) is in receipt of your request (“Request”) submitted under the Freedom of Information Act (“FOIA”) dated as of the date referenced above in the RE: line. We are aware that each of the 19 school districts received a similar request. It is important to know that each district uses different systems and processes. With regard to costs and fees, be aware that each district is staffed differently, and the districts’ employees have different training, passwords, abilities, and access. Therefore, any variances in substantive responses, or fee estimates among the districts should not be construed against any district or districts. Also, be aware that Infinite Campus is now State-wide this year. Thus, responses you receive this year may differ from the similar requests submitted last year.

Preliminarily, in marshaling a response to the Requests, the District has undertaken extensive diligence and involved its agents in collaborative efforts with the Delaware Department of Education, other districts, and vendors who host data. Much of the data requested does not exist and/or cannot be generated.

I respond to the Requests in the order presented:

- 1) Documents and/or electronically stored information (“ESI”) showing the total number of students across the Smyrna School District (“district”) and in each school in the district enrolled in any English Learner Programs; additionally showing the number of students across the district and in each school enrolled in the following English Learner Programs, as defined in the Delaware English Learner Guidebook, for the last four school years. If this*

number is too small to disclose or if any program is not implemented in the district, please state that.

- a) Dual Language Immersion*
 - i) Full-Service*
 - ii) Push-In*
 - iii) Pull-Out*
- b) English as a Second Language*
 - i) Push-In*
 - ii) Pull-Out*
- c) Blended Push-In and Pull-Out*
- d) Sheltered English Instruction*
- e) Newcomer Program*
- f) Transitional Bilingual*
- g) English Language Development Class*
- h) Heritage Language*
- i) Co-Teaching*
- j) Specially designed Pull-Out Support*
- k) Specially designed Push-In Support*
- l) Consultative Services*

Response: Some portions of the information sought are not tracked. As for information that is tracked, the requested information cannot be generated without coding to merge data across different software programs. By way of one example, if we were to attempt to identify which students are in dual language immersion and receive full service, we would need to check each student (there is no report) for a flag to see if they are dual language immersion. That data would be in one software platform. Then, we would need to access another software program, enter the student name, and create a record of what service level that student receives. We would have to do the same or a similar process for each sub-request, except for those that cannot be generated. FOIA does not require a public body to “pull[] together information from various sources and arrang[e] it in a [requested] format ... to create a new public record that did not previously exist.” *Att’y Gen. Op. 05-IB08 (Apr. 4, 2005) (quoting Att’y Gen. Op. 03-IB24 (Oct. 30, 2003)) (quoting Att’y Gen. Op. 03-IB13 (June 2, 2003))*.

***Excepted from the foregoing, we are able to run a report to identify the total number of ELL students per school. Due to the Infinite Campus conversion, we are able to access this data for the 2024-25/2025-26 school years only. Costs for such a search and production are referenced below.**

- 2) *Documents and/or ESI showing how many English Learner (“EL”) students exited their EL programs after meeting exit criteria (prior to their graduation) in the district within the past four years. If the number is too small to disclose then please state that.*

Response: The District’s response is the same as the response to Request 1, but not including the paragraph referenced with a “*”.

- 3) *Documents and/or ESI showing the progress of the district’s EL students towards achieving English Language Proficiency (“ELP”) for the last four school years, as defined by the Delaware*

Every Student Success Act plan, including but not limited to data used to create “ELP Target Reports” submitted to the Delaware Department of Education (“DDOE”) Identity Management System (“IMS”) English Learner Database.

Response: The District is able to obtain a report reflecting the information sought, but only as to school years 2024-25/2025-26. The information is pre-aggregated, and will be presented as such. Costs for such a search and production are referenced below.

- 4) *Documents and/or ESI showing the number of EL students who were enrolled in any of the district’s special programs for the last four school years. This includes but is not limited to Advanced Placement (“AP”) courses, Honors courses, or gifted and talented programs.*

Response: This District is not among the districts that have access to responsive information and thus responsive information would require the creation of new documents commencing with tracing each individual student who has an ELL flag, and then sorting through special programs to create new documents. Therefore, the District’s response is the same as the response to Request 1, but not including the paragraph referenced with a “*”.

- 5) *Documents and/or ESI showing the number of EL students who participated in extracurricular activities for the last four school years, including but not limited to after-school sports, clubs, music ensembles, student organizations, or interest groups.*

Response: This information is not tracked. There are no public records.

- 6) *Documents and/or ESI including but not limited to a staff roster, or EL coordinator data that shows the number of teachers employed by the district that hold a Teacher of English Learners Standard Certificate (“TELSC”) in each school.*

Response: The District is able to obtain a report reflecting the information

sought. Costs for such a search and production are referenced below.

- 7) *Documents and/or ESI including but not limited to anonymized student roll sheets, a staff roster, time sheets, or EL coordinator data that shows the how much instructional time EL students spend working with TELSC certified teachers in the district and the number of students assigned to each teacher.*

Response: This information is not tracked. There are no public records.

- 8) *Documents and/or ESI showing the district's EL program budget and expenditures for the last four school years. This may take the form of invoices for textbooks, curriculum, staffing availability of positions in specialized EL roles, etc.*

Response: There is ambiguity in the Request with regards to what may or may not be considered responsive, given the use of "etc." Without waiver of that issue, the District is able to obtain a report reflecting the information sought. Costs for such a search and production are referenced below.

- 9) *Documents and/or ESI detailing the district's curriculum or policy for each English Learner Program that the district utilizes.*

Response: The District is able to obtain the information sought. Costs for such a search and production are referenced below.

- 10) *Documents and/or ESI detailing any reports produced for the DDOE related to the implementation the district's EL programs.*

Response: This information does not exist. There are no public records.

- 11) *Documents and/or ESI sufficient to show which schools participated in Delaware Student Climate Survey.*

Response: Each reference survey is submitted to the University of Delaware on a school-by-school basis. You have the option of obtaining such

information directly from the University of Delaware. Alternatively, [single building districts- the District can determine if its school received and submitted such a survey, and we assume this request is for the 2025 school year. Costs for such a search and production are referenced below.]; [multiple building districts- the District can determine which if any of its schools received and submitted such a survey, and we assume this request is for the 2025 school year. Costs for such a search and production are referenced below.]

- 12) If schools participated in the Delaware Student Climate Survey, documents and/or ESI sufficient to show their organized survey results, with areas of concern and strengths highlighted.*

Response: See response to Request 11.

The District will make every effort to minimize fees and use the lowest paid employee capable of doing the work. Of course, there will not be a charge associated with the first hour, and we will allocate that hour to time spent by the highest paid employee. The estimated fees for the review, processing and production of public records responsive to your Requests is \$240.00. In further detail, the number of hours and title of each person likely to participate is Mrs. Jamie Cox, Administrative Assistant in the Curriculum Department, Mrs. Janna McGowan, Lead ESOL Teacher, and Dr. Amber Augustus, Director of Curriculum. Included in this list is Mrs. Deborah Judy, Superintendent, who must, among other things, briefly review the production to ensure, for example, that information protected by law is not produced inadvertently, and that null value numbers (less than 15) are not presented.

Administrative fees will be billed to the requesting party per quarter hour. These charges will be billed at the current hourly pay grade (prorated for quarter hour increments) of the lowest-paid employee capable of performing the service. Administrative fees will be in addition to any other charges incurred under this section for copying fees.

You may decide whether to proceed with, cancel, or modify the Request. If you wish to proceed, please confirm your agreement to pay an estimate of \$240, and

Mr. Oluwatobi Omotoso
Education Equity Fellow
ACLU of Delaware
October 20, 2025
Page 7

remit payment to this office, payable to Smyrna School District, at 82 Monrovia Ave. Smyrna, DE 19977 in the amount of \$240 You will be billed for any amounts due under our FOIA policy and as permitted by law, before production.

The District reserves all rights afforded by law.

Sincerely,

A handwritten signature in cursive script that reads "Deborah Judy".

Deborah Judy

Superintendent

cc: Andrea McCready, Administrative Assistant
Dr. Amber Augustus, Director of Curriculum

Sussex County Vocational Technical School District

17137 County Seat Highway, P.O. Box 351, Georgetown, DE 19947

Kevin E. Carson, Ed.D.
Superintendent

302.856.2542
www.sussexvt.org

October 23, 2025

VIA ELECTRONIC MAIL

Mr. Oluwatobi Omotoso
Education Equity Fellow
ACLU of Delaware
100 W. 10th Street #706
Wilmington, Delaware 19801
OOmotoso@aclu-de.org

RE: ACLU FOIA Request Dated October 1, 2025, and received on October 2, 2025

Dear Mr. Omotoso:

The Sussex County Vocational Technical School District ("District") is in receipt of your request ("Request") submitted under the Freedom of Information Act ("FOIA") dated as of the date referenced above in the RE: line. We are aware that each of the 19 school districts received a similar request. It is important to know that each district uses different systems and processes. With regard to costs and fees, be aware that each district is staffed differently, and the districts' employees have different training, passwords, abilities, and access. Therefore, any variances in substantive responses, or fee estimates among the districts should not be construed against any district or districts. Also, be aware that Infinite Campus is now State-wide this year. Thus, responses you receive this year may differ from the similar requests submitted last year.

Preliminarily, in marshaling a response to the Requests, the District has undertaken extensive diligence and involved its agents in collaborative efforts with the Delaware Department of Education, other districts, and vendors who host data. Much of the data requested does not exist and/or cannot be generated.

I respond to the Requests in the order presented:

- 1) *Documents and/or electronically stored information ("ESI") showing the total number of students across the Sussex County Vocational Technical School*

Sussex County Vocational Technical School District

17137 County Seat Highway, P.O. Box 351, Georgetown, DE 19947

District ("district") and in each school in the district enrolled in any English Learner Programs; additionally showing the number of students across the district and in each school enrolled in the following English Learner Programs, as defined in the Delaware English Learner Guidebook, for the last four school years. If this number is too small to disclose or if any program is not implemented in the district, please state that.

- a) *Dual Language Immersion*
 - i) *Full-Service*
 - ii) *Push-In*
 - iii) *Pull-Out*
- b) *English as a Second Language*
 - i) *Push-In*
 - ii) *Pull-Out*
- c) *Blended Push-In and Pull-Out*
- d) *Sheltered English Instruction*
- e) *Newcomer Program*
- f) *Transitional Bilingual*
- g) *English Language Development Class*
- h) *Heritage Language*
- i) *Co-Teaching*
- j) *Specially designed Pull-Out Support*
- k) *Specially designed Push-In Support*

Sussex County Vocational Technical School District

17137 County Seat Highway, P.O. Box 351, Georgetown, DE 19947

1) Consultative Services

Response: Some portions of the information sought are not tracked. As for information that is tracked, the requested information cannot be generated without coding to merge data across different software programs. By way of one example, if we were to attempt to identify which students are in dual language immersion and receive full service, we would need to check each student (there is no report) for a flag to see if they are dual language immersion. That data would be in one software platform. Then, we would need to access another software program, enter the student name, and create a record of what service level that student receives. We would have to do the same or a similar process for each sub-request, except for those that cannot be generated. FOIA does not require a public body to “pull[] together information from various sources and arrang[e] it in a [requested] format ... to create a new public record that did not previously exist.” *Att’y Gen. Op. 05-IB08 (Apr. 4, 2005) (quoting Att’y Gen. Op. 03-IB24 (Oct. 30, 2003)) (quoting Att’y Gen. Op. 03-IB13 (June 2, 2003)).*

*Excepted from the foregoing, we are able to run a report to identify the total number of ELL students per school. Due to the Infinite Campus conversion, we are able to access this data for the current school year only. Costs for such a search and production are referenced below.

- 2) *Documents and/or ESI showing how many English Learner (“EL”) students exited their EL programs after meeting exit criteria (prior to their graduation) in the district within the past four years. If the number is too small to disclose then please state that.*

Response: The District’s response is the same as the response to Request 1, but not including the paragraph referenced with a “*”.

- 3) *Documents and/or ESI showing the progress of the district’s EL students towards achieving English Language Proficiency (“ELP”) for the last four school years, as defined by the Delaware Every Student Success Act plan, including but not limited to data used to create “ELP Target Reports” submitted to the Delaware Department of Education (“DDOE”) Identity Management System (“IMS”) English Learner Database.*

Sussex County Vocational Technical School District

17137 County Seat Highway, P.O. Box 351, Georgetown, DE 19947

Response: The District is able to obtain a report reflecting the information sought, but only as to school years 2024-2025. The information is pre-aggregated, and will be presented as such. Costs for such a search and production are referenced below.

- 4) *Documents and/or ESI showing the number of EL students who were enrolled in any of the district's special programs for the last four school years. This includes but is not limited to Advanced Placement ("AP") courses, Honors courses, or gifted and talented programs.*

Response: This District is not among the districts that have access to responsive information and thus responsive information would require the creation of new documents commencing with tracing each individual student who has an ELL flag, and then sorting through special programs to create new documents. Therefore, the District's response is the same as the response to Request 1, but not including the paragraph referenced with a "*".

- 5) *Documents and/or ESI showing the number of EL students who participated in extracurricular activities for the last four school years, including but not limited to after-school sports, clubs, music ensembles, student organizations, or interest groups.*

Response: This information is not tracked. There are no public records.

- 6) *Documents and/or ESI including but not limited to a staff roster, or EL coordinator data that shows the number of teachers employed by the district that hold a Teacher of English Learners Standard Certificate ("TELSC") in each school.*

Response: The District is able to obtain a report reflecting the information sought. Costs for such a search and production are referenced below.

- 7) *Documents and/or ESI including but not limited to anonymized student roll sheets, a staff roster, time sheets, or EL coordinator data that shows the how much instructional time EL students spend working with TELSC certified teachers in the district and the number of students assigned to each teacher.*

Sussex County Vocational Technical School District

17137 County Seat Highway, P.O. Box 351, Georgetown, DE 19947

Response: This information is not tracked. There are no public records.

- 8) *Documents and/or ESI showing the district's EL program budget and expenditures for the last four school years. This may take the form of invoices for textbooks, curriculum, staffing availability of positions in specialized EL roles, etc.*

Response: There is ambiguity in the Request with regards to what may or may not be considered responsive, given the use of "etc." Without waiver of that issue, the District is able to obtain a report reflecting the information sought. Costs for such a search and production are referenced below.

- 9) *Documents and/or ESI detailing the district's curriculum or policy for each English Learner Program that the district utilizes.*

Response: The District is able to obtain the information sought. Costs for such a search and production are referenced below.

- 10) *Documents and/or ESI detailing any reports produced for the DDOE related to the implementation the district's EL programs.*

Response: This information does not exist. There are no public records.

- 11) *Documents and/or ESI sufficient to show which schools participated in Delaware Student Climate Survey.*

Response: Each reference survey is submitted to the University of Delaware on a school-by-school basis. You have the option of obtaining such information directly from the University of Delaware. Alternatively, the District can determine if its school received and submitted such a survey, and we assume this request is for the 2025 school year. Costs for such a search and production are referenced below.

- 12) *If schools participated in the Delaware Student Climate Survey, documents and/or ESI sufficient to show their organized survey results, with areas of concern and strengths highlighted.*

Sussex County Vocational Technical School District

17137 County Seat Highway, P.O. Box 351, Georgetown, DE 19947


Response: See response to Request 11.

The District will make every effort to minimize fees and use the lowest paid employee capable of doing the work. Of course, there will not be a charge associated with the first hour, and we will allocate that hour to time spent by the highest paid employee. The estimated fees for the review, processing and production of public records responsive to your Requests is \$136.18. In further detail, the number of hours and title of each person likely to participate is three hours for the District's Multi Language Learner teacher. Included in this list is the Multi Language Learner teacher, who must, among other things, briefly review the production to ensure, for example, that information protected by law is not produced inadvertently, and that null value numbers (less than 15) are not presented.

Administrative fees will be billed to the requesting party per quarter hour. These charges will be billed at the current hourly pay grade (prorated for quarter hour increments) of the lowest-paid employee capable of performing the service. Administrative fees will be in addition to any other charges incurred under this section for copying fees.

You may decide whether to proceed with, cancel, or modify the Request. If you wish to proceed, please confirm your agreement to pay an estimate of \$136.18, and remit payment to this office, payable to Sussex County Vocational Technical School District at P.O. Box 351, Georgetown, DE 19947, in the amount of \$136.18. You will be billed for any amounts due under our FOIA policy and as permitted by law, before production.

The District reserves all rights afforded by law.

Sincerely,

Kevin Carson, Ed.D.
Superintendent

cc: Gina Derrickson
Patricia Hastings
James McMackin
Diane Vickers



EXHIBIT E



August 2nd, 2024

VIA ELECTRONIC MAIL

Cape Henlopen School District
1270 Kings Highway
Lewes, DE 19958
Attn: Jennifer Nauman, District Assistant Super Intendent

Re: Freedom of Information Act Request

We are seeking information about Cape Henlopen School District's English Learner programming and data.

Therefore, pursuant to the Delaware Freedom of Information Act, 29 *Del. C.* § 10001 et seq., I request access to, and copies of the public records referred to in the exhibit to this letter in the possession, custody or control of the Cape Henlopen School District.

If you believe that any of the requested records are exempt and need not be disclosed, and intend to withhold documents on that basis, please explain the basis for your belief, and for each document or portion withheld state its date, sender, recipient and author, and describe its contents sufficiently to enable an independent evaluation of the possible exemption, so that I may decide whether a judicial challenge is appropriate. Further, if part of a document is not responsive to this request or you believe a portion of the document is exempt from disclosure, please redact those documents and produce those portions which are responsive and non-exempt.

I request a waiver of all fees for this request. Disclosure of the requested information is in the public interest because it is likely to contribute significantly to the public understanding of the operations or activities of the government and is not primarily in a commercial interest. The information is being requested on behalf of the American Civil Liberties Union of Delaware, a public interest organization that seeks the information for use in the public interest.

Please produce the documents within 15 business days of your receipt of this letter. (*See 29 Del. C.* § 10003(h).)

We have attempted to identify with specificity the records we seek. Because we do not have access to information about what records you keep and how you keep them, we request your assistance in framing our request and identifying responsive records that satisfy the purpose of our request. (*See 29 Del. C.* § 1003(g)(2).) Please note, we are not requesting that you create documents that do not already exist.



Delaware

If you have any questions regarding the scope of the request or any other matters, please contact me, John Reynolds, at Jreynolds@aclu-de.org.

Thank you.

Sincerely,

John Reynolds

Deputy Policy & Advocacy Director

EXHIBIT

We request:

1. Documents and/or electronically stored information (“ESI”) showing the total number of students enrolled across all English Learner Programs and in each of the following English Learner Programs, as defined by the Delaware English Learner Guidebook, across the Cape Henlopen School District (“district”) and for each school in the district for the last four school years. If this number is too small to disclose or if any program is not implemented in the district, please state that.
 - a. Dual Language Immersion
 - i. Full-Service
 - ii. Push-In
 - iii. Pull-Out
 - b. English as a Second Language
 - i. Push-In
 - ii. Pull-Out
 - c. Blended Push-In and Pull-Out
 - d. Sheltered English Instruction
 - e. Newcomer Program
 - f. Transitional Bilingual
 - g. English Language Development Class
 - h. Heritage Language
 - i. Co-Teaching
 - j. Specially designed Pull-Out Support
 - k. Specially designed Push-In Support
 - l. Consultative Services
2. Documents and/or ESI showing how many English Learner (“EL”) students exited their EL programs after meeting exit criteria (prior to their graduation) in the district for the past four years. If the number is too small to disclose then please state that.
3. Documents and/or ESI showing the progress of the district’s EL students towards achieving English Language Proficiency (“ELP”) for the last four school years, as defined by the Delaware Every Student Success Act plan, including but not limited to data used to create “ELP Target Reports” submitted to the Delaware Department

of Education (“DDOE”) Identity Management System (“IMS”) English Learner Database.

4. Documents and/or ESI showing the number of EL students who were enrolled in any of the district’s special programs for the last four school years. This includes but is not limited to Advanced Placement (“AP”) courses, Honors courses, or gifted and talented programs.
5. Documents and/or ESI showing the number of EL students who participated in extracurricular activities for the last four school years, including but not limited to after-school sports, clubs, music ensembles, student organizations, or interest groups.
6. Documents and/or ESI including but not limited to a staff roster, or EL coordinator data that shows the number of teachers employed by the district that hold a Teacher of English Learners Standard Certificate (“TELSC”) in each school for the last four school years.
7. Documents and/or ESI including but not limited to anonymized student roll sheets, a staff roster, time sheets, or EL coordinator data that shows the how much instructional time EL students spend working with TELSC certified teachers in the district and the number of students assigned to each teacher for the last four school years.
8. Documents and/or ESI showing the district’s EL program budget and expenditures for the last four school years. This may take the form of invoices for textbooks, curriculum, staffing availability of positions in specialized EL roles, etc., for the last four school years.
9. Documents and/or ESI detailing the district’s curriculum or policy for each English Learner Program that the district utilizes from the last four school years.
10. Documents and/or ESI detailing any reports produced for the DDOE related to the implementation the district’s EL programs for the last four school years.



Outlook

Fw: MLL FOIA Request

From Dwayne Bensing <dbensing@aclu-de.org>**Date** Wed 12/17/2025 3:53 PM**To** Oluwatobi Omotoso <OOmotoso@aclu-de.org>

7 attachments (234 KB)

ESL FOIA Requests 111924.pdf; Target 21.csv; Target 24.csv; Target 23.csv; Target 22.csv; MLL info .xlsx; Data for Cape District.docx;

From: Nauman Jennifer <Jennifer.Nauman@cape.k12.de.us>**Sent:** Friday, December 6, 2024 10:48 AM**To:** Mike Brickner <mbrickner@aclu-de.org>**Cc:** Esposito Michelle <Michelle.Esposito@cape.k12.de.us>**Subject:** MLL FOIA Request

This Message Is From an External Sender

This message came from outside your organization.

Dear Mr. Brickner,

Attached are documents responsive to the Freedom of Information Act (FOIA) request dated October 28, 2024 for information pertaining to English learning students in the Cape Henlopen School District (District). The District reserves all rights, including the right not to create documents that did not exist at the time of the FOIA request. The District waives the fees associated with this request, but does so without prejudice to its right to charge fees in the future.

Thanks, Jenny*Jenny Nauman, Ed.D.*

Assistant Superintendent

Cape Henlopen School District

Office: (302) 645-8686 ext. 992020

Excellence, Equity & Responsiveness Every Student, Every Classroom, Every Day

Cape Henlopen



August 2nd, 2024

VIA ELECTRONIC MAIL

Christina School District
Administration Office
1899 South College Avenue
Newark, DE 19702
Attn: FOIA Request

Re: Freedom of Information Act Request

We are seeking information about Christina School District's English Learner programming and data.

Therefore, pursuant to the Delaware Freedom of Information Act, 29 *Del. C.* § 10001 et seq., I request access to, and copies of the public records referred to in the exhibit to this letter in the possession, custody or control of the Christina School District.

If you believe that any of the requested records are exempt and need not be disclosed, and intend to withhold documents on that basis, please explain the basis for your belief, and for each document or portion withheld state its date, sender, recipient and author, and describe its contents sufficiently to enable an independent evaluation of the possible exemption, so that I may decide whether a judicial challenge is appropriate. Further, if part of a document is not responsive to this request or you believe a portion of the document is exempt from disclosure, please redact those documents and produce those portions which are responsive and non-exempt.

I request a waiver of all fees for this request. Disclosure of the requested information is in the public interest because it is likely to contribute significantly to the public understanding of the operations or activities of the government and is not primarily in a commercial interest. The information is being requested on behalf of the American Civil Liberties Union of Delaware, a public interest organization that seeks the information for use in the public interest.

Please produce the documents within 15 business days of your receipt of this letter. (*See 29 Del. C. § 10003(h).*)

We have attempted to identify with specificity the records we seek. Because we do not have access to information about what records you keep and how you keep them, we request your assistance in framing our request and identifying responsive records that



Delaware

satisfy the purpose of our request. (*See* 29 *Del. C.* § 1003(g)(2).) Please note, we are not requesting that you create documents that do not already exist.

If you have any questions regarding the scope of the request or any other matters, please contact me, John Reynolds, at Jreynolds@aclu-de.org.

Thank you.

Sincerely,

John Reynolds
Deputy Policy & Advocacy Director

EXHIBIT

We request:

1. Documents and/or electronically stored information (“ESI”) showing the total number of students enrolled across all English Learner Programs and in each of the following English Learner Programs, as defined by the Delaware English Learner Guidebook, across the Christina School District (“district”) and for each school in the district for the last four school years. If this number is too small to disclose or if any program is not implemented in the district, please state that.
 - a. Dual Language Immersion
 - i. Full-Service
 - ii. Push-In
 - iii. Pull-Out
 - b. English as a Second Language
 - i. Push-In
 - ii. Pull-Out
 - c. Blended Push-In and Pull-Out
 - d. Sheltered English Instruction
 - e. Newcomer Program
 - f. Transitional Bilingual
 - g. English Language Development Class
 - h. Heritage Language
 - i. Co-Teaching
 - j. Specially designed Pull-Out Support
 - k. Specially designed Push-In Support
 - l. Consultative Services
2. Documents and/or ESI showing how many English Learner (“EL”) students exited their EL programs after meeting exit criteria (prior to their graduation) in the district for the past four years. If the number is too small to disclose then please state that.
3. Documents and/or ESI showing the progress of the district’s EL students towards achieving English Language Proficiency (“ELP”) for the last four school years, as defined by the Delaware Every Student Success Act plan, including but not limited to data used to create “ELP Target Reports” submitted to the Delaware Department

of Education (“DDOE”) Identity Management System (“IMS”) English Learner Database.

4. Documents and/or ESI showing the number of EL students who were enrolled in any of the district’s special programs for the last four school years. This includes but is not limited to Advanced Placement (“AP”) courses, Honors courses, or gifted and talented programs.
5. Documents and/or ESI showing the number of EL students who participated in extracurricular activities for the last four school years, including but not limited to after-school sports, clubs, music ensembles, student organizations, or interest groups.
6. Documents and/or ESI including but not limited to a staff roster, or EL coordinator data that shows the number of teachers employed by the district that hold a Teacher of English Learners Standard Certificate (“TELSC”) in each school for the last four school years.
7. Documents and/or ESI including but not limited to anonymized student roll sheets, a staff roster, time sheets, or EL coordinator data that shows the how much instructional time EL students spend working with TELSC certified teachers in the district and the number of students assigned to each teacher for the last four school years.
8. Documents and/or ESI showing the district’s EL program budget and expenditures for the last four school years. This may take the form of invoices for textbooks, curriculum, staffing availability of positions in specialized EL roles, etc., for the last four school years.
9. Documents and/or ESI detailing the district’s curriculum or policy for each English Learner Program that the district utilizes from the last four school years.
10. Documents and/or ESI detailing any reports produced for the DDOE related to the implementation the district’s EL programs for the last four school years.

Christina School District
Superintendents Office
60
1899 S. College Avenue
Newark DE 19702



9214 8902 9562 6590 1607 1677 80

Mike Brickner
100 W. 10th Street Suite #706
Wilmington DE 19801



CHRISTINA SCHOOL DISTRICT
Administration Office
1899 S. College Avenue
Newark, Delaware 19702

Office of the Superintendent
Phone: (302) 552-2600
Fax: (302) 429-3944
TDD: (800) 232-5470

ROBERT ANDRZEJEWSKI, ED.D.
Interim Superintendent

October 29, 2024

Reference #100924-1

Mike Brickner
100 W. 10th St. Ste. 706
Wilmington, DE 19801

Re: FOIA Request

Dear Mike Brickner

Your request for information pursuant to the State of Delaware Freedom of Information Act, 29 Del. C. § 100, was received in the Superintendent's Office on October 9, 2024.

Your Request:

- 1. Documents and/or electronically stored information ("ESI") showing the total number of students enrolled across all English Learner Programs and in each of the following English Learner Programs, as defined by the Delaware English Learner Guidebook, across the Christina School District ("district") and for each school in the district for the last four school years. If this number is too small to disclose or if any program is not implemented in the district, please state that.

Dual Language Immersion

Full-Service

Push-In

Pull-Out

English as a Second Language

Push-In

Pull-Out

Blended Push-In and Pull-Out

Sheltered English Instruction

Newcomer Program

Transitional Bilingual

English Language Development Class

Heritage Language

Co-Teaching

Specially designed Pull-Out Support

Specially designed Push-In Support

Consultative Services

CHRISTINAK12.ORG

2. Documents and/or ESI showing how many English Learner ("EL") students exited their EL programs after meeting exit criteria (prior to their graduation) in the district for the past four years. If the number is too small to disclose then please state that.
3. Documents and/or ESI showing the progress of the district's EL students towards achieving English Language Proficiency ("ELP") for the last four school years, as defined by the Delaware Every Student Success Act plan, including but not limited to data used to create "ELP Target Reports" submitted to the Delaware Department of Education ("DDOE") Identity Management System ("IMS") English Learner Database.
4. Documents and/or ESI showing the number of EL students who were enrolled in any of the district's special programs for the last four school years. This includes but is not limited to Advanced Placement ("AP") courses, Honors courses, or gifted and talented programs.
5. Documents and/or ESI showing the number of EL students who participated in extracurricular activities for the last four school years, including but not limited to after-school sports, clubs, music ensembles, student organizations, or interest groups.
6. Documents and/or ESI including but not limited to a staff roster, or EL coordinator data that shows the number of teachers employed by the district that hold a Teacher of English Learners Standard Certificate ("TELSC") in each school for the last four school years.
7. Documents and/or ESI including but not limited to anonymized student roll sheets, a staff roster, time sheets, or EL coordinator data that shows the how much instructional time EL students spend working with TELSC certified teachers in the district and the number of students assigned to each teacher for the last four school years.
8. Documents and/or ESI showing the district's EL program budget and expenditures for the last four school years. This may take the form of invoices for textbooks, curriculum, staffing availability of positions in specialized EL roles, etc., for the last four school years.
9. Documents and/or ESI detailing the district's curriculum or policy for each English Learner Program that the district utilizes from the last four school years.
10. Documents and/or ESI detailing any reports produced for the DDOE related to the implementation of the district's EL programs for the last four school years.

Response:

- Please find the enclosed documents in response to your request.

This letter serves as the Christina School District's response to your request submitted under the Freedom of Information Act, in accordance with the Christina School Board Policy.

Thank you.

CHRISTINAK12.ORG



August 2nd, 2024

VIA ELECTRONIC MAIL

Woodbridge School District
16359 Sussex Highway
Bridgeville, DE 19933
Attn: Administrative Assistant to the Superintendent, FOIA Coordinator

Re: Freedom of Information Act Request

We are seeking information about Woodbridge School District's English Learner programming and data.

Therefore, pursuant to the Delaware Freedom of Information Act, 29 *Del. C.* § 10001 et seq., I request access to, and copies of the public records referred to in the exhibit to this letter in the possession, custody or control of the Woodbridge School District.

If you believe that any of the requested records are exempt and need not be disclosed, and intend to withhold documents on that basis, please explain the basis for your belief, and for each document or portion withheld state its date, sender, recipient and author, and describe its contents sufficiently to enable an independent evaluation of the possible exemption, so that I may decide whether a judicial challenge is appropriate. Further, if part of a document is not responsive to this request or you believe a portion of the document is exempt from disclosure, please redact those documents and produce those portions which are responsive and non-exempt.

I request a waiver of all fees for this request. Disclosure of the requested information is in the public interest because it is likely to contribute significantly to the public understanding of the operations or activities of the government and is not primarily in a commercial interest. The information is being requested on behalf of the American Civil Liberties Union of Delaware, a public interest organization that seeks the information for use in the public interest.

Please produce the documents within 15 business days of your receipt of this letter. (See 29 *Del. C.* § 10003(h).)

We have attempted to identify with specificity the records we seek. Because we do not have access to information about what records you keep and how you keep them, we request your assistance in framing our request and identifying responsive records that satisfy the purpose of our request. (See 29 *Del. C.* § 1003(g)(2).) Please note, we are not requesting that you create documents that do not already exist.



Delaware

If you have any questions regarding the scope of the request or any other matters, please contact me, John Reynolds, at Jreynolds@aclu-de.org.

Thank you.

Sincerely,

John Reynolds

Deputy Policy & Advocacy Director

EXHIBIT

We request:

1. Documents and/or electronically stored information (“ESI”) showing the total number of students enrolled across all English Learner Programs and in each of the following English Learner Programs, as defined by the Delaware English Learner Guidebook, across the Woodbridge School District (“district”) and for each school in the district for the last four school years. If this number is too small to disclose or if any program is not implemented in the district, please state that.
 - a. Dual Language Immersion
 - i. Full-Service
 - ii. Push-In
 - iii. Pull-Out
 - b. English as a Second Language
 - i. Push-In
 - ii. Pull-Out
 - c. Blended Push-In and Pull-Out
 - d. Sheltered English Instruction
 - e. Newcomer Program
 - f. Transitional Bilingual
 - g. English Language Development Class
 - h. Heritage Language
 - i. Co-Teaching
 - j. Specially designed Pull-Out Support
 - k. Specially designed Push-In Support
 - l. Consultative Services
2. Documents and/or ESI showing how many English Learner (“EL”) students exited their EL programs after meeting exit criteria (prior to their graduation) in the district for the past four years. If the number is too small to disclose then please state that.
3. Documents and/or ESI showing the progress of the district’s EL students towards achieving English Language Proficiency (“ELP”) for the last four school years, as defined by the Delaware Every Student Success Act plan, including but not limited to data used to create “ELP Target Reports” submitted to the Delaware Department

of Education ("DDOE") Identity Management System ("IMS") English Learner Database.

4. Documents and/or ESI showing the number of EL students who were enrolled in any of the district's special programs for the last four school years. This includes but is not limited to Advanced Placement ("AP") courses, Honors courses, or gifted and talented programs.
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9. Documents and/or ESI detailing the district's curriculum or policy for each English Learner Program that the district utilizes from the last four school years.
10. Documents and/or ESI detailing any reports produced for the DDOE related to the implementation the district's EL programs for the last four school years.



Outlook

Re: Woodbridge School District - FOIA MLL

From Dwayne Bensing <dbensing@aclu-de.org>
Date Wed 12/17/2025 3:52 PM
To Oluwatobi Omotoso <OOmotoso@aclu-de.org>

From: Cross Kylie <kylie.cross@wsd.k12.de.us>
Sent: Monday, December 2, 2024 8:20 AM
To: Mike Brickner <mbrickner@aclu-de.org>
Subject: Woodbridge School District - FOIA MLL

This Message Is From an External Sender

This message came from outside your organization.

Good Morning Mr. Brickner,

Please see the links below in response to your FOIA request dated 10/9/24. Thank you for your patience while the information was being complied by the Director of Curriculum & Instruction. ☺

Have a wonderful day!

Kylie Cross

Secretary to the Superintendent
Woodbridge School District
(302) 337-7990 x 211

This is the link to the document with the links embedded.

https://docs.google.com/document/d/1O_euqUxD_IHicZrQowR8BfPljNbI97zLBcC6_vz1lBA/edit?usp=sharing

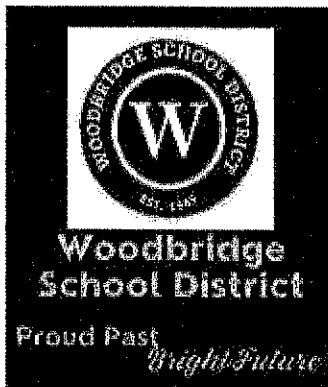


Woodbridge FOIA Request

Woodbridge FOIA Request MLL Programming
11/2024 Item Number Information Requested
Information Response Additional Notes Item #1
Documents and/or electronically stored information
("ESI") showing the total number of students
enrolled across all English Learner Programs and in
docs.google.com

This is the link to the folders that are embedded in the document above.

<https://drive.google.com/drive/folders/1eE8d6UEz7gzJ1QgyeEzHiONHbFbltnma?usp=sharing>



Brandon Snyder

Director of
Curriculum and Instruction

302-337-7990 ext.204
brandon.snyder@wsd.k12.de.us



IN THE SUPERIOR COURT OF THE STATE OF DELAWARE
FOR NEW CASTLE COUNTY

AMERICAN CIVIL LIBERTIES UNION
OF DELAWARE

Plaintiff

v.

LOUANN HUDSON, in her official capacity
as FOIA Coordinator for the CAPE
HENLOPEN SCHOOL DISTRICT;
MARILYN MOORE, in her official capacity
as FOIA Coordinator for the CHRISTINA
SCHOOL DISTRICT; KYLIE CROSS in her
official capacity as FOIA Coordinator for the
WOODBIDGE SCHOOL DISTRICT

Respondent

C.A.

Dated: December 22,
2025

PRAECIPE

To: Prothonotary

Please issue Complaint and Summons.

LouAnn Hudson– FOIA Coordinator for Cape Henlopen School District
Cape Henlopen School District
1270 Kings Hwy
Lewes, DE 19958
(302) 645-6686

-and-

Marilyn Moore– FOIA Coordinator for Christina School District
Christina School District
1899 S. College Ave.
Newark, DE 19702
(302) 552-2600

-and-

Kylie Cross– FOIA Coordinator for Woodbridge School District
Woodbridge School District
16359 Sussex Highway
Bridgeville, DE 19933
(302) 337-7990

Dated: December 22, 2025

/s/ Andrew Bernstein
Andrew Bernstein (#7161)
100 W. 10th St. #706
Wilmington, DE 19801
Phone: (302) 551-6809 Ext. 119
Email: abernstein@aclu-de.org

Attorney for Plaintiff



IN THE SUPERIOR COURT OF THE STATE OF DELAWARE
FOR NEW CASTLE COUNTY

AMERICAN CIVIL LIBERTIES UNION
OF DELAWARE

Plaintiff

v.

LOUANN HUDSON, in his official capacity
as FOIA Coordinator for the CAPE
HENLOPEN SCHOOL DISTRICT;
MARILYN MOORE, in her official capacity
as FOIA Coordinator for the CHRISTINA
SCHOOL DISTRICT; KYLIE CROSS in her
official capacity as FOIA Coordinator for the
WOODBIDGE SCHOOL DISTRICT

Defendants

C.A.

Dated: December 22,
2025

THE STATE OF DELAWARE,
TO THE SHERIFF OF NEW CASTLE COUNTY
YOU ARE COMMANDED:

To summon the above-named defendant, Marilyn Moore, so that, within 20 days
after service hereof upon defendant, exclusive of the day of service, defendant
shall serve upon Andrew Bernstein, Esquire, plaintiff's attorney, whose
address is 100 W. 10th St., #706, Wilmington, DE 1980, an answer to the
complaint.

To serve upon defendant a copy hereof and of the complaint.

Dated:

Prothonotary

Per Deputy

TO THE ABOVE NAMED DEFENDANT:

In case of your failure, within 20 days after service hereof upon you, exclusive of the day of service, to serve on plaintiff's attorney named above an answer to the complaint, judgment by default will be rendered against you for the relief demanded in the complaint.

Prothonotary

Per Deputy



IN THE SUPERIOR COURT OF THE STATE OF DELAWARE
FOR NEW CASTLE COUNTY

AMERICAN CIVIL LIBERTIES UNION
OF DELAWARE

Plaintiff

v.

LOUANN HUDSON, in his official capacity
as FOIA Coordinator for the CAPE
HENLOPEN SCHOOL DISTRICT;
MARILYN MOORE, in her official capacity
as FOIA Coordinator for the CHRISTINA
SCHOOL DISTRICT; KYLIE CROSS in her
official capacity as FOIA Coordinator for the
WOODBIDGE SCHOOL DISTRICT

Defendants

C.A.

Dated: December 22,
2025

THE STATE OF DELAWARE,
TO THE SHERIFF OF SUSSEX COUNTY
YOU ARE COMMANDED:

To summon the above-named defendants, Louann Hudson and Kylie Cross, so
that, within 20 days after service hereof upon defendant, exclusive of the day of
service, defendants shall serve upon Andrew Bernstein, Esquire, plaintiff's
attorney, whose address is 100 W. 10th St., #706, Wilmington, DE 1980, an
answer to the complaint.

To serve upon defendants a copy hereof and of the complaint.

Dated:

Prothonotary

Per Deputy

TO THE ABOVE NAMED DEFENDANTS:

In case of your failure, within 20 days after service hereof upon you, exclusive of the day of service, to serve on plaintiff's attorney named above an answer to the complaint, judgment by default will be rendered against you for the relief demanded in the complaint.

Prothonotary

Per Deputy