

SCHOOL BUS

REPORT

from the October 2003 Summit

School Choice in the New Era of Federal Accountability

Choice

BY

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Institute for Public Administration
College of Human Services, Education & Public Policy
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Delaware Department of Education
State Board of Education
Delaware Education Research and Development Center

School Choice in the New Era of Federal Accountability

Summit held October 23-24, 2003

Report and Recommendations

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Preface and Acknowledgements

Jerome R. Lewis, Ph.D.

Director

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One of the preeminent issues in education policy today is school choice. Commencing with the 1996-97 scholastic year, Delaware established the School District Enrollment Choice Program. In addition to school choice, charter school legislation was also passed during the same legislative session. These two legislative initiatives were intended to increase access to educational opportunities for all children regardless of geographic location, create alternatives to traditional schools, and improve overall student achievement in public education. School choice is also a vital component of the newly revised 2002 Elementary and Secondary Education Act, commonly referred to as “No Child Left Behind.”

The Institute for Public Administration, in conjunction with the Delaware Education Research and Development Center, the Delaware Department of Education, and the State Board of Education, sponsored a summit entitled *School Choice in the New Era of Federal Accountability* on October 23 and 24, 2003, at the Atlantic Sands Hotel and Conference Center in Rehoboth Beach. Because of the increasing utilization of “choice” at all levels of educational policy development, this was an opportune time to look at the impact school choice has made on the educational landscape in Delaware. The summit also served as a forum to address the implications of new federal policy for public schools in Delaware.

The perceptions and view points of state and national leaders regarding the role school choice plays in improving public education are extremely important to these discussions. Policymakers sharing their views on school choice during the summit were U.S. Congressman Michael Castle, U.S. Senator Thomas Carper, Delaware Secretary of Education Valerie Woodruff, Office of the Governor Chief of Staff Mark Brainard, State Senator David Sokola, State Representative Stephanie Ulbrich, and former State Senator Richard Hague. Dr. Audrey J. Noble, Director of the Delaware Education Research and Development Center at the University of Delaware, presented an overview of research conducted at the national level and trends relating to the use school choice in Delaware in the summit focus session “School Choice Revisited.” In addition, Dr. Noble’s research provided a framework for evaluating the outcomes of the Delaware school choice program relative to the intended goals defined by state law. The Honorable Valerie Woodruff, Delaware Secretary of Education, provided insight into the ramifications of the federal “No Child Left Behind” Act on the Delaware school choice landscape.

I would like to thank the planning committee from the Institute for Public Administration (IPA), namely Dennis Loftus, the chairperson of this effort, Research Assistants Mary Katherine Hamburger and Kelly Scollon, Joseph Pika, Professor and President of the State Board of Education as well as Audrey Noble and Debra Coffey for the Delaware Education Research and Development Center. I would also like to thank IPA staff who served as discussion facilitators, Edward Freel, James Flynn, Frances Haug-Fletcher, Anna Hunter and Primo Toccafondi from the University of Delaware’s School of Education. Several IPA Graduate Research Assistants

contributed as discussion recorders: Meaghan Brennan, Janna Craig, Samantha Cleaver, Mary Katherine Hamburger, and Kelly Scollon.

Finally, I wish to recognize the valuable contributions of the IPA staff members who were involved in producing this report. Dennis Loftus and Mary Katherine Hamburger worked in partnership to prepare the text for the summary report. Lisa Moreland managed the overall effort to produce and edit the forum report. Mark Deshon provided the graphic design for the cover of this report.

Introduction

The national debate on school choice has caught the attention and interest of elected officials, business leaders, and the public. Policymakers have put forward a multitude of choice proposals, and Delaware has been at the forefront of this evolution. An optimal education policy in a democracy must go beyond the teaching of reading and mathematics. Current education policy values individual liberty and equality of opportunity for all people, as demonstrated recently through the introduction of mechanisms that will hold educational institutions accountable for results in student achievement.

Supporters of school choice believe that these policy options offer a rare occasion to make significant advances toward equality of opportunity, competition for outcomes, and social and racial integration. While the concept of school choice is simple, seemingly small changes in program design significantly alter policy outcomes. School choice policies sometimes create tension between sending and receiving schools because such institutions often perceive each other as competitors rather than collaborators of educational services. However, school choice among established public schools and school districts represents a potentially important set of policy opportunities for parents and children. School choice, likewise, poses difficult choices for individual school districts when deciding whether to participate as charter school authorizers.

Commencing in the 1996-1997 scholastic year, *School District Enrollment Choice Program* was established in Delaware. This legislation was passed to increase access to educational opportunities for all children regardless of geographic location. A parent residing within the state may enroll his or her child in a public school in any school district as delineated in Del. Code, Title 14, Chapter 4. The law specifies procedures for applications and district decisions as well as guidelines for approval or disapproval, including district, school, and program capacity. High student participation rates provide Delaware with a unique opportunity to assess this program's success.

In addition to school choice, charter school legislation was passed for the 1996-1997 school year. As cited in Del. Code, Title 14, Chapter 5, the intent of charter school legislation was to create an alternative to traditional schools and improve overall student achievement in public education. Delaware's combined statewide school choice and charter school programs received high marks in *Education Week's* annual evaluation of school quality (p. 116).

The University of Delaware's Education Research and Development Center, in collaboration with the Institute for Public Administration (IPA), assembled relevant policy research pertaining to school choice enrollment options in the state. On October 23-24, 2003, IPA convened a cadre of school choice stakeholders for a policy summit entitled, "School Choice in the Era of Federal Accountability." Held at the Atlantic Sands Hotel in Rehoboth Beach, Delaware, this summit brought together leaders from state agencies, charitable foundations, public school districts and local school boards, charter schools, parent-teacher associations, and the Delaware General Assembly. The objective of this summit was to develop a vehicle for sharing ideas regarding the impact this legislation has made in the delivery of educational services to the citizens of Delaware and its potential to align and support the choice provision called for in the federal No Child Left Behind Act of 2002.

Legislative Overview

Kelly L. Scollon

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The first day of the summit opened with a panel discussion featuring three legislators who were instrumental in crafting choice legislation in 1996. The legislative panel included retired state Senator Rick Hauge (now an employee of a charter school management company), state Senator David Sokola (current Senate Education Committee Chairperson), and state Representative Stephanie Ulbrich (current House Education Committee Vice-Chairperson). Each of these panel members served a critical role in the drafting of the original state choice and charter laws. The panel discussion was intended to provide insight for summit participants to better understand why the state legislature expanded school choice opportunities and what the legislature hoped to accomplish through the implementation of that legislation.

Reflecting upon the events that prompted the development of the school choice and charter school regulations in 1996, retired Senator Rick Hauge believed it was attributable to strong advocacy among state legislators. In 1996, the gap in student achievement between the top and lower performance levels was an important issue. Delaware legislators sought to introduce competition in the public school system via school choice. Their goal was to encourage the school system to respond to the competition with improved student performance.

Representative Stephanie Ulbrich was a freshman legislator at the advent of school choice in Delaware. She was elected to represent a district that was concerned with quality of education at the local level. Representative Ulbrich partnered with Senators Hauge and Sokola to solicit sponsors from the four legislative caucuses.

Senator David Sokola stated that the legislature recognized that children have different methods of learning. At the time, there was a debate between whole language, phonics, and other instructional methods used to improve reading proficiencies. Teachers and students have certain strengths, and the legislation was designed to give parents the opportunity to determine the strengths of alternative instructional institutions so they could make a choice regarding which type of school their student should attend. An example of the popularity of school choice at the time was the increasing enrollment found in the vocational-technical program statewide.

Overall, the legislators believe that the events that prompted the development of school choice and charter legislation in 1996 were:

- Closing the achievement gap.
- Introducing competition in the public school system.
- Giving parents the opportunity to find a school that they believe can develop their child's strengths.
- Giving children the opportunity to choose schools that best meet their interests and needs, particularly if these programs cannot be offered at every school.

The panel was asked: “What did you hope to accomplish with school choice and charter legislation?” The legislators identified a variety of desired accomplishments, which included:

- Getting away from the idea of a monopoly in the public schools, whereby residential location determined which school a child attended.
- Challenging the teachers and administrators to initiate change in their own schools.
- Giving parents more options in schools than the traditional choices, since many parents were making significant sacrifices to take their children out of traditional public schools.
- Looking at options outside of the normal feeder patterns because of the perceived poor school performance, especially at the high school level.
- Empowering middle- and lower-income families by giving parents and students meaningful alternatives.
- Improving the desired end result through expanded opportunities (competition).
- Providing opportunities for focused learning in international math and science.
- Providing ownership when parents and students choose to go to a specific school (personal accountability in the decision).

The panelists reflected that the legislation was designed to break out of the mold of the current public school system (one size fits all). Legislators visited other programs in the country where choice programs had been developed. There was a general belief within their delegation that competition and programmatic options help students reach their full potential.

The panel was then asked to focus on a clause contained in the charter school legislation (Del. Code Title 14 § 501) that addresses opportunities for increased autonomy for charter schools: “Free of most state and school district rules and regulations governing public education.” To many people, this has proven to be a very confusing and misunderstood section of the law. The panel was asked to explain their understanding of the meaning and purpose of this law.

Representative Ulbrich believed that the legislature intended to give stakeholders the opportunity for innovation in shaping the school and the freedom from routine regulatory processes found in the traditional public school system. Charter schools can contract with the state if they so desire. Charter schools are considered to be public schools that need to maintain the same standards as their counterparts.

Former Senator Hauge believes that a “charter” is a contract. The state gives charter schools the right to run a public school with creativity. In terms of health and safety, charter schools must meet the same criteria required of all public schools. A charter school is free in terms of selecting teachers, determining educational focus, selecting curriculum, etc. A charter school is held accountable by the state Department of Education and other authorizers.

Senator Sokola felt that charter schools should be afforded autonomy; however explicit goals would need to be established. With freedom comes a higher standard. He reminded the audience that there is a particular charter school that closed down. He also pointed out that public schools can also be converted to charter schools. There is a mechanism in the legislation for making this change possible for the first time in Delaware

Lastly, the panel was asked to reflect on issues that may need to be addressed for this legislation to reach its full potential seven years after implementation.

Former Senator Hauge believed that there are four areas that need to be addressed. They are:

1. School finance: the current formula does not allow for a level playing field. (Editor's Note: In accordance with 14 Del. C. Section 509(d), the formula for calculation of a public school district per pupil amount is very clear. The calculation takes into consideration the sum of all expenditures from local sources minus local expenditures for tuition, debt service, minor capital improvement, local cafeteria, and any other local expenditure deemed by the Secretary of Education to inappropriate.)
2. Facilities: there is no facility funding for charter schools; spending comes from the operating budget. A different process is needed to help the charter schools start up.
3. Freedom from regulation: charter schools are supposed to be free of regulation. He suggested that we deregulate more. In his view, the only regulation the legislation has is specifically holding charters accountable for results.
4. Charter Issuance: we need to create competition and enable other entities to issue charters to groups wanting to start a school.

Senator Sokola suggested that the legislature might need to look more closely at the charter school transportation formula. Choice proponents argue that without transportation opportunities are we really providing choice? He also feels that we need to take a closer look at the reasons why charters close and develop written procedures that outline an action plan for responding to the closing of a charter school.

Representative Ulbrich concluded that there is a need for more clarity with regard to who issues charters. To truly create competition, more objective entities should be issuing charters, such as universities. She also believes that there are too many laws that have been written that are aimed at squeezing the freedoms from charter schools.

School Choice Revisited: Discussion of Related Research

Dr. Audrey Noble, Director of the Delaware Education Research and Development Center, was asked to share relevant research and data regarding school choice trends that have occurred over the past six years at the national, state, and local school district levels. The information below represents a major part of the presentation made by Dr. Noble at the school choice summit.

To begin to look objectively at how school choice has played out across the country, staff from the University of Delaware Education Research and Development Center referred to the National Center for Education Statistics (NCES) report *Trends in Use of School Choice: 1993-1999*, which was released in May 2003. It examines data from three cycles of the National Household Education Surveys Program: 1993, 1996, and 1999. As part of these surveys, parents were asked if their children attended their assigned public school, public schools that they had chosen, private schools that are church-related, or private schools that are not church-related.

As indicated in Chart 1, the percentage of students enrolled in assigned public schools decreased from 80 percent in 1993 to 76 percent in 1999. This decrease was almost completely offset by an increase from 11 to 14 percent in chosen public school enrollment. Enrollment in private schools remained relatively stable. Similar trends can be observed in Delaware, as the following charts will show. (Delaware data were gathered for the time period since the state's school choice law was passed. The time frame for the national statistics differs slightly because of differences in the available relevant data.)

Chart 1: National percentages of students enrolled in grades 1 to 12 by public and private school type

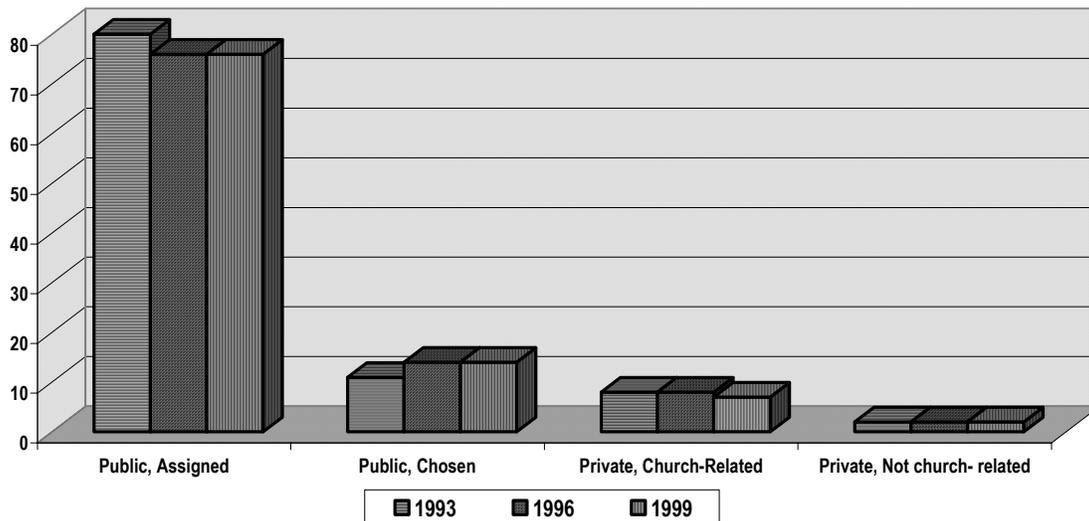


Chart 2 shows the percentages of school-age children in Delaware who attend non-public schools. Compared to the national average, New Castle County students attend private and

parochial schools at a much higher rate, while students in Kent and Sussex Counties attend non-public schools at a lower rate.

Chart 2: Percentages of Delaware school-age children choosing non-public schools by county, 1997-2002

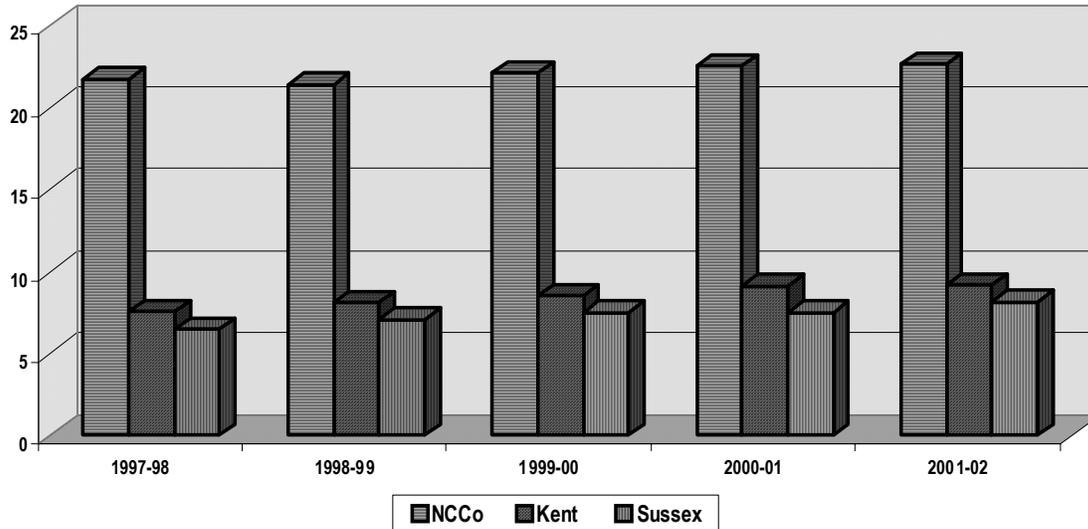
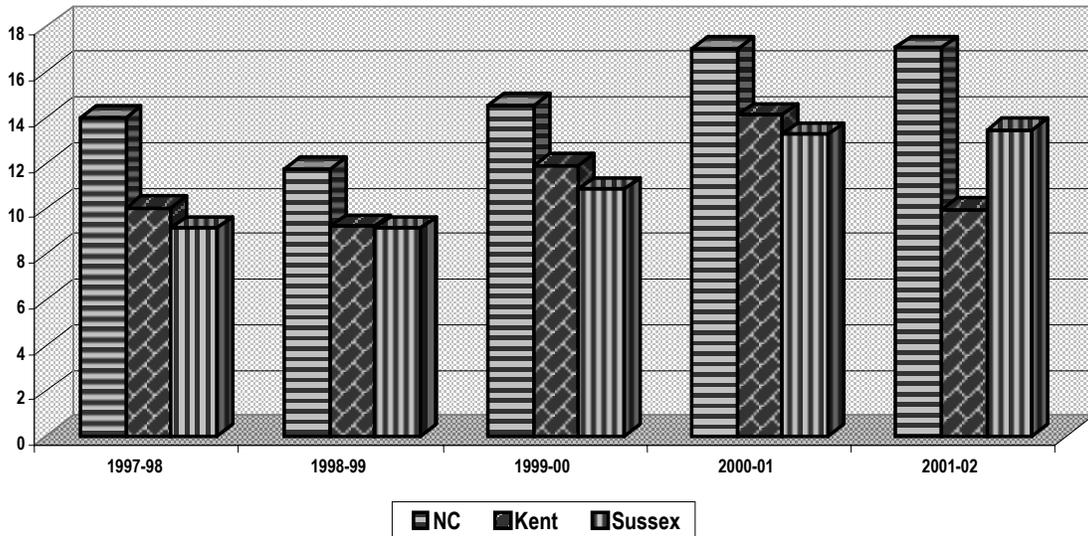


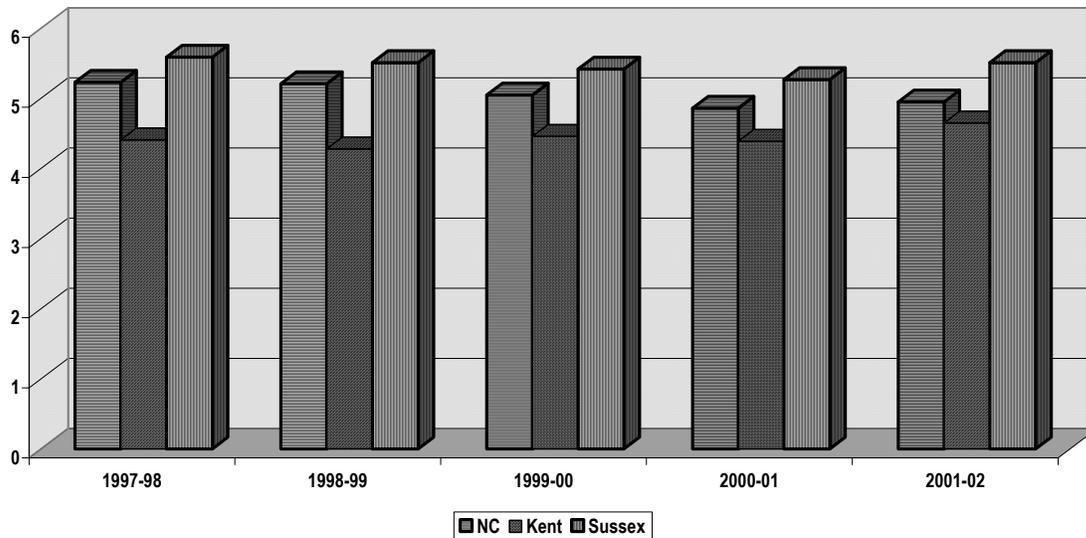
Chart 3 illustrates, in further detail, a pattern similar to that on the national level. It shows the percentages of Delaware public school students who chose public schools other than their assigned public schools. The chosen schools include vocational-technical schools, charter schools, and regular public schools (other than those to which the students were assigned). As shown, most of the choice activity occurs in New Castle County, although the rate of choice appears to be increasing steadily over time across the state.

Chart 3: 1997-2002 Percentages of Delaware public school students choosing other public schools by county



In Delaware, vocational-technical schools, established in the 1970s, were the first public schools of choice. Chart 4 shows that the percentages of students attending Delaware’s vocational-technical schools have remained stable during the five-year period that the state choice legislation has been in effect. This pattern is almost certainly due to the fact that the vocational-technical schools were operating at capacity throughout the time measured.

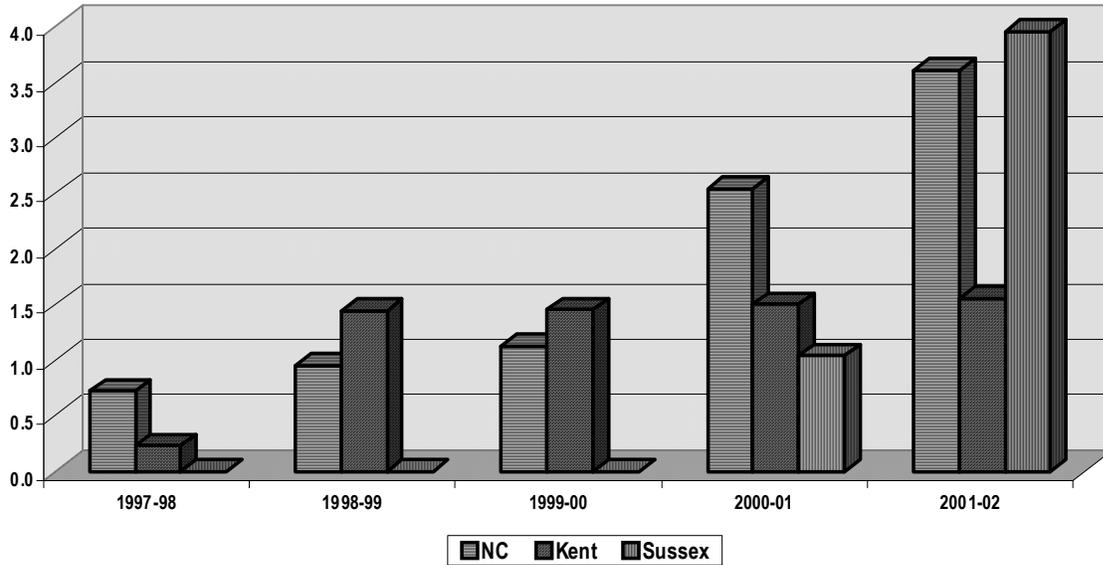
Chart 4: 1997-2002 Percentages of Delaware public school students choosing vo-tech schools by county



While vo-tech enrollment has remained steady, there has been considerable growth in the percentages of students attending charter schools in Delaware over the past five years, as Chart 5

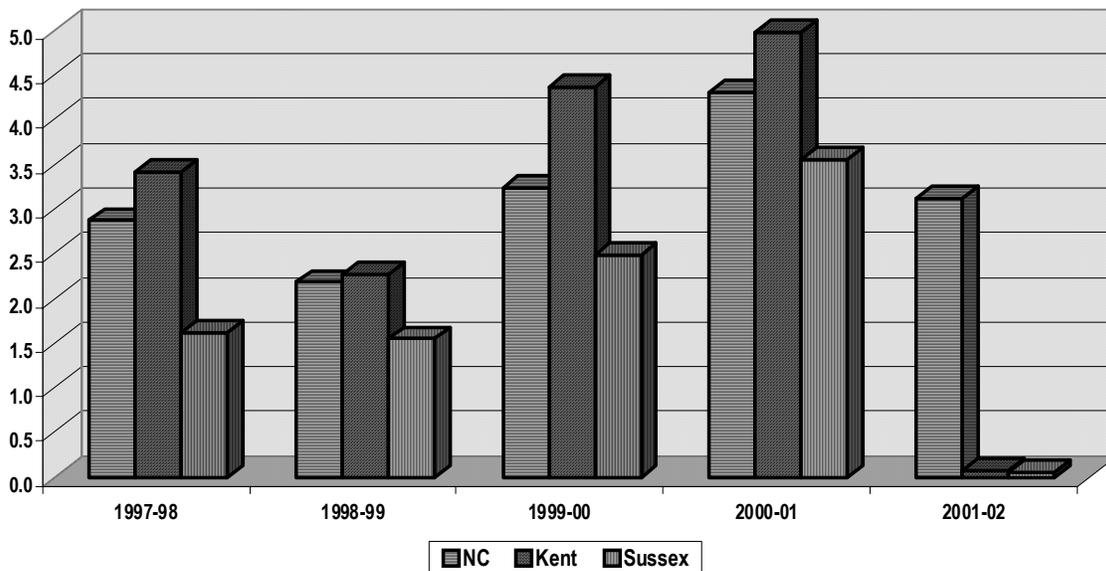
illustrates. In 2002, approximately four percent of Delaware students chose to attend charter schools.

Chart 5: 1997-2002 Percentages of Delaware public school students choosing charter schools by county



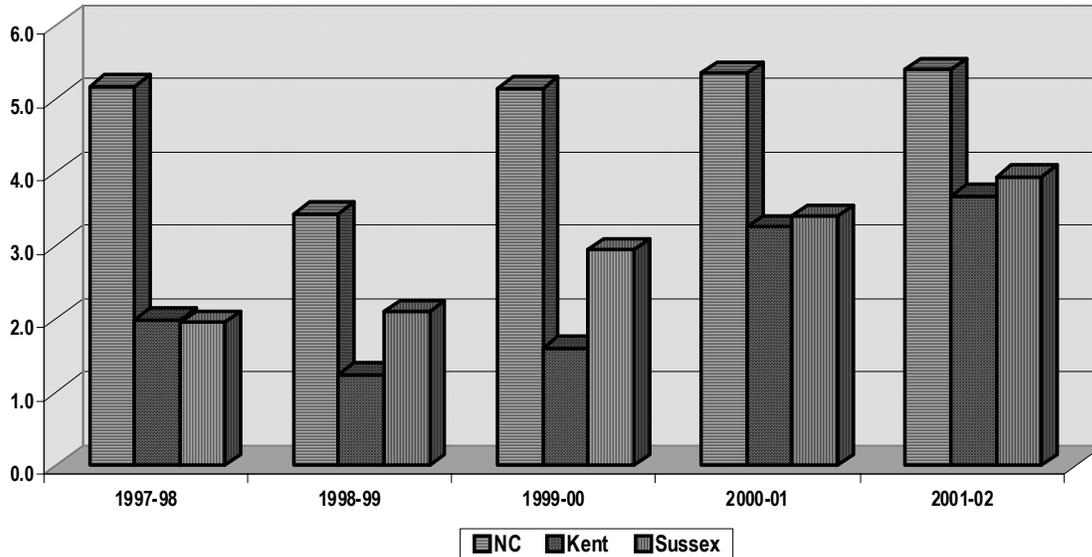
Not counting students attending vo-tech or charter schools, the percentages of students who chose to go to schools outside of their assigned districts increased from the 1997-98 school year through the 2000-01 year and decreased in 2001-02, as Chart 6 illustrates. This decrease could be due to desired schools being filled to capacity and subsequent declining choice applications or a true decline in choice applications.

Chart 6: 1997-2002 Percentages of Delaware public school students choosing other Delaware districts by county



Again not counting vo-tech or charter schools, there appears to be a slight but steady increase in the percentages of students who chose other schools within their assigned school districts, as shown in Chart 7.

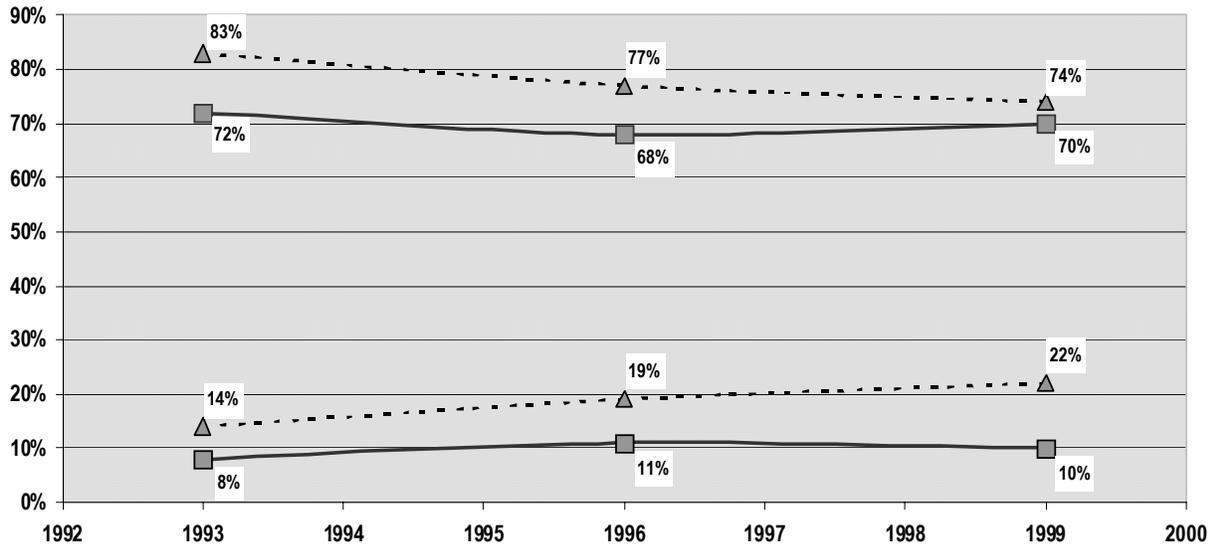
Chart 7: 1997-2002 Percentages of Delaware students choosing other schools within their districts by county



Perhaps the most noteworthy changes in attendance patterns are those related to family income and school choice. The National Commission for Education in the States (NCES) study on national trends reported that the most noticeable trend in public school enrollment was the movement away from assigned-school enrollment toward chosen-school enrollment by students from the lowest-income families. The top two trend lines of Chart 8 illustrate this trend. Between 1993 and 1999, the proportion of students whose household income was less than \$10,000 or less who were in public assigned schools fell from 83 to 74 percent.

The bottom trend lines of the chart show that the proportion of students from households with incomes of more than \$75,000 remained relatively stable around 70 percent. Also, the proportion of students from low-income families increased from 14 to 22 percent in chosen public schools, again while the percentages remained relatively stable for children from higher-income families. (Time-related differences were rare in the middle-income categories.)

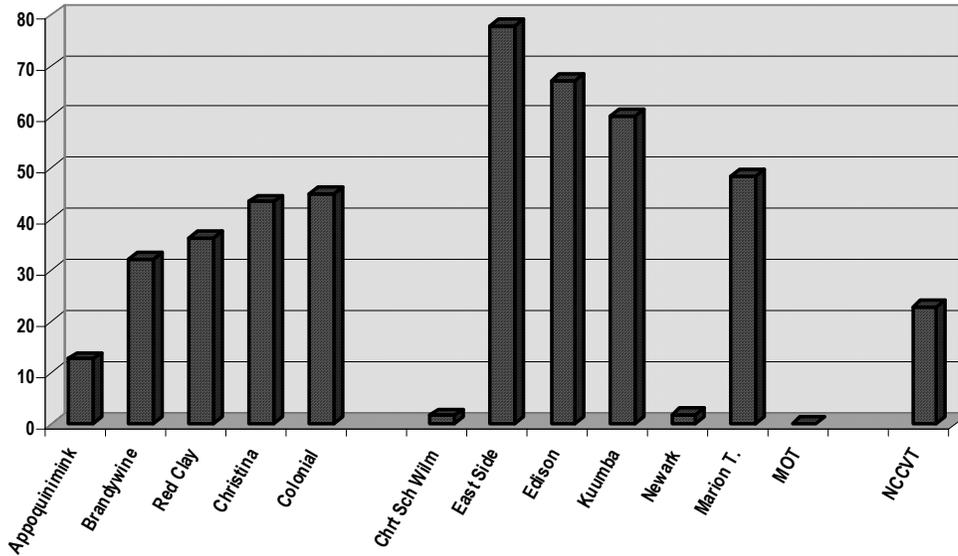
**Chart 8: National trends of student characteristics:
Family income and public school choice**



Even though Delaware data that precisely matches the national figures detailed in Chart 8 are not readily available, looking at the 2002 composition of schools and districts can show whether a similar situation exists, that is whether more students from low-income families chose other public schools, which we define for our purposes as charter and vo-tech schools. (For the low-income variable we used student eligibility for free and reduced lunch programs. This measure is easily obtained; however, it is known to undercount the number of low-income students.)

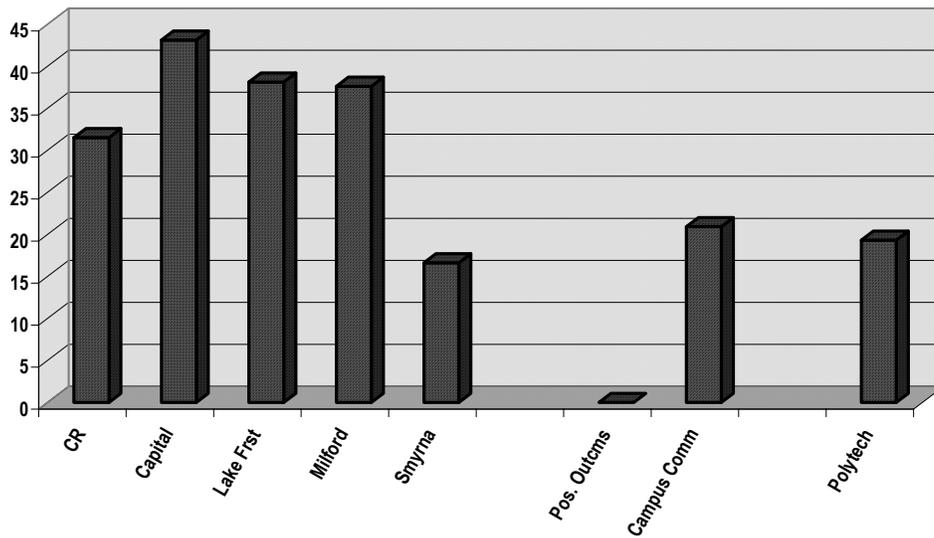
The data for New Castle County districts and schools may or may not be considered as mirroring the national trend of more students from low-income families choosing other schools. While some choice schools, such as Eastside Academy, Thomas Edison, Kuumba Academy, and Marion T. Academy Charter Schools, have high percentages of students from low-income families, other schools of choice, such as the Charter School of Wilmington and Newark Charter School, enroll a very small number of students from low-income families. These patterns are illustrated in Chart 9.

Chart 9: 2002-03 Percentages of low-income students attending New Castle County public districts/schools



The schools of choice in Kent and Sussex Counties do not follow the national trend. As illustrated in Charts 10 and 11, in most cases they enroll a much smaller proportion of students from low-income families than do the assigned public districts. The one exception

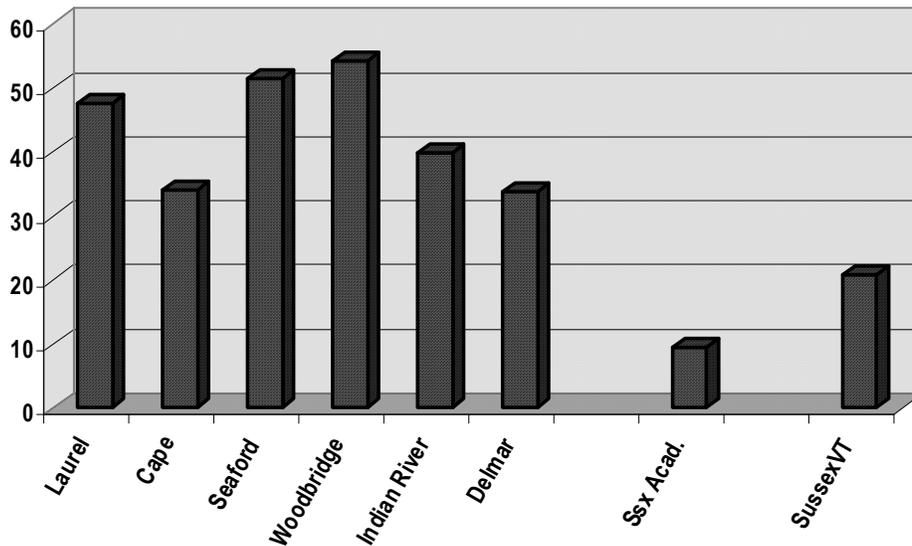
Chart 10: 2002-03 Percentages of low-income students attending Kent County public districts/schools



is Positive Outcomes Charter School, which serves at-risk students, a population that is overrepresented among low-income families. Consequently, the national trend of more students from low-income families choosing other schools does not appear to be what is happening in

Delaware. In Delaware, students from low-income families are more likely to be enrolled in assigned public schools than in chosen public schools.

Chart 11: 2002-03 Percentages of low-income students attending Sussex County public districts/schools



In the NCES report, numerous variables were examined to determine their association with school choice. Other than family income, the only other variable found to be statistically associated with higher enrollment in public chosen schools was race. The NCES found was that minority students, African-American students in particular, had higher rates of enrollment in public chosen schools. It may be worth examining if this trend is also true in Delaware, and if it is, what social and policy implications it might have on our students and families.

The participants, upon reviewing the research and data materials presented by Dr. Noble, were asked to react and discuss the following four questions in small breakout groups:

- How well is the state meeting the goals of the Delaware choice and charter legislation?
- What are the specific strengths regarding Delaware school choice and charter regulations?
- What are the weaknesses of Delaware school choice and charter regulations?
- What suggestions would you make to the Delaware Department of Education and the Delaware State Board of Education to improve the implementation, operation, and evaluation of school choice and charter schools in Delaware?

Utilizing these questions as prompts for discussion, each breakout group was asked to provide a summation of the important points identified. Groups were formed to represent a variety of different viewpoints and constituencies. Facilitators from IPA were used to focus the conversations on the pertinent questions. The breakout group summaries are delineated in the following section.

School Choice Revisited: Breakout Discussion Summary

Question One: How well are we meeting the goals of choice and charter?

Reported responses by all groups.

- Delaware is doing better than other states.
- Transportation issues associated with choice.
- Capacity ramifications.
- Charter schools may adjust their vision.
- Need innovative models.
- Regulations are less flexible than in the original legislation.
- Transience of the student population.
- Why do parent exercise choice options?
- Additional research areas.
- What do we know about people exercising choice?
- To what extent has charter school competition impacted traditional public schools?
- Determine best practices.
- Neighborhood schools.
- Choice programs in traditional schools.
- Parents are better-informed consumers.
- Difficult to assess how well goals have been met.
- Move towards client sensitivity.

Question Two: What are our strengths?

Reported responses by all groups.

- Augmented parental involvement and knowledge.
- Opportunities for students.
- Kept education on the state agenda.
- Innovation in methods to foster student improvement.
- Financial flexibility.
- Keeping students in the public school system.
- Collaboration between corporate community and schools.
- Teachers involved in decision-making.
- Positive impact of diversity.
- Childcare and after-school options.
- Specified curriculum focus.
- High standards for charters.
- Fewer line-item requirements.
- Charter schools can use vacant facilities.
- Anyone can exercise choice ideally.

Question Three: What are the current weaknesses?

Reported responses by all groups.

- Transportation options for choice students.
- Lack of facility funding for charter schools.
- Monitoring varies between districts.
- Lack of interest in local districts as charter school authorizers.
- Expectations of charters.
- The need to devise contingency plans for charter school closure.
- Strain on Delaware Department of Education resources.
- Advocacy process in referendum.
- Maintaining teacher quality.
- Need for technical assistance.
- Uniform charter application process.
- Disconnected data.
- Public knowledge of charter schools and choice options.
- Charter schools are not given enough time to establish.
- Fund guaranteed unit count law.
- State law requires teachers to be notified in May if their contract is being renewed.
- Sense of elitism in charter school matriculation.
- Lack of public knowledge to make informed decisions.
- Lack of interaction between local districts and charters pertaining to program offerings.
- Reactive communication among the Delaware Department of Education, school districts, and schools.

Question Four: Suggestions for the Path Forward

Reported responses by all groups.

- Collect data on choice and charter performance.
- Increased collaboration in benefiting from competition.
- Facilities acquisition planning.
- Reasons for intra-district choice.
- Encourage local districts, outside agencies, and universities to authorize charters.
- Establish contingency plans.
- Timeframe for charter modification.
- Management discomfort in dealing with choice provisions.
- Monitor student progress longitudinally.
- User-friendly school profiles.
- Revise transportation funding formula for school choice.
- Formula for capital budget expenditures.
- Teachers contract conversion.
- Involve the business community in charter schools to assist with financial burdens, advisement, and foster community support.
- Marketing to the public at-large on charter and choice definitions.
- Increase technical assistance to charter schools.

- Task force to review charter regulations and clarify expectations and ownership of oversight process.
- Certificate of occupancy.
- Incentives to become charter authorizers.
- Continued business involvement.
- Clarification of regulatory arrangements.
- Develop a vehicle for sharing innovative ideas, particularly surrounding curriculum and instruction.

Further review and analysis of the discussion group responses by IPA staff suggest several feasible options to improve the implementation, operation, and evaluation of school choice and charter school activities in Delaware. The following section focuses on improving the implementation of school choice and charter school activities in Delaware.

Recommendations for Improving the Implementation, Operation, and Evaluation of School Choice and Charter School Activities

1. Need for Expanded Longitudinal Research

The breakout discussions yielded considerable ambiguity as to future research needs. Summary points pertaining to longitudinal research needs include:

- Comparison between inter- and intra-district choice.
- User-friendly online school profile information. How many individual users are taking advantage of data available on the Department of Education online profiles?
- Monitoring student progress longitudinally.
- Monitoring the use of marketing information and materials to promote choice and competition.

Suggested Research Focus Areas

- Examination of a cohort of public school students that exercise choice option, as prescribed in the state law and charter act. Is there a relationship between the exercising of school choice by parents and improved educational outcomes?
- Quantitative research involving the number of inter- and intra-district choice applications statewide.
- Profile of students who get admitted by choice application versus those who do not in terms of academic performance.

Another research project may look at how the economy affects choice/charter. Was there an increase in choice/charter applications from private school parents during the economic recession over the past two years?

2. Need to Develop Contingency Plans in the Event of Charter School Closure

Breakout discussions pointed to the importance of developing a contingency plan for school closures. Charter schools are held to stringent accountability standards and therefore, some failures may be inevitable among a plethora of charter school openings. Contingency plans need to be developed in order to minimize disruptions for students and receiving school districts. Financial systems need to be examined to ensure timely and sufficient compensation of personnel in the instance of charter revocation. Anticipating the potential impact of the federal No Child Left Behind legislation suggests that the design of such plans may be important because charter schools are responsible for meeting the same Adequate Yearly Progress (AYP) standard required of all public schools.

3. Need for Future Discussion with Selected School Participants to Clarify School Choice/Charter School Operational Issues

Because of the rapid expansion of school choice options created statewide over the past seven years, much confusion and misinformation are passed along through various shareholders. Small focus groups may be helpful in articulating concerns and developing solutions that can be communicated to appropriate parties in an expedient fashion. Examples of these types of issues brought forward in the breakout discussion groups supporting this recommendation include:

- Transferring and communicating student information between traditional public schools and “choice” schools, including charters.
- Trade-offs relating to financial flexibility and autonomy for charter schools, drawbacks and incentives.
- Facilities acquisition planning for charter school leaders.
- Capacity ramifications that impact choice options.
- Adjusting the timeframe for charter modifications during implementation stages.
- Transportation issues pertaining to school choice.
- Clarification of the Guaranteed Unit Count provisions.
- Impact of the May 15th notification date regarding teacher and staff appointment.
- Increased technical assistance needed by charter schools.

4. Need to Evaluate Benefits of Competition and Identify Programs and Policies to Mitigate its Downsides

Competition among schools has negative as well as positive consequences, proving less beneficial perhaps than the originators of the choice policies anticipated. For example, the competitive facet introduced through the school choice and charter school legislation often times stifles the sharing of ideas among districts and schools statewide. Advocates of expanded competition would also like to see more authorizers of charter schools, both at the district level and by expanding the pool of authorizers to include universities and other public entities. An additional alternative is to convert traditional public schools to charter schools, an option not yet pursued in Delaware. Nationally, many of these options have raised significant problems that should be fully evaluated before embracing them in Delaware. As of the 1992-1993 academic year, only one local school district (Red Clay Consolidated) has chosen to authorize charter schools. It has been inferred that many districts in Delaware choose not to become authorizers because of liability and risk management issues. Other observers believe there is a deep distrust among traditional educators of the charter experiment. (Editor’s Note: Since the October Summit, the Appoquinimink, Christina, and Delmar School Districts have investigated the possibility of and/or expressed interest in authorizing charter schools.)

It is important to find ways to overcome the negative consequences of competition and carefully evaluate steps that might enhance the benefits of educational competition.

Points shared in the group breakout sessions supporting this recommendation include:

- Increased collaboration in benefiting from competition.
- Encourage local districts, outside agencies, and universities to authorize charters.
- Management discomfort in dealing with choice provisions.
- Task force to review charter school regulations and clarify expectations and ownership of oversight process.
- Develop a vehicle for sharing innovative ideas, particularly surrounding curriculum and instruction.
- There is currently a lack of interaction between districts and charter schools pertaining to program offerings.

Impact of Impending No Child Left Behind Legislation

The session held Friday, October 24, 2003, was designed to focus on the impact choice policy at the federal level may have on Delaware schools.

The attendees were addressed by state Secretary of Education Valerie Woodruff, who spoke to the group about the impact of the federal No Child Left Behind legislation at the state level. State progress on No Child Left Behind is not stagnant and the Department of Education is developing procedures to figure out a means to best adapt to new adequate yearly progress (AYP) standards. The state has conducted a study of current AYP plans. Stringent new AYP requirements coming from the federal legislation need further clarification. Current measures indicate overall success in meeting the goals set forth in the charter/choice legislation. This will have a critical impact on the ability of Delaware schools to bolster resources in anticipation of No Child Left Behind requirements.

- Delaware currently has 12 schools under improvement having not met adequate yearly progress standards for two or more years.
- Under current state law, capacity limits the exercise of choice. However, under federal No Child Left Behind regulations, capacity limitations are an invalid reason for refusing choice students.
- Approximately 270 students in Delaware exercised choice in September 2003.
- Charter schools must also meet AYP standards.
- Under the federal No Child Left Behind Act, choice options within districts must be available to parents. Inter-district choice options may be offered also but are not required.

U.S. Congressman Michael N. Castle and U.S. Senator Thomas Carper spoke about the intent of the No Child Left Behind Act at the federal level. They spoke of strong support in Washington for rigorous accountability standards and reform in public education. Both indicated that the No Child Left Behind Act would have an impact on Delaware public education in the long term. Together with Senator Joseph Biden, Senator Carper and Congressman Castle offered to serve as liaisons between the state and the U.S. Department of Education. The federal delegation will work with the Delaware Department of Education to apply this law into the state system.

Conclusions

The following are pertinent queries that were addressed by summit participants in response to the above mentioned discussions:

- How well are Delaware schools meeting the intended goals of choice and charter regulations?
- What are the remaining barriers to school choice options that need to be addressed at the state level?
- What are the remaining barriers to providing school choice options, including charter schools, that require the attention of the federal delegation?
- What are the strengths and weaknesses of the current system and practices?

- Drawing from the table discussions, what are the greatest concerns regarding school choice options in the wake of impending No Child Left Behind legislation?
- What will the impact of AYP standards commensurate with No Child Left Behind mean for exceeding capacity in charter schools?

The proposed recommendations put forth by IPA based upon the summit presentations and participant discussions include:

- Need for expanded longitudinal research.
- Need to develop contingency plans in the event of charter school closure.
- Need for future discussion with selected school participants to clarify school choice and charter school operational issues.
- Need to evaluate benefits of competition and identify programs and policies to mitigate its downsides.

In the words of the Delaware Board of Public Education Vice President Jean Allen, “This is a work in progress. We have begun important conversations that need to continue.” This summit provided a catalyst for school choice policy discussion.

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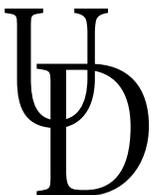


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