

**SCHOOL CHOICE & EQUITY IN DELAWARE:
LOOKING BACK, LOOKING FORWARD**

by

Sarah Elizabeth Lockman

A thesis submitted to the Faculty of the University of Delaware
in partial fulfillment of the requirements for
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LOOKING BACK, LOOKING FORWARD**

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ABSTRACT

This thesis looks into the context, genesis and intent, locally and nationally, of Delaware's school choice policy. Further, it examines trends in the utilization of school choice, school performance and demographic composition of Delaware schools as they have ensued in the twenty years since choice and charter laws were passed. Weighing positive outcomes against the negative overall and among student subgroups, in terms of achievement and isolation, the analysis focuses on the extent to which achievement shifts realize the promise of school choice policy of ensuring gains for *all* students or, as is more typical, align with the relative advantage of school demographic profile (finding that trends favor the latter interpretation of student stratification along socioeconomic lines). Given the intention of Delaware school choice policy to move away from that traditional struggle and cast a wider net of high quality schooling for children of all backgrounds - and the likelihood that choice will continue as a feature of the state's publicly funded system of education - this thesis ultimately reviews Delaware's school choice implementation, drawing comparisons with other locales in order to make recommendations for future practice.

Chapter 1

RIGHTS & RESPONSIBILITIES: SCHOOL CHOICE IN DELAWARE

Introduction: Delaware's Status Quo

The year 2015 marks the 20th anniversary of the passage of school choice and charter laws in Delaware, providing a timely opportunity to reflect on the way the policies have been operating since their inception. At a moment that feels like a critical juncture for Delaware education, it is helpful to trace how the policy originated, has been implemented and to what extent current conditions show achievement of the goals stated by its advocates in the lead-up to passage of the law. Such a reflection is necessary to ensure next steps that remedy known pitfalls and improve upon the effectiveness of school choice policy and practice for all students.

Public education continues to serve the majority of Delaware K-12 students, playing a central role in the lives of individuals, and as well as related social and economic issues. Examining school choice as an ongoing feature of school assignment policy is critically important; its rise has corresponded with a rise in the share of students in that system. But Delaware, often viewed as a microcosm of the rest of the country¹, boasts features of its school choice landscape that are outliers when compared to national trends and best practices. The unique localized dynamics of these practices

¹ Raffel, J. A. (2013). The changing challenges of school segregation and desegregation. *Education Review/Reseñas Educativas* , 16 (10).

must be understood as a rapidly shifting education landscape seeks new norms after a long period of turmoil.

As the public system of schooling has become compulsory and inclusive over time, so the environment of school assignment policy – seeking equity in access to opportunity – has become more complicated. First, we will see how a once simple system, rooted in geographical assignment, has undergone shifts to serve conflicting interests. The evolution of this landscape has been typified by struggles for access and resources from marginalized student groups. Still, the outcomes have continued to reflect rifts within the system in which affluent or savvy students have access to the type of education which has inspired our global peers, while comparably disadvantaged students continue to struggle to reach basic levels of proficiency through their educational opportunities, even when educated in the same building. The traditional concept of a “neighborhood school” alternates between privilege and burden, with the practice of busing that emerged in the late 1970s sharing a similar fate – largely depending on student profile and need. From a quagmire of competing philosophies about the allocation of educational resources (and the shaping of the environments in which they were delivered), an outcry has risen about both standardization and increasing mediocrity of resulting outcomes when placed on the world stage. This led to a rapid rise of school choice policies in the mid 1990s: a focus on parent (or student) selection of the locale, educational model, values and community of the schools they attend, through a number of means – primarily choice of enrollment in any school within or without one’s residential district, or by enrollment in a charter school, a new governance model allowing enterprising private actors to establish schools of choice

free of district regulatory bindings or geographic assignment zones mandated by central districts, the courts or the State Board of Education.

The over-arching intention of this policy was portrayed as (1) encouragement of variety in educational delivery with the goal of boosting overall student outcomes and, in particular, (2) improving the chances of the underserved to be better served by the system through the exercise of choice. The remainder of the thesis examines how much the reality of school choice policy has lived up to those initial ideals, which is: unevenly, despite the promise that it would be a tool for educational “liberation” of all students. Looking at choice utilization in Delaware (who is using what types of choice mechanisms and where), this thesis will provide some representation of trends enabled by choice along two lines: student achievement, and gaps therein, as indicated by some available accountability metrics insisted upon by early choice proponents, and an analysis of the extent to which traditionally underserved students are accessing lower or higher performing schools in comparison to the pre-choice era. Finally, I look at gaps in the current state of school choice policy implementation in order to draw conclusions about which practices inhibit more equitable success among student subgroups, making recommendations based on this analysis analysis, as well as some inspired by alternative approaches operating outside of the Delaware system.

The effort to balance strong public demand for individual choice and private benefits against the government responsibility to adequately serve all of its citizens – a rapidly shifting group, demographically - is challenging and ongoing. It is a puzzle that requires the shining of some light on both the advantages and the unintended consequences of policy trends that overwhelmed recent decades. This thesis reflects on the roots of school choice policy and the behaviors and outcomes that flow from it, so

that we may chart a more stable future course for Delaware's public school system – and choice within it.

Choosing Schools Before the School Choice Law's of 1995

Despite the prevailing perception that the structure and practice of public education and the course of its history in Delaware, as elsewhere in the United States, is a fixed and constant monolith, a likelier portrait of the reality of public schooling is one of near-continuous transformation (Tyack & Cuban, 1995).

Choosing to establish free public schools.

A public system of common schools offering general education was officially established as a taxpayer-funded enterprise in Delaware in 1829 with the Free-School Act, designed by Judge Willard Hall. This law replaced a 1796 law establishing a government hosted, charitable school fund oriented towards the education of poor children, but it proved inconsistent, insufficient and more or less a continuation of formal education as it had been up to that point: privately procured and fee-based for those who could afford the option. The “free” nature of the schooling, however, still seemed mainly to refer to the non-compulsory nature of the provision of funding to run the schools that rested within established school districts. When Judge Willard Hall arrived in Delaware at the turn of the 19th century, he was appalled by the state of education that resulted from the Fund, observing

“There was then no provision by law in the State for schools. Neighbors or small circles united and hired a teacher for their children. There were in some rare places schoolhouses. ... The teachers frequently were intemperate, whose qualification seemed to be inability to earn anything in any other way.” (21)

Though Governor David Hall in 1805 acknowledged the challenges when addressing the General Assembly soon after, saying “When we take into view the gross ignorance that prevails in some parts of this State among the lower classes of the people, for want of proper schools established in their neighborhood, we lament that the legislature has not paid a more early attention to this important duty,” the appeal fell on deaf legislative ears for the next decade (Weeks, 1917). Subsequently, Governor Joseph Haslet in 1814 took up the cause again and pled for the General Assembly to understand that a more universal system of education was critical², leading to a rejuvenated effort among political leadership to provide for this common education, with the fund designated primarily for the education of poor (white) children. This soon extended to taxation to supplement the charitable fund, in order to run Sunday Schools (not schools of religious education but for the provision of education to children who worked every day apart from Sunday). Subsequently, when the general public and their legislators of the time expressed a disdain for a system exclusively composed of “pauper schools” and an interest in expanding the availability of common schooling to all children regardless of their poverty, the system of local and state cooperation in

² Haslet noted in a speech at the time, *“The importance of education in a republican government is universally acknowledged. In this Government, all the citizens have equal rights; and are under equal obligations. Education confers the power of exercising these rights, and discharging these ' obligations to the greatest benefit of the individual and of the community. Good schools can not be extensively established without public assistance.”* (Weeks, 1917)

providing for such a system began to evolve. This led to decades of debate and change regarding the extent to which the general public should be taxed for the support of this school system, as small districts were formed throughout the states by the dozens. Districts themselves were established somewhat freely and on a geographical basis, and each district's citizens could choose to what extent they wished to fund their schools, or if they wished to have any schools at all. This would lead to a parallel call for a more centralized oversight system to counter the unevenness of educational delivery as it existed, when left entirely to local decision-making. By 1875 a system of state level requirements and oversight was established. Further, in 1907, when it was observed that the greatest challenge facing the school system was irregular attendance - typically by students coming from poverty-stricken circumstances – as a means to solve this problem, laws were put in place to make school attendance compulsory, as well as to seek to provide for the transportation of students to schools in a more consolidated system (Weeks, 1917).

By 1920, a State Department of Public Instruction regulated and supervised all of Delaware's schools. The subsequent movement towards efficiency in the first half of the 20th century was met with some chagrin by parents and community groups at the time, who had become accustomed in the 19th century to having a stronger voice and authority over the operation of their local schools. The new administrative structures set schools on a path to functioning in a more business-like and industrial fashion, distancing parents from teachers as their source of accountability, in favor of principals, superintendents and so on up the line. Still, such groups continued – often in partnership with local trade unions – to demand that public schools be responsive to local interests, with state support but not control, as had been typical of the school

system up to that point (Herbst, 2006). One such cause taken up and successfully implemented by women's groups was the establishment of vocational schooling. The formal provision of technical education within the general education system was established by law in 1917 to provide more workforce-oriented training for less academically inclined students who had for a decade at that point been compelled by law to attend the common schools, most problematically in terms of climate and student outcomes.

Choosing to establish schools for children of color.

The state's consideration for the education of children of color was not on the docket until the conclusion of the Civil War, just as the mainstream school system was picking up steam. Advocated for by citizen groups such as the African School Society of Wilmington since 1821, schools were provided for by, and run within free black communities, and the choice to attend followed a similar trajectory to that of white students – school fees were paid until such time as the legislature deemed it necessary and fair to fund the schools through common taxation, as schools for white children were funded. But unlike the more rapidly, if unevenly, proliferating mainstream system, by 1866 only seven schools for black children existed throughout the state of Delaware. With the promise of the post-Emancipation period upon them, this led to a movement of black community leaders, under the auspices of the Delaware Association for the Moral Improvement and Education of the Colored People, to increase the availability and quality of schools for black children. Black property owners were taxed to provide support for the “Negro schools”, taxation pools were kept separate and black citizens taxed to about half the degree of their white counterparts. Counties (under the

supervision of a State Board of Education) supervised the financing and administration of both types of schools, and state aid began to supplement that taxation in the 1880s (Weeks, 1917).

Choosing new - private - options for students.

And so the public education system developed throughout Delaware, increasingly with State and centralized district oversight essentially as a response to the risk of leaving the general student population too much at the mercy of their neighbors' desire to see a district's children educated – as public sentiment towards the utility of universal public education, and their financial obligation to support it, remained a continual tug of war (Conrad, 1908). Schooling options – including non-public ones - shifted with some frequency to meet the demands of public sentiment and, in the early 20th Century, Delaware saw a strong emergence of both secular and religious independent school options, increasing the types of choices even less wealthy parents could make for students' education beyond the common school system (if willing to pay fees beyond taxation).

Choosing schools by choice of residence.

After the Second World War, great shifts were upending the former urban order as longtime city-dwelling families began to take advantage of the opportunity to move to newly formed suburban communities. Federal housing policy made these exciting new communities wide open to white residents, but through segregative practices such as “red-lining”, shut out the vast majority of lower income and particularly black communities from the ability to finance a move to greener pastures and opportunities. New schools opened up alongside new residential growth, and the community-based

school pattern of years past continued. Now, a move from the urban center to the suburbs could mean a move to brand new neighborhood public schools populated by the children of like-resourced families. The next phase of school selection had begun: residential choice.

Expanding choices for black students.

The dual system of schooling that kept white and “colored” children in separate school facilities was the status quo since the inception and expansion of common schools as a taxpayer-funded enterprise throughout the 19th century, but wasn’t officially observed until an amendment to educational law passed in 1935 proclaimed that:

“The schools provided shall be of two kinds; those for white children and those for colored children. The schools for white children shall be free for all white children between the ages of six and twenty-one years”, inclusive; and the schools for colored children shall be free to all colored children between the ages of six and twenty-one years, inclusive...”

Delaware was one of only 17 states – all located in the Southeastern portion of the United States, to have such a law on the books, reflecting the Southern tendencies of what had been an ostensibly Union border state during the Civil War. While it had established schools for black students alongside the establishment of schools for white students in the 19th Century, they were far fewer in number and subsidized to a lesser degree (Weeks, 1917). By the conclusion of World War II, despite charitable support from community pillars such as the du Pont family³ in enhancing educational facilities for students of color, it was impossible to deny that there continued to be significant

³ Taggart, R. J. (1988). *Private Philanthropy and Public Education: Pierre S. Du Pont and the Delaware Schools, 1890-1940*. Newark, DE: University of Delaware Press.

differences in resources advantaging mainstream schools in contrast to the “colored” school system. This became more acute during the postwar era of suburbanization. While new schools were better built, maintained and resourced with uniquely available programs, black high school students had only one college and business preparatory option in all of Delaware – Howard High School in Wilmington. This was indicative of the difficulty for black citizens to ascend beyond certain working class occupations, though many did, such limitations were not encouraging to many more. For primary school children, the mainstream school system for white children provided transportation while the colored school system did not. These discrepancies impacting black students outside of the city of Wilmington would form the basis of groundbreaking lawsuits, as several black parents sought to empower their children’s future through the controversial, and theretofore illegal, school choices. The two cases, *Belton v. Gebhart* and *Bulah v. Gebhart* (*Gebhart* being the first of the named members of the State Board of Education) saw black parents, in the then more rural enclaves of Claymont and Hockessin respectively, asking for access to existing accommodations for whites, from transportation to less neglected facilities and program opportunities closer to their homes. The National Association for the Advancement of Colored People aided them and in 1951, led by Delaware’s first black lawyer, Louis Redding, the case was won, with Chancellor Collins Seitz ruling, in violation of the equal protection of the law (as ensured by the Equal Protection Clause of the Fourteenth Amendment of the Constitution), black students were being denied access to superior educational resources and must be admitted to white schools if they so wished. The two Delaware cases were appealed and joined with others as part of the monumental *Brown v. Board of Education* case that went before the United States Supreme Court, a case

which asserted that “de jure separate public accommodations would be insufficient to prepare nonwhite students an equal chance at opportunities available in the mainstream economy, denying them a fundamental right to equitable public accommodations”. The call was made for black students to be given widespread access to better-equipped schools for white children, though there would be reluctance to implement this change for some time (Smithsonian).

Choosing among public obligations and private choices.

The years that followed the *Brown* decision saw strong opposition to school desegregation, such as the nationally recognized pro-segregation outcry in Milford, Delaware, led by outsider organizer Bryant Bowles (Boyer & Ratledge, 2014). This type of grassroots outrage resulted in sluggish change in the makeup of the schools, or the provision for their equitable success. Black students could no longer be denied access to any public school, technically, and in the City of Wilmington, schools were officially desegregated, but in some ways this only served to entrench the desire of the white and otherwise relatively privileged to pursue the chance to move to places in which this resistance to the order would be less of an issue. The expansion of choice in public accommodations for some was seen as a loss of choice for others. Louis Redding in 1956 filed *Evans v. Buchanan*, a class action lawsuit on behalf of a handful of students from Clayton, Delaware protesting schools’ lack of compliance with the *Brown* order, which led to another order to come up with a statewide plan to desegregate (*Evans v. Buchanan*, 1956). On a national level, the rise of the Civil Rights era brought with it both momentum and backlash and competing viewpoints on the government role in organizing and controlling schooling, especially when racial

composition was at issue. Milton Friedman, in his “Capitalism and Freedom” (1962) put forth a proposal for the government subsidization of education to be extended to support parent choice of schools that were not subject to government administration and the type of “schooling” meant more for the uplift of the lowest common denominators of society. Meanwhile, opinion on the role of school composition yielded somewhat in response to the empirical findings of James Samuel Coleman’s federally-funded “Equality of Education Opportunity” (1966), widely referred to as the Coleman Report, which showed that black students were benefiting to some degree, in terms of measured academic outcomes, from being educated in integrated classroom environments (more than from being in equally funded, segregated ones) though he found this to be more aligned with the social class composition of the schools than racial composition. Still, there remained tension on both sides of the racial divide over the utility of integration. After the closure of the last “colored” school in 1967, black leaders were supportive of 1968’s Educational Advancement Act, a response to the *Evans v. Buchanan* lawsuit, which conferred the right to consolidate and adjust district boundaries to the State school board for all districts, with an exception – that no district with over 12,000 students would be included in the shift (Boyer & Ratledge, 2014). This effectively removed Wilmington, the only district that fit such a profile, from the process of reorganization. While some saw this as an empowering move, others saw it as an exclusion from access to more integrated and therefore mainstream economic opportunities, one which ultimately coincided with the climax of civil rights movement backlash: the assassination of Martin Luther King, Jr.. Riots erupted across the country, but quite notably in Delaware, where Governor Charles L. Terry brought in the National Guard to patrol the burning streets of its largest city, Wilmington for over 9

months, intensifying the general public's fears of black, urban residents. Through continued residential choice and non-public enrollments, white flight was accelerating, leaving Wilmington's neighborhood schools more identifiable than ever, over 90% black by the mid-70s.

Erosion of residential choice.

The black community itself was split on the impact of their exclusion from more integrated opportunities, still driven by laws from the highest level downward. But by the mid-70s, a multi-racial coalition of anti-segregation (de factor or de jure) community activists were more determined than ever: if educational quality was indeed connected to the relative race and class composition of a school, as the Coleman Report indicated - the well-served and the underserved children of Delaware must attend school together (Raffel, 1980). This group won a reconsideration of the *Evans v. Buchanan* complaint, the result of which was a 1976 declaration that New Castle County's schools had failed to desegregate effectively and in accordance with its statewide order and that the Educational Advancement Act was unconstitutional in its division of city students from suburban, which would later be reaffirmed by the U.S. Supreme Court (*Evans v. Buchanan*, 1978). With *Evans*, Judge Murray Schwartz ordered school districts in metropolitan New Castle County be consolidated and students assigned away from their residentially chosen schools for some period of their schooling (three or nine years for suburban or city students, respectively) in order to achieve better racial balance between city and suburban schools – referred to as the “metropolitan remedy”. Schools were to be integrated, and a policy was put into place to mitigate the persistent impact of housing segregation: mandatory school assignments

would see students from disparate communities attending school together, requiring compulsory busing across these communities to achieve the ideals of integration. The suburban response was vaguely reminiscent of the Wilmington riots that had shortly preceded them as communities rallied in opposition to escalating racial integration in their home community schools, as well as the court-ordered, forced busing of their children into the city. There were also city families, predominantly black, that shared similar concerns about the extent of busing their students would have to endure in order to achieve the goals of well-integrated public schools (Raffel, 1980).

By the mid-1980s, the County was divided into four districts which each encompassed about a quarter of its northern suburbs and a nearby portion of the City of Wilmington, to make the busing process less cumbersome. The exception was the Christina School District, which was mainly situated around the town of Newark, and through reorganization would include a discontinuous section of Wilmington in its boundaries. Parents of means exercised their option to enroll their children in secular and religious independent schools to avoid the upheaval occurring in the local public schools (Raffel, 1980). Meanwhile, more fundamental re-envisioning of the public education system occurred as in 1975 saw the passage of the Education for All Handicapped Children Act – also citing the Fourteenth Amendment to ensure equal access to public education for children with physical and mental disabilities as well. The educational landscape of the 1980s was set up to be radically inclusive, transformed from any era that had preceded it.

School Choice Policy Comes to Delaware

A Nation at Risk.

Not long after this major shift towards compulsory integration and mandatory, cross-community student assignment – enforced by court order to support those ends - had come to pass in Delaware and many other locales nationwide, Ronald Reagan took Presidential office and before the close of his first term, another major report on the education system would be released: 1983's federally funded report, "A Nation At Risk: The Imperative for Educational Reform". It represented, and continues to represent today, a seismic shift in the way public education was perceived and would be executed, casting a new light on the tumultuous previous decades of effort to make public schools more socially equitable rather than more educationally excellent. The air of social crisis that had befallen public schooling was now interwoven with and overtaken by the advertisement of a more pressing failure: increasingly mediocre academic achievement. While the very preamble of the report hints at equity of opportunity as the ideal of public education⁴, the report called for more direct attention to the changing demands of a rapidly globalizing workforce, and the distracted nation's failure to have gotten ahead of the trend (U.S. Department of Education, 1983). The

⁴ "All, regardless of race or class or economic status, are entitled to a fair chance and to the tools for developing their individual powers of mind and spirit to the utmost. This promise means that all children by virtue of their own efforts, competently guided, can hope to attain the mature and informed judgment needed to secure gainful employment, and to manage their own lives, thereby serving not only their own interests but also the progress of society itself." (U.S. Department of Education, 1983)

Reagan administration sought to minimize the influence of the federal Department of Education over local and state educational choices, which had burgeoned under previous administrations, such as President Lyndon B. Johnson's creation of the extension Elementary and Secondary Education Act (ESEA) as part of his "War on Poverty" legislation, which provided extensively for the improvement of education for poor children through its Title I provisions of federal funding. Nevertheless, one of the foremost of the report's proposals was a federal mandate to implement a nationwide system of standardized testing to monitor the academic performance of schools, with particular attention to enabling the closure of achievement gaps between advantaged and disadvantaged students (New York State Education Department, 2009). The 1980s would be a hotbed of new ideas to address all of this, and the seeds of school choice policy planted by Milton Friedman in the 1950s and '60s would begin to take root in the national consciousness.

By the late 1980s, George H.W. Bush was President, and the focus on improving America's educational attainment on the world stage remained strong. Shortly after winning the 1988 election, President Bush convened governors and business leaders from across the country (including Delaware's then-Governor Michael Castle) for a summit in Charlottesville, Virginia in September 1989. The first of its kind since the Great Depression, the summit did not include educators or legislators beyond state level executive office holders, but those who did attend worked to formulate a set of national goals that each state would be expected to find its own way toward

achieving. Announced within Bush's 1990 State of the Union address was a promise to pursue remedy of the following major concerns in the education of American children:

- *the readiness of children to start school;*
- *the performance of students on international achievement tests, especially in math and science;*
- *the reduction of the dropout rate and the improvement of academic performance, especially among at-risk students;*
- *the functional literacy of adult Americans;*
- *the level of training necessary to guarantee a competitive workforce;*
- *the supply of qualified teachers and up-to-date technology; and*
- *the establishment of safe, disciplined, and drug-free schools*⁵.

Though the Bush Administration failed to encode these goals into a workable federal law through ESEA reauthorization, due to bipartisan concerns about both the testing recommendations and inclusion of a plan to institute private school vouchers (allowing public education dollars to be spent on independent school tuition), they would be influential in subsequent administrations and fueled the coming decades' reforms, and continue to strongly reflect these priorities, today (New York State Education Department, 2009).

This priority shift would upend movements toward greater inclusion on the classroom level, well underway among advocates for the nation's public schools, and also provide a conceptual foothold for those uncomfortable with recently won and newly advocated-for social reforms within them. This dissatisfaction existed on both sides of the busing divide (despite the satisfaction of others, also on both sides), as well as those dismayed by efforts to diminish student tracking and unfair disciplinary

⁵ From "Joint Statement on the Education Summit With the Nation's Governors in Charlottesville, Virginia". George Bush Presidential Library and Museum, 1989.

practices, which was an emerging feature of integrated schools, which discouraged choice and opportunity within them and disproportionately impacted students of color.

Governor du Pont's Proposal.

Though it was Governor Castle who represented Delaware at this summit, it would be former state legislator, Congressman and Governor Pierre S. “Pete” du Pont who, having recently sought, unsuccessfully, to achieve the Republican nomination for President during the 1988 election (in part due to the perceived outlandishness of his policy reform ideas), would be the one to emerge with a new proposal for Delaware’s public education system.

During his tenure at the state’s helm from 1977-1985, du Pont worked to live up to his family’s legacy of boosting educational provision for Delaware students even when public sentiment was less supportive of the endeavor⁶. In his own words, he watched and listened and tried the many improvements that were demanded of him from the “education establishment”: “teacher testing, student testing, gifted and talented programs, special programs for learning disabled and disciplinary problem children, [...], after class size had been reduced 10%, math and science courses had been added as graduation requirements, mandatory kindergarten begun. It comes after teacher salaries had been dramatically raised and per pupil expenditure doubled in a decade” (du Pont P. S., 1992). But little seemed to be changing for the better, and in fact

⁶ The founding member of the distinguished du Pont family of chemical company fame, Pierre S. du Pont de Nemours, has been identified as the author of one of the earliest designers for a standard American system of free public education. See Justice, B. (2014). *The Originalist Case Against Vouchers: The First Amendment, Religion, and American Public Education*. Retrieved April 2015, from Social Science Research Network: <http://ssrn.com/abstract=2494890>

Delaware's graduation rates and student performance on the SATs were in decline by the late 1980s (Evans, 1992). So, in the spirit of the post-"Nation at Risk" years, he brought forward a sprawling, radical idea in September of 1990, in the hopes of prodding to life the nation's professed ideals of elevating every individual to their highest potential: allowing complete "school choice". This proposal included some fundamental features:

- Each district could choose whether or not to allow Choice among its schools within its boundaries;
- Parents would be allowed to choose any school for their child to attend in their own or another district, or
- Parents could accept a scholarship, or "voucher", representing a portion of the per-child educational cost in public schools to cover tuition at a private school (10% less for religious schools).

Such plans would be phased in year-by-year and the impact on revenue to government-operated district schools would be "revenue neutral", assuming the cost of most private schools' was within the proposed scholarship range of \$2,150 - as many apparently were, in 1990 (du Pont P. S., 1992).

Writing in an issue of Delaware Lawyer devoted to the subject of the state's educational crisis in 1992, du Pont laid out the possibilities:

America did not come to grow and prosper through 200 years with the government providing "one best product". It is time to bring the proven American values of choice and competition into education, to replace a centrally planned education system run from Washington and state capitols with a customer-driven system in which parents choose the schools for their children and schools must compete for their students.

We should have dozens, if not hundreds, of different kinds of schools that offer choices to our children. ... Education is an industry in which a thousand flowers should bloom.

And they can bloom, not by the wise decisions of well-intentioned government planners, but only by thousands of free choices made by millions of free people in a free society. For lots of reasons, allowing parents to choose their children's schools makes all kinds of sense. (du Pont P. S., 1992)

Du Pont cited examples from other states that included the freedom to choose among a number of available public schools, including enrollment in a relatively new type of educational model called “charter schools”⁷, in which

Groups of licensed teachers may, with the approval of the State Board of Education, create new schools in a community. Here is power to teachers to form and lead your own schools, to offer your services to the school that wants you, and thus pays you, the most. The charter schools would be free of most existing regulations; they may specialize in students of a certain age, in certain subjects, or in a particular learning method; but they cannot discriminate or select students on the basis of intelligence, achievement, or athletic ability.

This concept, if successful, promised to shake up public education in Delaware yet again – by turning the educational landscape into a free market enabling students to attend any school they might choose, whether public, private or parochial - regardless of the means of their parents.

Reactions to the Choice proposal.

The former Governor had supporters and critics alike in the policy-watching community – some felt his sincerity and agreed with his assessment of Delaware public education’s shortcomings, but feared what would come next, after a decade serving as one of the nation’s most successful arbiters of desegregation. Said fellow local

⁷ The origins of the idea of charter schools as educational laboratories, run by teachers and free of centralized administrative constraints, originated with Professor Ray Budde, was later expanded upon by union leader Albert Shanker, and began to be implemented in Minnesota in the late 1980s. See Kolderie, T. (2005, June). Ray Budde and the origins of the 'charter concept'. *education evolving* . Center for Policy Studies and Hamline University.

lawyer, David Drexler in a counterpoint column in the same 1992 issue of *Delaware*

Lawyer:

Of course there are many parents who can make better educational decisions for their children than the bureaucrats. But, generally speaking, the kids of such parents are not the problem with American education. Parents who take a genuine interest in their children's education, limit their weekday access to television, check on their homework, and consistently prod them toward academic achievement, are the parents of the kids who set the curve and manage to succeed, even in today's public schools. ... However, it seems equally certain that, afforded the opportunity and the wherewithal, such parents will take their children out of the public schools. ... the voucher proposal seems doomed ultimately to become merely another entitlements program providing financial and educational assistance, for the most part, to that segment of society which needs it least — the children of educationally advantaged, college-oriented families — at the ultimate expense of those who are the source of our problem, greater both in numbers and in the need for assistance — the children of the disadvantaged. (Drexler, 1992)

This idea of the duality of the public education system was well observed, but there was little consensus on the extent to which it was reconcilable, and to what end.

In the media the proposal was called “bold”⁸, but the concept came at a time when public sentiment over the court-ordered busing system was still something of a raw wound. The process of fully integrating schools, while showing promise as a closer of achievement gaps on a national level, remained uneasy for many (Ravitch, 2013). Private and parochial schools were growing in numbers and share of students served in the state – disproportionately so in the metropolitan districts - with new ones opening their doors simply to catch the influx of concerned families unwilling to partake in the so-called “experiment” (Raffel, 1980). Other families simply lied about their place of residence to avoid unsatisfactory school assignments. During the 1980s, vocational schools – now separate institutions with their own countywide districts established in

⁸ See Wells, A. S. (1991, February 27). A Bold Plan for Choice In Delaware's Schools. *The New York Times*.

1978, during the period of redistricting - had begun to emerge as less an option for the academically disinclined, and more as a school of choice, in which one could opt in to an environment with a comparably clear set of goals and values, and attend with other students that shared an interest in their pursuit (Gehrt, 2015). Delaware was consistently noted as the state with the highest rate of students in “non regular” school environments⁹, above 7% and climbing. Meanwhile, the Education for All Handicapped Children Act gave way, in 1990, to the Individuals with Disabilities Education Act (IDEA) and a deepening spirit of universal provision of programming and inclusion for all students within regular public schools – a movement that was not universally celebrated nor adequately resourced (Evans, 1992). Supporters of du Pont’s idea were willing to make the connection where he was not; then-president of the Red Clay Consolidated School District Board, William F. Manning, opined in the same 1992 issue *Delaware Lawyer*:

The politics of desegregation have brought us full circle back to the point where children were being denied access to their chosen schools because of the color of their skin. After all, America's journey toward desegregation began when little Oliver Brown and Brenda Evans said, "Judge, that school over there is better than mine but they won't let me go because I'm black. I choose to go to a better school. Please help." More than a quarter century later we were still assigning children to schools depending upon the color of their skin. All the while the quality of public schools plummeted.

As such, and under his watch at the head of the Red Clay board, Manning’s district had become the first to establish school choice: by allowing all rising freshman, in the year of 1994-95, to select which of the district’s high schools they would prefer to attend. A coalition of local business partners stepped in to take the experiment to the next level,

⁹ Taken from National Center for Educational Statistics (NCES), Selected Statistics From the Public Elementary and Secondary Education Universe: School Year 1993–13: http://nces.ed.gov/ccd/pub_overview.asp

with financial backing, by proposing to convert the sagging, chronically under-attended Wilmington High School into the home of several new “academies”, or co-located schools of choice: one with a math and science focus, one to work with underperforming students, and another with an arts focus. Students from across the district would be free to sign up for and attend any of these schools. He further supported the development of a greater and greater variety of schools to meet community-designed interests, without attention to racial composition as that issue would, according to his citation of the opinion of Justice Antonin Scalia in *Freeman v. Pitts*, be acceptably resolved through private forces doing the choosing (Manning, 1992). This reversal toward colorblindness was part of a nationwide trend (Wells, 2014).

The political groundwork was laid for passage of relevant legislation, though vouchers faced opposition from now-Governor Thomas Carper, despite du Pont’s plan to acknowledge church and state concerns by minimizing the amount of funds that could flow to religious schools (Tucker & Lauber, 1995). It gave way instead to support for the new model of semiprivate school governance, which was presumed to promise similar levels of quality-motivating access to options: charter schools. Driven by the push – from local school board leaders such as Manning and Evans - for more freedom from the centralized bureaucracy of school district administration, and a general public more than open to changing the system that had come to dissatisfy them anew, it was not long before legislation made it to the floor of the Delaware General Assembly. Thus, under the sponsorship of State Senator David Sokola and Representative Stephanie Ulbrich, the School District Enrollment Choice Program was introduced with parallel legislation enabling the development of charter schools.

To quote directly from the Delaware Code, the intention of the “School District Enrollment Choice Program” was

to increase access to educational opportunity for all children throughout the State regardless of where they may live. It is therefore the intent of the General Assembly that this chapter be construed broadly to maximize parental choice in obtaining access to educational opportunities for their children.

And for charter schools:

The purpose of this chapter is to create an alternative to traditional public schools operated by school districts and improve public education overall by establishing a system of independent "charter" schools throughout the State.

To that end, this chapter offers members of the community a charter to organize and run independent public schools, free of most state and school district rules and regulations governing public education, as long as they meet the requirements of this chapter, and particularly the obligation to meet measurable standards of student performance. Schools established under this chapter shall be known as "charter schools."

This chapter is intended to improve student learning; encourage the use of different and innovative or proven school environments and teaching and learning methods; provide parents and students with measures of improved school and student performance and greater opportunities in choosing public schools within and outside their school districts; and to provide for a well-educated community.

...

This legislation is intended to encourage any person, university, college, or nonreligious, non-home-based, nonsectarian entity that can meet the requirements of this chapter to form a charter school. No private or religiously affiliated school may apply to become a charter school.

The process excited many, motivated by the commitment of the corporate partners to fund the new enhanced options, but it also had its detractors. The Delaware PTA, led by then-president Jeanette Krause, was most vocal about its opposition, not to the concept of choice specifically, but to the speed with which the new legislation was progressing without much deliberation over the details or protective provisions. She expressed concern that her constituents - the public school parent community - showing very little interest in or demand for schools of choice as a reform priority according to membership surveys, were given little time to digest and respond to the movement coming from other aspects of the community, such as the business sector. They were

further concerned, seeing the PTA as an advocacy body obligated to represent all children, that the benefits of choice would be limited to the more privileged at the expense of the less so; lack of open transportation to match the complexity of the proposed open enrollment was primary among these concerns. In response, an amendment was introduced and passed which would provide reimbursement to low-income families (as determined by free and reduced lunch subscription) to cover the cost of transportation involved in reaching a non-local school of choice. The statewide union, the Delaware State Education Association (DSEA) was another detractor, voiced by its representative Dennis Crowley, who focused upon concerns of teacher qualification and standards that the union felt the charter law in particular sought to sidestep tenure and transfer as they expected teachers to move between choice/charter options and the traditional system (DE 138th General Assembly, 1995).

Legislators frequently questioned both the choice and charter bills lack of provision for racial composition, fearing federal backlash for resegregative outcomes. Some were more vehement on principle, feeling its “silence on the race issue” was a backwards step that laid the groundwork for an elitist, stratified system that was “anything but public” in the words of Senator Still, as it changed the “ground rules” and might remove any universal base standards for programming on the school level. It was suggested that such policy amounted to “pushing the panic button” in the face of declining outcomes and federal mandates for higher standards, coming as it did on the heels of President Clinton’s Goals 2000 policy, which manifested in Delaware as the controversial, state-designed, and equity-driven¹⁰ “New Directions” curriculum

¹⁰ Portions of Delaware’s New Directions curriculum framework available through the federal Education Resources Information Center (ERIC) repository show that equity

standards – seen by many as a violation of local control (DE 138th General Assembly, 1995).

Addressing legislator and community concerns about equity and racial discrimination, supporters such as William Manning emphasized that the preliminary experiment with open enrollment that Red Clay had undertaken with its high schools had, over a few years, yielded demographic composition that was in sync with that of the entire district, and that it seemed logically predictable that this would continue into the future. Other advocates criticized the supposition of detractors that the policy would result in “creaming” of high-achieving students, putting undue stress on non-choice schools, and represented the implication that disadvantaged parents would be less inclined or able to exercise choice. In the end, no amendments were passed to encourage the inclusion of safeguards or provisions that preserved consideration of race or any other demographics factors into choice-based school assignment practices (DE 138th General Assembly, 1995).

The bills were passed into law in June of 1995, placing Delaware among the first large wave of state adopters of open enrollment school choice with charters in the nation (Kafer, 2008). The initial arrival of charter schools wasn’t notably disruptive – a few new schools simply emerged, with a variety of missions and backers (Sherretz & Bucsak, 2013). At first, it appeared that the new schools would be bastions of academic desirability and naturally incentivized diversity, voluntarily rather than by force (Langland, 1997). School choice had officially arrived with a relatively quiet rumble, but the effects of its eventual earthquake of change remained to be seen.

was prioritized in the goal setting and design of these statewide curricula.:
<http://eric.ed.gov/>

After Choice: A Shifting Education Policy Context

Undoing the Court Order.

Within a month of school choice laws coming to pass in Delaware, an ongoing effort of the state government and the re-organized schools districts to lift the desegregation order (essentially declaring that the school system had remedied its discriminatory practices: “unitary status”) also came to fruition. The sentiment that it was time to end the focus on engineering the racial composition of schools - as if this were itself a kind of violation of civil right to educational access – had gone all the way to the top in state government, and beyond¹¹. The prior administration under Governor Michael Castle, winding down pending the reach of his term limit and subsequent pursuit of Delaware’s lone congressional seat, made clear their support of the dissolution of court-ordered desegregation¹². The Republican candidate who subsequently ran against Democrat Thomas Carper for governor, real estate mogul Gary Scott, had made the issue of forced busing a focal point of his campaign, and raised the communities’ hackles over the issue anew. In response Carper expressed a similar commitment to overturning the controversial ruling (Welner, 2001).

Carper worked with community and business leaders and the four metropolitan districts to create a settlement plan to draw down busing practices in exchange for a consent decree – a mutually developed promise that an end to the court order would hinge upon: commitment to reducing the disproportionate tracking of black students into special education and disciplinary programs, and other efforts to ensure the system

¹¹ As Delaware’s junior senator in 1975, Joseph Biden introduced multiple antibusing amendments to federal education bills. See Sokol, J. (2014). *All eyes are upon us: race and politics from Boston to Brooklyn*. New York, NY: Basic Books.

¹² Freeman v. Pitts, 498 U.S. 1081 (1992).

had truly become equitable (Raffel J. , 1998). This plan would require approval from the legislature and the local federal court. Legislators were skeptical of the plan and Judge Sue Robinson, an appointee of President Bush who replaced Judge Murray Schwartz in the federal judicial oversight position, expressed reluctance to get involved in the compromise, effectively killing it. Judge Robinson would, in any case, grant the districts' motion to be declared unitary and no longer subject to court-ordered desegregation, rejecting evidence that discrimination in student tracking practices within integrated schools stemmed from any racial basis (Welner, 2001). A group of Wilmington citizens, calling themselves the Coalition to Save Our Children, led by community leaders who had been involved in the development of the terms of the consent decree and hoped to achieve those terms to improve the climate for disadvantaged black students in the metropolitan schools, objected to Judge Robinson's decision and sued. The case went to the Third District Court of Appeals and was upheld (*Coalition to Save Our Children v. State Board of Education of State of Delaware*, 1996).

Despite this victory for those who opposed the desegregation order, districts were slow to rework established busing practices. But communities, such as those of the suburbs of the geographically disconnected Christina School District, organized to oppose the practice of sending their children to schools in the City of Wilmington for three years. Delaware's elected officials would hear them (DE 140th General Assembly, 2000).

Turning Back on Busing: The Neighborhood Schools Act (2000).

Despite the legislative success of school choice and charter policy, constituents, the courts and the legislature were not yet finished. School choice and charter law provided new options, but did not directly alter desegregation's legacy of city-suburban mixing in school assignments within established districts and their attendance zones. This was not sitting well for those who wished not to choose, but to preserve their choice of a neighborhood school, without interruption or any mandate that they sacrifice the community-rootedness of the school in the name of integration, racial or otherwise and appeared truly acute in suburban enclaves (DE 140th General Assembly, 2000).

These communities mobilized their legislators to put forth what was called the "Neighborhood Schools Act", requiring that students not be compelled to attend, through district school assignment, schools further than five miles from their home (a typical school commute from the inner-city to a distant suburban location in New Castle County averaged about ten miles). The law passed the General Assembly and districts were required to submit new school assignment plans to the State Board of Education for approval. The City of Wilmington, no longer host to its own Wilmington School District, since the 1978 reorganization, appealed for and received the opportunity to convene a group of concerned citizens to put forth their own proposal, as well (DE 140th General Assembly, 2000).

Despite some objection from both New Castle County's urban legislators – that this would be a sure stride backwards to segregation for Wilmington's children - and the suburban legislators - that a committee made up exclusively of Wilmington leaders would have the opportunity to make proposals that could impact students in their

suburban constituencies - the bill passed along with the provision that such a committee be formed (DE 140th General Assembly, 2000). The committee, despite voicing their concern about the constitutionality of the bill, delivered an extensive report outlining their fears of what would result with a thorough reversion to neighborhood schools: Wilmington schools would become racially isolated, predominantly low-income and under-resourced.

The Wilmington Neighborhood Schools Committee has recently gone on record reflecting a majority view that the Neighborhood Schools Act is potentially unconstitutional and could illegally create racially identifiable high-poverty schools. We want to emphasize that this committee has endeavored to carry out its charge from the Legislature in good faith and without prejudice. [...] In fact, it is precisely by following the legislation's specified procedures that we have come to recognize the inherent contradictions in what the Legislature has asked us to do.

Testimony from citizens of all races and all income levels and from all parts of New Castle County, including the City of Wilmington, strongly suggests that parents prefer to send their children to schools close to home. However, much of the testimony makes it clear that even more important than parents' preference for neighborhood schools is their desire for high-quality educational opportunities for their children. [...] To state it another way, parents do not want to send their children to neighborhood schools if doing so puts their children at a disadvantage. (Wilmington Neighborhood Schools Committee, 2001)

They proposed as a remedy, the diminution of districts serving the inner city from four to two or conversion of the city to an all-charter district. This proposal moved through Wilmington City Council for approval, and while under their purview was adjusted to propose *both* a reduction in districts with a co-located charter school district (much in the fashion of the border-less, countywide vocational-technical school district), as well as the provision of offices specializing in equity oversight and special needs advocacy (City of Wilmington, 2001). Then-Mayor James Baker vetoed this Council-approved proposal, to express his concern about the Neighborhood Schools Act itself, as did the Committee, and primarily responding to the committee and the Council's proposal to establish a charter district with exclusive jurisdiction over the City of Wilmington:

The idea that a Wilmington School District would give Wilmington residents more power over school governance is a pipe dream. Those days are gone and will not be coming back. I will not support any effort that leads to the re-segregation of our children. That would be criminal. [...] I simply cannot in good conscience support any plan that does not provide clear educational benefits, nor can I support a plan that further disrupts the lives of our students. Council Leadership has informed me that there may be enough votes to override my veto. So why then am I vetoing this Ordinance? Because principle is far more important than a political compromise. So, in this matter, I am standing firm on what I believe is right for our children and their families. (City of Wilmington, 2001)

Wilmington City Council did override the veto and sent their proposal on to the General Assembly in May 2001. The main interest of the legislature appeared to have been to address whether or not Wilmington desired and felt in a position to revert back to a school district, bordered by the city limits and serving only Wilmington residents. On that point, the report made it clear its feeling that this was a fiscally untenable way forward, as some legislators before them had expressed concerns at the loss of positive, diverse school environments for city children (DE 140th General Assembly, 2000). The General Assembly did not move forward on the recommendations or cautions of the report, and allowed New Castle County's metropolitan districts to propose to the State Board of Education their plans to minimize busing in the service of the improved neighborhood schools communities on both sides of the urban-suburban divide were demanding. Ultimately, the provisions of the law would apply only to elementary school grades, kindergarten through fifth, spurring the reconfiguration of most schools (previously split into K-3 and 4-5 to accommodate busing requirements) to that grade span. Despite public objections and assessments that the law was indeed segregative and unconstitutional, it has continued unchallenged (Ware L. , 2002).

Accountability: Test & Publish (NCLB 2001).

Meanwhile, another major federal shift on education policy was at hand when President George W. Bush took his turn to reauthorize the ESEA with a vision toward increased accountability, not unlike the goals set forth during his father's administration, "To close the achievement gap with accountability, flexibility, and choice, so that no child is left behind". The bill featured the following objectives:

The purpose of this title is to ensure that all children have a fair, equal, and significant opportunity to obtain a high-quality education and reach, at a minimum, proficiency on challenging State academic achievement standards and state academic assessments. This purpose can be accomplished by—

- (1) ensuring that high-quality academic assessments, accountability systems, teacher preparation and training, curriculum, and instructional materials are aligned with challenging State academic standards so that students, teachers, parents, and administrators can measure progress against common expectations for student academic achievement;*
- (2) meeting the educational needs of low-achieving children in our Nation's highest-poverty schools, limited English proficient children, migratory children, children with disabilities, Indian children, neglected or delinquent children, and young children in need of reading assistance;*
- (3) closing the achievement gap between high- and low performing children, especially the achievement gaps between minority and nonminority students, and between disadvantaged children and their more advantaged peers;*
- (4) holding schools, local educational agencies, and States accountable for improving the academic achievement of all students, and identifying and turning around low-performing schools that have failed to provide a high-quality education to their students, while providing alternatives to students in such schools to enable the students to receive a high-quality education;*
- (5) distributing and targeting resources sufficiently to make a difference to local educational agencies and schools where needs are greatest;*
- (6) improving and strengthening accountability, teaching, and learning by using State assessment systems designed to ensure that students are meeting challenging State academic achievement and content standards and increasing achievement overall, but especially for the disadvantaged;*
- (7) providing greater decisionmaking authority and flexibility to schools and teachers in exchange for greater responsibility for student performance;*
- (8) providing children an enriched and accelerated educational program, including the use of schoolwide programs or additional services that increase the amount and quality of instructional time;*
- (9) promoting schoolwide reform and ensuring the access of children to effective, scientifically based instructional strategies and challenging academic content;*

(10) significantly elevating the quality of instruction by providing staff in participating schools with substantial opportunities for professional development;

(11) coordinating services under all parts of this title with each other, with other educational services, and, to the extent feasible, with other agencies providing services to youth, children, and families; and

(12) affording parents substantial and meaningful opportunities to participate in the education of their children.

(No Child Left Behind (NCLB) Act, 2002)

The impact that these priorities would bring to bear was powerful, and again touted as legislation bearing the mark of civil rights benefits – with its key component of encouraging parents to choose would be to provide information about the efficacy of the school programs in which their children were participating. Titled the “No Child Left Behind Act” (NCLB), the reauthorization of the law would require a further increase in standardized testing already administered by the states, and the disaggregation of student achievement data according to student subgroups, so that the variance in performance across the subgroups could be observed throughout primary and secondary schooling and these gaps in achievement remedied with targeted reforms. This came with a special emphasis on traditionally underperforming student groups, such as black, Hispanic, special education and English language learner (ELL) students, and the order that schools achieve universal proficiency by 2014 or risk losing their federal funding. It also brought with it a new provision, long supported by many choice acolytes on the ground, that the results of these tests be published to better inform the public in their choice-making, while state officeholders could utilize deeper analysis of this data in their decisions about what schools ought to be maintained (or closed) in the future (No Child Left Behind (NCLB) Act, 2002). There would be ongoing support from some civil rights leaders who had witnessed the disproportionately poor treatment of minority students in integrated schools, and believed that strict accountability for racially-identifiable discrepancies in outcomes

could finally overcome these issues which they had attempted, unsuccessfully, to address through more constructive means in the pursuit of the consent decree.

In Delaware, students would have an enhanced opportunity to choose out of chronically underperforming schools. Further, the general public would have access to each school's test score averages across the grades and core subjects when the statewide daily newspaper, the News Journal, would publish the scores and offer an opportunity to view the state's schools in a ranked list. This could affirm their comfort level or provide families with the proof they needed to forsake their neighborhood school for environments with better educational reputations.

This focus on outcomes would mean a major step towards a market orientation for Delaware schools, subject to the consumer-oriented scrutiny of an open-enrollment system. Where up to this point the outcomes on which the public could focus were hearsay or came at the end of the educational journey – SAT scores, dropout and college enrollment rates - the same pressure would now be now applied from the third grade upward. School choice - initially an incentive to market schools as communities and program offerings - was now to be tied indelibly to federally specified outcome benchmarks defining each school's public reputation. When the variety of performance across elementary schools was revealed - and there could be no doubt about subpar academic status on average - flight from schools that struggled to serve relatively high proportions of low-income children to other schools ramped up, and the charter school community, initially formed to serve the children who were not being well served in the traditional system, also expanded to include more upwardly mobile alternatives, as well.

More Pressure from the Top.

Even more recently, continuing this trend towards greater accountability to federal standards as an indicator of school quality, are the practices of the U.S. Department of Education under the administration of President Barack Obama. No Child Left Behind was increasingly under fire for making standardized test achievements a central focus of school value, with its punitive measures for those that did not meet the designated benchmarks (Ravitch, 2010).

While unable to secure a reauthorization of the ESEA, the Obama administration instead was able to forward its educational goals by offering competitive grants through its Race to the Top program, as it responded to the economic crisis with the American Recovery and Reinvestment Act (ARRA) of 2009 and offering NCLB waivers to all states. They accomplished this by tying grants and waivers to agreements with state-level departments of education (DOE) to pursue the goals of its educational vision, *A Blueprint for Reform*, which hoped to achieve:

- (1) Improving teacher and principal effectiveness to ensure that every classroom has a great teacher and every school has a great leader;*
- (2) Providing information to families to help them evaluate and improve their children's schools, and to educators to help them improve their students' learning;*
- (3) Implementing college- and career-ready standards and developing improved assessments aligned with those standards; and*
- (4) Improving student learning and achievement in America's lowest-performing schools by providing intensive support and effective interventions.*

(U.S. Department of Education, 2010)

These waivers made it a point to give leverage to state departments of education to identify schools in most need of improvement and to deliver services to radically restructure them, including encouraging conversion to a charter school model where it seemed most evident that the “educational bureaucracy” so often cited by Choice advocates, had failed to provide adequate access to educational opportunity to

disadvantaged students. Delaware's DOE, after submitting a proposal with strong consensus among district leaders and the statewide union and PTA, became one of the first phase recipients of Race to the Top funding in 2010, receiving an amount totaling \$119 million.

In the intervening years leading up to this 20th anniversary of school choice and charter policy, challenges often outweighed opportunities for improvement – such as the 2008 economic downturn, which brought into question the assumptions of a policy laid in place during more prosperous times. Resources provided by the state for support services (such as choice reimbursement transportation) would have to be repealed. City students, who continued to be bused to suburban locations though suburban students were not, would grow tired enough that a lawsuit would emerge regarding the maintenance of inner-city schools to reduce the amount of busing urban students would endure¹³. And the emergent school choice status quo – such as the application and admission process, or the resegregation of children along socioeconomic lines, would begin to be questioned by legislators and community organizations such as the American Civil Liberties Union of Delaware (ACLU-DE).

As choice culture had developed, so now, it seemed, would the chance to better inform and empower the citizenry of what was happening in their schools, a shift from previous eras in which the practices of general education were accepted with greater trust— a child in the public system took the academic path through school, and if that was not a fit they took the vocational one, and if that was not a fit, they simply ceased to attend, to little fanfare or diminished economic opportunity.

¹³ Harden v. Christina School District. C.A. No. 2832-VCS. Decided: May 31, 2007

Choice movements came with a handful of community-empowering policies that would combine to create not just a new vision for education, but also a new way to view education from within and apply pressure, in the ideal of its supporters, to remedy its weak points. Twenty years later, we are able to look back and examine what this set of policies did for our school system. Surely this surfeit of opportunity and information would be a powerful catalyst for change. But what would change? After the heavy hand of judicial mandates shook up the stubbornly dual system, districts still adjusting to their inability to discriminate among students according to race or other factors in school assignments even to positively address de facto forces of segregation, would the lighter touch of free market practices realize the promise of access to high quality education for all students...enough to lift the tide of Delaware's student achievement?

Chapter 2

CURRENT SCHOOL CHOICE TRENDS & IMPACTS IN DELAWARE

The Evolution of School Choice in Delaware

With the passage of school choice and charter legislation in 1995, policymakers and choice advocates were eager to see currently existing and future school choice options for education in Delaware go from strength to strength.

It seemed certain that little but positive change could come from more diverse schooling opportunities for students. The ensuing years would usher in changes to the public education landscape, and shifts in access to its opportunities. To the extent that this would be the ideal its architects envisioned is more a matter for debate.

While a good portion of the expansion of the Delaware school landscape was due to the addition of regular district schools to accommodate residential development, the majority of post-choice growth after 2002, has been due to schools of choice, including magnets but most notably charter schools (Table 1). This realization of the promise of choice policy has not been entirely uniform across Delaware's three counties, which differ in density and socioeconomic composition: New Castle County being the most dense, diverse and affluent on average (with concentrated poverty in its metropolitan center of Wilmington), while Kent and Sussex are largely rural and feature distinct patterns of race and higher poverty. Between 1992 and 2012, New Castle County saw a net gain of 7 regular, 1 vocational, 2 magnet and 17 charter

schools; Kent County gained 4 charter schools; and Sussex County ultimately gained 10 regular schools, with only 1 magnet and 1 charter¹⁴.

Table 1 Delaware School Landscape by School Type, 1992-2012¹⁵

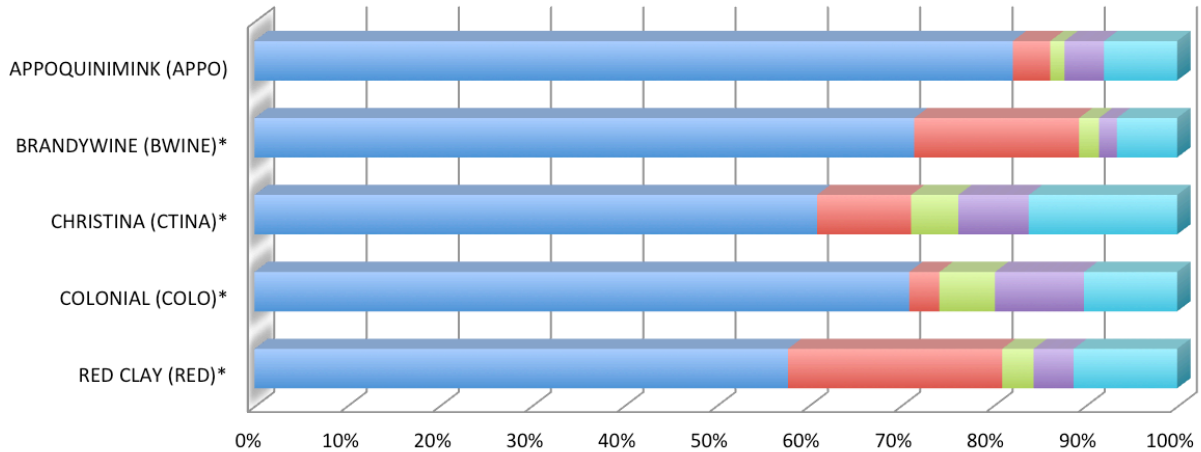
Delaware School Landscape by School Type, 1992-2012					
	1992	1997	2002	2007*	2012
Regular	145	145	158	141	162
Vocational	5	5	5	6	6
Magnet		1	1	17	3
Charter		3	11	17	22
<i>Total</i>	<i>150</i>	<i>154</i>	<i>175</i>	<i>181</i>	<i>193</i>
<i>*Significant difference due to reclassification of regular schools with magnet programs as “magnets”, not currently in practice.</i>					

The bulk of schools of choice have developed within the geographical boundaries of metropolitan Wilmington school districts (Brandywine, Christina, Colonial, Red Clay and New Castle County Vo-Tech), particularly within the City of Wilmington, where 1 magnet school is located, and, as of the 2014-15 school year, nearly half of its county’s charters, 8 in total (Wilmington Education Advisory Committee, 2015). Elsewhere in Delaware has seen comparatively limited development of schools of choice, allowing a look into how choice is utilized in environments with a

¹⁴ See **Appendix A** for more on the county and locale of schools between 1992 and 2012.

¹⁵ Taken from National Center for Education Statistics - <http://nces.ed.gov/ccd/elsi/>. Data Source: U.S. Department of Education, National Center for Education Statistics, Common Core of Data (CCD), "Local Education Agency (School District) Universe Survey", 1990-91 v.1a, 1992-93 v.1a, 1997-98 v.1a; "Public Elementary/Secondary School Universe Survey", 1990-91 v.1a, 1992-93 v.1a, 1997-98 v.1a, 2002-03 v.1a, 2007-08 v.1b, 2012-13 v.1a.

Choice in New Castle County, 2012-13



	RED CLAY (RED)*	COLONIAL (COLO)*	CHRISTINA (CTINA)*	BRANDYWINE (BWINE)*	APPOQUINIMINK (APPO)
Not Choice	57.8%	71.0%	61.0%	71.5%	82.2%
LOCAL (Within-District) Choice	23.2%	3.3%	10.2%	17.9%	4.0%
STATE (Cross-District) Choice	3.4%	6.0%	5.1%	2.2%	1.5%
Vo-Tech	4.3%	9.6%	7.6%	1.9%	4.3%
Charter	11.2%	10.1%	16.1%	6.5%	7.9%

Figure 1 School Choice Utilization in New Castle County, 2012-13

varying balance of school options available, and in particular, who is taking advantage of the opportunity to access those potentially opportunities, especially with disadvantaged student groups in mind. Using a 2012-13 dataset created for the Delaware Department of Education by Don Berry and Tommy Tao broken down by district and school choice type, patterns of utilization begin to emerge.

On average across the state of Delaware, about 27.8% of students “choice out”, meaning they opt in to a school other than the one to which they are assigned by district attendance zone, based on their place of residence. 10.1% opt for local choice, going to a regular or magnet school within their assigned district; 4.4% exercise state choice,

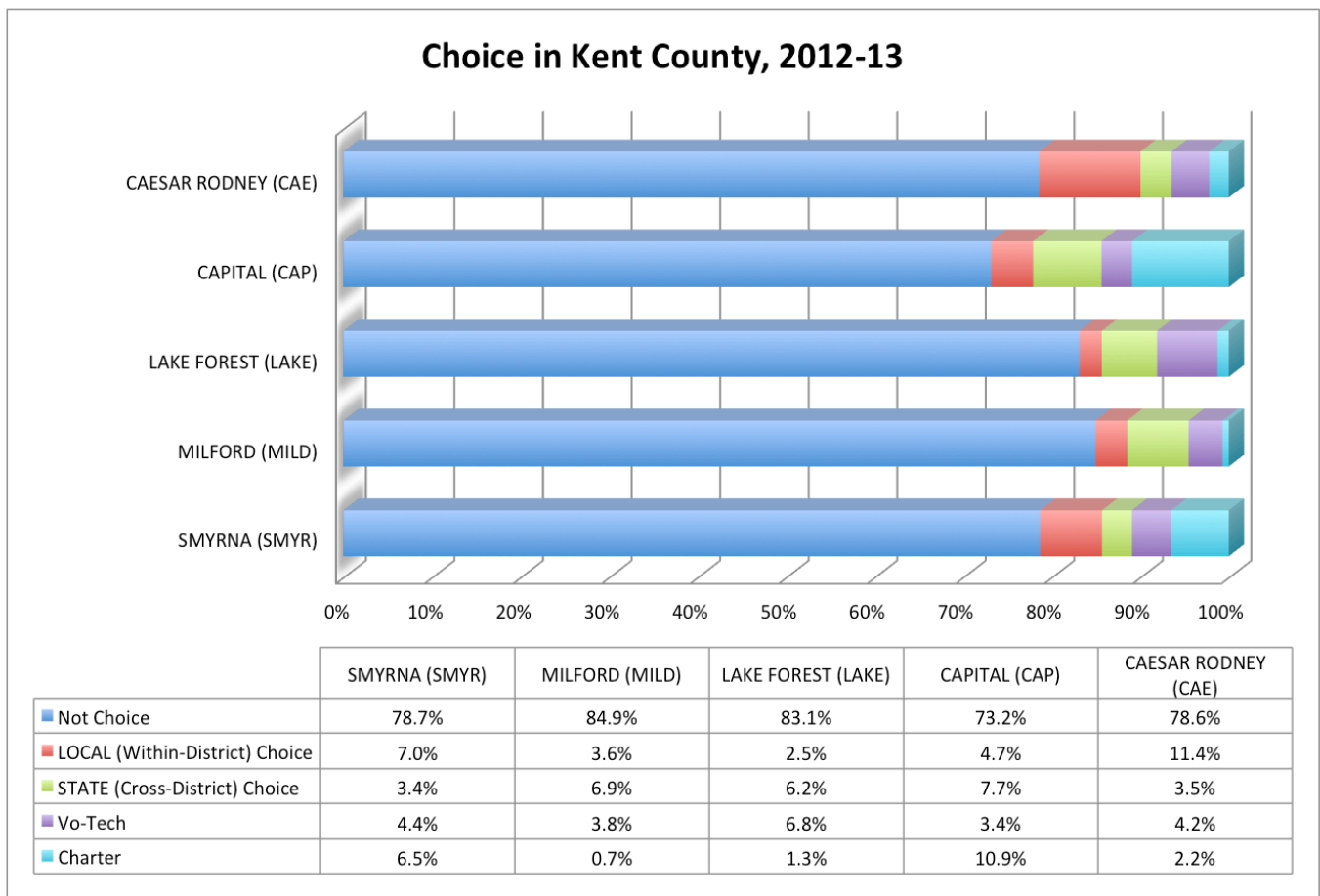


Figure 2 School Choice Utilization in Kent County, 2012-13

attending a regular or magnet school across school district lines; 5.4% attend vocational schools; 7.9% attend charter schools. In the county breakdowns of general choice utilization patterns (Figures 1-3), it is evident that a significant percentage of public school students continue to attend their assigned district schools. The districts that show the lowest share of students remaining in their assigned schools are those serving Metropolitan Wilmington – specifically those districts serving the largest proportions of students from the City of Wilmington (who are predominantly low-income, black and Hispanic), the Christina and Red Clay Consolidated School Districts; and to a lesser

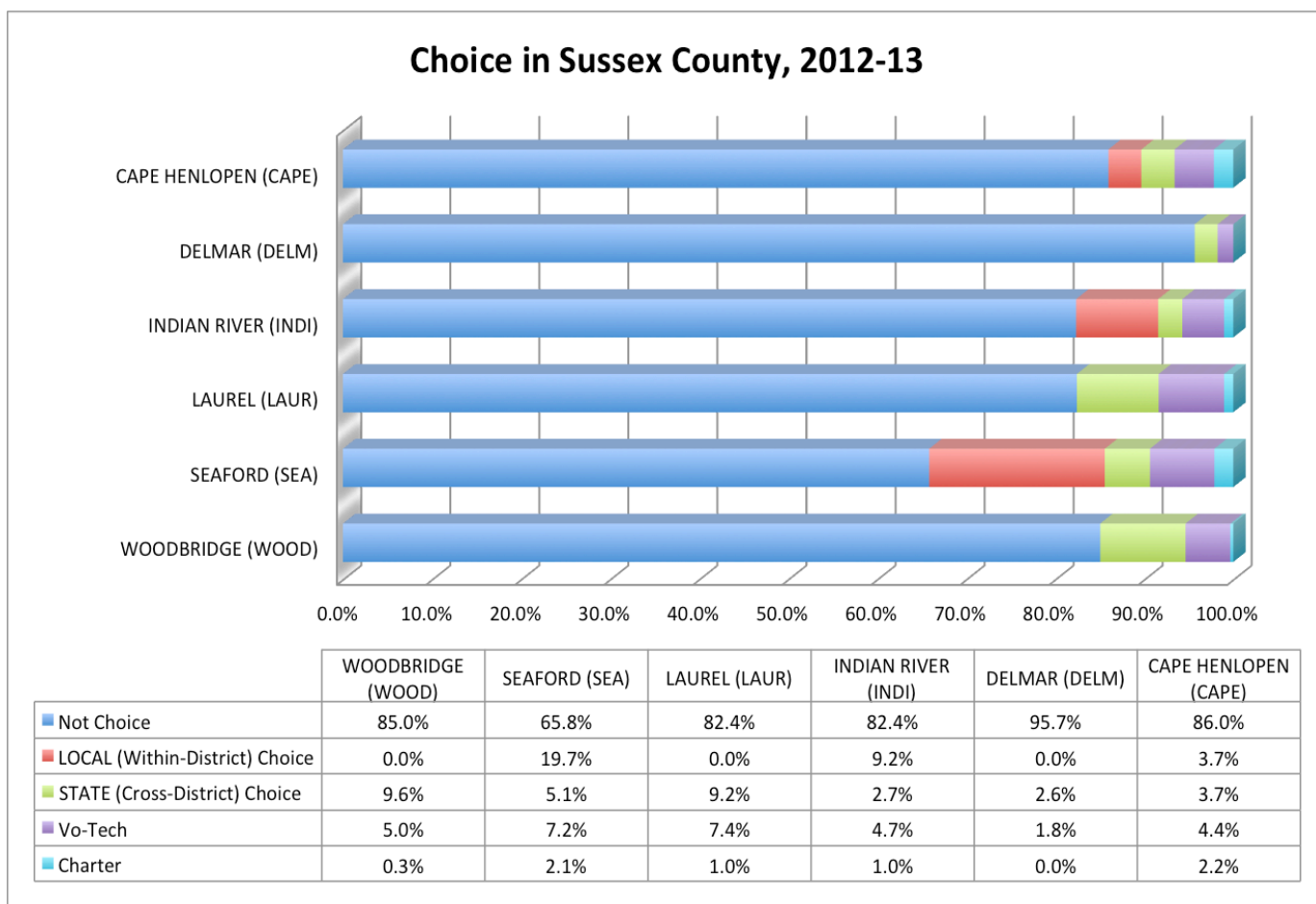


Figure 3 School Choice Utilization in Sussex County, 2012-13

extent, Dover (Capital School District) and Seaford (Seaford School District). Of these, within-district choice tends to be the most popular alternative, with the exception of Christina School District, which sends the highest proportion of its out-choice-making students to charter schools.

To better understand these patterns and the extent to which exercising choice in Delaware is likely to be making a meaningful impact on delivering equitable access to educational opportunities for the state's most disadvantaged students, district choice

trends can be examined along socioeconomic lines to see what types of students are most likely to utilize school choice (Figures 4-6). In the previously noted districts with the highest proportions of choice, it is evident that utilization of choice is not exclusive to relatively advantaged subgroups (students not classified as black, Hispanic, low-income, or special education, who are likely to fare poorly in the system in achievement based outcomes). Instead it is notably utilized to a greater degree by these subgroups. Again, this trend is most prominent along differences in socioeconomic status in the metropolitan Wilmington school districts that serve Wilmington students the most. Vocational and state transfers (sometimes a sign of alternative or special education placement) are frequent exceptions. This utilization pattern is mirrored in other “advantaged” student categories – white, Asian, non-special education – that choice out to a greater extent than their relatively “disadvantaged” counterparts – black, Hispanic, and special education students¹⁶. However, this does not reflect to what extent some of this local/state choice enrollment is due to non-voluntary alternative referrals for behavioral or special academic needs. Whether the overall trend for voluntary choice would be likely to be skewed further towards advantaged students deserves further study.

Taken on its face, this data indicates that typically disadvantaged students are taking less advantage of school choice in Delaware in comparison to their more advantaged peers, especially in the Metropolitan school districts of New Castle County that serve the largest proportions of Wilmington resident students.

¹⁶ See *Appendix B* for utilization patterns by race and special education across the counties.

Choice in Kent County, 2012-13: By SES

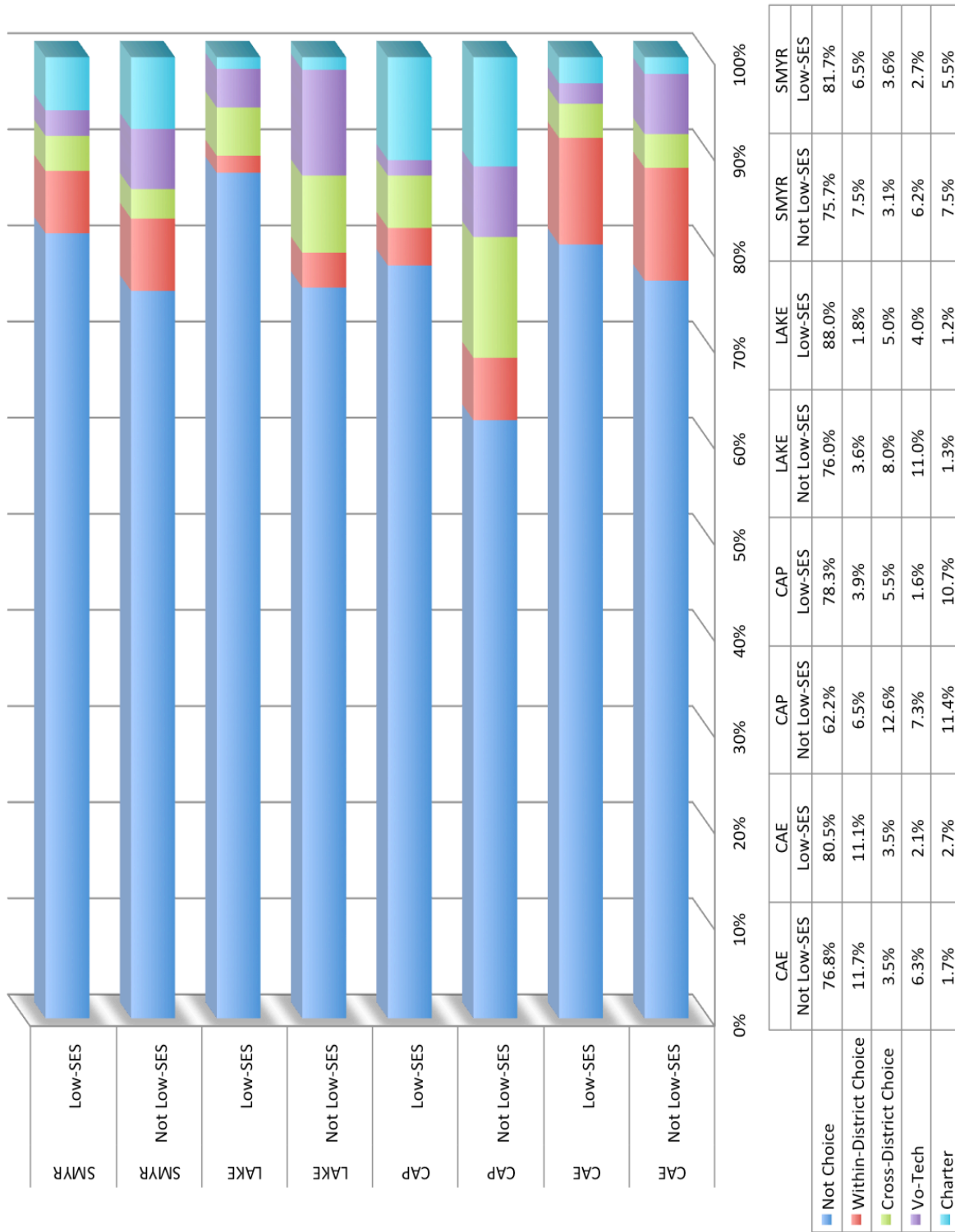


Figure 5 School Choice in Kent County by Socioeconomic Status, 2012-13

Choice in Sussex County, 2012-13: By SES

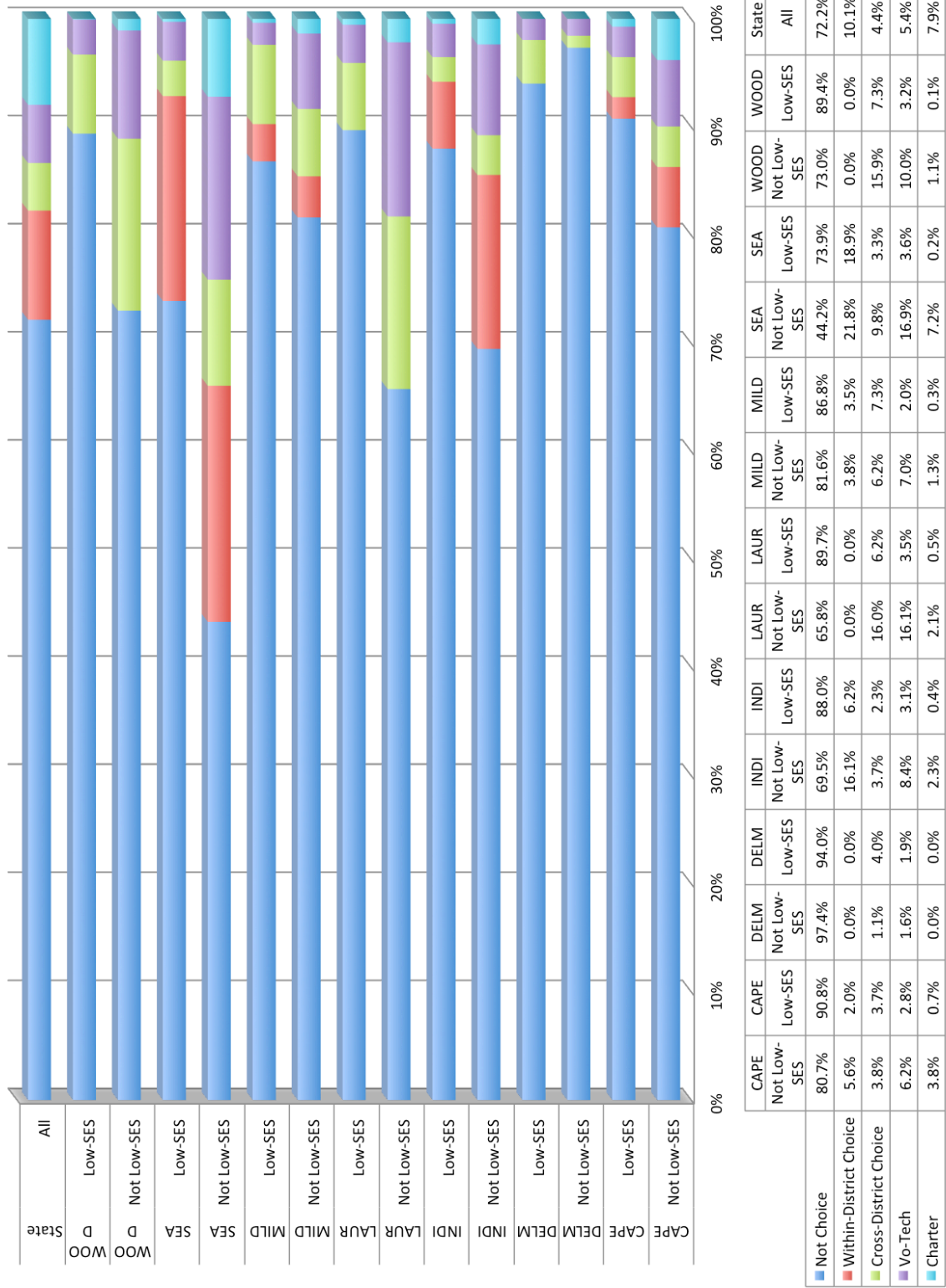


Figure 6 School Choice in Sussex County by Socioeconomic Status, 2012-13

It's worth noting that Metropolitan Wilmington is responsible for a significant portion of Delaware's outsized private school enrollments, with the districts serving Wilmington students hosting the largest number of private schools and sending the highest proportion of school age children to private schools (Delaware Department of Education, 2013). These enrollment numbers have declined statewide in recent years, in a way that appears to be inversely proportional to the rising enrollment of students in Delaware's charter schools (Sherretz & Bucsak, 2013).

Since the implementation of school choice policy, the number and variety of school options has increased, succeeding in one of the aims of the policy. Choice-making trends show, however, that disadvantaged student groups are less likely to be choice-makers. The impact this has on the Delaware school landscape leads to a closer examination of how demographic composition is shifting in its schools, and whether this marks a positive or negative movement in disadvantaged students' likelihood of accessing education of improved quality than before choice policy implementation.

At the Grassroots: School Composition, Performance & Access Analysis

Methodology.

To gauge whether equitable access to the increased opportunities available in public schooling has improved with school choice is the concern of my observation, implementation analysis and subsequent recommendations. My hypothesis is that the rise of school choice mechanisms (in particular combination with subsequent student assignment and assessment policies), while coinciding with some gains in performance for students overall, has made the possibility of disadvantaged students ending up in high failure risk school environments more likely, creating an unsatisfactory level of risk for them throughout the system, disproportionately laid at the feet of the most disadvantaged students.

Admittedly, to measure the relative successes of choice and assignment policy purely based on standardized testing outcomes is problematic, though assessments have been commonly accepted, and recently promoted by federal law, as indicators of an individual's ability to thrive in the mainstream economy. For the purposes of this thesis I will accept these outcomes in determining the risk-level of schools as the best available measure of the likelihood that given schools enable students for typical economic success or mark them as strong contenders for more negative life outcomes. This is consistent with the findings of the Coleman Report ordered by the Civil Rights Act of 1964, "Equality of Educational Opportunity", which asserted in part:

These tests do not measure intelligence, nor attitudes, nor qualities of character. Furthermore they are not, nor are they intended, to be 'culture free.' Quite the reverse: they are culture bound. What they measure are the skills which are among the most important in our society for getting a good job and moving to a better one, and for full participation in an increasingly technical world. " (Coleman, 1966).

Further, the data currently most readily available and discussed is outcomes-oriented. This is a feature of the educational system that has greatly increased since the pivot of NCLB, and one which is increasingly controversial among community leadership on either side of the old choice gap (Crawford, 2007). That there are increased alternative opportunities within public schooling since the enactment of choice is indisputable as demonstrated previously, but whether these opportunities are being accessed in a manner suitable to a public system – with an equally fair chance for students of all backgrounds and abilities to benefit from them - is a complex issue for which there is currently no formal measure.

The goals of choice policy, though it had much to do with an ideology of “what works” (and doesn’t)¹⁷ playing in the shadows of the policy, did include access to educational opportunity. Its ability to truly achieve this for “all students no matter where they may live” can be construed as a commitment to the principle of equity (School Enrollment Choice Act, 1995). So an analysis of the policy’s success must take into consideration evidence of all of these dimensions in determining its effectiveness in delivering on its promise. Perhaps more at the heart of the hoped-for resolution to be delivered by unrestricted choice was, laying social goals aside, that broad competition among schools, for students, would lead to a decline in the number of “risky” environments, particularly for disadvantaged students, who have the greatest distance to traverse to improve their life outcomes in part by improving their employability in an economy increasingly expectant of skilled workers (du Pont P. , Delaware's smart choice, 1995).

¹⁷ This includes a range of structural/governance elements such as unions, school boards, centralized district and state bureaucracy and private sector engagement.

Here, this consideration is accomplished through the examination of trends of change in demographic composition of Delaware schools since the advent of Choice policy, in order to surmise to what extent it might have some relationship to disadvantaged students gaining access to the educational opportunities that reduce their risk of poor academic and life outcomes.

Demographic Shifts.

Enrollment data was drawn from two sources – the Office of Civil Rights Data Collection and the Delaware Department of Education student achievement breakdown. The OCR Data was used showing percentage enrollments based on racial categories, special education status and English language learner (ELL) status. Information on the proportion of students from a lower-income background was drawn from the ELSi system and calculated as a percentage of school enrollments, also in 2000 & 2011.

Student Academic Performance.

National Assessment of Educational Progress (NAEP) test scores are used to observe trends in average statewide achievement levels throughout the years immediately prior to the implementation of school choice up until the most recently published year's data (2013), in order to offer a consistent bird's eye view of student performance over the time of choice policy implementation. The subcategories examined included race, ELL and special education status, and income level¹⁸.

¹⁸ Income level data refers to the NAEP's Low Socioeconomic Status (SES) category, determined using free and reduced lunch qualification as an indicator of relative poverty of a student's household.

State level average Delaware Student Testing Program (DSTP) scores from 1999-2010, disaggregated by Race, English Language Learner status, Special Education status, and Income Level are used to provide a comparative view of standardized test proficiency trends, drawn from the DSTP-OR of the Delaware Department of Education

Student/School Risk Categorization for Access Analysis

To develop a picture of the school landscape during the early days of school choice open enrollment, I created a data set of test scores generated from the DSTP-OR system and combined with ELSi data on those schools, both from the year 2000. To determine the risk-level of each individual school I used the available 3rd, 5th, 8th and 10th grade math and reading scores for proficiency, and then at each school's overall student demographics in terms of the two largest high-risk student categories: low-income students, and combined populations of black and Hispanic students. I looked at 142 existing, regular public schools, including comprehensive (regular¹⁹), magnet, charter, and vocational-technical schools listed in that document.

In the most recent school year for which a comprehensive report was publicly available, 2012-2013, DCAS school-level proficiency - drawn from the Delaware Department of Education's 2013 Comprehensive Assessment System State Summary - was used to determine the risk-level of each individual school by looking at the 3rd, 5th,

¹⁹ Excludes schools exclusively identified as early learning center, alternative and special education schools. Magnets and Charters are also technically classified as "regular" schools, but are separately examined in this analysis. I made exceptions for three schools: Southern Delaware Academy of the Arts, Cab Calloway School of the Arts, and Positive Outcomes Charter School. These three early schools of choice were then technically classified as "alternative/other".

8th and 10th grade math and reading scores for proficiency, and then at each school's student overall student demographics in terms of high-risk student categories, as indicated by the Common Core of Data: low-income students, black and Hispanic students, and students receiving special education or ELL services. I looked at 190 existing, regular public schools, including comprehensive (regular), magnet, charter, and vocational-technical schools listed in that document.

For the purpose of both overview and the access analysis, schools were categorized by composition in the following manner:

Poverty Concentration & School Risk Level by Poverty.

Schools were categorized by income background composition in the following manner:

- Low Risk: 0-29% Low-income
 - <15% = concentrated affluence
 - 15-Up to 29% = low poverty
- Moderate Risk: 30-59% Low-income
 - 30-44% - low moderate poverty
 - 45-59% - high moderate poverty
- High Risk: 60-100% Low-income
 - 60-74% - high poverty
 - 75-89% = concentrated poverty
 - 90+ extreme concentration of poverty

High-Risk Racial Concentration.

- Low Risk: 0-25% Black & Hispanic students
- Moderate Risk: 25-75% Black & Hispanic students
- High Risk: 75-100% Black & Hispanic students

School Risk Level by Performance.

Based on DSTP performance in the 1999-2000 year and DCAS performance by school in the 2012-13 school year, individual schools were identified as lower or higher risk based on the number of students achieving scores indicating proficiency or above on the state standardized test (DCAS):

- Lower Risk: >75% Proficient/Advanced
- Moderate Risk: 50-75% Proficient/Advanced
- Higher Risk: <49% Proficient/Advanced

Limitations.

Beyond the aforementioned questionable nature of standardized test scores as indicators of school quality (part of the justification for instead using these indicators to signify “risk”), there is nothing in this level of analysis that can proclaim with any certainty a causal relationship between school choice mechanisms and achievement gaps or composition changes, especially considering the subsequent policy changes on the federal, state and local level impacting change in the classroom. While no causal relationship should be assumed, it can be inferred at least that if choice was intended as a way to improve upon these issues, and they persist or worsen, it is either ineffective as a policy, or inhibited by other factors.

Demographic Trends in Delaware Public Schools

Overall, Delaware schools are becoming more diverse, with the share of students coming from lower risk subgroups (white, non-low-income) giving way to a growing share of students representing some higher risk subgroups (low-income, Hispanic), with others showing stability or slighter growth trends (black, special education, ELL). This is most pronounced in the rise of low-income enrollment, corresponding with the timeline of America's economic downturn. The exceptions are the growth of the low-risk Asian subgroup and the relatively unchanged share of black students in the system. This correlates with continuous growth of the overall enrollment for Delaware's public schools (largely through charter schools), and a corresponding decline in private school enrollment in the state overall (Delaware Department of Education, 2013).

Plotting the concentration of high-risk subgroups in Delaware's public schools earlier and later in the school choice era, this demographic shift, and its distribution across the system, becomes even clearer (Figures 8-9). Patterns of composition regarding special education and ELL students appears more erratic but shows the trend toward isolation by student type: concentration or absence of these subgroups in particular schools²⁰. This has been accompanied by a shift in school composition, in which the share of school environments which feature extremely low concentrations of low-income or high-risk minority populations have become less common, school environments which feature extremely high concentrations of these groups, a

²⁰ See *Appendix C* for representations concerning ELL and special education students.

phenomenon that was a rarity in pre-and-early choice schools, have burgeoned considerably²¹ (Tables 2-3).

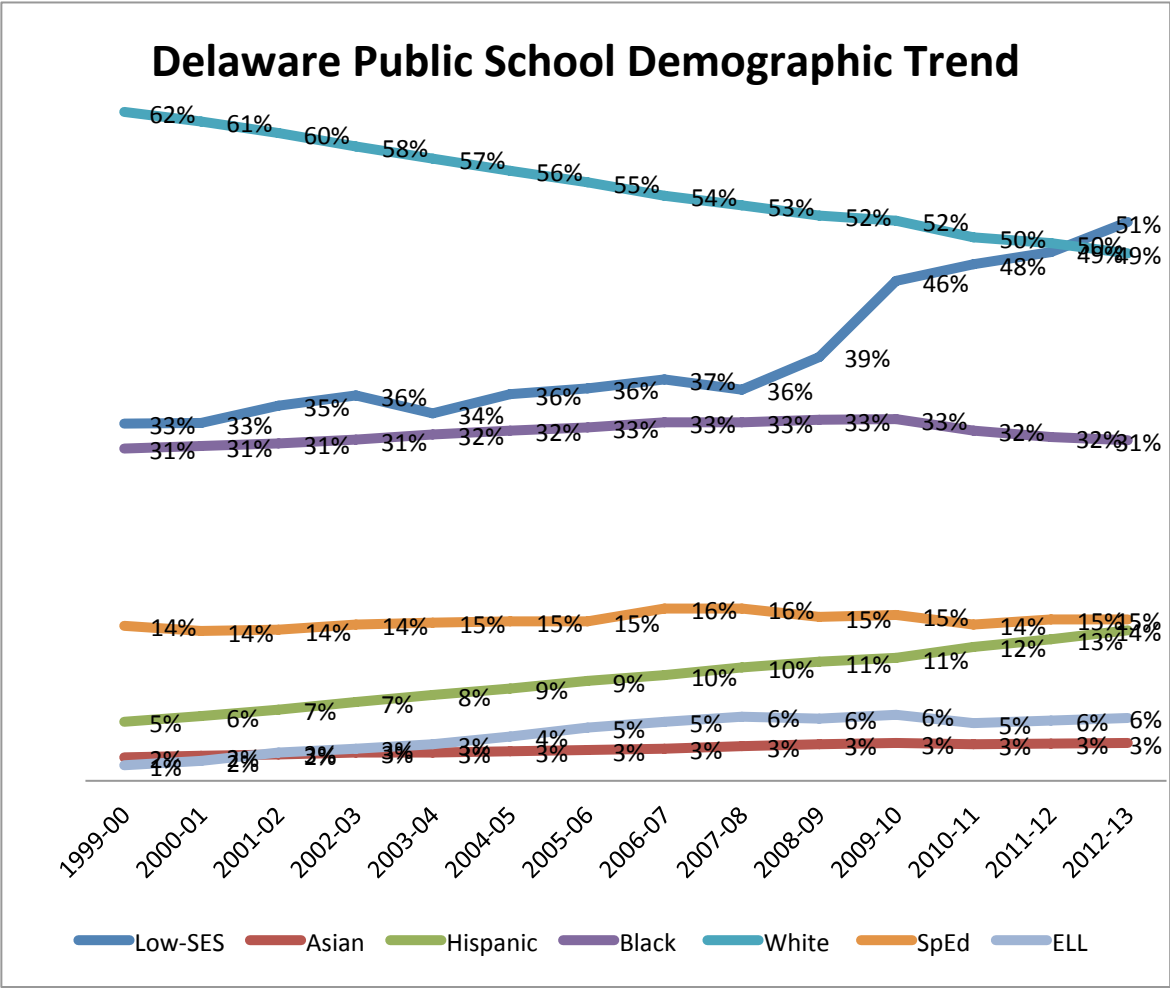


Figure 7 Demographic Trends in Delaware Public Schools by Income, Race, ELL & SPED Status

²¹ This is reflected across all three of Delaware’s counties, though it is most pronounced in New Castle County (see *Appendix D*).

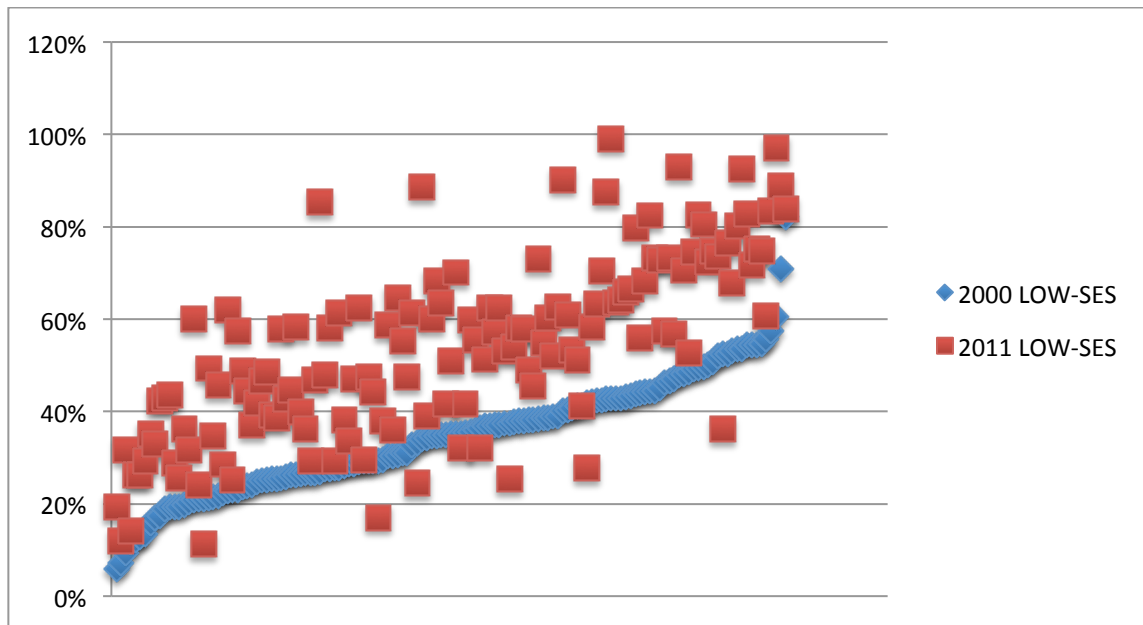


Figure 8 Low-SES Concentration in Delaware Public Schools, 2000 & 2011

Table 2 Composition of Public Schools in Delaware by Socioeconomic Status, 2000 & 2013

SES Concentration		
	2000	2013
Concentrated Affluence	6.3	2.1
Low Poverty	33.3	7.4
Low-Moderate Poverty	39.6	14.7
High-Moderate Poverty	18.1	22.6
High Poverty	2.1	24.7
Concentrated Poverty	.7	20.0
Extreme Concentrated Poverty	.0	8.4

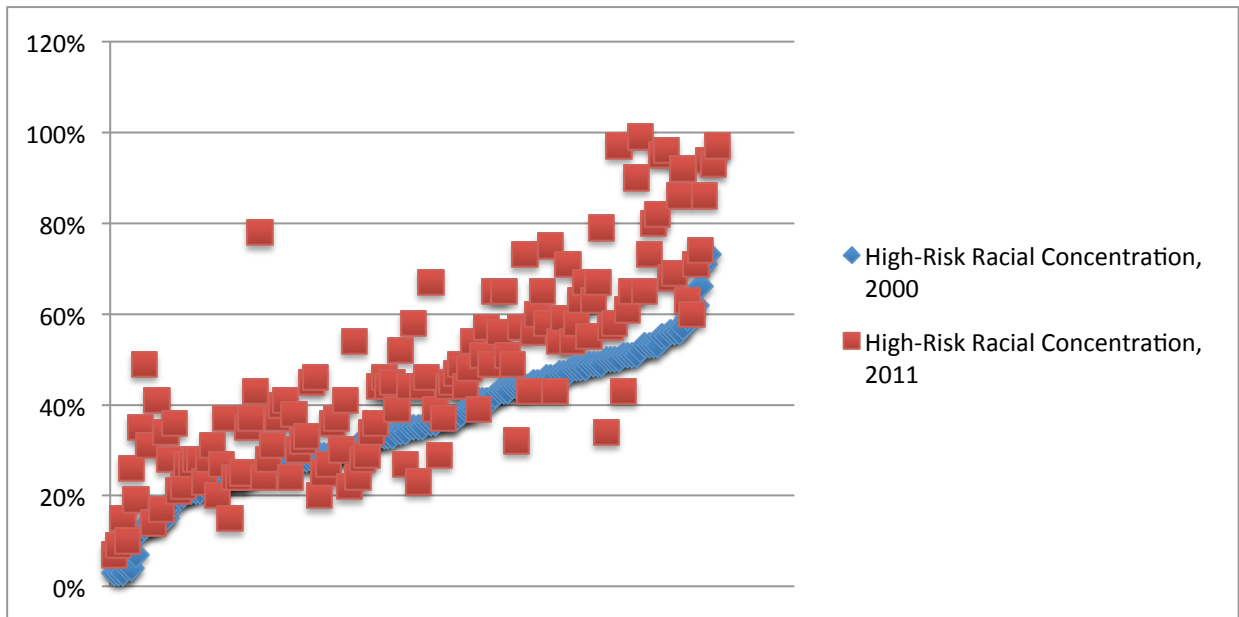


Figure 9 High-risk Racial Concentration in Delaware Public Schools, 2000 & 2011

Table 3 Composition of Public Schools in Delaware by High-Risk Racial Concentration, 2000 & 2013

HR Racial Concentration		
	2000	2013
Low, <25%	22.2	17.3
Low-Moderate, 25-50%	63.9	42.9
High-Moderate, 50-75%	12.5	24.6
High, >75%	1.4	15.2

Performance Trends in Delaware Public Schools

The statewide trends in NAEP performance show positive gains in the past twenty years for most student subgroups, but trends across subgroups seem to mirror each other in a way that suggests achievement outcomes may be more aligned with changes in testing formats than actual student performance gains²².

When looking only at gaps between Delaware's low-risk and high-risk subgroups, rather than subgroup averages, the picture of progress changes. Contradicting results on the state-administered Delaware State Testing Program (DSTP) testing to some extent²³, the gap appears to widen for low-income (Figure 10) black (Figure 11) and ELL (Figure 12) students. Gaps for special education (Figure 13) and Hispanic (Figure 11) students show improvements, decreasing in recent years after periods of gap widening in the middle of the time period observed which (with the exception of the shorter period for ELL students) covers the entire span of choice.

Despite reports hailing Delaware's progress improving student growth, especially for its most struggling learners²⁴, this representation shows Delaware's progress with the disadvantaged, according to NAEP achievement data, has been spotty at best. At worst, it would seem that after early reductions

²² See ***Appendix E*** for complete NAEP averages by student subgroup from 1989-2013.

²³ See ***Appendix F*** for complete DSTP averages by student subgroup from 1999-2010.

²⁴ See more on Delaware's positive achievement gains in Hanushek, E. A., Peterson, P. E., & Ludger, W. (2012). *Achievement Growth: International and U.S. state trends in Student Performance*. Harvard Kennedy School, Taubman Center for State and Local Government. Harvard's Program on Education Policy and Governance & Education Next.

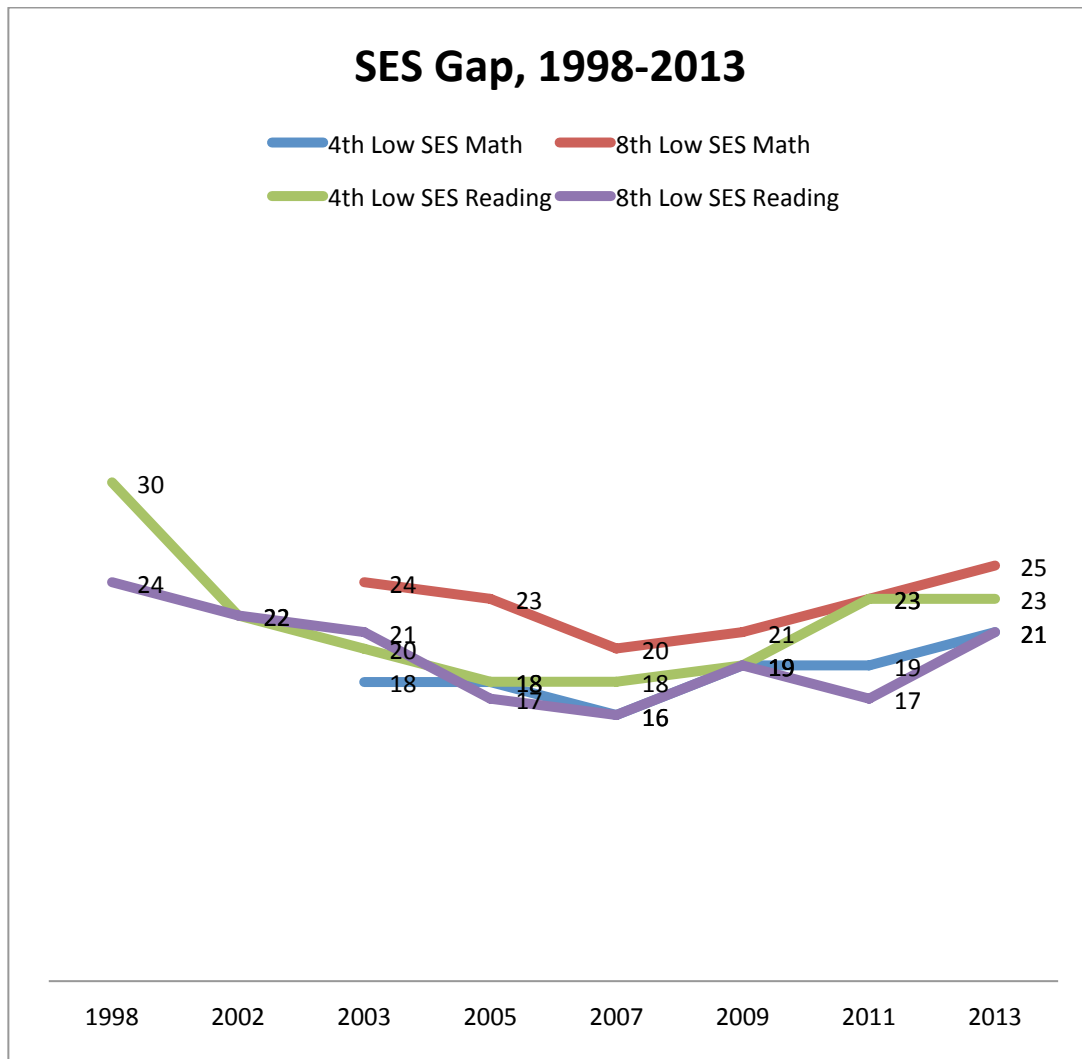


Figure 10 SES Achievement Gap, 1998-2013

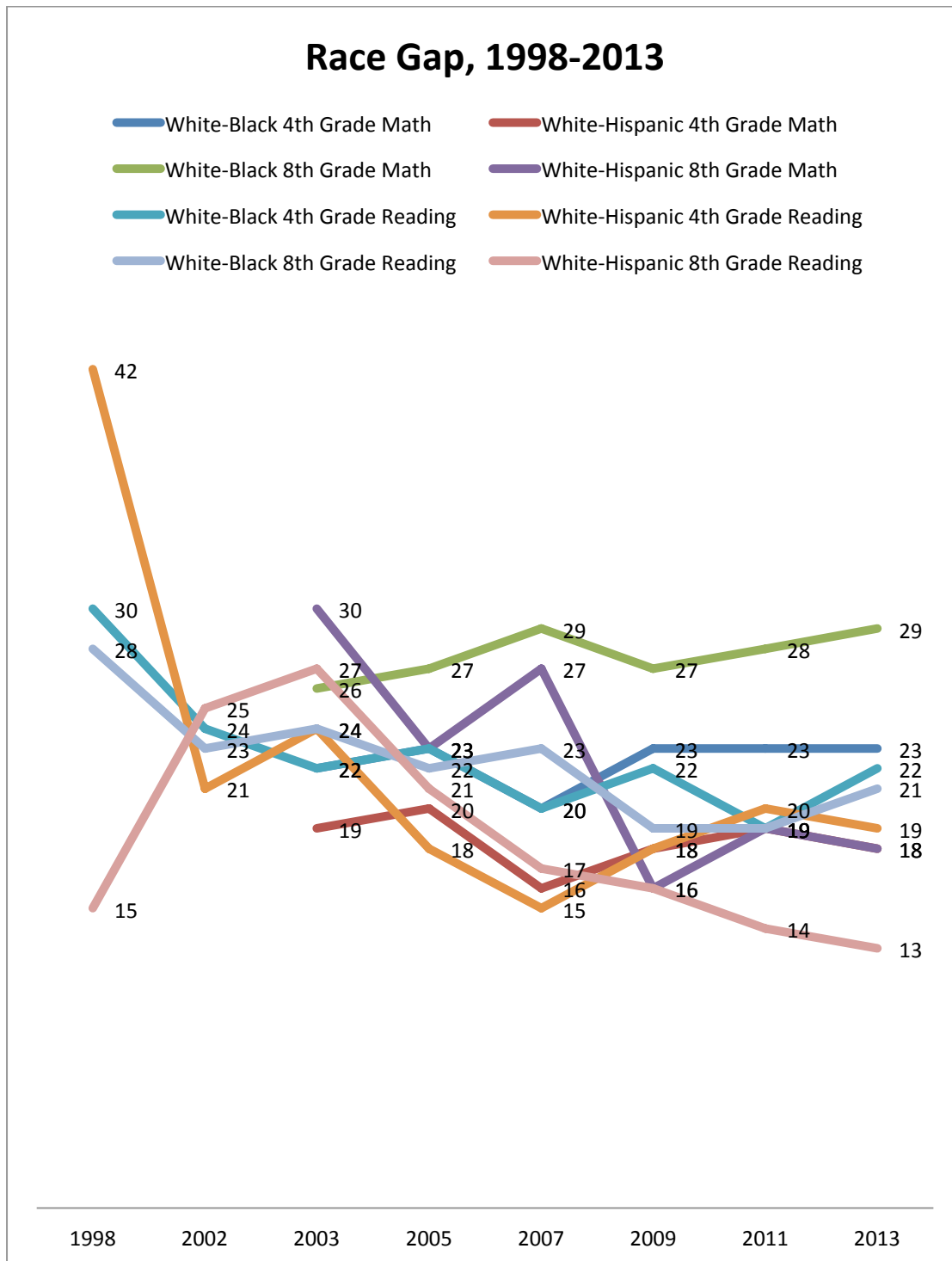


Figure 11 Racial Achievement Gap, 1998-2013

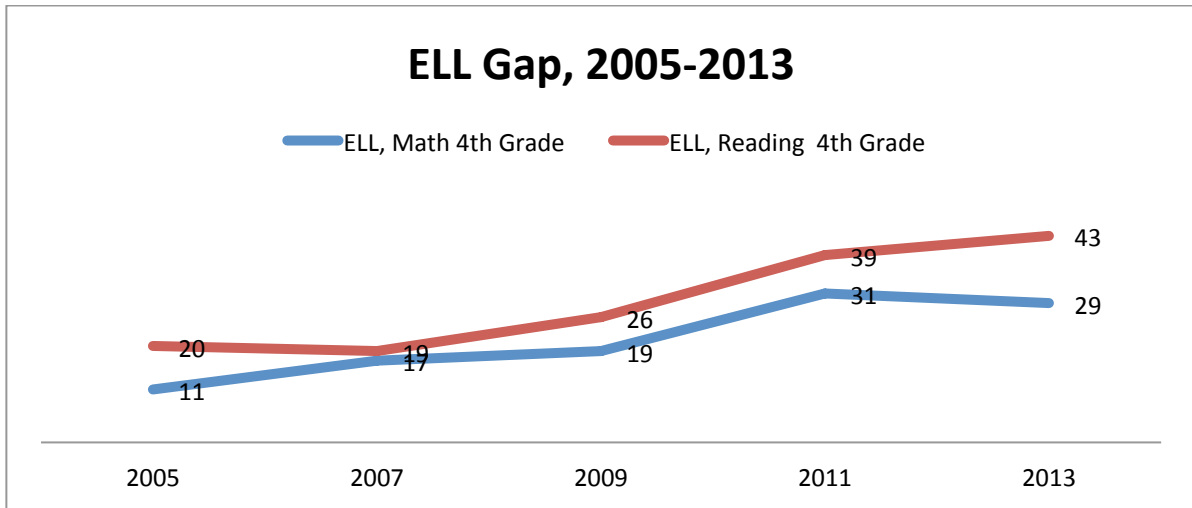


Figure 12 ELL Achievement Gap, 2005-2013

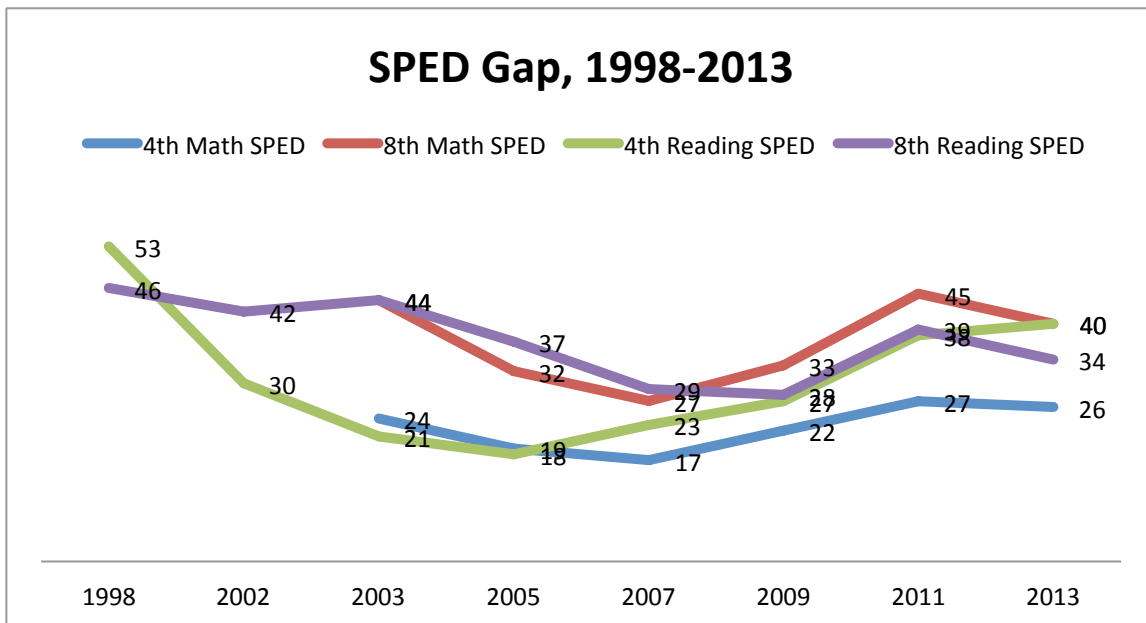


Figure 13 SPED Achievement Gap, 1998-2013

in the gap, there was a turning point at which gaps began to widen again. There is nothing in this level of observation that could attribute such trends, positive or negative, to a causal relationship between these mechanisms and achievement gaps. It does however provide evidence that those mechanisms alone were not sufficient to effect the change necessary to mitigate those gaps, as had been hoped.

Risk & Access Trends in Delaware Public Schools

Statewide, the outlook appears good for the overall impact of school choice mechanisms in proliferating lower risk school environments for Delaware students overall (Table 4). The number of low-risk (as indicated by average proficiency levels on state designed and administered standardized tests) has increased significantly, a 16.1% increase since 2000. The number of schools achieving only moderate levels of success on such tests has declined by 10.3%. Of a lesser magnitude, but still impressive, is the decline in number of high-risk school environments, by 5.8%. These positive shifts are reflected when risk levels are examined more closely by tested grade levels shared across the two points (3,5,8,10), which shows improvements across the board, except for the youngest learners, who are more frequently experiencing high-risk environments in the elementary years, third and fifth grades (Tables 5-6). The reversal

Table 4 Statewide Percentage of High-Risk Public School Environments by Proficiency

Risk by Proficiency, Percentage		
	2000	2013
Low	31.4	47.5
Moderate	50.0	39.7
High	18.6	12.8

Table 5 Statewide Risk by Proficiency & Tested Grade, 2000

2000		Grade				Total
		3	5	8	10	
Risk by Proficiency	Low	69 (49.3%)	27 (30.0%)	11 (17.2%)	4 (6.7%)	111
	Moderate	69 (49.3%)	59 (65.6%)	27 (42.2%)	22 (36.7%)	177
	High	2 (1.4%)	4 (4.4%)	26 (40.6%)	34 (56.7%)	66
Total		140	90	64	60	354

Table 6 Statewide Risk by Proficiency & Tested Grade, 2013

2013		Grade				Total
		3.0	5.0	8.0	10.0	
Risk by Proficiency	Low	102 (47.4%)	100 (50.5%)	50 (50.0%)	27 (36.4%)	279
	Moderate	80 (37.2%)	73 (36.9%)	39 (39.0%)	41 (56.8%)	233
	High	33 (15.3%)	25 (12.6%)	11 (11%)	6 (8.1%)	75
Total		215	198	100	74	587

of the share of high-risk (once a very high share, now a very low one) versus low-risk secondary environments (once low, now high) reveals that the second act of public education appears somewhat less risky for Delaware's students, but makes one wonder about the consequences to advancement posed by environments of concentrated risk for Delaware students in their earliest years of formal education²⁵. Again, on the county level, this distribution of risk environments holds mostly true with the notable exception of New Castle County's metropolitan districts (and to a lesser extent Sussex County's schools), where the share of students on high-risk environments has barely decreased since the advent of choice, and what has changed is primarily a rise in the number of 3rd and 5th graders in such environments²⁶.

Acknowledging the significant changes in the demographic composition of Delaware's public school enrollment, patterns of choice utilization and positive changes in the share of risky schools across the landscape, we can compare to what extent school risk level and student risk profile have corresponded, both before and after choice policy was implemented. Prior to the passage of school choice policy, Delaware's landscape was typified by a middling school profile, most students found themselves in school environments of moderate concentrations of poverty and high-risk racial subgroups and similarly moderate proficiency level (Table 7). The post-choice landscape looks significantly different, with students in regular schools split largely

²⁵ Assessed skills at the elementary level have been linked to student outcomes later on. Hernandez, D. J. (2011). Double jeopardy: How third-grade reading skills and poverty influence high school graduation. Annie E. Casey Foundation.

²⁶ See *Appendix G* for a breakdown of school environments by grade, proficiency risk level and county.

Table 7 Statewide Access Summary by Tested Grade, 2000

Access Summary, 2000				Type		
				Magnet	Regular	Vocational
SES Risk Level	Low	Risk by Proficiency	Low	7	45	0
			Moderate	1	38	4
			High	2	29	4
	Mod	Risk by Proficiency	Low	0	59	0
			Moderate	0	126	0
			High	0	27	2
	High	Risk by Proficiency	Low	0	0	0
			Moderate	0	8	0
			High	0	2	0
HR Racial Conc, 2000	Low, <25%	Risk by Proficiency	Low	5	38	0
			Moderate	1	26	3
			High	0	10	3
	Low-Mod, 25-50%	Risk by Proficiency	Low	2	64	0
			Moderate	0	113	1
			High	2	41	1
	High-Mod, 50-75%	Risk by Proficiency	Low	0	2	0
			Moderate	0	30	0
			High	0	6	2
	High, >75%	Risk by Proficiency	Low	0	0	0
			Moderate	0	3	0
			High	0	1	0

Table 8 Statewide Access Summary by Tested Grade, 2013

Access Summary, 2013				Type			
				Charter	Magnet	Regular	Vo-Tech
SES Risk Level	Low	Risk by Proficiency	Low	21	4	33	2
			Moderate	1	0	1	0
			High	0	0	0	0
	Mod	Risk by Proficiency	Low	2	3	116	6
			Moderate	14	0	56	0
			High	10	0	0	0
	High	Risk by Proficiency	Low	11	0	75	2
			Moderate	19	0	140	2
			High	15	0	48	0
HR Racial Conc.	Low, <25%	Risk by Proficiency	Low	21	4	67	2
			Moderate	3	0	12	0
			High	2	0	2	0
	Low-Mod, 25-50%	Risk by Proficiency	Low	1	3	126	6
			Moderate	12	0	80	0
			High	7	0	1	0
	High-Mod, 50-75%	Risk by Proficiency	Low	1	0	32	0
			Moderate	2	0	77	2
			High	3	0	14	0
	High	Risk by Proficiency	Low	11	0	3	2
			Moderate	17	0	28	0
			High	13	0	33	0

between moderate and high poverty school environments with largely moderate to above average proficiency levels, students in charters skewing towards higher risk environments (Table 8). High-risk student populations see a wide variety of risk environments in terms of outcomes (except for magnet schools - none of which features such a population), but the represented charter and vocational school environments do show a slightly greater likelihood of lowering the risk for concentrations of high-risk racial subgroups than their regular district counterparts, and poor students to a lesser extent (though charter schools actually appear less favorable in delivering such results for lower-risk concentrations than magnet, regular and vocational environments). Essentially, proliferation of options of a low to moderate risk nature is less common for schools with concentrations of students of a disadvantaged profile, while the higher-risk environments is almost exclusively an issue for them.

Throughout each child's progress through the system, many opportunities may present themselves and be seized or missed for any of a number of reasons – and the community remains divided on the extent to which the system itself is responsible for recognizing and removing barriers to access, or whether that responsibility falls outside its purview.

But even as lower-risk educational environments become more common, and exist within schools of a variety of demographic risk profiles, seats in such environments are limited and appear likely to go to the comparably advantaged. The failure to align more high-risk students with lower risk school environments in which they are able to attain higher levels of proficiency and other benefits, is more than a moral drawback of current policy. It is a dangerous and inefficient status quo to maintain in the face of clear projections for the future composition of public school

enrollment, in which an increasing number of students will look like those currently less well served by persistent duality (now even further fractured, often for the neediest students) of the school system. It highlights the inattention of current policy to emerging issues of access to opportunity both among and within Delaware's schools.

Chapter 3

THE FUTURE OF SCHOOL CHOICE IN DELAWARE

Literature Review

Today, 20 years after school choice became statewide practice, pockets of both radical change and stubborn stagnation have characterized the landscape of public schooling. In discussing outcomes seen during the implementation of the policy²⁷, however, it will be important to better define the several dimensions that concerned its supporters and detractors alike, as well as to imagine whether there might be gaps in each of these frames that could be filled with some new benchmarks for which the system could strive. Voices on all sides of the debate have proclaimed fairness for all students as part or whole of their objective in clamoring for or against shifts that school choice has represented, but they present and pursue it in different ways.

Since the concept began to gain steam in the 1980s, after nearly 30 years of brewing from Milton Friedman's initial suggestion, school choice has almost always been presented hand in hand with a promise of equity that the public school system struggled to deliver. The literature supporting school choice emphasizes the monopolistic nature of education as it developed in the early 20th century, as it went from a fragmented, decentralized and uneven system of community based opportunities, to one with a stronger bureaucracy that still seemed far from delivering

²⁷ Demographic composition, overall school performance, individual school risk levels and access to high quality environments (as explored in the Chapter 2).

on the more universal opportunities it claimed capable of providing. This distanced communities from having a stronger say over operations such as instructional practices, curriculum and atmosphere within school walls. Separating these practices from the “bureaucratic hierarchy” and supposedly self-preserving tendencies of the employees answering to the bureaucracies before the community (that is, teachers’ unions and central district and state administrations) appears as strong a principle and goal included in the writings of many advocates of school choice as the end goal of high quality across the landscape (Chubb & Moe, 1990; Cleveland, 1995; Hill & Jochim, 2009; Mather, 1995; Mintrom, 1997; Sugarman, 1991).

But in Delaware, the intention of choice and charter law as enshrined in code tells us that its goal is to “*increase access to educational opportunity for all children* throughout the State regardless of where they may live” and to “create an alternative to traditional public schools...and *improve public education overall*...particularly the obligation to meet measurable standards of student performance” (School Enrollment Choice Act, 1995; Charter School Act, 1995). Prior to any closer look at policy implementation, it is important to better define the terms of these goals, and to what extent they are supported by the broader literature on school choice, in an effort to understand if and to what extent they are being met.

Access versus Opportunity: The Market Model

Opportunity is the most basic concept in that it simply demands that options exist in the world that can be taken advantage of, without regard to the limitation or fairness of their distribution. For some proponents of choice, that is enough – that a range of opportunities from “bad” to “good” have always existed in the realm of

schooling and those who are deserving of the spoils of high quality education are those who are able to identify and pursue these limited opportunities most vigorously (Forster, 2013). But from an economic perspective, the literature supports the notion that because education is not a purely private good, as its proper execution has real potential for public benefit or harm (Levin, 2009). Choice critics have tended to seek the assurance that quality in education is made as widely and fairly available as possible, more a vision of programming universally available and each school equipped to serve a wide variety of needs and interests in every building – the comprehensive school (Henig, 1994). For the purpose of this thesis, opportunity in school choice has been defined as an educational environment that is notably beneficial in its impact on student economic participation and success.

Access to the best opportunities does not go much further in a deregulated choice environment, its detractors observing that access is too reliant on the actors ability to educate themselves on opportunities and have the necessary resources to act, all of which assume personal characteristics not necessarily shared by all citizens, and favoring those more with the social capital to attain more prime opportunities (Gordon, 2008). But market-oriented choice supporters accept this responsibility of each private actor – a student or their family – the presumption being that all actors would certainly seek optimal opportunities with such force that the system would be obliged to meet that demand and therefore improve in all cases where it was not available, wholly eliminating the existence of undesirable, “bad” choices for which there would be no demand – all opportunities would be “good”, if differing widely (Lubienski, 2008). This market orientation and its promise of righting the ship of public education and meeting the mixed nature of education as both private and public good is widely cited

as the primary justification for school choice policies (Berends & Zottola, 2009; Levin, 2009). For the purposes of this thesis, access has to do with students' ability to participate in educational opportunity as previously defined.

Inhibition of student access to widely desired opportunities is then laid less at the feet of the gatekeepers of access to what opportunities exist (successful schools and the local education agencies, or LEAs, that oversee them below the state level, such as school districts or charters) and more at the feet of the potential producers of better opportunities, would-be authorizers of programs that satisfy school choice-makers and produce results that are pleasing to both selectors and monitors: state education agencies (SEAs) and authorizing LEAs (Forster, 2013). Not as inclined to believe in the potential for unlimited excellent outcomes, advocates for some restriction of choice see a pure market system as destined to hoard opportunities for favorable outcomes among the more advantaged, compounding disadvantage among those less able to secure such access (Henig, 1994).

Equity versus Equality.

The concept of attaining equity in education is less clear. But it has long been discussed in educational conversations and, after the silence of recent years – in part because the fate of demographically-driven approaches to student assignment, seeming to have been decided, has once again come to the forefront of civil rights discussions of educational opportunity (Wells, 2014). “Equity” is now coming into vogue in the place of the concept of equality, though still often confused with it. When it comes to equality have come to argue that in the current educational system, the supposedly equivalent provisions of resources often arrive to the children in vastly unequal forms

(Baker, Sciarra, & Farrie, 2010). Moving from equality toward equity has been portrayed in the literature as a crucial recognition that disadvantaged students arrive at school with their educational foundations filled to different degrees and in different ways, and that an equitable (rather than equal) school system would be in a better position to respond to this difference in a way that would build on their foundations as solidly as it does for those advantaged students who typically thrive in the system, and reduce the failure risk for disadvantaged students within it (Cookson, 1994).

The integration and inclusion of students throughout the 1970s and 1980s increased the appearance of access to equal opportunities across the landscape of public schooling, but was fraught with challenges for these disadvantaged students, who found themselves marginalized even in better-resourced schools, with less access to opportunities despite their proximity to them (Ware M. , 1999). Therefore, though equality of outcomes has been minimized, due to variety in educational interest and ability that individual students display, it remains a goal when evaluating opportunities presumed to be less likely to leave disadvantaged students marginalized at the conclusion of their public education experience. Further, equity in access to these more favorable educational opportunities has become a focal point as the impression has grown that increasing segregation across schools is less about choice than denial of access for certain disadvantaged populations, due to school climate concerns, such as disruptive classroom behavior and bullying (Roda & Wells, 2013).

One of the difficulties in claiming inequity in access is the fact that schools are becoming decreasingly “common” – the “monopolistic” universality of school offerings as a feature of public schooling has fallen out of favor with the rise of choice and increasingly, out of practice. Schools are not only working to distinguish themselves in

terms of the offerings and practical resources available in their buildings, the public seeks out such distinction, not just in outcomes, but in specialization of pedagogical approach or access to certain materials or equipment. This was evident prior to a universal school choice policy as vocational-technical schools gained in popularity throughout the 1980s. One of the consistent goals of choice has been to encourage schools to further distinguish themselves from one another in an effort to more deeply engage parents as well as students, in the process of education (du Pont P., 1995; Manning, 2010).

There is a wisdom among supporters of school choice policy, that it is an opportunity for traditionally higher risk and underserved students to gain access to more desirable opportunities, and that practices inherent in school assignment policy prior to the existence of schools choice practices such as magnet schools, intra and inter district choice and charter schools already established a stratified system of schools which denied higher risk students access to lower risk school opportunities that might offer a better chance at improved life outcomes. This conception of the potential of school choice as a vehicle not only for community satisfaction with the public school system, but also for enhanced equity within that system (almost always the two sides of the coin presented by the supporters of the policy at its inception in Delaware), has been dubbed “the liberation model” (Archbald, 2004). In many districts that have begun the operation of school choice, equity and composition remained a consideration, even as choice for student and family rose to the forefront of school assignment policy. But the process required to participate in school choice has itself become a target for criticism as less a tool for liberation from the constraints of high-risk schools, than to a means to further reinforce of social stratification in which the vast majority of higher

risk students will attend non-specialized, lower-performing schools. There it is assumed they will at least be guaranteed certain support services and, in the case of assigned schools, they must be retained regardless of their ability to meet academic and behavioral standards (Ravitch, 2010).

For critics of choice policy and in particular the brand of choice mechanisms which seek to avoid regulation and centralization, the blind spot of the policy is the failure to acknowledge and address the role of the social capital of individuals and its impact on effective agency in accessing opportunity and the link demonstrated between parent education level (a strong indicator of student likelihood to excel) and school choice making for “superior” choice options, such as higher performing magnets and charter schools (Lubienski, 2008; Berends & Zottola, 2009). Evidence has shown the trend that better resourced and educated parents, when given the choice, are likely to make choices that re-segregate schools and, through their educated decision-making and savvy, have the potential to effectively hoard relatively limited, optimal opportunities, despite the promise of the market model to proliferate them. By virtue of their congregation in certain buildings, the cumulative achievement levels of their children skew the quality indicators in favor of the schools in which they congregate. This becomes a vicious cycle in which the perception of extremely high achieving schools and low-achieving schools may actually mask stagnant achievement gains overall, even as it makes more clear which students are less proficient in terms of meeting academic benchmarks (Archbald, 2004). This concentration of individuals with low social capital in certain schools may also actually depress the ability of those environments to mitigate the inherent risk factors of their populations to achieve climate and performance improvements (Lee & Bowen, 2006).

Accountability & Risk

The idea of risk in the educational system appears a double-edged sword. The commonly accepted definition of an at-risk student is one whom accident of social circumstance has placed disproportionate risk of poor outcomes in the educational system and the economy beyond. Yet in observations regarding advocacy in the system, it has been rare to see individuals demographically representative of these groups in key advocacy roles, or by and large attaining opportunities which are themselves of a lower-risk nature. The essence of choice supporters' argument was that the satisfaction of such groups ought to be enough to meet the requirements of systemic choice-making, and yet the simultaneous push for test-based accountability has created a separate, State-driven track of assessment of what constitutes a "satisfactory" learning environment, and the two paths do not always converge.

Concerns arose early on as to whether achievement outcomes are correlated with high quality educational inputs²⁸, as well as to what degree optimal inputs and outcomes are limited, and why (Henig, 1994). Accountability for such outcomes was almost universally promoted as a critical component of making choice work – extending the rationale for each school's existence beyond community participation to each school's ability to meet benchmarks set centrally. This propensity to judge and control the quality of opportunities through its outcomes (versus allowing families to be the sole judge of educational adequacy through their choice-making) has been

²⁸ Such measures include teacher experience, absenteeism, certification, and guidance counselor access. See: USDOE OCR. (2014). *Civil Rights Data Collection: Data Snapshot (Teacher Equity)*.

increasingly subject to debate, as the definition of quality opportunities has become tied to federally defined standards of achievement.

The perception of risk as defined by outcomes has been pervasive, however, since the 1983 report, which put it front and titular center to its concerns. Risk has come to be defined not only through the characteristics of individual students, but through the cumulative presence of their risk on the school – or classroom - level, and the risk this poses to them as high-risk students, and to low-risk students as well, in their pursuit of improved educational and life outcomes. Accountability, in its many forms, has come to offer evidence of the realization of these feared risks, and a red flag for those who wish to better perceive or to avoid them (Kimelberg & Billingham, 2013). Supporters of choice indicate a fundamental right for families to choose to avoid whatever risks they wish, while adversaries have expressed concern – which the Delaware data supports - that those able to choose are so much more frequently students of a low-risk profile that an uncontrolled choice process leaves high-risk students concentrated in particular schools, increasing their risk exponentially through this relative isolation. Given current practices, lower to moderate risk schools are a better opportunity for higher risk students to attain better outcomes than are higher risk schools, but there remains consternation about the obligation or consequences for lower-risk students to submit themselves to school environments that are anything less than low-risk in profile, due to the inclusion of high-risk student subgroups. Further, there are pitfalls in those low-risk environments for high-risk student subgroups as they discover a relative absence of support for their socio-emotional needs, with increased incidence of negative factors such as low academic tracking and disproportionate disciplinary actions brought against them (Welner, 2001). This creates a two-way path

of obstacles to decreasing the number of high-risk schools for the high-risk students the system struggles to advance, despite the necessity to do so as the number of environments of concentrated, high-risk populations rises.

Conflicting Outcomes for Delaware.

In recent decades, Delaware has drawn attention for its implementation of school choice and a range of federally supported school improvement reforms, trendsetting in this arena just as it did in its previously notable actions on school desegregation. Where the latter focused on social composition of schools, the most recent reforms have eschewed that approach entirely and been markedly more oriented towards student achievement as indicated by standardized test scores, whether those administered through the state or at nationally and internationally normed levels. The current literature on the Delaware school system is often reflective of its movement away from its groundbreaking desegregation efforts, its early and vigorous commitment to choice-oriented reform techniques, or the interaction of the two (Glenn, 2011; Niemeyer, Ayscue, Kuscera, Orfield, & Siegel-Hawley, 2014).

The goal of choice in Delaware has been shown as intending to spur all schools to improve through competition and to enable students of all backgrounds more opportunity to find themselves in the most suitable and desirable educational environment in which they can reach their full potential, academically or vocationally. In the wake of the controversial era of forced busing to achieve racial integration, law subsequent to the enactment of school choice has been explicit in its denial of racial demographic composition of schools to be considered in student assignment policy or complication of behavioral incentives for participants and managers alike. Traditionally

disadvantaged students have found themselves persistently disadvantaged in terms of the educational environments they access, more notably today than in year prior to the passage of choice and charter law. The policies and practices of the past twenty years, whether directly or indirectly related to school choice, have left room for implementation improvements.

Boots on the Ground: Implementation Success & Failures

The landscape of schools that has emerged in Delaware during the era of school choice, as well as other policies and behaviors inspired by them, is complex. Overall, Delaware students are seeing gradually improving achievement and more opportunities. But for disadvantaged students (particularly in metropolitan New Castle County districts), access to such opportunities is mixed – favoring the already advantaged and leaving them more likely to learn in riskier environments than before. If Delaware lawmakers and administrators intend to continue on the path of school choice – and with a quarter of public school enrollees utilizing choice, to do otherwise seems unlikely - they must commit to realizing the promise of the policy for the most vulnerable of Delaware’s students, who are currently disadvantaged by its need-blind nature.

Purpose of Delaware school choice policies.

As has been demonstrated in the initial chapters here, the overall purpose of school choice policy was straightforward in its intent to empower parents and students to be selective about the school environments and methods through which students would be educated. This was purported to offer improvement upon the obligation to

attend a school based upon student assignment patterns determined by local education agencies (LEAs), or to be subject to the regulations and policies of those agencies, the bureaucracies of which were proclaimed as the primary source of declining excellence (du Pont P. S., 1992). The effect intended by the architects of the policy was not just an improvement in parent and student engagement with public education, but a reduction in the number of lower performing schools and improved achievement outcomes compared not just to Delaware's past but also to other U.S. states, against which it felt it had lost ground in prior decades. Part of the promise of the policy was for individuals to gain greater ownership over the communities and values of their schools, which they promised would deliver better outcomes even for persistently underachieving demographic subgroups and surely lead to the closure of gaps in those achievement outcomes, signaling a better guarantee of future economic participation for these individuals and their communities.

Responsibility for Delaware school choice policy implementation.

School choice policy is multifaceted, encompassing several types and means of “choice”, and there are a range of parties responsible for its effective implementation, which itself can be characterized as multifaceted. The types of school choice options that have evolved in Delaware – regular and magnet schools in districts, vocational, charters – which are subject to similar guidelines for enacting several key dimensions of effective implementation of school choice:

- Quality: Ensuring no “bad” choices exist, according to academic standards
- Information: Enabling all choice–agents to make informed decisions.

- Admission: Policy for assignment of students to oversubscribed programs/schools

Responsibility for the successful implementation of these processes falls largely to the LEAs themselves, with some support and responsibilities on the school level, and some requirements and guidance from the state level in each of these areas, as defined in Delaware Code.

The Delaware Department of Education is ultimately responsible for the assurance of quality in all schools; most directly in its authorizing role over charter schools, where it has the power to close those that are underperforming or under-subscribed. Closure of district schools, once solely the purview of their LEAs has moved within the purview of SEA authority, given these powers through RTTT/ESEA waiver to restructure low performing, high-risk schools.

Gaps in school choice policy implementation toward stated purpose.

The overall gains in Delaware have risen the state to the top of the pack in terms of gains-making for low-achieving students, but has yet to elevate Delaware beyond middling in overall proficiency outcomes, bringing below average performance up to these levels, when compared to nationwide averages. This is a location at which the state has remained stuck, and seems to be hesitating to find a foothold to advance further, as these gains appear slower to come to Delaware's disadvantaged populations in comparison with nationwide gains²⁹, similar to the barriers faced in accessing choice opportunities.

²⁹ National Assessment of Educational Progress (NAEP) State comparisons:
<http://nces.ed.gov/nationsreportcard/statecomparisons/>

As exhibited in prior chapters, the proliferation of schools-of-choice was intended to increase the share of viable educational environments according to achievement outcomes. That has been the case, but the decreasing number of low-performing schools has become the increasing domain of concentrated populations of students from already-disadvantaged backgrounds: black/Hispanic, special education and ELL students – a compositional phenomenon that hardly occurred prior to the mid-1990s period of significant policy shift towards competitive and colorblind student assignment. Despite some interest from critics of the early policy, such as the Delaware PTA and a handful of legislators at the time, no provision was made to require (or prohibit) adherence to any type of compositional balance in schools (DE 138th General Assembly, 1995). Subsequent education policy would fuel segregative consequences toward this end, however, when it did specifically prohibit racial composition considerations in student assignment policy (DE 140th General Assembly, 2000).

The Neighborhood Schools Act required that LEAs structure their assignment practices in ways that were specifically blind to racial composition, reverting to student assignment patterns that were reflective of prior and continuing³⁰ housing segregation. Meanwhile elsewhere, to accommodate this national trend towards color-blindness, other dimensions of diversity were being considered, such as family income, education level and community of student provenance (Bifulco, Ladd, & Ross, 2008). But Delaware did not pursue these. This lack of consideration of internal and external

³⁰ For further information on persistent housing segregation impacting high-risk populations such as African Americans in Delaware, see: Ware, L. & Peuquet, S. (2003) *Delaware Analysis of Impediments to Fair Housing Choice*. University of Delaware.

barriers likely contributed to deepening unevenness in primary education, further exacerbating achievement gaps on the elementary level. It is not difficult, then, to imagine the impact of this trend on access to secondary opportunities as an ever-higher threshold for the average non-affluent, higher risk student and family to meet.

No Child Left Behind was effective in showcasing the unevenness in educational delivery along demographic lines, but acted against its own intention by creating a warped incentive for career teachers to avoid serving the most needy students. For schools of choice - whose existence was tied even more strongly to achievement outcomes for their organizational survival than district schools, as are charters - this has been shown in case studies to lead to the avoidance of admitting traditionally harder to serve students (Bordelon, 2010). While this has drawn that imbalance to public perception as a crisis, it has been largely interpreted through a lens of relative advantage – raising awareness of risks to be avoided rather than generating popular momentum to support remedies that might decrease risk in the system overall. The Race to the Top grants, would incentivize some prescribed remedies tied to this funding, beginning in 2009, to adjust school structure and practice to address these issues. But the increase of high-risk environments among elementary learners reveals that a loosely defined system of open enrollment among public schools alone may have made the equitable distribution of outcome gains more difficult to achieve through open enrollment alone.

The evident inability of unregulated school choice to address persistent gaps in low-risk student access to lower-risk educational environments is exhibited in several areas, which are largely controlled on the LEA level, currently, which is subject to the directives of the Delaware Department of Education and State Board of Education.

Gap #1: Physical Access.

Prior to its passage, a major concern of the Delaware's Parent Teacher Association (PTA) was the inability of less-resourced families to physically reach all of the schools and programs that might become available through open enrollment choice and charter law. Then-PTA President Jeannette Krause spoke frequently at committee meetings and hearing on the issue as exclusionary, effectively limiting "choice" to the more privileged (DE 138th General Assembly, 1995). The law, as it currently stands, requires students who wish to be transported by bus be brought to the nearest regular bus stop within a school's existing route. Ultimately, choice law was amended to enable choice-making families to apply to be reimbursed for the cost of transportation between their home and the nearest bus stop, somewhat in the manner that families with children enrolled in private schools may be reimbursed for a similar purpose. In 2010, however, the cost of choice transportation reimbursements led the legislature, who oversaw this support service expenditure, to cut this program though it was reportedly well utilized³¹.

The state funds the transportation needs of its differing LEA types with some differentiation. Regular district schools receive funding to transport general education students to their assigned schools. Special education students are transported similarly, though at greater expense due to equipment and greater distances to specialized programs. Homeless students are also entitled to transportation services that are provided despite frequent mobility, to enable these students to remain at stable school

³¹ According to Delaware Department of Education Support Services.

assignments. Vocational schools also receive larger transportation allowances due the all-choice, countywide scope of each vocational district, and spend more per pupil as a result. Dedicated magnet schools, of which there are only a few statewide, receive state funding above what is rendered to the district non-magnet schools and students, in order to provide transportation for accepted students throughout their entire home district (a wider range than a typical school assignment zone) to which their transportation patterns are limited. Charter schools receive transportation funding at 70% of what vocational schools receive and may determine their own busing patterns as deemed necessary and appropriate. Similar to vocational schools in the openness of their attendance catchment's geographic boundaries, this has been a rapidly rising cost.

Under NCLB, schools that were persistently underperforming³² were required to relinquish some of their federal Title I funding to enable families the option of choosing a higher performing school, with that funding dedicated to supporting that effort. Delaware has one of the higher rates of utilization of these services, but as of the 2011-12 school year that amounted to a surprisingly small 1.9% - 461 of 24,092 eligible students³³.

Transportation is likely to be a deciding factor for many families who lack stable, or any, transportation options to reach schools beyond their immediate neighborhood or those schools to which their students are assigned and therefore, to and from which they

³² Defined through NCLB as not making “adequate yearly progress” toward universal proficiency; alternately defined if the state education agency has taken an ESEA waiver.

³³ Taken from EDFacts/Consolidated State Performance Report, 2011-12:
<http://www2.ed.gov/admins/lead/account/consolidated/index.html>

are provided the most convenient transportation. The provision of transportation for charter students or for those who are able to clear higher hurdles of admission (and maintain enrollment) to other schools of choice – such as vocational and magnet schools – but not for students who might simply wish to travel to lower-risk district schools on a local or statewide basis is one barrier to school choice equity.

Gap #2: Guidance & Information Access.

One of the most powerful factors in making school choice work properly is the provision of information on both options and educational best practices. In order for parents to know whether they are satisfied with their assigned schools, they must have some information about the schools; in order to make the choice to improve upon their school option, they must know about alternative school options or practices that exist, and how to access them (Goldhaber, Guin, Henig, Hess, & Weiss, 2005). Early proponents of open enrollment such as William Manning, a president of the Red Clay Consolidated District school board, emphasized the importance of outreach and promotion of school options to the full range of parents in a community (in the case of which he was speaking, his highly diverse district) with the understanding that schools would mirror the profile of that solicited community; insisting that “one of the fundamental precepts of this [charter school] experiment” was that every school would be open to students of all skill levels (DE 138th General Assembly, 1995). Current practices fall short of fulfilling this vision.

The State of Delaware maintains school profiles on all schools in Delaware. Their website offers simplified information on the school, district and statewide level. An initial visit to an individual school’s profile page will reveal school-wide demographics,

in terms of enrollment numbers, race and special characteristics of the school population (number of special education, low-income and ELL students), retention rates, class sizes, district funding organization and a few sentences highlighting the school's curriculum and programming. A "Staff" tab gives more information on instructional, administrative and support staff, including demographics, qualifications and years of experience. A third and final tab offers "Student" information about the school's enrollees, beginning with discipline statistics (number of offenses committed, student suspensions and number of students committing offenses) as well as information about attendance and proficiency on statewide standardized testing. Further data and reports in all of these areas and more are available, but these basic categories of information are processed for general consumption on the website, and presumably accessed by curious parents to glean a sense of school climate and function.

There are more consumer-friendly virtual sources of information. The Department of Education has recently maintained a contract with a commonly accessed nationwide school navigation website, GreatSchools.org. Not alone in its functionality, the self-proclaimed "most visited K-12 education Web site in the country" links with other frequently utilized and relevant sites, such as real estate listings and search engines, to provide at-a-glance facts on school quality that was once largely hearsay on the part of one's realtors or neighbors. The website launched in 1998 at the first height of the school movement, reflecting its partial intention "to catalyze parent involvement -- a force [...] vital to the process of achieving excellence in education." Featuring a more sparse presentation of information than the DOE profiles, the main indicator of a school's quality is represented by a number on a 1 to 10 scale (additionally, these encircled scores are further indicated by color: below average 1-3 in warning red,

average 4-7 a cautionary yellow, above average 8-10 a promising green) based on test performance, alongside an average community rating out of five stars (with a quote from a review), and basic programmatic indicators (art & music, clubs, sports and languages). Users may opt for a deeper look at test score proficiency across subgroups as well as teacher qualification information. Based on this website, Delaware schools include 54 “above average” and 88 “average”, fairly well dispersed across the counties, with 49 “below average” clustered primarily in New Castle County’s urban centers (in Wilmington, New Castle & Newark), with the several in the most urban centers of Kent (Dover) and Sussex (Seaford, Georgetown).

Charter LEAs have more budgetary freedom on the school level to engage in advertising practices such as billboards or magazine ads to raise awareness of specific schools, and might host outreach events in locales that serve likely enrollees. Traditional district administrations (the level at which such budgeting is currently done, rather than the school) pursue advertising practices with less frequency, and tend to rely upon school websites and infrequent publications, relying instead on direct communication through the central district informing the community of school happenings or inviting students to attend “choice open houses”. In the early years of school choice, efforts by school leaders to promote their unique offerings were documented: they sent mailings throughout their districts and hosted events to showcase their offerings (Lawson, 2000). Race to the Top grant money was in part spent to help schools better promote themselves through video profiles and brochures that could be made available to prospective visiting families.

Parent information on optimal school opportunities relies heavily upon word of mouth and in seeking alternatives to neighborhood schools, as is frequently the case in

high poverty areas, families seek information from like-minded, similarly resourced families (Lubienski, 2008). In Delaware, evidence of this is borne out in enrollments that reinforce geographical and sociocultural connections, which have a further tendency to reinforce the likelihood of students to end up in a school whose risk level is a reflection of their background, a persistent disadvantage to high-risk students. Despite the initial promise of choice proponents, school outreach practices have struggled to mitigate these effects. The ACLU of Delaware claimed to the federal Office of Civil Rights (OCR) that charter schools in particular have permitted outreach practices that limit the diversity of applicants and enrollees and creating a landscape of de facto segregation across charter schools that is more acute than what has re-occurred across district schools in the wake of unitary status declaration, the evolution of magnet schools and choice, and the Neighborhood Schools Act (ACLU of Delaware, 2014; Glenn, 2011).

A further information based inequity hindering equitable access to optimal schooling opportunities for high-risk students is rooted in weaknesses in guidance, advocacy and supports on the primary and early secondary school level. Federal OCR data shows disproportionate impact on students in schools with high levels of poverty and high-risk minority student populations, whether regular district or charter.

Because parents, regardless of socioeconomic backgrounds, are less cognizant of programmatic shortcomings of their local schools that might place their children at a disadvantage for low-risk placements later on, or even that such opportunities might exist. There is a great deal of need for schools and districts to close this informational and access gap. In lower risk school environments, less active parents benefit from the

advocacy and voluntarism of more active parents, a sort of school climate “herd effect”. High-risk schools often lack a critical mass of this effect.

Lack of access is in part a consequence of programming inequity; addressing this was once the role of now largely nominal or defunct Parent Advisory Councils who shared best practices across schools to encourage the proliferation of best practices across high-risk low capital schools, as established in Title I’s parental involvement provisions. Ensuring “comparability” of quality across schools, was a key goal of those provisions as well, but was largely lost to an expenditure analysis that does not apply to LEAs of one school, such as charter schools. Programming for accelerated students is often minimized from the earliest grades through to graduation for students in high-risk comprehensive and even choice schools. This begins with enrichment and acceleration opportunities to enhance the core curriculum, such as gifted and talented programs as well as remedial ones, and the trend continues through the grades with lack of access to the higher levels of math and English language arts which set students on a path for access to Advanced Placement courses at the high school level (OCR indicators).

Choice proponents also suggested that a key component of choice and charter success would rely on districts “doing their job” in the primary years, particularly in terms of offering guidance counselors who would be able to ensure a solid groundwork for all children (DE 138th General Assembly, 1995). This stance is supported by the U.S. Department of Education (USDOE Office for Civil Rights, 1991). School guidance departments, however, are often a single or few individuals each responsible for hundreds of students, and not professionally responsible for staffing decisions which impact the availability of constructive programming that might ensure access to powerful opportunities, or simply improve the path through regular schools for many

struggling, high-risk students. According to the OCR, environments with a higher proportion of high-risk students, such staffing is often eschewed in favor of staff that can provide emotional and behavioral supports and remediation, rather than advancement toward higher opportunities in more than a nominal fashion. This appears to widen gaps that already exist for disadvantaged students upon arrival in the public school system, as they persist through key years of transition to other opportunities and the lower (6th grade) and upper (9th grade) secondary turning points.

Gap #3: Access to Services.

Once a student or family is aware of the widening array of options, the process of gaining access to schools of choice – admittance to a school of choice through the application process – can be daunting for families, but presents complex issues for the disadvantaged. The requirements of student assignment, or re-assignment in the case of students seeking alternatives to an attendance zone school, was originally intended to help students find school environments with diverse programs and methods to better suit their interest (with the goal of improved family engagement and student achievement). In the era of higher stakes accountability, in certain schools this has become a de facto screening process in which schools in high demand have the ability to exclude lower-performing, and frequently traditionally disadvantaged students.

The application process has been left to the school administrative level for many schools of choice such as magnets and charter schools. For choice among regular district schools, it is a district-level transaction. This has become a highly inconsistent process in which each school might have a different application with different questions and requirements (some of them potentially discriminatory). As of 2014-15, there is a

common application for all public schools of choice, due to the passage of House Bill 90 by Delaware's 147th General Assembly. This reduces some process inconsistency across standalone schools of choice, though it does not address magnet programs that are co-located in regular school environments (such as the Gifted Program in the Brandywine Schools District, International Baccalaureate or Cambridge programs, and other internal programs sometimes referred to as “academies”), which are a rapidly proliferating response by regular schools to regain their appeal as desirable school options.

Despite a common application for schools of choice, non-regular schools are permitted as of this writing to request supplemental materials from students to gauge both to what extent the student is a “fit” for a given program, especially in popular and oversubscribed schools with thematic programming. This can range from requirement to attend certain pre-admission events; having parents commit to a certain level of involvement; the submission of report cards or work portfolios; participating in an audition, presentation or interview; response to a written prompt; and in the notable and controversial case of Wilmington Charter School, a Terranova exam to gauge proficiency in math. Based on Delaware Code, these mechanisms can be employed to determine interest alone, as opposed to aptitude. Still, students are scored according to performance these supplemental indicators, which will factor into their chances of admission.

When more students have applied to a school than they have slots available, state code requires the schools to conduct lotteries for the available seats. Each school is allowed to set certain parameters of preference that give weight to candidates for seats: residence in the school's hosting district, having a sibling in attendance at the school, a

parent who has founded or is employed by the school, or expressing a “special interest” in the school program. Scores from the preferences and aforementioned assessments are used to weight students within the lottery process. Sibling preference is a commonly accepted practice, though of some concern as individual school grade spans expand and limit the opportunity for transfer into sought after schools; K-8 schools have become an increasingly common configuration, and many such programs have begun to add high schools. With the admittance of siblings and, in the case of a geographical radius, preference for area students, an incoming kindergarten class has the potential to produce school populations that are remarkably limited in diversity and access equity (ACLU of Delaware, 2014).

Once students have gained access to a school of choice, whether district, charter or vocational, having been determined a “fit”, there are instances in which remaining enrolled can be a challenge for disadvantaged students. Schools frequently encourage financial commitments that can be burdensome for families, such as custom uniforms or the lack of a comprehensive lunch program, which places the onus of requesting additional support in these areas on the families (ACLU of Delaware, 2014). Further, as stipulated in the choice law, students must continue to “meet the requirements” of a school into which they have been re-assigned through open enrollment. Essentially, school administrators ultimately decide whether to retain or readmit students who struggle academically and behaviorally, from one year to the next. This is sometimes referred to as “counseling out”, and is at times justified by a school’s inability to provide support services for special education students. This tends to be a feature of charter schools as vocational and traditional school districts are required to offer a full complement of services to all students under their geographic purview, whereas charter

schools are individual LEAs responsible only to admitted students. Comprehensive schools also have the ability to “counsel out”, with students who attend through choice, but not with students who are assigned by attendance zone outside of onerous alternative placement or expulsion practices that apply only in the most extreme cases. This plays a major role in the equitable distribution of student need across the school landscape, and certainly in equitable access for high-risk students in accessing low-risk educational environments.

Gap #4: Access Accountability.

That accountability movement has focused squarely on equity of outcomes with some but less attention drawn to the inputs that might impact these outcomes. This has heavily shaped public opinion and behavior in school selection. With limited resources and competing capital, the disadvantaged face a much higher bar to access low-risk environments. Inequitable inputs disadvantaged students, while measured by the Department of Education’s Office of Civil Rights, rarely see the light of day on the ground level where they are practiced and could most productively be addressed.

Despite widespread understanding of the challenges facing schools with significantly disadvantaged populations in terms of climate, including the regular survey of stakeholders on related issues such as discipline, school safety, responsibility and communication among parents and staff (frequently cited by lower-risk parents as crucial determinants of school viability), this interpretation of schools has been less publicized than each school’s average academic performance through test scores. What is obscured with an accountability focus on this single metric is a more holistic sense of each school’s environmental strengths and weaknesses, and though virtual school

reviews attempt to bridge this gap for those who have access to this information, it is delivered anecdotally, as are programmatic and curriculum highlights. Less clear are the real discrepancies in programmatic and staff function, which might lead certain schools to lean more towards discipline and remediation than enrichment and advancement. Though these impressions are rampant in word of mouth discussions about school quality, they are not named or quantified in any formal way that places value on such practices, encouraging change on the administrative level. This lack of transparency allows such practices to remain in place, and often their negative outcomes visited upon high-risk students who lack aggressive advocacy to prevent the situation from persisting.

There is a similar phenomenon of lack of transparency surrounding school admission practices. While lotteries are widely perceived to be a just and random practice to gain admission to popular schools, there is, of yet, a less clear understanding of preferences and weights currently given to student applicants under that system. That the weighting process favors students who have had prior opportunities and supports on their behalf is neither a secret nor necessarily an objection in the arena of public opinion, but for equity advocates it is troubling. This concern, however, while justified by the proof of relatively minimal poor and minority populations in highly desirable schools (selective magnets, especially), rests largely on suspicion that is all too easily dismissed, without any formal audit of the practice and its results. Assessment results are generally embargoed by the receiving schools, not made available even to the parents of applicants. There is no clear reporting of the number of students who have applied to a school, or the composition of that body in comparison to the composition of accepted students. This prevents clear understanding of whether and to what extent

admission practices play a role in gaps in access for higher risk students to low-risk school environments.³⁴

Overall, despite attention towards accountability to examine outcomes - there has been no discernible vision for managing the revealed disparities. As of this writing, the complaint filed in 2014 by the ACLU of Delaware regarding the resegregative impacts of charter schools has yet to be decided upon, and any investigation will be a multi-year process. The lack of public information on access disparities within and between schools undermines improvement upon even readily apparent gaps.

Procedures available for closure of school choice policy implementation gaps.

The successes of school choice remain unrealized for a demographically identifiable segment of Delaware students, and as the composition of high-risk schools skews almost exclusively to disadvantaged students, impacts are felt by families across the risk spectrum as their local schools fall below a threshold of tolerable risk to be considered a viable option (Roda & Wells, 2013). Such fears have been validated over many decades, since integration began in earnest, as both low and high-risk students experienced consequences in school environments in which high-risk student needs went unmet. Following the lead of other districts nationally, there are – colorblind and otherwise – a number of approaches being utilized that could be considered for Delaware in its efforts to close identified gaps and realize the promise of school choice.

Because these recommendations deal with options under the purview of SEA and LEA coordination as the governance bodies of all Delaware schools, and assume trends

³⁴ For further public discussion of these matters, see minutes from the Enrollment Preference Task Force established by HB 90 w/ HA 1: <http://legis.delaware.gov/>

towards instructional model selection are increasingly made, or encouraged to be made, at the school and not district or state level, changes in instructional practice will not be addressed here. There are two broad areas through which equity gaps can be addressed from the above-school administrative level in a strong choice system: (1) enhancing resources and programming at high-risk schools to diminish their number and (2) deliberately increasing high-risk student access to and providing for success within low-risk school environments.

Making progress with challenged populations through enhanced supports.

The front line in addressing shortcomings of choice impacts on the school landscape would be to revisit the way in which student needs are met in terms of advocacy, information and service provision. There are a range of approaches that can be taken to shift current behaviors from a deficit orientation to one that capitalizes on student and community assets in ways that might prevent high-risk students from falling through the cracks in predictable ways.

Funding & Transparency. Serving the social-emotional needs of high-risk students is crucially important, but school budgets which require administrators to choose between behavioral supports and the provision of guidance, educational and enrichment opportunities enjoyed by students at lower-risk schools is an unacceptable, gap-widening practice that occurs at many high-risk schools, particularly in the traditional district milieu. This is partly due to administrative decision-making, but also attributable to the current funding structure that features a prescriptive model.

There are funding practices that seek to diminish poor outcomes in schools that serve high-risk student bodies:

Option #1: Weighted Student Funding

Many consider the current implementation of funding for Delaware schools archaic. Established through state code in 1951, it organizes state allowances to districts for school-level expenditures (not including the costs of capital and energy) based on “units”, that is, essentially paying out the amount required for a staff member required to serve a recommended number of children. There is some weighting, based on the characteristics of the child, already built into the current system: it takes fewer special education students – the number varying according to the intensity of their condition - to “earn” a unit than are generated by general education students. As the population of the public school system has evolved, so have the demographic qualities and needs of that population, and the funding system is often criticized for a failure to recognize this change, or to enable districts and schools to provide resources that are truly adequate to address the needs not just of special education students, but of English language learners and students from impoverished backgrounds, and more so in environments where this need is singularly concentrated. Title I provisions were intended to mitigate this effect, ensuring “comparability” among staffing practices, but these have been subject to loopholes on the district level, with inequitable resources for high-risk schools despite requirements.

Weighted student funding holds the promise of increasing the amount of funding which flows to the most needy schools, rather than away from them. This allows schools not only to offer the more of the academic and social-emotional supports and conditions for teachers and students that would encourage success, as well as to maintain enrichment and advancement services which are too often lost in the trade-off

of spending units to provide staff for emotional-behavioral support and control functions.

School budgeting and effective resource allocation is one area in which charter schools have been designed to be more transparent (as they are required to publicly disclose their school level, charter-LEA expenditures). The public has long had available to it the convoluted budgets and open checkbook systems of the districts, and they have not facilitated broad understanding. Providing financial information that is easier for the public to understand, as weighted student funding models promise to do, also bears the benefit of transparency (Miles, Ware, & Roza, 2003).

Community Input & Guidance. While individual parents of students who fall into high-risk categories are as capable of making decisions, as early choice proponents insisted, the reality is that oftentimes optimal educational environments are not made available to them for a multitude of reasons over which they have little individual control, due to low social capital and weaker collective networks to surmount these obstacles. What is lacking is a model that reinvigorates the practice of community engagement in local school environments, aiding communities as they navigate an increasingly complex and choice-oriented landscape (Cookson, 1994).

Option #2: Support Services Reform

Though the provision of support services has been mentioned here as a frequent trade-off in high-risk schools, to make the case for needs based weighted student funding, the provision of services for students who fall into high-risk categories extends beyond high-risk environments. The lack of equitable provision of supportive student

services for low-income, special needs and English Language learners can stand in the way of choice entry to and retention in specialized magnet, charter and low-risk regular schools. Ensuring that such services can and are being provided universally is an important piece of adding equity to the school choice equation. This might mean extending requirements for special education and social-emotional support services to charter schools, and could further include the enhancement of guidance services at all schools.

Option #3: Parent Information Centers

The term “Parent Information Center” or “Parent Information Resource Center” (PIC or PIRC, more commonly) generally refers to federally funded agencies that are charged with facilitating parent engagement on a grassroots level. In Delaware, there is only one such agency statewide, which provides training to the public oriented toward advocacy for the families of special needs students with Individualized Education Plan (IEP) and 504 policies. On a national level there has been a movement towards restructuring these federally-funded agencies into more community based resource centers with a particular focus on aiding parents and students in disadvantaged communities in developing self-advocacy skills to improve local schools - as Title I regulated funding has long been intended to accomplish - as well as to better engage in the choice process.

Parent Information Centers have been described as the “heart” of the long-standing choice programs in Fall River, Massachusetts and White Plains, NY. In these municipalities, the centers serve as a hub of trust-building and outreach to local communities, bringing them information on practices and possibilities of the available

landscape of schools, and helping families to navigate the process of accessing these options, in their language. This has helped to facilitate a greater level of participation in school choice among the less advantaged constituents of the school system, creating more balance, satisfaction and in some cases, revitalization of local schools and communities. Investment in community-level engagement of such centers has been described as crucial to the success of a choice system that has chosen to prioritize equity for its most vulnerable learners (Cookson, 1994).

Making equitable access to low-risk opportunity a reality for all.

Strengthening the existing foundation of education for high-risk students will not fully remedy persistent issues of exclusion from opportunity, without more fundamentally altering patterns of isolation, which reinforces student risk and social capital deficits for the majority of these students. This will require a re-examination of transportation practices and admission practices that allow gaps through which primarily high-risk students fall.

Transportation opportunities. One of the most significant issues for high-risk students is the ability to physical reach opportunities if their family lacks adequate private transportation. This is an area of concern for the general public and policymakers, due to the great cost of providing transportation under current conditions, let alone the prospect of total support of busing from any residence to any public school available through open enrollment. To improve upon the current system requires an audit of current practices with an eye toward equity-minded, choice-friendly reforms.

Option #4 Transportation Reform

The provision of student transportation is a complicated and expensive task, and the growth of transportation needs - of homeless youth and far-flung charter school communities especially – has been daunting. Past evaluations in Delaware have identified student transportation as a major obstacle to choice and expense that could be made more efficient (Hamburger & Loftus, 2003; LEAD Committee, 2008). But the system must also take into account less extreme equity considerations when undergoing any reform. The manner in which students get to school has changed dramatically, with many parents taking on the responsibility of transporting students privately, while others lacking adequate options privately or even through public transit, as not all schools are served by it.

There are discrepancies in state provision of transportation beyond fundamental district needs, which enables choice by supplementing busing for vocational and magnet schools, but does not offer similar opportunities for students who are not eligible or accepted to these types of schools, often relegating them to assigned, high-risk regular schools which they attend mainly because they can easily access them. Because physical access is an issue primarily for low-income students and families, state and district expenditures, in becoming more equity-driven, should prioritize better serving the needs of these populations as effectively as can be afforded, as well as evolving transportation plans that are more reflective of the increasing dispersal of students across a given district, through choice. Such reform could benefit from auditing vocational and charter practices, consolidation of efforts across districts and collaboration with statewide transit planning.

A Vision for Equity. School districts in Delaware near- universally feature policies and committees focused upon diversity and inclusion, but equity has been sidelined in favor of assumptions about the districts’ attainment of equality (through funding) and opportunity (through choice). Diversity efforts tend towards appreciation and crisis avoidance; the inclusion movement – focused on comparably well-resourced special education students rather than low income or high risk minority groups – has seen some progress in regaining access to de-isolated educational environments, for families that prefer these. Still, these groups face significant hurdles when it comes to accessing schools of choice, as demonstrated in the recent ACLU-DE OCR complaint. Other high-risk groups have suffered similarly in recent years as assignment policy has isolated them in environments that are less equipped to enable movement into mainstream opportunities during and beyond their educational years. As history has demonstrated, to address the issue of exclusion of high-risk students often takes controversial and even cumbersome action, because it impacts students across the school landscape in ensuring that high-risk students are not locked into high-risk environments and that more schools are “viable” (moderate to low-risk). Still, districts across the country have taken steps to employ such practices believing they are a crucial investment for the sustainability of their school systems.

Option #5: School-of-Choice Admissions Reform

The majority of low-risk, “desirable” public schools of choice are regularly criticized for the composition of their student bodies, as having been “creamed” or “cherry-picked” from regular schools to their detriment. This goes hand in hand with the difficulty in increasing the diversity of such schools, as high-risk students and

families often face significant hurdles to gaining admission. The result is a large-scale form of tracking, which has the tendency to prevent many high-risk students from accessing opportunities (Welner, 2001). Members of the community have, since the initial formation of selective schools, clamored for caution and reform in this area. There are several ways that admissions practices can be altered to make them more fair and equity-driven:

- Reconsider supplemental assessment requirements, particularly below the high school level. Younger students from high-risk backgrounds are less likely to have the benefit of strong guidance within or without the school system, or the background to access and excel in assessments to the extent that their low-risk peers will.
- Bring assessment activities, if allowed, to prospective students (middle schools, community-based locations)
- Encourage oversubscribed schools to reflect the composition of their communities by adding weights to the random lottery system to increase the chances for high risk students to gain admission

Option #6: Universal Magnetization

Magnet schools were an early form of creating alternative schools with unique programs that served a dual purpose of effecting voluntary integration in the school system, but have been less frequently developed on a whole-school basis since the advent of charter schools, because of the appeal of their less restrictive governance model (Goldring, 2009). Those few that do exist throughout Delaware, however, have quickly risen to the top as successful, low-risk school environments that generate much interest among students and parents alike; they also feature among the lowest concentrations of ELL, special education, low-income and high-risk minority students in their populations. Considering vocational schools as a sort of magnet system, their scope and success in attracting and satisfying students and families is even more evident (they are also more diverse in terms of student income and racial composition than non-vocational magnets). As the era of choice has matured, traditional Delaware school districts have already responded by adding what they hope will be more desirable magnet programs to many regular schools in order to retain more balanced student bodies. Elsewhere, school systems have vigorously pursued “universal” magnetization of their comprehensive schools – making sure that every school, explicitly those of a higher-risk and “less-chosen” profile, are outfitted with programs that will appeal to low-risk students and families that prefer alternatives to their assigned school, or a typical general education program. The objective of adding this feature to a school system is often to maintain demographic balance across all schools, and also to revitalize of struggling schools so that they may be better utilized by their community than would be possible under an assignment pattern that is challenged by high-risk factors (Siegel-Hawley & Frankenberg, 2012). Further, the co-location of

magnet programs, rather than full conversion of buildings to all-choice (and therefore entirely selective) prevents the elimination and isolation of regular education environments that are required to serve all students.

Option #7: Controlled Choice

First implemented in the school system of Cambridge, Massachusetts in the early 1980s, the concept of “controlled choice” is essentially to manage the process of choice assignments across schools, often in a system that requires all students to choose their schools, rather than be assigned to one on the basis of their residence. The model has gained popularity in jurisdictions that have committed to maintaining integrated schools after court-ordered desegregation lost steam and gave way to choice-driven practices (Cookson, 1994).

The system, generally, allows students access to a variety of schools, sometimes limited to those located within a specific zone – not unlike Red Clay’s early approach allowing students access to all available high schools within the district. With no attendance zones or students assigned automatically to a local school, each family instead must rank available selections. Assignments are then made through a central system takes into account the characteristics and preferences of each individual student and the optimal composition of each individual school at the same time. A number of seats in all schools remain reserved for non-choice-makers to be automatically assigned, generally on a geographic basis. Because of Supreme Court rulings prohibiting consideration of race as a factor in school composition, other factors that are utilized are family income, parental education level, and residential geography (recognizing certain zones as high-risk and prioritizing the choices of students from

these areas to attend low-risk schools, or in giving preference to families to attend the school that is geographically closest to their residence). This practice has had both successes and difficulties in its implementation, and is often controversial at the outset of policy development and implementation.

Controlled choice is considered as a more regulated approach to utilization of choice mechanisms. This approach to choice as a tool acknowledges both the legal inability to consider race in student assignment and the pursuit of economic integration, in schools to encourage balanced social capital that can help them to thrive (Kahlenberg, 2012). The technique is considered an improvement upon mandatory student assignment, including busing, to achieve these ends, in both unremarkable achievement growth and low popular support – as has been experienced in the school system of Wake County, North Carolina, that pursue this approach familiar to that practiced in Delaware prior to the unitary status declaration (Ciolli, 2011).

Jefferson County in Kentucky features a currently operating controlled choice system that, since 2008, has taken into consideration the positive effects of centrally managing school diversity as well as factoring in its potential efficiency on costly elements such as transportation. It accomplishes this by doing away with school attendance zones in favor of geographical clusters within the countywide district that represent a diverse enrollment population and a variety of magnet and traditional schools. The county has chosen to prioritize this alternative to neighborhood schools because of persistent housing segregation, an issue that impacts Delaware, as well, and in 2011, sought to implement further reforms to enhance diversity on a school by school basis. The experience of Jefferson County, which struggled to create a system of diverse schools even with enhanced choice assignment regulation, can be instructive

for Delaware in adopting some of its reforms (Orfield & Frankenburg, 2011). The countywide district has shown steady gains in its achievement metrics³⁵ as well as in terms of equity and access to educational opportunity, though not yet a decade into the policy and still experience notable gaps among subgroups in all areas, Jefferson County schools are exhibiting promising gap closures between black and white students in terms of perceptions of discipline and intent to attend college (Orfield & Frankenberg, 2011).

Threats to successful implementation of school choice policy toward stated purpose.

The threats to exploring and effecting all, some or any of the changes necessary to close the gaps to equitable access to education opportunity are formidable ones: cost (and relatedly, systemic efficiency), public will (impacting political feasibility). These issues were present at the dawn of public education policy, and in that regard, little has changed. These factors certainly have played a role in creating gaps for high-risk students and inhibiting school choice from realizing full-scale success.

Cost. The cost of delivering public education is a significant statewide expenditure, comprising 24% of the state's expenditures with a \$1.9 billion budget. The public perception of payoff for that investment is fairly dismal, as the crisis orientation reflective of high-risk school environments persists as a spectacle. Public misunderstanding of school funding structure is an issue, as lack of consumer-friendly transparency prevents improvements in this understanding.

³⁵ See "Kentucky School Report Card": <http://applications.education.ky.gov/SRC/>

Public Will. Public opinion regarding high-risk students, justified or not, colors much of the dialogue regarding and willingness to invest in the public education system, financially, but also as participants. Any change to the system that brings with it an increased risk for those who largely enjoy the public education system's lowest risk school environments bears serious risk of inspiring disinvestment & flight from the system. Open enrollment policy has brought with it growth in Delaware's public education enrollments and declines in private school enrollments, which is beneficial to the overall thriving of the public education system (Marlow, 2010). Threats to the relatively exclusive public school environments in which these families typically feel comfortable could have the effect of fueling the renewed push for vouchers³⁶ or private school tuition credits (du Pont P., 2001).

Institutional inertia inhibiting successful implementation of school choice policy.

While school choice open enrollment mechanisms can themselves be faulty, choice proponents and opponents alike recognize the role of institutional inertia that is perhaps more powerful in urging equitable provisions for high-risk students. These include issues from the local to the federal level and served as much of the initial motivation and target of school choice policies.

Local. Traditional LEAs host a district-level bureaucracy that is frequently criticized for a lack of cultural competency and inflexibility that disproportionately disadvantages high-risk students. The governance model of charter schools was

³⁶ Such a bill, to move a student's per pupil allocation to a fund parents could access for private school expenditures, was introduced and defeated to the 148th Delaware General Assembly in 2014: HB 353, "Parent Empowerment Education Savings Account Act"

designed largely as a direct challenge to this centralized, distant approach to school policymaking – in regards to the role of school boards and teachers unions in influencing this inertia. LEAs make the bulk of the decisions regarding expenditures for Title I wraparound services above the school level and there is ongoing debate over whether they are equipped to make appropriate and constructive decisions about such expenditures. The school districts are also responsible for current attendance zones and compliance with policy such as the Neighborhood Schools Act, and more affluent constituents when forming their own responsive policies often influence large metropolitan districts.

State. On the state level, the executive function is primarily responsible for compliance with federal regulations and analysis of adequate performance on the local level, there is frequently debate over lack of accountability to the, the general public. Policies are determined and implemented by a Department of Education and State Board of Education which are comprised of Governor-appointed leaders and their staff, which has led some to question the distance and centralization that this represents and in the development and implementation of policies in the interest of local needs.

Legislatively, where decisions regarding funding provisions are made, there is an uphill battle to secure increased funding for public schools when faced with public opinion regarding its state of crisis.

Federal. The Elementary and Secondary Education Act (ESEA) defines federal requirements and has been driven by the provisions of its most recent iteration, No Child Left Behind, since 2001. The consequences of its high stakes accountability measures have impacted on the operation and viability of schools on the local level, and if a reauthorization continues in that approach, could also be a source of inertia on the

issue. Meanwhile, the federal level Office of Civil Rights (OCR) is a lower capacity aspect of the agency, whose remote (and in the estimation of some, arcane) policies are not perceived as having the same swift and meaningful impact.

Provisions for evaluating successful implementation of school choice policy.

The ability to assess school performance on the basis of test scores only tells part of the story of the landscape of public education, and such one-sided accountability has not strongly motivated policymakers or the general public to re-examine the organization of school choice practice. But accountability has proven to be a powerful and useful mechanism in driving behaviors and regarding schools. The addition of further metrics for “success” that focus on equity and access could play a crucial role in redefining “great schools”. Word of mouth is impactful in community decision-making regarding its schools, but rankings of schools across the nation are perhaps more popular than ever, and when they try new methodologies in creating their rankings, and alter public perception of success³⁷.

Establishing standards for equity and access, and publicizing them in a manner similar to (and combined with) measures of academic performance, could reshape the landscape in positive, gap-mitigating ways. Many factors that focus upon practice and inputs rather than outcomes are already gathered for internal, policy-making use.

³⁷ One notable example is the revision of the U.S. News & World Report national high school ranking, which formerly used purely academic measures of excellence and now includes statistical analysis based on the percentage and performance of each school’s disadvantaged student population, effectively disqualifying most of Delaware’s highest flying schools from this prominent ranking system. See <http://www.usnews.com/education/best-high-schools/articles/how-us-news-calculated-the-rankings>

Option #8: Equity Accountability

The implementation of school choice open enrollment has been complicated by the rise of standardized test-based accountability and an emphasis on labeling schools by their school-wide test score averages. Following the wisdom that in order to matter, something must be measured, there is room for improvement in the Delaware system. More useful would be an accountability process that - much like that of GreatSchools.org in translating test scores to a more basic representation – interprets equity-oriented information in a consumer-friendly manner. The same could be instructive in other areas such as admissions, such as demographically specific information on choice applicants, admittance and retention data on a per school basis. A major concern of school choice opponents in 1995 was the lack of attention to school composition balance, or similar measures, as a new frontier in school organization and assignment was encountered. This “nothing prohibited, but nothing required” approach has indeed left some schoolchildren behind. Moving forward, there must be policies in place which have the ability to anticipate the ways in which high-risk students might be marginalized and ill-served, even in low to moderate risk school environments. This was observed during the era of court-ordered busing, and community advocates attempting to surmount these obstacles were essentially interrupted in their efforts by the dissolution of the court order with no consent decree.

The District of Columbia Office of the State Superintendent of Education, for example, has organized a web portal through which is school’s profile can be viewed: LearnDC.org. It provides basic information, a profile featuring climate metrics such as discipline, attendance and student turnover, and a “report card” showcasing simplified

outcomes and analysis based on “multiple measures to evaluate student performance and growth”. The approach is more streamlined and synthesized than, but not dissimilar to, information on offer through the Delaware Department of Education or its partner, GreatSchools.org. However, one of its four most prominently featured tabs is an “Equity Report”, which offers “transparent and comparable information related to equity across all DC schools”, and though this mainly offers a reinterpretation of student characteristics, performance, discipline and mobility, it does provide a sense of the possibility of presenting more nuanced information about schools in a palatable format, with clear comparisons to system wide averages. This allows equity to be gauged no matter the compositional balance of schools that is achieved within a system.

An equity report that would reflect and influence structural inequities more so than choice behavior might include information currently obscured by old systems: average staff salary, experience, qualifications and turnover rates; support services and enrichment programs available; comparative student contact with academic advancement or disciplinary action, so that these gaps may be more readily compared to district and statewide norms. These school level inputs, all of which are already examined by federal Office of Civil Rights and ought to be brought into the public discourse in the same aggressive manner that standardized test scores enjoy. Discrepancies would be more widely recognized and have the potential to be remedied through direct address of LEAs or complaints filed through a more localized civil rights agency such as the Delaware Office of Civil Rights established in early 2015 through office of Attorney General Matt Denn.³⁸

³⁸ The Attorney General has written on the topic of discrimination in public school practices: Denn, M. (2010, Spring). The best public education in America - for whom? *Delaware Lawyer* .

Knowing what we know of the history of how school choice policy came to be, and how the landscape of access to opportunity has evolved since the passage of school choice policy, we can see how the goals have only been partially realized. A renewed focus on effective and equitable delivery of public education to the students of Delaware must move toward giving every student access to a non-high-risk school, and all public schools must be equipped to assume the responsibility of being a “fit” for any student who is admitted. While the public is still split on whether it matters that schools might be racially identifiable, few agree that it is acceptable to operate a system in which low-performing schools are clearly predictable based on the socioeconomic backgrounds of their students, a status quo that has been maintained since the earliest days of integration. Delaware missed an early opportunity to pursue reconciliation over this matter in the 1990s, and choice mechanisms without the influence of post-desegregation racial resolutions have been dissatisfying from an equity perspective.

Beyond the Delaware Way: Conclusions & Policy Recommendations

Across the nation, metropolitan areas are radically rethinking their approach to school assignment and school choice, in ways that prioritize equity, acknowledging the historical skewing of advantage that has occurred (and continues to occur) through housing and other forms of discrimination, including district bureaucracies with shameful histories of institutionalizing racist and classist practices that favor more affluent constituents. It is a movement towards working to benefit those who can least endure a public education system that would not work for them. For these school systems, it is time to underpin standardized perceptions of efficacy with the fulfillment

of the social, moral and democratic ideals of universal public education over purely efficient modes that might sacrifice them, in the name of productivity.

In the previous section, I outlined some methods being utilized elsewhere to address equity gaps similar to those faced by Delaware public schools today. All of these methods share equity, fairness to traditionally disadvantaged students, as their primary marker, but they may be more or less suitable for consideration for Delaware policymakers due to key criteria which will define their potential for success: efficiency and political feasibility – in cost, practice and goal development. This assumes that all options mentioned prioritize equity as a goal. Efficiency, here, refers to the extent to which this option represents an opportunity a clear means to improving access to higher quality opportunities for all students in a particularly cost-effective manner. Political feasibility represents both the likelihood of popular, and therefore political, support and the adaptability of current Delaware system to such change.

	EFFICIENCY	POLITICAL FEASIBILITY
*Weighted Student Funding	MODERATE-HIGH	MODERATE
*Parent Information Centers	LOW	MODERATE
*Student Support Services	LOW	MODERATE
*School Transportation Reform	MODERATE	MODERATE
*Choice Admissions Reform	MODERATE	MODERATE
Universal Magnetization	MODERATE	HIGH
Controlled Choice	MODERATE-HIGH	LOW
Equity Accountability	LOW-MODERATE	HIGH

*Currently existing systems or proposals.

Table 9 Policy Recommendations Comparison

While cost and implementation are always significant factors in operational improvements, for state operators and LEAs to envision some shared ideals in these areas would be a step in the right direction from current practices which are rooted in serving an educational delivery system that has radically changed. In order to evolve a more equitable iteration of the public education system, there is a need to reconsider practices in an increasingly choice-centric atmosphere.

Weighted Student Funding. The reform of funding has been a consistent proposal of Delaware leaders and committees since the turn of the 20th Century, from the local, county and state level. That the current unit allocation needs reform to become more focused on student need, and enabled to be locally responsive to those needs, has become accepted fact (Wilmington Education Advisory Committee, 2015). Where there is debate is whether the unit system should be adapted in an incremental manner or thrown out in favor of a radical new, formula-based system, something that must now be hashed out among stakeholders and implemented by Delaware's legislators. This process is likely to take considerable time and, with the potential to represent increased funding flowing to education, or a re-balancing of how funds are allocated within the system from advantaged students to more disadvantaged ones who now enjoy a greater share of the resources is likely to be something of a political tug-of-war. Pushing forward will be important, however, as allocating more funding to needy students and schools hosting concentrations of them is the first and best chance to lower their risk profile through improved service of student need.

Student Support Services. With transparency a key factor in the reimagining of Delaware's outdated funding structure, there is the possibility that savings and flexibility realized in that process will be directed towards improvements in the

provision of support services. The recently completed Wilmington Education Advisory Committee (WEAC) recommendations called for reevaluation of supports offered to meet students' basic needs. Cognizant of the great expense involved in offering a full complement of wraparound services in high-risk school environments (making this option a less efficient and more politically volatile one), the report proposes reflection on structures and departments currently in place that could improve their services, rather than continuing to expect education budgets and providers to fill in gaps left by their inefficiencies (WEAC, 2015). For low-risk schools, which would be serving more high-risk students as a result of successful, equity-driven school choice reforms, this might involve improving the enforcement of requirements that all public school environments be prepared to serve students of any risk profile, as initially promised.

Parent Information Centers. In order to fully realized the mission of Parent Information Centers, the currently existing organization, which operates statewide, ought to consider the benefits of setting deeper roots within Delaware communities shown by the data to struggle for inclusion in the increasing variety and quality of educational options. This could involve restructuring in any of a number of ways, including the collaborative enhancement of PIC extensions utilizing federal funds that LEAs expend on isolated efforts through non-profit organizations that are ineffective or under-resourced. Community-based engagement is increasingly viewed as the most responsive and effective method of outreach, but community-based organizations often lack the capacity and scope to connect grassroots needs with the bigger picture, such as the choice-making landscape which is further dividing the advantaged from the disadvantaged. The PIC organization and funding could be better utilized facilitating this process rather than replicating such efforts.

School Transportation Reform. While transportation has been highlighted as an opportunity to improve efficiency in school expenditures, little has been done to pursue it. This is a result of the fractured nature of school governance in Delaware, which places responsibility for these operations at the LEA level, dividing planning to the state's many districts and now to each individual charter school - separately. While it seems unwise to coordinate such operations as distantly as the state level, it is logical to explore some consolidated effort in this regard, perhaps on the county level, an arrangement which could be instructive for and combined with less palatable future equity and operational efficiency reforms.

Choice Admissions Reform. With recommendations pending from the HB 90 Task Force, this topic has been considered and is likely to soon face the test of wider public opinion. Due to the current tendency of choice in Delaware to more often and better serve advantaged student populations, any new regulation that stands to minimize that benefit in favor of the disadvantaged is likely to face pushback from that politically-influential constituency. Delaware's charter law has been noted nationally for its uniquely unregulated qualities, and the inclusion of "preference" in determining student admission eligibility, which puts Delaware charters outside of federal standards and funding which support more equity in these practices. It's important to revisit the state law in light of national models that prioritize the equity goals that have been neglected in recent years, and bring them into sync with those efforts. Further than that, it is an opportunity to anticipate the ways in which the system will attempt to continue to discriminate through admissions practices, and ensure that co-located magnet programs (or participating private schools, in the event any voucher program be

passed) under the purview of any new regulatory standard for admissions at publicly funded schools.

The latter three options, growing more common across the nation, are likely to face some obstacles in their development or potential for positive impact. Delaware has, despite the better intentions of some of its supporters, a choice-driven system which failed to provide equity for its highest-risk students, to the benefit of many of its low-risk participants. To add limitation to mechanisms that have operated so freely for twenty years among citizens with relatively high social capital and political clout would be a reversal that would be likely to take a similar length of time to show its benefits and pitfalls.

Equity Accountability. The Delaware Department of Education, as overseen by its Secretary and the State Board, is responsible for translating federal mandate for accountability into state and local practice. The department has the power to set impactful standards that influence behaviors and discouraging tracking on school or classroom levels (as was the norm prior to the declaration of unitary status). As the Department works to make its approach to accountability more user-friendly, it has the unrealized opportunity to reflect outwardly other federal standards and priorities that are not currently accommodated in such measures, and largely examined only internally. While the efficiency that would be realized through this process is not great, to take this step is the lowest hanging fruit within the purview of elected officials' powers.

Universal Magnetization. Charter school proliferation has captured the attention and energy of the choice landscape in recent years, and whole-school district magnets have ceased to be a focal point of choice development, in light of their original

purpose as mechanisms less of choice and more of desegregation. In Delaware, the vast majority of charters are managed at the state level, which has contributed to the disjointed nature of the choice-driven school landscape (WEAC, 2015). Magnets have the potential to be reimaged as schools of choice that offer both positive program innovations for high-risk students, as well as tools for achieving beneficial compositional balance. High-risk composition regular schools with poor outcomes can draw from successful practices in high-risk composition school environments that have achieved a lower-risk outcome profile (as has been the case with several metropolitan charter schools). Because specialized programming has proven consistently popular with low-risk public school enrollees, and in Delaware appears to have drawn students back to the public system (seemingly to its overall benefit), this is a path worth pursuing further. However, the current approach, which favors the advantaged and erects barriers for the disadvantaged, must be remedied if choice is to be a tool for continuous improvement for all students, system-wide. The high political feasibility of adding further variety to Delaware's schools is likely to come up short in terms of efficiency if equity concerns are not addressed and anticipated.

Controlled Choice. Instituting a controlled choice structure has great potential to mitigate the equity shortcomings of the current choice system in Delaware, by centralizing school assignment to choice schools considering factors that are known inhibitors to equity and achievement, as localized assignment decision-making has perpetuated these gaps in favor of the interests of more advantaged communities and schools. While such a process could itself lead to a more efficient system overall, reverting to more centralized control is likely to prove politically infeasible and unpopular on its own.

Delaware can better position itself to make the promise of school choice available to all and more likely to attain universal improvement of the public education landscape. My recommended strategy for pursuing these options is as follows:

- (1) The immediate development, by the State Board of Education, of equity standards for all public schools, based on existing metrics with a delivery system suitable for public consumption;
- (2) Processes such as weighted student funding, parent information centers, support services, school transportation and admissions reform be evaluated in terms of their role in achieving those standards, as complementary components of an ongoing strategic plan able to respond as political and economic conditions change over time;
- (3) That existing selective programs (such as co-located magnets, including vocational tracks, and anticipating any future choice mechanisms) be treated as “schools of choice” and that all be subject to any future regulation of equity standards for enrollment;
- (4) That all regular schools – prioritizing isolated, high-risk community schools at the lower grade levels – be encouraged and supported to develop more attractive and successful magnet specializations while maintaining general education, “neighborhood” capacities;

- (5) The study of the potential modification of the open enrollment system in order to centrally manage school assignment equity, with an eye toward future implementation - improving its political palatability by tying such reform to supports for magnetization and transportation efficiencies.

Through timing alone, it is difficult to dispute that successful waves of compulsory integration through mandatory, race-based student assignment was the move that brought an end to the golden era of common schooling. Perhaps a victim of its own success, the attainment of access to the enviable system, through forced busing to achieve integration and accommodations for the disabled, this influx of surface equity through the 1960s and 1970s and the push, in the 1980s to develop that into a more authentic form of school level integration was met, in Delaware as elsewhere, with grim-faced rejection by community members with considerable social capital advantages, and the wheels were set in motion for a sea-change.

The move toward greater choice of school environment is sensible in the current economic climate of globalization, innovation and flexibility, while Delaware's fundamental refusal to enforce social and civil rights regulations on the choice system remains suspect and problematic. Reconciling the two – maximizing student access to low-risk, academically robust school environments with positive climates yet also achieving democratic ideals of access and tolerance for pluralism is an ongoing debate.

There has been a correlation between the era of choice and overall gains in achievement for Delaware's schoolchildren, though there has yet to be evidence that

this relationship is a causal one, particularly considering the many other reforms that came to pass at a similar time and a lack of opportunity to audit the impact of the era of student integration, which itself did not last twenty years. But what is also clear for Delaware, is that the generalized positive impacts of choice have made less headway for the very students whose presence in the public education system is on a path for growth: black, Hispanic, low-income, ELL and special education students. This, even beyond a moral obligation, makes the necessity of revisiting equity-blind school choice practices an undeniable one, and the case for improving practices surrounding equitable access to optimal education opportunity more deliberate is strong. There are many factors that Delaware can put to work in forging a path forward that is more inclusive in its continued pursuit of academic excellence.

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Appendix A

**DELAWARE SCHOOL LANDSCAPE BY TYPE, COUNTY & LOCALE: 1992-
2012**

NOTE: The following tables represent schools serving regular K-12 populations, excluding programs exclusively tailored for alternative, special or early education.

REGULAR School Development, 1992-2012						
		2012	2007	2002	1997	1992
New Castle	City	12	11	18	23	21
	Suburb	61	56	63	56	51
	Small Town	6	3			4
	Rural	8	6	5	2	4
Kent	City	10	8	10		
	Suburb	16	5	16	27	
	Small Town	4	7			9
	Rural	5	9	9	8	26
Sussex	City					
	Suburb	12	2			
	Small Town	18	22	17	12	12
	Rural	10	12	20	17	18

VOTECH School Development, 1992-2012						
		2012	2007	2002	1997	1992
New Castle	City	1	1	1	1	1
	Suburb	2	2	2	2	2
	Small Town					
	Rural	1	1			
Kent	City					
	Suburb					
	Small Town					
	Rural	1	1	1	1	1
Sussex	City					
	Suburb					
	Small Town					
	Rural	1	1	1	1	1

MAGNET School Development, 1992-2012						
		2012	2007*	2002	1997	1992
New Castle	City	1	3	1	1	
	Suburb	1	5			
	Small Town		1			
	Rural		1			
Kent	City		2			
	Suburb		1			
	Small Town					
	Rural		2			
Sussex	City					
	Suburb					
	Small Town		1			
	Rural	1	1			

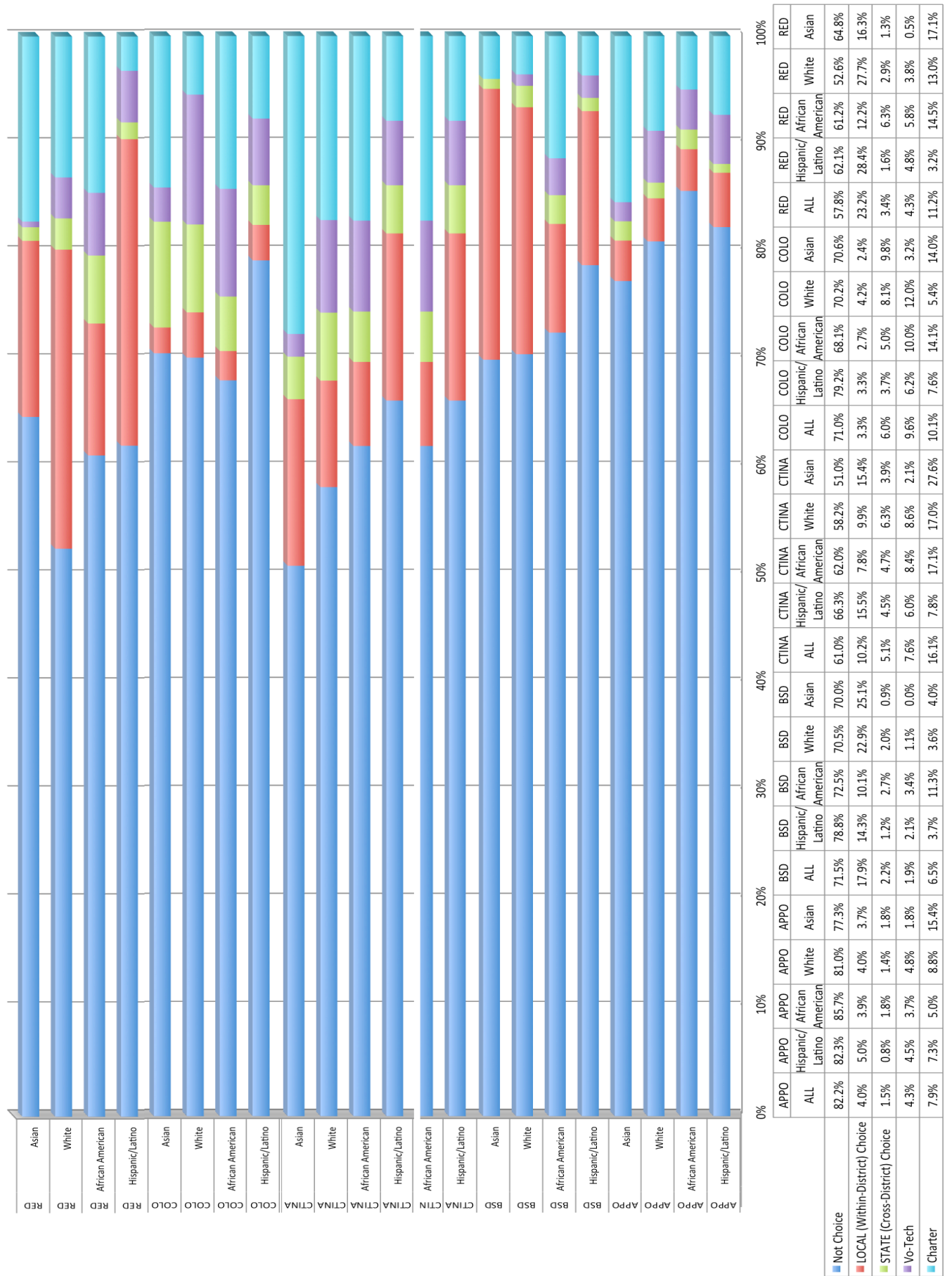
*Significant difference due to reclassification of regular schools with magnet programs as “magnets”, not currently in practice.

CHARTER School Development, 1992-2012						
		2012	2007	2002	1997	1992
New Castle	City	8	6	5	2	
	Suburb	8	5	1		
	Small Town					
	Rural	1	1	1		
Kent	City	2	2	1		
	Suburb	1	1	1	1	
	Small Town					
	Rural	1	1	1		
Sussex	City					
	Suburb					
	Small Town					
	Rural	1	1	1		

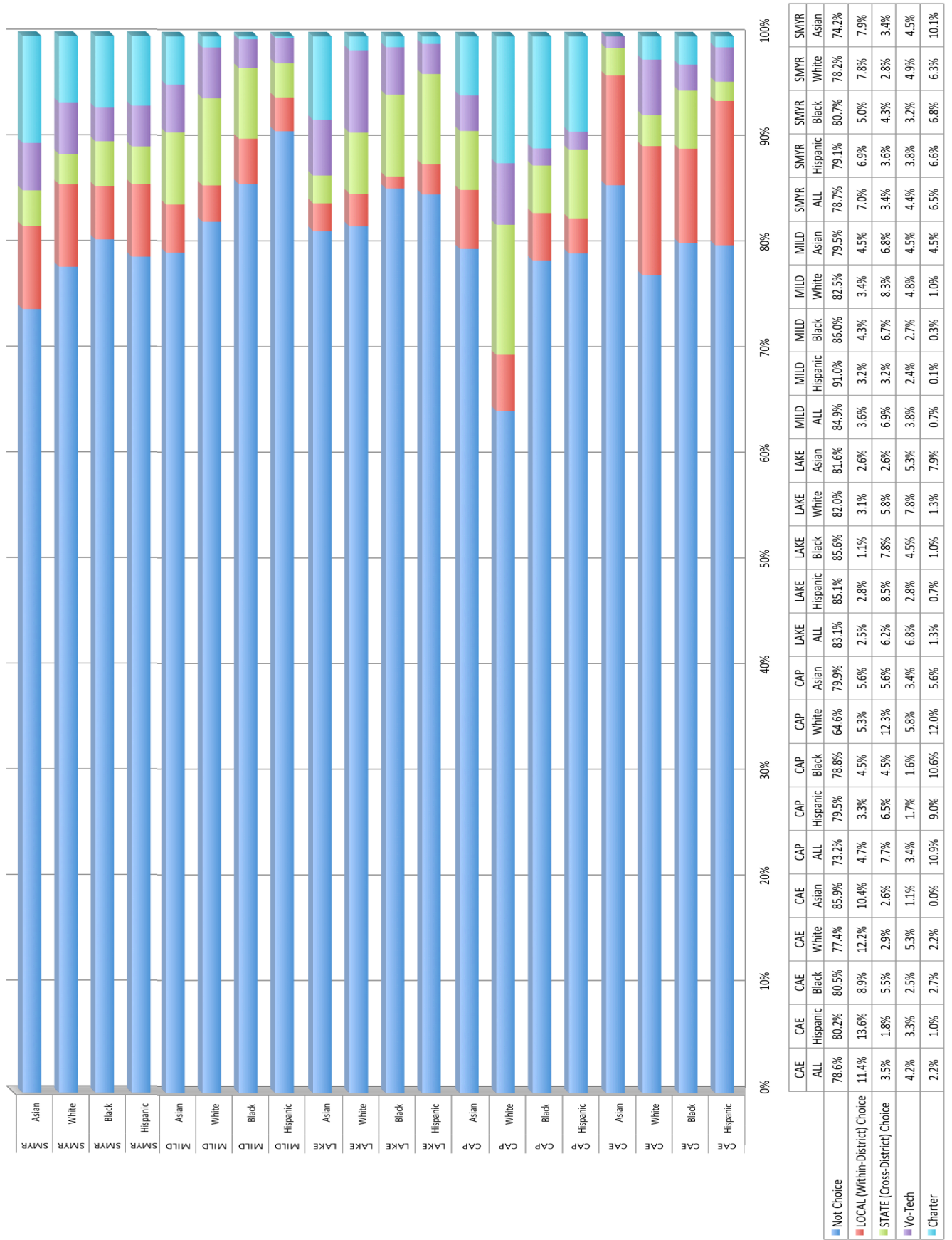
Appendix B

**DELAWARE SCHOOL CHOICE UTILIZATION BY COUNTY: Race & Special
Ed., 2012-13**

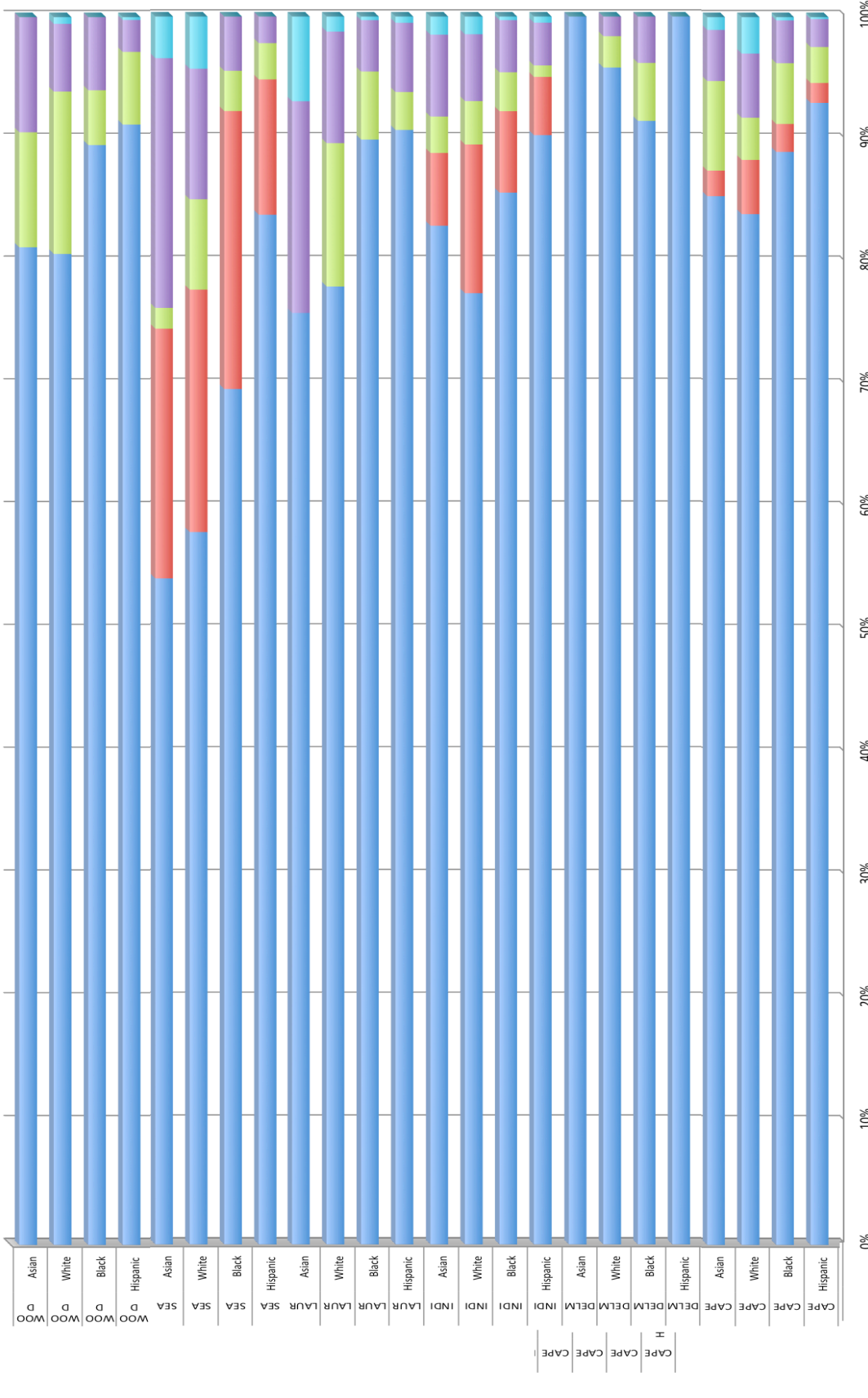
Choice in New Castle County, 2012-13: By Race



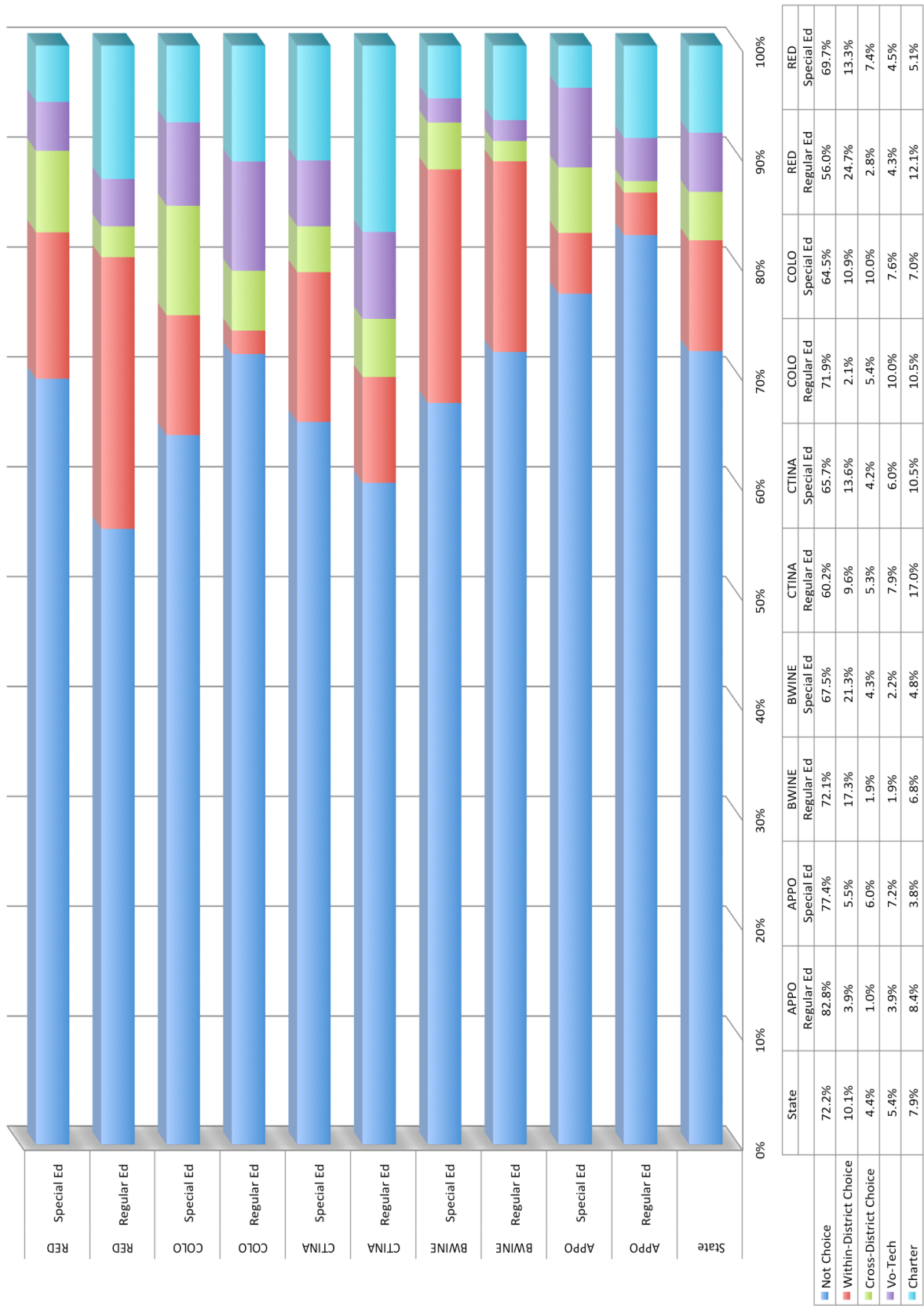
Choice in Kent County, 2012-13: By Race



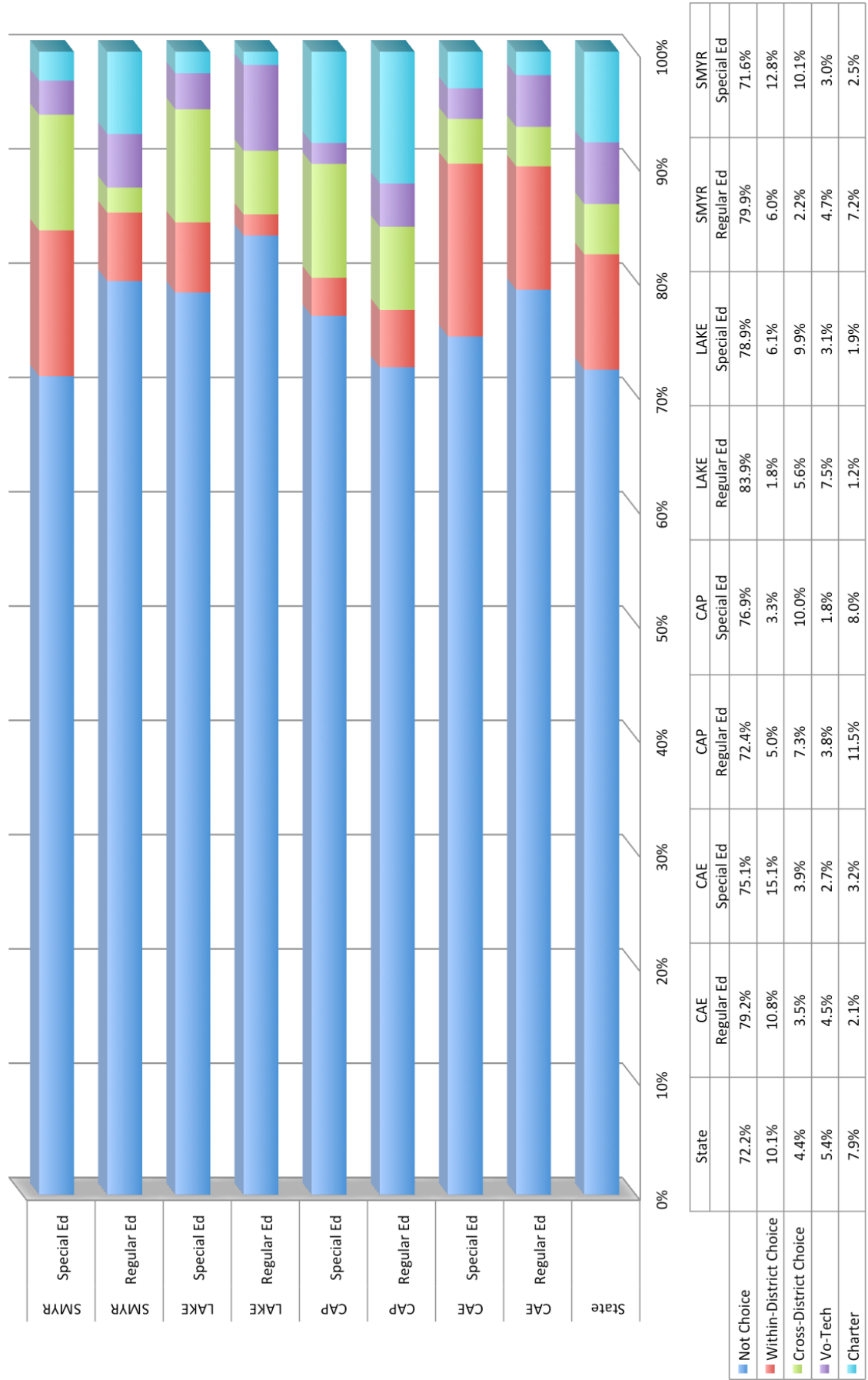
Choice in Sussex County, 2012-13: By Race



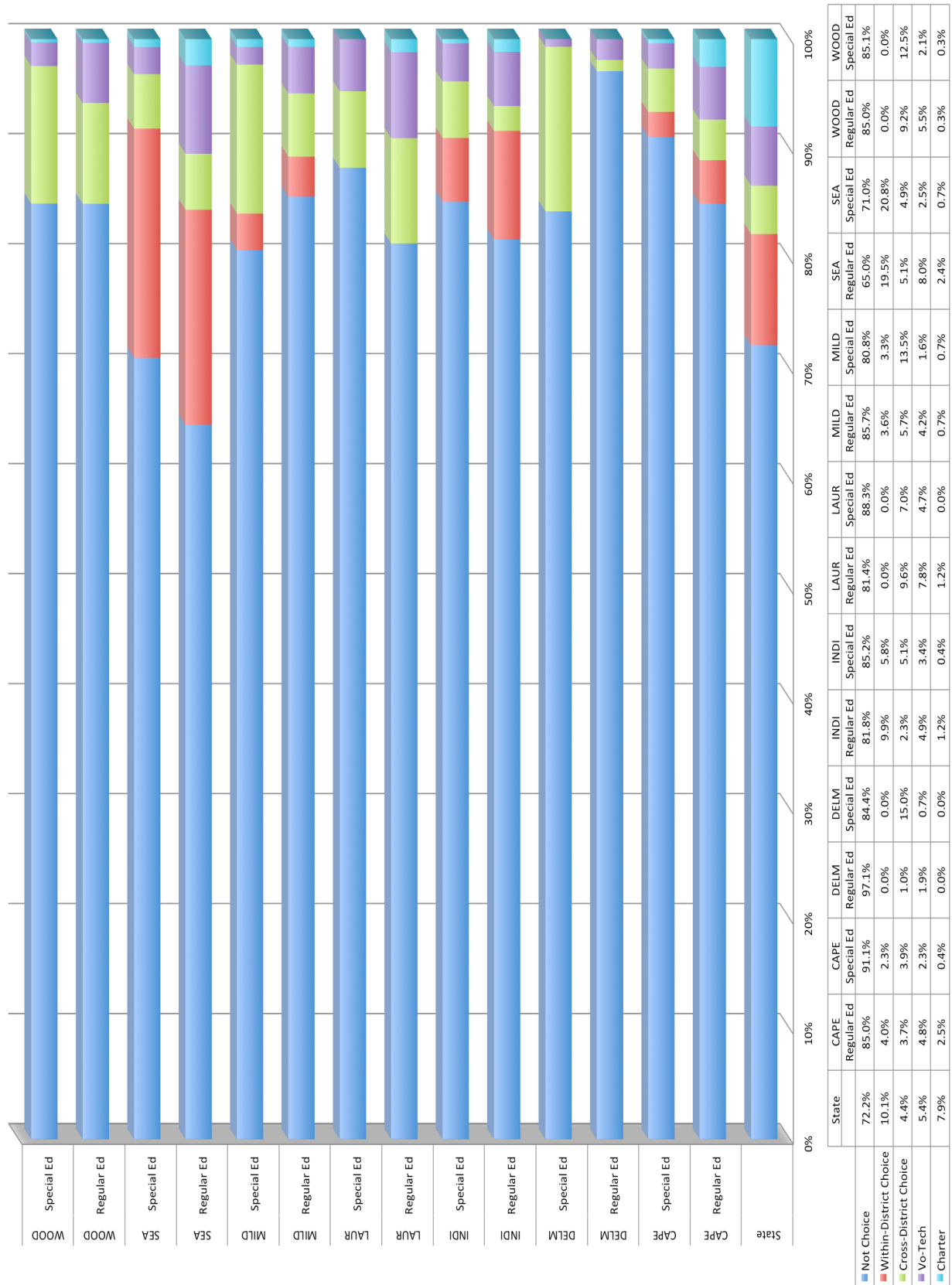
Choice in New Castle County, 2012-13: By Special Education



Choice in Kent County, 2012-13: By Special Education



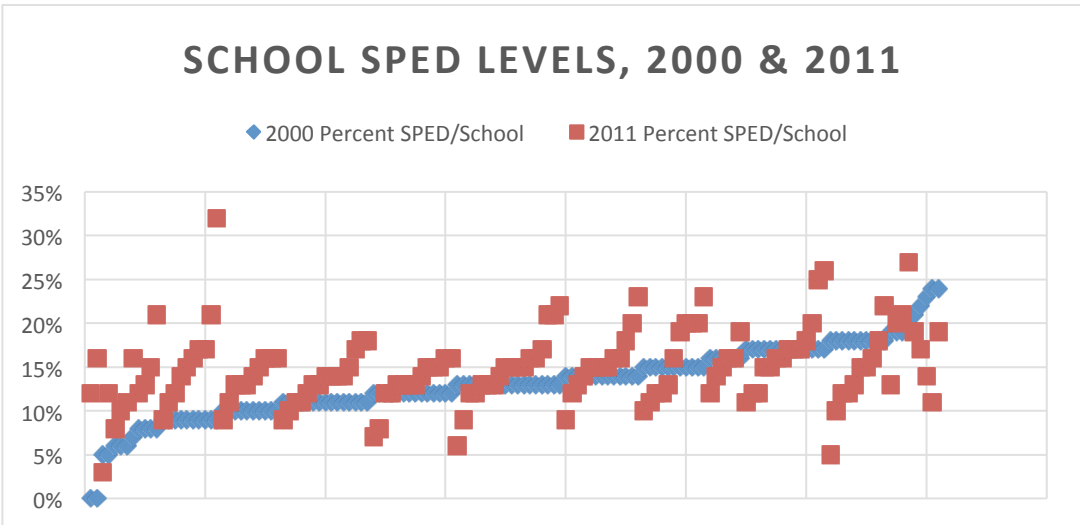
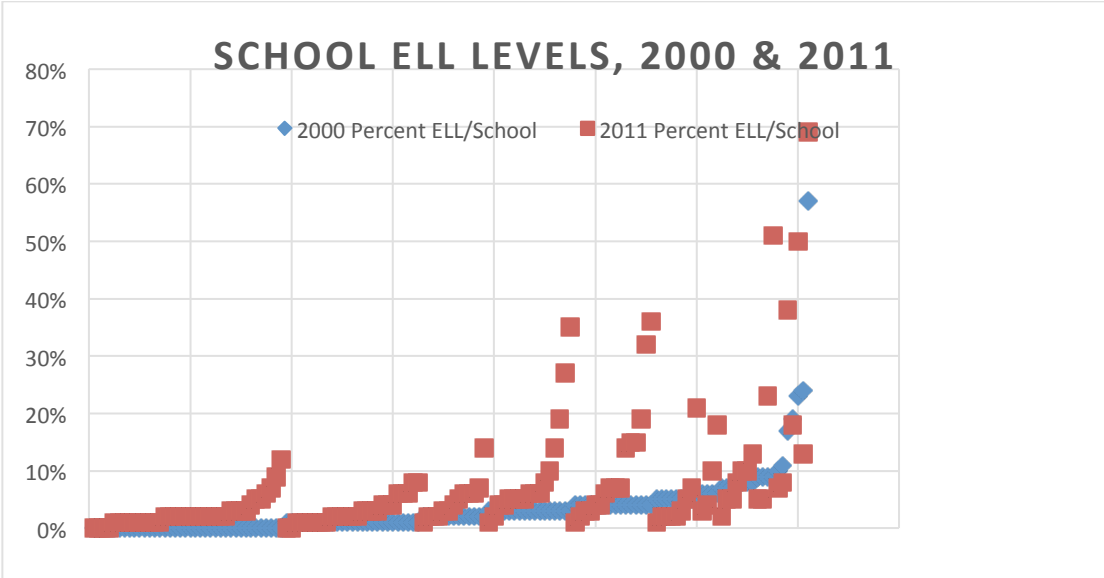
Choice in Sussex County, 2012-13: By Special Education



Appendix C

DELAWARE SCHOOL DEMOGRAPHIC TRENDS, 2000 & 2011

ELL & SPED Concentrations in Delaware Schools, 2000 & 2011



Appendix D

DELAWARE SCHOOL COMPOSITION TRENDS BY COUNTY, 2000 & 2013

Poverty Concentration Across Delaware's Counties, 2000 & 2013

* Represents New Castle County's non-metropolitan school district (Appoquinimink).

2000		<i>METRO</i>	<i>NEW CASTLE*</i>	<i>KENT</i>	<i>SUSSEX</i>
SES Conc	<i>Conc Affluence</i>	8%	83%	6%	
	<i>Low Pov</i>	38%	17%	30%	28%
	<i>Low-Mod Pov</i>	35%		48%	44%
	<i>High-Mod Pov</i>	15%		16%	28%
	<i>High Pov</i>	3%			
	<i>Conc Pov</i>	1%			
	<i>Extreme Conc Pov</i>				

2013		<i>METRO</i>	<i>NEW CASTLE*</i>	<i>KENT</i>	<i>SUSSEX</i>
SES Conc	<i>Conc Affluence</i>	2%	16%		
	<i>Low Pov</i>	6%	46%	2%	3%
	<i>Low-Mod Pov</i>	13%	38%	13%	10%
	<i>High-Mod Pov</i>	23%		29%	21%
	<i>High Pov</i>	22%		36%	26%
	<i>Conc Pov</i>	20%		11%	37%
	<i>Extreme Conc Pov</i>	14%		9%	3%

Poverty Concentration Across Delaware's Counties, 2000 & 2013

* Represents New Castle County's non-metropolitan school district (Appoquinimink).

2000		Regular			Vocational			Magnet			Charter		
		METRO	NEW CASTLE*	KENT	SUSSEX	METRO	NEW CASTLE*	METRO	SUSSEX	METRO	NEW CASTLE*	KENT	SUSSEX
SES	Conc	1	5	2		1							
Conc	Affluence												
	Low Pov	25	1	10	7	1	1	2	1	1			1
	Low-Mod Pov	24		16	16	1							
	High-Mod Pov	11		5	10								
	High Pov	3											
	Conc Pov	1											
	Extreme												
	Conc Pov												
	TOTAL	65	6	33	33	3	3	2	1	1			

2013		Regular			Vocational			Magnet			Charter		
		METRO	NEW CASTLE*	KENT	SUSSEX	METRO	NEW CASTLE*	METRO	SUSSEX	METRO	NEW CASTLE*	KENT	SUSSEX
SES	Conc	1	1							1	1		
Conc	Affluence												
	Low Pov	2	5	1		1		1	3	3			1
	Low-Mod Pov	9	5	6	1	1		1	1	2			
	High-Mod Pov	19		12	8				3			1	
	High Pov	19		15	10	2						1	
	Conc Pov	16		5	14				3				
	Extreme	8			1				6			1	
	Conc Pov												
	TOTAL	74	11	39	34	3	1	2	2	1	18	3	1

Racial Concentration Across Delaware's Counties, 2000 & 2013

* Represents New Castle County's non-metropolitan school district (Appoquinimink).

2000		Regular			
		<i>METRO</i>	<i>NEW CASTLE*</i>	<i>KENT</i>	<i>SUSSEX</i>
HR Racial Conc	<i>Low, <25%</i>	4%	100%	36%	31%
	<i>Low-Mod, 25-50%</i>	74%		48%	69%
	<i>High-Mod, 50-75%</i>	19%		16%	
	<i>High, >75%</i>	3%			

2013		Regular			
		<i>METRO</i>	<i>NEW CASTLE*</i>	<i>KENT</i>	<i>SUSSEX</i>
HR Racial Conc	<i>Low, <25%</i>	12%	31%	12%	30%
	<i>Low-Mod, 25-50%</i>	29%	69%	62%	49%
	<i>High-Mod, 50-75%</i>	31%		21%	21%
	<i>High, >75%</i>	28%		5%	

Poverty Concentration Across Delaware's Counties, 2000 & 2013

*Represents New Castle County's non-metropolitan school district (Appoquinimink).

2000	Regular				Vocational				Magnet				Charter			
	METRO	NEW CASTLE*	KENT	SUSSEX	METRO	NEW CASTLE*	SUSSEX	METRO	SUSSEX	METRO	NEW CASTLE*	SUSSEX	METRO	NEW CASTLE*	KENT	SUSSEX
HR	2	6	12	8	1	2	1									
Low, <25%	49		16	25	1			1								
Racial Conc	12		5		1											
High-Mod, 50-75%	2															
High, >75%	65	6	33	33	3	2	1	1								
TOTAL																

2013	Regular				Vocational				Magnet				Charter			
	METRO	NEW CASTLE*	KENT	SUSSEX	METRO	NEW CASTLE*	SUSSEX	METRO	SUSSEX	METRO	NEW CASTLE*	SUSSEX	METRO	NEW CASTLE*	KENT	SUSSEX
HR	7	3	4	8				1	1	1	4	1	1	1		
Low, <25%	23	8	25	18	1	1	1	1	1	1	3					
Racial Conc	27		9	8	1						2					
High-Mod, 50-75%	17		1		1						9				1	
High, >75%	74	11	39	34	3	1	2	2	1	18	1	3				
TOTAL																

Appendix E

DELAWARE STUDENT OUTCOMES 1: NAEP 1989-2013

National Center for Education Statistics (NCES)

Institute of Education Sciences (IES)

National Assessment of Educational Progress (NAEP)

Generated using the NAEP Data Explorer. <http://nces.ed.gov/nationsreportcard/naepdata/>

NAEP Trend 1990-2013: % Reading Proficient by Income, 4th & 8th Grades

Year	Eligible		Not eligible	
	Avg. scale score	Std error	Avg. scale score	Std error
2013	215	(1.1)	238	(0.9)
2011	214	(0.9)	236	(0.9)
2009	214	(0.9)	234	(0.7)
2007	214	(1.1)	232	(0.9)
2005	214	(1.2)	233	(0.8)
2003	212	(1.3)	231	(0.7)
2002	211	(0.9)	232	(0.7)
1998	189	(2.9)	219	(1.7)
1998 ¹	199	(2.1)	221	(1.5)
1994 ¹	—	†	—	†
1992 ¹	—	†	—	†

Year	Eligible		Not eligible	
	Avg. scale score	Std error	Avg. scale score	Std error
2013	255	(1.0)	276	-(1.0)
2011	256	(1.1)	273	-(1.1)
2009	253	(1.2)	272	-(0.8)
2007	254	(1.0)	270	-(0.9)
2005	254	(1.4)	271	-(0.7)
2003	250	(1.1)	271	-(0.8)
2002	253	(1.0)	275	-(0.5)
1998	238	(3.2)	262	-(1.7)
1998 ¹	239	(2.3)	263	-(1.1)
1994 ¹	—	†	—	†
1992 ¹	—	†	—	†

SOURCE: U.S. Department of Education, Institute of Education Sciences, National Center for Education Statistics, National Assessment of Educational Progress (NAEP), 1990, 1992, 1996, 2000, 2003, 2005, 2007, 2009, 2011 and 2013 Mathematics Assessments.

NAEP Trend 1990-2013: % Reading Proficient by ELL Status, 4th & 8th Grade

Year	ELL		Not ELL	
	Avg. scale score	Std error	Avg. scale score	Std error
2013	184	(5.5)	227	(0.7)
2011	187	(4.1)	226	(0.7)
2009	201	(2.4)	226	(0.5)
2007	207	(2.9)	226	(0.7)
2005	206	(4.9)	226	(0.8)
2003	+	+	225	(0.6)
2002	+	+	225	(0.6)
1998	+	+	208	(1.4)

Year	ELL		Not ELL	
	Avg. scale score	Std error	Avg. scale score	Std error
2013	+	+	267	(0.7)
2011	+	+	266	(0.7)
2009	+	+	266	(0.7)
2007	+	+	265	(0.7)
2005	+	+	266	(0.6)
2003	+	+	265	(0.7)
2002	+	+	268	(0.5)
1998	+	+	254	(1.4)

NAEP Trend 1990-2013: % Reading Proficient by Race, 4th & 8th Grades

Year	White		Black		Hispanic		Asian	
	Avg. scale score	Std error	Avg. scale score	Std error	Avg. scale score	Std error	Avg. scale score	Std error
2013	235	(0.9)	213	(1.3)	216	(1.8)	249	(3.6)
2011	234	(1.1)	215	(1.4)	214	(1.9)	240	(3.1)
2009	235	(0.8)	213	(0.9)	216	(1.8)	242	(5.0)
2007	233	(0.9)	213	(1.0)	218	(2.3)	246	(3.6)
2005	235	(0.9)	212	(1.1)	216	(2.2)	239	(4.5)
2003	233	(0.7)	211	(1.1)	209	(3.0)	238	(3.5)
2002	233	(0.7)	209	(1.1)	212	(1.9)	242	(3.7)
1998	218	(1.6)	189	(2.7)	176	(11.6)	+	+
1998 ¹	219	(1.6)	197	(1.5)	202	(5.5)	+	+
1994 ¹	215	(1.2)	187	(1.9)	+	+	+	+
1992 ¹	221	(0.8)	195	(1.5)	+	+	+	+

Year	White		Black		Hispanic		Asian	
	Avg. scale score	Std error	Avg. scale score	Std error	Avg. scale score	Std error	Avg. scale score	Std error
2013	274	(0.9)	253	(1.2)	261	(1.9)	289	(5.1)
2011	273	(0.9)	254	(0.9)	259	(2.4)	285	(3.2)
2009	273	(1.0)	254	(1.2)	256	(2.4)	272	(3.7)
2007	274	(1.0)	250	(1.1)	257	(2.2)	277	(3.9)
2005	274	(0.8)	252	(1.2)	253	(2.7)	276	(4.3)
2003	273	(0.9)	248	(1.7)	246	(3.2)	281	(5.0)
2002	275	(0.5)	252	(0.8)	250	(2.1)	282	(2.9)
1998	263	(1.3)	234	(2.1)	248	(7.9)	+	+
1998 ¹	263	(1.2)	238	(2.1)	247	(8.6)	+	+
1994 ¹	—	+	—	+	—	+	—	+
1992 ¹	—	+	—	+	—	+	—	+

SOURCE: U.S. Department of Education, Institute of Education Sciences, National Center for Education

Statistics, National Assessment of Educational Progress (NAEP), 1990, 1992, 1996, 2000, 2003, 2005,

2007, 2009, 2011 and 2013 Mathematics Assessments.

NAEP Trend 1990-2013: % Reading Proficient by SPED Status, 4th & 8th Grades

Year	Identified as student with disability		Not identified as student with disability	
	Avg. scale score	Std error	Avg. scale score	Std error
2013	191	(3.0)	231	(0.7)
2011	192	(2.3)	229	(0.7)
2009	201	(2.9)	228	(0.6)
2007	205	(2.0)	227	(0.8)
2005	209	(3.6)	227	(0.8)
2003	205	(3.5)	225	(0.6)
2002	197	(2.8)	227	(0.6)
1998	161	(5.9)	214	(1.5)
1998 ¹	±	†	±	†
1994 ¹	±	†	±	†
1992 ¹	±	†	±	†

Year	Identified as student with disability		Not identified as student with disability	
	Avg. scale score	Std error	Avg. scale score	Std error
2013	236	(2.5)	270	(0.7)
2011	231	(1.9)	270	(0.7)
2009	240	(2.1)	268	(0.7)
2007	239	(2.2)	268	(0.6)
2005	231	(3.3)	268	(0.6)
2003	224	(2.3)	268	(0.7)
2002	229	(1.8)	271	(0.5)
1998	213	(7.3)	259	(1.0)
1998 ¹	±	†	±	†
1994 ¹	—	†	—	†
1992 ¹	—	†	—	†

NAEP Trend 1990-2013: % Math Proficient by Income, 4th & 8th Grades

Year	Eligible		Not eligible	
	Avg. scale score	Std error	Avg. scale score	Std error
2013	233	(0.8)	254	(0.9)
2011	231	(0.8)	250	(0.7)
2009	229	(0.8)	248	(0.7)
2007	232	(0.5)	248	(0.6)
2005	229	(0.7)	247	(0.8)
2003	225	(0.7)	243	(0.7)
1996	—	†	—	†
1996 ¹	199	(1.5)	227	(1.0)
1992 ¹	—	†	—	†
1990 ¹	—	†	—	†

Year	Eligible		Not eligible	
	Avg. scale score	Std error	Avg. scale score	Std error
2013	269	(1.1)	294	(1.0)
2011	270	(0.9)	293	(1.0)
2009	271	(0.8)	292	(0.7)
2007	270	(1.3)	290	(0.7)
2005	265	(1.2)	288	(0.8)
2003	261	(1.2)	285	(0.8)
1996	—	†	—	†
1996 ¹	247	(1.9)	274	(1.1)
1992 ¹	—	†	—	†
1990 ¹	—	†	—	†

SOURCE: U.S. Department of Education, Institute of Education Sciences, National Center for Education Statistics, National Assessment of Educational Progress (NAEP), 1990, 1992, 1996, 2000, 2003, 2005, 2007, 2009, 2011 and 2013 Mathematics Assessments.

NAEP Trend 1990-2013: % Math Proficient by ELL Status, 4th & 8th Grades

Year	ELL		Not ELL	
	Avg. scale score	Std error	Avg. scale score	Std error
2013	215	(3.3)	244	(0.6)
2011	211	(3.6)	241	(0.6)
2009	221	(2.4)	240	(0.5)
2007	226	(2.5)	242	(0.4)
2005	229	(3.2)	240	(0.5)
2003	‡	†	236	(0.5)
1996	—	†	—	†

Year	ELL		Not ELL	
	Avg. scale score	Std error	Avg. scale score	Std error
2013	‡	†	283	(0.7)
2011	‡	†	284	(0.7)
2009	‡	†	284	(0.5)
2007	‡	†	284	(0.6)
2005	‡	†	282	(0.6)
2003	‡	†	278	(0.7)
1996	—	†	—	†

NAEP Trend 1990-2013: % Math Proficient by Race, 4th & 8th Grades

Year	White		Black		Hispanic		Asian		Year	White		Black		Hispanic		Asian	
	Avg. scale score	Std error	Avg. scale score	Std error	Avg. scale score	Std error	Avg. scale score	Std error		Avg. scale score	Std error	Avg. scale score	Std error	Avg. scale score	Std error	Avg. scale score	Std error
2013	252	(0.9)	229	(0.9)	234	(1.4)	270	(2.9)	2013	293	(0.9)	264	(1.1)	276	(2.0)	313	(4.7)
2011	250	(0.6)	227	(0.9)	231	(1.4)	262	(2.7)	2011	294	(1.0)	266	(1.0)	274	(2.0)	311	(3.5)
2009	249	(0.7)	226	(0.8)	231	(1.5)	258	(2.8)	2009	294	(0.7)	267	(1.0)	278	(1.6)	312	(3.8)
2007	249	(0.6)	230	(0.7)	234	(1.4)	261	(2.4)	2007	294	(0.7)	265	(1.1)	267	(2.3)	309	(3.9)
2005	249	(0.7)	226	(1.0)	229	(1.9)	260	(3.7)	2005	291	(0.8)	264	(1.0)	268	(2.2)	306	(3.9)
2003	244	(0.6)	223	(0.8)	226	(1.8)	250	(3.5)	2003	287	(0.8)	260	(0.9)	257	(3.8)	‡	†
1996	—	†	—	†	—	†	—	†	1996	—	†	—	†	—	†	—	†
1996 ¹	225	(0.9)	194	(1.9)	193	(5.3)	‡	†	1996 ¹	275	(1.2)	244	(2.3)	‡	†	‡	†
1992 ¹	226	(0.8)	197	(1.5)	‡	†	‡	†	1992 ¹	272	(1.0)	241	(1.7)	‡	†	‡	†
1990 ¹	—	†	—	†	—	†	—	†	1990 ¹	268	(1.0)	241	(1.8)	‡	†	‡	†

SOURCE: U.S. Department of Education, Institute of Education Sciences, National Center for Education Statistics, National Assessment of Educational Progress (NAEP), 1990, 1992, 1996, 2000, 2003, 2005, 2007, 2009, 2011 and 2013 Mathematics Assessments.

NAEP Trend 1990-2013: % Math Proficient by SPED Status, 4th & 8th Grades

Year	Identified as student with disability		Not identified as student with disability	
	Average scale score	Standard error	Average scale score	Standard error
2013	221	(1.5)	247	(0.7)
2011	217	(1.7)	244	(0.5)
2009	220	(1.7)	242	(0.5)
2007	227	(1.3)	244	(0.4)
2005	222	(1.8)	242	(0.5)
2003	215	(1.7)	238	(0.5)
1996	—	†	—	†
1996 ¹	‡	†	‡	†
1992 ¹	‡	†	‡	†
1990 ¹	—	†	—	†

Year	Identified as student with disability		Not identified as student with disability	
	Average scale score	Standard error	Average scale score	Standard error
2013	248	-(2.3)	288	-(0.8)
2011	243	-(1.9)	288	-(0.6)
2009	255	-(1.9)	288	-(0.5)
2007	258	-(2.4)	285	-(0.6)
2005	251	-(3.1)	283	-(0.6)
2003	237	-(2.6)	281	-(0.6)
1996	—	†	—	†
1996 ¹	‡	†	‡	†
1992 ¹	‡	†	‡	†
1990 ¹	‡	†	‡	†

— Not available.

† Not applicable.

‡ Reporting standards not met.

¹ Accommodations were not permitted for this assessment.

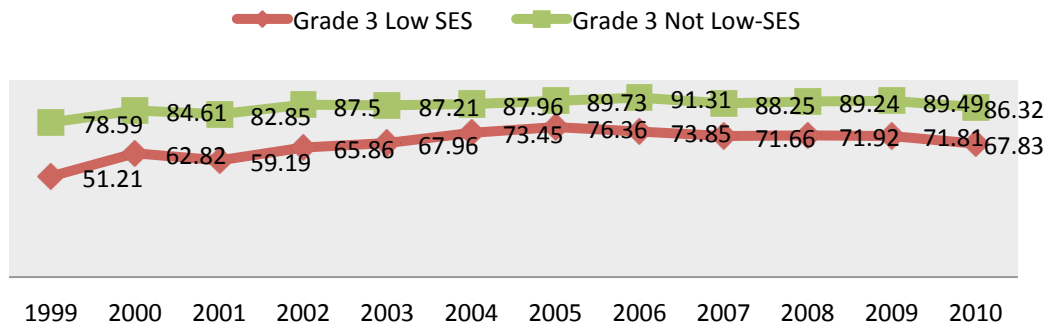
NOTE: The NAEP Mathematics scale ranges from 0 to 500. Some apparent differences between estimates may not be statistically significant.

SOURCE: U.S. Department of Education, Institute of Education Sciences, National Center for Education Statistics, National Assessment of Educational Progress (NAEP), 1990, 1992, 1996, 2000, 2003, 2005, 2007, 2009, 2011 and 2013 Mathematics Assessments.

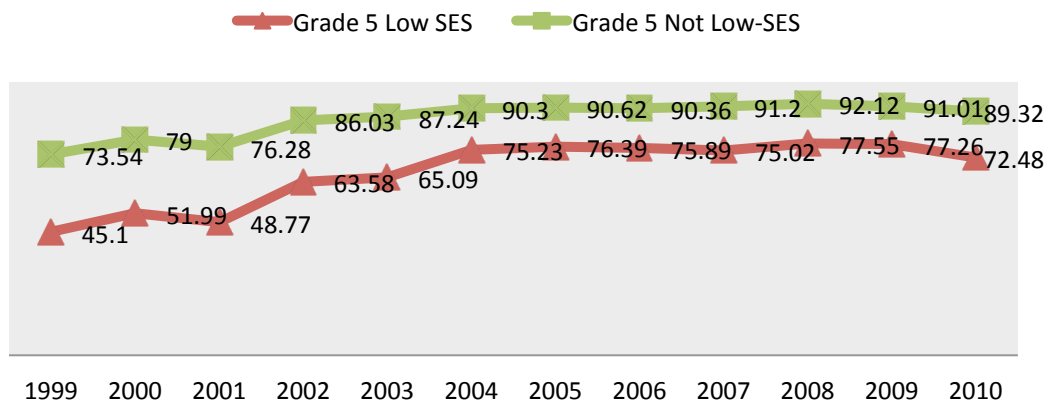
Appendix F

DELAWARE STUDENT OUTCOMES 2: DSTP 1999-2010

DSTP Reading Proficiency in Grade 3 by Income, 1999-2010

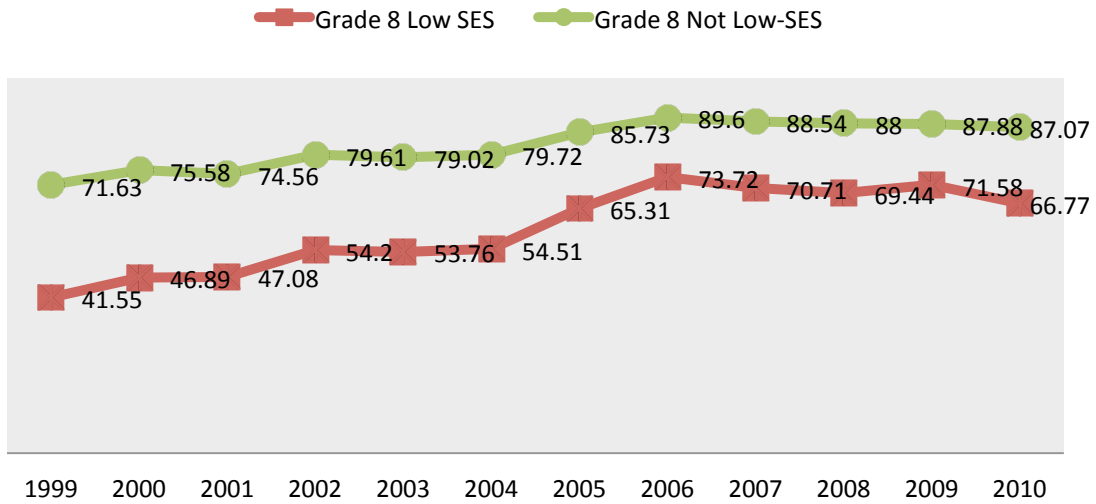


DSTP Reading Proficiency in Grade 5 by Income, 1999-2010

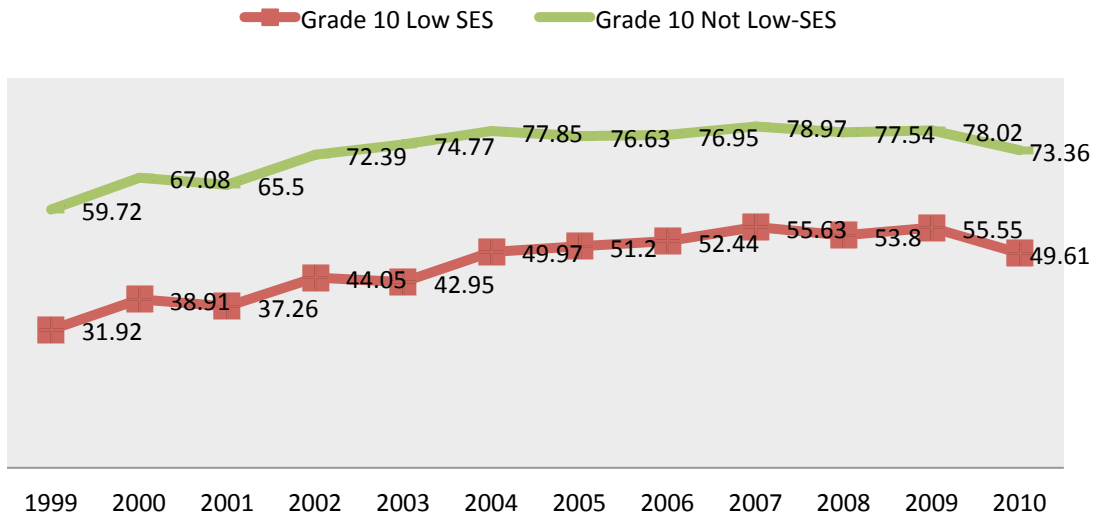


Source: DSTP-OR, Delaware Department of Education

DSTP Reading Proficiency in Grade 8 by Income, 1999-2010

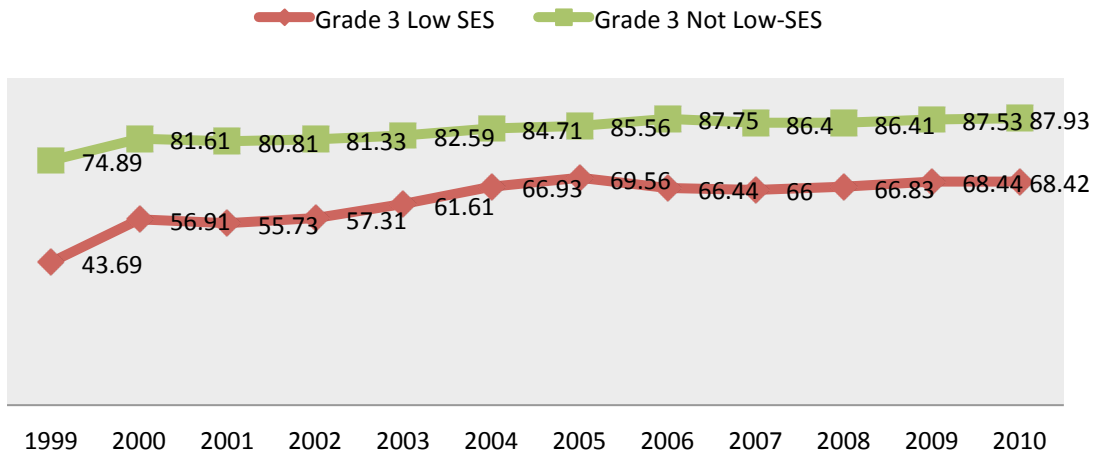


DSTP Reading Proficiency in Grade 10 by Income, 1999-2010

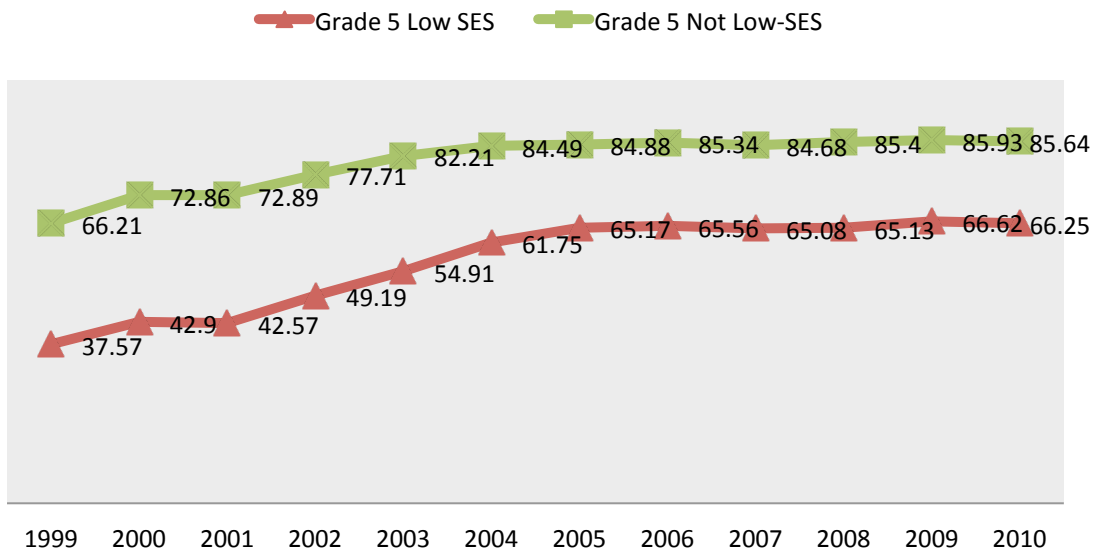


Source: DSTP-OR, Delaware Department of Education

DSTP Math Proficiency in Grade 3 by Income, 1999-2010

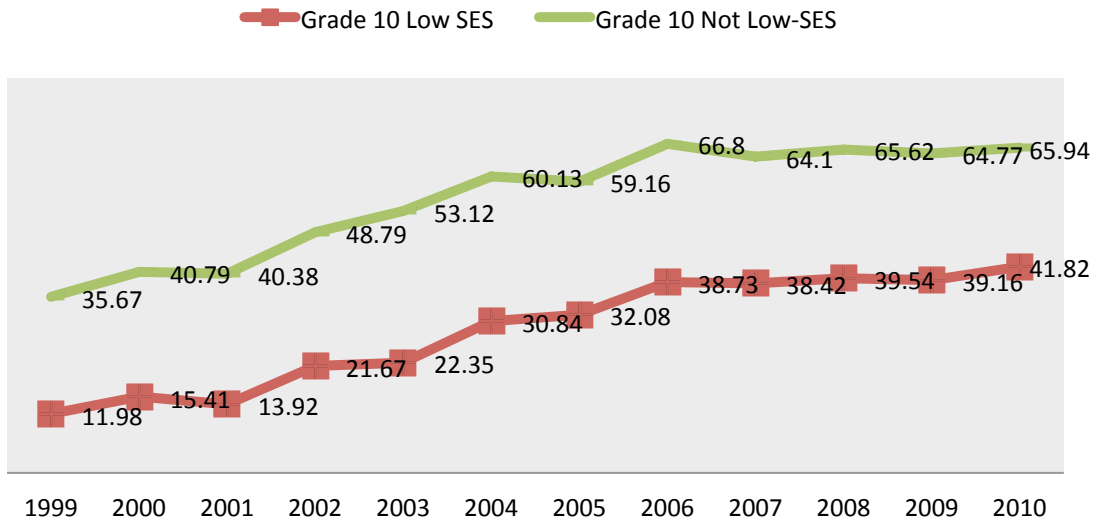


DSTP Math Proficiency in Grade 5 by Income, 1999-2010

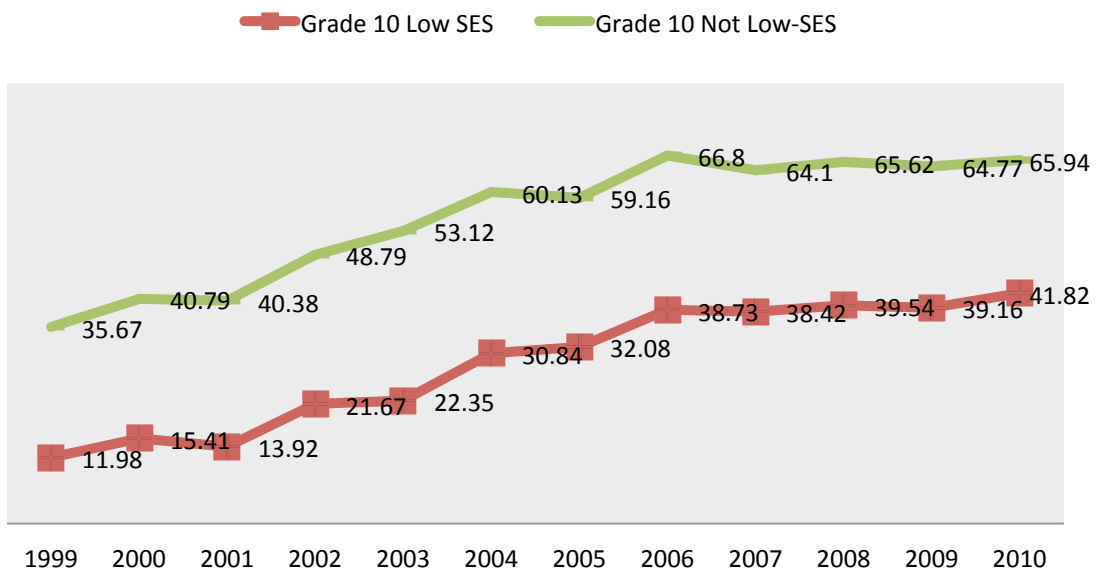


Source: DSTP-OR, Delaware Department of Education

DSTP Math Proficiency in Grade 10 by Income, 1999-2010

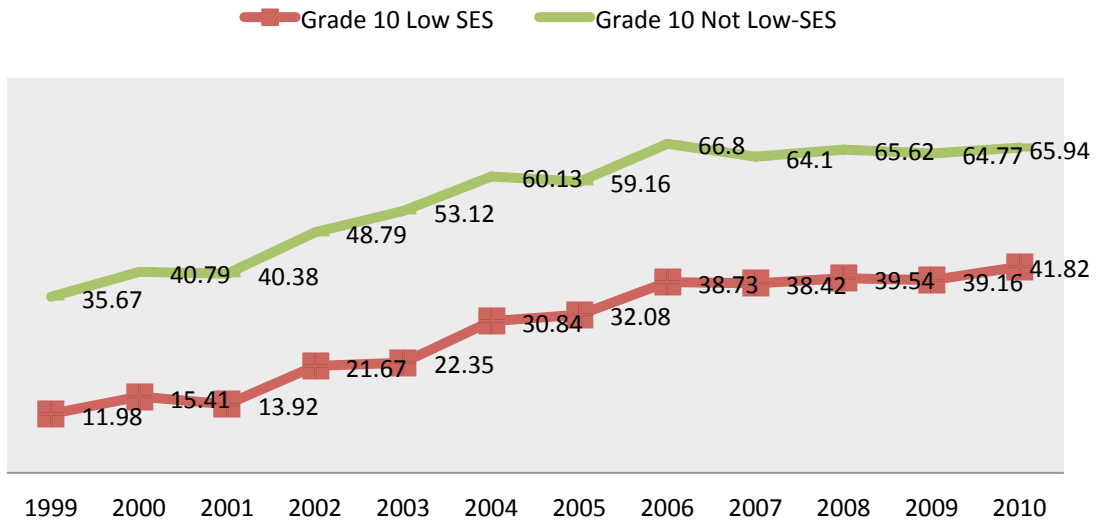


DSTP Math Proficiency in Grade 10 by Income, 1999-2010

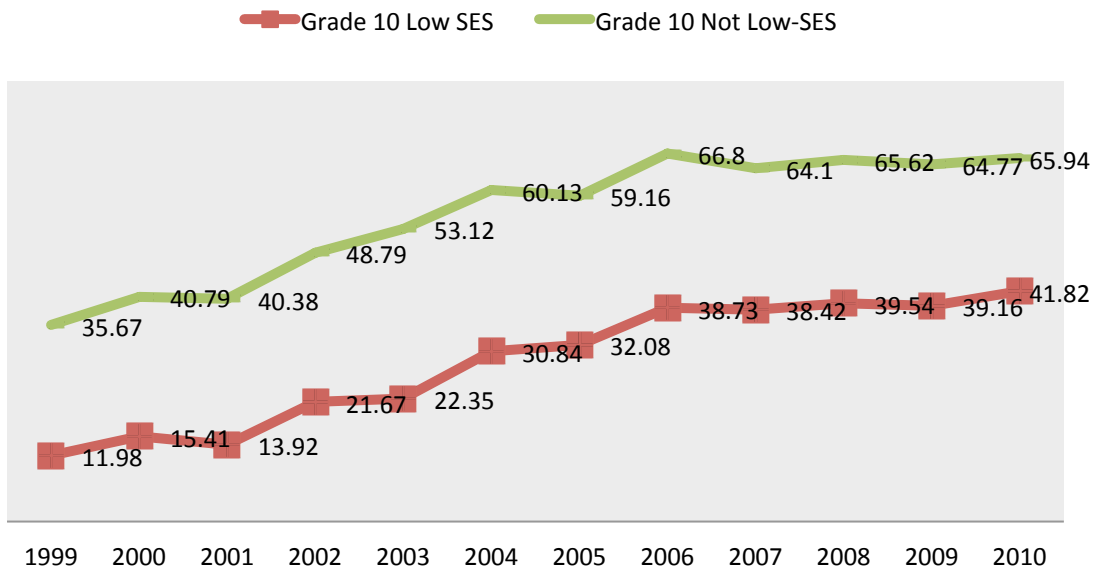


Source: DSTP-OR, Delaware Department of Education

DSTP Math Proficiency in Grade 10 by Income, 1999-2010

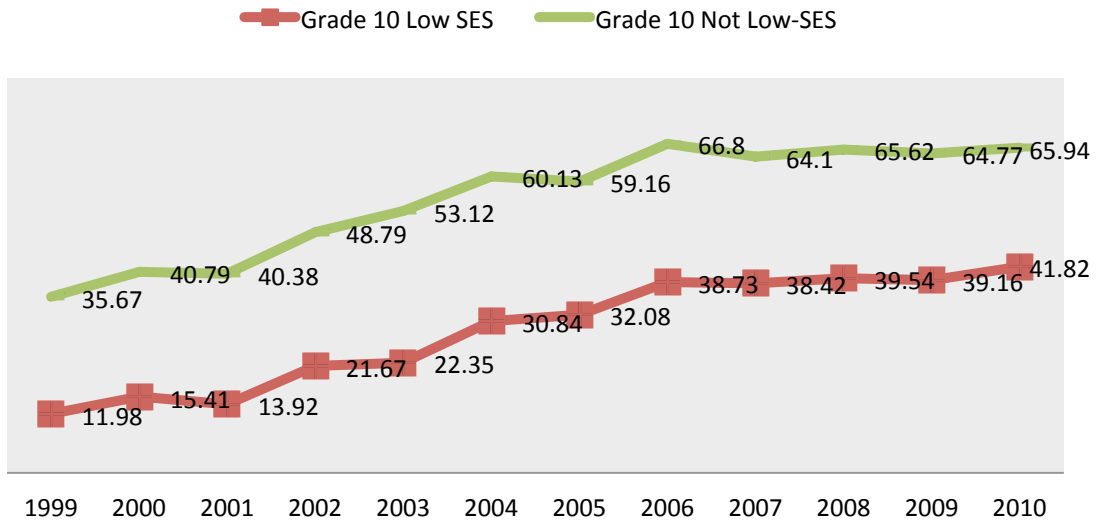


DSTP Math Proficiency in Grade 10 by Income, 1999-2010

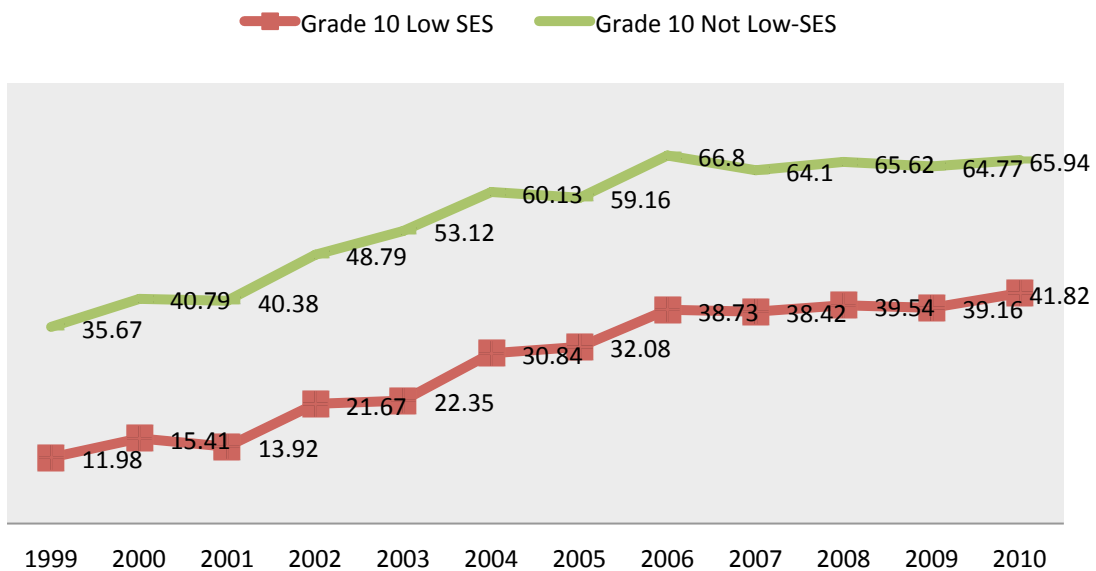


Source: DSTP-OR, Delaware Department of Education

DSTP Math Proficiency in Grade 10 by Income, 1999-2010

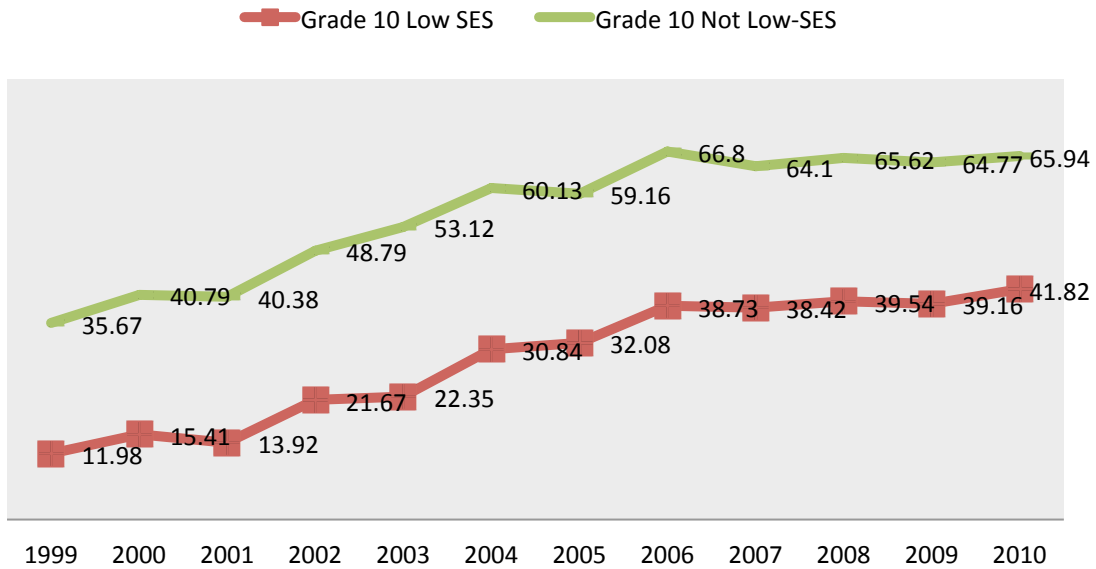


DSTP Math Proficiency in Grade 10 by Income, 1999-2010

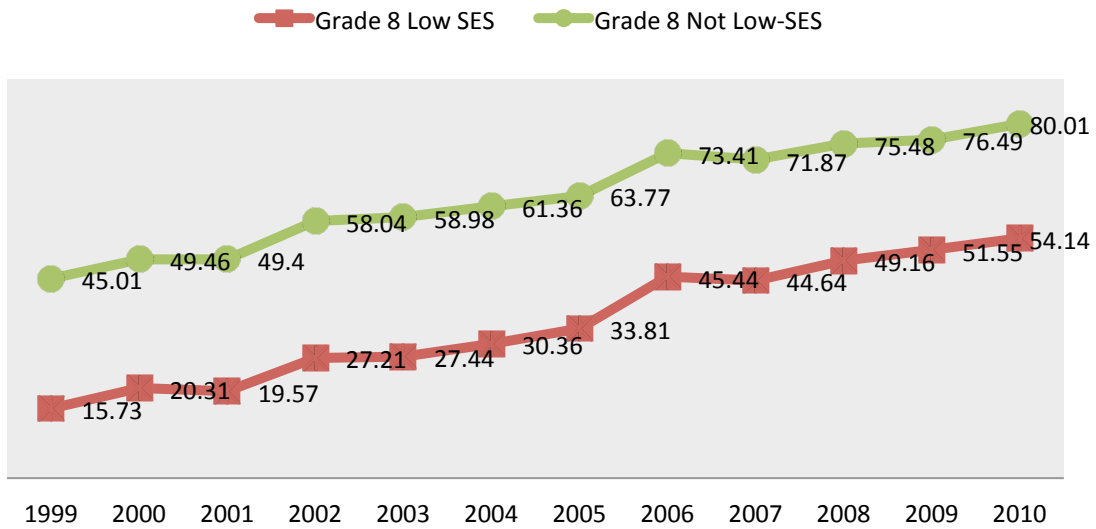


Source: DSTP-OR, Delaware Department of Education

DSTP Math Proficiency in Grade 10 by Income, 1999-2010

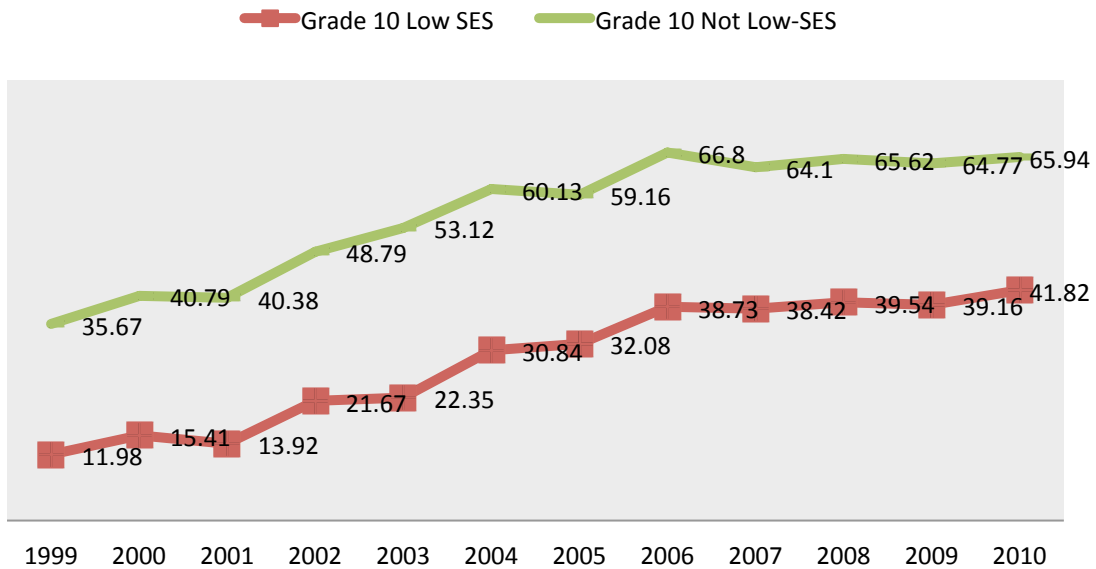


DSTP Math Proficiency in Grade 8 by Income, 1999-2010

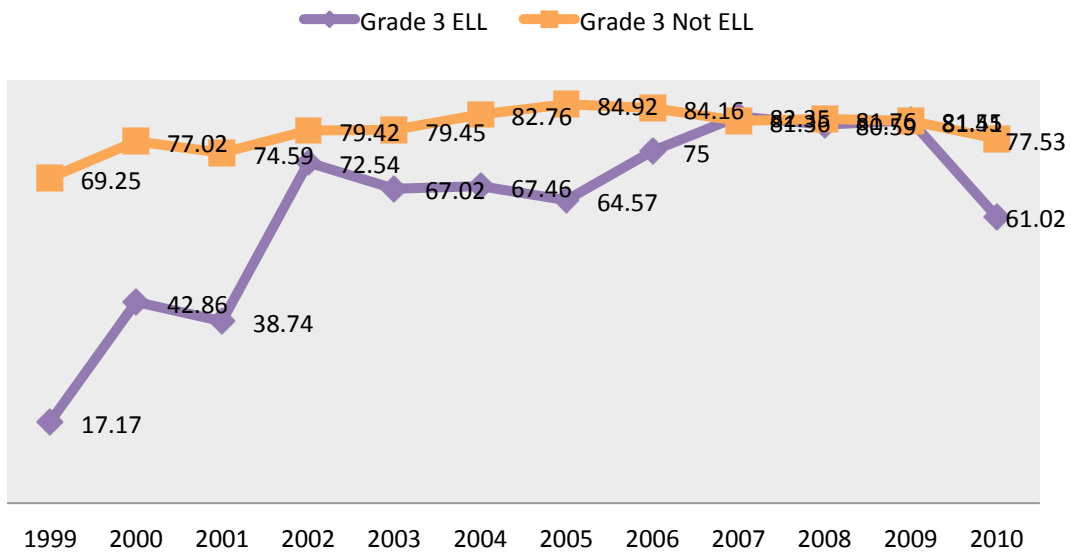


Source: DSTP-OR, Delaware Department of Education

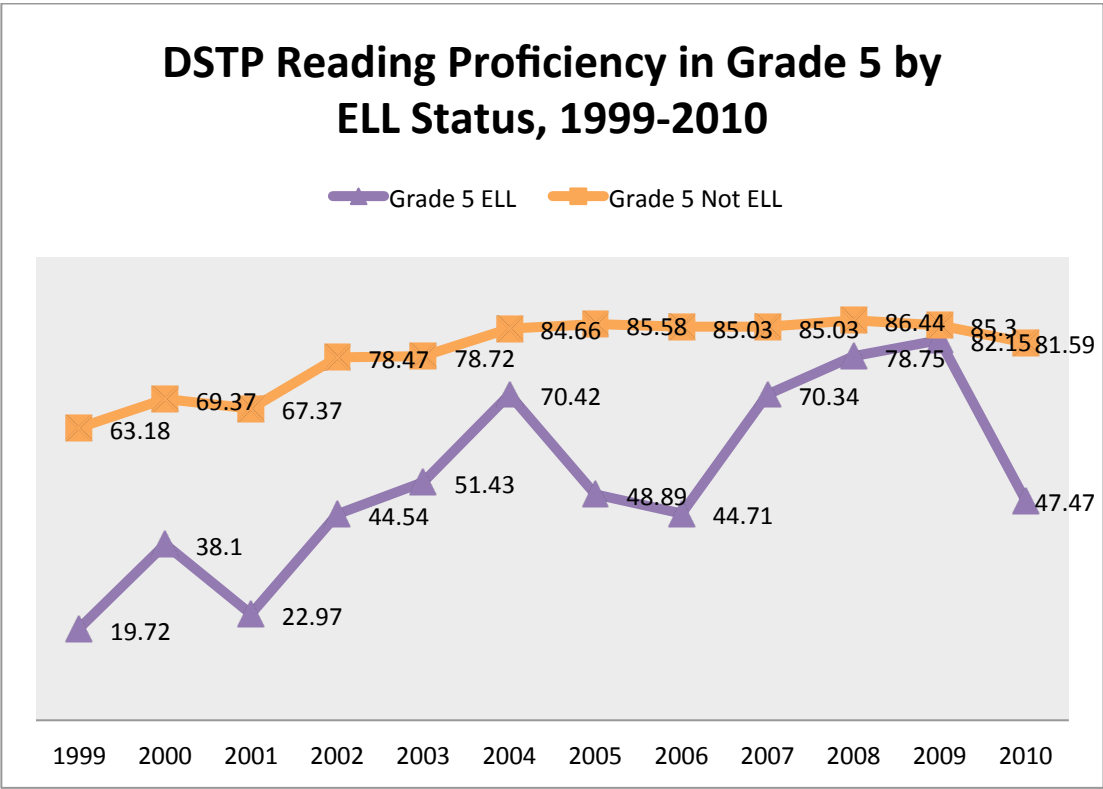
DSTP Math Proficiency in Grade 10 by Income, 1999-2010



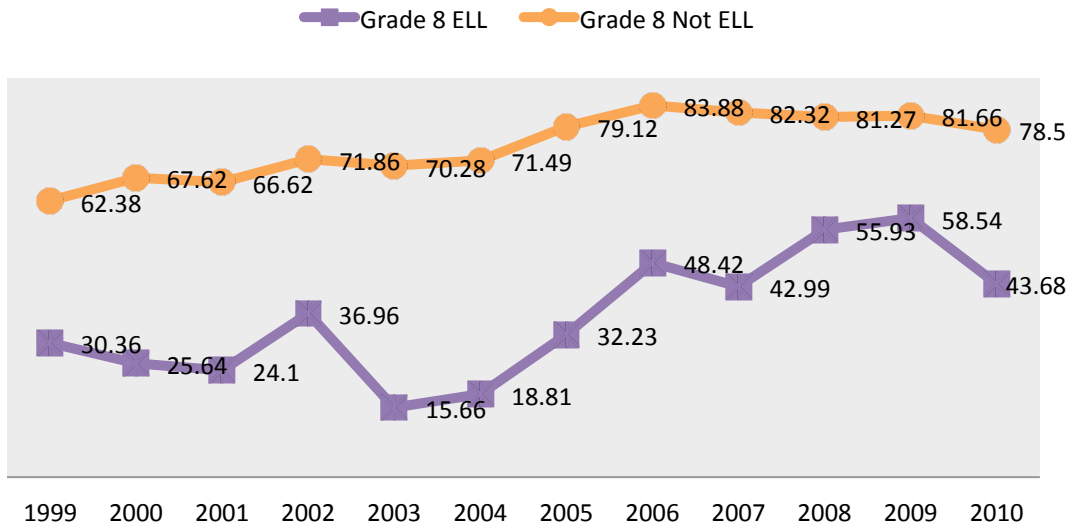
DSTP Reading Proficiency in Grade 3 by ELL Status, 1999-2010



Source: DSTP-OR, Delaware Department of Education

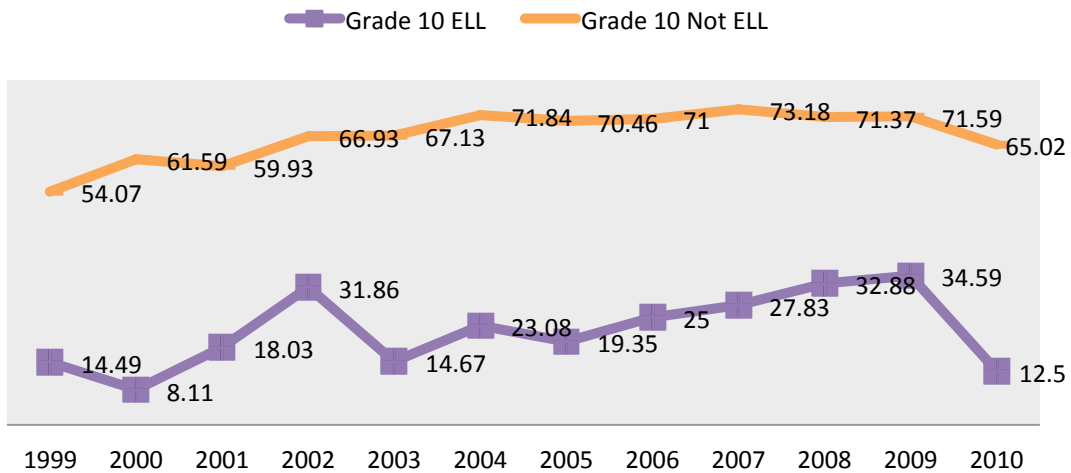


DSTP Reading Proficiency in Grade 8 by ELL Status, 1999-2010

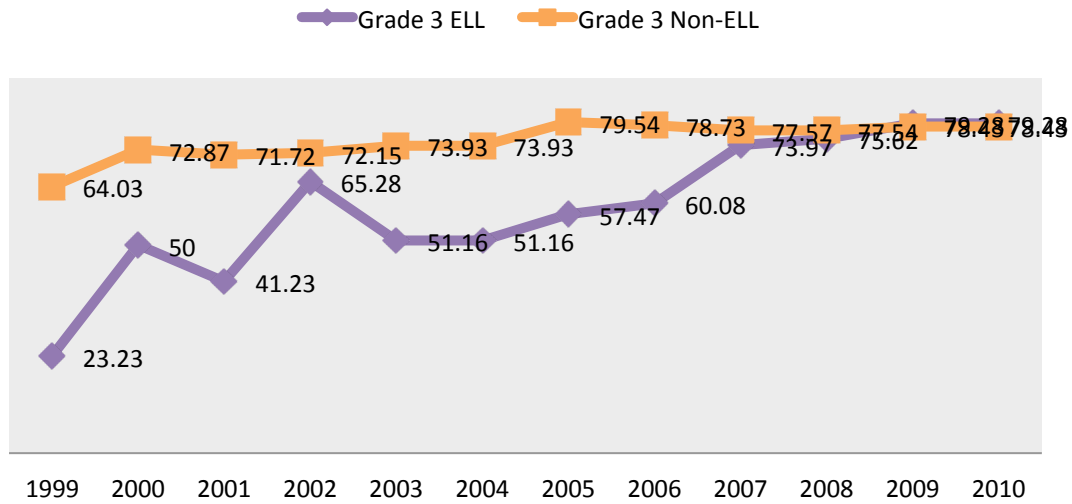


Source: DSTP-OR, Delaware Department of Education

DSTP Reading Proficiency in Grade 10 by ELL Status, 1999-2010

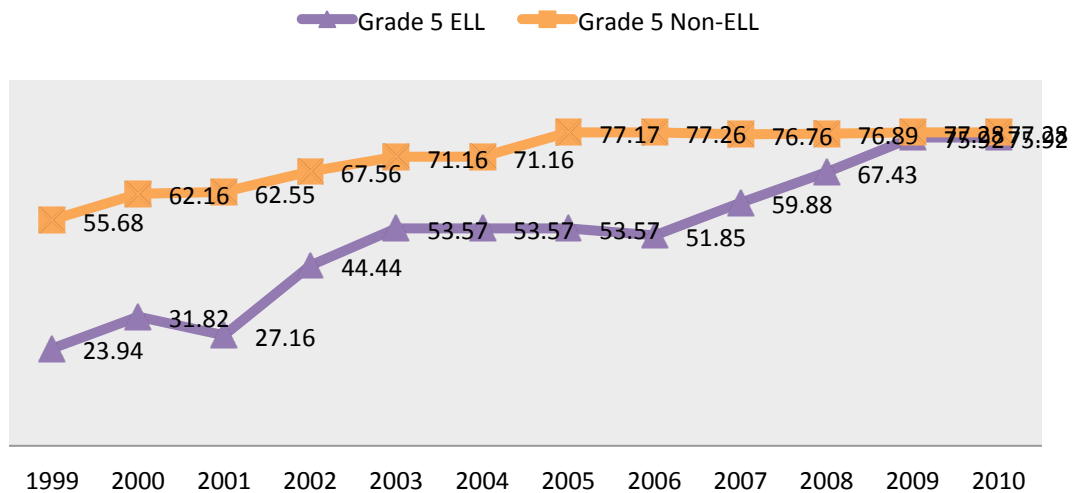


DSTP Math Proficiency in Grade 3 by ELL Status, 1999-2010

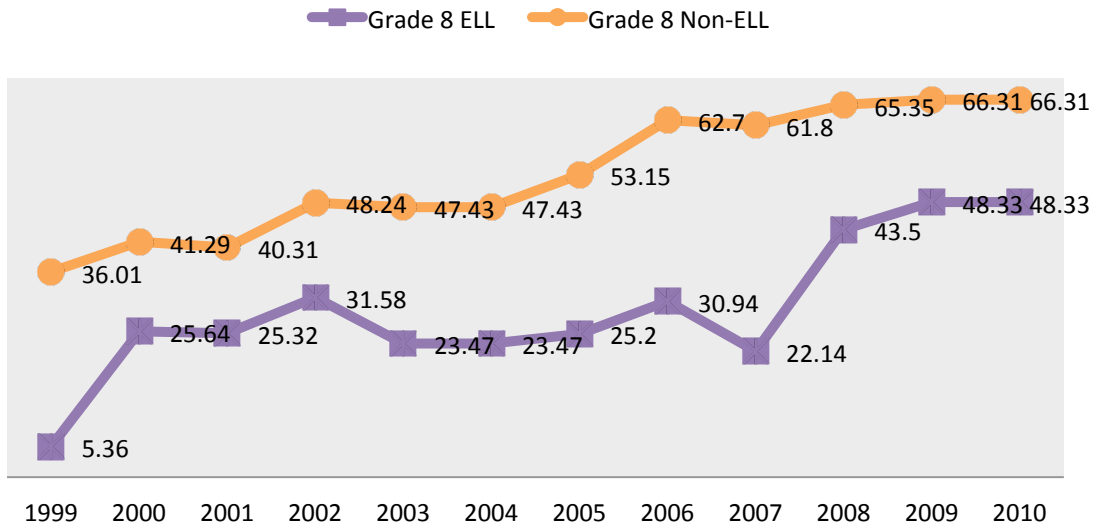


Source: DSTP-OR, Delaware Department of Education

DSTP Math Proficiency in Grade 5 by ELL Status, 1999-2010

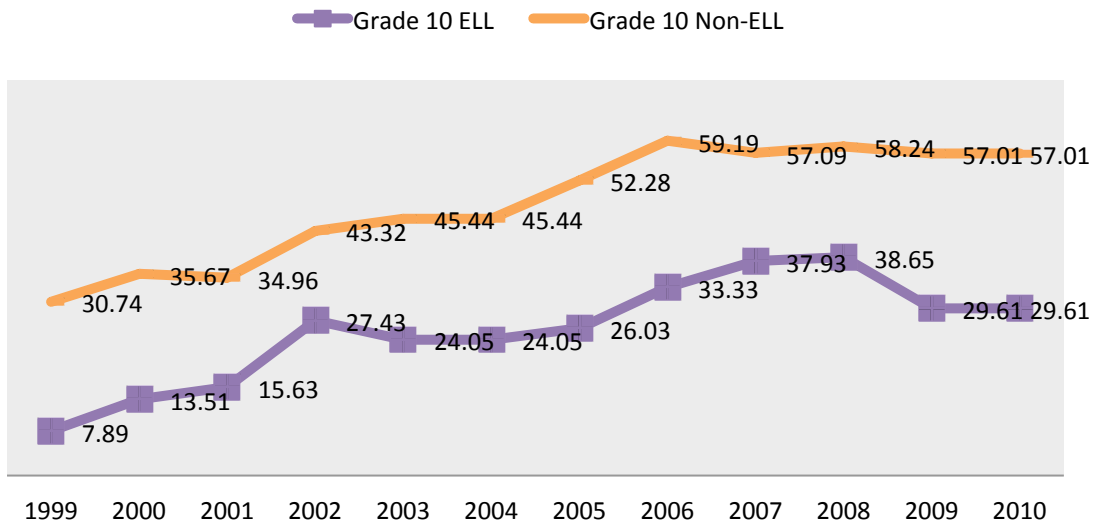


DSTP Math Proficiency in Grade 8 by ELL Status, 1999-2010

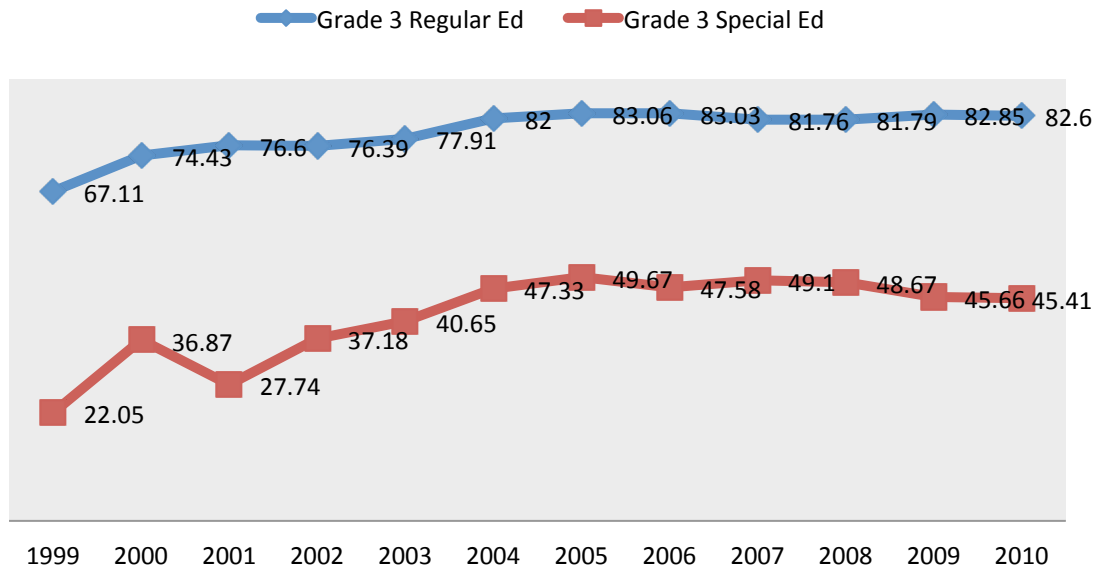


Source: DSTP-OR, Delaware Department of Education

DSTP Math Proficiency in Grade 10 by ELL Status, 1999-2010

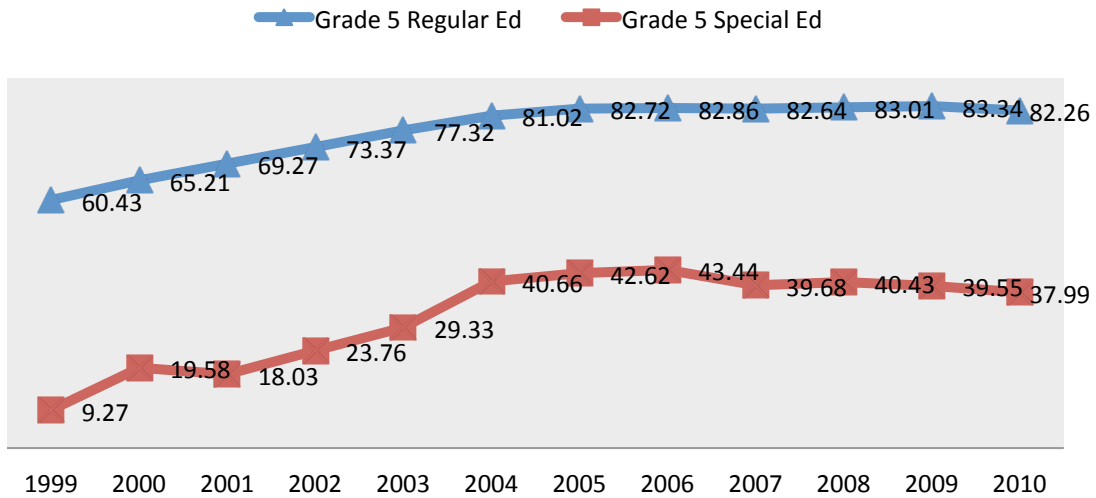


DSTP Math Proficiency in Grade 3 by Special Education Status, 1999-2010

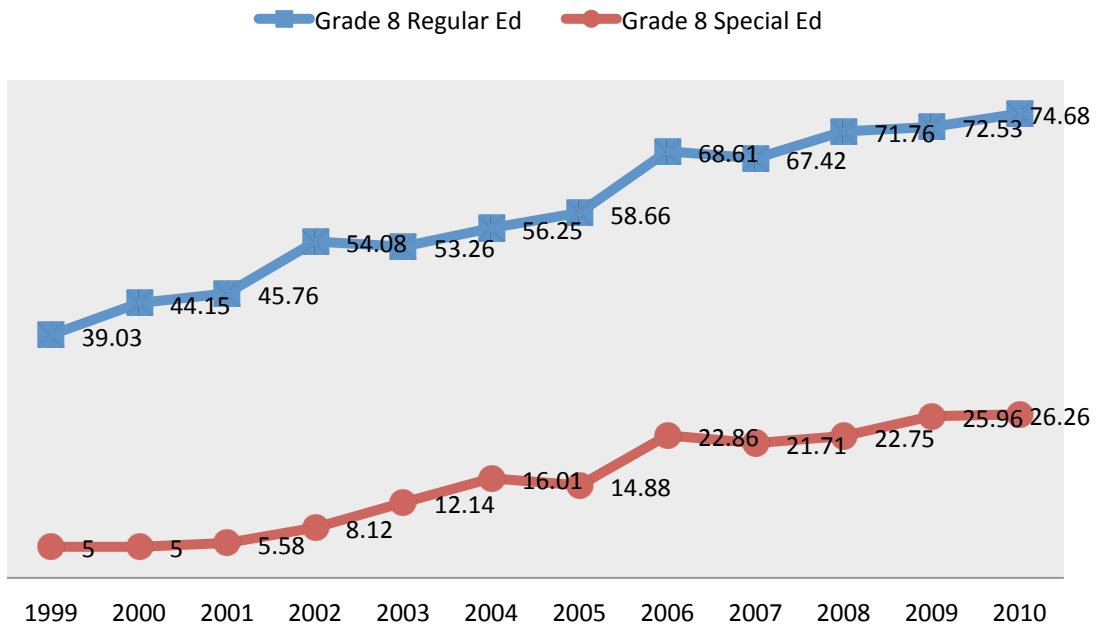


Source: DSTP-OR, Delaware Department of Education

DSTP Math Proficiency in Grade 5 by Special Education Status, 1999-2010

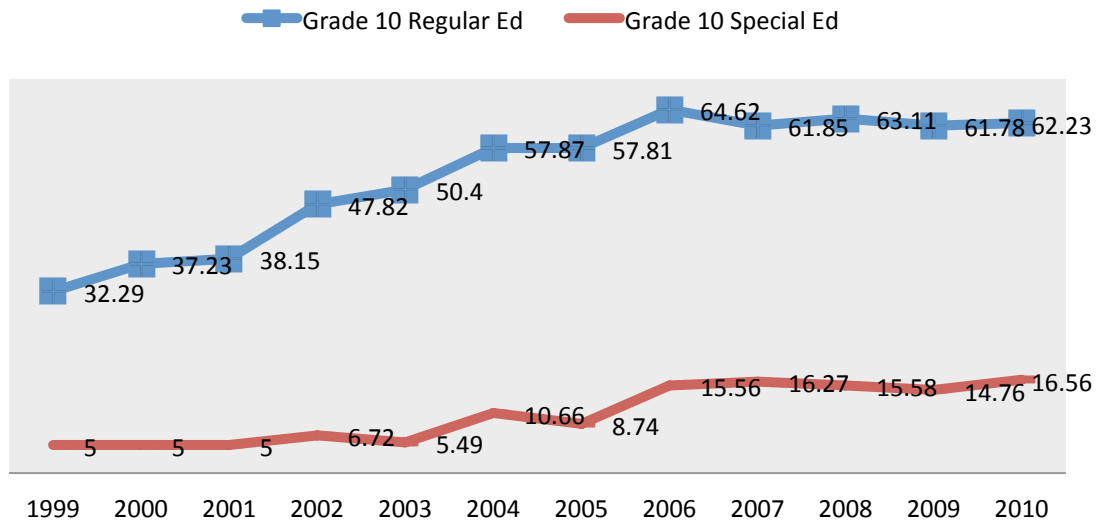


DSTP Math Proficiency in Grade 8 by Special Education Status, 1999-2010

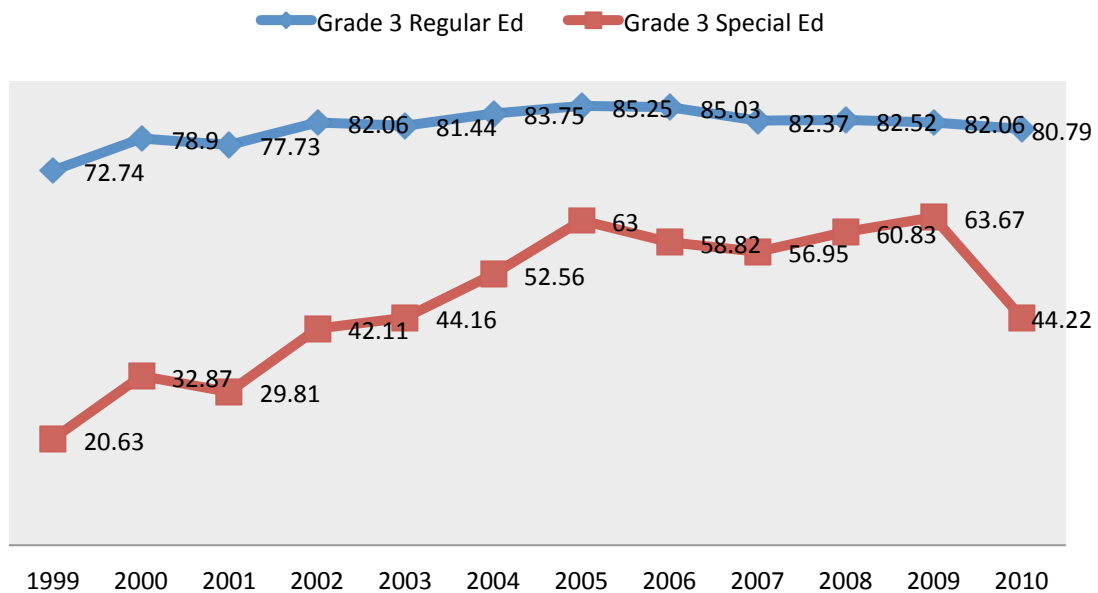


Source: DSTP-OR, Delaware Department of Education

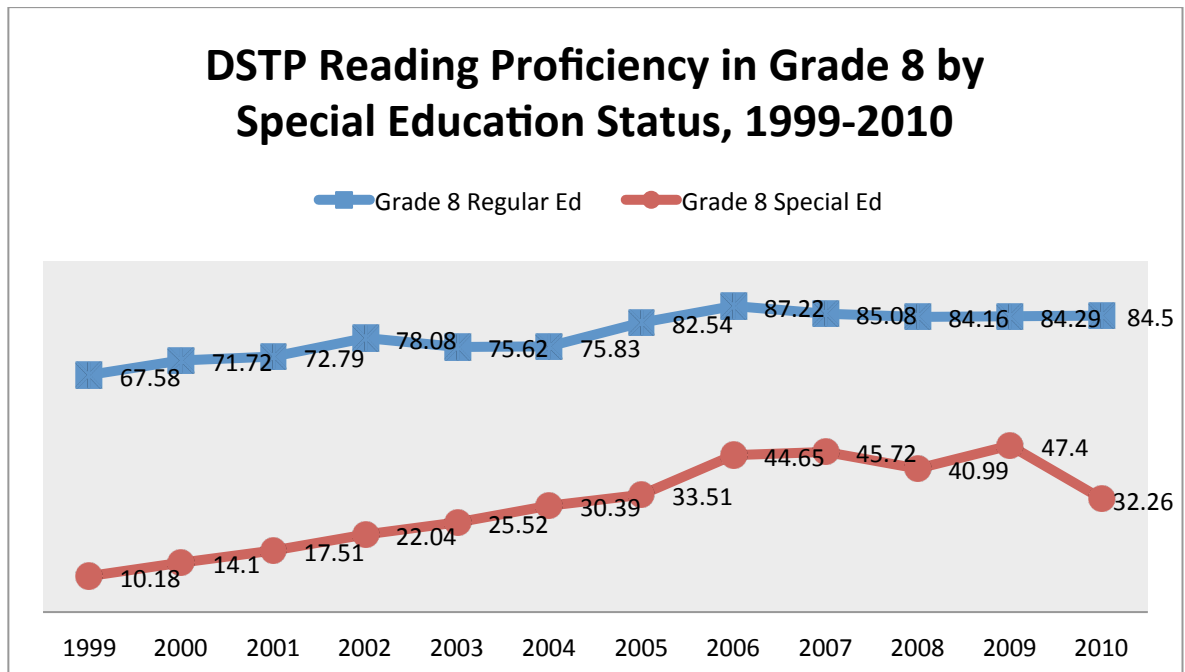
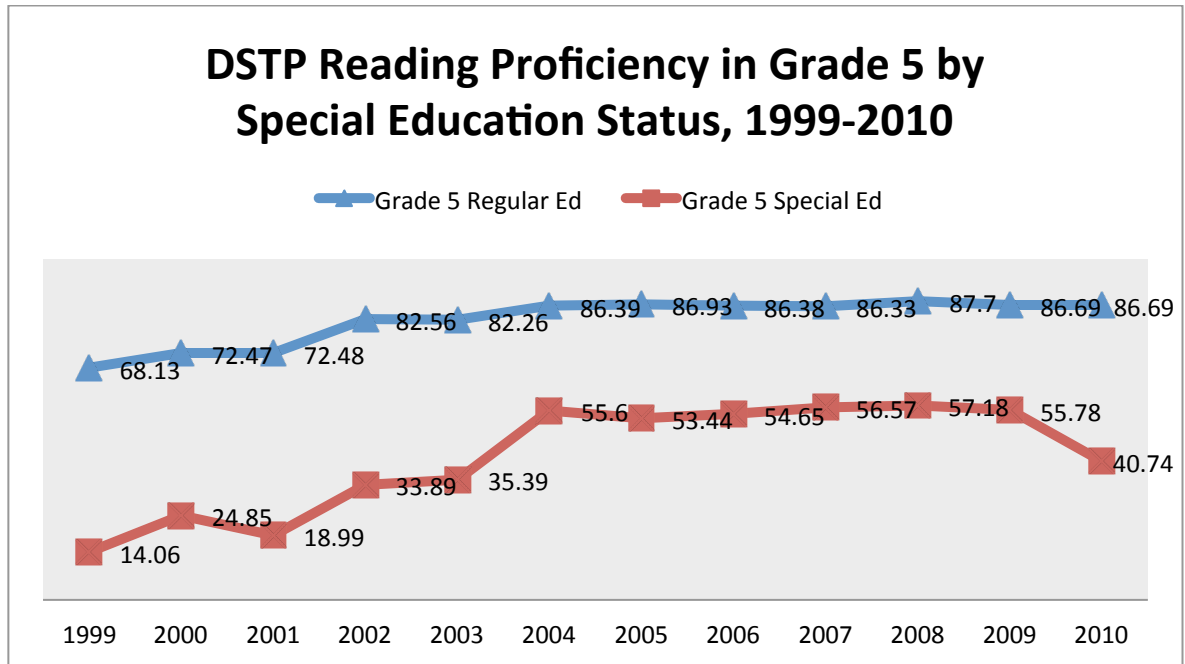
DSTP Math Proficiency in Grade 10 by Special Education Status, 1999-2010



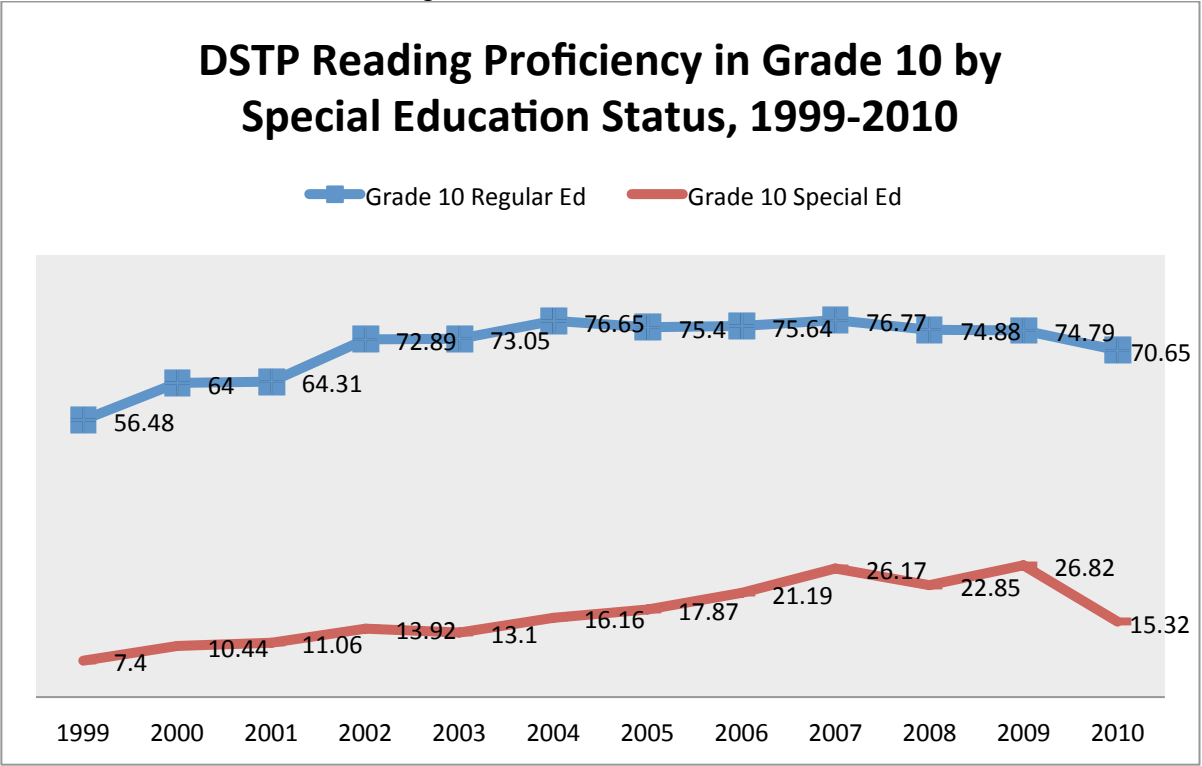
DSTP Reading Proficiency in Grade 3 by Special Education Status, 1999-2010



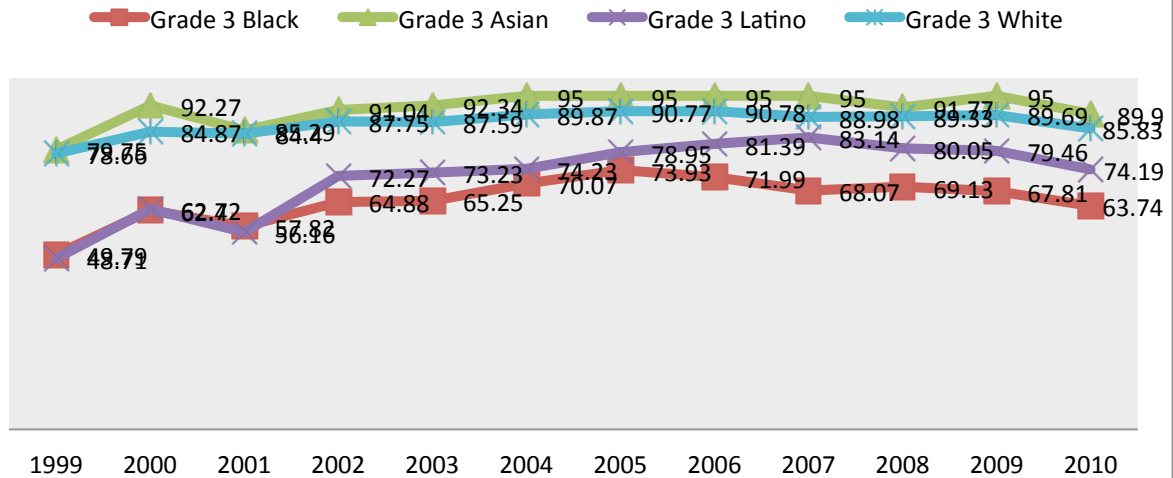
Source: DSTP-OR, Delaware Department of Education



Source: DSTP-OR, Delaware Department of Education

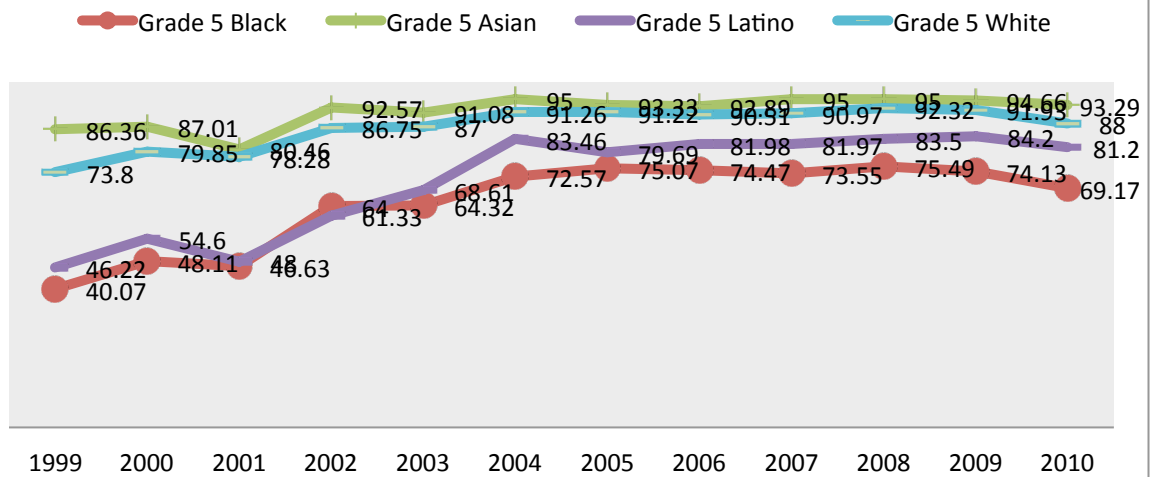


DSTP Reading Proficiency in Grade 3 by Race, 1999-2010

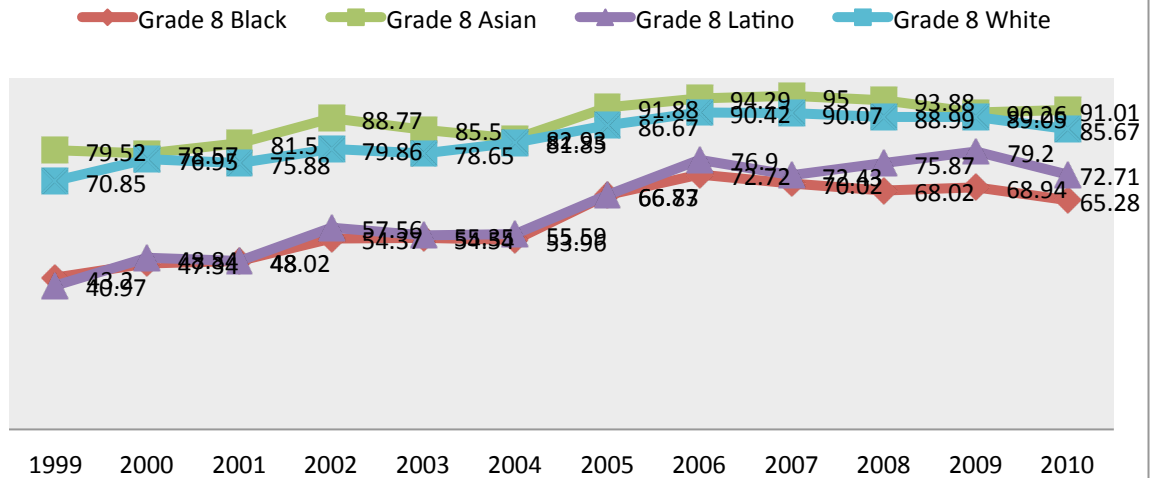


Source: DSTP-OR, Delaware Department of Education

DSTP Reading Proficiency in Grade 5 by Race, 1999-2010

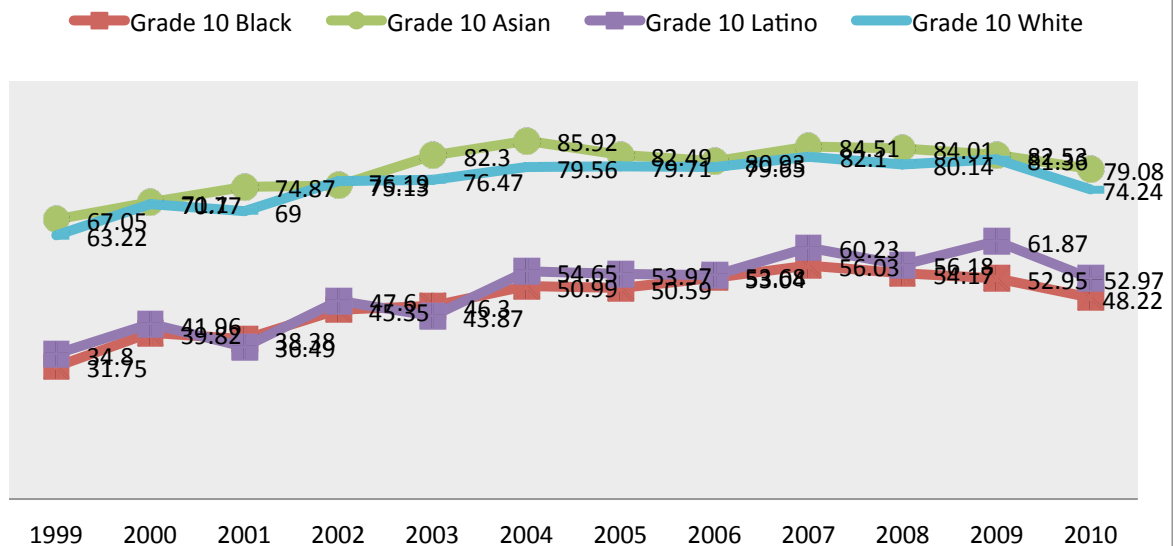


DSTP Reading Proficiency in Grade 8 by Race, 1999-2010

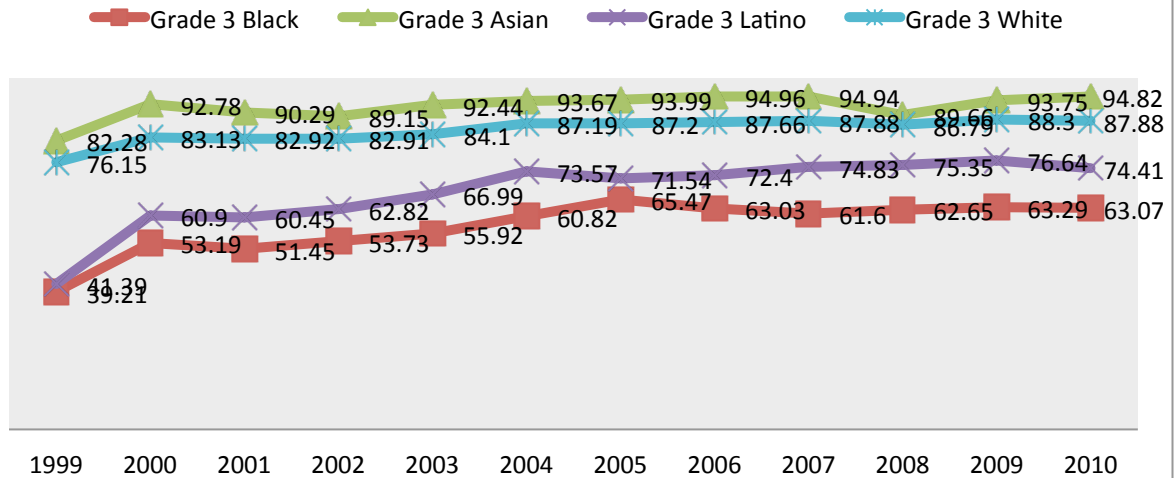


Source: DSTP-OR, Delaware Department of Education

DSTP Reading Proficiency in Grade 10 by Race, 1999-2010

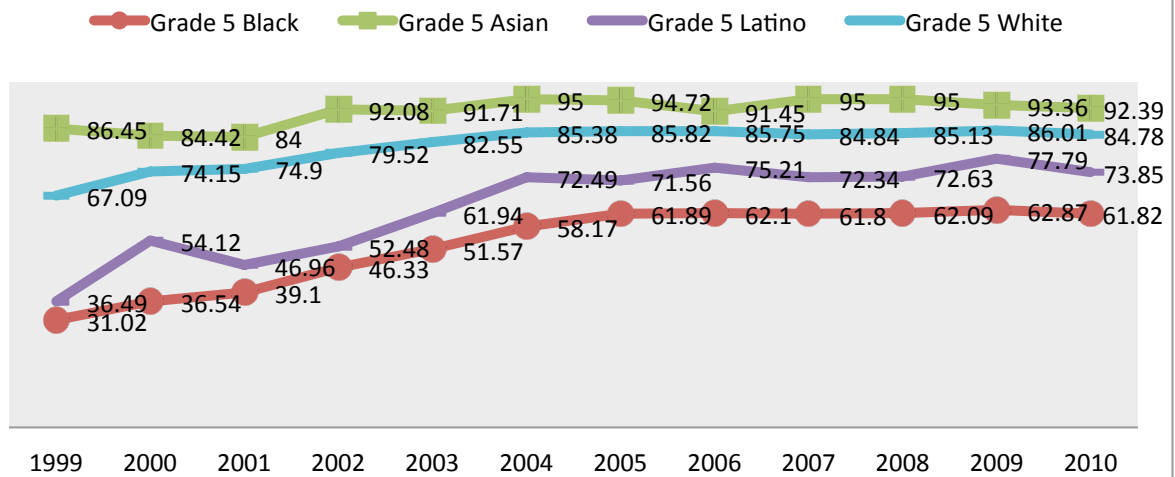


DSTP Math Proficiency in Grade 3 by Race, 1999-2010

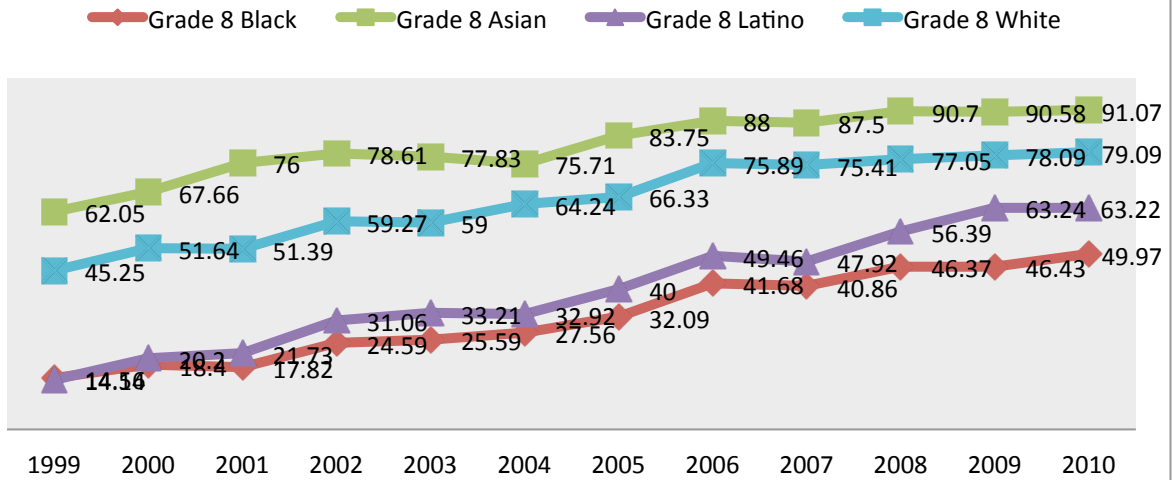


Source: DSTP-OR, Delaware Department of Education

DSTP Math Proficiency in Grade 5 by Race, 1999-2010

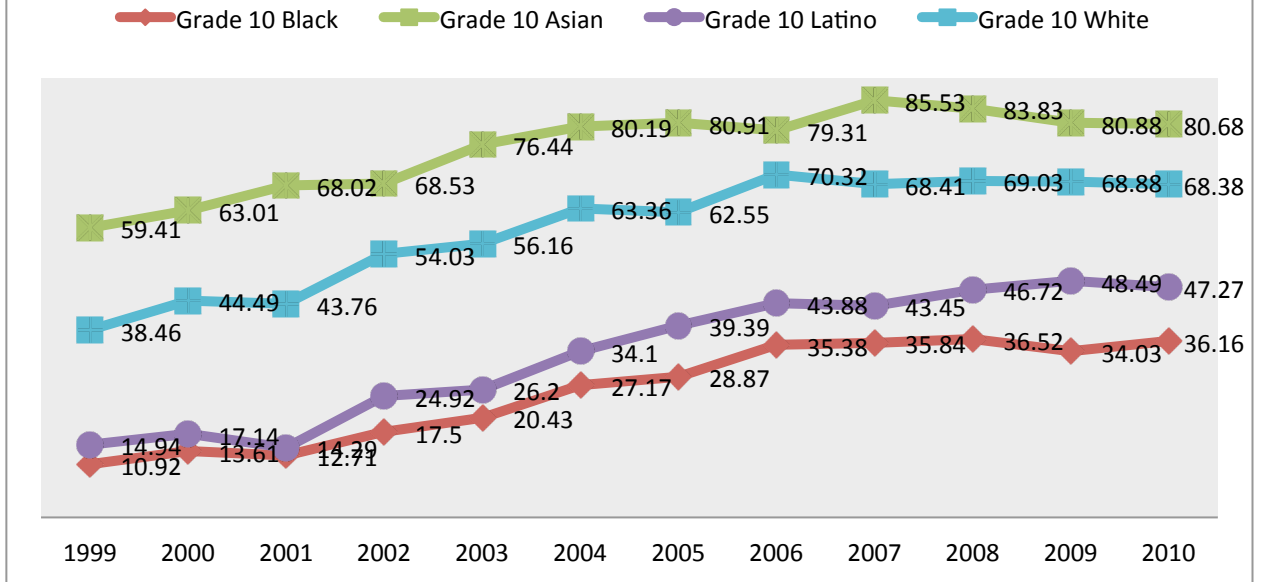


DSTP Math Proficiency in Grade 8 by Race, 1999-2010



Source: DSTP-OR, Delaware Department of Education

DSTP Math Proficiency in Grade 10 by Race, 1999-2010



Source: DSTP-OR, Delaware Department of Education

Appendix G

**DELAWARE SCHOOL RISK & ACCESS ANALYSIS BY COUNTY, 2000 &
2013**

Risk by Proficiency Across Delaware's Counties, 2000 & 2013

* Represents New Castle County's non-metropolitan school district (Appoquinimink).

2000		METRO	NEW CASTLE*	KENT	SUSSEX
Risk by Proficiency	Low	22.8%	50.0%	36.0%	39.4%
	Moderate	55.6%	33.3%	52.3%	40.4%
	High	21.6%	16.7%	11.6%	20.2%

2013		METRO	NEW CASTLE*	KENT	SUSSEX
Risk by Proficiency	Low	38.5%	92.5%	54.2%	51.6%
	Moderate	42.2%	5.0%	39.6%	44.4%
	High	19.4%	2.5%	6.3%	4.0%

Risk by Proficiency Across Delaware's Counties by Grade, 2000 & 2013

* Represents New Castle County's non-metropolitan school district (Appoquinimink).

2000		METRO				NEW CASTLE				KENT				SUSSEX			
		3	5	8	10	3	5	8	10	3	5	8	10	3	5	8	10
Risk by Proficiency	Low	27	2	4	4	4	1	1	0	19	8	4	0	19	16	2	0
	Mod	35	32	13	10	2	1	0	1	21	16	5	3	11	10	9	8
	High	2	4	13	16	0	0	1	1	0	0	5	5	0	0	7	12

2013		METRO				NEW CASTLE				KENT				SUSSEX			
		3	5	8	10	3	5	8	10	3	5	8	10	3	5	8	10
Risk by Proficiency	Low	39	48	22	16	14	12	6	5	27	13	11	1	22	27	11	5
	Mod	49	48	19	21	0	1	1	0	16	7	7	8	15	17	12	12
	High	26	23	10	4	0	0	0	1	3	1	1	1	4	1	0	0

**Risk by Poverty Concentration &
Proficiency Across Delaware's
Counties & School Types, 2000 &
2013**

* Represents New Castle County's
non-metropolitan school district
(Appoquinimink).

2000	METRO						NEW CASTLE*						KENT						SUSSEX					
	Reg	Voc	Mag	Cha	Reg	Voc	Mag	Cha	Reg	Voc	Mag	Cha	Reg	Voc	Mag	Cha	Reg	Voc	Mag	Cha	Reg	Voc	Mag	Cha
SES	23		2		6				12				4				4				5			
Low																								
Risk																								
by	20	2			4				9				5				2				2			1
Mod																								
High	11	2	2		2				9				7				2				2			
Level																								
Mod	12								19				28											
Risk																								
by	60								36				30											
Prof	16	2							1				1											
High																								
Risk																								
Low																								
by	8																							
Prof	2																							
High																								

2013	METRO						NEW CASTLE*						KENT						SUSSEX					
	Reg	Voc	Mag	Cha	Reg	Voc	Mag	Cha	Reg	Voc	Mag	Cha	Reg	Voc	Mag	Cha	Reg	Voc	Mag	Cha	Reg	Voc	Mag	Cha
SES	14				15		2		5				3				2				1			1
Low																								
Risk																								
by					1	1																		
Mod																								
High																								
Level																								
Mod	49	3	3	1	14				25		1		28				1				28		2	
Risk																								
by	36			5					10				9				1				1			
Mod																								
High				8					1															
Risk																								
Low																								
by																								
Prof																								
High																								

Risk by Racial Concentration & Proficiency Across Delaware's Counties & School Types, 2000 & 2013

* Represents New Castle County's non-metropolitan school district (Appoquinimink).

2000	METRO				NEW CASTLE*				KENT				SUSSEX			
	Reg	Voc	Mag	Cha	Reg	Voc	Mag	Cha	Reg	Voc	Mag	Cha	Reg	Voc	Mag	Cha
HR Racial Conc	Low, <25% Prof	Risk by High	Low Mod	2	2	1	1	4	6	13	17	5	1	1	1	1
	Low-Mod, 25-50%	Risk by Prof	Low Mod	32	62	22	2	2	2	17	31	14	15	15	15	15
	High-Mod, 50-75%	Risk by Prof	Low Mod	1	21	6	2	2	1	1	9	9	9	9	9	9
	High, >75% Prof	Risk by Prof	Low Mod	3	3	1	1	1	1	1	1	1	1	1	1	1

2013	METRO				NEW CASTLE*				KENT				SUSSEX			
	Reg	Voc	Mag	Cha	Reg	Voc	Mag	Cha	Reg	Voc	Mag	Cha	Reg	Voc	Mag	Cha
HR Racial Conc	Low, <25% Prof	Risk by High	Low Mod	24	5	2	1	1	8	1	1	2	26	2	1	1
	Low-Mod, 25-50%	Risk by Prof	Low Mod	44	38	10	2	2	22	32	10	9	28	2	2	2
	High-Mod, 50-75%	Risk by Prof	Low Mod	17	46	10	2	2	1	7	12	18	8	8	8	8
	High, >75% Prof	Risk by Prof	Low Mod	2	25	29	2	2	1	2	2	2	1	1	1	1