

**AN ANALYSIS OF CHARTER SCHOOL ENROLLMENTS IN NEW CASTLE
COUNTY AND POTENTIAL IMPLICATIONS FOR
RACIAL IMBALANCE**

by

Chantel A. Janiszewski

An executive position paper submitted to the Faculty of the University of Delaware in
partial fulfillment of the requirements for the degree of Doctor of Education in
Educational Leadership

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ABSTRACT

As charter schools have grown in numbers across the state, most predominantly in New Castle County, as well as across the country, there has been rising concern over whether charters contribute to increasing racial imbalance among schools. My EPP reviews literature and gathers publicly available data to trace the rise of charters and school choice policy nationally and in Delaware. I examine charter school enrollment and admissions policies and enrollment trends in New Castle County schools since charters' inception. Enrollment data show schools have become more racially segregated and that charter schools tend to be racially imbalanced, either predominantly African American or predominantly white. However, more of the regular schools are also more racially imbalanced now than they were ten or twenty years ago.

A review of the utility of publicly available census and geographic mapping tools show promise in helping charter school leaders, Delaware policymakers, and others with an interest in charter school locations and enrollment patterns by student subgroups make decisions regarding the growth of additional charter schools in New Castle County. These tools also add value when reviewing whether enrollment trends in existing charter schools have changed over time to benefit one race/ethnic category of students over another.

As a result of this study, this EPP includes recommendations for policy changes such as strengthening oversight of charter school admissions processes by reevaluating existing admissions preferences, monitoring enrollment trends among the

charter sector as well as between charter schools and regular public school to ensure diversity, and holding charter schools accountable for academic outcomes to uphold the original intent of Delaware’s charter school law—the promise of increased educational opportunities for all students in Delaware.

Chapter 1

THE RISE OF CHARTER SCHOOL LEGISLATION: BACKGROUND AND CONTEXT

The Rationale for Charters: Why Proponents Advocate for Charter School Legislation

In the mid-1950's, the Nobel prize winning economist Milton Friedman stunned the education community when he proposed a competitive model of schooling based on the premise that government should not provide education directly (Finn, Manno & Vanourek, 2000). Rather, he argued that vouchers should be provided to families to allow for options in educational providers, thus reflecting one of the earliest origins of what we know as the school choice system today. Moreover, Friedman believed that failing institutions would be forced out of business by market pressures that would also motivate mediocre schools to higher performance levels (Finn, Manno & Vanourek, 2000). This ideology would provide the basis for the charter school movement in the 1990's.

The early charters were often borne of commitments to social justice, trying to provide to marginalized youth what more privileged youth were getting in private schools—small schools, small classes, community ownership, dedicated faculty, and a multicultural and social justice curriculum (Fabricant & Fine, 2012). This early promise of charters was tethered to the belief that by freeing a sector of schools from the red tape and formulaic practices of bureaucratized education, new forms of practice would be unleashed that, in turn, would improve academic performance (Fabricant & Fine, 2012). Charters change the emphasis from inputs to results by

focusing on student achievement. They flip the structure from rule-bound hierarchy to decentralized flexibility by allowing individual schools to shape their own destinies (Finn, Manno & Vanourek, 2000).

**Issues Raised by Charters:
Concern about Adverse Influences on Racial Imbalance**

A long held ideal of public schools is that they are a place where children mix with each other across race/ethnic lines and zip codes (Fabricant & Fine, 2012; Glenn, 1988). Charter schools have led efforts to narrow achievement gaps and many are showing success in neighborhoods where traditional schools have failed for generations (Cohodes, Dynarski, Fullerton, Kane, Pathak, & Walters, 2011; National Alliance for Public Charter Schools, 2014). Over the years, however, the charter schools' role in segregation has become a concern.

The issue of racial segregation related to the rise of charter schools has received growing attention since the inception of the charter school movement (Carnoy, Jacobsen, Mishel, & Rothstein, 2005; Frankenberg & Lee, 2003; RPP International, 2000). In 2008, Garcia contended that the prevailing thought among school choice experts was that charter schools would exacerbate racial segregation in American public schools. While this contention was debatable, others emphasized benefits they believed were produced by charters, highlighting the new options charter schools were making available to underserved populations (Center for Education Reform, 2005; Finn, Manno, & Vanourek, 2000); also, they pointed out the inequities in public schools that exist independent of school choice (Hill & Guin, 2002).

A 2010 study by Frankenberg, Siegal-Hawley, and Wang (2010) drew considerable attention to the racial segregation issue in that it came out of the Harvard Civil Rights project, with a foreword by nationally prominent professor, researcher, and civil rights activist Gary Orfield. The report led off with the statement, “The charter school movement has been a major political success, but it has been a civil rights failure. As the country continues moving steadily toward greater segregation and inequality of education for students of color in schools with lower achievement and graduation rates, the rapid growth of charter schools has been expanding a sector that is even more segregated than the public schools.” (p. 1).

This study, entitled, “*Choice without Equity: Charter School Segregation and the Need for Civil Rights Standards,*” has a national focus and examined enrollments in charters and traditional public schools and compared racial compositions in regions and metropolitan areas throughout the country. They used US DOE Common Core of Data (CCD) from 2007–08, and did enrollment comparisons at three different levels: nationwide; within 40 states and the District of Columbia; and within 39 metropolitan areas with large enrollments of charter school students. Here are the highlights of their findings:

- Despite the push for greater educational choice opportunities and rapid growth and expansion of charter schools nationwide, total enrollment in charter schools only accounts for approximately 2.5% of students enrolled in public schools across the country.
- In the study’s analysis of 40 states, the District of Columbia, and numerous urban areas with large enrollments of students in charter schools, a trend of racial isolation was found to be more prevalent in charter schools versus traditional public schools.

- Racial isolation may be attributed to the fact that most charter schools are located in urban areas and therefore tend to draw minority students within those locales. As a result, charter school enrollment patterns display high levels of minority segregation, trends that are particularly severe for black students (Frankenberg, Siegel-Hawley & Wang, 2010).
- At the national level, seventy percent of black charter school students attend intensely segregated minority charter schools (which enroll 90-100% of students from under-represented minority backgrounds), or twice as many as the share of intensely segregated black students in traditional public schools (Frankenberg, Siegel-Hawley & Wang, 2010).

The Frankenberg et al. (2010) study was quickly followed up by a response in *Education Next* by Ritter, Jensen, Kisida, and McGee (2010), with the title, *A Closer Look At Charter Schools And Segregation: Flawed Comparisons Lead To Overstated Conclusions*, in which the authors assert that the methodology used in the Civil Rights Project study by Frankenberg was flawed, and that the majority of students in major urban areas attend schools in already segregated communities, regardless of whether they attend public charter schools or traditional public schools. Ritter et al. (2010) connected their findings to a 2009 RAND study, which found that student transfers from traditional public schools to charter schools had very little effect on racial distribution across the urban communities in their study. In sum, Ritter (2010) argues

“In every case, whether the authors (of the CRP study) examine the numbers at the national, state, or metropolitan level, they compare the racial composition of *all* charter schools to that of *all* traditional public schools. This comparison is likely to generate misleading conclusions for one simple reason, as the authors themselves point out on the first page of the executive summary and then again on page 57 of the full report: ‘the concentration of charter schools in urban areas skews the charter school enrollment towards having higher percentages of poor and minority students’ (p. 70).

In other words, the geographic placement of charter schools practically ensures that students will enroll higher percentages of minorities than will the average public school in the nation, in states, and in large metropolitan areas (Ritter, 2010). Bifulco, Ladd, and Ross (2009) studied enrollment effects of charter schools in Durham, North Carolina, a district serving 32,000 students in 46 schools, finding a possible relationship between choice and school segregation. They studied enrollments of K-8 students, examining data on where students attended schools and where they actually lived, comparing demographic characteristics of the schools they attend to the demographic characteristics of their assigned attendance zone school. Each elementary and middle school in the district has an attendance zone. If students live in that attendance zone, which consists of the neighborhoods around the school, that school is their assigned school. At the same time, the district has a choice plan allowing students to choose to go to other schools in the district.

According to Bifulco et al. (2009, p. 76), these programs include: a long-standing policy that allows transfers between zoned schools for any reason and requires approval of any requested transfer provided space is available at the requested school and the student has an acceptable record of attendance and behavior; a magnet school program that during 2002–03 included six elementary and two middle magnet schools that offer educational programs and enrichment opportunities designed around a specific theme; three elementary and two middle schools that operate on a year-round calendar, which divides the year into 9-week quarters with a three week break between each quarter; and charter schools that are authorized and governed

independently of the Durham Public Schools, including seven charter schools located in Durham that served students in grades 3 through 8 during 2002–03. Each of these programs is by application only and if there are more applications than seats available, admissions are determined by lottery.

Analyzing where kids lived and where they actually attended schools indicated that the school choice policies may have produced more school segregation by race and class than otherwise would have existed in the absence of school choice. They also found that the effects of choice on segregation by class were larger than the effects on segregation by race. Their analyses indicated that white parents and those with higher educational levels were more likely to opt out of attendance zone schools as the percent black in the neighborhood school increased; they also found that having a choice school nearby increased the likelihood of opting out. For example, they found that a 10-point increase in the percent of black students enrolled in the assigned attendance zone increases the average white student’s likelihood of opting out by 5.7%, and living a mile closer to a school with a substantially higher percent white than the assigned school increases the likelihood of opting out by an additional 4.3%. While the authors conclude that the school choice policies may contribute to greater segregation, they emphasize their analyses do not show a causal link. They note that in the absence of the choice schools, the district would have very different attendance area boundaries and may also have fewer white, middle class students to begin with, since the presence of magnets, charters, and the school choice options likely keeps white middle class parents within the district.

A study by Garcia (2008) explored a possible connection between parental school choice and the degree of racial segregation in charter schools in Arizona. Student attendance patterns of nearly all Arizona students in grades 2 to 9 were tracked and served as the basis for identifying the district schools that students withdrew from to enroll in charter schools. Individual SAT-9 student records served as the basis for identifying student race/ethnicity. On average, 88% of all eligible student records are matched across adjacent years, and the database includes 846,548 linked, student test records for the years 1997-2000 (Garcia, 2008). Given the substantial amount of longitudinal data readily available, the design of this study allowed for a direct comparison of the racial demographics of the traditional district schools students left to the public charter schools in which they enrolled. Findings of the study were as follows:

Students leave district schools with more exposure between White students and minority students to attend charter schools with less exposure between White and minority students. For the years 1997 to 2000, students exited district schools where the average White student was exposed to 30% minority students. These students enrolled in charter schools where the average White student attended the same school with 18% minority students. Students in the elementary grades entered the most segregated charter schools. White students exited district elementary schools where the average White elementary student attended the same school with 29% minority students to attend a charter elementary school the following year with exposure to 16% minority students. On entry into high school, students also attended more racially segregated charter schools, but the difference between the district schools of exit and charter high schools of entry are less pronounced than in the elementary grades. As a result of these attendance trends, charter elementary schools are more segregated than charter high schools and the difference between the grade levels (elementary and high school entry) is more pronounced in the charter school sector. (p. 599).

When including the academic focus of the charter school as a factor in school choice, the study found that the more specialized the focus, such as serving at-risk students, the more segregated the school while the broader the focus, the less segregated the school. While these data may be limited in scope, they do support a connection between choice and segregation. Garcia (2008) contends that the results are not unidirectional, however, and point to the complexity of parental school choice decisions, and that the outcome of parental choice does not result in universal racial segregation among all charter schools in Arizona.

Similarly, in response to the historic national concern about the potential role of charter schools in re-segregating public schools with regard to racial demographics, Arcia (2006) researched demographic enrollment statistics among public charter schools and their neighboring public non-charter schools, as well as neighboring non-charter schools with each other in a large urban district in Florida, to test the claim of segregation. While there was no significant effect size for segregation by race, it appeared that there were more White students enrolled in charter schools than neighboring non-charter and district schools.

District level and school level enrollment percentages by race, among other categories such as gender, were obtained from the Florida district's electronic database at the end of the 2005 school year. If percentages were within 10%, they were considered comparable. For example, Black enrollment in elementary schools in the District under study was 28%. Thus, schools that had Black enrollment between 25% and 31% were considered comparable (Arcia, 2006). It is important to note, however,

that the researcher indicated that the selection of 10% was an arbitrary decision. Of the neighboring charter and non-charter schools included in the study, only 2.4% of charter schools were considered comparable with the District average enrollment of Black students. Findings of the enrollment statistics comparison between charter schools and non-charter schools indicated a higher percentage (25th percentile) of White students attending charter schools than non-charter schools.

Results of this study suggest that to date in the District under study, the impact on racial/ethnic segregation was small if any. Charter schools were not statistically different from the comparison non-charter schools in terms of “low” percentages of students by race/ethnicity. Also, in terms of schools with “high” percentages, the difference was only evident among White students (Arcia, 2006).

Arcia (2006) contends that White students are in the minority in this particular urban district and with low sample sizes due to small numbers of students enrolled in charter schools, the results of this study should be considered preliminary only.

Gulosino (2011) argues that by use of Geographic Information Systems to analyze enrollment data, racial imbalance in charter schools is indeed evident. A New Jersey study demonstrates that racial segregation is most severe within charter schools’ immediate neighborhoods (i.e. block groups), suggesting that analyses comparing charter schools to larger school districts or nearby public schools may misrepresent student sorting (Gulosino, 2011). This is in contrast to Arcia’s 2006 study. Furthermore, by applying the market principle of positioning, Gulosino (2006, p. 6) argues that charter schools, especially those free from maintaining a racial

balance, may find it appealing to position themselves near more racially segregated communities in order to capitalize on particular “market shares.” In this case, charter schools seek to locate near preferred clients (students and neighborhoods) in order to gain advantage from meeting their needs at lower costs (e.g. transportation, information, staff accessibility, comfort and familiarity) and more effectively match products and services to demand.

Instead of comparing charter school enrollment statistics with the enrollment statistics of neighboring school districts or the districts in which the charter schools reside as in the Arcia study, Gulosino (2006) compared school enrollment statistics against census-based neighborhood demographic statistics. They used Geographic Information Systems (GIS) and dynamic mapping to simultaneously examine the location and racial composition of charter schools in New Jersey across three geographic scales: school districts, census tracts, and census block groups. As such, this one-year study, using geographic maps available through the National Center for Education Statistics, introduces different ways of making comparisons between the racial compositions of charter schools and the racial composition of the larger community.

In Gulosino’s sample, 25 out of 52 charter schools were located in racially diverse communities, 11 were located in predominantly minority communities, and 6 were located in predominantly white communities. Findings suggest that when comparing block groups, African-Americans account for a lower percentage of the total population in the census block group than in the corresponding school district,

indicating that the areas closest to charter schools consistently have fewer black students. As a result, although charter schools may be found in school districts ranging from predominately white to racially diverse to predominately minority, within New Jersey school districts charter schools appear to seek out areas with fewer black students (Gulosino, 2006). This is consistent with the study's hypothesis regarding positioning as a strategic marketing principle when choosing a charter school's location.

Overall, research findings show differing results, in part because studies differ greatly in the geographic areas they study and how demographic distributions of students of different races are measured and compared. Results seem preponderantly to show some contribution of charters to racial segregation, although the magnitude of this influence is not large. Almost all studies are single-point-in-time, which makes it difficult to infer what the causes are of the demographic distributions observed, and whether the emergence of charters plays in role in influencing racial segregation among schools. When studies recommend additional research, often the researchers recommend studies that examine charter enrollments over time.

The Rise of Charter Nationally: A Brief History

Hess and Manno (2011), proponents of school choice, write that up through the 1980's, U.S. schools become more and more alike as the American population was becoming more diverse (Hess & Manno, 2011). While Milton Friedman may be credited with the idea of a competitive model of schooling, education reformer Albert

Shanker, a former teacher and union leader from the 1950's through the 1990's, is credited with the creation of the phrase "charter schools." According to Kahlenburg and Potter of the American Federation of Teachers, Shanker, in the late 1980's, proposed a new kind of public school which would give teachers the autonomy to experiment with innovative approaches to educating students. Liberated from traditional school boundaries, Shanker and other early charter advocates suggested, charters could do a better job than the regular public schools of helping children of different racial, ethnic, economic, and religious backgrounds come together to learn from one another (Kahlenburg & Potter, 2014).

According to Hassel in *The Charter School Challenge* (1999), when 1991 began, no state had passed charter school legislation. By the end of 1991, Minnesota became the first state in the country to pass charter school law. Finn & Manno (2015) in the article *Charter schools at (almost) a quarter-century: Looking back, looking ahead* stated the following:

They are the fastest-growing school choice option in the country and already educate more than half as many children as attend private schools, which have been around for ages. They are, in fact, as close to a 'disruptive innovation' as American K-12 education has ever seen. They have created a new market and an alternative delivery system that affords long-neglected families' access to potentially higher-quality schools than they find within the traditional district structure.

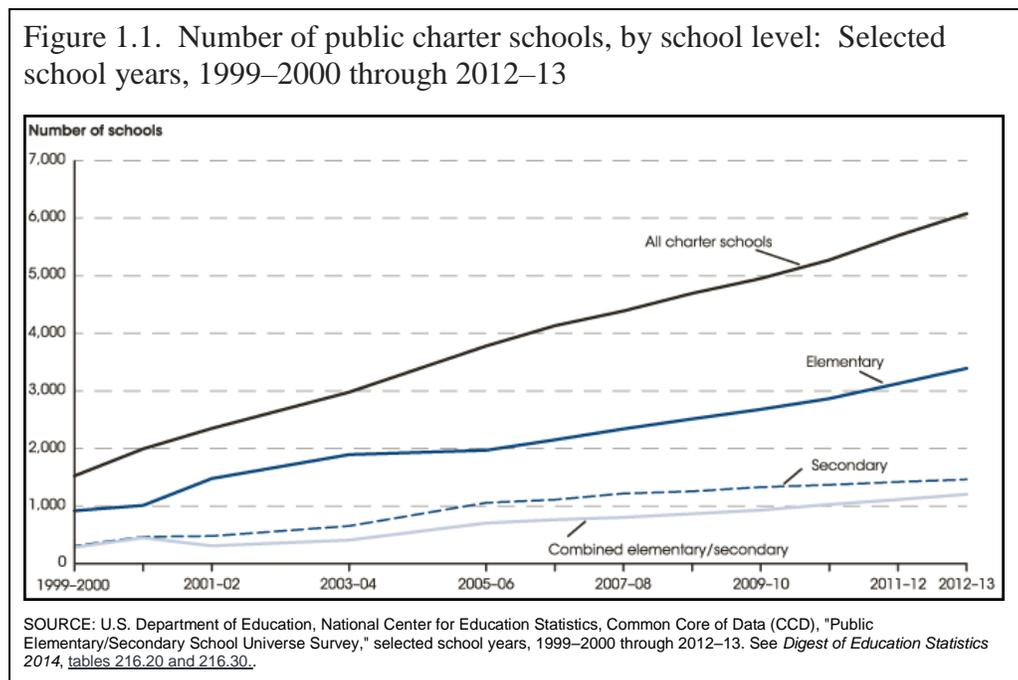
By allowing citizens to start new public schools (or convert existing ones), freeing the schools from state laws and school district policies, and holding them accountable for results and "customer" satisfaction, proponents claimed charter school

programs were stimulating new educational innovations and options for children (Hassel, 1999).

Another advocacy group, The National Alliance for Public Charter Schools writes in a 2014 report:

Due to a successful track record of meeting students' specific needs, parental demand for public charter schools is at an all-time high and charter school enrollment continues to increase in communities across the nation (NAPCS, 2014, p. 2).

This interest in and advocacy of charter schools over the decades has driven steadily rising enrollments as shown in Figure 1.1.



Figures from a 2016 NCES report show that from 2003–04 to 2013–14 charter school enrollment increased from 0.8 million to 2.5 million and the percentage of public school students who attended charter schools increased from 1.6 to 5.1 percent

(Kena et al, 2016). In some communities, enrollment in public charter schools is either surpassing or close to surpassing that of traditional public schools. For instance, over 90 percent of public school students now attend charter schools in New Orleans; 55 percent of public school students attend charter schools in Detroit; and 44 percent of DC public school students attend charter schools. In 43 school districts across the nation, at least 20 percent of public school students were enrolled in charter schools in the 2014-2014 school year (NAPCS, 2014).

Delaware is part of the national trend toward greater student enrollment in charter schools. Three of NCCo's districts have quite a high number of students in charters when compared to districts nationally and realizing there are over a 10,000 public school districts in the country. Based on an analysis by the National Alliance for Public Charter Schools (NAPCS, 2014), Christina school district is ranked 34th nationally in terms of the share of students from within its boundaries who are attending a charter school (21% of the students); Red Clay school district is ranked 100th (12% of the students); and Colonial school district is ranked 141st (10% of the students). Like many states, Delaware has its own support organization for charter schools, the Delaware Charter Schools Network (www.decharternetwork.org).

The Origins and Evolution of Charter Legislation in Delaware

Delaware was one of 34 states that had charter legislation by 1998. The charter school movement found its way into the state of Delaware in 1995 when Senate Bill 200 was introduced into the 138th Delaware General Assembly by Senator David Sokola, and was at that time referred to as the “Charter School Act of 1995.” In Delaware, the purpose of passing charter school legislation per 14 DE Code Chapter 5¹ was, and still is, to create an alternative to traditional public schools operated by school districts and improve public education overall. As stated in 14 Del. Code §501, the legislative intent for the operation of charter schools is as follows:

“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.”

To date, this statutory language remains unchanged from the original charter bill. In addition to establishing intent, this legislation also dictated the growth of

¹ <http://delcode.delaware.gov/title14/c005/>

public charter schools in Delaware: no more than five charter schools were to open in the 1996-1997 school year, and no more than five additional charter schools were permitted to open in both the 1997-1998 and 1998-1999 school years respectively. The first two charter schools to begin operating in 1996 were Positive Outcomes Charter School in Kent County and Charter School of Wilmington in New Castle County. Both inaugural charter schools are successfully continuing to operate. East Side Charter School opened its doors in 1997, and Campus Community School opened the next year in 1998. They too continue to operate today.

In a decision made by Governor Markell in early 2015, no new charter schools were permitted to open in Delaware until a statewide, comprehensive needs assessment of educational opportunities was conducted by the State Board of Education in collaboration with the Delaware Department of Education. This decision was made in response to a report created by the Wilmington Education Advisory Committee (WEAC, 2015), which was convened to assess the equity of school choice opportunities for children in Wilmington, and to assess the responsiveness of public schools to the needs of the Wilmington community. As noted in a March 19, 2015 *News Journal* article by Matthew Albright, enrollments in charters in the Wilmington area have grown dramatically—and more growth is expected (Albright, 2015). In the 2012-2013 school year, there were 3,080 seats available in Wilmington charter schools. By 2019-2020, even if no new schools are approved, there could be almost 7,000 as the schools add grades, per projections in the committee report. The growth

of charters has worried some traditional school advocates who say the schools are sapping high-performing students and resources from their schools.

As of September 2015, 28 charter schools were operating in the state of Delaware (25 authorized by the Delaware Department of Education and 3 authorized by the Red Clay Consolidated School District). Enrollment in Delaware charter schools as of that date was 14,112, which was 10% of the total population of children enrolled in public schools statewide.

Despite the recent lull in charter school applications, in all likelihood charter schools will continue to grow in enrollments and numbers. However, there is growing recognition among leaders and policymakers at the state level and in New Castle County that the growth and impacts of charters need to be reviewed and that, as recommended in the 2015 WEAC report, leaders need to carefully plan for the future student attendance areas and school assignment policies in New Castle County school districts, and especially for the Wilmington area.

Currently, there is little recently compiled or accessible information on charters' enrollment levels, locations, racial make-up, communities, and impacts (if any) on the traditional schools and districts. This, most would agree, is not the most prudent way to develop policy and manage the public education system. As noted in the 2007 outside evaluation commissioned by the state that focused on Delaware's ever-expanding charter school system:

A number of negative or unanticipated outcomes need to be watched and considered carefully. These include accelerating the resegregation of public schools by race, class, and ability and the disproportionate diversion of district

and state resources (both financial and human resources) from districts to the more recently established charter schools. Finally, attention must be given to those charter schools that are serving minority and low-income students, since a majority of them are lagging behind in performance and show signs that they are less stable and viable (Miron, Cullen, Applegate, & Farrell, 2007, p. xv).

Not only is there very little compiled or accessible information on charters in New Castle County, there hasn't been much investigation of available information sources and tools that would help us understand and monitor charters' growth and impacts. To help address these gaps, Chapters 2 and 3 provide information on the growth of charter schools in New Castle County, on charter school admissions policies and whether they may be contributing to racial imbalance in traditional public schools, New Castle County demographics (currently and changes over time), and enrollment trends in charters and traditional public schools over the last ten to fifteen years.

Chapter 2

A REVIEW OF SCHOOL CHOICE AND CHARTER SCHOOL ADMISSIONS POLICIES IN DELAWARE

Description of School Choice and Charter Law in Delaware

As stated in Chapter 1, Delaware passed legislation in 1995 permitting independent charter schools to “create an alternative to traditional public schools operated by school districts and improve public education.”² Also in 1995, the legislature enacted 14 Del. Code Chapter 4, the School District Enrollment Choice Program. The purpose of this law, as stated in 14 Del. Code §401, is as follows:

- (a) There is hereby established an enrollment choice program within the public school system of this State.
- (b) In establishing this program, it is the goal of the General Assembly 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.
- (c) For the school year commencing July 1, 1996, and each succeeding school year, a parent residing within this State may enroll that parent's child in a public school in any school district in the manner provided in this chapter.
- (d) The forms prescribed and policies adopted pursuant to this chapter shall be available on the websites of the school districts and the Department of Education.

The initial law was only applicable to the 16 reorganized school districts across the state—students could either “choice” to schools within the district in which the student was enrolled, or they could “choice” to a school in another district. There was

² <http://delcode.delaware.gov/title14/c005/>

no option to “choice” to a vocational-technical school district or to a charter school as both had their own unique application processes at that time.

It is important to note, however, that the school choice law was signed into legislation around the same time that the Delaware charter school law was passed, which allowed for five charter schools to open in the 1996-1997 school year and therefore provided additional educational choices for Delaware families.

The school choice law did not receive any significant attention until 2013 when House Bill 90 was introduced during the 147th General Assembly. The intent of this bill was to make it easier for parents to navigate the choice process by standardizing both the choice application form and choice deadlines across *all* public schools.

Moreover, and perhaps most importantly, the bill sought to eliminate discrimination against choice students by: (1) allowing districts to request supplemental application information from choice students only to the extent it requires the same information from attendance zone students; (2) limiting the supplemental criteria a receiving district may use to evaluate choice applications—after that, districts must use a lottery system; and (3) removing the provision that allows districts to reject applications of students with special needs (Delaware School Choice Program, 2013).

Growth and Development of Charter Schools in Delaware: 1996 to the Present

This section compiles data from a variety of sources to document the growth in numbers and enrollments of charter schools in Delaware and, specifically, New Castle County, where almost all the charters are located. Much of the data presented below comes from the National Center for Education Statistics' [nces.ed.gov] "Common Core of Data" on Elementary and Secondary School. Another key source was the Delaware Department of Education's "School Profiles." Additionally, I have drawn on several published reports as cited below.

Delaware public charter school choice options have gained momentum over the past 20 years. As seen in Table 1 below, the first charter schools in Delaware opened their doors to students during school year 1996-1997—Charter School of Wilmington in New Castle County and Positive Outcomes Charter School in Kent County. Two years later, two additional charter schools opened—Campus Community School in Kent County and East Side Charter School in New Castle County. Richard Milburn Academy was opened in New Castle County in 1999, however the school closed by the end of that same school year. By the end of five years in 2000-2001, there were a total of 7 charter schools in Delaware, with the only remaining Sussex County charter school opening that same year. Of those 7 charter schools, 4 were located in New Castle County, thus beginning the trend of the prolific growth of charter schools in New Castle County.

Table 1. Delaware charter schools opening from 1996 through 2000				
1996-97	1997-98	1998-99	1999-00	2000-01
Charter School of Wilmington	Charter School of Wilmington	Charter School of Wilmington	Charter School of Wilmington	Charter School of Wilmington
Positive Outcomes Charter School	Positive Outcomes Charter School	Positive Outcomes Charter School	Positive Outcomes Charter School	Positive Outcomes Charter School
		Campus Community School	Campus Community School	Campus Community School
		East Side Charter School	East Side Charter School	East Side Charter School
†	†	†	Richard Milburn Academy	†
†	†	†	†	Thomas A. Edison Charter School
†	†	†	†	Marion T. Academy Charter School
†	†	†	†	Sussex Academy of Arts and Sciences

The next five years saw the emergence of ten more charter schools. Table 2 illustrates the continued growth of charter schools between 2001 and 2006. In 2001 alone, 3 new charter schools opened—Kuumba Charter School in New Castle County, Georgetown Charter School in Sussex County, and Newark Charter School in New Castle County. Georgetown Charter School closed its doors halfway through the 2001-2002 school year due to financial difficulties. In 2002, 2 new charter schools opened in New Castle and Kent Counties, respectively, and by 2006 there were a total of 17 charter schools operating in Delaware, of which 12 were serving students and families in New Castle County.

Table 2. Delaware charter schools opening from 2001 through 2006					
2001-02	2002-03	2003-04	2004-05	2005-06	2006-07
Charter School of Wilmington	Charter School of Wilmington	Charter School of Wilmington	Charter School of Wilmington	Charter School of Wilmington	Charter School of Wilmington
Positive Outcomes Charter School	Positive Outcomes Charter School	Positive Outcomes Charter School	Positive Outcomes Charter School	Positive Outcomes Charter School	Positive Outcomes Charter School
Campus Community School	Campus Community School	Campus Community School	Campus Community School	Campus Community School	Campus Community School
East Side Charter School	East Side Charter School	East Side Charter School	East Side Charter School	East Side Charter School	East Side Charter School
Thomas A. Edison Charter School	Thomas A. Edison Charter School	Thomas A. Edison Charter School	Thomas A. Edison Charter School	Thomas A. Edison Charter School	Thomas A. Edison Charter School
Marion T. Academy Charter School	Marion T. Academy Charter School	Marion T. Academy Charter School	Marion T. Academy Charter School	Marion T. Academy Charter School	Marion T. Academy Charter School
Sussex Academy of Arts and Sciences	Sussex Academy of Arts and Sciences	Sussex Academy of Arts and Sciences	Sussex Academy of Arts and Sciences	Sussex Academy of Arts and Sciences	Sussex Academy of Arts and Sciences
Kuumba Academy Charter School	Kuumba Academy Charter School	Kuumba Academy Charter School	Kuumba Academy Charter School	Kuumba Academy Charter School	Kuumba Academy Charter School
Georgetown Charter School	†	†	†	†	†
Newark Charter School	Newark Charter School	Newark Charter School	Newark Charter School	Newark Charter School	Newark Charter School
†	MOT Charter School				
†	Providence Creek Academy				
†	†	Academy of Dover Charter School			
†	†	Delaware Military Academy	Delaware Military Academy	Delaware Military Academy	Delaware Military Academy
†	†	†	†	†	Maurice J. Moyer Academy
†	†	†	†	†	Family Foundations Academy
†	†	†	†	†	Pencader Business and Finance Charter High School
†	†	†	†	†	Odyssey Charter School

Between 2007 and 2011, Delaware continued to see changes in the charter school landscape in New Castle County (see Table 3). Marion T. Academy closed at the end of the 2007-2008 school year, and the Maurice J. Moyer Academy was closed at the end of the 2009-2010 school year only to reopen the following year under a new name, the Maurice J. Moyer Academic Institute, with a new charter. Delaware’s first and only all-boys charter school, Prestige Academy, opening in New Castle County in 2008, and Delaware’s first and only all-girls charter school, Reach Academy for Girls, opened in 2010. During the 2007-2011 timeframe, a total of 7 new charter schools opened, including the Maurice J. Moyer Academic Institute, bringing the total of charter schools in Delaware to 22. Of those 22 in operation, 17 were serving students and families in New Castle County. Only one charter school continued to operate in Sussex County, and 4 continued to operate in Kent County.

2007-08	2008-09	2009-10	2010-11	2011-12
Charter School of Wilmington				
Positive Outcomes Charter School				
Campus Community School				
East Side Charter School				
Thomas A. Edison Charter School	Edison (Thomas A.) Charter School	Edison (Thomas A.) Charter School	Edison (Thomas A.) Charter School	Edison (Thomas A.) Charter School
Marion T. Academy Charter School	†	†	†	†
Sussex Academy of Arts and Sciences				
Kuumba Academy Charter School				
Newark Charter School				
MOT Charter School				

Table 3. Delaware charter schools opening from 2007 through 2011 - continued				
2007-08	2008-09	2009-10	2010-11	2011-12
Providence Creek Academy	Providence Creek Academy	Providence Creek Academy	Providence Creek Academy	Providence Creek Academy
Academy of Dover Charter School	Academy of Dover Charter School	Academy of Dover Charter School	Academy of Dover Charter School	Academy of Dover Charter School
Delaware Military Academy	Delaware Military Academy	Delaware Military Academy	Delaware Military Academy	Delaware Military Academy
Maurice J. Moyer Academy	Moyer (Maurice J.) Academy	Moyer (Maurice J.) Academy	†	†
Family Foundations Academy	Family Foundations Academy	Family Foundations Academy	Family Foundations Academy	Family Foundations Academy
Pencader Business and Finance Charter High School	Pencader Business and Finance Charter High School	Pencader Business and Finance Charter High School	Pencader Business and Finance Charter High School	Pencader Business and Finance Charter High School
Odyssey Charter School	Odyssey Charter School	Odyssey Charter School	Odyssey Charter School	Odyssey Charter School
†	Delaware College Preparatory Academy			
†	Prestige Academy	Prestige Academy	Prestige Academy	Prestige Academy
†	†	†	The Maurice J. Moyer Academic Institute	The Maurice J. Moyer Academic Institute
†	†	†	Reach Academy for Girls	Reach Academy for Girls
†	†	†	†	Gateway Lab School
†	†	†	†	Delaware Academy of Public Safety and Security
†	†	†	†	Las Americas Aspira Academy

Between 2012 and 2015, three more charter schools closed: Pencader Business and Finance Charter High School, Reach Academy for Girls, and Maurice J. Moyer Academic Institute. At roughly the same time (between 2014 and 2016, eight new charter schools opened, seven of which opened in New Castle County. By the end of the 2015-2016 school year, a total of 26 charter schools were operating in the state of Delaware, 21 of which were in New Castle County: 78% of all Delaware charter schools serve students and families in New Castle County.

Table 4. Delaware charter schools opening from 2012 through 2015			
2012-13	2013-14	2014-15	2015-16
Charter School of Wilmington	Charter School of Wilmington	Charter School of Wilmington	Charter School of Wilmington
Positive Outcomes Charter School	Positive Outcomes Charter School	Positive Outcomes Charter School	Positive Outcomes Charter School
Campus Community School	Campus Community School	Campus Community School	Campus Community School
East Side Charter School	East Side Charter School	East Side Charter School	East Side Charter School
Edison (Thomas A.) Charter School	Edison (Thomas A.) Charter School	Edison (Thomas A.) Charter School	Edison (Thomas A.) Charter School
Sussex Academy of Arts and Sciences	Sussex Academy of Arts and Sciences	Sussex Academy of Arts and Sciences	Sussex Academy of Arts and Sciences
Kuumba Academy Charter School	Kuumba Academy Charter School	Kuumba Academy Charter School	Kuumba Academy Charter School
Newark Charter School	Newark Charter School	Newark Charter School	Newark Charter School
MOT Charter School	MOT Charter School	MOT Charter School	MOT Charter School
Providence Creek Academy	Providence Creek Academy	Providence Creek Academy	Providence Creek Academy
Academy of Dover Charter School	Academy of Dover Charter School	Academy of Dover Charter School	Academy of Dover Charter School
Delaware Military Academy	Delaware Military Academy	Delaware Military Academy	Delaware Military Academy
Family Foundations Academy	Family Foundations Academy	Family Foundations Academy	Family Foundations Academy
Pencader Business and Finance Charter High School	†	†	†
Odyssey Charter School	Odyssey Charter School	Odyssey Charter School	Odyssey Charter School
Delaware College Preparatory Academy	Delaware College Preparatory Academy	Delaware College Preparatory Academy	Delaware College Preparatory Academy
Prestige Academy	Prestige Academy	Prestige Academy	Prestige Academy
The Maurice J. Moyer Academic Institute	The Maurice J. Moyer Academic Institute	The Maurice J. Moyer Academic Institute	†
Reach Academy for Girls	Reach Academy for Girls	Reach Academy for Girls	†
Gateway Lab School	Gateway Lab School	Gateway Lab School	Gateway Lab School
Delaware Academy of Public Safety and Security	Delaware Academy of Public Safety and Security	Delaware Academy of Public Safety and Security	Delaware Academy of Public Safety and Security
Las Americas Aspira Academy	Las Americas Aspira Academy	Las Americas Aspira Academy	Las Americas Aspira Academy
†	†	Early College High School	Early College High School
†	†	Academia Antonia Alonso	Academia Antonia Alonso
†	†	First State Montessori	First State Montessori
†	†	†	The Delaware MET
†	†	†	First State Military Academy
†	†	†	Freire Charter School
†	†	†	Great Oaks Charter School
†	†	†	Delaware Design Lab Charter High School

During the five years after the passage of the 1996 charter schools law, the rising number of charter schools in Delaware and the rising prominence of charters nationally simulated more interest in charter schools. The rising interest in Delaware coincided with rising interest nationally. The *National Alliance for Public Charter Schools*, a national charter support and advocacy association, began in 2005. In Delaware, the *Delaware Charter Schools Network* formed in 2006, a nonprofit organization “to support the charter school movement and charter schools in Delaware.” The DCSN “provides advocacy and essential services to public charter schools, their boards, leaders, staff, and parents. The Network educates the public about charter schools, provides assistance to existing Delaware charter schools and those yet to open, and serves as a unified voice for the state's charter schools at the state and national level.” Rising local interest augmented by support from the state and national charter organizations helped lead to the mounting numbers of charter schools.

In the next chapter I present data for a geographic and demographic portrait of New Castle County's schools, because of the interest and concern (described in Chapter 1) of racial imbalance occurring within and among Delaware's northern school districts. Before this information is presented, however, it is helpful to understand how students apply and get into charter schools.

Description of Admissions Policies in Traditional Public School Districts

Delaware's school choice law specifically outlines parameters by which receiving districts can admit "choice" students. Receiving districts have specific definitions in Delaware education code (14 Del. Code Chapter 4): A receiving district is defined as any school district other than the district of residence in which a student seeks to enroll, and receiving local education agencies, are defined as any public authority legally constituted by the State as an administrative agency to provide control of and direction for kindergarten through twelfth grade public educational institutions (including charter schools), other than the school district of residence, which administers any school or program in which a student seeks to enroll. School choice law states that a *district* shall give choice priority to the following categories of students in the following order:

- (1) First, to returning students who continue to meet the requirements for the program or school, including students graduating from one school to another within a single program;
- (2) Second, to students who meet the requirements for the program or school and who seek to attend based upon the residence of the student's parent within the designated feeder pattern, if any, for the school; and
- (3) Third, to the siblings of students already enrolled in the school who will be returning to the school for the following academic year, provided that any siblings seeking priority under this paragraph meet the requirements for the program or school. Priority may be given to siblings of students who live in the district over siblings of students who do not live in the district.

In addition to the above, a receiving district may next give priority to students who have designated the program or school as a first, second, or third choice; to students who live within the district; and to children of school employees; as long as they otherwise meet the criteria of the program or school. After a receiving district

has admitted all qualifying students consistent with the criteria in this subsection, the receiving district shall use a lottery process to admit additional students and generate a ranked waiting list.

14 Del. Code Chapter 4 also specifically outlines the window of choice opportunity for families as beginning on or after the first Monday in November and ending on or before the second Wednesday in January for enrollment during the following school year. However, there are allowances for parents enrolling their children in Kindergarten to be able to submit choice applications until the first day of school. Charter schools, vocational-technical school districts and magnet schools are permitted to accept applications after the second Wednesday in January to fill any remaining open seats. For schools holding a lottery, applications received by the second Wednesday in January must also be included.

Each public school must accept school choice applications until the school reaches capacity, which is defined in 14 Del. Code Chapter 4 as the projected enrollment for the following academic year to be at least 85% of its capacity in terms of space, physical resources and class size. In the case of charter schools, maximum capacity is defined in its approved charter. Regardless of whether the school is a district school or a charter school, any student who meets a school's admissions criteria, which is set at the school level, yet is not selected for admission due to the school's lack of capacity must, by law, be placed on a ranked waiting list which is maintained at the school level until the first day of the school year for which the student applied.

Description of Admissions Policies in Charter Schools

Admissions preferences in charter schools are activated only in the event the number of applicants exceeds the total number of seats at each grade level available in the school. Specifically, if the school has admissions preferences identified in its approved charter, then using a lottery process leads to the utilization of those admissions preferences. In the case of sibling and staff/founder child preference, the implicit interest is keeping families together in public education systems. In the case of location preferences (e.g., 5-mile radius, county), the implicit interest is in building a school around a community. In sum, admission preferences are intended to provide parents and students with greater opportunities for choice in educational programs. However, it is important to note that not all charter schools hold lotteries, and not all charter schools have admissions preferences.

The section of statute that enables charter schools to include admissions preferences in their charters as stated in Title 14 Chapter 5 §506³ is as follows:

- (b) Preferences in student admissions may be given to:
 - (3) Students enrolling in a new (non-converted) charter school may be given preference under the following circumstances as long as the school has described its preferences in the school's charter:
 - a. Students residing within a 5-mile radius of the school;
 - b. Students residing within the regular school district in which the school is located;

³ <http://delcode.delaware.gov/title14/c005/>

- c. Students who have a specific interest in the school's teaching methods, philosophy, or educational focus;
 - d. Students who are at risk of academic failure;
 - e. Children of persons employed on a permanent basis for at least 30.0 hours per week during the school year by the charter school.
- (4) Children of a school's founders, so long as they constitute no more than 5% of the school's total student population. For the purposes of this paragraph "founder" shall not include anyone whose sole significant contribution to the school was monetary, but otherwise shall be determined by the founding Board of Directors subject to Department of Education regulations.

In addition, charter schools may assign differing weights to their admissions preferences. Between the statutory requirements defined in 14 Del. Code Chapter 4 and 14 Del. Code Chapter 5, it would appear the statutory requirements for admissions and lottery processes are very prescriptive and transparent in determining enrollment in charter schools. However, what is neither transparent nor well monitored is the (1) actual school-level review process of charter school applications, and (2) the school-level determination of which students' applications are considered for admissions, including placement and ranked order on waiting lists. It is expected that for those charter schools with a lottery process identified in their approved charters, that the lottery process be conducted publicly. While there is an expectation for adherence of charter school Boards and School Leaders to the statutory requirements as stated above, there is no oversight of either of these processes. This lack of oversight and monitoring could potentially enable a school with a motivation to "create" a particular student body with such an opportunity.

Admissions Policies and Potential Impact on Racial Imbalance

There are significant concerns, nationally and locally, regarding the potential connection between charter school enrollment trends and racial imbalance between charter schools and traditional public schools. It is important to note that statute regarding admissions policies vary from state to state. Some state legislation has general non-discriminatory provisions, others specify that charters must reflect the enrollment statistics of the district in which they operate, and others specifically cite the responsibility of charters to meet desegregation orders (Frankenberg & Lee, 2003). In Delaware, there are significant concerns that the admissions policies originally designed to help Delaware charter schools serve the local communities in which they reside are actually contributing to racial imbalance in the state. This concern is heard specifically in New Castle County where the number of charter schools now surpasses the number of traditional school districts (see Section Growth and Development of Charter Schools).

To determine the extent to which charter schools have admission preferences specified in their approved charters, a thorough document review of currently approved charters of charter schools open in New Castle County as of July 1, 2015 was conducted. Data collected included the name of the charter school, a Y/N identifier for whether the charter has approved admissions preferences, and a list of admission preferences by charter school (see Appendix A). Based on a review of all approved charters of currently operating charter schools in New Castle County, sixteen of the eighteen charter schools, or 89%, conduct lotteries when more

applications than seats are available and subsequently utilize admissions preferences to enroll students. The types and prevalence of admissions preferences in these sixteen schools is summarized in the table below (Table 5).

Table 5. Admissions preferences in New Castle County charter schools			
Admissions Preference	n	%	N
Siblings of student(s) currently enrolled	16	100.0	16
Children of school employees who work at least 30 hours per week during the school year	14	88.0	16
Children of the school's founders (may not comprise more than 5% of total enrollment)	11	69.0	16
Students residing within the school district in which the school is located	6	38.0	16
Students who have a specific interest in the school's teaching methods, philosophy, or educational focus	6	38.0	16
Students residing within a 5-mile radius of the school	6	38.0	16
Students living within a specific zip code	1	6.0	16

N=16

In the case of sibling and staff/founder child preference, 100% of charter schools utilize a sibling preference, 88% utilize a children of staff preference, and 69% utilize a children of school founders' preference. In the case of location preferences, 38% of charter schools utilize a preference for students who live in the district in which the school resides, 38% utilize a 5-mile radius preference, and only one of sixteen charter schools utilizes a specifically identified zip code preference. Thirty-eight percent of charter schools utilize a specific interest admissions preference.

Based on the findings associated with the document review, 89% of New Castle County charter schools utilize lotteries and subsequently list a variety of admissions preferences in their approved charters. Moreover, upon the document review it was discovered that 56% of charter schools in New Castle County rank their

admissions preferences, assigning more weight to some than others. The most commonly used admissions preferences included sibling preferences and preferences for children of staff and school founders. This would seem to support the intent of the statute to keep families together and to build schools around the communities in which the schools physically reside.

In an effort to further understand the impact of charter schools on enrollment distributions in New Castle County, an informal survey of New Castle County charter school directors was conducted to (1) measure their understanding of the section of Delaware Code that permits charter schools to utilize admissions preferences, and (2) review the extent to which their schools' admissions preferences have contributed to their total student population in the present year. All charter school directors surveyed were fully aware of the section of Delaware Code that permits charter schools to have admissions preferences, however only approximately half of the school leaders reported feeling fully aware of the intent behind this section of Code. The majority of respondents reported that they believe admissions preferences provide parents and students with a greater advantage in enrollment in general, however almost half disagreed that their own schools' admissions preferences criteria have provide parents with a greater advantage in enrollment. With regard to the number of choice applicants received, the majority of charter school directors reported receiving more applications than available seats, but responses were mixed with regard to correlating applicants to the number of students enrolled who actually live in the community in which the school resides.

Scenarios to Illustrate How Charter Schools’ Admissions Policies Impact Admissions

To better illustrate the admissions process in charter schools based on possible admissions preferences, ranking of admissions preferences, and whether the charter school utilizes a lottery process, the following scenarios are presented given the following assumption: there are 70 applicants for 60 seats within a particular grade level served by the school. Each charter school has detailed its lottery process in its approved charter.

Scenario 1

Charter School A is a K-8 school authorized by the Delaware Department of Education. It has the following enrollment preferences in its approved charter:

- Children of the school’s founders (may not comprise more than 5% of total enrollment)
- Siblings of student(s) currently enrolled
- Children of school employees who work at least 30 hours per week during the school year
- Students residing within a 5-mile radius of the school

The school has not identified a ranking or weighting of these enrollment preferences. Of the 70 applicants for 60 open seats, 65 meet one or more of these four enrollment preferences. Thus, the school conducts a lottery from those 65 students. At the completion of the lottery, the 5 students not selected are placed on a waiting list (from 1-5). The 5 that were not in the lottery because they did not meet at least one of the enrollment preferences are also placed on the waiting list (from 6-10). Every child has the opportunity to matriculate in Charter School A, and the parent still has to agree to placement in that school.

Scenario 2

Charter School B has the same four enrollment preferences as Charter School A:

- Children of the school's founders (may not comprise more than 5% of total enrollment)
- Siblings of student(s) currently enrolled
- Children of school employees who work at least 30 hours per week during the school year
- Students residing within a 5-mile radius of the school

Of the 70 applicants, only 30 applicants meet one or more of the enrollment preferences. Those 30 are all offered the opportunity to enroll. The remaining 40 applicants now go into a lottery process for the remaining 30 slots and are randomly selected. The 10 students not selected are placed on the waiting list.

Scenario 3

Charter School C has the following *ranked* enrollment preferences:

- Siblings of student(s) currently enrolled
- Children of school employees who work at least 30 hours per week during the school year
- Students residing within a 5-mile radius of the school
- Students who have a specific interest in the school's teaching methods, philosophy, or educational focus

The 1st highest ranked preference is for siblings enrolled at the school. Of the 70 applicants, 5 have siblings enrolled. Those 5 students are offered enrollment. The 2nd highest ranked preference is for child of a staff member. Two students meet that enrollment preference and are therefore also offered enrollment. The 3rd highest ranked preference is living within a 5-mile radius of the school, and 13 students meet that preference and are subsequently offered enrollment. The 4th ranked enrollment

preference is demonstrated interest in the school's educational program (for example, STEM). Thirty-five have met the criteria for demonstration of interest outlined in the school's charter. Again, demonstrated interest cannot by law be aptitude or talent based. These 35 students are offered enrollment. This leaves 15 students competing for the remaining 5 open slots. The charter school conducts a lottery and randomly chooses 5 of those remaining 15 students. The 10 not selected are given the opportunity to be placed on the waiting list.

In any of the scenarios described above, strict adherence to the admissions policies in each of these three charter schools would imply randomly equal opportunity for all applicants to matriculate in a charter school of choice. A major caveat of the school choice program, inclusive of district and charter school admissions policies, is it assumes that *all* parents and students are making informed choices and have access to pertinent admissions preferences information. With the rapid growth of charter schools in New Castle County, what appears to be greater choices for parents and students may actually be impeded by a greater number of admissions preferences and lotteries, "keeping out" certain populations of students who do not meet the approved criteria. Moreover, research by Miron, Wygant, Cullen & Applegate (2006) contends that because individual charter schools enroll students that differ greatly from sending districts, one can argue that many of the charter schools may be accelerating the resegregation of public schools based on race, class, and ability by leaving them more fragmented.

An important next step is to determine whether the student enrollment in each New Castle County charter school with location preferences is reflective of the community in which those schools reside. If charter schools are in fact community-based schools, then demographics should mirror the demographics of the community. This will be explored through a review of demographics and enrollment distributions of all charter schools in New Castle County, which can be found in Chapter 3.

Chapter 3

ENROLLMENT TRENDS IN DELAWARE

A 2007 research study commissioned by the Delaware Department of Education and the State Board of Education was conducted by the Evaluation Center at Western Michigan University to evaluate the progress and impacts of charter schools in Delaware. One notable conclusion of that study states:

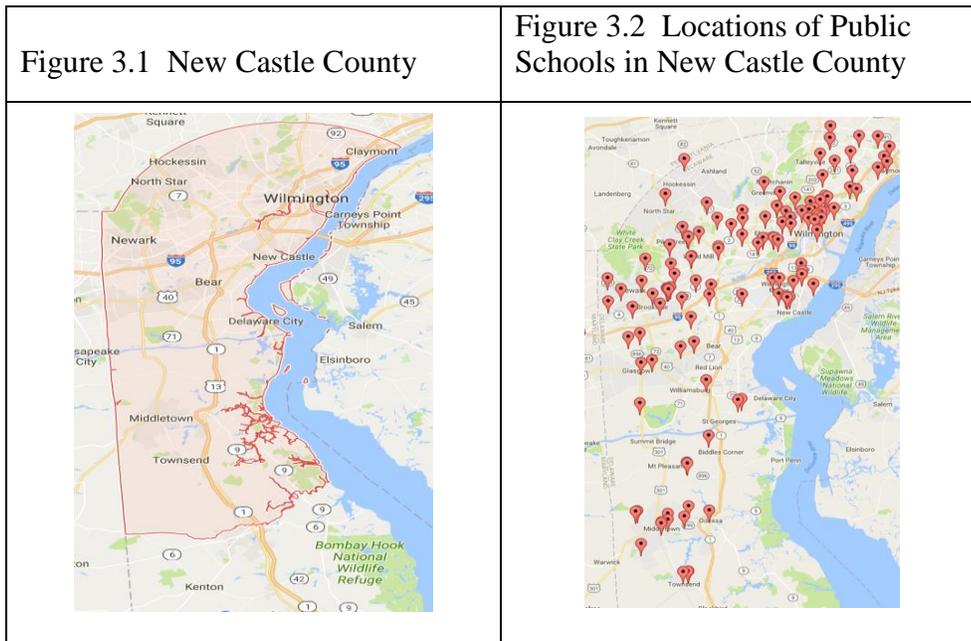
A number of negative or unanticipated outcomes need to be watched and considered carefully. These include accelerating the resegregation of public schools by race, class, and ability and the disproportionate diversion of district and state resources (both financial and human resources) from districts to the more recently established charter schools. Finally, attention must be given to those charter schools that are serving minority and low-income students, since a majority of them are lagging behind in performance and show signs that they are less stable and viable (Miron, Cullen, Applegate, & Farrell, 2007, p. 153).

In order to fully understand the demographics of the schools located in New Castle County and whether the growth of charter schools has had an influence on segregation patterns, one must understand the geography and demographics of the communities within the county. This chapter explores 1) the geography and demographics of New Castle County, 2) the locations of and changes in racial compositions of New Castle County charter schools, 3) the levels of segregation among charter schools, 4) the racial demographics of select communities in which several charter schools reside, and 5) an analysis of longitudinal enrollment trends in New Castle County public schools.

New Castle County School District: Geography and Demographics

Figure 3.1 shows the geographic area of New Castle County in Delaware as well as the locations of the public school districts located within its boundaries. There are five school districts identified: Brandywine, Red Clay Consolidated School District, Christina School District, Colonial School District and Appoquinimink School District. There is one New Castle County school district that is not shown on this map, New Castle County Vocational School District, which has multiple high schools located throughout the county, including in the City of Wilmington.

Figure 3.2 shows the location of all public schools currently operating in New Castle County. As indicated by the map, the highest concentration of schools – both charter and regular schools—is found in and around the City of Wilmington area, reflecting the distribution of population density across New Castle County. Wilmington has the highest population density and therefore needs the most schools.



Figures 3.3 and 3.4 show NCCo demographics by census tracts. Figure 3.3 shows the percent of the population in New Castle County that was African American as of 2010. The darkest shades of purple correspond to areas where the highest percentages of African Americans live in New Castle County, and the lightest shade of purple corresponds to the lowest percentage, with ranges indicated by varying shades of purple in between the two extremes. The map shows clearly that the highest percentage of African Americans live within the City of Wilmington and its immediate surroundings, while the lowest percentages are north and west of Wilmington.

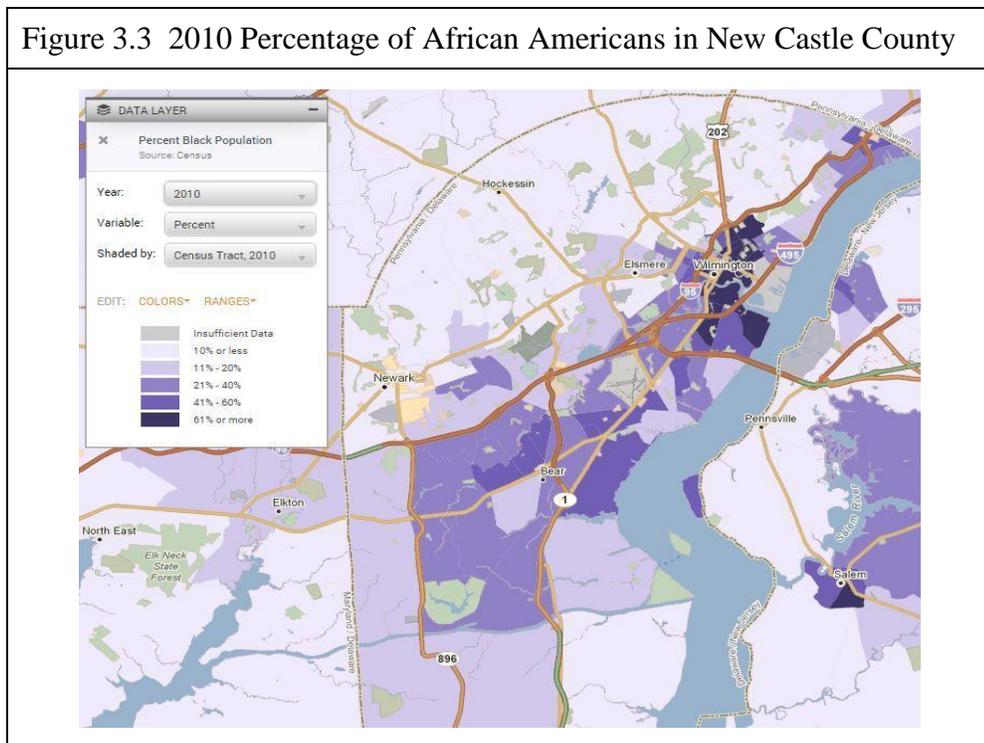
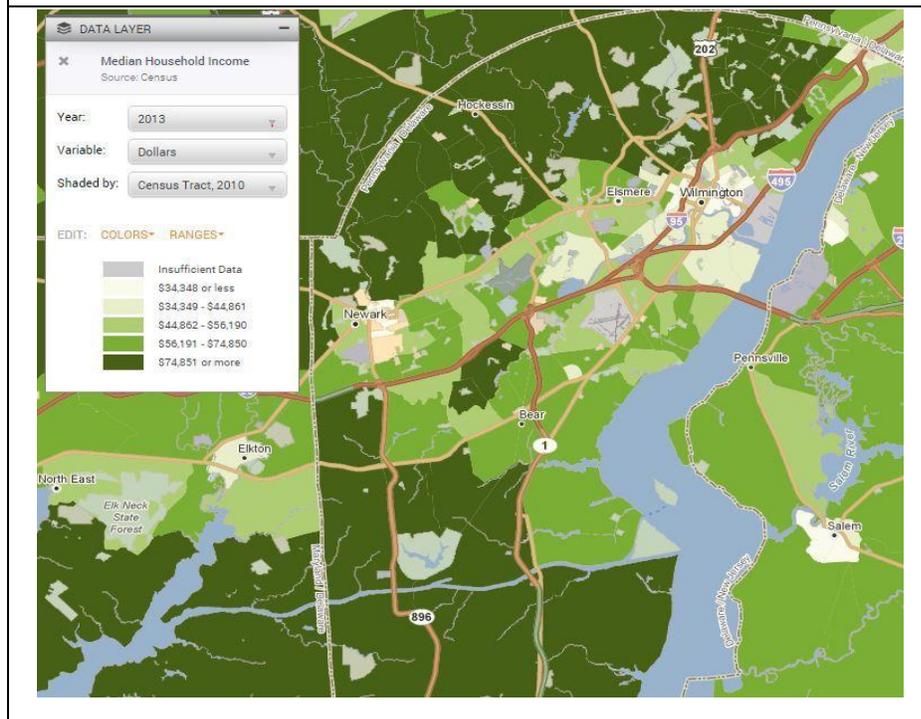


Figure 3.4 shows 2013 census data for median household income. Here, shades of beige and green are used to indicate concentrations of median household

incomes of \$34,348 or less (beige); darker colors show progressively higher income areas; the darkest shade of green shows median household incomes exceeding \$74,851. The lowest median household incomes are found in the City of Wilmington and the greater Wilmington area, and the highest median household incomes are found north and west of the City. However, there are pockets of low income households throughout New Castle County. The high concentration of low income households in Newark are students of the University of Delaware in the central Newark area.

Comparing Figures 3.3 and 3.4, it is evident that there is a high correlation at the census tract level between the percentage of African American in the census tract and the tract's income level. This affects the student composition of charter schools if they are located in neighborhoods with high levels of poverty and large numbers of African American students. As shown in the next section, in most charter schools, the demographics of a schools' student body mirrors quite closely the demographics of the nearby neighborhoods.

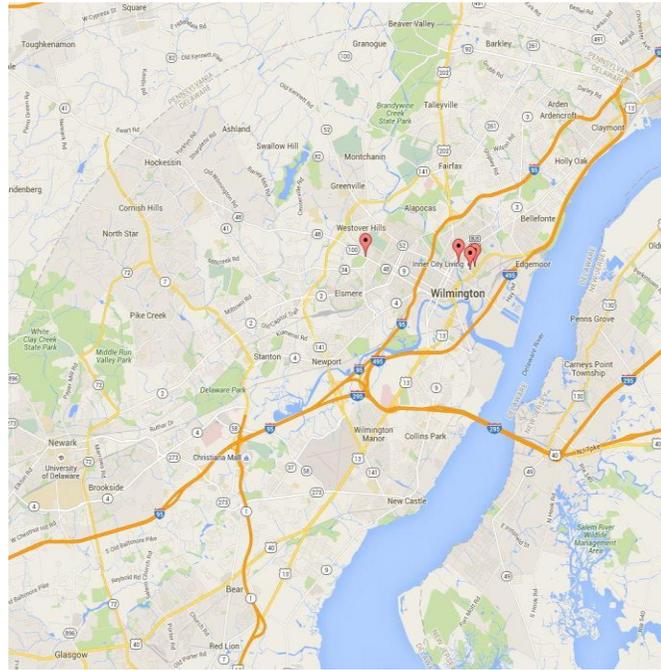
Figure 3.4 2010 Median Household Income in New Castle County



Charter School Locations, Demographics, and Growth from Year 2000 to 2010

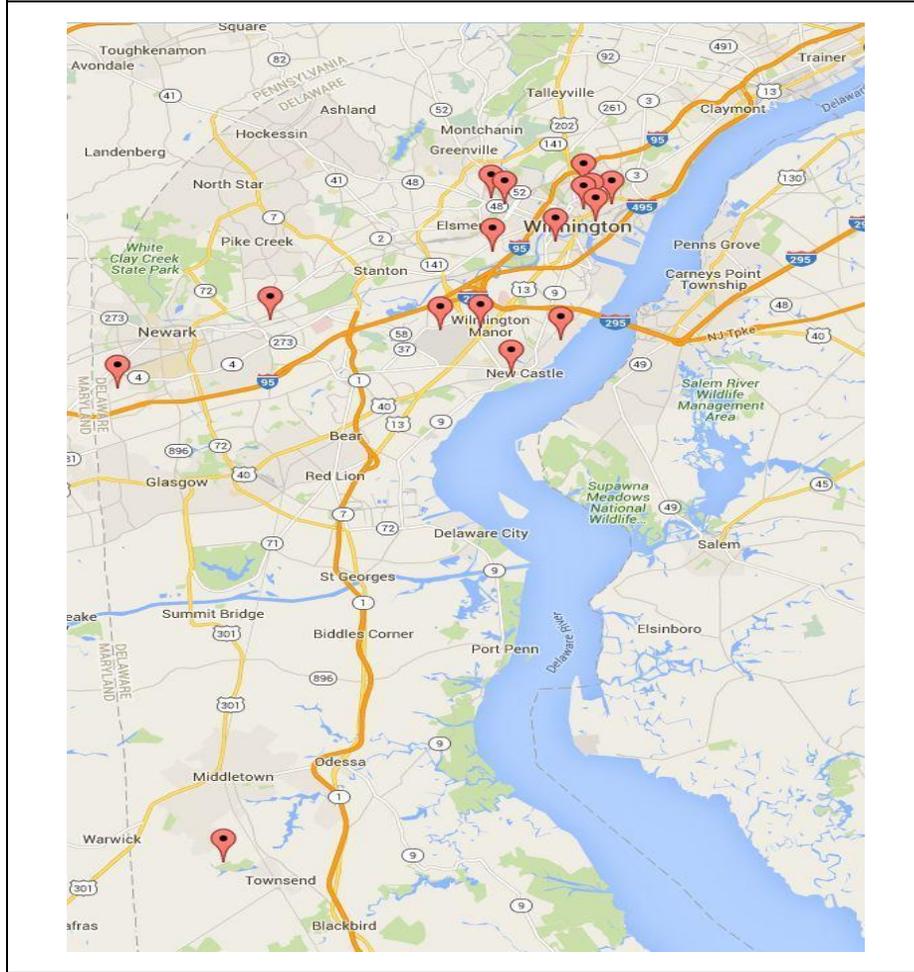
Charter school legislation was enacted in 1996. Figure 3.5 shows the locations of the first four public charter schools that opened up in New Castle County following the 1996 legislation: Thomas A. Edison Charter School, East Side Charter School, Charter School of Wilmington, and Marion T. Academy (now closed). Three of the four charter schools located within inner city Wilmington. The charter school located outside of Wilmington's city limits is the Charter School of Wilmington.

Figure 3.5 Locations of Charter Schools in New Castle County in 2000



By 2010, fourteen years after the enactment of charter school legislation, the number of charter schools had increased by ten, from four charter schools to fourteen. The great majority of these new charter schools opened in and around the city of Wilmington; two of the charters located on the western side NCCo, in Newark, and one to the south, near Middletown. Figure 3.6 shows the locations of charter schools in 2010.

Figure 3.6 Locations of Charter Schools in New Castle County 2010

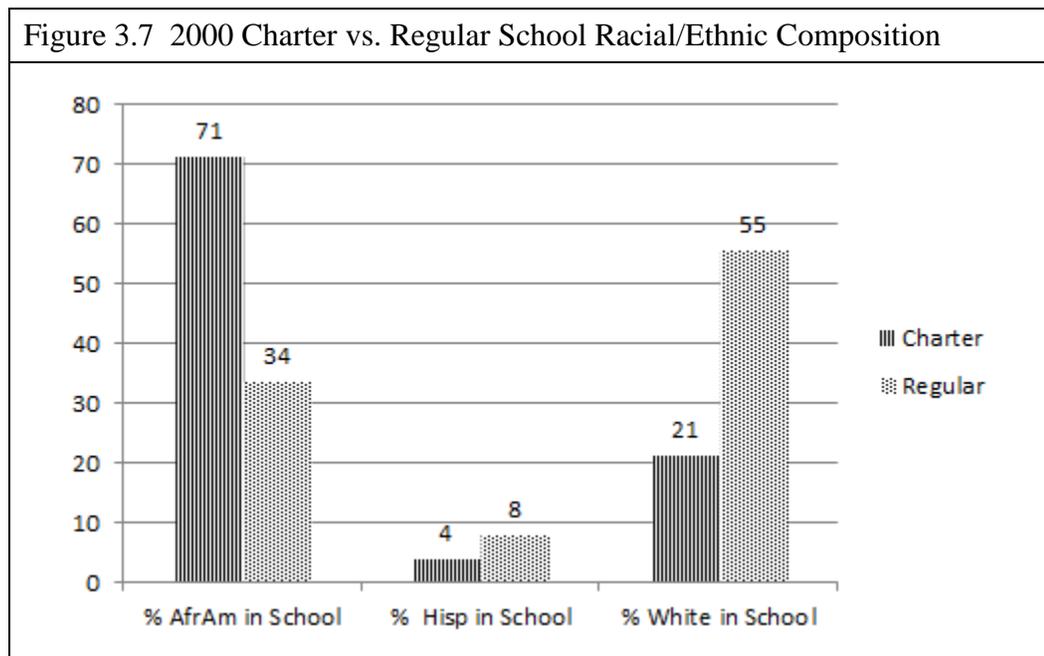


The Racial Make-up of and Levels of Segregation Among NCCo Charters: 1996 to 2015

This section focuses on the charter school enrollments and enrollment trends in NCCo over the last twenty years. It shows a steadily increasing number of charter schools since 1996 and that the charter school sector has a higher percentage of

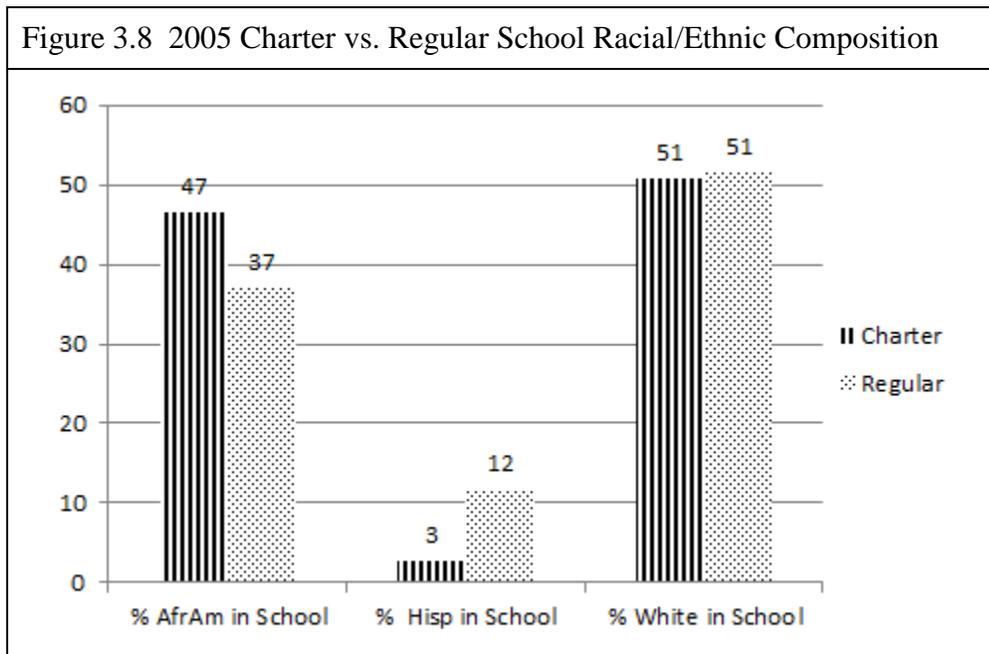
racially isolated schools as compared with the regular (noncharter) schools in the five NCCo districts.⁴

In 2000, there were four charter schools operating in New Castle County: Thomas A. Edison Charter School, East Side Charter School, Charter School of Wilmington, and Marion T. Academy. These charter schools were located in or very near the city limits of Wilmington. In 2000 the percentage of African American students enrolled in these four charter schools was (71%); 21% of their students were white as shown in Figure 3.7. In contrast, in the regular public schools of New Castle County, the percentage of White students enrolled (55%) exceeded the percentage of African American students enrolled (34%).



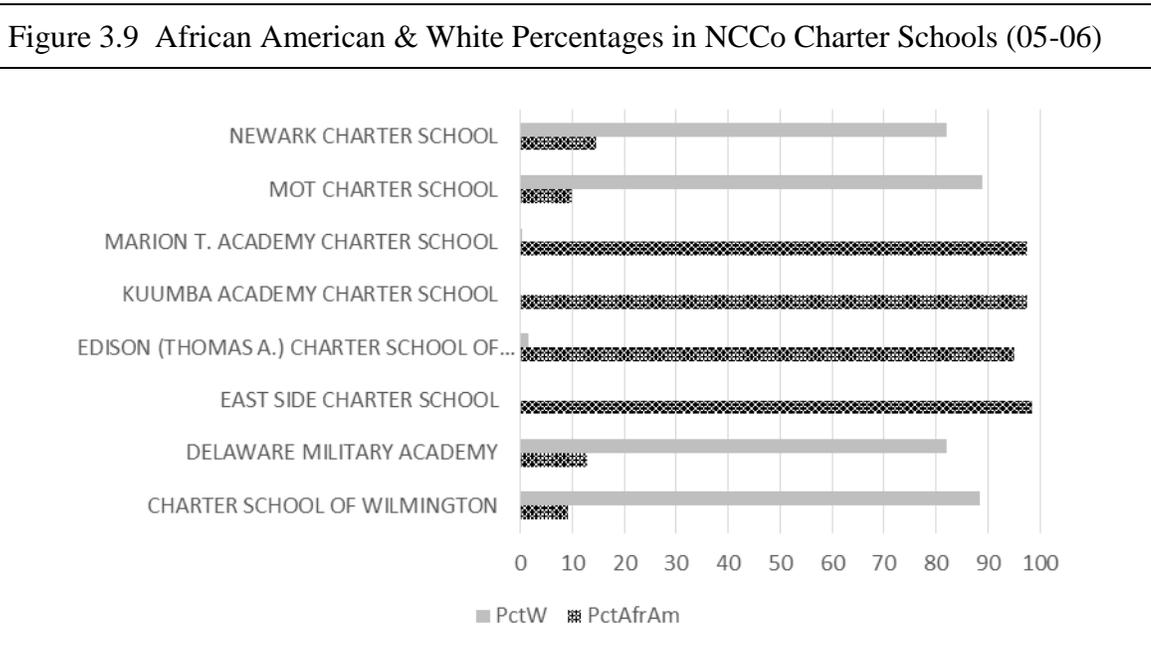
⁴ I use the term “noncharters” or “regular schools” to refer to public schools in the school districts that are not charter schools.

By 2005, there were 8 charter schools. Three of the four new charters were located outside of Wilmington in majority white areas (in Newark, near Middletown, and southeast Wilmington). With the addition of these new schools, the percentage white in the charter sector grew to 51%; the charter sector was 47% African American with 2% “other.” At this time, the aggregate racial make-up of the charter sector and regular public school sector was roughly similar (Figure 3.8).



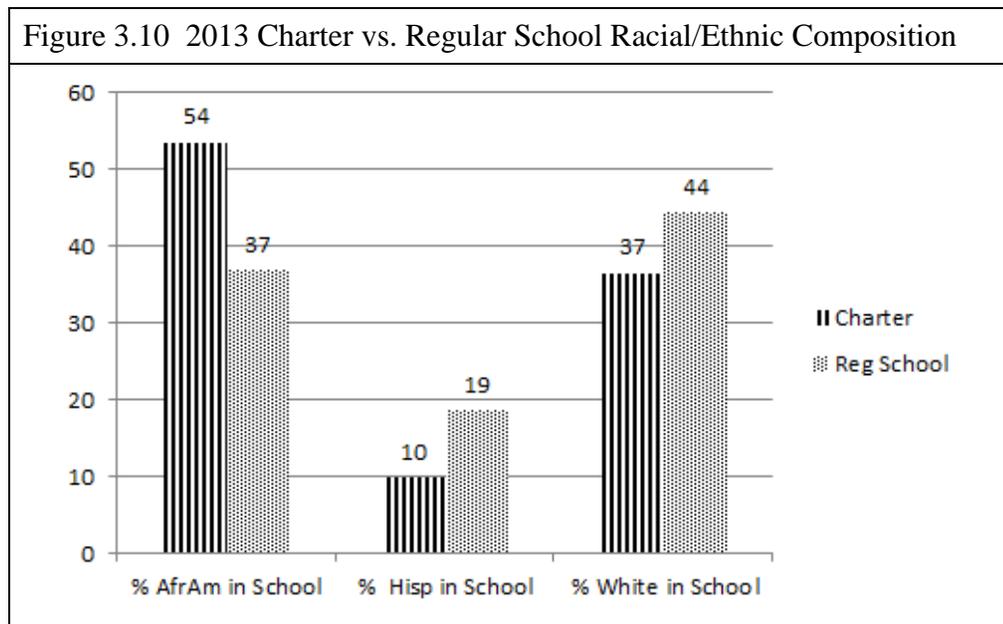
However, *segregation* was greater within the charter sector. Looking at the racial make-up at the school level shows that the charter schools in 2005 were relatively segregated (Figure 3.9), whereas the regular public schools were more racially balanced. The four charter schools located outside of Wilmington (Newark Charter School, MOT, Delaware Military Academy, and the Charter School of Wilmington) are all predominantly white whereas the charters located in Wilmington

were predominantly African American. Thus, the charter schools were predominantly one racial/ethnic group (either African American or White), as shown in Figure 3.9. This phenomenon occurred to a much lower degree in the regular schools which were overall more racially mixed. Thus, overall, the public schools of NCCo—the regular public schools plus the charters—were becoming more segregated. The trend has continued to the present.



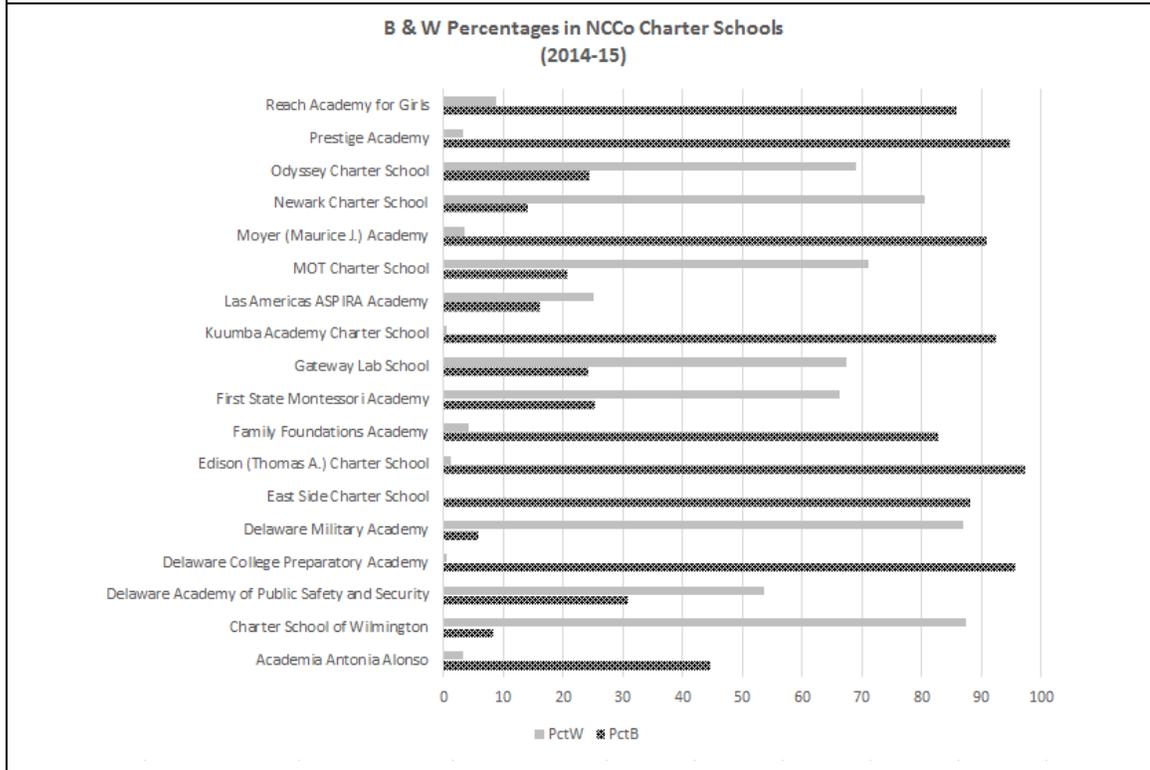
By 2013, the number of charter schools in New Castle County increased to 16 (9 new charters, minus one that closed). Because the new charters that opened were predominantly in or near Wilmington, the charter sector’s percent African American grew to 54%, and the percent white fell from 51% to 37%. The Hispanic enrollment in charters, which had been tiny in 2005 and before that, in 2013 grew to 10%.

In the noncharter sector in 2013—the 106 regular public schools of NCCO—there white percentage was greater than the African American percentage, 44% compared with 37%. The Hispanic enrollment in the regular schools was now 19%—a dramatic increase over the previous ten years.



As Figure 3.10 shows, as was the case in 2005, when looking at segregation among schools by sector, the charters are far more segregated than the regular schools in the five districts. The charter schools which are predominantly African American (averaging about 90%) are located in Wilmington (Reach Academy for Girls, Prestige Academy, Moyer Academy, Kuumba Academy, and Thomas A. Edison Charter School). The charters located outside Wilmington are majority white (Charter School of Wilmington, Delaware Military Academy, Newark Charter School and MOT Charter School). What is clear is that as the number of charter schools grew since the 2005, racial segregation in the charter sector grew.

Figure 3.11 African American & White Percentages in NCCo Charter Schools (14-15)



Demographic Characteristics of Neighborhoods Around Selected Charter Schools

The above analyses indicate that charter schools’ locations heavily shape their enrollment composition. The charters in Wilmington’s African American neighborhoods are overwhelmingly African American; and charters in majority white neighborhoods have much lower percentages of African American students. This section, using Geocoding software,⁵ takes a closer look at neighborhood demographics

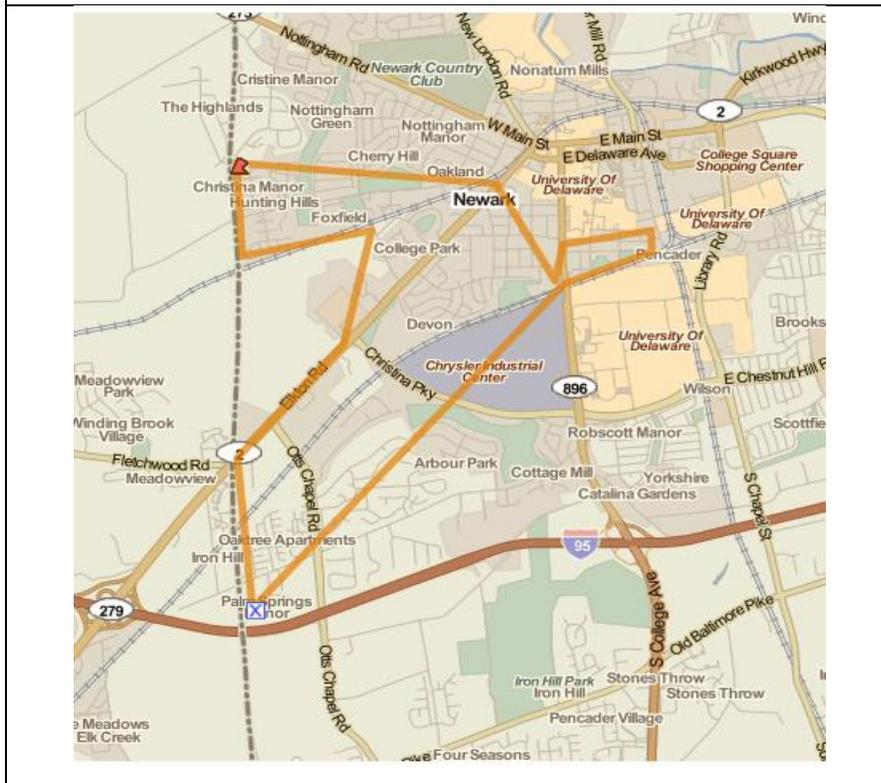
⁵ This information is derived from a web-based Geocoding software: *PolicyMap: GIS Mapping and Geographic Information System Data*. The feature used here is called “Policy Map Community Profile Report tool.” SOURCE: <https://www.policymap.com/>

and shows there is generally a close match between the demographic characteristics of a charter school's student body and the demographics of surrounding neighborhoods.⁶ Following are descriptions of the demographics of the regions around 4 charter schools: Newark Charter School, MOT Charter School, Thomas A. Edison Charter School, and Charter School of Wilmington.

Newark Charter School utilizes a 5-mile radius admissions preference, but, given its location so close to the Maryland/Delaware border, it can only draw students from neighborhoods to its north, south, and east. The boundary lines shown in Figure 3.12 are drawn to encompass actual residential neighborhoods; the boundaries are drawn to minimize coverage of areas with no residents and populations that are not families with children (e.g., university student housing or shopping malls). It is not the case that only residents from inside the geographic polygon shown in Figure 3.12 can go to Newark charter school. The boundary line is drawn just to show regions within a reasonably short transit distance from the school – short enough to make the school an attractive option. The boundary lines drawn encompass an area similar in size to that of a regular neighborhood elementary school's catchment area.

⁶ Neighborhood demographic data are based on 2010 U.S. Census.

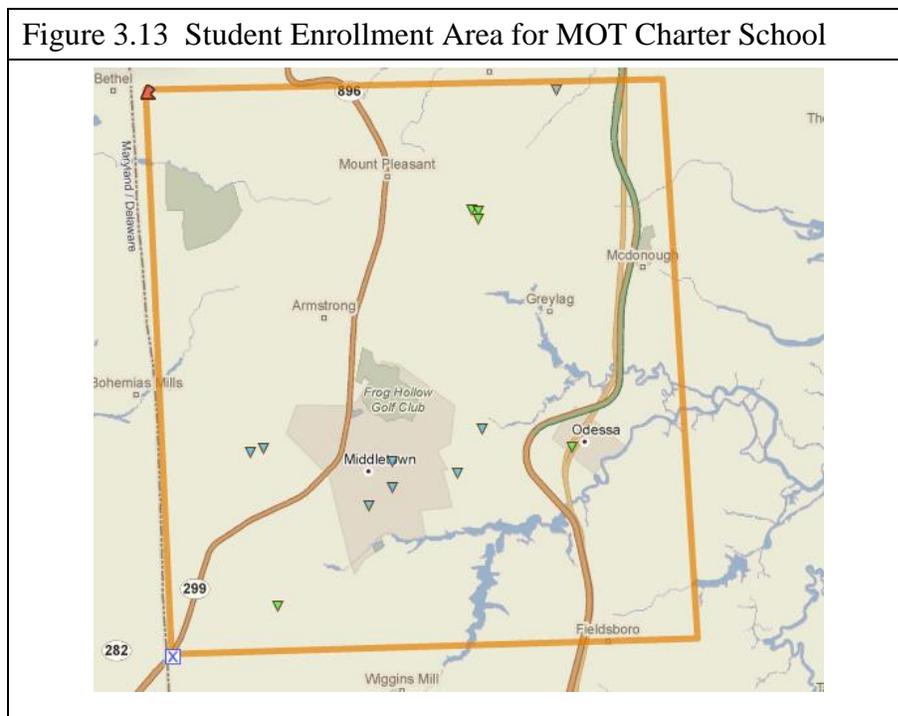
Figure 3.12 Student Enrollment Area for Newark Charter School



Of the people living in the area shown in Figure 3.12, 77% are White, 3% are African American and 10% are Hispanic. Forty-one percent of households in this area have an annual median income below \$35,000. The median household income for the population in the area is \$45,359, compared to the state of Delaware median of \$60,231. The racial composition of Newark Charter School in 2014 was 81% White, 14% African American and 4% Hispanic.

MOT Charter School (Figure 3.13) is located in Middletown and has an admissions preference for students living within the Appoquinimink School District, which serves the towns and subdivisions of Middletown, Odessa and Townsend. The

boundary area drawn captures these three residential areas. Within this geographic boundary, 73% of the population is White, 21% are African American and 5% are Hispanic. Thirteen percent of households in this area have an annual median income below \$35,000. The median household income for the population in the area ranges from \$84,140 to \$112,139, compared to the state of Delaware median of \$60,231. The racial composition of MOT Charter School in 2014 was 71% White, 14% African American and 6% Hispanic.



Thomas A. Edison Charter School (Figure 3.14) is located in Wilmington. The racial demographics of this area are 23% White, 70% African American, and 6% Hispanic. Forty-five percent of households in this area have an annual median income below \$35,000. The median household income for the population in the area ranges

from \$20,388 to \$54,990, compared to the state of Delaware median of \$60,231. The racial composition of Edison Charter Schools as of 2014 was 1% White, 98% African American and 1% Hispanic.

Figure 3.14 Student Enrollment Area for Thomas A. Edison Charter School

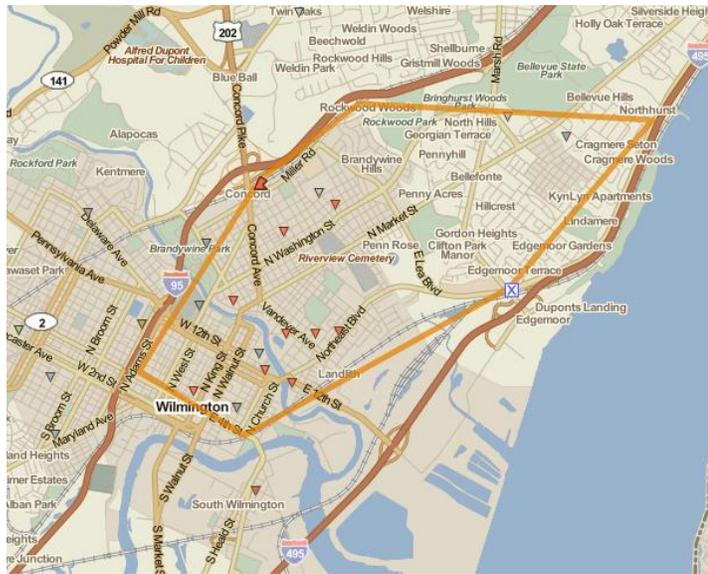
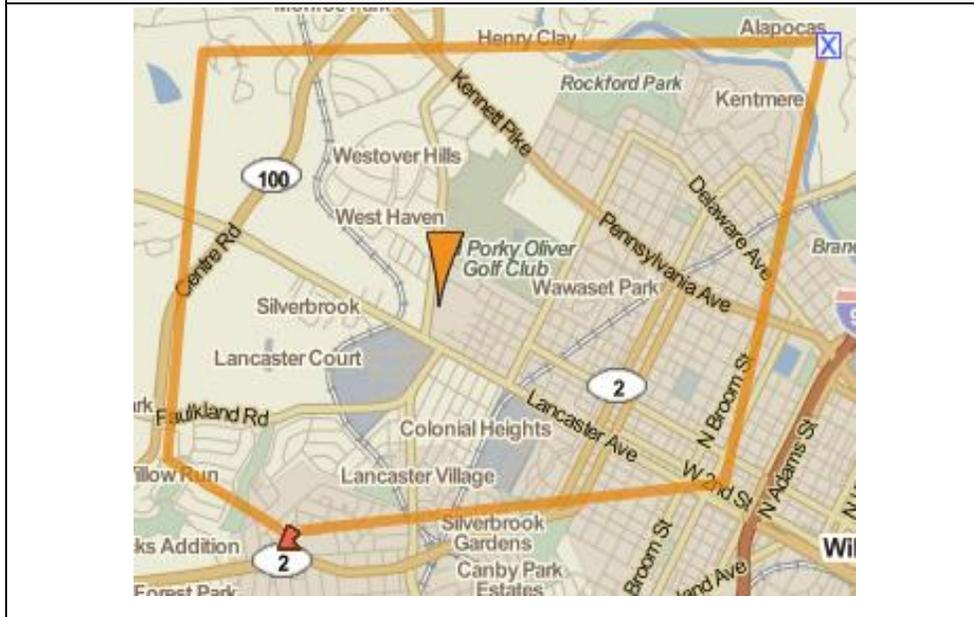


Figure 3.15 shows the area within a one-mile radius of the Charter School of Wilmington. The racial demographics of this area are: 68% White and 25% African American, and 22% Hispanic with the remainder falling in other racial categories. Thirty-three percent of households in this area have an annual median income below \$35,000. The median annual household income for the population in this area ranges from \$19,631 to \$162,143, compared to the State of Delaware median of \$60,231. The racial composition of the Charter School of Wilmington as of 2013 was 88% White, 7% African American and 5% “Other.”

Figure 3.15 Student Enrollment Area for Charter School of Wilmington



To summarize, the Figures above shows the demographics of the neighborhoods around selected charter schools. The obvious pattern is that the racial composition of charters quite closely reflects that of the surrounding neighborhoods. The most notable exception is Wilmington Charter School. Its surrounding neighborhoods are about 25% African American, but only 7% of its enrollment is African American. Wilmington Charter School has selective admissions and draws students from throughout the northern half of NCCo (admissions rules for charters are discussed in Chapter 2). This school is less easy to get into for neighborhood children—it is less “open door” in its admissions than the other charters.

Edison Charter School (Figure 3.14) and two other nearby charters (East Side Charter and the former Marion Academy) are all located on Wilmington’s east side within a mile of each other and are predominantly African American, reflecting the

racial composition of this area of Wilmington. Thus, while the large majority of the regular public schools are relatively racially balanced, the large majority of the charters have a student body that is a large majority white or a large majority African American.

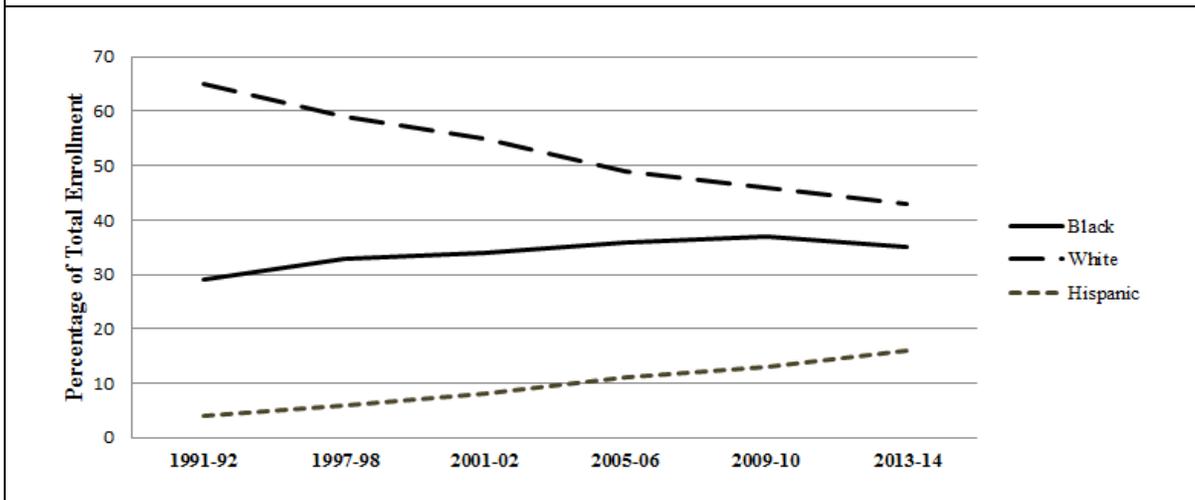
Longitudinal Enrollment Trends in NCCo Public Schools

This section turns to broader enrollment and segregation trends over time. I present figures on racial enrollment trends among all NCCo public schools over the last several decades. I draw on “Common Core Data”⁷ data as well as from a report from the Harvard Civil Rights project (Niemeyer, 2014) and a paper by Archbald, Hurwitz, and Hurwitz (2016). The main trends of note are that since the early 90s, the percent African American among NCCo public schools has remained more or less stable, the percent White has decreased, the percent Hispanic has increased, and segregation among schools has increased.

Figure 3.16 shows the percentage of total enrollment of students by race/ethnic composition in New Castle County public schools between 1992 and 2014. During this twenty-two-year timeframe, the percentage of White students has decreased, the percentage of Hispanic students has increased, and the percentage of African American students grew from 1992 to 2010, but then started decreasing.

⁷ National Center on Education Statistics, U.S. Department of Education. [<https://nces.ed.gov/ccd/elsi/>]

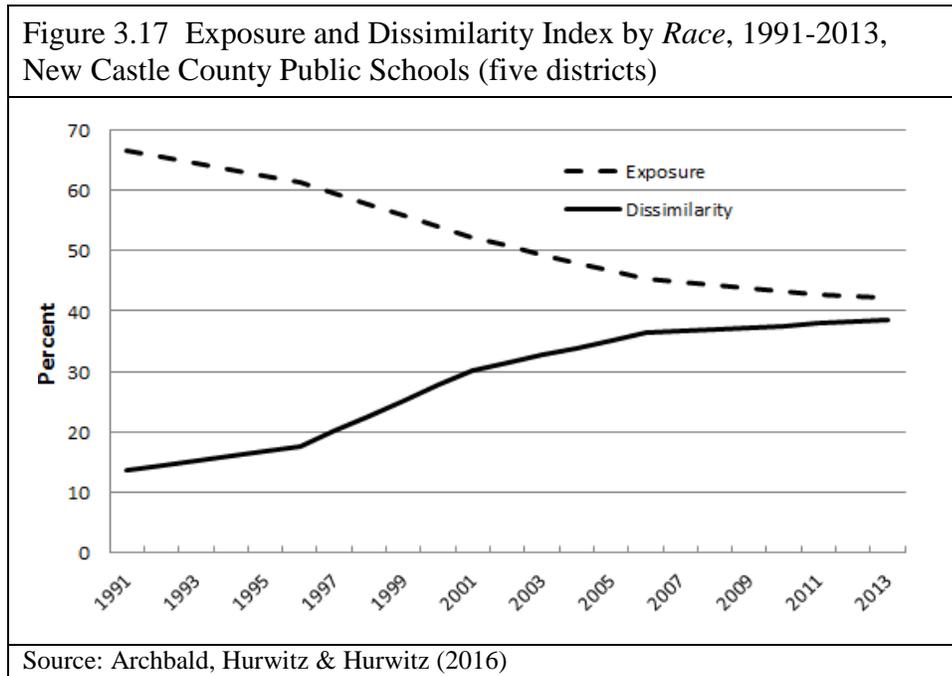
Figure 3.16 NCCo Public Schools: Enrollment by Race/Ethnic 1992 - 2014



A trend that helps account for the decline in white enrollment is dwindling white enrollment in Wilmington schools. Niemeyer (2014) states that between 1989 and 2010, white student enrollment in urban schools—those in the city of Wilmington—fell almost 47 percentage points from 65% to 19%. However, African American enrollment in Wilmington schools increased 35 percentage points from 28% to 64%. In contrast, in the suburban schools outside of the city of Wilmington between 1990 and 2011, white students constituted the largest share of the enrollment at 45%, with only 19% white in the urban schools (Niemeyer, 2014). African American student enrollment grew from 28% to 68% in the urban schools during that same time period. Charters located in Wilmington have contributed to this growth of African American students in the city.

A study by Archbald, Hurwitz & Hurwitz (2016) computed segregation indexes for NCCo schools, showing changes in levels of segregation among schools

between 1991 and 2013. The two indexes used for this analysis are called “dissimilarity index” and “intergroup exposure index.” Figure 3.17 shows the values for these two indexes from 1991 to 2013 (African American vs. white).



The *dissimilarity index* computes the percentage of type students of either racial group that would need to be reassigned to other schools to have a uniform proportion in all schools – a balanced distribution (see Appendix B). Higher values on the dissimilarity index indicate a greater level of segregation. The index ranges from 0% – meaning a perfectly uniform distribution of racial groups in schools (and therefore no one need to be reassigned to achieve a balanced distribution) – to 100%, which is the highest value possible. A value of 100% would indicate complete segregation—every school contains only one race. Figure 3.17 shows growing

segregation among schools over two decades, although the rate of increase appears to be leveling off.

As of 2014, 42% of the students in NCCo schools are white and 35% are black. A perfectly uniform distribution would mean that every *school* is 42% white and 35% black. If this were the case, the dissimilarity index would be zero. In fact, the dissimilarity index for 2013 is about 39%. In other words, 39% of students would need to be redistributed to achieve a perfectly uniform racial balance among all schools. Based on the dissimilarity index, between 1991 and 2013, there was a tripling of the percentage of students (African American or Whites) who would need to be reassigned to a different school to achieve an even distribution among all schools.

The second index, *intergroup exposure*, reflects the extent to which students of one racial category are “exposed to” students of the other racial category. Unlike the dissimilarity index, the exposure index does not reflect how many students need to be shifted among schools to achieve a uniform distribution among all schools. Rather, it reflects, in the typical school, the opportunity of one category of student to interact with (or be “exposed to”) members of the other demographic category. The exposure index is a way to reflect the typical level of exposure of one group to another on average across the schools. The percent white in the average African American student’s school declined from 68% to 43% between 1991 and 2013.

Summary and Concluding Comments

The percentage of whites and African American students in the charters has fluctuated over the years, but overall there has been a higher percentage of African American students enrolled in charters than white students. Charter schools tend to be relatively segregated. Between 2000 and 2010, the number of charter schools increased in New Castle County from 4 to 14. In 2000, the percentage of African American students in charter schools was 71%. By 2005, more white students enrolled in charters and so the percent African American in the charters dropped to 47%; 51% of charter students being white. By 2013 there was again a much larger percentage of African American students enrolled in charter schools as compared to noncharter schools (the charters were 54% African American while the regular schools were 37% African American). Most of the charters are either predominantly African American or predominantly white.

The next chapter provides policy recommendations drawing on the historical and contextual information provided in previous chapters and the findings reported in this chapter. It is important for policy makers and education decision-makers to understand the history of charter schools in Delaware, longitudinal enrollment trends, charters' impact on racial imbalance, and the tools available to support decisions about potential charter approvals and the impact those decisions have on the educational system.

Chapter 4

CONCLUSION AND RECOMMENDATIONS

This chapter draws on literature and findings from the prior three chapters. I present conclusions and recommendations for readers interested in charter schools and in roles of charter approvers, policy planners, and administrators. The first section discusses perspectives of the EPP's key findings, argues for being attentive to growing racial imbalance in NCCo schools and among the charters, and offers recommendations if policy changes are in order. The last section reviews policy tools that can assist educators and policymakers in monitoring racial enrollments patterns among schools.

Growing Racial Imbalance May Be a Problem

Key Findings on Racial Imbalance

It should be noted that in the mid-90s, before the ending of the desegregation order and the start of the school choice and charter policies, the school districts of New Castle County were quite desegregated. There were no racially isolated schools; the large majority of the schools were racially mixed. My analysis has focused on growing racial imbalance starting in the late 1990s and continuing through the present.

The main findings from Chapter 3 are as follows:

- there is considerable segregation within the charter sector among the charter schools,
- there are significant levels of segregation when measured among the regular (noncharter) schools in the county, but it is comparatively lower than among the charter schools,
- segregation has been growing over the last twenty years.

These findings, however, may be interpreted in several different ways depending on the perspective of the reader. One perspective may be that the enrollment trends toward greater segregation do not constitute a social or policy problem. Racial imbalance may be seen as a result of charter school operators choosing to locate their schools in the urban Wilmington area, which as shown in Chapter 3 is largely populated by African Americans, and therefore these schools will serve minority populations that choose to attend these schools. By the same token, in the absence of the desegregation requirement, some of the other regular schools are likely to gradually become more “one race” schools if they are in attendance areas that are majority one race. There is nothing unlawful about these developments and schools having these enrollments.

The other perspective, which I present in more depth below, is that these findings do raise enough concerns that further research is required along with more attention given among education policymakers to enrollment trends and to ensuring equal access of students to all schools. These concerns are explained below.

Concerns About Violating Anti-Discrimination Policies

One concern is to be vigilant about growing racial imbalance in the schools or the charter law possibly being in violation of Title VI on the 1964 federal Civil Rights Act. This concern has already arisen in Delaware in a complaint by the ACLU against Red Clay Consolidated School District and the Delaware Charter School Law (ACLU

et al v. State of Delaware and Red Clay Consolidated School District, 2014). The complaint states:

Title VI prohibits recipients of federal financial assistance from discriminating based on race, color, or national origin. Section 504 likewise prohibits recipients of federal financial assistance from discriminating based on disability. The Department of Education regulations implementing these statutes prohibit state or school conduct that has “the effect of subjecting individuals to discrimination because of their race, color, or national origin,” as well as conduct that has “the effect of subjecting qualified handicapped persons to discrimination on the basis of handicap.” (p. 37)

The ACLU complaint argues that the state’s charter school laws and

authorization policies, coupled with the practices of the schools themselves, have the unlawful effect of discriminating by race and disability (ACLU, 2014). Unless these policies and practices are directly serving an educational necessity or important educational goal, any disproportionate and adverse impact on children of a particular race or children with disabilities may be considered a violation of Title VI and 504 (ACLU, 2014). The findings of the ACLU (2014) indicate that state charter school policies and school level enrollment practices in Red Clay do not serve an important education goal and as a result, have directly resulted in segregated charter schools and increasingly segregated public schools.

The ACLU complaint is not the first to raise concerns about NCCo schools and the charters becoming more segregated. In 2008, a memorandum of concern went to the Delaware Secretary of Education from a Councilman of the 10th District of New Castle County (Street, 2008).

It is my view that the Neighborhood School Act (copy attached) violates the Equal Protection Clause of the Fourteenth Amendment because it has a segregative effect. Many neighborhoods in Wilmington and the suburban

portion of my Councilmatic District (the former DeLaWarr School District area) are racially segregated. Requiring students residing in segregated communities to attend neighborhood schools has resulted in single-race student populations. Moreover, as these neighborhoods have the lowest income levels, the schools have high levels of low income students. I am particularly concerned about the Neighborhood School Act's implementation in the Colonial School District. I respectfully request that your office do a compliance review of the District in regard to creation of this racially isolated, high poverty middle school.

This memorandum cites concerns not with charter schools, but with the Neighborhood School Act which has also been a factor in NCCo schools becoming more segregated.

In response to a growing interest in the educational opportunities available to Delaware students, a 2015 statewide study commissioned by Governor Markell also found that the racial and ethnic composition of the student body varies across charter schools (Public Consulting Group, 2015). Key differences between Delaware's overall charter school population and the population within specific schools include:

- “Black students (41% of the total charter population) represent over 95% of students at Kuumba Academy, Edison Charter School, East Side Charter School, and Delaware College Preparatory Academy. Black students represent less than 7% of students at the Sussex Academy of Arts & Sciences, Delaware Military Academy, and the Charter School of Wilmington.
- White students (49% of the total charter population) represent over 80% of students at Delaware Military Academy and Sussex Academy of Arts & Sciences. White students represent less than 3% of the student population

at Edison Charter School, East Side Charter School, and Delaware College Preparatory Academy

- Asian students (6% of the total charter population) represent 27% of the student population at the Charter School of Wilmington.” (Public Consulting Group, 2015, p 38-39).

The examples above show some of the major concerns about the existing and growing levels of racial imbalance among NCCo schools and the policies that contribute to these enrollment outcomes. These concerns are not only among groups in Delaware, but are written about in other literature about charter schools nationally. For example, Niemeyer (2014) states that at the local level, raising awareness is an essential step in preventing further resegregation and encouraging integrated schooling. Civil rights organizations and community organizations in nonwhite communities should study the existing enrollment trends and observe and participate in political and community processes and action related to boundary changes, school site selection decisions, and other key policies that make schools more segregated or more integrated (Niemeyer, 2014). Moreover, Niemeyer (2014) recommends that officials should also consider pursuing litigation against charter schools that are receiving public funds but are intentionally segregated, serving only one racial or ethnic group, or refusing service to English language learners.

Concerns About Inferior Education in Racially Isolated Schools

There is also a concern is about the quality of education received by students in schools that are in low-income, racially segregated (e.g., 90 to 100% African American) neighborhoods.

A recent GAO report (U.S. GAO, 2016, p.8) writes, “An extensive body of research over the past 10 years shows a clear link between schools’ socioeconomic (or income) composition and student academic outcomes.”⁸ The report states:

... the nationally representative studies we reviewed (published from 2004 to 2014) showed that schools with higher concentrations of students from low-income families were generally associated with worse outcomes, and schools with higher concentrations of students from middle- and high-income families were generally associated with better outcomes. For example, one study we reviewed showed that as the average family income of a school increased, the academic achievement and attainment of students of all racial backgrounds increased. The converse was also true. For example, another study found that students attending schools with lower average family income learned at a slower pace than students attending schools where income was higher.

Several other recent studies raise the same kinds of concerns that the quality of education in high minority, high poverty schools may not be as good in more racially and socio-economically diverse schools.

In “Residential segregation, spatial mismatch and economic growth across US metropolitan areas” (2013), Li, Campbell, and Pan find that higher rates of racial segregation in a metropolitan area are associated over time with decreases in

⁸ U.S. Government Accountability Office. (2016). *Better use of information could help agencies identify disparities and address racial discrimination*. (Publication No. GAO-16-345). <http://www.gao.gov/browse/date/week>

economic growth. This has an impact on the quality of jobs and housing available in those areas, which in turn leads to increased segregation as wealthier families move out of metropolitan areas to the suburban areas where there are greater job and housing opportunities, and subsequently greater educational opportunities for their children. Lower income families without the capability to move outside of the metropolitan areas become more and more isolated with low quality, low paying jobs, housing and educational opportunities. Simply by having the means and transportation to seek better opportunities, the families that leave the metropolitan areas may ultimately be contributing to long-term trends in segregation that harm the entire region (Badger, 2013).

Another recent study by The University of North Carolina, Chapel Hill, found African American students in segregated schools (at least 75 percent minorities) on average have less reading growth than their African American counterparts in more integrated schools, (Kainz & Pan, 2014). The researchers looked at the concentration of school poverty, years of experience of the teachers, and the type of literacy curriculum used by the teacher. Even after accounting for these factors, black students in segregated schools were still performing worse (Klein, 2014). Interestingly, this pattern of performance was not seen in Latino or white students' performance.

These studies, of course, do not show that the students in the fifteen NCCo schools that are 80% or more African American are getting an inferior education. However, these racially isolated schools do tend to have much higher levels of low-

income students because they are in low-income neighborhoods and that is the population of students they serve (see Chapter 3).

There has been no recent study of achievement outcomes in NCCo schools that would provide answers to questions about the quality of education and achievement outcomes in NCCo's growing number of racially isolated schools, nor has there been a recent study comparing educational quality in charters to the regular schools. Only one study in Delaware has examined achievement results in charters compared with the regular (noncharter) public schools (Miron et al. 2007). The study was done in the mid-2000s and compared test scores of charter school students to a sample of noncharter students matched to be similar on demographic variables (gender, ethnicity, and eligibility for free lunch). Since there was only one high school at the time—Wilmington Charter with its selective admissions policies—the findings that are most useful to consider were those at 5th grade where there were DSTP scores available for a relatively large sample of charter and noncharter students reasonably similar in demographic characteristics.

The achievement study's results were mixed. Some analyses favored charters and some noncharters. "There were small differences between the charter school students and comparison students between grades 3 and 5. Only four differences were statistically significant; two of these favored traditional public schools, and the other two favored charter schools" (Miron et al., 2007, p x.) There were also some other analyses of growth, and a few these raised some concerns about charter's performance.

Charter school students in grade 5 tend to lag behind their matched peers in reading scaled score and are showing less growth over time than their matched peers. The results suggest that, overall, charter school students are not performing at levels comparable to their noncharter peers on the DSTP in reading; and the gap appears to be widening. However, they have closed the difference between them and their noncharter peers in math. (Miron et al., 2007, p xi.)

Overall, however, neither category of schools clearly outperformed the other and the findings, as the authors note, should be interpreted with appropriate cautions given methodological limitations.

Recommendations to Monitor Charter Policy Implementation

The original intent of the 1995 Delaware charter school law was, and still is, to create an alternative to traditional public schools operated by school districts and to improve public education overall. We must also remember that operating a charter school is a privilege, not an entitlement. To be more attentive to the potential segregation effects of charters in New Castle County, I present the following policy recommendations for charter school authorizers, planners and policymakers to consider. Appendix C provides excerpts from Delaware's charter school legislation related to language on equity, and, alongside this, provides excerpts from a policy

center's report with recommended equity language for charter legislation (Mead & Green, 2012).⁹

Monitor Openness and Equality in Charter Admissions

It is critically important for charter school authorizers and planners to understand that while federal regulations strictly prohibit practices and policies that have a disparate impact by race or disability, discriminatory intent behind those practices does not need to be established (ACLU, 2014). That is, even if there is no overt attempt by charter school administrators to discriminate against enrolling certain racial subgroups through the admissions process, complying with State and school-level policies that could have a disproportionate adverse impact on certain racial subgroups can still be considered discriminatory practices. This includes state-sanctioned admissions preferences as well as school-level policies that may present an advantage for certain racial subgroups and a barrier for minority students and/or students with disabilities.

I recommend that the admissions preferences allowable by Delaware charter school law be revisited and evaluated for their potential to perpetuate unintended segregation effects. It is possible that as practiced in some schools, selective admissions criteria may be inappropriately disadvantaging some groups of students, and this should not be happening. Charter school admissions policies should promote

⁹ See also, Stewart (2010), for a policy brief recommending ways for stronger federal leadership to assist charter schools in promoting equity in education.

diversity. In support of this recommendation, the ACLU complaint (2014) called for the Office of Civil Rights to compel the Delaware Department of Education and the Red Clay Consolidated School District to require school admissions to be based upon a random opt-out lottery only and open and available to all students in the school district in which they are located.

In addition, monitoring and oversight of charter school admissions processes, including lotteries, should have greater oversight by charter school authorizers. In order to reliably assess the supply and demand for specialized education programs, DDOE must have access to stronger, more reliable and consistently collected data related to choice applications, admissions, and waitlists (Public Consulting Group, 2015). While school level admissions policies may on the surface appear to be inclusive of all students and that random selection of students during the lottery process is happening with fidelity, there is no process in place to ensure this is what is truly taking place behind closed doors.

Monitor Levels of Racial and Poverty Enrollments in Charters and Charters vs. Regular Schools

Enrollment trends in charter schools and traditional public schools in New Castle County show a racial imbalance between African-American and White students, with more African-American students enrolled in charter schools, especially in the City of Wilmington. If the number of charter schools continues to grow in New Castle County, this racial imbalance among schools will also continue to grow, resulting in a growing population of low-income, minority students being educated

completely separately from a larger, more affluent population of white students. In terms of upholding the promise of charters doing a better job than the regular public schools of helping children of different racial, ethnic, economic, and religious backgrounds come together to learn from one another (Kahlenburg & Potter, 2014), these enrollment trends may not be good for the long term in terms of “the common good” for Delaware students and families.

I recommend that levels of racial and poverty enrollments in charter schools be monitored at varying times throughout the charter approval process. When considering new charter applications for approval, authorizers should conduct impact studies to determine the potential of a new charter school to contribute to racial imbalance in the school district in which the charter school will reside. This includes analyzing the demographics of the population the schools wish to serve, comparing the demographics to the demographics of the communities in which the schools intend to reside, and finally comparing the demographics to the noncharters in the proposed areas’ feeder patterns. The mapping and other data tools discussed below may be useful in providing charter school approvers and policymakers with this information. The demographics of the student population within a charter school should also be monitored during the course of the charter school’s charter, which is between four and five years. Policymakers should investigate charter schools that are nearly all white yet reside in diverse communities. Monitoring should also include an ongoing analysis of exit trends, or more simply whether the total enrollment of minority

students is growing or decreasing over time as this is a potential issue not currently being evaluated.

Charters Should Be Held Accountable for Outcomes

As part of the charter school “bargain”, charter schools are granted greater autonomy in their educational programming, hiring practices, and instructional practices for greater levels of accountability and transparency. The performance standards to which Delaware charter schools are held were revised in 2012 with the development and adoption of the Charter School Performance Framework. The Framework consists of three components: academic, financial, and organizational standards. A Performance Agreement aligned to these standards is established between the Delaware Department of Education and the charter school operator at the point of charter approval. Charter school performance relative to the performance standards is monitored and reported annually.

In the interest of upholding the promise of increased educational opportunities for all students in Delaware and in the spirit of Delaware’s charter school law, I recommend that charter schools be held to a higher degree of accountability with regard to academic outcomes for students. Only since the implementation of the Charter School Performance Framework has attention been drawn to the academic performance of students served by charter schools. Only in the past two years have charter schools closed as a result of poor performance as measured by the Academic Framework performance standards. However, what is not monitored or evaluated is the academic performance of students in charter schools versus the academic

performance of students in the noncharter schools within the same geographic areas. Charter schools are not held accountable for providing, at the very least, comparable student performance as students in the neighboring noncharter schools. This is an area that warrants further study, especially since the last study in Delaware was conducted in 2007. This is especially important because if the academic performance of charter schools is not at least as good as that of comparable regular public schools, then the trend of growing numbers of majority African American, majority low-income -race charter can become a major problem of equity for the public schools and lead possibly to political or legal problems for the state.

An Exploration of the Utility of New Data Tools to Inform Planning and Decision-making, Part 1: School District Demographic System from NCES

People in a variety of different roles are interested in charter schools and in enrollment patterns in the public schools. My EPP research has relied on data sources and tools that may be useful for decision makers who are in roles of charter approvers, policy planners, and administrators in Delaware. The three sections below describe and comment on the availability and quality of data and data tools to support charter school enrollment planning and management.

There are several web-based “geocoding” data tools designed for researchers and policy makers. These tools draw on census, GIS, and federal education data. The purpose of these data tools is to support research, planning, and decision making. In this and following sections I describe the main features of these tools and comment on their potential utility for those in planning and decision making roles where

information is needed on school locations, demographics, enrollments, and enrollment trends.

One web-based tool is maintained by the federal department of education: the School District Demographic System (MapED). It is found at the National Center for Educational Statistics website. This online mapping tool “allows users to view maps of states and school districts, while overlaying statistics on population and housing, race and ethnicity, economics and social characteristics. This tool also allows users to “view school district boundaries in the context of a region, other school districts and other types of geography.” Figures 4.1 and 4.2 show examples of maps produced.

Figure 4.1 Race/Ethnicity Map by School District in 2010

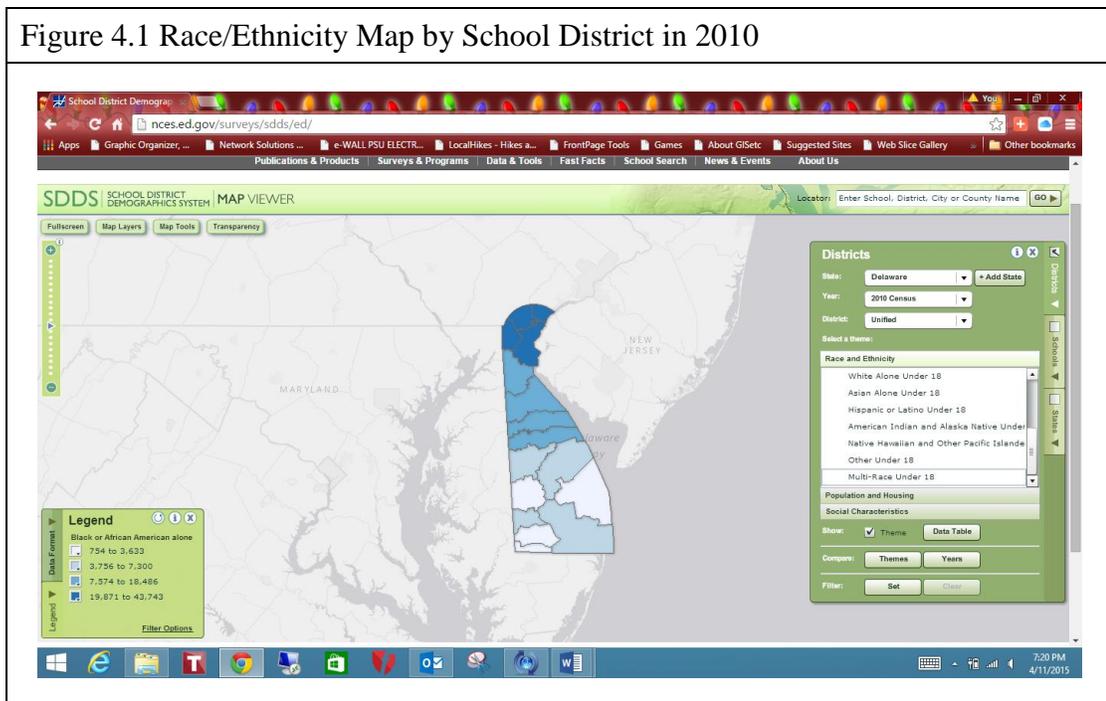


Figure 4.2 New Castle County Public Schools

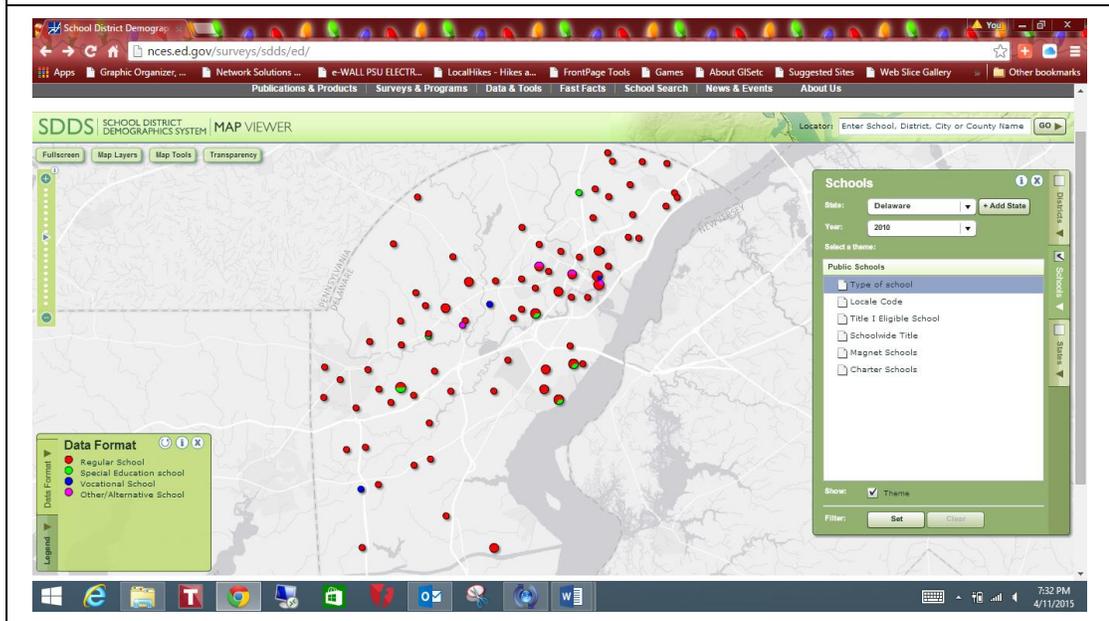


Figure 4.1 is a Race/Ethnicity map by school district based on 2010 census data. In this case, Black or African American racial demographics were filtered and the darker shading indicates greater population density while lighter shading indicates lesser population density. This provides a quick visual representation of the population density of selected racial demographics by school district boundary lines in Delaware. The user also has options to filter racial makeup of schools statewide.

Figure 4.2 identifies the locations of all schools in New Castle County. The user has options to filter types of schools, such as charter schools, magnet schools and Title I schools.

Part 2: Policy Map

Another useful web-based mapping tool is called “Policy Map.”¹⁰ Some of the information and maps presented in Chapter 3 were produced using Policy Map. This software has a variety of features that could be useful for education leaders and policymakers interested in understanding public school enrollment patterns and trends and for school policy planning based on geographic, demographic, and enrollment information. I summarize these in the remainder of this section.

Address-based Points on a Map

Policy Map allows the user to enter any address in any State to generate a location flag and subsequently visualize the geographic area surrounding that address-based point. From here, the user can then select various layers of data specifically associated with that address. For the purposes of this study, charter school addresses were used to pinpoint geographic locations in New Castle County. This is helpful in identifying school feeder patterns that may affect overall school enrollment trends. The relationships between school location, racial demography and socioeconomic data of the community in which the school resides all contribute to a school’s population. Policy makers who wish to analyze the racial demographics of charters schools may use Policy Map to determine whether enrollment is reflective of the racial demographics of the community.

¹⁰ <https://www.policymap.com/>. This web-based mapping tool is licensed for use by UD staff and students.

Zone-drawn Community Profiles

In addition to the ability to pinpoint specific addresses anywhere in any State, the Policy Map also allows the user to manually create a custom region, or zone, from which to generate community profiles specifically related to that zone. For example, the zone drawn around Thomas A. Edison Charter School (shown in Chapter 3) is intended to reflect the community from which students are enrolled. Once a zone has been created by the user, a “Community Profile” report may be generated which provides a comprehensive picture of the selected area based on census tract data. Information in the custom report includes population trends over time, racial characteristics, age distribution, income, family and household compositions, and several other useful data points.

Maps with Demographic Layering

Another useful feature is the ability to generate maps that consist of multiple data layers. These data are based on census data and can provide multiple forms of demographic information such as income/spending, housing, economy, education, health, jobs, crime, and education. For the purposes of this study, African American composition and median household income were chosen as demographic layers, providing information relative to the communities in which selected charter schools reside.

Comments on Policy Map

Policy map is a valuable, user-friendly, web-based tool that according the University of Delaware (2015), provides access to more than 15,000 indicators related

to demographics, real estate, incomes and spending, housing affordability, lending, energy, quality of life, economy, education, health, jobs and crime. The data is available across a wide range of geographies including address, block groups, census tract, zip code, county, city, state, metropolitan statistical areas (MSA), school districts, Department of Housing and Urban Development (HUD) neighborhoods and political boundaries (UDaily, January 2015).

Part 3: NCES Common Core of Data “Table Generator”

Data on school enrollments and other school-level characteristics are held by the National Center for Educational Statistics—called the Common Core of Data (CCD)—and are made available to the public through a downloading process called “Table Generator”. This tool may be found at <http://nces.ed.gov/ccd/elsi/tableGenerator.aspx>. A useful feature of this tool is the ability to create custom data sets to retrieve key variables for analysis, such as school demographics.

Figures 4.3 through 4.6 illustrate the steps taken to generate longitudinal demographic data by school, both charter and noncharter. Separate data downloads consisting of the following variables for each public Delaware school and district in New Castle County were generated for each year from 1992 to 2013: public school name, NCES assigned school ID, agency name, NCES assigned agency ID, highest grade, total count of Hispanic, Black, and White students enrolled, and county name.

From this data download, separate Excel files of demographic enrollment data were created for each year (see Appendix D for an example).

The resulting tables provide a useful resource through which to analyze charter school enrollment trends and patterns related to segregation within Delaware public school district. This is the only tool publicly available that generates *longitudinal* data by demographic subgroups at the school level. As such, these data can then help the public and policymakers answer the following questions: What are the demographics of the students enrolled in charter schools? How do charter school demographics compare to the other traditional public schools in the district in which the charter schools physically reside? How much does a charter school's location seem to influence its demographic composition? How have demographic patterns in charters and other public schools changed over time?

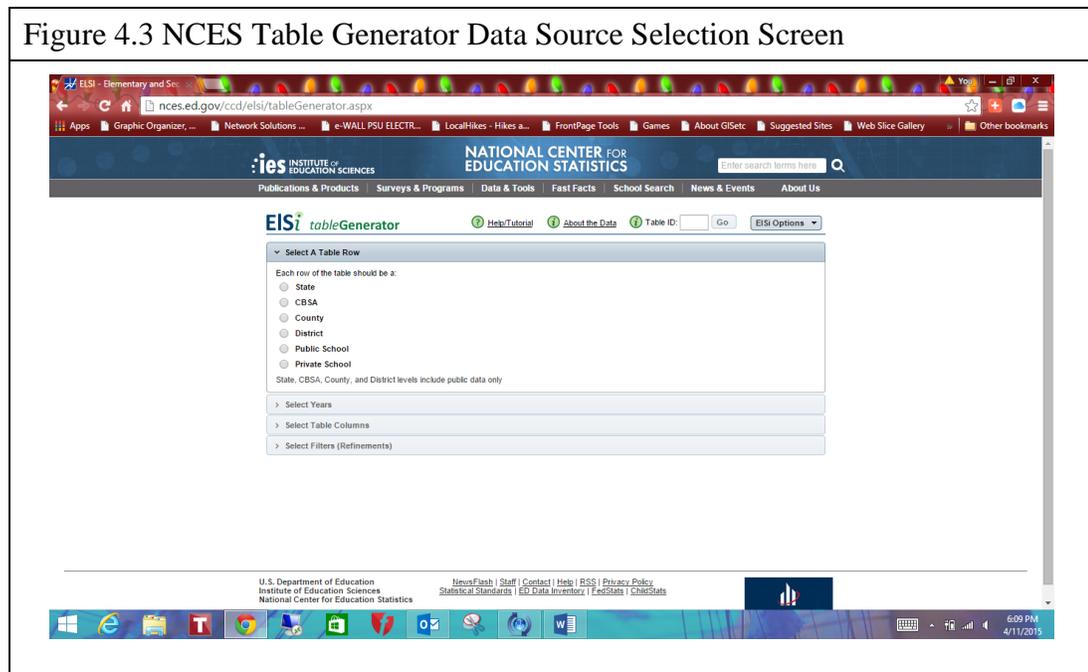


Figure 4.4 NCES Table Generator Year(s) Selection Screen

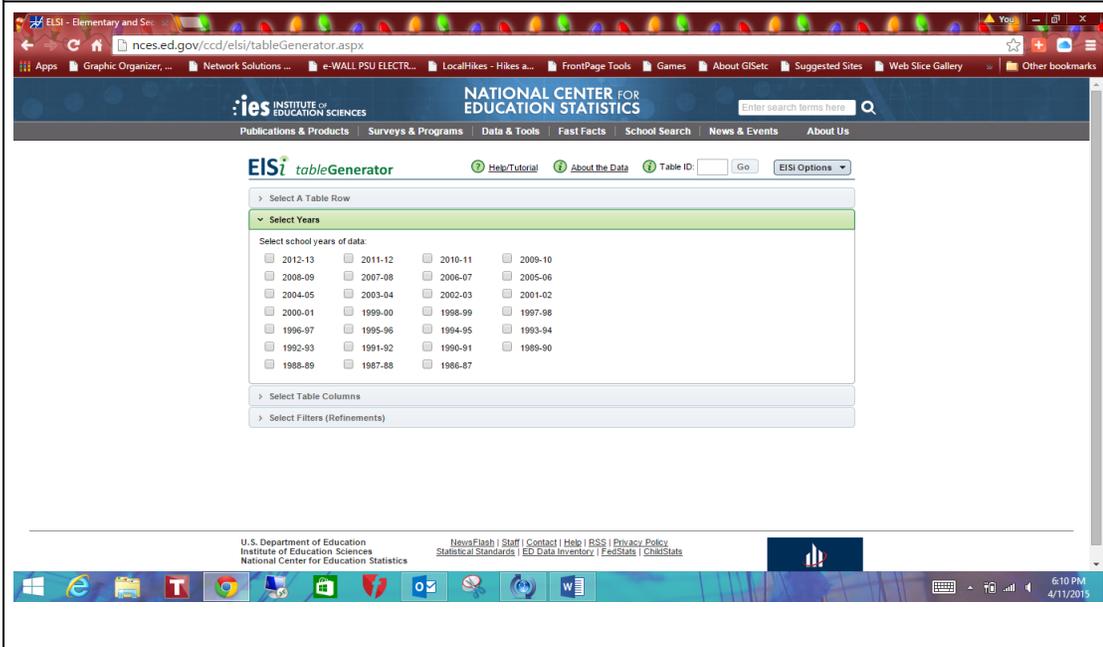


Figure 4.5 NCES Table Generator Enrollments Selection Screen

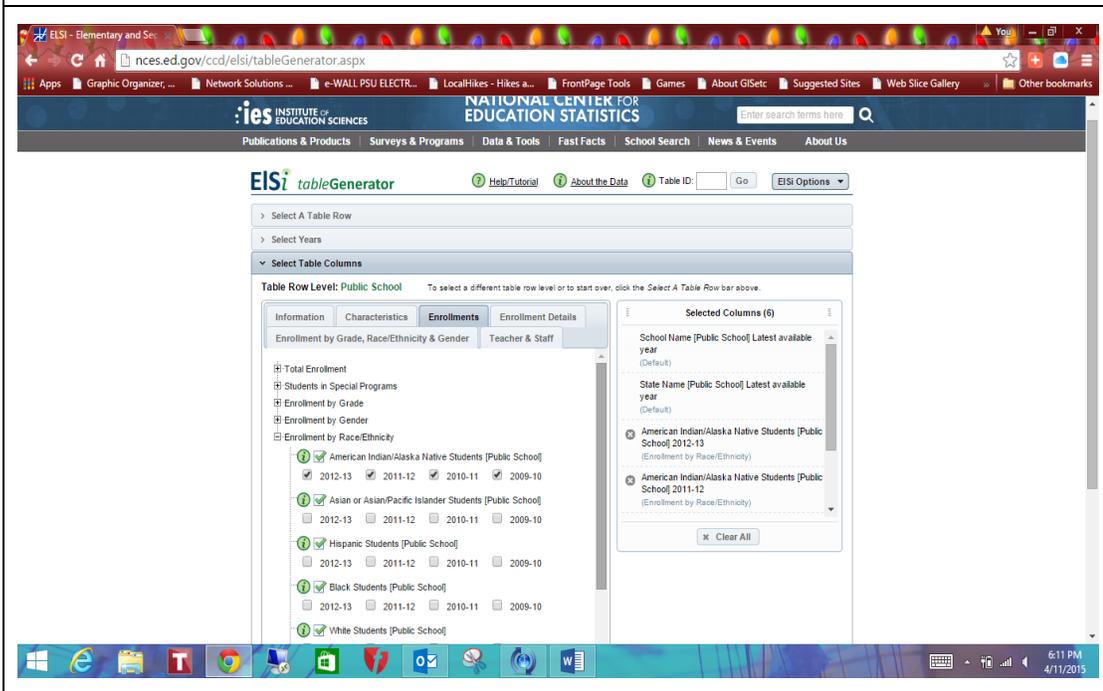
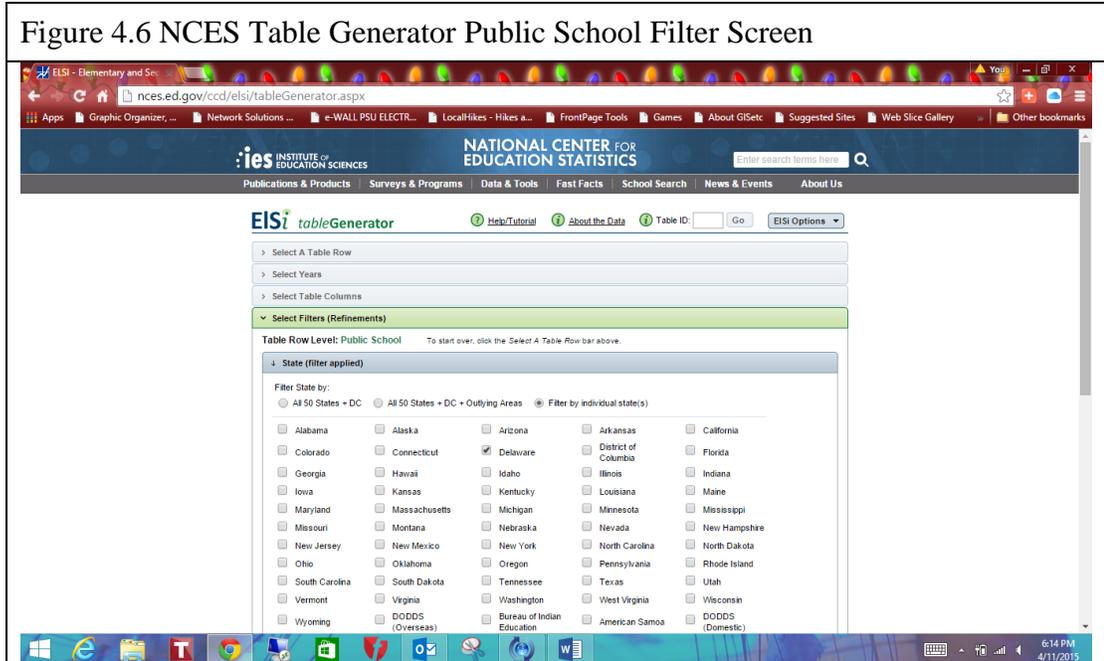


Figure 4.6 NCES Table Generator Public School Filter Screen



The existence and potential utility of each of these publicly accessible tools is probably little known to policymakers. The NCES Table Generator provides useful information with regard to longitudinal enrollment trends by year. UD Policy Map can generate comparisons between school enrollment trends and community demographics. Both of these tools can generate data which, with some minimal time and effort, could address some of the issues discussed in the previous chapters. If policymakers would analyze the data available through either of these tools when approving new charter school applications to 1) evaluate the diversity of the proposed school population, and 2) evaluate how the demographic composition of the proposed student population compares with the "neighboring" schools and the local community, the checks and balances system regarding the exacerbation of racial imbalance could be improved. In addition, the use of these tools when reviewing charter school renewal

applications to evaluate whether the demographics of the school population has changed to be more racially identifiable over time, especially when compared to “neighboring” schools, oversight of enrollment trends would be strengthened.

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APPENDICES

Appendix A

DOCUMENT REVIEW DATA COLLECTION INSTRUMENT

Name of Charter School (New Castle County only)	Charter Includes Admissions Preferences (Y/N)	Admissions Preferences Identified in Charter	Charter Includes Admissions Preferences Ranking (Y/N)	Conducts Lottery (Y/N)
Academia Antonia Alonso	Y	<ul style="list-style-type: none"> • Siblings of student(s) currently enrolled • Children of school employees who work at least 30 hours per week during the school year • Children of the school’s founders (may not comprise more than 5% of total enrollment) 	Y	Y
Delaware Academy of Public Safety	Y	<ul style="list-style-type: none"> • Students living within the 19801 zip code • Siblings of student(s) currently enrolled • Children of school employees who work at least 30 hours per week during the school year • Children of the school’s founders (may not comprise more than 5% of total enrollment) 	Y	Y
Delaware College Prep Academy	Y	<ul style="list-style-type: none"> • Students residing within a 5-mile radius of the school • Students residing within the school district in which the school is located • Siblings of student(s) currently enrolled • Children of school employees who work at least 30 hours per week during the school year • Children of the school’s founders (may not comprise more than 5% of total enrollment) 	Y	Y

Delaware Military Academy	Y	<ul style="list-style-type: none"> • Students residing within a 5-mile radius of the school • Students residing within the school district in which the school is located • Siblings of student(s) currently enrolled • Children of school employees who work at least 30 hours per week during the school year • Children of the school's founders (may not comprise more than 5% of total enrollment) 	N	Y
Family Foundations Academy	Y	<ul style="list-style-type: none"> • Students residing within the school district in which the school is located • Siblings of student(s) currently enrolled 	Y	Y
First State Montessori	Y	<ul style="list-style-type: none"> • Students residing within a 5-mile radius of the school • Siblings of student(s) currently enrolled • Children of school employees who work at least 30 hours per week during the school year • Children of the school's founders (may not comprise more than 5% of total enrollment) • Students who have a specific interest in the school's teaching methods, philosophy, or educational focus 	N	Y
Gateway Lab School	Y	<ul style="list-style-type: none"> • Siblings of student(s) currently enrolled • Children of school employees who work at least 30 hours per week during the school year • Children of the school's founders (may not comprise more than 5% of total enrollment) 	N	Y
Kuumba Academy	Y	<ul style="list-style-type: none"> • Siblings of student(s) currently enrolled 	N	Y

Las Americas Aspira Academy	Y	<ul style="list-style-type: none"> • Students residing within the school district in which the school is located • Siblings of student(s) currently enrolled • Children of school employees who work at least 30 hours per week during the school year • Children of the school's founders (may not comprise more than 5% of total enrollment) • Students who have a specific interest in the school's teaching methods, philosophy, or educational focus 	Y	Y
MOT Charter School	Y	<ul style="list-style-type: none"> • Students residing within the school district in which the school is located • Siblings of student(s) currently enrolled • Children of school employees who work at least 30 hours per week during the school year • Children of the school's founders (may not comprise more than 5% of total enrollment) • Students who have a specific interest in the school's teaching methods, philosophy, or educational focus 	Y	Y
Newark Charter School	Y	<ul style="list-style-type: none"> • Students residing within a 5-mile radius of the school • Siblings of student(s) currently enrolled • Children of school employees who work at least 30 hours per week during the school year • Children of the school's founders (may not comprise more than 5% of total enrollment) 	Y	Y
Odyssey Charter School	Y	<ul style="list-style-type: none"> • Siblings of student(s) currently enrolled • Children of school employees who work at least 30 hours per week during the school year 	Y	Y

		<ul style="list-style-type: none"> • Children of the school’s founders (may not comprise more than 5% of total enrollment) • Students who have a specific interest in the school’s teaching methods, philosophy, or educational focus 		
Prestige Academy	Y	<ul style="list-style-type: none"> • Siblings of student(s) currently enrolled • Children of the school’s founders (may not comprise more than 5% of total enrollment) • Students who have a specific interest in the school’s teaching methods, philosophy, or educational focus 	Y	Y
Thomas Edison Charter School	Y	<ul style="list-style-type: none"> • Siblings of student(s) currently enrolled • Children of the school’s founders (may not comprise more than 5% of total enrollment) 	Y	Y
Charter School of Wilmington	Y	<ul style="list-style-type: none"> • Students residing within the school district in which the school is located • Siblings of student(s) currently enrolled • Children of school employees who work at least 30 hours per week during the school year • Students who have a specific interest in the school’s teaching methods, philosophy, or educational focus (demonstrated through academic history, interview, teacher recommendation and essay) 	N	Y
East Side Charter School	N	<ul style="list-style-type: none"> • Students residing within a 5-mile radius of the school • Siblings of student(s) currently enrolled • Children of school employees who work at least 30 hours per week during the school year 	N	N

Appendix B

DESEGREGATION INDEXES¹¹

Index of Dissimilarity (D)

The Index of Dissimilarity is the most common measure of segregation. Although it has limitations, it is relatively easy to calculate and to interpret.

The Index of Dissimilarity for two groups, Whites and Blacks, in a particular city:

$$D = \frac{1}{2} \sum_{i=1}^n \left| \frac{w_i}{W_T} - \frac{b_i}{B_T} \right|$$

Where:

n = number of tracts or spatial units

w_i = number of Whites in tract i

W_T = total number of Whites in the city

b_i = number of Blacks in tract i

B_T = total number of Blacks in the city

Tract	White	Black	Asian	w _i /W _T	b _i /B _T	a _i /A _T	Absol. Value (w _i /W _T -b _i /B _T)	Absol. Value (w _i /W _T -a _i /A _T)	Absol. Value (b _i /B _T -a _i /A _T)
1	100	0	10	0.23	0.00	0.08	0.23	0.15	0.08
2	120	10	20	0.27	0.07	0.16	0.20	0.11	0.09
3	40	0	5	0.09	0.00	0.04	0.09	0.05	0.04
4	50	20	50	0.11	0.14	0.40	0.03	0.29	0.26
5	100	20	20	0.23	0.14	0.16	0.08	0.07	0.02
6	30	90	20	0.07	0.64	0.16	0.57	0.09	0.48
Sum	440	140	125				1.21	0.76	0.97
						D =	0.60	0.38	0.48

- Value of D represents the proportion of a group that would need to move in order to create a uniform distribution of population. In this example, 60% of Blacks (or Whites) would need to move in order achieve a uniform distribution of population by race.
- The value of D is a maximum when each tract contains only one group; it is minimized (0) when the proportion of each group in each tract is the same as the proportion in the population as a whole.

¹¹ SOURCE: Measures of Segregation and Isolation
Benjamin Forest © 2005, Dartmouth College
<http://www.dartmouth.edu/~segregation/IndicesofSegregation.pdf>

Interaction or Exposure Index (B)

There are also a number of indices that try to assess the sociological effects of segregation. Strictly speaking, they are not measures of segregation, but of **isolation**. Most provide some measure of the probability that a member of one group will meet or interact with a member of another group. There are many variations - this is one of the simplest.

For Whites and Blacks, for example,

$$B_{bw} = \sum \left(\frac{n_{ib}}{N_b} \right) \left(\frac{n_{iw}}{n_i} \right)$$

Where:

n_{ib} = number of Blacks in the tract

n_{iw} = number of Whites in the tract

N_b = number of Blacks in the city

n_i = total population of the tract

Tract	White	Black	Asian	n_{ib}/N_b	n_{iw}/n_i	$(n_{ib}/N_b) * (n_{iw}/n_i)$
1	100	0	10	0.00	0.91	0.00
2	120	10	20	0.07	0.80	0.06
3	40	0	5	0.00	0.89	0.00
4	50	20	50	0.14	0.42	0.06
5	100	20	20	0.14	0.71	0.10
6	30	90	20	0.64	0.21	0.14
						$B_{bw} = 0.36$

- In this case, the probability of a Black person “interacting” with a White person is about 36%. You can also interpret this to mean that 36 of every 100 people a Black person meets will be White.
- Most interaction indexes are not “symmetrical” - the probability of a “typical” Black person meeting a White person is NOT the same as the probability of a “typical” White person meeting a Black one.
- The maximum value of B depends both on the distribution of ethnic groups AND on the proportion of minorities in the city.
- Generally speaking, the value of this index will be highest when the two groups have equal numbers and are spread evenly among tracts.

Appendix C

EQUITY LANGUAGE FOR CHARTER LEGISLATION

The National Education Policy Center¹² at the University of Colorado (Boulder) has produced a guide for legislators, policymakers, and charter school leaders on how charter laws and policies can “be employed to further goals of equal educational opportunity, including racial diversity and school success.” The Center provides briefs and other reports, and “offers model language designed to augment existing charter school laws by adding language particularly aimed at ensuring that charter schools serve as a vehicle of reform consistent with the value of equal educational opportunity.” This appendix draws from the NEPC report and shows how language from Delaware charter legislation¹³ could be augmented to give a stronger equity emphasis. Current statutory language from Delaware is in the left column with recommended language from the NEPC report parallel to it in the right column. While Delaware’s legislation does not have explicit equity language in its main purpose statement, other portions of the legislation do have language stressing the priority of equity, including that charter schools cannot violate federal nondiscrimination or be used to circumvent a desegregation order. The model

¹² <http://nepc.colorado.edu/publication/chartering-equity>

¹³ <http://delcode.delaware.gov/title14/c005/>

legislation also recommends these provisions, and a great deal of additional language as is evident in the last cell in table below (“Other Equity Language”).

<p style="text-align: center;">Delaware: Legislative Intent</p>	<p style="text-align: center;">Model Legislation: Legislative Intent</p>
<p>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.</p> <p>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."</p> <p>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.</p>	<p>The purpose of charter schools is to enhance equitable educational opportunities for all students, including racial and ethnic minorities, students with disabilities, students with limited English language proficiency and students from low-income families; and charter schools that lack diversity in terms of race, disability status, gender, limited English proficiency, and socio-economic status require further careful examination to ensure they serve the purpose of enhancing equitable educational opportunities for all students.</p>
<p style="text-align: center;">Delaware: Admissions Rules and Restrictions</p>	<p style="text-align: center;">Model Legislation: Admissions Rules and Restrictions</p>
<p>A charter school shall not:</p> <p>(1) Charge tuition, except in accordance with Chapter 6 of this title, or collect fees not permitted to be assessed by other school districts;</p>	<p>The rights of children enrolled in charter schools shall be the same as the rights granted by state and federal law enjoyed by children enrolled in other public schools.</p>

<p>(2) Be home-based nor engage in any sectarian or religious practices in its educational program, admissions policies, employment policies or operations;</p> <p>(3) Restrict student admissions except:</p> <p>a. By age and grade;</p> <p>b. By lottery in the case of over-enrollment;</p> <p>c. By gender in the case of a same-gender school, except that there may not be more than 1 same-gender school for each gender operating simultaneously, and any same-gender charter school authorized prior to June 30, 2014, may have their charter renewed and continue to operate. Any subsequent same-gender charter school that seeks to operate in the State shall make its application to the Department of Education and the State Board of Education.</p> <p>Preferences in student admissions may be given to:</p> <p>(1) Siblings of students currently enrolled at the school;</p> <p>(2) Students attending an existing public school converted to charter status. Parents of students at a school converted to charter status shall be provided with a plan the district will use to address the educational needs of students who will not be attending the charter school;</p> <p>(3) Students enrolling in a new (nonconverted) charter school may be given preference under the following circumstances as long as the school has described its preferences in the school's charter:</p> <p>a. Students residing within a 5-mile radius of the school;</p>	
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<p>b. Students residing within the regular school district in which the school is located;</p> <p>c. Students who have a specific interest in the school's teaching methods, philosophy, or educational focus;</p> <p>d. Students who are at risk of academic failure;</p> <p>e. Children of persons employed on a permanent basis for at least 30.0 hours per week during the school year by the charter school.</p> <p>(4) Children of a school's founders, so long as they constitute no more than 5% of the school's total student population. For the purposes of this paragraph "founder" shall not include anyone whose sole significant contribution to the school was monetary, but otherwise shall be determined by the founding Board of Directors subject to Department of Education regulations.</p>	
<p>Delaware: Nondiscrimination Provisions</p>	<p>Model Legislation: Nondiscrimination Provisions</p>
<p>A charter school shall not:</p> <p>(1) Discriminate against any student in the admissions process because of race, creed, color, sex (except in the case of a same-gender school), handicap, or national origin, or because the student's school district of residence has a per student local expenditure lower than another student seeking admission; or</p> <p>(2) Be formed to circumvent a court-ordered desegregation plan.</p>	<p>Charter schools shall comply with all state non-discrimination provisions.</p> <p>Charter schools shall comply with school desegregation decrees.</p>
	<p>Model Legislation: Other Equity Language</p>
	<p><u>Charter School Application Process:</u> A proposed charter school that is unlikely</p>

	<p>to attract a student body whose composition of racial and ethnic minorities, students with disabilities, students with limited English proficiency, and students from low-income families that is within 10% of the population for each of these sub-groups within the community or communities intended to be served by the charter school is presumed to be invalid.</p> <p>Evidence that the proposed charter school will broaden rather than replicate existing opportunities within the community or communities intended to be served by the charter school. The charter applicant will provide a list of existing public schools (including other charter schools) that serve the same community or communities and explain how the proposed school differs from existing schools.</p> <p>A detailed plan to attract and enroll a diverse student body in terms of racial diversity, disability status, gender, and English proficiency. The plan shall explain how the school's designs for recruitment, educational themes, and the proposed location of the school are likely to attract students from a broad variety of backgrounds. The recruitment plan will include a proposed budget that outlines sufficient resources to implement the plan and identifies appropriate funding sources to cover associated costs.</p> <p>A detailed plan to retain enrolled students, including how the school will retain racial and ethnic minorities, students of limited English proficiency, students with disabilities, students of different genders, and students from students from low-income families.</p>
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	<p><u>Charter Renewal Process:</u></p> <p>On an annual basis, the charter authorizer shall review data regarding student performance including academic achievement, retention, attrition, suspension, and expulsion both in the aggregate and disaggregated on the basis of race, sex, disability, language status, and socio-economic status.</p> <p><u>Charter Revocation and/or Nonrenewal Process:</u></p> <p>During the term of a charter, an authorizer may choose to revoke a charter for the following reasons:</p> <ol style="list-style-type: none">1. Failure to meet the student performance requirements of the state accountability system or of the charter itself;2. Attrition rates that are 10% or higher than other schools in the district. Overall attrition rates should be considered, as well as attrition rates disaggregated by gender, race and ethnicity, disability status, English learner status and socio-economic status.3. Failure of the school to attract a student body whose composition of gender, racial and ethnic minorities, students with disabilities, students with limited English proficiency, and students from low-income families is within 10% of the population for each of these sub-groups within the community or communities served by the charter school.
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Appendix D

SAMPLE TABLE FROM NCES CCD QUERY TOOL

2014-2015 NCES DATA

School Name [Public School] 2014-15	School ID - NCES Assigned [Public School] Latest available year	Agency ID - NCES Assigned [Public School] Latest available year	County Name [Public School] 2014-15	School Type [Public School] 2014-15	Charter School [Public School] 2014-15	Highest Grade Offered [Public School] 2014-15	Hispanic Students [Public School] 2014-15	Black Students [Public School] 2014-15	White Students [Public School] 2014-15
Charter School of Wilmington	100000400012	1000004	NEW CASTLE COUNTY	1-Regular school	1-Yes	12th Grade	32	58	619
Delaware Military Academy	100001600143	1000016	NEW CASTLE COUNTY	1-Regular school	1-Yes	12th Grade	40	32	478
East Side Charter School	100000600017	1000006	NEW CASTLE COUNTY	1-Regular school	1-Yes	8th Grade	49	365	0
Edison (Thomas A.) Charter School	100001000079	1000010	NEW CASTLE COUNTY	1-Regular school	1-Yes	8th Grade	12	724	8
Family Foundations Academy	100002400256	1000024	NEW CASTLE COUNTY	1-Regular school	1-Yes	8th Grade	101	648	33
Gateway Lab School	100005200346	1000052	NEW CASTLE COUNTY	1-Regular school	1-Yes	8th Grade	17	49	137
Kuumba Academy Charter School	100001400106	1000014	NEW CASTLE COUNTY	1-Regular school	1-Yes	6th Grade	30	387	2
Las Americas ASPIRA Academy	100005000342	1000050	NEW CASTLE COUNTY	1-Regular school	1-Yes	7th Grade	291	80	124
MOT Charter School	100001900123	1000019	NEW CASTLE COUNTY	1-Regular school	1-Yes	9th Grade	63	160	549
Newark Charter School	100001500112	1000015	NEW CASTLE COUNTY	1-Regular school	1-Yes	9th Grade	80	202	1,163
Odyssey Charter School	100002600259	1000026	NEW CASTLE COUNTY	1-Regular school	1-Yes	7th Grade	56	206	582
Prestige Academy	100004800338	1000048	NEW CASTLE COUNTY	1-Regular school	1-Yes	8th Grade	5	232	8