

Redding Consortium for Educational Equity

FEBRUARY 8, 2021

SETTLEMENT WORK GROUP

Welcome & Roll Call



Roll Call— **Work group members—please type your name in the Chat**



Please mute yourself when not talking



Use the chat function to ask questions



Please note this meeting is being recorded and may be posted for the public

Approval of Minutes

Meeting Goals

- Confirm scope and goals
- Confirm support for the lawsuit settlement as a starting point
- Discuss Governor's recommended budget & items related to the settlement
- Determine if the Redding Consortium should support proposed legislation

Work Group Scope Discussion

In response to the Delaware education funding lawsuit settlement, the Settlement Work Group intends to:

- Be a watchdog for how the state and General Assembly implement the actions outlined in the settlement
- Ensure that the Consortium is responding appropriately to the settlement implementation
- Be the subject matter expert on the settlement for the Redding Consortium
- Create recommendations for the General Assembly to proceed/implement the actions outlined in the settlement

Work Group Goals

- Offer guidance or influence when the General Assembly must make decisions related to the settlement
- Challenge the state and General Assembly to use the settlement as a floor, and push for further change
- Connect the settlement to systemic and equitable change

Settlement Questions

- What does the equity statement look like in the certificate of necessity?
What impact will it have?
- Others?

Governor's Recommended Budget

Minimum expectation

- Opportunity Fund
 - Increase to not less than \$35M and shall provide \$5M of this for mental health or reading supports to schools with high concentrations of low-income and English Learners students
 - Legislation to make permanent & require LEAs to provide annual report in FY23
- Ombudspersons - create and fund one group in each county

Additional desired actions

- Accelerate timelines for other activities
- Increase resources

Governor's Recommended Budget

What made it in

- Sec. 305(a)(7) - intent statement regarding meeting the timeline for the \$4.0M for recruitment and retention of educators in high need schools by FY23
- Sec. 344 - increased Opportunity Funding by \$13.0M to \$25.5M, plus one-third of the \$30M + \$7.5M one-time supplemental, for a total of \$38M, exceeding the minimum of \$35M for FY22. Of this \$38M, \$8M is to support mental health/reading.

Exceeds minimum - \$30M for Opp Fund per pupil + \$8M for MH/reading

Allocation requirements and annual reports by FY23

- Sec. 347(a)(1) - intent statement regarding meeting the timeline for K-3 Basic by FY24

Governor's Recommended Budget

What made it in

- Sec. 352(a) - establishes and funds (\$1.0M) Ombudsperson program
- Sec. 352(b) - intent statement regarding meeting the timeline for doubling of ECAP (Early Childhood Assistance Program) by FY24
- Sec. 352(c) - intent statement regarding assessment of the Delaware public school funding system by an organization independent of the state by January 2024

OVERALL - Governor's Recommended Budget exceeds minimum expected action per the settlement

Did we miss or misinterpret anything?

Questions/Discussion

Legislation Introduced

- Senate Bill 56: Opportunity Funding
- House Bill 86: K-3 Basic Special Education Unit
- House Bill 100: Mental Health Services Unit for Elementary Schools

Senate Bill 56: Opportunity Funding

Synopsis:

- Permanently establishes the Opportunity Fund beg. FY 22 (1 year ahead of settlement)
- DOE determines types of supports that may be eligible for funding for EL and LI students
- Districts or Charter School must apply
- 98% of funds must go to the EL and LI populations that make the district eligible, with exceptions
- At least \$5 million of the annual fund reserved for public schools of 60% LI or 20% EL for mental health or reading supports
- Awarded districts submit public report showing how funds were used
- Beginning FY 25, per pupil calculated as per the settlement with the amount for mental health funding in addition to the per pupil amount

Settlement requirements: Yes

Senate Bill 56 Discussion

- Does Senate Bill 56 do enough?
- Should the Consortium support Senate Bill 56?
- Is there a motion for the Work Group to recommend that the Consortium support this bill?

House Bill 86: K-3 Basic Special Education Unit

Synopsis:

Establishes Unit Count for K-3 Basic Special Education

- 12.2 pupils for FY 22
- 10.2 pupils FY 23
- 8.4 pupil FY 24 and beyond
- Includes partial unit funding for each FY

Settlement requirements:

By School Year 2023-24: Funding dedicated to basic special education students in Kindergarten through 3rd grade to equal funding currently in place for basic special education students in grades 4-12

As proposed, this legislation meets the baseline of the settlement requirements

House Bill 86 Discussion

- Does House Bill 86 do enough?
- Should the Consortium support House Bill 86?
- Is there a motion for the Work Group to recommend that the Consortium support this bill?

House Bill 100: Mental Health Services Unit for Elementary Schools

Synopsis:

- Establishes a Unit count of 250 for K-5 for employment of a counselor or social worker, including fractional
- Establishes a Unit count of 700 for K-5 for employment of school psychologist(s), including fractional
- Full units must be used by the schools that generated that unit
- Remaining fractional units may be used district wide for discretionary mental health services.
- DOE must develop a plan to expand this to 6-12 by Dec. 2025

Settlement requirements: this bill is not of direct relevance to the settlement. It does, however, aim to address the lack of mental health supports partially in line with the settlement's goals.

House Bill 100 Conversation

- Does House Bill 100 do enough?
- Should the Consortium support House Bill 100?
- Is there a motion for the Work Group to recommend that the Consortium support this bill?

Next Steps

- Homework: Forthcoming
- Next full body Consortium meeting is February 18, 5:00-7:00 p.m.

Future Meetings & Contact Info

Future Meetings:

- March 1, 2021
- March 22, 2021
- April 12, 2021
- May 3, 2021

Contact Information:

Kelly Sherretz, kscollon@udel.edu

Consortium website: <https://www.solutionsfordelawareschools.com/>

Consortium Facebook: <https://www.facebook.com/ReddingConsortium>

Consortium YouTube: https://www.youtube.com/channel/UCi1pEH8Uq0SG6chLY-KpCjA?view_as=subscriber

Public Comment

3-minutes per comment

Reference Material

Delaware Lawsuit Settlement: Minimum Actions Needed for Compliance

	Current Fiscal Year 2021 (School Year 2020-21)	Fiscal Year 2022 (School Yr 2021-22)	Fiscal Year 2023 (School Yr 2022-23)	Fiscal Year 2024 (School Yr 2023-24)	Fiscal Year 2025 (School Yr 2024-25)	Future Years
Opportunity Funding	\$75M over 3 years	Increase to not less than \$35 million and shall provide \$5M of this for mental health or reading supports to schools with high concentrations of low-income and English Learners students. Legislation to make permanent & require LEAs to provide annual report in FY 23	Funding not less than \$35 million and shall provide \$5M of this for mental health and reading supports.	Funding not less than \$50 million and shall provide \$5M of this for mental health and reading supports.	Funding not less than \$60 M and shall provide \$5M of this for mental health and reading supports.	Grows in accordance with Low Income and English Learner student growth
K-3 Basic Special Education	None			Propose legislation via budget epilogue to change funding structure to be the same as the funding structure for basic special education students in grades 4-12		

Delaware Lawsuit Settlement: Minimum Actions Needed for Compliance

	Current Fiscal Year 2021 (School Year 2020-21)	Fiscal Year 2022 (School Yr 2021-22)	Fiscal Year 2023 (School Yr 2022-23)	Fiscal Year 2024 (School Yr 2023-24)	Fiscal Year 2025 (School Yr 2024-25)	Future Years
Early Education: Early Childhood Assistance Program (ECAP)	\$6.1 million			ECAP double to \$12.2 million	Keep at \$12.2 million	
Teacher Recruitment and Retention	Loan Forgiveness and Scholarships/Grants		\$4 million commitment in addition to FY21 allocations	\$4 million commitment in addition to FY21 allocations	\$4 million commitment in addition to FY21 allocations	
Ombudsperson	None in place	Create and fund one group in each county				
Equity Statement for Capital Projects	Not in place	No date specified				
Independent Funding Assessment		Include sufficient funding	Include sufficient funding	Complete by January 2024		

Settlement in State Education Equity Lawsuit—Key Points

Opportunity Funding will grow from \$25 million per year to \$60 million by SY 2024-25

- After 2024-25 SY, the amount grows in accordance with the enrollment at schools serving English language learners and low-income students
- \$5 million of these funds will be reserved for mental health and reading supports in schools with the highest concentrations of low income and English learner students

K-3 Special Education

- Funding dedicated to basic special education students in Kindergarten through 3rd grade to equal funding currently in place for basic special education students in grades 4-12 by the 2023-2024 school year.

Teacher Recruitment and Retention

- A \$4 million annual commitment to support enhanced teacher recruitment and retention in high-needs schools beginning in the 2022-2023 school year.

Early Education

- By the 2023-2024 school year, the Early Childhood Assistance Program, which funds preschool programs for low-income families, will double its funding from \$6.1 million to \$12.2 million.

Settlement in State Education Equity Lawsuit—Key Points

Ombudsperson

- An ombudsperson program will be adopted to assist individual students and families in resolving disputes or complaints concerning disparate discipline, inequitable access to school programs, and different or unfair treatment.

Capital Projects

- School districts seeking voter approval for capital construction and major renovations will be required to distribute an equity statement to explain how the capital project would impact equitable distributions of new and renovated buildings within the district.

Independent Assessment

- The State will hire an independent organization to complete a holistic assessment of the Delaware public school finance system by January 2024, which shall consider funding levels, revenue mechanisms, equity, and efficiency.

Opportunity Funding

Opportunity Funding will grow from \$25 million per year to \$60 million SY 2024-25

- After 2024-25 SY, the amount grows in accordance with the enrollment at schools serving English language learners and low-income students
- \$5 million of these funds will be reserved for mental health and reading supports in schools with the highest concentrations of low income and English learner students

The Governor will propose a budget to the General Assembly:

- Fiscal Year 2022 that includes an appropriation of not less than \$35 million for Opportunity Funding for the 2021-2022 School Year.
- Fiscal Year 2023 that includes an appropriation of not less than \$35 million in Opportunity Funding for the 2022-2023 School Year.
- Fiscal Year 2024 that includes an appropriation of not less than \$50 million in Opportunity Funding for the 2023-2024 School Year.
- Fiscal Year 2025 that includes an appropriation of not less than \$60 million in Opportunity Funding for the 2024-2025 School Year.

Opportunity Funding--Legislation

- Effective beginning in the Fiscal Year 2023
- Amend Delaware Code to make Opportunity Funding permanent by providing it shall be an appropriation appropriated pursuant to that new statutory section and indexed after Fiscal Year 2025 to grow with the increasing enrollment of Low Income students and English Learner students.
- The Fiscal Year 2025 per pupil allotment shall be calculated as follows:
 - \$55 million divided by the sum of Low Income student enrollment and English learner enrollment.
 - In each subsequent year, the total Opportunity Funds shall be equal to at least the Fiscal Year 2025 per pupil amount multiplied by the sum of each subsequent years Low Income student enrollment and English Learner enrollment, plus at least \$5 million for mental health and reading supports to schools as specified in Subparagraph 3.A.vii below.
 - The proposed legislation shall provide that Opportunity Funding shall be used to enhance services and provide additional supports to English Learner and Low Income students.
- Requires LEAs to provide an annual report on how they use the funds

K-3 Special Education Funding

By School Year 2023-24:

- Funding dedicated to basic special education students in Kindergarten through 3rd grade to equal funding currently in place for basic special education students in grades 4-12

Teacher Recruitment and Retention

Fiscal Years 2023, 2024, 2025:

- At least \$4 million annual commitment to support enhanced teacher recruitment and retention in high-needs schools
- In addition to the FY 21 appropriations

Early Education

Fiscal Years 2024 and 2025:

- Appropriations not less than \$12.2 million annually
- At least 50% of the additional ECE seats made possible above the current funding allocated to non-LEA community bases ECE programs

Ombudsperson

Effective FY 2022:

- One per county
- Assist individual students and families in resolving disputes or complaints concerning disparate discipline, inequitable access to school programs, and different or unfair treatment
- Non-lawyer advocates for students and their families
- Bid out to an independent non state organization in accordance with the State's bidding laws and regulations.
- The successful bidder may, if it determines it to be appropriate and desirable, seek pro bono or subcontract for legal services. The Parties or their designees will meet and confer concerning the specific elements and allocation of funds for this program.

Capital Projects

- The Department of Education will amend 14 Delaware Administrative Code, Regulation 401
- School districts seeking voter approval for capital construction and major renovations will be required to distribute an equity statement to explain how the capital project would impact equitable distributions of new and renovated buildings within the district.
- The Equity Statement shall identify demographic information (race, Low Income, English Learner) of the students who are expected to attend a new school, use a new facility, or benefit from a major renovation and state how the capital project impacts equitable distributions of new and renovated buildings throughout the school district.

Independent Assessment

Complete by January 2024:

- The Governor will include sufficient funding in his proposed budgets for a holistic assessment of the Delaware public school system financing to be completed by January 2024.
- The assessment shall consider total funding levels, the mechanisms for raising and distributing education revenue at the state and local level, and make recommendations for improvements to equity and efficiency.
- The legislation proposed by the Governor shall provide that:
 - the assessment shall be done by an organization that is independent of the State, following State bidding laws and regulations; and
 - the assessment shall be provided to the Governor, the Secretary of Education, Speaker of the House, Senate Pro Tempore and the House and Senate Education Committees.
- The assessment shall not obligate the State to take any action and is limited to providing information concerning potential modifications and improvements to the financing of Delaware's public school system.

Approved Consortium Recs & Settlement Alignment

	Educator Work Group Recommendations	Social Determinants Work Group	Governance and Funding Work Group
Opportunity Funding			
K-3 Special Education		<ul style="list-style-type: none"> Recommended K-3 Special Education funding for FY22 	
Early Education		<ul style="list-style-type: none"> Proposed enhanced ECAP funding 	
Teacher Recruitment and Retention	<ul style="list-style-type: none"> Grow Our Own Program Whole School Professional Learning 		
Ombudsperson			
Capital Projects			
Independent Assessment			