

**Redding Consortium for Educational Equity
Settlement Work Group
February 8, 2021 5:00–6:30 p.m.
Meeting Minutes**

I. Welcome

Aaron Bass, Co-Chair of the Settlement Work Group, welcomed everyone to the meeting and presented the meeting agenda.

Shelly Rouser, Work Group Member, moved to approve the previous meeting minutes. Tika Hartsock, Work Group Member, seconded. The minutes were approved as submitted.

II. Review of Work Group Scope and Goals

Chuck Longfellow, Co-Chair of the Settlement Work Group, reviewed the revised scope and goals of the Work Group based on members' feedback at the previous meeting. Aaron thanked those who provided input on the survey and stated that 100% of respondents approved of the Work Group scope.

Chuck moved to accept the scope as presented, Tika seconded. The scope of the Work Group was formally adopted.

III. Settlement Discussion

Dwayne Bensing, American Civil Liberties Union of Delaware (ACLU-DE), presented and answered questions related to the settlement. The ACLU is a plaintiff party in the settled lawsuit.

Chuck asked about the tangible impact of the newly required equity statements for capital projects. Senator David Sokola expressed that the impact doesn't necessarily need to be known as long as it is known that whoever is asking for a certificate of need is thinking about equity.

Shannon Griffin, Work Group Member, asked when the equity statement will become a requirement instead of a request if it doesn't have an enforcement mechanism. Dwayne said he would address the question in his presentation.

Dwayne explained that the purpose of the lawsuit was to establish a floor for compliance to the Delaware Constitution's guarantee to provide all students a successful education. The settlement compels the Governor to propose its provisions, but it does not compel the general assembly to act. However, the Plaintiffs may reinstate the action if the General Assembly does not act. In other words, the provisions of the settlement should be treated as a new floor for what is constitutional in Delaware.

Dwayne clarified each of the provisions of the settlement. Looking forward, the intention is to continue working to protect rights and equitable education through the ombudsperson program, the equity statements, and the statewide independent funding assessment.

Dwayne returned to Chuck's question about the equity statements. The intention of the statements is to, at a minimum, compel districts to *consider* impacts on equity before pursuing capital projects. He compared the equity statement to how environmental impact studies are done to minimize impact of projects on the environment.

Kristin Dwyer, Work Group Member, asked if there were considerations in regard to the equity statement about the establishment of new charter schools and how they change the educational environment. Dwayne clarified that the settlement does not distinguish between charters and districts, and so it will be a point of discussion when the Department of Education (DOE) implements the regulation.

Gary Henry, Work Group Member, said that other equity statements typically include data comparing the capital project's impacts to other comparable students, while the settlement's required equity statements appear to only encompass the schools in which the capital expenditure is proposed. He asked if he was correct in this assumption. Dwayne responded that the intent of the equity statement is to consider how a capital expenditure would impact equity in the entire district, in addition to a single school being renovated. Gary believes that transparency will be helpful.

A Work Group member asked in the pre-meeting survey about what quality indicators should be used in determining the floor of what is acceptable for the Delaware constitution. Dwayne indicated that it is up to the plaintiffs and the public to decide if what services provided meet the constitutional floor of an adequate education and that it will be difficult to know the outcomes right away.

Aaron followed with the question of what indicators besides funding, such as graduation rates or quality of life, constitute an equitable and adequate education in the context of the lawsuit. Shannon Griffin, Work Group Member, explained in her capacity as a member of Delawareans for Educational Opportunity (one of the plaintiff parties in the lawsuit) that conversations centered around parity of achievement levels across different races, indicators in reading & math, parity in graduation rates, student behavior were discussed in consultation with the attorneys. However, a decision was ultimately made to leave specific indicators out of the settlement.

Kristin Dwyer asked what guardrails could be put in place to ensure opportunity funding is used properly and effectively. Dwayne clarified that the settlement does not mandate a certain way opportunity funds need to be used because the best way to use them is still an open question. There is nothing in the settlement that prevents the DoE or the General Assembly from establishing specific guardrails. Kristin added that considering those types of benchmarks would go a long way.

Secretary of Education Susan Bunting discussed the recent [RAND Report](#) and the group's goal of determining the best practices that make a difference. Superintendents are currently gathering mid-year and end-year data to better inform the impact of the opportunity fund.

Aaron asked if the doubling in ECAP funding extends to ages 3 and 4 as well. Dwayne was not sure of the answer but stated that there is guidance in the state code. Dan Shelton added that the

per-pupil funding can be complicated, as there is not a mandate for parents to send their kids for early childhood learning in public schools, but there is a mandate to educate the kids that are enrolled.

Chuck thanked Dwayne for his presentation and data chart on estimated per-pupil funding changes and asked Dwayne to send the work group polished copies of his charts. Dwayne clarified that for the purposes of his estimates on per pupil funding, the settlement is written to be applicable both within the current unit-count system or a hypothetical per-pupil system.

Gary Henry suggested that the opportunity fund language should provide more flexibility for groups of schools within districts to pool their funds and institute best practices together, rather than work separately. The many additional resources that could be provided, such as speech pathology services or social emotional learning curriculum, may ultimately be too complex for the unit system, and that a weighted per-pupil funding system would be more transparent and efficient to implement opportunity funding. Dwayne clarified that the settlement does provide school boards some flexibility to allocate opportunity funds across its schools where they are most needed or where a staff member can be shared between schools. The settlement also specifies the transparency requirements for using allocated funds in this way.

IV. Review of Governor's Recommended Budget

Chuck reviewed the Governor's recommended budget and its alignment with the settlement. The budget overall meets the minimum expected action per the settlement and exceeds the settlement for opportunity funding. Additional desired actions are to push for an accelerated timeline to implement the settlement and to increase the number of resources available.

V. Senate Bill 56 Discussion

Aaron Bass reviewed Senate Bill 56 (SB 56), a bill that would permanently establish the Opportunity Fund such that it exceeds the settlement. Though it meets the settlement, Aaron invited discussion to whether SB 56 does enough.

Shannon Griffin commented that the bill lacks oversight and accountability. Secretary Bunting added that there are currently three oversight mechanisms for the opportunity fund—the RAND group's research, assessing student progress in math and ELA, and an oversight group headed by Dorrell Green.

Dorrell Green, Red Clay Consolidated District Superintendent, elaborated on the work of the Opportunity Fund Oversight group, which seeks to establish best practices for opportunity funds through qualitative measurement and community engagement with the program.

Senator David Sokola, a cosponsor on SB 56, commented that the bill is necessary but not sufficient, as it lacks guidance on ensuring quality educators are provided for low income and English Learner students.

Shannon suggested that the oversight council should engage with administrators, parents, and other school-level stakeholders to develop an accountability statement for opportunity funding. This would give community members input on the plan and a mechanism for the council to hold the funding recipients accountable. Sec. Bunting later added that superintendents are greatly involved in the planning process and are ultimately held accountable for how funds are invested.

Chuck expressed his general support for the idea of the bill but hopes the General Assembly will solicit feedback from stakeholders who have been involved in opportunity funding in the past. Adding more flexibility for districts and schools to amend their plan or implement it dynamically should be considered as well.

Gary Henry seconded Sen. Sokola's opinion. He noted that it is important to fund best practices and better educators into the funding formula in an integrated way.

Dorrell Green reminded the group the risk of thinking any one piece of legislation is going to solve systemic issues. Though the bill is a step in the right direction, there must be focus on building systems and retaining teachers as well.

Kristin Dwyer moved for the Work Group to accept SB 56 as a baseline and share feedback with the full Consortium, Gary Henry second. SB 56 was recommended by the Work Group to the Consortium.

VI. House Bill 86

Aaron Bass reviewed House Bill 86 (HB 86), a bill that increases funding gradually for K-3 special education, meeting the settlement's requirements.

Kristin Dwyer expressed strong support for the bill, citing the growing number of students needing accommodations while funding has not increased. She hopes the consortium can support it. Chuck added that he could support the bill exactly as written.

Gary Henry expressed that the bill moves things into the right direction. It is a good approach to add this funding into the existing unit count formula, rather than add it on top. He added that there is room for the process to accelerate as well. He asked if there is a fiscal note for the bill yet. Though this bill does not, an [identical bill](#) from the previous session does have a fiscal impact note provided.

Tika expressed her support for the bill from the perspective of family advocacy. She requested that the Ombudspersons have knowledge of special education law regarding disproportionality in discipline.

Chuck noted that a benefit of this particular bill is that related services can be funded as well since it is part of the unit count, instead of additional money on top.

Aaron Bass supports the bill but added that the assessment methods for basic special education tend to miss some children and need to be reformed as well.

Gary Henry moved for the Work Group to accept HB 86 as a baseline and share feedback with the full Consortium, Tika second. HB 86 was recommended by the Work Group to the Consortium.

VII. House Bill 100

Aaron Bass reviewed House Bill 100 (HB 100), a bill that establishes a unit for mental health services for elementary schools. Though it is not directly related to the settlement, it addresses the lack of mental health supports that are part of the settlement's goals. Kristin Dwyer went into detail about the last iteration of the bill and the changes that have happened since.

Chuck expressed his support for the bill, noting that some districts have implemented similar services and they have been successful. He would like the bill to specify that the unit is a Division I unit.

Kristin Dwyer noted the Governor's office is not currently supporting the bill, which is a major hurdle to it getting passed.

Chuck moved for the Work Group to accept HB 86 as a baseline and share feedback with the full Consortium, Shannon Griffin second. HB 100 was recommended by the Work Group to the Consortium.

VIII. Settlement Recommendation

Tika Hartsock moved to accept the settlement as a baseline, and to push for increases. Gary Henry seconded. The Work Group recommended for the Consortium to accept the settlement as a baseline.

IX. Public Comment

There was no public comment.

The meeting was adjourned at 6:45 pm.

In Attendance

Work Group Members

Aaron Bass, Co-Chair
Chuck Longfellow, Co-Chair
Raushann Austin
Kristin Dwyer
Shannon Griffin
Tika Hartsock
Gary Henry
Cliffvon Howell
Monique Martin
Shelly Rouser
Laurisa Schutt

Members of the Public

Matthew Denn, Co-Chair
Elizabeth "Tizzy" Lockman, Co-Chair
Secretary Susan Bunting
Stephanie Ingram
Dan Shelton
Dorrell Green
Dawn Alexander
Dwayne Bensing
Tammy Croce
Erin Goldner
Taylor Hawk
Brendan Laux
Kelsey Mensch
Haley Qaissaunee
Jon Sheehan
Kelly Sherretz
Amy Solomon
Daniel Walker