

# Delaware Education Funding Lawsuit Settlement

## *Minimum State Actions Needed for Compliance*

Fiscal Year (FY)	2021	2022	2023	2024	2025	2026–Beyond
School Year (SY)	2020–21	2021–22	2022–23	2023–24	2024–25	2025–26...
<b>Opportunity Funding<sup>1</sup></b>	\$75 million 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 million and shall provide \$5M of this for mental health and reading supports.	Grows in accordance with Low Income and English Learner student growth <sup>2</sup>
<b>K-3 Basic Special Education</b>	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	Funding continues	Funding continues in FY 2026 and thereafter.
<b>Early Education: Early Childhood Assistance Program (ECAP)</b>	\$6.1 million			ECAP doubles to \$12.2 million	Not less than \$12.2 million	Funding continues in FY 2026 and thereafter.

<sup>1</sup> Recommendations and legislation shall provide \$5 million for mental health or reading supports to schools with high concentrations of low-income (60%) and English Learners (20%) students.

<sup>2</sup> Calculated as the FY 2025 per pupil allotment, times the sum of each subsequent year's Low Income and English Learner enrollment, plus the \$5 million for mental health and reading supports. (See Section A.v, pg. 4)

Fiscal Year (FY)	2021	2022	2023	2024	2025	2026–Beyond
School Year (SY)	2020–21	2021–22	2022–23	2023–24	2024–25	2025–26...
<b>Teacher Recruitment and Retention in High Needs Schools</b>	Loan Forgiveness and Scholarships/ Grants		\$4 million in commitment in addition to FY21 allocations to enhance recruitment and retention in high-needs schools	\$4 million commitment in addition to FY21 allocations to enhance recruitment and retention in high-needs schools	\$4 million commitment in addition to FY21 allocations to enhance recruitment and retention in high-needs schools	Funding continues in FY 2026 and thereafter.
<b>Ombudsperson:</b> Shall focus on non-legal interventions to resolve disputes or complaints concerning disparate discipline, inequitable access to school programs, and different or unfair treatment of students	None in place	Create and fund group in each county	Continued funding	Continued funding	Continued funding	Funding continues in FY 2026 and thereafter.
<b>Equity Statement for Capital Projects</b> DOE "will" require school districts to provide an Equity Statement in regards to capital projects	Not in place	No date specified				
<b>Independent Funding Assessment</b>		Include sufficient funding	Include sufficient funding	Complete by January 2024		

Read the full settlement: [https://www.aclu-de.org/sites/default/files/judgereviewed\\_73825397\\_settlement-stipulation-and-order-final-.pdf](https://www.aclu-de.org/sites/default/files/judgereviewed_73825397_settlement-stipulation-and-order-final-.pdf)

February 9, 2021 | *The Institute for Public Administration at the University of Delaware created this timeline as a summary resource. Please refer to the settlement for exact requirements.*