

DELAWARE EDUCATION FUNDING LAWSUIT

In 2018, Delawareans for Educational Opportunity and NAACP filed a lawsuit that claimed the state had been aware of deficiencies in educational resources provided to low-income students, students with disabilities, and students who are multilingual learners. The lawsuit sought to have those students provided with the systematic educational resources required by the Delaware Constitution. A settlement was reached in October of 2020.

Settlement Timeline

Minimum requirements to meet settlement agreement:

	2021-22	2022-23	2023-24	2024-25	2025-26
Opportunity Funding	<p>Minimum \$35M including \$5M for mental health and reading supports</p> <p>Legislation to make permanent and require annual report in FY 23</p>	<p>Minimum \$35M including \$5M for mental health and reading supports</p>	<p>Minimum \$50M including \$5M for mental health and reading supports</p>	<p>Minimum \$60M including \$5M for mental health and reading supports</p>	<p>Grows in accordance with low-income and multilingual learner student growth</p>
K-3 Basic special education			<p>Proposed legislation via budget epilogue to change funding structure to imitate structure used for basic special education students in grades 4-12</p>	<p>Funding continues</p>	<p>Funding continues in FY26 and thereafter</p>
Early Childhood Assistance Program (ECAP)			<p>ECAP doubles to \$12.2M</p>	<p>Not less than \$12.2M</p>	<p>Funding continues in FY26 and thereafter</p>
Teacher recruitment and retention in high-need schools		<p>\$4M investment plus FY21 allocations to enhance recruitment and retention in high-need schools</p>	<p>\$4M commitment continues in addition to FY21 allocations to enhance recruitment and retention in high-need schools</p>	<p>\$4M commitment continues in addition to FY21 allocations to enhance recruitment and retention in high-need schools</p>	<p>Funding continues in FY26 and thereafter</p>
Independent funding assessment			<p>Complete by January 2024</p>		

Note: In addition to the lawsuit brought against the state, a separate component was brought against the counties requiring property reassessments be done in each county.

Redding Timeline: <https://bit.ly/Reddinglawsuittimeline>

Sources:

Morgan R. Kelly. (2020). DEO & NAACP Settle in Education Lawsuit.

The Institute of Public Administration at the University of DE. (2021). Delaware Education Funding Lawsuit.

Independent Funding Assessment

American Institutes of Research (AIR), a national research firm, was selected as the vendor for the independent funding assessment and they are conducting an analysis of the current system, comparing it with other states, and developing recommendations with timelines. To supplement the data in the report, AIR will also conduct educator panels to incorporate educator voice and to determine funding levels necessary to educate each student. In similar projects, AIR has recommended a student-based funding system with more resources to adequately fund special populations of students. The report is expected to be completed between November of 2023 and January of 2024.

The report is required to—at minimum—do the following:

1. Research and understand the existing funding structure as established in Delaware Code and supported by the Annual Appropriations act.
2. Assess state and local funding categories and include findings around advantages and disadvantages of the current public school funding structure.
3. Evaluate all existing revenue and expenditure levels, comparing that data in a variety of meaningful ways that highlight any existing disparities. This work should include a review of staffing compensation, and the impact of compensation on high-need schools.
4. Analyze public school funding structures in other states and make comparisons to Delaware's system. This comparative analysis should include outcomes and impacts of the various funding structures and levels of funding, and include a review of state/local funding obligations.
5. Include a thorough review of other funding models including (but not limited to) weighted student funding.
6. Prepare and present recommendations for future improvements that may result in improved funding equities statewide, with a focus on improving outcomes for all students.
7. Include recommendations with suggested timelines and options for phasing in modifications to ensure long-term sustainability.

In order to address these, AIR is taking this approach:

Three data collection activities

1

Policy/document scans

2

Administrative data

3

Primary data collection

Six data analysis activities

1

Local funding context

2

State comparative analysis

3

Cost-function adequacy, equity, risk analysis

4

Charter school comparative analysis

5

Professional judgement adequacy analysis (educator panels)

6

Perceptions of current system

Similar AIR projects: <https://www.air.org/our-work/education/school-finance>

[Visit visioncoalitionde.org](http://visioncoalitionde.org) to learn more

Sources:

The Institute of Public Administration at the University of DE. (2021). Delaware Education Funding Lawsuit Settlement.

Delaware Department of Education. (2021). Request for Proposals for Professional Services DE Public Ed. Funding Assessment.