



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES
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November 19, 2010

Ms. Susan K. Haberstroh
Education Associate
Department of Education
401 Federal Street, Suite 2
Dover, DE 19901

RE: 14 DE Reg. 347 [DOE Proposed Accountability Regulation]

Dear Ms. Haberstroh:

The State Council for Persons with Disabilities (SCPD) has reviewed the Department of Education's (DOE's) proposal to amend its accountability regulation published as 14 DE Reg. 347 in the November 1, 2010 issue of the Register of Regulations. SCPD has the following observations and concerns.

As background, the DOE maintains accountability regulations implementing federal law and Title 14 Del.C. §§154-155. Schools which are determined to be underperforming based on objective criteria may be classified as "under improvement". See 14 DE Admin Code Part 103, §§2.11.5 and 6.0. The consequences of such classification are reflected in the attached DOE table captioned "School Improvement Consequences by Years Under Improvement".

The DOE proposes to dilute the consequences and oversight of schools designated "Under Improvement Phase 1" by deleting the following requirement:

7.1.2. Utilize the Department's Comprehensive Success Review process, which includes an audit tool, an on site visit, and feedback on strengths and opportunities for improvement; ...

The DOE's rationale for deletion is as follows: 1) "feedback" from the deficient schools ("intended participants") which would logically prefer less oversight; 2) "resource concern" (despite the federal award of \$119 million in "Race to the Top" funds); and 3) "additional flexibility". Consistent with the attached excerpt from the DOE's website, one of the four purposes of the "Race to the Top" funding is "turning around our lowest-achieving schools". A reasonable person might view the deletion of §7.1.2 as

“backsliding” rather than “racing to the top”.

Moreover, although the regulatory synopsis suggests that “Change Management work” may provide equivalent results (p. 347), the regulation itself simply deletes the requirement of participating in a review process and substitutes nothing. An “Under Improvement Phase 1” school need only review and modify its School Improvement Plan. The former DOE oversight through on-site visit, school completion of audit, and DOE feedback are deleted altogether with nothing substituted to reflect DOE involvement or oversight.

If the Department opts to effect the deletion, it should consider correcting the grammar in §7.1 by adopting the following substitute §7.1.2: “If a school is designated Title I, offer ESEA choice.”

Thank you for your consideration and please contact SCPD if you have any questions or comments regarding our observations on the proposed regulation.

Sincerely,



Daniese McMullin-Powell, Chairperson
State Council for Persons with Disabilities

cc: The Honorable Lillian Lowery
Dr. Teri Quinn Gray
Ms. Martha Toomey
Ms. Paula Fontello, Esq.
Ms. Terry Hickey, Esq.
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Mr. Charlie Michels
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School Improvement Consequences by Years Under Improvement

Years Under Improvement	Title I Consequences	Non-Title I Consequences
<p>Year 1</p> <p>Under Improvement Phase 1 or SI 1</p>	<p>SEA responsibilities</p> <ol style="list-style-type: none"> 1. Monitor LEA and school compliance and implementation of all federal and state requirements 2. Administer and review school improvement grants in a timely manner 3. Provide technical assistance to LEAs <p>LEA responsibilities</p> <ol style="list-style-type: none"> 1. Parent notification – school status and choice option 2. Parent and public notification of school's actions to address problem(s) 3. Designate School Support Team & provide technical assistance 4. Conduct Peer Review Process and approve school plan 5. Utilize the Comprehensive Success Review process 6. Reserve funds and offer school Choice <p>School responsibilities</p> <ol style="list-style-type: none"> 1. Receive technical assistance from LEA-designated School Support Team 2. Amend and implement school success plan including <ol style="list-style-type: none"> a. Reserve 10% of school's Title I funds for professional development b. Ensure full implementation of teacher mentoring program c. Ensure parent involvement in children's education and in school decision-making 	<p>SEA responsibilities</p> <ol style="list-style-type: none"> 1. Monitor LEA and school compliance and implementation of all state requirements 2. Administer and review school improvement grants in a timely manner 3. Provide technical assistance to LEAs <p>LEA responsibilities</p> <ol style="list-style-type: none"> 1. Conduct Peer Review Process and approve school plan 2. Utilize the Comprehensive Success Review process <p>School responsibilities</p> <ol style="list-style-type: none"> 1. Amend school success plan 2. Give student subgroups not meeting AYP targets in reading and math priority for extra time services

School Improvement Consequences by Years Under Improvement

Years Under Improvement	Title I Consequences	Non-Title I Consequences
<p>Year 2</p> <p>Under Improvement Phase 2 Or SI 2</p>	<p>SEA responsibilities</p> <ol style="list-style-type: none"> 1. Monitor LEA and school compliance and implementation of all federal and state requirements 2. Review school plan and provide feedback within 30 days 3. Administer and review school improvement grants in a timely manner 4. Provide technical assistance to LEAs <p>LEA responsibilities</p> <ol style="list-style-type: none"> 1. Parent notification – school status and choice option 2. Parent and public notification of school's actions to address problem(s) 3. Designate School Support Team & provide technical assistance 3. Approve school plan 4. Reserve funds and offer school Choice 5. Parent notification to students eligible for Supplemental Education Services 6. Reserve funds and offer Supplemental Education Services <p>School responsibilities</p> <ol style="list-style-type: none"> 1. Amend (as necessary) and implement school success plan including <ol style="list-style-type: none"> a. Reserve 10% of school's Title I funds for professional development b. Ensure full implementation of teacher mentoring program c. Ensure parent involvement in children's education and in school decision-making 	<p>SEA responsibilities</p> <ol style="list-style-type: none"> 1. Monitor LEA and school compliance and implementation of all state requirements 2. Review school plan and provide feedback within 30 days 3. Administer and review school improvement grants in a timely manner 4. Provide technical assistance to LEAs <p>LEA responsibilities</p> <p></p> <p>School responsibilities</p> <ol style="list-style-type: none"> 1. Amend (as necessary) and implement school success plan 2. Give student subgroups not meeting AYP targets in reading and math priority for extra time services

School Improvement Consequences by Years Under Improvement

Years Under Improvement	Title I Consequences	Non-Title I Consequences
<p>Year 3 – Corrective Action Phase I Or CA</p>	<p>SEA responsibilities</p> <ol style="list-style-type: none"> 1. Monitor LEA and school compliance and implementation of all federal and state requirements 2. Administer and review school improvement grants in a timely manner 3. Provide technical assistance to LEAs <p>LEA responsibilities</p> <ol style="list-style-type: none"> 1. Parent notification – school status and choice option 2. Parent and public notification of school's actions to address problem(s) 3. Designate School Support Team & provide technical assistance 4. Approve school plan 4. Reserve funds and offer school Choice 5. Parent notification to students eligible for Supplemental Education Services 6. Reserve funds and offer Supplemental Education Services 7. Take corrective action against school (from options specified in ESEA) <p>School responsibilities</p> <ol style="list-style-type: none"> 1. Amend and implement school success plan to include LEA-determined Corrective Action <p>➤ <i>School is no longer required to Reserve 10% of school's Title I funds for professional development</i></p>	<p>SEA responsibilities</p> <ol style="list-style-type: none"> 1. Monitor LEA and school compliance and implementation of all state requirements 2. Administer and review school improvement grants in a timely manner 3. Provide technical assistance to LEAs <p>LEA responsibilities</p> <ol style="list-style-type: none"> 1. Take corrective action against school (from options specified in ESEA) <p>School responsibilities</p> <ol style="list-style-type: none"> 1. Amend and implement school success plan to include LEA-determined Corrective Action 2. Give student subgroups not meeting AYP targets in reading and math priority for extra time services

School Improvement Consequences by Years Under Improvement

Years Under Improvement	Title I Consequences	Non-Title I Consequences
<p>Year 4 – Corrective Action Phase II Or Planning for Restructuring (R1)</p>	<p>SEA responsibilities</p> <ol style="list-style-type: none"> 1. Monitor LEA and school compliance and implementation of all federal and state requirements 2. Administer and review school improvement grants in a timely manner 3. Provide technical assistance to LEAs <p>LEA responsibilities</p> <ol style="list-style-type: none"> 1. Parent notification – school status and choice option 2. Parent and public notification of school's actions to address problem(s) 3. Designate School Support Team & provide technical assistance 4. Approve school plan 5. Reserve funds and offer school Choice 6. Parent notification to students eligible for Supplemental Education Services 7. Reserve funds and offer Supplemental Education Services 8. Continue corrective action against school (from options specified in ESEA) 9. Identify restructuring option for school (from options specified in ESEA) 10. Notify parents and teachers of decision 11. Provide parents and teachers opportunity to comment on option 12. Develop plan for implementing restructuring option with participation from parents and teachers <p>School responsibilities</p> <ol style="list-style-type: none"> 1. Amend and implement school success plan to include LEA-determined Corrective Action <ul style="list-style-type: none"> ➤ <i>School is no longer required to Reserve 10% of school's Title I funds for professional development</i> 	<p>SEA responsibilities</p> <ol style="list-style-type: none"> 1. Monitor LEA and school compliance and implementation of all state requirements 2. Administer and review school improvement grants in a timely manner 3. Provide technical assistance to LEAs <p>LEA responsibilities</p> <ol style="list-style-type: none"> 1. Continue corrective action against school (from options specified in ESEA) 2. Identify restructuring option for school (from options specified in ESEA) 3. Develop plan for implementing restructuring option <p>School responsibilities</p> <ol style="list-style-type: none"> 1. Amend and implement school success plan to include LEA-determined Corrective Action 2. Give student subgroups not meeting AYP targets in reading and math priority for extra time services

School Improvement Consequences by Years Under Improvement

Years Under Improvement	Title I Consequences	Non-Title I Consequences
<p>Year 5 – Restructuring Or R2</p>	<p>SEA responsibilities</p> <ol style="list-style-type: none"> 1. Monitor LEA and school compliance and implementation of all federal and state requirements 2. Administer and review school improvement grants in a timely manner 3. Provide technical assistance to LEAs <p>LEA responsibilities</p> <ol style="list-style-type: none"> 1. Parent notification – school status and choice option 2. Parent and public notification of school's actions to address problem(s) 3. Designate School Support Team & provide technical assistance 4. Approve school plan 5. Reserve funds and offer school Choice 6. Parent notification to students eligible for Supplemental Education Services 7. Reserve funds and offer Supplemental Education Services 8. Implement school restructuring plan developed in Year 4 <p>School responsibilities</p> <ol style="list-style-type: none"> 1. Amend and implement school success plan to include LEA-determined Restructuring <p style="margin-left: 40px;">➤ <i>School is no longer required to Reserve 10% of school's Title I funds for professional development</i></p>	<p>SEA responsibilities</p> <ol style="list-style-type: none"> 1. Monitor LEA and school compliance and implementation of all state requirements 2. Administer and review school improvement grants in a timely manner 3. Provide technical assistance to LEAs <p>LEA responsibilities</p> <ol style="list-style-type: none"> 1. Implement school restructuring plan developed in Year 4 <p>School responsibilities</p> <ol style="list-style-type: none"> 1. Amend and implement school success plan to include LEA-determined Restructuring 2. Give student subgroups not meeting AYP targets in reading and math priority for extra time services

Years Under Improvement	Title I Consequences	Non-Title I Consequences
<p>Year 6 and beyond Restructuring</p>	<p><i>Continue restructuring plan as in Year 5 or restart under New School status</i></p>	<p><i>Continue restructuring plan as in Year 5 or restart under New School status</i></p>

What are Race To The Top funds?

In July of 2009, President Barack Obama and Secretary of Education Arne Duncan announced \$4.35 billion in competitive funds known as the Race To The Top Fund geared towards reforming America's public schools and increasing student learning. Through Race to the Top, states must advance reforms around four specific areas:

- Adopting standards and assessments that prepare students to succeed in college and the workplace and to compete in the global economy;
- Building data systems that measure student growth and success, and inform teachers and principals about how they can improve instruction;
- Recruiting, developing, rewarding, and retaining effective teachers and principals, especially where they are needed most;
- * • Turning around our lowest-achieving schools.

Awards in Race to the Top will go to states that are leading the way with ambitious yet achievable plans for implementing coherent, compelling, and comprehensive education reform. Race to the Top winners will help trail-blaze effective reforms and provide examples for States and local school districts throughout the country to follow as they too are hard at work on reforms that can transform our schools for decades to come.

What was the process?

In the summer of 2009, Delaware engaged more than 100 educators, education experts and parents, as well as leaders of teachers' unions, non profits, corporations and civic groups to create the State's strategic plan for Delaware. The strategic plan provided the foundation for the application. The application was endorsed unanimously by every school district and charter school, local school board, teachers' union and the business community, was then submitted to the US Department of Education (USDOE) in January of 2010. In mid-March, Governor Jack Markell; Secretary of Education Dr. Lillian Lowery; Diane Donahue, President of the Delaware State Education Association; Marvin "Skip" Schoenhals, former WSFS Financial Corporation CEO and Vision 2015 Chairman; and Merv Daugherty, Superintendent of the Red Clay School District testified to the US DOE regarding Delaware's application. Just two weeks, later, the USDOE announced that Delaware was one of only two states to receive Phase 1 funding for Race To The Top. Of the forty states and the District of Columbia, Delaware's application and testimony received the highest scores of any state.

What are Delaware's Race To The Top goals?

The goal of Delaware's reform is to become the best state public education system in the country. Beyond this, Delaware's goals include: more than half of Delaware's students will be proficient or advanced on the National Assessment of Educational Progress (NAEP); the achievement gap will decrease by 50% no later than the 2014-2015 school year; all students will meet state standards; graduation rates will rise; and more students will enter and be successful in college. Race to the Top funding will also be used to strengthen standards and assessment and quality educators; enhance robust data systems for measuring student performance; improving low performing schools. Delaware will also provide fellowships for highly effective educators and retention bonuses for highly effective teachers in certain high needs schools.

Why was Delaware selected as having the best application?

Delaware was selected as having the best application among 40 states and the District of Columbia. Based on feedback received, one of the reasons Delaware's application stood out above all others was because of the unanimous statewide collaboration of many including teachers, parents, superintendents, school boards, charter schools and the business community. Only one other state, Tennessee, received Phase 1 RTTT funding.

How much did Delaware receive?

Delaware will receive just over \$119 million to implement the RTTT plan. Fifty percent of those funds will be distributed to the participating LEAs (local education agencies meaning school districts and charter schools). All 37 LEAs in Delaware signed on to participate.

When can we expect to receive the funds?

The funds, will begin being dispersed during the summer of 2010 to the LEAs once their "Scope Of Work" plans are approved by the USDOE.

How will Delaware distribute the funds?

Consistent with the Federal guidance, Delaware will distribute the LEA 50% of the grant award by allocating each LEA a percentage of the award that equals the percentage of total Title I funding distributed for Delaware in FY09. This includes both the 'normal' Title I grant and the ARRA Title I grant.

When does the money have to be spent?

All Race to the Top funds should be spent or encumbered by September 30, 2014.

Explain what "effective" and "highly effective" teachers mean

This is based on the statewide Delaware Performance Appraisal System (DPAS II) Revised. A "highly effective" teacher means a teacher has earned a "satisfactory" rating in four of five appraisal components on his or her annual evaluation and that the teacher's students, on average, achieve high rates of student growth, demonstrating more than one grade level of improvement in an academic year.

An "effective" teacher mean a teacher has received a "satisfactory" rating in three of five appraisal components on his or her annual evaluation, including the student improvement component, and that the teacher does not meet the requirements for a "highly effective" rating.

Explain teacher/leader bonuses

Highly-effective teachers and leaders in select high-poverty or high-minority schools will be eligible for substantial retention bonuses, beginning in the 2011-2012 school year. The State will determine the size of the bonuses, likely around \$10,000 for highly-effective principals, \$10,000 for highly effective teachers in critical subject areas, ad \$8,500 for highly effective teachers in non-critical subject areas.