



STATE OF DELAWARE  
STATE COUNCIL FOR PERSONS WITH DISABILITIES

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**MEMORANDUM**

DATE: March 29, 2012

TO: All Members of the Delaware State Senate  
and House of Representatives

FROM: Ms. Daniese McMullin-Powell, *DMP* Chairperson  
State Council for Persons with Disabilities

RE: H.B. 211 [Vo-Tech Admission]

The State Council for Persons with Disabilities (SCPD) has reviewed H.B. 211 which requires that admission to vocational-technical high schools be determined through a lottery system rather than any other criteria. Consistent with the attached articles, it appears that the impetus behind the bill is criticism from Sussex County districts that Sussex Vo-tech is "creaming", i.e., not accepting an equitable share of students with lower academic scores or with discipline profiles. Sussex Vo-tech repudiated those allegations as untrue. Analysis of relevant enrollment criteria and data indicate the following conclusions.

Sussex Vo-tech already conducts a lottery which does not differentiate based on special education versus non-special education status, discipline, or attendance. However, the applicant must have passing grades (70 or higher) in all subjects. Some students are exempt based on a parent employed full-time by the District or a sibling of a current student or graduate within 2 years. For the 2011-2012 school year, the District accepted 48% (36/75) of special education student applications but 60% (436/724) of non special education applications.

The PolyTech School District (Kent County) accepted 313 of 510 applications in 2012 with the following results: 10.86% (34/313) special education students and 89.13% (279/313) non special education students.

The NCC Vo-Tech District materials indicate that it had 13.5% special education enrollment for the 2011-12 school year.

Vo-tech districts statewide generally have a smaller percentage of special education students than the overall public school system average of 13.87%: NCC (11.09%); Kent (8.69%); and Sussex

(8.88%).

SCPD endorses the concept of the bill since it would appear that a strict lottery approach would statistically result in enrollment of more students with disabilities in Vo-Tech Districts. In Sussex, the requirement that a student be passing all subjects to enter the lottery could disproportionately affect students with disabilities who may struggle academically due to learning disabilities, low I.Q., depressed grades based on disability-related absenteeism, etc.

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

cc: The Honorable Jack A. Markell  
Mr. Brian Hartman, Esq.  
Governor's Advisory Council for Exceptional Citizens  
Developmental Disabilities Council

hb 211 vo-tech admission 3-29-12



## Districts attack Sussex Tech's choices

Written by

DAN SHORTRIDGE  
The News Journal

12:54 AM, Aug. 15, 2011

Sussex County's public school districts are continuing to press for an overhaul of the countywide Sussex Technical School District, saying the high school cherry-picks its students and emphasizes academics over vocational training.

As the school marks its 20th anniversary as a full-time program this fall, it faces a renewed and rising level of criticism, with six local districts taking their case to state legislators with a unified front.

One of the central complaints is that Sussex Tech has choice in the makeup of its student body. Six districts passed a resolution last year calling for an end to all admissions criteria, and a bill is pending in the General Assembly that would require just that.

"They take some of our better academic students. They take very few English-language learners," said Seaford Superintendent Russell Knorr. "They take very few special-education students, and sometimes they take some of our best instrumental players and athletes. They get

to, by and large, pick and choose who their students are. Seaford, Laurel, Cape, etc., have to take on all comers."

Sussex Tech leaders deny those charges vehemently, saying they use a lottery system and the only requirements are that students have grades of 70 or higher and fill out an application on time.

"Delaware is a state of choice; we are a school of choice," said Superintendent A.J. Lathbury. "They get a 70, they get an application. ... We can't help it if half of your entire eighth-grade class applies to us."

Lathbury and state Sen. George Bunting, D-Bethany Beach, say the debate is nothing new.

"It's always a hot topic," said Bunting, a member of the Senate Education Committee. "It's a tough issue sometimes to deal with. We want to educate our children well; we want to have some fairness in the process, as well."

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School boards in Cape Henlopen, Delmar, Indian River, Laurel, Milford and Seaford all passed identical resolutions last year saying Sussex Tech requires students to have no "disciplinary or attendance concerns" and arguing it should be barred from recruiting athletes and musicians.

Lathbury said those charges are bunk. For example, he said, 40 percent of students accepted from Beacon Middle School near Lewes last year had discipline problems.

"To say that we don't take kids with discipline problems -- it's ludicrous. Someone's not doing their homework," he said.

And he said, flatly, the district does not recruit. "It's not that we're looking for them, it's that they're looking for us," Lathbury said.

Sussex Tech has racked up an enviable record over the last two decades as it has evolved from a part-time program to a college-prep powerhouse. It has twice been honored as a national Blue Ribbon School by the U.S. Department of Education, and earlier this month it was named an outstanding school by the Southern Regional Education Board.

In addition to the traditional blue-collar trades -- masonry, plumbing, welding -- students can now concentrate in early childhood education, video production or graphic design.

But critics such as Knorr say Sussex Tech

needs to focus more on vocational education and less on academics.

Knorr said he doesn't see one of the past traditional complaints about Sussex Tech -- that it doesn't have to go to the voters to raise taxes for expenses or buildings -- as a concern, recognizing that technical training requires more money than a traditional classroom.

"The problem is if they're going to use their more money to channel kids into academic programs as opposed to vocational-technical programs," he said.

Staying out of the debate has been state Sen. Joe Booth, R-Georgetown, who is a Sussex Tech employee. Lathbury said he was emailed a copy of Sussex Tech's response to the districts' resolution along with other legislators.

Bunting said he's not sure what the answer is. "Tech does turn out some outstanding students there, certainly, and they have received national awards. The proof is in

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the pudding," he said. "[But] when you have the ability to do that, to screen, to say who can and can't come, that does put the other schools in a certain awkward position."

"If we weren't doing a good job, kick us in the butt, man," he said. "If we weren't doing this right, I don't think this would be an issue."

Bunting and state Rep. Darryl Scott, D-Dover, said there may be a need for new vocational-technical schools in Kent and Sussex, if only to handle the demand. Lathbury agrees the demand is high, noting that Sussex Tech has to turn away about half of its applicants each year -- more than 350 students -- because it doesn't have enough space.

"We do not meet the need for the demand placed on us," he said. "We are stretched."

Similar concerns from local districts in Kent County spurred Scott to introduce a bill near the end of the recent legislative session that would strike down any admissions criteria at vocational-technical schools statewide.

Scott, a former member of the Capital school board, said all students should be assured equal access and opportunity, not just those with average grades of 70 or above.

"Kids who most benefit from a technical or a career track, they can't get in," he said. "We need to open the doors to all our kids."

Lathbury said observers need to look at Sussex Tech's track record of accomplishment before making judgments.

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# OPINION

Howard L. Griffin,  
President and Publisher  
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Executive Editor  
John Sweeney,  
Editorial Page Editor

The NewsJournal ...

## OUR VIEW

### Sussex vo-tech's success raises issues of access

When six traditional public school districts view one vocational district as their greatest competition, going so far as to get a General Assembly bill drafted to end all admissions criteria,

#### SCHOOL CHOICE

thoughtful questions are on order.

Why is the one school a student magnet and the others are not?

Where does state law afford such a disparity of opportunity to a high-quality academic education for statistically elected few?

Where is the help for existing traditional schools to come up to snuff with their assumed competitor?

Is the vocational school being allowed to breach a mandated mission of prepping high schoolers for traditional blue-collar trades, by virtually assuring equal access only to those with average grades of 70 or above?

With its stellar academic results,

Sussex Technical School District's detractors find themselves losing out to the cream of the crop of athletics, musical and high-grade earners.

Its critics allege the vo-tech district is being permitted to operate as a private school using state taxpayers' resources. Successful charter schools in the state face the same envy, but none are so categorically tied to an age-old legislative mandate to serve a particular population of students.

And they are right to feel at a disadvantage when one of the district's employees is a state legislator, who has yet to develop a clear position on this matter.

Because this case raises fundamental issues of equal access and encouraging student academic success regardless of classroom location, state education officials and legislators with no skin in the game, should be all on top of solving this one.