

(F)(2) Ensuring successful conditions for high-performing charter schools and other innovative schools (40 points)

The extent to which—

(i) The State has a charter school law that does not prohibit or effectively inhibit increasing the number of high-performing charter schools (as defined in this notice) in the State, measured (as set forth in Appendix B) by the percentage of total schools in the State that are allowed to be charter schools or otherwise restrict student enrollment in charter schools;

(ii) The State has laws, statutes, regulations, or guidelines regarding how charter school authorizers approve, monitor, hold accountable, reauthorize, and close charter schools; in particular, whether authorizers require that student achievement (as defined in this notice) be one significant factor, among others, in authorization or renewal; encourage charter schools that serve student populations that are similar to local district student populations, especially relative to high-need students (as defined in this notice); and have closed or not renewed ineffective charter schools;

(iii) The State’s charter schools receive (as set forth in Appendix B) equitable funding compared to traditional public schools, and a commensurate share of local, State, and Federal revenues;

(iv) The State provides charter schools with funding for facilities (for leasing facilities, purchasing facilities, or making tenant improvements), assistance with facilities acquisition, access to public facilities, the ability to share in bonds and mill levies, or other supports; and the extent to which the State does not impose any facility-related requirements on charter schools that are stricter than those applied to traditional public schools; and

(v) The State enables LEAs to operate innovative, autonomous public schools (as defined in this notice) other than charter schools.

In the text box below, the State shall describe its current status in meeting the criterion. The narrative or attachments shall also include, at a minimum, the evidence listed below, and how each piece of evidence demonstrates the State’s success in meeting the criterion. The narrative and attachments may also include any additional information the State believes will be helpful to peer reviewers. For attachments included in the Appendix, note in the narrative the location where the attachments can be found.

Evidence for (F)(2)(i):

- *A description of the State’s applicable laws, statutes, regulations, or other relevant legal documents.*
- *The number of charter schools allowed under State law and the percentage this represents of the total number of schools in the State.*
- *The number and types of charter schools currently operating in the State.*

Evidence for (F)(2)(ii):

- *A description of the State's approach to charter school accountability and authorization, and a description of the State's applicable laws, statutes, regulations, or other relevant legal documents.*
- *For each of the last five years:*
 - *The number of charter school applications made in the State.*
 - *The number of charter school applications approved.*
 - *The number of charter school applications denied and reasons for the denials (academic, financial, low enrollment, other).*
 - *The number of charter schools closed (including charter schools that were not reauthorized to operate).*

Evidence for (F)(2)(iii):

- *A description of the State's applicable statutes, regulations, or other relevant legal documents.*
- *A description of the State's approach to charter school funding, the amount of funding passed through to charter schools per student, and how those amounts compare with traditional public school per-student funding allocations.*

Evidence for (F)(2)(iv):

- *A description of the State's applicable statutes, regulations, or other relevant legal documents.*
- *A description of the statewide facilities supports provided to charter schools, if any.*

Evidence for (F)(2)(v):

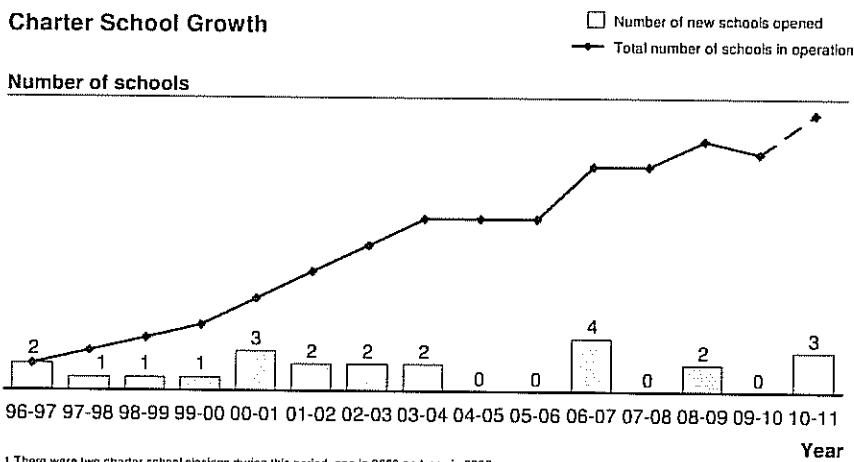
- *A description of how the State enables LEAs to operate innovative, autonomous public schools (as defined in this notice) other than charter schools.*

Recommended maximum response length: Six pages

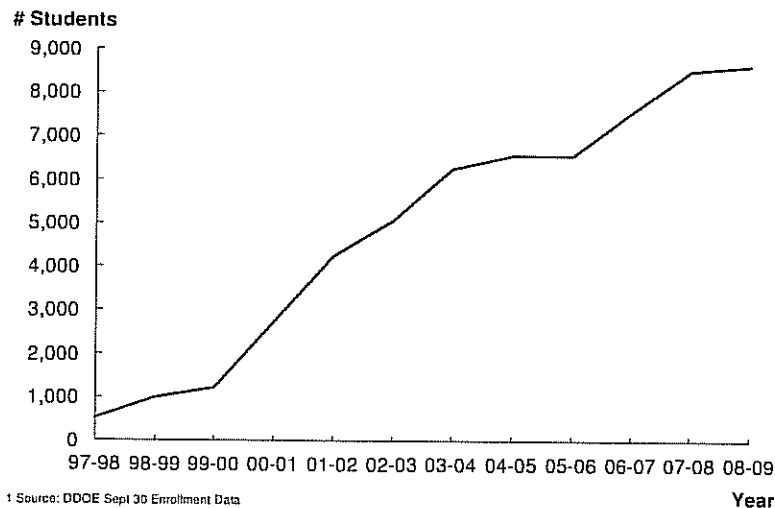
(F)(2)(i) The State has a charter school law that does not prohibit or effectively inhibit increasing the number of high-performing charter schools

Delaware is among the most welcoming states for charter schools. In 1995, with leadership from then-governor and current US Senator Tom Carper, Delaware’s legislature authorized charter schools, as well as statewide school choice for all students. Unlike other states, Delaware has no cap on the total number of charter schools or the number of new charter schools eligible to be authorized each year. In addition, under statewide choice, students can choose any school, regardless of their home district, presuming reasonable travel accommodations can be provided.

As a result, there has been steady growth in the number of charter schools and student enrollment in charters over the past 14 years:



Total Charter School Enrollment (1997-2009)



Currently, charter schools account for 9 percent of public schools and educate 7 percent of the total student population.

Delaware gives its charter schools a high level of operational flexibility in return for accountability for achieving high levels of student performance. Delaware charter schools are free of most State and district rules and regulations governing public education. Instead, charters are subject to regular review and held to high standards of measurable student performance to maintain their charter, leading some to significantly outperform other schools that serve similar populations.

(F)(2)(ii) The State has laws regarding how charter school authorizers approve, monitor, hold accountable, reauthorize, and close charter schools

To obtain a charter, a school or operator must submit an application with a detailed plan of operation, including measurable standards for student achievement. The charter document describes the educational, administrative and financial plan that the school's board of directors agrees to follow in operating the school. Under state law¹, a charter application must meet 14 criteria including:

- Clear goals for student performance and a commitment to using satisfactory indicators to determine whether students meet or exceed such goals and the academic standards of the State.
- The academic program, including curriculum and instructional strategies, has the potential to improve student performance.
- Curriculum is aligned with Delaware Content Standards, state program requirements and state graduation requirements.
- An unbiased selection process for students that conforms to all state anti-discrimination laws.

To encourage charters to meet these high standards, the state routinely returns first time and renewal applications and requires that schools strengthen their plans. A full list of charter applicants and the results of their applications available in Appendix F(2) – 1.

In order for a public school to change into a charter school, the board of the charter school must submit proof of public support. The charter applicant must receive approval from

¹ 14 Del. C. §512

the local school board, more than 50 percent of the teachers and more than 50 percent of affected parents. These requirements are intended to ensure sufficient enrollment, public support and a successful conversion to charter management.

Unlike in many other states, multiple bodies can authorize charters in Delaware. School operators may apply to either the DDOE or the local public school board to gain a charter. By allowing multiple authorizers, the State provides increased flexibility for charter operators while maintaining high standards. In the past five years, 17 schools have applied for charters and seven have been approved.² Of the schools that were not approved, five were unable to complete sufficiently rigorous applications, two withdrew their applications after initial feedback, and three were denied for substantive reasons.

To ensure accountability, approved charter schools must submit annual progress reports and renew their applications after the fourth year of operation and every five years thereafter. The annual report: (1) informs the DDOE and the public about the school's accomplishments during the previous year; (2) specifies progress towards objectives set forth in the Charter School Performance Agreement; and (3) describes how the school has met evaluation requirements outlined in the School Improvement Evaluation Guidelines. When charter school performance problems arise, the DDOE can respond quickly because of its intimate knowledge of all of its charters and their operators. The State requires DDOE to submit an annual review of charter school effectiveness for the governor and the legislature.

The renewal process provides an opportunity for rigorous review. The renewal process was recently streamlined with a new web-based system for charter renewal. As part of the process, DDOE conducts an evaluation before the expiration of its charter. The evaluation reviews the 14 criteria for the initial charter application and holds charters accountable for being on track towards meeting goals. Measurable student performance is central to the review – charter schools are required to maintain student achievement levels that are at or above the state average in order to be renewed. High expectations combined with rigorous reviews are designed to ensure that every charter school in Delaware meets high standards of student performance.

Where results have been unsatisfactory, Delaware has closed charter schools for poor performance. In the spring of 2008, the DDOE denied the Marion T. Academy's application to

² See table in Appendix (F)(2)(ii) for specific schools and details of applications, approvals, and denials.

reauthorize its charter for failing to meet student performance goals, failing to meet objectives in its performance agreement, an unsatisfactory plan to evaluate student performance and take corrective action, and an unsatisfactory curriculum. In January 2009, the Delaware Department of Education recommended non-renewal of Moyer Academy's charter after it failed to meet student performance goals. This record shows that the state is willing to close charter schools when they are not meeting standards.

The charter movement gets support from the Delaware Charter Schools Network (DCSN), a nonprofit organization created in 2001 to serve and advocate on behalf of public charter schools and their supporters. DCSN educates the public about charter schools, provides assistance to new and existing Delaware charter schools, and serves as a unified voice for the state's charter schools at the state and national level.

(F)(2)(iii) The State's charter schools receive equitable funding compared to traditional public schools

The State's school funding formula ensures that charter schools receive equitable funding and flexibility in how they use their funds. Charters are given 100 percent division funding using the same formulas as a traditional school district, but in most cases are not held to the same spending restrictions that apply to other public schools. Like traditional school districts, charter school funding is determined based on student enrollment using the unit system, but they have greater autonomy on how they spend money. Charter schools, are not covered by collective bargaining agreements and therefore have more flexibility to set their own salaries and staffing levels. Overall, traditional LEAs have restrictions on over 70 percent of the funds they receive from the State, while charters have restrictions on only 10 percent of their state funding. This flexibility allows charter schools to be innovative and adaptive in how they manage their schools and to maximize their resources to meet the needs of their students. For a chart detailing the amount of funding the State passes through per student to charters and LEAs see Appendix (F)(2) – 2.

(F)(2)(iv) The State provides charter schools with funding for facilities and other supports

To supplement funding under the unit system, the State provides additional funding for school services. Charters are eligible for State funding dedicated to professional development hours, driver education and/or disciplinary programs. Charters receive a percentage of the transportation allocation given to the vocational district in which they are based, rather than

being funded directly through the state transportation formula. Charters can solicit competitive bids for services or provide the services internally and keep any surplus funds for operations, while traditional school districts must return any dollars not spent on transportation. In addition, the State provides Charter School Tax Relief Funds to schools that have been in operation since 2000 to be spent at each school's discretion. Finally, the State provides minor capital funding to charter schools at the same rate and based on the same formula as traditional school districts. Minor capital funding is appropriated by the State and allocated to charters and traditional school districts based on respective September 30 enrollment. Charter schools automatically receive this funding while traditional public school districts are required to provide matching funding to receive the allocation. Delaware does not currently provide major capital funding for charter schools, but does not restrict use of any state funding for such purposes. The DDOE in consultation with the Office of Management and Budget regularly publishes a list of all vacant and unused buildings and portions of buildings owned by the state or school districts that may be suitable for new or existing charter schools. School districts must make such spaces available for charter schools and must bargain in good faith over the cost of rent, services and maintenance. Charter schools are given the right of first refusal to purchase any surplus property owned by school districts.

In addition to providing state funding, Delaware ensures that charter schools receive equitable portions of local tax revenues. The DDOE calculates the local revenue per pupil that a LEA must pass on to a charter school serving students from their district. The DDOE oversees the flow of funds to ensure that charters are compensated for their students by local LEAs.

As a result, in the 2008-09 school year Delaware charter schools received 4.8 percent of the state's K-12 education funding, 5.7 percent of federal funding and 4 percent of local funding.

(F)(2)(v) The State enables LEAs to operate innovative, autonomous public schools (as defined in this notice) other than charter schools.

Delaware has many reform-minded LEAs, and the State supports these LEAs in establishing autonomous public schools. For instance, the State has three independent-mission schools, and three Vocational Technical Districts, supporting six Vocational Technical high schools. These high schools can customize graduation requirements to match the requirements of national industry-based certifications.

In addition to these autonomous public schools, the State encourages LEAs to pursue greater autonomy and flexibility in other schools. This includes control of budget, extended school day, comprehensive support for high needs students, and staff selection. The State is strengthening support for LEAs that create autonomous, independent schools through two recent initiatives: 1) funding flexibility, and 2) the Partnership Zone.

1) *Funding Flexibility*. In order to give LEAs more control over budgets, a proposal is currently being considered to allow traditional school districts to participate in an optional flexible funding management plan. Participation in this plan would provide LEAs with the ability to better coordinate resource allocation decisions with strategic planning goals and student needs. In short, the optional flexible funding management plan would allow LEAs to continue to earn their state funding based on current formula, but choose how to spend it based on LEA needs, provided their decisions (1) do not exceed the total amount of funding an LEA is eligible to receive and (2) improve academic performance over time. These changes would allow LEAs to further the needs of independent and autonomous schools by enabling them to align their budget and staffing decisions with their independent missions.

2) *Partnership Zone*. The newly created Partnership Zone (see section (E)(1) for details) creates a process to allow select persistently lowest-achieving schools to achieve greater flexibility in selecting staff, and greater operational flexibility (e.g. including new structures for the school year such as extended learning time). The negotiation process outlined by the Partnership Zone must include, at a minimum, additional flexibility and autonomy for school management along the following dimensions:

- Hiring, reassigning and transferring employees into and out of the Partnership Zone school (e.g. removing seniority limitations)
- Determining which teachers will be transferred or reassigned
- Work rules relating to the educational calendar and scheduling of instructional time and non-instructional time
- Instructional reform
- Professional development requirements and other specialized training
- Retention and employment incentives, including financial incentives for effective teachers and principals

These initiatives will provide a strong foundation for more autonomous public schools.

Conclusion: Recognition and results for innovative public schools

Delaware is a leader in the national charter school movement – providing an open environment and proven examples of success. Delaware’s charter school laws have earned national recognition for offering schools flexibility in exchange for accountability. The Center for Education Reform (CER) gave Delaware’s charter environment an ‘A’ in both 2002 and 2006, ranking the state 4th and 3rd in the nation in those years. In the most recent CER report, they classified Delaware’s charter laws among the 15 most favorable in the nation.

Delaware charter schools are nationally recognized for their success in improving student achievement. According to the CER, charter school students in grades six through eight scored as well as their peers in conventional public schools on the Delaware’s DSTP reading section, and outperformed the state average by five points in grade seven. On DSTP math, charter school sixth graders finished an average of eight points below their peers, but seventh and eighth graders finished an average of four points and six points higher, respectively.

To recognize these impressive results, the State actively commends and encourages its charter schools. In May 2009, the General Assembly passed Concurrent Resolution 13 “Commending the Efforts of Delaware Charter Schools in Educating Delaware Students.” This resolution recognized charter schools for increasing academic achievement, offering specialized instructional opportunities and increasing parent and student involvement in education. The full text can be found in Appendix (F)(2) – 3. Delaware recognizes the important and unique role of charter schools within the public education system.

(F)(2) Evidence

Evidence for (F)(2)(i)

- *A description of the State’s applicable laws, statutes, regulations, or other relevant legal documents – See narrative for (F)(2)(i)*
- *The number of charter schools allowed under State law and the percentage this represents of the total number of schools in the State – See narrative for (F)(2)(i)*
- *The number and types of charter schools currently operating in the State – See narrative for (F)(2)(i)*

Evidence for (F)(2)(ii)

- *A description of the State's approach to charter school accountability and authorization, and a description of the State's applicable laws, statutes, regulations, or other relevant legal documents – See narrative for (F)(2)(ii)*
- *For each of the last five years:*
 - *The number of charter school applications made in the State – See Appendix (F)(2) – 1*
 - *The number of charter school applications approved – See Appendix (F)(2) – 1*
 - *The number of charter school applications denied and reasons for the denials (academic, financial, low enrollment, other) – See Appendix (F)(2) – 1*
 - *The number of charter schools closed (including charter schools that were not reauthorized to operate) – See narrative for (F)(2)(ii)*

Evidence for (F)(2)(iii)

- *A description of the State's applicable statutes, regulations, or other relevant legal documents – See narrative for (F)(2)(iii)*
- *A description of the State's approach to charter school funding, the amount of funding passed through to charter schools per student, and how those amounts compare with traditional public school per-student funding allocations – See narrative for (F)(2)(ii) and Appendix (F)(2) – 2*

Evidence for (F)(2)(iv)

- *A description of the State's applicable statutes, regulations, or other relevant legal document – See narrative for (F)(2)(iv)*
- *A description of the statewide facilities supports provided to charter schools, if any – See narrative for (F)(2)(iv)*

Evidence for (F)(2)(v)

- *A description of how the State enables LEAs to operate innovative, autonomous public schools (as defined in this notice) other than charter schools – See narrative for (F)(2)(v)*

(F)(3) Demonstrating other significant reform conditions (5 points)

The extent to which the State, in addition to information provided under other State Reform Conditions Criteria, has created, through law, regulation, or policy, other conditions favorable to education reform or innovation that have increased student achievement or graduation rates, narrowed achievement gaps, or resulted in other important outcomes.

In the text box below, the State shall describe its current status in meeting the criterion. The narrative or attachments shall also include, at a minimum, the evidence listed below, and how each piece of evidence demonstrates the State's success in meeting the criterion. The narrative and attachments may also include any additional information the State believes will be helpful to peer reviewers. For attachments included in the Appendix, note in the narrative the location where the attachments can be found.

Evidence for (F)(3):

- *A description of the State's other applicable key education laws, statutes, regulations, or relevant legal documents.*

Recommended maximum response length: Two pages