

DELAWARE STATE BOARD OF EDUCATION

IN RE:)
)
NEIGHBORHOOD SCHOOL PLANS)
OF DELMAR, SEAFORD,)
APPOQUINIMINK, COLONIAL,)
CHRISTINA, RED CLAY)
CONSOLIDATED AND BRANDYWINE)
SCHOOL DISTRICTS.)

DECISION and ORDER

**Appoquinimink and Christina School Districts
Resubmitted Neighborhood School Plans**

March 20, 2003

TABLE OF CONTENTS

	<u>Page</u>
I. PROCESS USED TO REVIEW THE RESUBMITTED PLANS	3
II. FINDINGS AND CONCLUSIONS ON RESUBMITTED PLANS	4
<i>A. Appoquinimink School District</i>	4
<i>B. Christina School District</i>	12
III. CONCLUSION AND RECOMMENDATIONS	34
IV. ORDER	38

The State Board of Education (“the State Board” or “Board”) entered its first *Decision* and Order in this matter on March 28, 2002. (“*Decision I*”). The Board approved several of the Neighborhood School Plans presented to it, but denied approval of the Appoquinimink, Christina, and Red Clay Consolidated School District plans. It directed the Christina and Red Clay Consolidated Districts to resubmit plans in accordance with the *Neighborhood Schools Act of 2000* (“NSA”). The Appoquinimink School District was permitted, but not required, to resubmit a plan to the State Board. All three Districts resubmitted plans.

I. THE PROCESS USED TO REVIEW THE RESUBMITTED PLANS

The State Board used the same process to review the resubmitted plans as it used to review the original submissions (see, e.g., *Decision I*, pp. 2-3). Public evidentiary hearings were held on the resubmitted Christina and Appoquinimink plans on September 23, 2002; public comment was accepted on Appoquinimink’s plan the same day.¹ The evidentiary hearing on Red Clay’s resubmitted plan was held on September 27, 2002. The Board conducted three more hearings in October 2002 to hear public comment on Christina and Red Clay’s resubmissions. One of these hearings was held in the City of Wilmington, one in Christina, and one in Red Clay. All of the hearings were noticed and published as required by the *Administrative Procedures Act*. 29 Del.C. §

¹The State Board received the District’s resubmitted plans in late May and early June 2002. Public participation in education matters traditionally ebbs during the summer and lines of communication with parents can be compromised during the long vacation. The State Board decided to schedule the hearings after the start of the new school year to assure adequate public participation, particularly from parents.

10101 *et seq.* The State Board posted the resubmitted plans on its website and made copies publicly available at all the hearings.

The Board deliberated on the resubmitted plans on December 6, 2002. It approved Appoquinimink's "Plan B" and denied approval of Christina's resubmitted plan, for the reasons provided in this decision. The Board also concluded it needed additional information, clarification, and assurances about Red Clay's resubmission before deciding whether it meets the requirements of the NSA. The Board conducted additional proceedings with respect to Red Clay's resubmission and will enter another decision and order addressing its findings on that plan.

II. FINDINGS AND CONCLUSIONS ON RESUBMITTED PLANS

In *Decision I*, the State Board summarized the requirements of the NSA, described the burden and standard of proof to which the Districts would be held and made detailed legal and factual findings and conclusions. Here, the Board uses the same standards as in *Decision I*, and relies on the findings made in *Decision I*, even when they are not repeated in this decision.

A. Appoquinimink School District

1. *Why the District's original plan was not approved.*

Appoquinimink School District originally submitted a single neighborhood school plan to the State Board. It proposed aligning the District's schools into a K, 1-5, 6-8, and 9-12 grade configuration. In *Decision I*, the Board concluded that the plan did not meet the grade configuration requirement of Section 223(b) of the NSA because kindergarten students went to an Early Childhood Center rather than to an elementary school. The Board noted another problem: the plan assigned students to the District's two middle schools according to the elementary school they attended rather than proximity to their homes or neighborhoods.

2. *Summary of the Evidence and Public Comment.*

Unlike Christina and Red Clay, Appoquinimink was permitted, but not required, to resubmit a neighborhood school plan to the Board. It elected to resubmit a plan and filed its new plan with the State Board in early June 2002. District Superintendent Tony Marchio again testified in support of the resubmitted plan at the September 23, 2002 evidentiary hearing. No public comment was received on Appoquinimink's resubmitted plan.

3. *Findings of Fact.*

Appoquinimink's resubmission contains two proposed neighborhood school plans, "Plan A" and "Plan B." Plan B is the plan originally submitted to the State Board and rejected in *Decision I* because kindergarten was not assigned to the same buildings as the elementary grades. (Appoquinimink T-12).² Plan B is the plan preferred by the District and is the one actually currently in place in the District. It is now submitted to the Board as an alternative plan that "better accomplishes the goals" of the NSA than Plan A.

Appoquinimink's Plan A would distribute the District's kindergarten and early childhood programs from the Early Childhood Center to the District's existing and planned elementary schools (Appoquinimink T-7; see also Exhibit 3, Plan A, page 1). The Early Childhood Center would be

² Reference is to the transcript of the September 23, 2002 evidentiary hearing on Appoquinimink's resubmitted plan.

converted to administrative offices; because the Center was specifically designed and built for early childhood education, it is not suitable as an elementary school. (Appoquinimink T-7-8). The current administrative offices would be converted to another small elementary school, with about six classrooms. (Appoquinimink T-8-9). Under Plan A, when these changes are complete, and the District's newest elementary school ("Brickmill") opens in the fall of 2003, the District would have six elementary schools containing grades K-5, two middle schools with grades 6-8, and a single high school with grades 9-12. (*Id.*; Appoquinimink Exhibit 2, Plan A, attachment C.) Mr. Marchio testified that under Plan A, all of the District's students in grades K-5 would attend the elementary schools closest to their homes. (Appoquinimink T-29). The Board accepts this testimony, which is supported by maps showing the location of the District's elementary schools: schools are spread out across the District and near population centers, not clumped together. (Appoquinimink Exhibit 3, maps).

Plan A, like Plan B, assigns students to one of the District's two middle schools based on the elementary school the student attended. (Appoquinimink T-29). The middle schools are both in Middletown and are only 3/10 mile apart. (Appoquinimink T-22). The District believes the transition from elementary to middle school is easier for most students when it is made with all their elementary peers; forcing a small number of children to go to a different middle school than the friends they made in elementary school would create a substantial hardship for those students. (Appoquinimink T-21, 25-26). The District also makes exceptions to the "cohort assignments": it allows students who live within walking distance of a middle school to attend it if they want even if it is not their assigned cohort school. (Appoquinimink T-22-24). There is no evidence that any student assignment under either Plan A or Plan B is made on the basis of race or the racial

composition of the schools. (Appoquinimink T-29-30).

The District's preferred plan, Plan B, differs from the plan originally submitted to the Board in only one way. Previously, the District transported kindergarten students from their bus stops to an elementary school and then shuttled them to the Early Childhood Center. (*Decision I*, pp. 16-17). With the opening of Olive B. Loss Elementary, the District is now able to transport kindergartners directly between the Center and their bus stops, eliminating shuttles. (Appoquinimink T-13, 32-33). This change has pleased parents and the District has incorporated it into Plan B of its resubmission (Appoquinimink T-13).

4. *Analysis and Conclusions.*

Appoquinimink has resubmitted two Plans to the State Board for review and approval. It offers Plan A as its plan meeting the grade configuration requirements specified in Section 223(b) of the NSA. It offers Plan B (its original plan, and the one currently in place in the District) as an alternative Plan, not meeting the specified grade configurations, but otherwise better accomplishing the goals of the *Act*. The State Board ultimately agrees with the District's assessment and as a result, approves Plan B as the District's Neighborhood School Plan.

Plan A satisfies the NSA.

Plan A must "itself meet the requirements of § 223 before the State Board may use it as a comparative" for Plan B (*Decision I*, p. 60). Plan A would align Appoquinimink's schools into a K-5, 6-8, and 9-12 system, as required by Section 223(b). The evidence presented by the District confirms that students in grades K-5 would be assigned to the realigned schools on the basis of geographical distance from their homes. (Appoquinimink T-29, Exhibit 3, maps). The District has only one high school, so that all students in grades 9-12 are necessarily assigned to the "closest"

school. Plan A does not use race, or the racial composition of the schools, to make student assignments.

Plan A, however, does not use geographic closeness to home or natural neighborhood boundaries as the basis for assigning students in grades 6-8 to middle school. Instead, middle school assignments are based on the elementary school attended. Section 223(a) allows students to be assigned to schools on the basis of factors other than geographic distance and neighborhood boundaries if a substantial hardship exists for a student, a family, a school, or a district. Appoquinimink suggests a substantial hardship justifies it making middle school assignments by elementary cohort. A substantial hardship is a “real condition of difficulty, suffering or loss, causing more than a nominal burden to a school, a district, a student or a student’s family.” (*Decision I*, p. 12). The State Board concludes that a substantial hardship does exist in these specific circumstances, justifying the District’s limited departure from the student assignment requirements of Section 223(a).

Appoquinimink makes elementary school assignments on the basis of geographic closeness to home and natural neighborhood boundaries. The District has only two middle schools, which are centrally located and very close to each other. As a result of these factors, most Appoquinimink middle school students attend the geographically closest middle school even though that assignment is made according to elementary school attendance. The cohort assignment policy does result in a small number of students attending a middle school slightly farther from their home (3/10 of a mile). Assigning these children to attend the closer school would also separate them from their friends and established peer groups just as they make the challenging transition to middle school. This certainly

constitutes a difficulty for these students, and is a very real loss for them. It causes them and their families additional time, effort, and turmoil to adjust not only to a new school, new schedule, and new expectations, but to virtually all new classmates. This hardship is particularly unwarranted given that Appoquinimink also allows some flexibility to its cohort assignment policy for students who live near the schools.

Keeping students together through elementary and secondary school is educationally sound and provides a base on which schools and communities can be built. Appoquinimink's middle school assignment policy is consistent with that practice. It is a particularized deviation from the requirements of Section 223(a) of the NSA and is justified by the substantial hardship that strict compliance with that requirement would cause the District's middle school students and their families. Appoquinimink "Plan A" thus satisfies all parts of Section 223 of the NSA.

Plan B satisfies the student assignment requirements.

Except for kindergarten, Plan B uses the same student assignment practices and policies as Plan A. The Board has concluded those policies comply with the *Act*. Under Plan B, all kindergarten students attend the Early Childhood Center, the only (and therefore closest) grade appropriate school.³ Again, there is no indication that the District uses race as a factor in making any school assignment decision. As a result, Appoquinimink's Plan B also meets the student assignment requirements in Section 223(a) of the NSA.

³ The District hopes to open a second early childhood facility in the future. This idea is not part of the District's neighborhood school plan. However, if the second center is built, the District anticipates dividing kindergarten students between the two facilities based on geographic closeness to home and neighborhood boundaries. (T-13, 20).

Plan B better accomplishes the goals of the Act.

Plan B is an alternative plan under the NSA because kindergarten students are sent to the Early Childhood Center rather than a K-5 or K-6 elementary school. The State Board may approve Plan B only if it “would better accomplish the goals” of the NSA than Plan A. 14 *Del.C.* § 223(b). The Board has previously identified many of the goals of the *Act* and easily concludes that Plan B achieves them better than Plan A. (*See, e.g., Decision I*, pages 61-64).

The District’s geography, growth patterns and school sites have allowed it to maintain true “neighborhood schools” for almost all of its students. Plan B reflects these fortuitous circumstances: the Plan permits essentially all Appoquinimink students to attend the school closest to their home for all the grades required by the NSA, except kindergarten. In short, while Plan B does not meet the grade configuration requirements of the NSA, it still produces neighborhood schools for most children in Appoquinimink for almost all of their education.

The Early Childhood Center itself has become a source of community pride and has fostered intense parental participation, other goals of the *Act*. (*See Decision I*, page 63). Shortly after the Center opened, families worked together to raise some \$50,000 to purchase playground equipment. (Appoquinimink T-16). More than 400 parents attended this year’s open house. (*Id.*) The Center’s “host program” provides mentors for the students; over 100 community volunteers participate in the program and visit the Center each week. (Appoquinimink T-18). Parents particularly enjoy the Center’s home-like design and environment, which serves as a natural transition to a more typical elementary school structure in first grade. (*Id.*) The only complaints about the Early Childhood Center concerned the shuttle bus transportation. The District has resolved these issues by providing

direct service to the Center. (Appoquinimink T-13, 32-33). Community and parental support for the Center and for Plan B can also be generally gauged by subsequent referendum approval of two new elementary schools in the District.

The District's reasons for treating kindergarten students differently are founded in excellent educational practices. The Early Childhood Center allows the District to concentrate services during what is, for many children, the first year of formal education. Enhanced staff development and collaboration is possible because all kindergarten teachers are in the same building. The efficiency of the Center allows the District to offer pre-kindergarten and post-kindergarten summer programs for at-risk students and to provide full-day kindergarten for some children. (Appoquinimink T-18-19). These early interventions and improved staff development have already produced gains in student achievement. (Appoquinimink T-17). In short, Plan B best accomplishes another important goal of the *Act*: providing neighborhood schools that are fair and equitable to all students by helping assure that all students enter first grade with an equal opportunity to learn. (*See Decision I*, page 62- 63).

The District also urges the State Board to approve Plan B because the capital improvement costs to implement Plan A would be much larger. Specifically, the District estimates that it would cost over \$4,000,000 to implement Plan A and only \$50,800 to implement Plan B. (Appoquinimink Exhibit 3). The State Board is limited to determining whether the alternative plan would better meet the goals of the *Neighborhood Schools Act*. The Board has previously noted that the *Act* does not require new school construction. (*See Decision I* at page 4). Section 223(e) of the *Act* does recognize that districts may save money by reducing student transportation expenses. The *Act* also provides districts with limited transition funds to implement an approved neighborhood school plan, subject to

legislative appropriation and other criteria. 14 *Del.C.* § 223(d). However, nothing in the *Act* directs, or permits, the State Board to consider the cost of a proposed plan when deciding whether the plan meets the requirements of the *Act*. In short, the Board approves Appoquinimink's Plan B because it concludes Plan B better meets the *Act*'s goals than Plan A, not because it is less costly to implement.⁴

B. Christina School District

1. Why the District's original plan was not approved.

Like Appoquinimink, Christina originally submitted a single neighborhood school plan to the State Board. It would have preserved the District's current grade configurations. The original plan also realigned student attendance boundaries for the middle and high schools to account for building capacity. The Board rejected Christina's original plan because it did not contain the grade configurations specified in Section 223(b) of the NSA.

2. Summary of the Evidence and Public Comment.

The District resubmitted its neighborhood school plan to the State Board in late May 2002. Like Appoquinimink, the resubmission contains two proposed plans. The "Committee Plan" is submitted as a plan meeting the NSA's grade configuration requirements. It is the plan developed by Christina's Neighborhood Schools Committee. (*Decision I*, page 26). The District summarized the Committee Plan for the State Board during the Board's first hearings, but only as background information; the Plan was not submitted to the State Board for consideration or approval. (*Decision I*, page 29).

⁴ The Board's decision to approve Plan B was unanimous among the six voting members. Mr. Gilsdorf recused himself from all proceedings and deliberations on Appoquinimink's resubmission as he did with the original submission.

Christina also resubmitted an alternative configuration plan that it believes better meets the goals of the NSA. This “Preferred Plan” is the “Christina Plan” described in *Decision I* and is the plan Christina asked the State Board to approve during the first hearings. The Preferred Plan continues the District’s current grade configurations and student assignment policies.

Several District administrators testified about the resubmitted Plans: Superintendent Dr. Nicholas P. Fischer, Deborah Rodenhouser (Administrative Assistant to Dr. Fischer), Freeman Williams (Team Leader of Secondary Schools), and Capes Riley (Assistant Superintendent of Planning and Facility Management). The District also provided additional documents in support of its resubmission. The State Board received significant public comment about Christina’s resubmission. The comment is detailed below, but can be fairly summarized as strongly opposed to the Preferred Plan.

3. *Findings of Fact.*

In *Decision I*, the State Board acknowledged the “unique and difficult challenge Christina faces” in developing a neighborhood school plan (*Decision I*, page 30):

Christina School District is the only reorganized school district in Delaware containing two large, non-contiguous areas. The District is divided by portions of the Red Clay and Colonial Districts. Approximately 17% of its student population lives in the City of Wilmington while approximately 83% lives in Newark and its surrounding suburbs. The two areas are nearly fifteen miles apart and Interstate 95 is the main connection between them. The District’s boundaries have been in place since 1981 and are the result of Delaware’s federal desegregation litigation. Christina has twenty-five schools and nearly 20,000 students (including special schools and programs and choice enrollment).

(*Decision I*, page 26, record citations omitted). These challenges continue to confront the District in its pursuit of excellent, equitable educational opportunity for all of its students.

The Preferred Plan

Broadly described, Christina's Preferred Plan would continue the District's current grade configurations and student assignment policies. (Christina Exhibit 7, Tab 2, pages 1-2). These student assignment policies consider, but do not depend exclusively, on geographic proximity between home and school and natural neighborhood boundaries. (Christina T-82-84; Exhibit 7, pages 2-3).⁵ Christina estimates that strict geographic and neighborhood assignments would result in only two of its twenty-five schools falling between 85% and 100% building utilization. (Christina Exhibit 7, Tab 2, pages 2). Most suburban schools would be overcapacity and all City schools would be significantly under capacity. (Christina Exhibit 7, Tab 2, Attachment. B). Both situations, the District notes, cause substantial hardship to students and schools.

Overcrowded schools are subject to the health, safety and supervisory concerns already recognized as a hardship by the State Board (*See, e.g., Decision I*, Pages 14-15). The Board agrees that portable classrooms are not an adequate long-term solution to overcrowding. Because they are paid for from current operating funds, portable facilities drain money that could be used for other student services. Their use is often curtailed by local zoning restrictions and in the case of many of Christina's schools, there is simply not enough land around the schools to place as many portable classrooms as would be required to house the extra students assigned to the school. (Christina T-78-

⁵ References are to pages of the transcript of the September 23, 2002 evidentiary hearing on Christina's resubmitted plan.

81). Portable facilities tend to generate complaints from parents when used on a long term basis and serve to isolate the children who are assigned to them from the common areas of the school. Finally, when the classroom capacity of a school is increased by using portable classrooms, an increased strain is placed on the school's common areas (the cafeteria, gymnasium and library, for example); it is extremely difficult to expand these areas to accommodate the increase in the student body, compromising the educational experience of all students. (*Id.*)

Underutilized schools, on the other hand, tend to have fewer teachers and support personnel, larger class sizes, less flexible budgeting, and limited programming because staffing and budgets are based on the students assigned to the school. (Christina T-78; Exhibit 7, Tab 2, page 2). The Preferred Plan thus adjusts student assignments to maintain a more balanced building utilization across the District. Even with this adjustment, the Preferred Plan has three elementary schools and two intermediate schools at more than 100% capacity. (Christina Exhibit 7, Tab 2, A-1). The District also suggests that realigning grade configurations to either K-5 or K-6, without new school construction or expansion, would still not permit all suburban elementary students to attend suburban schools. There are simply too few suburban seats to accommodate all the suburban students no matter how the schools are aligned. (Christina Exhibit 6, "Neighborhood Schools Planning Summary Report," pages 1-4).

There is no indication that the Preferred Plan assigns any student to school on the basis of race, or considers the racial composition of the schools in making student assignments. The Preferred Plan does modify student assignment policies to create school populations that are within plus or minus 20% of the District's average socioeconomic status ratio for the grades offered at the school.

(*Decision I*, page 27). Approximately 33% of all Christina students qualify for the federal free or reduced lunch (“FRL”) program. (Christina Exhibit 7, Tab 2, page 3). If the District realigned its elementary schools to grades K-5, and assigned students to schools on the basis of geographic proximity and neighborhood boundaries, all six of the realigned City elementary schools would contain at least twice the District average of FRL students. (Christina Exhibit 7, Tab 2, Attachment B). The average FRL population at the City elementary schools under such a plan would be 82.4%. Two of the six schools would have 90% or more of their students qualifying for the program. (*Id.*) In contrast, only two of the thirteen suburban elementary schools would have more than 40% of its student population qualify for free or reduced lunch. The average FRL population in the suburban elementary schools would be 25.7%, less than one-third of the City’s average. (*Id.*)

The District rightly points out that the State Board has concluded that high poverty schools may be a substantial hardship to the students who attend them. Even under the Preferred Plan, however, five of the District’s six City intermediate schools have more than 40% of their student population qualifying for free or reduced lunch. (Christina Exhibit 7, Tab 2, A-1). While this is less than the 50% benchmark the Board has relied on to identify a school as “high poverty,” it is still a significant percentage of students living in poverty and, in fact, the United State Department of Education uses 40% to identify schools as “high poverty.” (See *Decision I*, page 49, footnote 77).

More specifically, the District’s Preferred Plan contains the following components:

- Students in grades K-4 living in Newark and its suburbs will continue to attend one of thirteen K-4 elementary schools located in the suburban areas. (Christina Exhibit 7, Tab 2, pages 1-2, A-2). Attendance boundaries for these schools were realigned in November

2000 and implemented in the 2001-2002 school year. For the most part, the attendance areas surround the schools and are contiguous. (Maps at Christina Exhibit 7, Tab 2, A-2). Some deviations have been made: Marshall and Keene Elementary Schools, for example, both have a small, non-contiguous attendance area in the southeast corner of the suburban portion of the District. (*Id.*) These non-contiguous slivers are exceptionally dense, high-poverty areas (Christina T-62-67). Assigning them to the nearest school (Leasure) would put the school over-capacity and make it high poverty. (*Id.*) Hence, they were reassigned to other schools during the District's K-4 realignment in 2000. (Christina T-67).

- Students in grades K-1 living in the City of Wilmington will continue to be assigned to Bancroft and Bayard Elementary schools, located in the City. (Christina Exhibit 7, Tab 2, pages 1-2, A-6). Assignment of City students to Bayard and Bancroft for kindergarten and first grade is made according to geography and neighborhood boundaries, with minor deviations for the capacity of the two schools. (*Id.*).
- City students in grades 2-3 will continue to be assigned to eleven of the thirteen suburban elementary schools. (Christina Exhibit 7, Tab 2, A-7). The distance between Wilmington and Newark significantly diminishes the importance of strict geographic closeness to school for these students, in that they are already attending school very far from their homes. Even so, the attendance patterns for City students in grades 2-3 can fairly be described as crazy quilt, based more on census tracts than on community boundaries. For example, students from four separate areas of Christina's portion of the City attend

- West Park Place Elementary. (*Id.*) The areas of the city assigned to Brookside are divided by Smith's main attendance area, which itself contains two islands assigned to McVey and Park Place. (*Id.*) The attendance areas contain non-contiguous portions of the city; only Jones and Keene's attendance areas are cohesive. (*Id.*) Nor do the attendance boundaries for grades 2-3 align with the K-1 assignments for Bayard and Bancroft: students who attend Bayard in first grade, for example, may go to West Park Place in second grade with students who attended Bancroft in first grade. In short, not only are second and third grade students sent significant distances from their home, they are often separated from the students with whom they attended kindergarten and first grade and assigned to new schools on what appears to be a geographically random basis.
- City students in grades 4-6 will continue to attend one of six "intermediate" schools located in the City. Attendance areas for these grades appear to be drawn primarily on the basis of geography and neighborhood boundaries, though they again rarely align with the assignments made in previous grades. (Christina Exhibit 7, Tab 2, A-8). Notably, Pulaski School actually sits outside (though very near) its assigned attendance area. (*Id.*)
 - Suburban students in grades 5-6 will continue to be assigned to the City intermediate schools. The attendance areas for these students are somewhat more regular than for the City students attending suburban schools. Still, the suburban attendance area for Bancroft is divided between the north and south sections of Newark. Bayard's attendance area is also non-contiguous. (Christina Exhibit 7, Tab 2, A-3).
 - All students in grades 7-8 will continue to attend one of three suburban middle schools.

(Christina Exhibit 7, Tab 2, page 2). These schools are clustered along the geographic mid-line of the suburban portion of the District. (Christina Exhibit 7, Tab 2, A-4). The main attendance areas for the suburban schools are drawn roughly around the schools and presumably approximate geographic student assignments. However, the suburban attendance area for Shue-Medill is non-contiguous, split by the attendance area for Kirk. The attendance areas for City students in grades 7-8 are contiguous for Gauger-Cobbs and Kirk Middle, but Shue-Medill students are drawn from three different portions of the City. (Christina Exhibit 7, Tab 2, A-9).

- The District has three high schools, spaced relatively evenly across Newark and its suburbs. (Christina Exhibit 7, Tab 2, A-5). Suburban students in grades 9-12 are currently assigned to the schools on the basis of geographic proximity and neighborhoods.⁶ The attendance areas for City high school students are disjointed and irregular. Each high school draws City students from two separate parts of Wilmington, again, creating a patchwork of attendance areas for City students in grades 9 – 12 (Christina Exhibit 7, Tab 2, A-10).

As a result of these grade configurations and student assignment policies in the Preferred Plan, Christina’s City students attend five different schools, three of them by the 4th grade. They travel to schools in the suburbs for eight of their thirteen years of education. When City students

⁶ The District is considering re-evaluating the attendance areas for the high schools and for the suburban middle school students, to “more equitably address the enrollment/capacity ratios” between the high schools. (Christina Exhibit 7, Tab 2, page 2). These revisions are not now before the State Board and as the Board has previously noted, the NSA does not address the issue of future revisions to a neighborhood school plan. (*See, e.g., Decision I*, page 25, note 49).

return to City schools in 4th grade, they are often again separated from the classmates they attended school with in either K-1 or grades 2-3. Suburban students have a more typical and consistent school experience, to the extent that they attend a single school, relatively close to their home for kindergarten through 4th grade. Even so, cohorts of suburban classmates are often separated in intermediate school, separated again in grades 7-8, and again for high school, because attendance areas are rarely aligned across grades.

The Committee Plan

The Committee Plan is the District's attempt to submit a plan meeting the grade configuration and student assignment requirements of the NSA. It is premised on substantial new school construction and renovation. (*Decision I*, page 26). According to the District, the Committee Plan assigns students to schools by geographic closeness and natural neighborhood boundaries, while accounting for a reasonable range of building utilization. When fully implemented, the Committee Plan would result in nineteen K-5 elementary schools (fifteen in Newark and its suburbs), five grade 6-8 middle schools (three in Newark and its suburbs) and three high schools with grades 9-12 (all in Newark and its suburbs). Specifically, the Committee Plan would make the following changes to the District's current grade configurations:

- All thirteen schools in Newark and its suburbs currently serving grades K-4 would be expanded to grades K-5. Two new K-5 elementary schools would be built near Bear or Glasgow (the Route 40 corridor) to accommodate high population growth in that area. (Christina Exhibit 7, Tab 1, page 5, A-2).
- Four of the City intermediate schools currently serving grades 4-6 would be expanded to

grades K-5 (Drew-Pyle, Stubbs, Pulaski and Elbert-Palmer). (*Id.*)

- The two remaining City schools, Bayard and Bancroft, would be extensively renovated to serve as grade 6-8 middle schools. (*Id.*)
- The three suburban schools currently serving grades 7-8 would be expanded to serve as grades 6-8 middle schools. (*Id.*)
- The District's three existing suburban high school would continue to serve all District students in grades 9-12. (*Id.*)

Obviously, the Committee Plan would also significantly change student assignment policies:

- All suburban K-5 elementary students would be assigned to suburban elementary schools. (Christina Exhibit 7, Tab 1, page 5). The proposed two new elementary schools would be located in high growth areas. (Maps at Christina Exhibit 7, Tab 1, C-1). Most suburban elementary students would be assigned to schools on the basis of geographic proximity and neighborhood boundaries. (*Id.*) The Committee Plan would, however, modify assignments to keep suburban elementary schools near an ideal 95% capacity. (Christina Exhibit 7, Tab 1, page 5). The average building utilization for the fifteen suburban elementary schools would be 91.8%. (*Id.* and Christina Exhibit 7, Tab 1, B-2).
- All City K-5 elementary students would be assigned to one of the four City elementary schools (Christina Exhibit 7, Tab 1, page 5). Attendance areas for these schools generally appear to account for geography and neighborhood boundaries. However, student assignments were also adjusted to maintain certain minimum levels of building utilization, resulting in some oddly configured attendance areas. For example, areas immediately

adjacent to Drew-Pyle would be assigned to attend Elbert-Palmer, which is across the Christina River and M.L. King Boulevard from these neighborhoods. (Christina Exhibit 7, Tab 1, C-2). Even after student assignments are adjusted to keep City elementary schools from being underutilized, the highest capacity use of any of the four would be only 71.8%, and the average utilization only 70.5%. (Christina Exhibit 7, Tab 1, B-2). All four schools would have significant numbers of students eligible for free or reduced lunch, ranging from 73.2% to 90.6% of the school's total enrollment. (*Id.*). In comparison, only one of the suburban elementary schools would be a high poverty school (West Park Place, with 40% of its students FRL eligible). (*Id.*).

- City middle school students (grades 6-8) would be assigned to attend either Bayard or Bancroft in the City. (Christina Exhibit 7, Tab 1, page 5). While these two attendance areas are drawn largely on the basis of geography and neighborhood boundaries, they are only partially aligned with the City's elementary attendance boundaries. Students who attended Elbert-Palmer and Drew-Pyle Elementary schools are split up and divided between Bayard and Bancroft for middle school. (Maps at Christina Exhibit 7, Tab 1, C-2 and C-4). Both Bancroft and Bayard are high poverty schools under the Committee Plan, with 62.7% and 41.5% of their student population qualifying for free or reduced lunch, respectively. (Christina Exhibit 7, Tab 1, B-2).
- Suburban middle school students would attend all five of the District's middle schools, including Bancroft and Bayard in the City. (Christina Exhibit 7, Tab 1, page 5). Generally, students living on the eastern edge of the suburbs are assigned to City schools. Shue-Medill's

attendance area, however, also contains an eastern edge of the suburban portion of the District; this edge divides Bayard's attendance area, making it non-contiguous for suburban students. (Christina Exhibit 7, Tab 1, C-3). The feeder patterns created for suburban students under the Preferred Plan is complex: while students from four of the suburban elementary schools do stay together as a cohort for middle school, the student bodies from eleven of the suburban elementary schools are divided and sent to at least two, and often three, different middle schools. (Christina Exhibit 7, Tab 1, C-1, C-3). None of the suburban middle schools is a high poverty school. (Christina Exhibit 7, Tab 1, B-2).

- Suburban students would be assigned to the high schools largely on the basis of geography and neighborhood boundaries. (Christina Exhibit 7, Tab 1, C-5). The attendance areas for City students to the high schools are more irregular. They also tend to divide the Bancroft and Bayard middle school cohorts, particularly those students who live in the northeastern portion of Christina's portion of the City. (Christina Exhibit 7, Tab 1, C-4, C-6).

The District estimates it will cost nearly \$40 million in state and local funds to build and renovate schools under the Committee Plan. (Christina Exhibit 7, Tab 1, page 6). As noted, the Plan contemplates two new suburban elementary schools. The District has applied for certificates of necessity for two schools. The State Planning Office, however, has issued a certificate for only one new school. (Christina T-12-13). The District attributes the denial of the other certificate to its total enrollment numbers: because Christina has significant excess building capacity in its City schools, it was unable to demonstrate need for a second new school in the suburbs. (Christina T-14).

There is no indication that the Committee Plan assigns any students to schools on the basis of

race, or considers the racial composition of the schools in making student assignments. The Committee Plan does recognize that it will create several high poverty schools. (Christina Exhibit 7, Tab 1, page 4). Indeed, *every* City school will be a high poverty school under the Committee Plan. (Christina Exhibit 7, Tab 1, B-2). The Plan acknowledges that this creates a substantial hardship for the District, for the schools themselves and for the students who attend them:

Extensive research is widely available demonstrating that schools with high concentrations of students from low-income families are routinely under-staffed and under-resourced. These schools need resources over and above the traditional funding streams to maintain equity with student achievement and keep pace with other schools.

(Christina Exhibit 7, Tab 1, page 7). The Committee Plan's answer to the hardship created for City students is that the State "must provide additional funding to support the unique and urgent needs of these students." (*Id.*)

Public Comment

The State Board received significant public input on Christina's resubmitted Plans. Once again, the comments were overwhelmingly critical of the Preferred Plan, the one currently in place in the District. Comments stressed the disruption caused when students change schools so often. People again noted safety concerns about long bus rides and the hardships they pose for students: long commutes make it difficult for students to participate in after-school activities and make it hard for parents to be actively involved in their children's education. Some comments questioned whether high poverty schools actually create an educational hardship, since the District as *a whole* receives the same amount of money no matter how children are assigned to schools; other people suggested

that transportation savings associated with a neighborhood school system could be used to provide more services to poor children. While the State Board recognizes the intuitive appeal of these ideas, the Board believes that the teacher retention and recruitment problems associated with high poverty schools are simply not addressed by the current funding and collective bargaining systems. (*See, e.g., Decision I* at pages 53-55, 64-65).

On the other hand, people objecting to the District's Preferred Plan did not necessarily like the Committee Plan either. Some observed that the Committee Plan was unfair to suburban middle school students who would still be assigned to City schools for grades 6-8: they believe that if any suburban children must attend City schools, all should. They also pointed out that the unfairness is exacerbated during the transition period to the Committee Plan, when some suburban students will have to attend City schools for four years (5th grade under the current system, and middle school under the Committee Plan). Some people were frustrated by the delay in the neighborhood school process, believing that the law should have been implemented more quickly. Some believed that too much emphasis is placed on treating all children the same: public schools should not be responsible for correcting all of life's unfairness, particularly if it results in the needs of high achieving students being ignored. People suggested that the District has not been creative enough in devising solutions to capacity problems (using modular classrooms and realigning one of the high schools for different grades, for example).

Overall, however, most comments received by the Board about the resubmitted Plans recognized that Christina's non-contiguous boundaries are a significant barrier to creating a fair and equitable system of neighborhood schools. Some people agreed that high poverty schools are

educationally unsound. Some recognized that the location of school buildings and population demographics in Christina make compliance with the NSA exceptionally difficult even if the District is willing to concentrate poor children in certain schools. These observations led some people to suggest that Christina's district boundaries be changed.

4. *Analysis and Conclusions.*

Like Appoquinimink and Brandywine, Christina presents two plans to the Board for review. It offers the Committee Plan as its plan meeting the grade configuration requirements specified in Section 223(b) of the NSA. It offers the Preferred Plan (its original plan, and the one currently in place in the District) as an alternative plan, not meeting the specified grade configurations, but otherwise better accomplishing the goals of the *Act*. The State Board concludes that neither Plan meets the requirements of the law and as a result, declines to approve either.

The Committee Plan Does Not Satisfy the NSA

The Christina Neighborhood Schools Committee originally considered a plan that would have realigned the District's *existing* schools into the grade configurations required by Section 223(b) of the *Act* and then assigned students to those realigned schools on the basis of geography and neighborhood boundaries. (Christina Exhibit 7, Tab 1, pages 3-4). The Committee rejected this approach because it would produce crowded suburban schools and underused City schools. The Committee recognized that adjusting student assignment policies to correct capacity problems (the system used by the Colonial School District, for example) would mean that many suburban children would attend City schools for most of their education. (*Id.*)

Rather than assign significant percentages of suburban students to City schools for substantial

lengths of time, the Committee developed a Plan that relies entirely on the construction of two new schools and the extensive renovation of two others. The District has presented this Plan to the State Board for consideration. The Committee Plan offers no contingency or “back up” plan if the new construction, or the renovation, or any part of either, fails to occur. Unless the two new schools are built, and Bancroft and Bayard renovated, Christina’s schools will *not* be realigned into the grade system required by Section 223(b) and students will *not* be assigned to closest-to-home schools as required by Section 223(a). In this sense, the Committee Plan constitutes a ‘plan’ only to the extent the District is able to complete a very aggressive, perhaps unparalleled, expansion project.

The District itself has raised serious doubts about the feasibility of the Committee Plan, noting that its funding requirements “would depend on the availability of State resources; projected to be limited, at best.” (Christina, Exhibit 7, Tab 2, page 1). The State Board shares these concerns. The Board has previously noted that “[a]t best, new school construction is a lengthy and uncertain process.” (*Decision I*, page 23). That observation has already been partially confirmed with respect to the Committee Plan. The District has obtained a certificate of necessity for only one new elementary school; its application for a second school was denied. The District has not updated the grade configuration elements of the Committee Plan to recognize that only one new elementary is likely; the District has not suggested how student assignments would be altered from the Committee Plan if only one new school is built; and the District offers few details about the likelihood of obtaining funding for renovating Bancroft and Bayard. In short, while the Committee Plan *would* create the grade configurations required by Section 223(b) *if fully implemented*, the record contains substantial evidence that the construction and renovation on which the Plan depends, is highly unlikely to occur.

It is simply not realistic for the District to rely on significant State resources to implement its neighborhood school plan.

The State Board has previously concluded that the NSA does not require new school construction. (*Decision I*, pages 23-24). Similarly, a neighborhood school plan that makes the statutorily required grade configurations entirely dependent on highly speculative new construction fails to satisfy Section 223(b). The *Act* contemplates a realignment of the District's existing schools into the designated configurations. It requires that plans assign "every student within the district to the grade-appropriate school closest to the student's residence....", not that schools be built to achieve a certain home-to-school proximity. The *Act* also requires that approved plans be implemented within eighteen months of receipt of transition costs. This further suggests that the General Assembly intended that the affected districts develop plans that could be largely implemented within the existing infrastructure. (14 *Del. C.* § 223(f)).

The State Board appreciates the time, thought and commitment the Committee devoted to developing the Plan; the District has accurately described the work as Herculean. (Christina Exhibit 7, page 10). However, the Plan's aspirations seriously jeopardize its feasibility. The Board notes that the District bears the burden of proof in these proceedings. (29 *Del.C.* § 10125(c); *see also Decision I*, page 5). The District has not demonstrated that the premise of the Committee Plan (two new and two renovated schools) has a reasonable likelihood of being realized. The Committee Plan is illusory in the sense it depends on unlikely events that the District cannot control and can only marginally influence. The NSA does not require the Board to approve such a plan.

Even assuming that new schools were built and City schools renovated, the Board finds that

the Committee Plan also fails to satisfy the student assignment requirements of Section 223(a). As several public comments emphasized, the Committee Plan would assign a significant number of suburban students to City schools for grades 6-8. The State Board has previously recognized that overcrowding is a substantial hardship that may justify deviations from strict geographic and neighborhood school assignments. (*See, e.g.*, Seaford, Colonial and Brandywine District Plans, *Decision I*, pages 15, 24 and 64). However, the previously approved deviations have been extremely particularized, small both in comparison to the number of students attending the closest school and in comparison to the increased distance between school-and-home caused by capacity reassignment.

Under the Committee Plan, roughly 1,700 of the District's 4,600 middle school students would be assigned to Bancroft and Bayard Middle Schools. (Christina Exhibit 7, Tab 1, B-1). Approximately 900 of the students assigned to Bancroft and Bayard live in the City, while 800 live in the suburbs. (Christina Exhibit 6, "Neighborhood Schools Planning Summary Report," page 9). In other words, the Committee Plan would assign more than 21% of the District's suburban middle school population to attend City schools -- schools that are some fifteen miles farther away from the students' homes than any of the suburban middle schools. There is no indication in the record that the District explored any other solution to its capacity problems (for example, approaching other districts about interdistrict school assignments, as contemplated in Section 223(a) of the *Act*). The Board has not previously approved such an expansive exception to the student assignment provisions of Section 223(a) on the basis of hardship. It declines to do so here.

Finally, the Committee Plan recognizes that it creates a substantial hardship for all City students: the schools they attend for the first nine years of their education will *all* be high poverty

schools. (Christina Exhibit 7, Tab 1, B-2). Indeed, the concentration of poverty, particularly in the City elementary schools, is alarming: it ranges from 73.2% to 90.6%. (*Id.*) The Committee Plan acknowledges that high poverty schools create educational hardships for the students who attend them, largely for the same reasons identified by the State Board in *Decision I*. Other districts presenting neighborhood school plans to the Board offered solutions to the problems of high poverty schools: some districts avoided creating such schools all together, while other districts provided funds and developed systems to support children affected by the schools. Christina's Committee Plan offers no solutions or methods for addressing the hardship it creates, particularly the lack of consistent access to highly effective teachers. Rather, having created the hardship, the District would look to State resources to cure it. These resources are not likely to be available (or at least, they are not provided for in the NSA). Even were the resources available, the District's failure to address the hardship imposed on City students by the Committee Plan raises serious questions about whether the Plan creates a system of neighborhood schools that is "fair and equitable to all affected children...." (14 *Del.C.* § 220.)

The State Board rejects the Committee Plan because of the highly speculative nature of its construction and renovation components, the subsequent lack of compliance with the grade configuration requirements of Section 223(b), and the unacceptable deviations from neighborhood school assignments for many suburban middle school students. The fact that the Plan would also force all City students to attend high poverty schools from kindergarten through 8th grade highlights a premise and goal of the *Neighborhood Schools Act*: a plan that significantly disadvantages one group of students is rarely good for the rest.

The Preferred Plan Does Not Better Accomplish the Goals of the NSA

The Preferred Plan is offered as the District's alternative Plan, one not meeting the grade configuration requirements of Section 223(b), but otherwise better accomplishing the goals of the *Act*. The State Board has rejected the Committee Plan, largely because of the highly speculative and unrealistically optimistic capital expansion project on which it rests. This raises questions about whether the Board can properly compare the Preferred Plan to the Committee Plan for purposes of deciding which one better meets the goals of the *Act*. Arguably, if a district does not submit a first plan that meets the minimum statutory requirements, the Board should not consider an alternative configuration plan at all.

This legal quandary would be more troublesome if the Board were to decide that an alternative plan *did* better accomplish the goals of the *Act* than a rejected primary plan. In Christina's case, however, the Board concludes that neither Plan satisfies the *Act*. In other words, even if the Board assumes the Committee Plan satisfies the requirements of the NSA, the Preferred Plan would still not better accomplish the goals of the *Act*. Accordingly, the Board concludes that it may fairly compare the two Plans without running afoul of its statutory mandate. This is particularly important, because the Board recognizes the immense time, effort and interest committed to the neighborhood schools process by parents, District officials and community leaders. The Board also realizes that there may be additional proceedings in these matters and that its findings and observations about the Preferred Plan may be helpful in that process. (*See, e.g., 29 Del.C. 10142(d)*).

The Board has identified several goals of the NSA. The *Act* is meant to create neighborhood schools for northern New Castle County students in a way that is fair and equitable, striking the right

balance among the competing claims and considerations of the County's children. (*Decision I*, page 61). Plans should result in children attending schools in their communities and close to their homes. (*Id.* at page 63). Transportation time for students should be reduced and schools should become a focal point and a source of pride for the community. (*Id.*) Parents should have input at the school level and schools should be readily accessible to parents, so they may more easily and often participate in their children's education. (*Id.*)

The Preferred Plan approximates neighborhood schools for many of the District's suburban students, at least for most of their education. It imposes an unconscionable burden, however, on City children. The Plan sends City students to suburban schools (fifteen-Interstate miles from their homes) for eight of their thirteen years of public education. Worse, City students attend three different schools by 4th grade. They begin kindergarten in the City, are switched to a suburban school for 2nd grade, returned to the City in 4th grade and finally come to rest in a suburban school in 7th grade. Each time the children move, they lose teachers, administrators and support staff who have come to know and care for them and who are familiar with their needs and unique learning styles. This, of course, is not to mention the emotional turmoil most young children experience from personal change. City students (and to a lesser degree, suburban students) also risk losing contact with many of their school friends and peers each time they switch schools because of the mismatched feeder patterns created under the Preferred Plan.

The discontinuity and disruption imposed on City students by the grade configurations in the Preferred Plan are unacceptable. In addition, suburban school assignments (which constitute well over half of the child's educational experience) also make it exceptionally hard for City parents to

participate in their children's education. Input by City parents into local school decisions is muted, not enhanced: the suburban schools are simply too far away, and their children attend City schools for too short a period. This last factor also hinders unity around City schools: children move through them too rapidly for the schools to become a focal point for the community.

In short, the numerous moves between City and suburban schools under Christina's Preferred Plan are an egregious violation of the concept of neighborhood schools, particularly for younger students. The District nonetheless believes the Plan better accomplishes the goals of the NSA because it avoids isolating City students in high poverty schools for much of their education, a result that necessarily flows if the District strictly complies with the requirements of the law. The State Board has already expressed its extreme concern about the effects of high poverty schools and has approved limited deviations from geographic student assignments to *eliminate* the hardship for students. Here, however, the District seeks to *trade* one hardship for another. The Preferred Plan would avoid high poverty schools, but at the price of a fragmented, disjointed and remote educational experience for Christina's poorest students. The Board has not previously approved such a compromise and will not start now.

The State Board realizes that Christina has made many attempts to fix the difficulties created by its district boundaries and recognizes that the District may not be able to cure its problems alone. The State Board's immediate duty, however, is to decide whether the Preferred Plan better accomplishes the goals of the *Neighborhood Schools Act* than the Committee Plan. The Board concludes it does not. The Preferred Plan does not come close to creating neighborhood schools for the District's City children and it imposes significant burdens on them just to assure them access to

the educational experience to which they are already entitled. The Board cannot conclude that such a plan is more “fair and equitable” to the District’s City children.

III. CONCLUSION AND RECOMMENDATIONS

The State Board approves Appoquinimink School District’s alternative configuration Plan B. Appoquinimink thus joins Delmar, Seaford, Colonial and Brandywine School Districts as districts with approved neighborhood school plans. The Board declines to approve either the Committee Plan or the Preferred Plan resubmitted by the Christina School District.

The Board’s final decision and order in these proceedings, addressing Red Clay Consolidated School District’s resubmitted plan and any other final dispositions, will be entered in due course. In the interim, the State Board takes this opportunity to offer observations on the challenges that continue to confront the Christina School District, in particular, and their relevance to other northern New Castle County districts, as well.

The Board has been particularly cognizant of the dilemma confronted by Christina in seeking to comply with the Neighborhood Schools Act. As all parties who made submissions to the Board readily acknowledged, the district’s geographic boundaries are non-contiguous. What is less frequently recognized is that the two parts of the district’s physical plant—the schools in Wilmington and those in the suburbs—are functionally interdependent. That is, there are insufficient school seats in the suburban portion of the district to accommodate all suburban students, and there are insufficient numbers of urban students to fill more than a small fraction of the seats in the urban schools. Thus, regardless of how creatively one tries to reassemble the pieces, there is no solution to the puzzle that ensures a fair and equitable education for all students, the explicit legislative goal that

the Board has consistently sought to ensure. Clearly, this problem of implementation had not been fully assessed before passage of the Neighborhood Schools Act.

Solutions to this problem appear to go well beyond those contemplated by the Act. The broadly representative, thirty-five member committee that devised Christina's Plan A (referred to as the *Committee Plan* throughout this order) provided one solution: a massive infusion of public funds to support school construction and renovation on a virtually unprecedented scale. As we note above, this development is neither probable nor provided for under the Act. Additionally, the state could earmark new funds to deal with the high-poverty school populations that would emerge in the Wilmington portion of the district. This might involve a potentially smaller outlay of funds in the short-run but have significant implications in the long-run that require broader discussions.

There are other possible solutions. For example, the geographic boundaries of the Christina School District could be altered through addition or subtraction. That is, one might expand the Christina district (already the largest in the state) with the addition of territory so that its two sections become contiguous. Alternatively, one might reassign the smaller, urban portion of the district to an existing school district or even to a newly created district. In fact, during the deliberations of the Wilmington Neighborhood Schools Committee, consideration was given to reorganizing education responsibilities within the city lines by removing the Christina and Colonial districts from the mix. Delaware Code provides a process for redrawing school district boundaries and there are precedents for doing this.

Another possible solution is anticipated within the Neighborhood Schools Act: Section 223(a) provides for inter-district agreements. Such agreements among neighboring districts might

help Christina address its problem. No such agreement was submitted to the Board and there was no evidence that any were discussed. Thus, each of the four New Castle County school districts required to submit a neighborhood schools plan did so wholly on its own, despite the fact that the four districts *share* responsibility for the education of Wilmington students and operate under a uniform special tax rate to support educational equity. As the Board learned during public hearings, many city families confront nearly insurmountable problems trying to navigate among four separate districts when they move within the city, sometimes only a short distance. Thus, students will be best served by approaching Christina's problem as part of a larger, indivisible educational responsibility than as a finite task of a single district. Moreover, with Delaware families now making extensive use of choice and charter opportunities, the districts' geographic boundaries are no longer rigid determinants of where children attend school.

The Board is well aware that significant hurdles exist to affect any of these possible solutions. Boundary changes, for example, would disrupt existing administrative arrangements and are likely to produce widespread public uncertainty, neither of which is conducive to student learning. But it is also clear to the Board how intensely many residents desire change. Many Christina residents believe that the current combination of school grade configurations and student assignment policies impose an unacceptable burden on students and families. During public hearings the Board heard most frequently from suburban parents, but the Board is no less concerned about urban students and families who experience an even greater burden than their suburban counterparts as a result of the district's assignment practices.

The Board concludes that the intent of the Neighborhood Schools Act likely can only be met

for the Christina District through a comprehensive inter-district solution. Thus, the Board urges state policy makers to consider any or all of the following:

1. appoint a special master or charge a group of state and local policy makers, district superintendents, and others to develop a concrete and binding plan for developing a comprehensive inter-district solution;
2. charge the State Board of Education with the task of redrawing school district boundaries in New Castle County as the General Assembly did in 1968 and 1981; new boundaries would eliminate or significantly ameliorate the existing obstacles to districts that are operating in good faith to comply with the letter and spirit of the Neighborhood Schools Act; or
3. consider alternative school configurations, financing, and governance structures that would allow the creation of special districts, magnet schools, or other means not available under current law that would better serve students and parents in the city and suburbs.

DELAWARE STATE BOARD OF EDUCATION

IN RE:)
)
NEIGHBORHOOD SCHOOL PLANS)
OF DELMAR, SEAFORD,)
APPOQUINIMINK, COLONIAL,)
CHRISTINA, RED CLAY)
CONSOLIDATED AND BRANDYWINE)
SCHOOL DISTRICTS.)

ORDER

For the reasons set forth in the Decision in this matter of this same date, the State Board of Education hereby:

1. Approves the alternative Neighborhood School Plan presented by the Appoquinimink School District, more specifically identified herein as “Plan B.”
2. Refuses approval of both Neighborhood School Plans presented by the Christina School District, more specifically identified herein as the “Committee Plan” and the “Preferred Plan” for not meeting the requirements of 14 *Del.C.* § 223.
3. A copy of this Decision and Order shall be sent to the Budget Director and Controller General as notification of the Neighborhood School Plan approved herein.

IT IS SO ORDERED THIS _____ day of March, 2003.

JOSEPH A. PIKA, Ph.D., *President*

JEAN W. ALLEN, *Vice-President*

ROBERT J. GILSDORF
(not participating in Section II.A.)

MARY B. GRAHAM, Esquire

VALARIE R. PEPPER

DENNIS J. SAVAGE

CLAIBOURNE D. SMITH, Ph.D.

Mailing Date: