

**DELAWARE STATE BOARD OF EDUCATION**

IN RE: )  
CHRISTINA SCHOOL DISTRICT )  
NEIGHBORHOOD SCHOOL PLAN )

**RESUBMISSION OF NEIGHBORHOOD SCHOOL PLANS**

May 24, 2002

## **STATUS OF THIS PROCEEDING**

The Christina School District (“Christina”) submitted its Neighborhood School Plan to the State Board on November 14, 2001. Following December 10, 2001, and February 11, 2002 presentations to the State Board, the State Board’s March 28, 2002 Decision declined to consider Christina’s Plan because it fails to comply with the grade configuration requirements of the Neighborhood Schools Act of 2000 (“the Act”). The State Board concluded Christina must present at least one plan containing the specified grade configurations. Under such circumstances, Christina may demonstrate a second alternative plan “better accomplishes the goals of the Act.”

This is Christina’s resubmission of the following two plans:

### **The Committee Plan**

The Committee Plan is attached as Exhibit 1, and was submitted to the State Board on December 10, 2001 as background information. The Committee Plan is offered as the Plan complying with the Act’s grade configuration requirements.

### **The Alternative Plan**

The Alternative Plan is attached as Exhibit 2, and was submitted as Christina’s Plan at the December 10, 2001 and February 11, 2002 presentations. The Alternative Plan is offered as the Plan which better accomplishes the goals of the Act.

## **SUMMARY OF CHRISTINA’S POSITION**

The premise of the Act is that a Neighborhood School Plan will be adopted delivering neighborhood schools to all, or at least most, Christina students. This is a false premise. Indeed, the Act is unworkable in the case of Christina.

Christina does not have enough schools in the right places to uniformly provide “neighborhood schools” in the suburbs, and, on the other hand, has substantial excess capacity in its City schools if such schools are limited to servicing the needs of City neighborhoods. Thus, the delivery of anything close to the implied promise of the Act requires a massive construction project unprecedented in scope in the history of Delaware school districts, involving the construction of several suburban schools, and, if grade 9-12 students residing in the City are to have a neighborhood school, the construction of a high school in the City (assuming sufficient land could be acquired in the City to construct such a school). Such a prohibitively expensive construction program would take years. At the end of the road, Christina would be left with City schools nearly half empty. More importantly, the City schools would all fall in the category of high poverty schools creating a substantial hardship for students, schools, and the District, and failing to deliver a fair and equitable plan for all affected children.

While the Committee Plan is a good faith effort to attempt to make an unworkable statute workable through the expenditure of approximately 40 million dollars (a small fraction of the cost of delivering what the Act implies will be provided), the Committee Plan creates high poverty schools. For this reason, the alternative plan better accomplishes the goal of the Act to establish and implement a plan “... that is fair and equitable to all affected children (*See* 14 Del. C. Sections 220 and 223(b)).

### **REQUIREMENTS OF THE ACT**

There are two fundamental requirements of the Act. First, every student be assigned “. . . to the grade-appropriate school closest to the student’s residence without regard to any consideration other than geographic distance and the natural boundaries of neighborhoods”.

(Section 223(a)) Second, a Neighborhood School Plan shall consist of the following grade configurations:

- (1) A lower-level school, or elementary school, consisting of either grades K-5 or grades K-6;
- (2) A middle-level school, or junior high school, consisting of either grade 6 or 7 to grade 8 or 9; or
- (3) An upper-level school, or high school, consisting of either grades 9-12 or grades 10-12.

Section 223(b)(1)-(3).

Fortunately, however, the two core requirements of the Act are not a straight jacket. To the contrary, the overriding “intent and purpose” of the Act is “to establish and implement a plan for neighborhood schools in Northern New Castle County that is fair and equitable to all affected children in New Castle County. (Section 220). To this end, the Christina Board and the State Board are provided two tools to achieve the purpose of establishing a plan that is fair and equitable to all affected children. First, the Act provides a plan:

“... may assign students to schools based on factors other than geographic distance and natural neighborhood boundaries if a substantial hardship to a school or school district, student or a student’s family exists; provided, that no student should be assigned to any school on the basis of race and school assignment shall be made without regard to the racial composition of the schools.”

Section 223(a). Second, so long as a District submits a plan complying with the statutory grade configurations, the Act states:

To the extent a district concludes that an alternative configuration would better accomplish the goals of this chapter, the district may present an alternative neighborhood school plan in addition to the plan based on the above configurations.

The Alternative Plan avoids the substantial hardships of over-crowded schools in the suburbs, and the creation of high poverty schools in the City, thereby better accomplishing the goal of a plan that is fair and equitable to all affected children. The Alternative Plan lacks the virtue of simplicity. Its intricacy, however, is necessary given “. . . the unique and difficult challenge Christina faces” (State board March 28, 2002 Decision, page 30). The challenge includes: “Its non-contiguous boundaries and the lack of building capacity in relation to student population in Newark and its suburbs those significant impediments to the development of the neighborhood school plan.” (State boards March 28, 2002 Decision). The Alternative Plan is the product of years of struggling with the development and refinement of a pupil assignment plan addressing Christina’s unique and difficult challenge to implement a plan that is fair and equitable to all affected children. Fairness and equity is the touchstone of the Act, and has served as the touchstone of the planning process generating the Alternative Plan.

## **HISTORY OF CHRISTINA’S PUPIL ASSIGNMENT PLANNING**

### **Christina’s Unique Challenge**

Christina, unlike the other three districts in Northern New Castle County, is divided in two portions<sup>1</sup>. Thus Christina has a large suburban population which is rapidly growing, particularly in the Bear-Glasgow area. This suburban population is separated from the City portion of Christina located 15 miles northeast of Christina’s suburban boundary line.

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<sup>1</sup> A small geographic area surrounding Martin Luther King Elementary School is separated from the balance of the Colonial School District by a small body of water. This situation facing Colonial fails to even approach the unique circumstances confronting Christina.

## **Capacity In Suburban And City Schools**

The geographic divide between Christina's City and suburban students is compounded by another reality. The rapid growth in the number of suburban students, primarily at the elementary level, cannot be accommodated in Christina's suburban schools. This remains true despite the recent referendum approving the construction of an elementary and a middle school. Indeed, the construction of one elementary school will not keep pace with the growth Christina is experiencing in the suburban portion of the District. For this reason, Christina sought approval of a Certificate of Necessity authorizing the construction of two elementary schools, but the State Planning Office only approved the construction of one suburban elementary school.

In any event, suburban students in grades 5 and 6 must be assigned to City schools where there is ample capacity to do so. This capacity issue is illustrated by Attachment A-1 to the Committee Plan (Exhibit1). Using a statutory grade configuration of K-5, and assigning students geographically, produces suburban elementary schools many of which are over 100% capacity ranging as high as 181%, 163.9% and 134.8%. In sharp contrast, most (i.e. 5 out of 6) City elementary schools would operate at less than 50% of capacity ranging as low as 20.5% and 21.9% with the highest capacity at 51.7%. Assignment based on geographic distance of students from schools creates the substantial hardship of gross over capacity in suburban schools, coupled with dramatic under capacity in the City. This circumstance also precludes submission of a plan which complies with the K-5, or K-6 statutory grade configuration. The suburban K-5 student population cannot be wedged into the suburban elementary schools. Consequently, implementation of the Committee Plan requires the construction of two suburban elementary schools, and the conversion

of a City elementary school to a middle school. The Committee Plan creates high poverty City schools which are dramatically under capacity.

### **Status Of Pupil Assignment Prior To Unitary Status**

The District inherited the court ordered configuration of “9-3” student assignment (i.e. 9 years in suburban schools and 3 years in City schools). Given the 9-3 constraint, as well as the capacity and geographic challenges described above, Christina operated with the City grade configurations described on page 5 of “Student Assignment Background” (presented to the State Board on February 11, 2002). The suburban grade configuration is set forth on page 6 of the Student Assignment Background.

### **Declaration Of Unitary Status In 1995**

The Unitary Status declaration created an expectation busing between the suburban and City portions of Christina would end. For the reasons previously discussed, the location, number, and capacity of schools precluded such a result. This is true even if Christina put to the side concerns about maintaining diversity, as well as concerns about avoiding creation of high poverty schools.

### **Theme School Plan**

Christina attempted to step back from mandatory pupil assignment requiring long bus rides from the suburbs to City schools by adopting a Theme School Plan. The objective of this choice program was to entice a sufficient number of suburban students to choose City Theme Schools in grades 4 through 6 to enable Christina to accommodate the remaining suburban students in suburban elementary schools. At the same time, the Christina Board adopted guidelines to maintain diversity.

The development, implementation, and failure of the Theme School Plan is discussed in pages 8 through 11 of the Student Assignment Background. The plan failed because Christina only received one-third of the Theme School applications from suburban students needed in order for the plan to work.

### **Current Status**

Following the failure of the Theme School Plan, the grade configurations currently in place (See Exhibit 2), remained constant. Generally stated, the approval of new construction in the suburbs has not been a viable option so long as space was available in City schools. The District therefore continues to spread it's student population across the available schools by continuing student assignments between City and suburban schools. Despite spreading the student population to the available space, all elementary suburban schools are close to capacity, or over capacity (See Student Assignment Background, page 14). Moreover, adding grade 6 to Christina's middle schools would tilt the middle schools to an average capacity of 140% (Student Assignment Background, page 16)<sup>2</sup>

## **SUBSTANTIAL HARDSHIP FACTORS**

### **Capacity**

Assignment of Christina students based on geographic distance creates extreme overcapacity, and under capacity (See Exhibit 1, A-1). These extremes in capacity ratios create substantial hardship to the District, the schools, students, and families of students. Such hardships

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<sup>2</sup> The recent referendum approved the construction of a suburban middle school. Eventually, this new middle school will provide additional capacity.

include overcrowding, large classes, limited elective courses, and extreme difficulties in matching staffing levels to student enrollment.

### **High Poverty Schools**

Currently 33% of Christina students qualify for free or reduced lunch. Assignment of students on the basis of geographic distance transforms every City school to a high poverty school with percentages of free and reduced lunch students ranging from 69.5% to 90.3% (Exhibit 1, A-1). The Committee Plan is almost as bad creating high poverty City elementary schools consisting of 73.2% to 90.6% free and reduced lunch students (Exhibit 1, B-2). Moreover, under the Committee Plan, the free and reduced lunch percentages in Christina range from a low of 5.3% to a high of 90.6% (Exhibit, B-2).

In sharp contrast to the Committee Plan, the Alternative Plan (i.e. current assignments) avoids the creation of any high poverty schools measured by 70 percentage points and higher, or even 50 percentage points and higher (Exhibit 2, A-1). Equally significant is that the range between the school with the lowest percentage to the school with the highest percentage is dramatically reduced to a range of 15.4% to 47.2% (Exhibit 2, A-1).

Teacher effectiveness “. . . is what matters most in improving student achievement.” (See A Report of the Wilmington Neighborhood Schools Committee, page 11).<sup>3</sup> “Teacher expertise accounts for 40% (more than any other single factor) of the variance in students’ reading and math achievement in grades one through eleven.” (A Report of the Wilmington Neighborhood Schools Committee, page 11). See also State Board March 28, 2002 decision at pages 53 and 54. The

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<sup>3</sup> This report was submitted by Christina at the December 10, 2001 presentation to the State Board.

creation of high poverty schools in the City will result in the teachers with the greatest seniority and experience exercising their contractual right to move from Christina's City schools to Christina's suburban school (Testimony of Dr. Nicholas Fischer at page 13 of the December 10, 2001 transcript; See also, March 28, 2002 decision of the State Board page 54). In short, the students in greatest need of experienced teachers, will have the least inexperienced teachers as teachers transfer and retire. High poverty schools will face the biggest challenges in recruiting and retaining qualified replacements (A Report of the Wilmington Neighborhood Schools Committee at pages 25 and 26).

Moreover, at the February 11, 2001 hearing, Dr. Fischer testified implementation of accountability will accelerate the movement of experienced, high-quality teachers from high-poverty schools. Stated simply, as teachers are held accountable for the academic achievement of students, there will be increased pressure resulting in the movement of experienced teachers to low poverty schools presenting a dramatically lower challenge of producing "good numbers" on standardized test scores.

Schools with high concentrations of students in poverty need far more resources than low poverty schools. Dr. Fischer testified the cost of educating high poverty student is, on average, roughly double the base allocation. Thus the cost of educating high poverty students escalates to approximately \$15,000 (December 10, 2001 transcript at pages 21 and 22).

## **CONCLUSION**

The Act's goals of assigning students to the schools closest to their homes, and establishing certain grade configurations, must be weighed against the Act's overriding intent and purpose of adopting a plan that is "fair and equitable" for all students. The Alternative Plan

confronts the unique challenges facing Christina, and devises a fair and equitable plan balancing the interests of all affected students.

The Committee Plan is infected by the substantial hardship generated from the creation of high poverty schools in the City. This flaw in the Committee Plan is not the product of ill will or lack of effort on the part of the Committee. To the contrary, the Committee Plan reflects a Herculean effort to work with in an unworkable statute. The fact remains, however, the unique challenges facing Christina make it impossible to devise a fair and equitable plan delivering what the Act implicitly promises (i.e. neighborhood schools for most students). The harsh truth is that absent a huge expenditure of resources on school construction, Christina does not have enough schools in the right places to deliver neighborhood schools. More importantly, the construction of suburban schools would not eliminate the hardship of high poverty schools for City students. Moreover, absent the extraordinary event of constructing a City high school for an undersized population, the hardship of attending high poverty schools would be compounded for City students because both the Alternative and Committee Plans continue to impose upon City students the burden of being transported to the suburbs for grades 9 through 12 (assuming the retrofit of a City school district to serve as a middle school for the City students).

Finally, Christina, unlike Brandywine, does not enjoy widespread support for the Alternative Plan. This is attributable to the fact that Brandywine, unlike Christina, is compact geographically with short distances separating its suburban and City schools. Brandywine's compact, densely populated geography assures reasonably limited bus travel in Brandywine. Implementation of the Zip Code Plan would only marginally reduce travel time and distances to schools (See State Board March 28, 2002 decision at page 63). On the other hand, Christina's

unique challenge presented by a 15 mile separation between its suburban and City portions, coupled with a lack of space in suburban schools and ample capacity in City schools, creates an understandable frustration flowing from the long bus rides on Interstate 95. This frustration was exacerbated by the adoption of the Act which fosters the unrealistic and unattainable expectation of neighborhood schools. The Christina Board, and now the State Board, faces the unenviable position of making difficult decisions consistent with the Act's purpose of fairness and equity for all students. Forcing Christina to create high poverty schools ". . . would work a substantial hardship to the students in those schools, for lack of access to highly effective teachers, and to the school and District, because of the difficulty of recruiting and retaining good teachers." (State Board March 28, 2002 Decision page 65). Thus, fairness and equity for all affected students dictates the approval of the Alternative Plan as the plan better accomplishing the goals of the Act.

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Dated: May 24, 2002