

Education Equity Lawsuit Settlement: Why Now?

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The Delaware Constitution of 1897 states: “The General Assembly shall provide for the establishment and maintenance of a general and efficient system of free public schools.”

In 2018 the Delaware ACLU, Delawareans for Educational Opportunity and the NAACP of Delaware filed a lawsuit claiming that the State was not providing adequate resources to ensure the learning needs of students from low-income families, English language learners, and children with disabilities. A Settlement was reached in October, 2020, to address the needs of these disadvantaged students. Governor Carney will seek support from the General Assembly to provide increased funding and other supports in the coming years to meet the needs of students from low-income families, English language learners, and children with disabilities more equitably.

Although in 2018 Delaware spent more than one billion dollars on education, it is one of only 8 states using a school funding formula from the 1940’s that many say is outdated and which provides little local flexibility: 90% of this funding treats all students alike. This funding method does not focus on specific needs of the student, resulting in poor academic outcomes for disadvantaged students and persistently low ranking of Delaware’s student achievement as compared to that of neighboring states. It provides insufficient support for specialists in reading and math skills and dual language instruction, or professionals such as school psychologists.

According to the Settlement, Governor Carney will make budgetary and legislative proposals to address the needs of disadvantaged students over a five-year timeline. Provisions for 2022 will evolve beyond creation of County Ombudspersons and Opportunity Funding of \$35 million to more than double in funding, expand to include early childhood programs, and be accompanied by stronger reporting and accounting practices by FY 2026. The Settlement will require the 151st General Assembly to act decisively in the upcoming Legislative Session ending June 30, 2021.

This is an opportunity to begin much-needed reform.

What can you do? If you want Delaware to thrive and every child to flourish:

- Become a Friend of Education
- Be an observer at School Board meetings
- Contact state legislators urging them to pass a budget that includes funding for the settlement.



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