

Enrollment Preferences Task Force Minutes: Meeting #2
Thursday, October 24, 2013
6:30 pm- Buena Vista Conference Center

Task Force members present:

- Representative Kim Williams, Delaware House of Representatives, Co-Chair
- Senator Nicole Poore, Delaware State Senate, Co-Chair
- Representative Darryl Scott, Delaware House of Representatives
- Senator David Sokola, Delaware State Senate
- Randall Hughes, Delaware State Board of Education
- Frederika Jenner, Delaware State Education Association
- Yvonne Johnson, Delaware Parent Teacher Association
- Chuck Taylor, Charter School Network
- Terri Hancharick, Governor's Advisory Council for Exceptional Citizens
- Lindsay O'Mara, Governor's Office
- Dr. Victoria Gehrt, Superintendent from New Castle County Vo-Tech
- Dr. Deborah Zych, Superintendent from Polytech
- Dr. Allen Lathbury, Superintendent from Sussex Tech
- Mark Pruitt, Magnet School Representative
- Julie Rumschlag, Magnet School Representative
- Donald Mell, Charter School Representative
- Dr. Terri Hodges, Parent Representative
- Elizabeth Lockman, Parent Representative
- Catherine Hegedus, Parent Representative

Staff present:

- Mark Brainard Jr., Delaware House of Representatives
- Debbie Stover, Delaware Department of Education
- Bill Bush, Attorney for the Delaware House of Representatives

Members Absent:

- Dr. Shawn Joseph, Superintendent from Sussex County (Albert DuPont attended)
- Secretary Mark Murphy, Delaware Department of Education (Mary Kate McLaughlin attended)
- Diane Ruth, Charter School Representative (Henry Clampitt attended)
- Susan Francis, Delaware School Board Association
- Gary Stockbridge, Delaware Business Roundtable
- Dr. Matthew Donovan, Delaware Association of School Administrators
- Dr. Mervin Daugherty, New Castle County Superintendent
- Dr. Kevin Fitzgerald, Kent County Superintendent

Public attendees:

- Michael Oboryshko, Community Member
- Kevin Carson, Community Member
- Ron Russo, Community Member
- Brian Rutter, DSC
- Kristin Dwyer, DSEA
- Bill Doolittle, Community Member
- David Stockman, Community Member
- Kathy Demarest, New Castle County Vo-Tech

- Mike Matthews, President of RCEA
 - Joanne Christian, Community Member
 - Matthew Albright, The News Journal
 - Kendall Massett, Charter School Network
 - Senator Bryan Townsend, Delaware State Senate
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Meeting was called to order at 6:40 p.m.

1. Introduction

Rep. Kim Williams, co-chair, makes a motion to approve the minutes from the first meeting. The motion is seconded and unanimously adopted by the task force. She then explained the documents in the packet handed out to each member of the task force. The first document was a copy of the previous meeting's minutes. The second document was a breakdown of demographic data from each school district featuring percentages of students who are low income, special education, ELL, Hispanic, African American, and Caucasian. . Along with these statistics, a demographic breakdown was provided of every magnet, charter, and vo-tech school within the district they reside in. The third document was a spreadsheet of each vo-tech, magnet, and charter school in the state with information regarding an online application, use of the Delaware Standard Application, as well as the deadline for submitting an application. The fourth document was a copy of the Delaware Standard Application for Educational Options. Lastly, a letter from Frank Parks of the Seaford School District was submitted as part of the public comment and was given to each member of the task force. A digital copy of all the documents can be found here: <http://legis.delaware.gov/LIS/TaskForces.nsf/113411bdd5de74d385257b3b005e343c/49b267f532b422d185257b6c0061a658?OpenDocument>

To date, Representative Williams has received 5 emails from community members in regards to the task force.

1. Paul PARETS – Email attached
2. Dr. Stephanie Smith, Director of Human Resources, with the Seaford School District – Email attached
3. Jessica Jenkot – Email attached
4. Jack Wells – Email attached
5. Frank Parks – Email attached

Representative Williams introduced Brian Rutter from Data Service Center (dataservice.org) to give a presentation on using online choice form.

2. Presentations

Brian Rutter walked the task force through how to submit the standardized choice form electronically at DSC's website (schoolchoicede.org). The website provides a list of the districts and charter schools that use an online application, the open and close dates for each school's application, as well as a capacity indicator, showing how many seats are vacant. Mr. Rutter created a user account and proceeded to fill out the application to completion. A confirmation number was given to check the status of the application in the future.

Yvonne Johnson inquired about a paper copy of the application. Mr. Rutter explained that English and Spanish copies are available and the school can either manually enter the information into the database or aide the parent or guardian in filling out an online application in real time. Senator Sokola asked if VoTech students have the ability to select specific programs. Mr. Rutter explained that VoTech schools

are not yet participating in DSC's online choice website, but Cab Calloway has a similar option available in their application process.

Representative Williams introduced Debbie Stover from the Department of Education to explain the changes made to the school choice law by the passage of House Bill 90. Ms. Stover handed out documents explaining the effects of House Bill 90. She explained that House Bill 90 standardized the application form and deadlines across public schools by requiring all public school districts, charter schools, and technical education schools to accept a standard application provided by the Department of Education. The law also sought to eliminate discrimination against choice students by allowing districts to request supplemental information only if it requires the same information from attendance zone students; limiting the supplemental criteria a district may use to evaluate choice applications—after that has taken place, districts must use a lottery system; and removing the provision that allows districts to reject applications of students with special needs. Districts would also be required to accept choice students until each school and/or program has reached 85% of its capacity. Districts would be required to hold a public information session about choice and enrollment opportunities by October 31 and report estimated capacity and projected enrollment information to the Department of Education by November 30.

***Note: Digital copies of these documents provided by Ms. Stover can be found on
<http://legis.delaware.gov/LIS/TaskForces.nsf/113411bdd5de74d385257b3b005e343c/49b267f532b422d185257b6c0061a658?OpenDocument>**

3. Open discussion

Representative Williams began the open discussion regarding admissions practices of charter, magnet, and vo-tech schools. She felt it was important to explore if the practices that are being used are legal and if so, why is the information necessary before a child is enrolled? She had reached out to the General Assembly administrative staff and asked for an attorney to provide some legal guidance through these issues and Bill Bush, counsel for the House of Representatives, was recommended. Paula Fontello, Deputy Attorney General with the Department of Justice contacted Representative Williams earlier in the week and will serve as a point of contact as well for any legal questions or FOIA compliance concerns. Ms. Fontello will not be present at any of our meetings.

Representative Williams explained that she went through charter, magnet, and vo-tech applications that were online and wrote down questions and various documents that were asked of parents and students. Often, these questions and documents must be turned in before the student is considered for enrollment or entered into the school's lottery. Most applications state that you must return all items requested or your application will not be processed.

Some of the questions that were asked of applicants:

- race of a student, specifically if the student was Hispanic/Latino.
- Student's social security number
- Photo identification
- IEP or 504 Plan
- Citizenship
- Languages that are spoken in the home
- Place of birth
- Place of parent's employment
- Any health problems
- Parents' marital status
- Has the child repeated a grade?
- Child's living arrangement: (ex. with parents, mother, father, grandmother, etc.)
- Does the child receive services? (ex. inclusion, occupational therapy, hearing support, speech therapy, counseling, etc.)

- Child's need for medication, glasses, or hearing aid
- Has a parent or guardian worked on a farm, in the fields or in a factory with fruits, vegetables or animals?
- Has the parent or guardian every worked with watermelons, potatoes, mushrooms, corn, apples, chicken, or shellfish?
- Has the family changed homes in the last three years?
- Does the child need transportation to and from school?
- Gauging student's interest in sports.
- What ways do you feel the school will serve the child?

Some of the documents requested of applicants:

- Birth certificate
- Copy of the parent or students social security card
- Medical records
- Proof of residence
- Most recent report card

Other statements found on most of the applications:

- School does not discriminate on the basis of race, creed, national origin, ethnicity, religion, sexual orientation, mental, or physical disability, special needs, English language proficiency, athletic ability, or academic achievement.
- On another application it states: Information below is given on a voluntary basis and is used for administrative purposes only. Providing or not providing this information has no impact on the selection process.

Representative Williams then asked Bill Bush to address the task force regarding the following questions:

- Is asking these types of questions or requiring certain documentation legal?
- Is it necessary given that the student has yet to be enrolled at the school?
 - If they are necessary, we need to understand why they are necessary?
- If a school is holding a blind lottery, why does the school need to know this information before the student is accepted?
- On their choice applications, school districts can only ask choice students questions that they ask their feeder students, could charters, magnets, and votechs to adopt this regulation?
- Interest is a preference and can cause certain practices to be performed or completed by means of testing, essays, interviews or auditions.
 - Del Cod 14 Chapter 5 allows an admissions preference for students who have a specific interest in the charter school's teaching methods, philosophy, or educational focus; which could have a very broad interpretation.
 - Is it necessary for schools to interview students? What is the reasoning behind it
 - One application states, all applicants will meet with the principal of the school and the manager of operations to ensure the school is a good fit for the prospective student and that the student is a good fit the school. Once this meeting takes place, the principal will make a decision on whether to accept the student. However, in this school's charter application it states a lottery will be conducted, the lottery is blind to disabilities, testing, grades, etc.
 - Another application states the proposed charter school will admit students on an open enrollment basis, without regard to past academic performance or handicapping condition. No evaluation or examination will be required as a condition of admission. Parents will complete a brief application form which consists of a Delaware Student Health Form that must be filled out by a licensed healthcare provider. This application consists of seven pages of additional information, why is it necessary before the student has been invited to attend the school?

- Is it legal to test students or to hold auditions? Why does testing occur to determine interest or aptitude? Are students auditioning to show an interest or how well they excel in this area of interest?

Mr. Bush explained that asking these questions are not prohibited by law. However, if an applicant brings a lawsuit against a school or district, it could be problematic should the school or district be forced to defend the purpose or reasoning behind these questions. Mr. Bush elaborated further that establishing a necessary purpose and use for the information needs to be taken into account when discussing legality.

Note: Public comment was allowed throughout the open discussion, with community members actively participating in the conversation.

The open discussion continued with the role of supplemental information on the application process. Various points were made by members of the task force as well as the public.

- Some of the questions asked on supplemental information could raise FERPA concerns.
- If a school is going to have a “blind lottery,” why do preferences come into play?
- What should determine a child’s eligibility to attend a school? Grades? Behavior? Attendance? Where does the line need to be drawn?
- Some schools may request information unique to their programming. A “common” supplemental application would not be a good fit.
- The use of preferences, in the example of Charter School of Wilmington, is a fair way to prioritize an excess of applications while also utilizing a random lottery system so all applicants have equal standing.
- There was an expressed concern that students in Kent and Sussex counties could suffer if the recommendations of this task force are tailored to those in New Castle County.
- Who is responsible for reviewing supplemental applications prior to their use? Is there any mechanism in place to oversee that process?

4. Next Steps

Senator Poore asked each member of the task force to submit 3-5 questions they believe should be on a theoretical, common supplemental application for charter, magnet, and vo-tech schools.

The meeting adjourned at 8:45 pm.

Next meeting: November 20, 2013 at the Buena Vista Conference Center from 6:30pm-8:30pm.

*****NOTE: The meetings for November 20th, December 12th have been cancelled. The next meeting originally scheduled for January 22nd, 2014 will now take place on January 29th, 2014 in the Cabinet Room of the John G. Townsend Building in Dover from 6:30pm-8:30pm.*****

For a mp3 recording of this meeting please visit

<https://docs.google.com/file/d/0B37tIK9MyBxaV1NDZFFhUWo3SUk/edit>