

September 11, 2014

Tina Shockley
Education Associate – Policy Advisor
Department of Education
401 Federal Street, Suite 2
Dover, DE 19901

RE: 18 DE Reg. 177 [DOE Proposed Charter School “Impact” Regulation (September 1, 2014)]

Dear Ms. Shockley:

The Governor’s Advisory Council for Exceptional Citizens (GACEC) has reviewed the Department of Education (DOE) proposal to promulgate regulations to comply with Senate Bill No. 209 signed by the Governor on June 25, 2014. As background, many legislators were concerned with the “impact” on school districts created by new charter schools and the expansion of existing charter schools. An opposing view was adopted by former Mayor James Baker in an April 30 article and an April 9 News Journal editorial which questioned why policymakers were elevating the interests of institutions over the interests of children.

The DOE proposal generally conforms to the statute; however, Council would like to share a few observations.

First, in §2.1, the definition of “impact” includes consideration of the effect of charter schools on “the education system of the state”. Council would like to note that reasonable persons may differ on whether Title 14 Del.C. §511 actually authorizes consideration of the effect of the charter school on the entire education system in the state. Section 511(b)(3) authorizes consideration of the effect “on the schools and the community from which the charter school’s new students will likely be drawn.” Perhaps a specialized charter school (e.g. military; drama/dance) could draw students from across the state and outside the local community. The Department of Education and State Board of Education may wish to consider whether the reference to “the education system of the state” conforms to the enabling statute.

Second, in §3.10.1.1.2, the regulation allows consideration of “programmatically offerings”. Council assumes that this could include non-academic offerings (e.g. clubs; vocational co-op opportunities; specialized arts). Council recommends adding a definition of “programmatically offerings” to §2.0 in order to prevent uncertainty and clarify that non-academic offerings can be considered. The definition could read as follows:

Programmatically offerings means academic, non-academic, and extracurricular components and options identified in the application.

Third, in §3.10.5, there is a plural pronoun (their) with a singular antecedent (“Board”). Consider substituting “its” for “their”.

Thank you for your consideration of our comments and recommendations. Please contact the GACEC office if you have any questions on our observations.

Sincerely,

Robert D. Overmiller
Chairperson

RDO:kpc

CC: The Honorable Mark Murphy, Secretary of Education
Dr. Teri Quinn Gray, State Board of Education
Susan Haberstroh, Department of Education
Michael Watson, Department of Education
Mary Ann Mieczkowski, Department of Education
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Enclosures