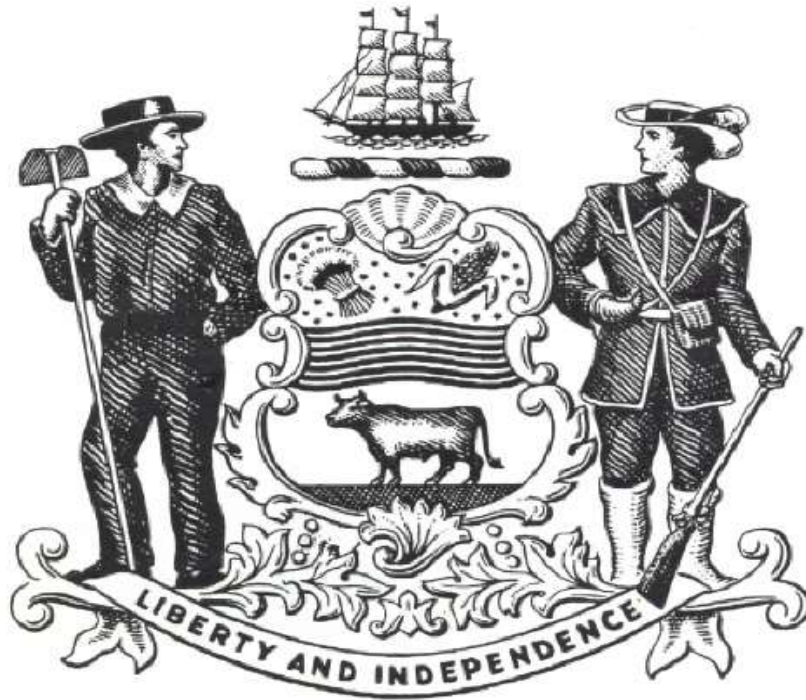

Joint Legislative Oversight & Sunset Committee 2017 Final Report



Delaware State Board of Education

*A Report to the Governor and the
149th General Assembly of the State of Delaware*

June 2017

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2017 Joint Legislative Oversight and Sunset Committee Members

Senator John J. Walsh,
Chair

Representative Stephanie T. Bolden,
Vice-Chair

Representative Andria L. Bennett

Representative Gerald L. Brady

Representative Timothy D. Dukes

Representative Jeffrey N. Spiegelman

Senator Stephanie L. Hansen

Senator Brian G. Pettyjohn

Senator Bryant L. Richardson

Senator David P. Sokola

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The Sunset Law in Delaware, Chapter 102 of Title 29, enacted in 1979, provides for the periodic legislative review of state agencies, boards, and commissions. The purpose of sunset review is to determine whether there is a public need for an agency, board, or commission and, if so, to determine whether it is effectively performing to meet that need. Agencies may be reviewed once every six years.

The Joint Legislative Oversight and Sunset Committee (“JLOSC”) is responsible for guiding the sunset review process. JLOSC is a bipartisan committee comprised of ten legislators. The Senate President Pro Tempore and the Speaker of the House of Representatives each appoint five members to serve on JLOSC.

Sunset reviews are generally conducted over a ten month period commencing in July. A comprehensive review of each agency, based on statutory criteria, is performed by the JLOSC Analyst, who subsequently prepares a preliminary report for use by JLOSC during the public hearings, which take place in February each year. Public hearings serve as a critical component of this process, as they provide an opportunity for JLOSC to best determine whether the agency is protecting the public’s health, safety, and welfare.

At the conclusion of a sunset review, JLOSC may recommend the continuance, consolidation, reorganization, transfer, or termination (sunset) of an agency, board, or commission. Although JLOSC has sunset several agencies since its first set of reviews in 1980, the more common approach has been for JLOSC to work with the entity under review to formalize specific statutory and non-statutory recommendations, with the goal of improving the entity’s overall performance and government accountability.

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2017 Final Recommendations: Delaware State Board of Education

The Joint Legislative Oversight and Sunset Committee recommends that the State Board of Education (“Board”) be held over, and report before the JLOSC in January 2018.

1. At the JLOSC public hearing, the Committee noted that the statute is not clear in stating the duties of the Board.

RECOMMENDATION: The Board shall clarify Title 14, § 104-107, and report to the JLOSC the Board’s duties, including accountability.

OUTCOME: The Board provided an updated appendix to the Committee, clarifying the Board’s duties, including accountability.

2. The Board requested amending the statute to include a process to remove a board member.

RECOMMENDATION: The Board shall draft, and submit to JLOSC amendments to Title 14, § 104-107 to include a process to remove a board member.

OUTCOME: The Committee will update legislation in January 2018 if the Board is recommended to continue.

3. As discussed in the JLOSC Public Hearing, the Committee expressed concern regarding the mandated duties of the Board and Executive Director. The Executive Director may have acquired additional duties that the Committee deems beyond the scope of the Executive Director’s job duties.

RECOMMENDATION: The Board will present to the Committee a revised Executive Director job description to better align with the Board’s duties.

OUTCOME: The Board provided the Committee with a revised Executive Director job description.

4. As discussed in the JLOSC Public Hearing, the regular Board meetings are not accessible to all public school families in Delaware since the meetings are always held in Dover, during the day and several hours long.

RECOMMENDATION: The Board shall provide amendments to the JLOSC which require the Board to hold monthly meetings at locations among the three counties on a rotating basis, locations to host agenda items that are relevant to that specific county, and staggering the locations to make the meetings suitable for parents, teachers, and other community members from all counties to attend.

5. As discussed in the JLOSC Public Hearing, the regular Board meetings are held during working hours and tend to be very lengthy, which can a hardship for public attendees.

RECOMMENDATION: The Board shall hold regular meetings at or after 5pm.

6. As discussed in the JLOSC Public Hearing, the regular Board meetings only allow public hearing at the beginning of their meeting. This would allow the public to interact with the Board per agenda item.

RECOMMENDATION: The Board shall draft and submit to JLOSC a draft bill to include allowing public comment before voting on action items; the Board shall also submit to JLOSC a list of issues that will be exceptions to the public comment provision.

7. As noted by members of the Committee and public during the Public Hearing, information should be accessible to those that cannot attend meetings or access the SBE website.

RECOMMENDATION: The Board shall make available information for Delawareans that are not able to travel to meeting locations or have internet access. These documents should be distributed to the public through public libraries, as well as information added to school calendars and newsletters.

8. As discussed in the JLOSC Public Hearing, the Board does not have a clearly defined process for their support or non-support of legislation. Consideration should be made to include each Board member opinion when commenting on any legislation. As a citizen's voice, the Board should consider support or non-support, of the public that attend or provide comment to the Board should be considered as well.

RECOMMENDATION: The Board shall create and submit to JLOSC a clear and defined process for supporting or not-supporting proposed legislation. The Board, as the citizen's voice, should include consideration of the public that attend Board meetings and provide comment to the Board. So that FOIA applies, this process shall be developed and approved in a public Board Meeting.

9. As proposed by the Board in the JLOSC questionnaire, consider additional voices to the Board process by adding the teacher of the year as a non-voting member to the Board.

RECOMMENDATION: The Board shall draft and submit JLOSC amendments to Title 14, § 104 to add two non-voting members to the Board. These members can include the Teacher of the Year, current students, representatives from the military, or disability community.

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A NOTE ABOUT THIS REPORT

The information provided in this report is taken from the Joint Legislative Oversight and Sunset Committee (“Committee”) Performance Review Questionnaire, as it was completed by the agency under review. When appropriate, the Analyst who prepared this report made minor changes to grammar and the organization of information provided in the questionnaire, but no changes were made to the substance of what the agency reported. Additional points of consideration which arose in analyzing the questionnaire and compiling this report is addressed in the section titled “Additional Comment from the Committee’s Analyst.”

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AGENCY HISTORY

The first reference to an officially titled Delaware State Board of Education (“Board”) was made in 1875, with the order for the governor to appoint a state superintendent of free schools.¹

Several reorganizations of the Board over the years led to significant changes in 1997 through the Department of Education Act of 1997. This Act made the Governor responsible for selecting the State Superintendent. The State Superintendent became a member of the Governor’s cabinet. The Department of Public Instruction was renamed the Department of Education (“Department”) and became a cabinet agency.

Through legislation passed in 2001, the Board became responsible for authorizing charter schools², and charged with the responsibility of approving all regulations of the Higher Education Commission.³ Legislation passed in 2010, which dissolved the Higher Education Commission and created the Office of Higher Education (“Higher Education”) within the Department. The legislation also designated the Secretary of Education (“Secretary”) to approve all Higher Education regulations, unless subsequent legislation specified that such regulations required the assent of the Board.

In 2009, legislation modified the Board’s membership to include an at-large member, two residents from New Castle County outside the City of Wilmington, one resident from Kent County, and one resident from Sussex County. Previously, Board membership included three New Castle County members outside of the City of Wilmington, one resident from Kent County, and one resident from Sussex County. Membership of New Castle County members was set at three with one specified from the city of Wilmington.⁴

The US Department of Education audited the State’s Perkins grant and state plan, and determined that neither the Department nor the Delaware Advisory Council for Career Technical Education (“DACCTE”) had the required governance structure or policy-making authority to be the State’s eligible Perkins agency. Legislation passed in 2013 made the Board the eligible and sole agency responsible for the supervision and administration of career technical education for purposes of the federal Carl D. Perkins Career and Technical Education Act of 2006 (Perkins IV) and any subsequent reauthorization of the Perkins law, and subjected the Board to Perkins’ requirements and implementing regulations.⁵

JUSTIFICATION/NEED FOR EXISTENCE

The State initially established the Board as a governance structure over its diverse public education system. Today, the Board is the non-politicized, citizens’ voice in education policy serving as policy makers, advocates for education and students, liaisons to other stakeholders, and a consensus builder.

JOINT LEGISLATIVE OVERSIGHT AND SUNSET COMMITTEE REVIEW HISTORY

This is the first time the Committee has reviewed the Board.

¹ Found at <http://archives.delaware.gov/collections/aghist/8005.shtml>.

² See <http://delcode.delaware.gov/sessionlaws/ga141/chp164.shtml>.

³ See <http://delcode.delaware.gov/sessionlaws/ga141/chp188.shtml>.

⁴ See <http://delcode.delaware.gov/sessionlaws/ga145/chp051.shtml>.

⁵ See <http://delcode.delaware.gov/sessionlaws/ga147/chp083.shtml>.

VISION, MISSION, GUIDING PRINCIPLES

These statements directly align with the enabling legislation and accurately reflect the Board’s mission:

Vision Statement

All Delaware students are prepared to lead full and productive lives and be successful in the 21st century global society.

Mission Statement

In collaboration with community and stakeholders, the Delaware State Board of Education serves as the primary voice for Delaware citizens on education policy to create a world class education system for every student.

Guiding Principles

1. Further our thriving democratic society with opportunities for an excellent and equitable education for all students.
2. Enrich education policymaking with the inclusion of diverse perspectives that represent the breadth and depth of Delaware's citizens.
3. Utilize research-based viewpoints to inform decisions in the best interest of all students.
4. Advocate for the development of the whole child through learning, teaching, and community engagement

GOALS & KEY PRIORITIES

The Board’s overarching goal is to use high standards and rigorous expectations for students, teachers, and leaders, and ensure that all Delaware students graduate ready for college, career, and High Expectations Citizenship.

The Board published a Strategic Plan and Key Priorities and Focus Areas for 2016-17. The Key Priorities and Focus Areas document was developed instead of a new strategic plan, due to the transition the State is currently undergoing regarding education and new systems in development. These transitions are a result of Every Student Succeeds Act (“ESSA”) and the potential changes of leadership on the Board and within the Department. The Board’s Strategic Plan was first published in the fall of 2011, before the Board implemented its online meeting software. The Board’s current strategic plan has been updated each fall to incorporate updated accomplishments and enable the Board to review the key focus areas within the plan. The 2011-2015 Strategic Plan, which was updated in September 2016, can be found in Appendix A.

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Below are the Board’s Key Priorities and Focus Areas for 2016-17.

Delaware State Board of Education – Key Priorities and Focus Areas for 2016-2017

	<h3>Standards and Assessments</h3> <ul style="list-style-type: none"> • Drive implementation of rigorous and consistent content standards aligned to College and Career Readiness with clearly communicated expectations for learning • Assessments aligned to standards, which measure student learning, growth, depth of knowledge, and readiness
	<h3>Accountability and School Supports</h3> <ul style="list-style-type: none"> • Clear and visible stakeholder engagement in the development of our state's ESSA plan • State and School Accountability systems measuring performance and growth across multiple metrics • Supports for systemic and sustainable models to build high performing schools throughout our state • High quality educational programs and opportunities available to all students • School Profiles and performance dashboards which transparently highlight successes and best practices
	<h3>Educators as Catalysts</h3> <ul style="list-style-type: none"> • Prepare educators for success as they enter our classrooms by implementing performance expectations across multiple measures for all educator preparation programs • Provide our most high need students equitable access to excellent education and ensure that they are not disproportionately served by ineffective or inexperienced educators • Align Licensure, Certification, and Professional Learning with standards in the profession • Invest in the growth and development of instructional leaders, great teachers, and specialists within our schools
	<h3>Readiness for Success</h3> <ul style="list-style-type: none"> • Increase access to high quality Early Learning for all students, focus on elevating the professional learning and licensure structures for early learning educators, and enhance funding structures to align with the necessities of increased early learning programs • Promote literacy competencies achieved by all students which leads to increased college, career, and civic readiness • Career Readiness aligned industry and business competencies including technology literacy, financial literacy, analytical reasoning, multicultural competence, and effective communications
	<h3>Delaware's Education System is built upon standards</h3> <p>A core foundation of principles integrating Content, Performance, and Educator standards across all priority and focus areas</p>

The Board reviews its progress against its strategic plan annually. It also tracks its actions against the key areas in the strategic plan by using an issue item report generated by the Board’s online meeting management software. The software creates an annual report card that shows how many times the Board had items on its agenda aligned to the four key areas in its strategic plan. The Board also routinely brings in the National Association of State Boards of Education (“NASBE”) to work with the Board on effective board governance and policy effectiveness. The NASBE generally works with the Board during Board retreats or special professional development sessions for Board training held by the NASBE.

COMPOSITION & STAFFING OF THE STATE BOARD OF EDUCATION

The Board’s governing statute requires 7 voting members. The Governor appoints and the Senate confirms each member, who must be a Delaware citizen. The Governor names the President, who serves at the Governor’s pleasure. Each remaining member is appointed to serve for 6 years, until that member’s successor qualifies. Currently, there is 1 vacancy on the Board, due to a member moving out of state after the General Assembly session ended in 2016. The Board expects Governor Carney to appoint new members.

Board members are appointed based on their character and fitness and subject to the following qualifications:

- At least 2 members of the Board must have had prior experience on a local board of education.
- No more than 4 members of the Board may belong to the same political party.
- No person is eligible for appointment who has not been for at least 5 years immediately preceding appointment.
- No person may be appointed to the Board who is in any way subject to its authority.

The Board’s President is appointed from the State at large. The remaining 6 members consists of at least 1 resident of the City of Wilmington, 2 residents from New Castle County outside the City of Wilmington, 1 from Kent County, 1 from Sussex County, and 1 member at large.

The Board’s governing statute does not address removal of a Board member. When a vacancy occurs for any cause, including resignation, the Governor fills the unexpired term until a successor qualifies for appointment.

Current Board Members

	NAME	POSITION HELD	COUNTY	OCCUPATION	APPOINTED/RE-APPOINTED /EXPIRATION
1.	Dr. Teri Quinn Gray	President	New Castle	Commercialization Manager	2009/at the pleasure of the Governor
2.	Nina Lou Bunting	Vice President	Sussex	Retired Teacher	2015/ June 2021
3.	Gregory B. Coverdale, Jr.		Wilmington, New Castle	Financial Planner	2010/ June 2016
4.	G. Patrick Heffernan		New Castle	IT Manager	2008/2015/ Jan 2021
5.	Barbara B. Rutt, J.D.		Kent	Retired Lawyer	2005/2012/ May 2018
6.	Dr. Terry M. Whittaker		New Castle	Provost	2007/2014/ April 2020
7.	Jorge Melendez (RESIGNED 9/2016)		Sussex	Career Agent	2007/2011/ March 2017

Staff:

The Board and the Department have agreements between them regarding staffing, office space, and meeting space. The Board’s annual budget includes allocation for 1 staff member, the Executive Director. The Department provides the Board’s administrative assistant.

Compensation:

Members are compensated \$100.00 for each day’s attendance at Board meetings, not to exceed 24 days’ attendance in any 1 calendar year. Members are reimbursed for their actual travel and other necessary expenses incurred in attending meetings and transacting the business of the Board.

Member Training:

All Board members are provided training on the Board’s procedures, policy manual, and responsibilities. The Deputy Attorney General (“DAG”) assigned to the Board provides members with information regarding the Freedom of Information Act (“FOIA”) and conflicts of interest. As a member of NASBE, the Board is able to send, free of charge, 2 new Board members each year to training with board members across the country. The Board also utilizes memberships with National Association of Charter School Authorizers (“NACSA”) and Education Commission of the States (“ECS”) for additional professional development. Representatives from the NASBE regularly attend retreats or work sessions to review recommendations related to effective state board governance practices and policy research.

Conflict of Interest:

To avoid conflicts of interest, Board members take an oath of office and are subject to review by the Public Integrity Commission. Members also regularly receive guidance and counsel from the DAG assigned to the Board.

Staffing:

The Board’s annual budget provides for 1 staff person, the Executive Director. Additionally, the Department assigns 1 staff person for administrative support to the Board.

The Board has hired summer interns each of the past 3 years, from the Department’s Educators as Catalysts program, the University of Delaware, and Education Pioneers. Additionally, the Board contributed to or fully funded contracts with organizations or companies to staff several studies and projects involving research and program analysis. Lastly, the Board contracted with an independent contractor to assist with press releases and publications, due to time and staff limitations.

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DUTIES, RESPONSIBILITIES & AUTHORITY

Title 14 of the Delaware Code provides for the Board’s duties, responsibilities, and authority, and includes the following:

- (1) Provide the Secretary with advice and guidance on the development of education policy where rule- and regulation-making authority is entrusted jointly to the Secretary and the Board. Provide guidance on new initiatives which the Secretary may propose. The Secretary is to consult with the Board regularly to ensure that policy development benefits from the breadth of viewpoint and the stability which a citizens' board can offer, and that rules and regulations presented to the Board for its approval are developed with the Board’s input. The Board may also recommend certain initiatives for the Secretary to undertake to improve public education in Delaware.
- (2) Provide the Secretary with advice and guidance on the Department's annual operating budget and capital budget requests.
- (3) Provide the Secretary with guidance in the preparation of the annual report specified in § 124 of Title 14, including recommendations for additional legislation and for changes to existing legislation.
- (4) Provide the Secretary with guidance concerning the implementation of the student achievement and statewide assessment program specified in § 122(b)(4) of Title 14.
- (5) Decide, without expense to the parties concerned, certain types of controversies and disputes involving the administration of the public school system.
- (6) Fix and establish the boundaries of school districts which may be doubtful or in dispute, or change district boundaries.
- (7) Decide on all controversies involving rules and regulations of local boards of education.
- (8) Subpoena witnesses and documents, administer and examine persons under oath, and appoint hearing officers to conduct investigations and hearings related to paragraphs (5), (6), and (7) above.
- (9) Review the Secretary’s decisions, upon application for review, where specific provisions of this title provide for such review. The Board may reverse the decision of the Secretary only if it decides, after consulting with legal counsel to the Department, that the Secretary's decision was contrary to a specific state or federal law or regulation, was not supported by substantial evidence, or was arbitrary and capricious.
- (10) Approve Department rules and regulations that the Title 14 has specified the Board to approve, before such regulations are implemented.
- (11) Approve rules and regulations governing institutions of postsecondary education that offer courses, programs of courses, or degrees within the State or by correspondence to residents of the State.
- (12) Decide appeals of decisions by the board of directors of a charter school to suspend or expel a student for disciplinary reasons.

(13) Digitally record all regular monthly public board meetings and make the recordings available to the public on the Department’s website within 7 business days of each meeting.

(14) Serve as the State Board for Vocational-Technical Education (Career and Technical Education). Serve as the "eligible agency" and sole agency responsible for the supervision of administration of career and technical education for purposes of the federal Carl D. Perkins Career and Technical Education Act of 2006 (Perkins IV).

Since 2005, the Board President has co-chaired the P-20 Council. Board staff also attends meetings and provides support to the Council. The P-20 Council is responsible for coordinating educational efforts of publicly-funded programs, from early care through higher education, and fostering partnership among groups concerned with public education.

ENACTED LEGISLATION IMPACTING THE BOARD

Federal Laws Impacting the Board

Reauthorization of the Perkins Act is the pending federal legislation that would most directly impact the Board’s responsibilities. As Delaware’s eligible agency for Perkins funding, the Board is working with the federal delegation to ensure that reauthorization of the Perkins Act will continue to fund vocational education at a fair and equitable level for Delaware students.

Until the Perkins Act is reauthorized, the Board operates under the existing Perkins Act. The Board may be required to take on additional responsibilities, depending on the changes made when the Perkins Act is reauthorized.

The Board continues to monitor finalized regulations from the United States Department of Education (“USDE”) regarding the Elementary and Secondary Education Act, as reauthorized in Every Student Succeeds Act (“ESSA”), Individuals with Disabilities Education Act (“IDEA”), Higher Education Act, and recent regulations pertaining to higher education institutions and educator preparation programming.

PENDING LEGISLATION

When the Board submitted its JLOSC questionnaire, no legislation in Delaware was pending. The Board regularly discusses bills that impact the responsibilities of the Board, including an overview of the entire legislative session during its July meeting.

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EXECUTIVE ORDERS IMPACTING THE BOARD

There have been several executive orders which impact the Board due to the requirement of a representative to serve on a task force or commission. There are also several executive orders which impact the responsibilities and actions of the Board.

EO 62: Creating the Delaware Every Student Succeeds Act Advisory Committee to Guide Executive Branch Leaders in the Development of the Delaware State Essa Plan, 08/30/16.

EO 61: Establishing a Delaware Pathways Steering Committee. 08/11/16.

EO 57: Establishment of the Delaware Open Data Council to Promote a More Open, Accountable and Effective Government. 01/27/16.

EO 46: Establishes the City of Wilmington Education Advisory Group, comprised of at least 15 members appointed by the Governor in consultation with elected representatives from the city, 09/25/14.

EO 45: Creating the youth re-entry education task force to examine educational opportunities offered to juveniles involved in the juvenile justice system and returning to the community, 05/09/14.

EO 42: Creating the Delaware Background Check Task Force to Conduct a Comprehensive Examination of Delaware's Criminal Background Check and Child Protection Registry Check Requirements Relating to Individuals Working with Children and Youth, 01/13/14.

EO 36: Review and Reform of State Agency Regulations, 06/14/12.

EO 31: Improving Access to Public Records Through Uniform Procedures for Freedom of Information Act Requests, 10/20/11.

EO 15: Fostering Science, Technology, Engineering and Mathematics ("STEM") Education in Our Schools and Creating a STEM Council to Lead Those Efforts, 02/18/10.

EO 47: Requiring the Board President to serve as co-chair of the P-20 Council, 2005.

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ADMINISTRATIVE PROCEDURES ACT COMPLIANCE

The Board does not promulgate rules or regulations, but does provide final approval or assent to regulations promulgated by the Department, the Delaware Interscholastic Athletic Association (“DIAA”), and the Professional Standards Board (“PSB”). The Board reviews and considers on a monthly basis regulation changes. The list of all regulatory action taken within the last 3 years is included in Appendix E. In total there are 104 regulations under the Board’s authority for final approval or assent.⁶

The Board’s process for approving regulations is as follows:

Department Regulations:

- Proposed regulations are submitted to the Registrar of Regulations for public comment and to the Board as discussion items for the Board while public comment is accepted.
- The Department reviews the public comment and determines whether to make changes to the proposed regulations based on the comments.
- The Department presents the regulations to the Board for approval. The Board must either approve or not approve the regulations. When substantive changes are made, the changed regulations go back for public comment and, afterward, the Department decides whether to bring them forward for final action.
- During the discussion month on the Board agenda, the Board discusses proposed amendments to the regulation and asks questions or provides feedback to the Department.
- Once public comment is closed, the Board is provided with all public comment and discusses with the Department about its decision to either incorporate or not incorporate the comments.
- Four affirmative votes are required for the Board to take action on a regulation, or the proposed changes to the regulation do not pass.
- The Department can bring back regulation that did not pass for amendments, but follows the same process of publication, discussion, and approval from the Board.

PSB Regulations

- The PSB brings recommendations for revisions to regulations to their subcommittee, then to the full PSB, which votes whether to request the Board’s approval to publish the regulation.
- If the Board approves the regulations for publication, the PSB submits the proposed regulations to the Registrar of Regulation for publication. The PSB and the Board both receive public comment for 30 days.
- While the proposed regulations are out for public comment, the Board and the PSB place the regulations on their agendas as discussion items. When comment is closed, the PSB reviews comments, makes any changes they deem appropriate, and vote to send the regulation forward for the Board’s final approval. The regulations go back out for 30 days of public comment if substantive changes are made.
- Four affirmative votes are required for the Board to take action on a regulation, or the proposed changes to the regulations do not pass.
- The PSB can bring back regulations that did not pass for amendments, but follows the same process of publication, discussion, and approval from the Board.

⁶ See <http://regulations.delaware.gov/AdminCode/title14/>.

Updates to the Board’s APA manual are needed to address outdated language, clarifications to the appeals section, technology changes, and staff responsibilities. The Board’s DAG and Executive Director typically work together to update the manual.

The Board approves regulations related to educator licensure and certification, and assessments used in the licensure process. The Board does not, however, convey licenses or certifications, nor does it administer the assessments.

FREEDOM OF INFORMATION ACT COMPLIANCE

The Department handles all of the Board’s FOIA complaints. The Department’s FOIA coordinator, and the Board work together to comply with any FOIA requests. The Department has received 2 FOIA complaints regarding the Board. In the first complaint, there was a finding of no violation of FOIA. In the second complaint, the Board was found to have inadequately supplied a venue large enough for overflow attendees to participate in open meetings. As a result of this ruling, the Board has an overflow room with full viewing access to the meetings.

The Board’s executive sessions are posted on the agenda. Topics discussed in executive session include student disciplinary appeals, personnel issues, or pending litigation. Minutes are taken for executive session and maintained. No action is taken in executive session and minutes are taken in regular session when the Board takes action based on discussion from an executive session.

Agendas are posted publicly. Minutes and audio recordings are posted on the Board’s website within 5 days of being approved.⁷

Complaints Process

The Board does not hear or receive official complaints. It does hear appeals to actions of the local or charter board or the DIAA Board. The Board has heard 19 appeals over the past three years. The Board pays for the hearing officer and any associated fees dealing with such appeals from State budget allocation. Those hearings are held in accordance with the appeal process. This process is fully outlined in the Board’s Procedures Manual and posted on the home page of the Board’s website.

The Board office and Board members do receive complaints from individuals regarding school operations, department procedures, or district actions. The process for handling these complaints is to gather information from the caller or email and provide the person with the appropriate entity to address their complaint as well as information that will assist them in their request. The Board also notifies the school, district, or department area, of the complaint received, with a request that they reach out to the individual directly.

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⁷ The Board’s website is at <http://www.destateboarded.k12.de.us>.

FISCAL INFORMATION

External factors that have impacted the Board over the past 3 years include opportunities to apply for and receive grants from NASBE to increase the number of professional development workshops, stakeholder outreach, and research enacted by the Board. In the past 3 years, the Board has received \$48,000 in grant funds. The NASBE also provided professional development grants to grant team members. Overall, the NASBE provides multiple resources and access to professional development for Board members, staff, and grant team members.

Actual Revenue:

Fiscal Year	Source(s) of Funds	Amount
FY17 (budgeted)	General Fund	\$223,100.00
	Outside Funds: NASBE Grant	\$15,000.00
FY16 (actual)	General Fund	\$223,100.00
	Outside Funds: NASBE Grant	\$15,000.00
FY15 (actual)	General Fund	\$223,100.00
	Outside Funds: NASBE Grant(2)	\$18,000.00

Actual Expenditures:

Fiscal Year	Source(s)	Amount
FY17 (budgeted)	General Fund	\$223,100.00
FY16 (actual) \$223,100.00	General Fund	\$199,181.91
FY15 (actual) \$223,100.00	General Fund	\$200,122.82

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FY16 Budgeted Expenses:

Line Item Appropriation 05191	Amount of Expenditures
Assoc. Dues and Conference Fees	38,564.00
Books and Publications	431.38
Computer Services	2750.00
Computer Supplies	27.73
Fleet Rental	140.70
Food	2919.13
Food Service	239.61
Lodging out of State	1379.10
Meals out of State	77.30
Meals w/in State	18.90
Mileage/car out of State	146.80
Office Supplies	2105.03
Other Professional Service	13550.00
Other Rental	302.52
Other Travel out of State	269.00
Other Travel w/in State	40.50
Temporary Emp. Services	5675.00
Training	208.50
From PHRST (set asides)	
Salary (1 Education Associate)	90472.72
OEC	27523.72
HI	6428.88
Board Member Stipends	16800.00
Member Stipend OEC	1565.76
	TOTAL \$214,343.38

AUDITS

The State Auditor’s Office conducted an inspection of the Department’s travel expenses, which included the Board’s travel expenses, since the Board’s funding is within the Education section of the state budget. The inspection found no evidence to support any allegations of mishandled funds or inappropriate travel.

In 2010/2011, the National Association of Charter School Authorizers (“NACSA”) conducted an audit of the State’s authorizing practices and made several recommendations for improvements. The audit was one of the catalysts that drove the change in the authorizing policy, including the development of the Charter Performance Framework, revisions to the application and renewal process, and the annual performance review reports. The NACSA representative noted that the Board had already identified 90% of the issues regarding charter authorizing practices at its recent retreat session, and commended the Board for their proactive approach. The NACSA’s review and findings were presented to the Board and the Department at the Board’s March 2011 work session.

COORDINATION WITH OTHER AGENCIES

The Board works most directly with the Department and the PSB on a daily basis. The Board's staff contacts the Department and PSB address a variety of issues before the Board, policy matters regarding Board action, and the areas outlined in the Board's strategic plan and key priorities.

In addition to the P-20 Council, the Board also coordinates with several other agencies and groups. The Board serves on the Delaware School Boards Association Board of Directors, with 2 Board members regularly attending meetings. The Board communicates regularly with DSEA, the Governor's Office, Congressional delegation, superintendents, school administrators, and charter school leaders and boards to discuss policy issues.

The Board hosts informational workshops for stakeholders throughout the year. The Board publicly promotes these sessions to Delaware parents, legislators, and school board members. Grant funds have increased the number and frequency of professional development sessions, to bridge communication gaps. Since 2013, the Board has hosted 15 workshops and professional development sessions with over 1000 participants.

The Board works directly with members of the General Assembly regarding legislation. The Board routinely provides information, testimony, or comment on bills related to Board policy issues or responsibilities, or aligned with the Board's strategic plan and key priorities.

ACCOMPLISHMENTS

- Transition of Delaware's school governance structure to a local school board model, with oversight for statewide policy shared between the Secretary and the Board.
- One of the Board's biggest accomplishments has been the increase in professional development workshops it offers and the resulting unification of a variety of stakeholders. Until recent years, there were sporadic, separate information meetings. With the Board's efforts, the local boards, charters, and other stakeholders have come together to share ideas freely with one another. These workshops have increased discussion related to education issues, helped find common ground to build many of the successes we have realized, and understand challenges that the Board may face in the future.
- Some large accomplishments over the past several years include improvements to Delaware's graduation requirements, and transition to new content standards.
- Development of a multiple measures performance framework for charter schools that enabled a more holistic review of their performance once they are authorized and operating.
- The Board approved the development of the shift away from Adequate Yearly Progress ("AYP") and toward a multiple measures system for all school accountability, after successfully implementing the charter framework.
- In the Board's strategic plan and monthly meeting standing agenda, the Board includes a section titled, "Educators as Catalysts." The Board uses this platform to advocate and take

action on policies improving educator quality, to ensure that every student has access to a quality educator regardless of their zip code. The Board has adopted assessments for prospective educators to demonstrate content readiness and performance readiness to enter the classroom and begin teaching our students. The Board regularly features educators or programs supporting and further developing educators to highlight the catalyzing force they have in the State's schools. This brought attention and further highlighted many of these initiatives and individuals that do not regularly get the headlines and front page stories.

- One of the statutory responsibilities of the Board is to hear requests for school district boundary changes. The Board has heard several of these in its history. Requests include moving from county to district schools, or moving single neighborhoods and partial land parcels from one district to another due to construction. The Board also heard a redistricting request regarding Wilmington Schools and the Red Clay and Christina School District boundaries. The Board will continue to thoroughly review the issue, keeping in mind the overarching question of what impact these changes would have on students and improvements to student learning.

The Board is proud of the accomplishments they have had while considering some of these challenging requests. The Board argues that one of its consistent and strongest attributes is that its members have always been dedicated to the Board's mission, vision, and guiding principles. They utilize this opportunity to be the voice for citizens in education policy. The Board asserts that they have a firm belief and grounding principle to always consider the impact all programs will have on students and student learning. They are most proud of being a student-centered decision-maker.

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CHALLENGES

- The Board could face significant transition in the coming year, with the transition from the Markell to Carney administrations. The President of the Board serves at the pleasure of the Governor, one seat is vacant, and another seat is up for re-appointment. This is more transition at one time than the Board has faced in 10 years.
- The Department may be undergoing significant turnover and transition with the new administration. Because the Board works so closely with the Department, such changes could impact the Board.
- ESSA may result in many changes in state education policy. This work is underway, but will continue into the next school year. The Board needs an informed and dedicated group of policy leaders to oversee and manage these changes.
- Government budgets are getting tighter and impact the demands of preparing our students to be successful and ready for college and career. Policy challenges will continue to mount as the Board looks to determine what programs may need to be revised or how to continue to support the programs that are most impactful.
- Teacher preparation and teacher pipeline is an area of concern throughout the United States. The Board has an obligation to make sure the most prepared and ready teachers are in classrooms for our students. The Board needs to look at how the State attracts and retains teachers and how to improve educator preparation programs. This involves new and innovative approaches to educator preparation and teacher compensation, including the career ladder of growth opportunities.
- The Board has applied for outside grants in recent years, but has no guarantee that they will continue to be available. The Board will continue to look for ways to continue the outreach and programs that we been able to fund through grants.
- Wilmington Education Improvement Commission (“WEIC”) is an issue that the Board has addressed regarding a request to change boundary lines. The Board will continue to monitor and work with WEIC leadership to help finalize a solution that will be in the best interest of students and ultimately improve student learning.⁸
- The State Board Literacy Campaign is an area for opportunity in the State. The Board has the ability through multiple and coordinated approaches to address the challenge of grade level reading by 3rd grade.

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⁸ WEIC was created to move forward on the work that the Wilmington Education Advisory Committee (“WEAC”) began, to strengthen educational opportunities for Wilmington students. The Board approved the WEIC Redistricting plan on February 18, 2016.

OPPORTUNITIES FOR IMPROVEMENT

- The Board would benefit from revisions to their procedures manual.
- The Board would like to have the previous Teacher of the Year as a non-voting member. Other state boards include such a member. The Board believes that the voice of a current educator would add necessary insight.
- The Board would like to further explore the use of technology to stream meeting audio to the public throughout the state. The Board is cognizant of potential costs associated with technology changes and would like to explore ways to increase transparency of government without increasing costs.
- The Board would like to further explore opportunities for increasing capacity and opportunities for outreach and partnership and collaboration with stakeholders.
- The Board would like to consider adding a staff member due to increased work.

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ADDITIONAL COMMENT FROM THE COMMITTEE’S ANALYST

As the Board noted, the National Association of Charter School Authorizers (NACSA) completed an audit of the State’s authorizing practices and made recommendations for improvements. NACSA ranked Delaware 21/33 with recommendations to:

- Consider a default closure policy to make closure the expected outcome for failing charter schools. This creates a differentiated renewal mechanism that can streamline the renewal process while enforcing a high level of charter school accountability.
- As the state conducts its first round of reviews under the new application process, review the process and outcome of the new impact analysis and consider if any modifications are needed. A quality impact analysis process should reflect input from parents and contribute to a high-quality charter sector.
- Review charter school enrollment policies to ensure that state law prevents charter schools from establishing undue barriers to enrollment.

Several members of the public provided comments through letters and during the Committee’s public hearing of the Board. Public comments included support and criticism of the Board.

Support for the Board included:

- Advocacy efforts.
- The Board’s support of fair teacher salaries.
- Implementation of rigorous state standards.
- Efforts to gather stakeholder and public involvement in ESSA.
- Open and effective meetings.

Criticism of the Board included:

- Lack of collaboration and stakeholder representation.
- Lack of elected members to support a citizen’s voice.
- Insufficient opportunity for public comment during regular monthly meetings.
- Time of meeting is not at a time that most members of the public and interested teachers.
- Public comment opportunity should be expanded to provide ample opportunity for the public to comment on each item on the Board’s agenda.

During the Committee’s meetings, it was noted that the Department of Education had not provided feedback regarding the Board. A letter was forwarded to the Department requesting feedback. The Department responded that “collaboration between the State Board and the Department are frequent and fruitful.”

The Committee requested additional details regarding budgeted expenses and travel costs. The Board provided a detailed list of expenses as well as a detail of committee meetings and conferences with costs to SBE.

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