



Funding Opportunities for Delaware's Vulnerable Student Populations

Opportunity Funding as a Path Toward Equity in Education

"The knowledge and skills to educate all children already exist. There are no pedagogical barriers to teaching and learning when willing people are prepared and made available to children." - Asa G. Hilliard

Overview

In 2018, Delaware Governor John Carney introduced opportunity funding as a three-year pilot program. Opportunity funds are an additional source of funding for Delaware public school students who are low-income and who are English Learners (ELs). Over the course of the three-year pilot program, opportunity funds intended to provide \$60 million additional dollars for EL students and students who are low-income, as well as \$15 million in mental health and reading support. Prior to the announcement of this funding, a lawsuit was filed against the state of Delaware for not providing all students with an adequate education—specifically students who are low-income, ELs, and who have disabilities. As a result of the lawsuit settlement agreement in 2020, Senate Bill 56 (SB 56) was introduced to make the opportunity funds permanent so the funds can continue to support vulnerable student populations for the long-term.¹

Problem

In 2018, the Delawareans for Educational Opportunity (DEO) and the NAACP of Delaware sued the state of Delaware declaring, "Delaware fails to provide all low-income children, children with disabilities, and children whose first language is not English...with a meaningful opportunity to obtain an adequate education, one that will enable them to participate as active citizens in a democracy, to be employed in a modern economy, and to enjoy the benefits of our country's social and cultural life."²

¹ <https://legis.delaware.gov/BillDetail?LegislationId=48348>

² https://www.aclu-de.org/sites/default/files/field_documents/deo_v_carney_complaint_final.pdf

In 2020, the DEO and the NAACP of Delaware reached an agreement in the education equity lawsuit against the State of Delaware. The agreement laid out specific requirements for the use of opportunity funds; the agreement stated:

- “\$25 million in Opportunity Funding, which was instituted on a temporary basis after the lawsuit was underway, used to enhance services and provide additional resources to English learners and low-income students, will become permanent and more than double to \$60 million by the 2024-2025 school year. After that, the \$60 million will increase proportionally with student growth.”³
- Opportunity Funding resources will be allocated specifically to the schools serving English language learners and low-income students, in proportion to the number of those students at each school. \$5 million of these funds will be reserved for mental health and reading support in schools with the highest concentrations of low income and English learner students.”⁴

Policy Solutions

- **Support Senate Bill 56:** SB 56 codifies the opportunity fund and establishes parameters for how the funding will be distributed to school districts and charter schools. The settlement agreement was a huge step towards education equity for Delaware students, but the judicial branch can only do so much. The legislature needs to secure the opportunity funds and ensure students who are low-income, ELs, and living with disabilities are prioritized and supported.

Potential Challenges

- It is unlikely there will be challenges to passing SB 56, because; if the state of Delaware does not meet the terms of the settlement agreement, they will end up back in court for violating the agreement.

Additional Resources

- Delaware Education Funding Lawsuit Settlement Minimum State Actions Needed for Compliance⁵
- From 1973-2017, Delaware was one of the few states where no equity or adequacy litigations were filed in the state courts. Review some of the other school funding litigation cases⁶
- Implementing the opportunity funds could be a step towards Delaware shifting to a weighted funding system. In a weighted funding model, also called a foundation formula, districts receive a base amount of funding per student with additional money or weights added to meet the needs of high-need student populations. Learn more about different funding models⁷ and see how Delaware compares.⁸

³ <https://www.aclu-de.org/en/cases/aclu-de-challenges-states-allocation-resources-schools>

⁴ <https://www.aclu-de.org/en/cases/aclu-de-challenges-states-allocation-resources-schools>

⁵ <https://cpb-us-w2.wpmucdn.com/sites.udel.edu/dist/7/3504/files/2021/03/education-settlement-timeline-020921.pdf>

⁶ <https://edlawcenter.org/news/archives/school-funding-national/school-funding-litigation-from-coast-to-coast.html>

⁷ <https://www.ecs.org/50-state-comparison-k-12-funding/>

⁸ <https://internal-search.ecs.org/comparisons/k-12-funding-01>