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ACLU of Delaware Announces Lawsuit Challenging the State's Allocation of Resources to Schools

DOVER, DE — Today the American Civil Liberties Union of Delaware announced a lawsuit asserting that Delaware's education system is not providing a meaningful opportunity to obtain an adequate education to all students. The suit, filed in the Court of Chancery, is brought on behalf of Delawareans for Educational Opportunity and the Delaware NAACP.

"Every child deserves a chance to succeed," said Kathleen MacRae, the executive director of the ACLU of Delaware. "All students have a right to an education that prepares them adequately for college and the world of work," she continued.

According to the lawsuit, the state is failing students from low income families, students with disabilities and students who are English language learners. Test scores for these disadvantaged students are far below state standards set by the Delaware Department of Education. The scores demonstrate, by the state's own measures, the failure to adequately educate these students.

State testing data shows that 64 percent of low income students, 85 percent of English language learners and 86 percent of students with disabilities did not meet the state standards in grades three through eight for English language arts. 74 percent of low income students, 81 percent of English learners and 89 percent of students with disabilities were below the state's math standards in those grades. The results for high school students are even worse.

The suit claims that the problem of low achievement for the groups of disadvantaged students it identifies have been long recognized and are detailed in state-commissioned task force reports issued in 2001, 2008 and 2015. These reports

lay out educational standards and interventions necessary to support achievement, including: smaller class size; expanded school time; highly qualified, specially trained teachers; a focus on early literacy; partnerships with health, family welfare and specialized education service providers; current technology; and effective family engagement. Yet, many schools in Delaware are not provided with enough resources to follow these recommendations and recent spending cuts have made them even further out of reach.

“Despite the best efforts of teachers, families, and school staff, the current education system fails too many Delaware children. The state often provides more support to children who are well off than it provides to children living in poverty. The state must meet its constitutional obligation to adequately educate all students,” said ACLU-DE legal director Ryan Tack-Hooper.

There are also fewer resources available to schools because property values have not been reassessed for more than 30 years. The result is that the underlying school tax base has remained flat for decades while the cost of running schools has risen substantially due to inflation and increased enrollment.

Delawareans for Educational Opportunity is an association of concerned parents and community leaders that includes parents of low-income students, students with disabilities and English language learners. Delaware NAACP is dedicated to ensuring that all students have an equal opportunity to obtain a high quality public school education.

Plaintiffs are represented by Ryan Tack-Hooper and Karen Lantz of the ACLU of Delaware, and Richard Morse and Brian Eng of the Community Legal Aid Society, Inc.

The complaint and other information is available at www.ACLU-DE.org and www.DECLASI.org.

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