

**JEA P. STREET  
COUNCILMAN, TENTH DISTRICT**



**COUNCIL**

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August 10, 2017

Honorable Michael S. Purzycki, Mayor  
City of Wilmington  
and

All Honorable Members of Wilmington City Council  
800 N. French Street  
Wilmington, De 19801

Dear Mayor Purzycki and Members of Wilmington City Council,

I have attached for your information and consideration information that I have assembled regarding the education of children in the City of Wilmington. The charts include test scores, discipline and special education information. I extrapolated the data from the Delaware Department of Education (DOE) School Profiles. At the writing of this letter, the most current discipline and test score information is from the 2015-2016 school year. Although the discipline and test scores are a year old, I have good cause to believe that the 2016-2017 data will be comparable to the 2015-2016 school year. You will find that the percentage of children attending regular schools in the City of Wilmington and meeting State standards in reading, math, science and social studies is devastatingly low in most schools (Copy of extrapolated test scores are attached here as **attachment 1**). It appears on the surface that the staff at Lewis Elementary is doing a better job of teaching children in two languages than other schools are doing teaching one language. The percentage of children not meeting the standards in the City Schools in Christina begs the question of why the schools are allowed to remain open. Consistent with my February 2, 2017 letter to Governor Carney (copy attached here as **attachment 2**), Bayard Middle School is the worst performing middle school in the entire State.

In regard to discipline you will find that **49% of all reported suspensions in the State** were children attending school in the **four re-segregated school districts** in Northern New Castle County. Further, **56% of all out of school suspensions and 31% of all expulsions** in the State were **from the re-segregated school districts in Northern New Castle County** (copy of discipline data attached here as **attachment 3**).

Special Education information (copy attached here as **attachment 4**) shows that **41% (8,419) of all special education students** in the State attend school **in the four re-segregated school districts in Northern New Castle County.**

I find it necessary and appropriate to point out that on December 14, 2012, the Office for Civil Rights (OCR) determined that the Christina School District had discriminated in discipline, district wide at all levels (copy attached here as **attachment 5**). Worse, the discrimination was most egregious at elementary schools within the City of Wilmington (page 17). As a result, nobody was held responsible and nobody was held accountable. At the time, Wilmington City Council members were the only public officials that addressed the problem by holding a public hearing. In my view, the determination is still relevant based upon the current level of discipline and the dismal performance of students. In addition, I have good cause to believe that if the other three **re-segregated districts** serving City of Wilmington children are subjected to the same scrutiny, they will have comparable discriminatory results.

On July 6, 2000, in the matter of Parent Information Center of New Jersey vs. Delaware Board on the Unauthorized Practice of Law (copy attached here as **attachment 6**), the Delaware Supreme Court upheld the Board's determination that prohibited lay advocates from representing parents and students in Special Education Hearings. To date, lay advocates have not been denied participation in special education meetings. However, representation in special Education Hearings in the State of Delaware is limited to lawyers.

In my view, what is set forth in the preceding makes it abundantly clear that the educational plight of children in the City of Wilmington cries out for relief. I respectfully suggest that this relief will not be forthcoming without the support of advocates and lawyers to provide individual services to children and parents as needed and at the same time advocate for and where necessary litigate to systemically change educational practices and policies.

#### **Prior Educational Advocacy for Children in the City of Wilmington**

In 1974, I was hired as Executive Director of the Parent Educational Resource Center (PERC) to help assist parents and students in the City of Wilmington make a smooth transition into Court Ordered School Desegregation. The Center was organized and governed by the Wilmington Home School Community Council. It was originally funded with Community Block Grant money provided by New Castle County. Its original purpose was to provide services to parents and students in response to the order that was expected to come about as a result of the Evans vs. Buchanan litigation (subsequently Coalition to Save our Children vs. State Board et al) that was pending in Federal Court. Voluntary desegregation began in 1976. As a result of suspensions and proposed expulsions, PERC hired additional lay advocates to represent students and parents in hearings.

In 1978 when the Court order was implemented, PERC had a total of seven advocates that included one lawyer. In addition, Federal funding established the Special Student Concerns Advocacy Project which had at least four advocates. There were also two Human Relation Specialists in each secondary school.

From 1969 when the matter of Evans vs. Buchanan was reopened until the January 9, 1978 Federal Court Order was implemented, the City of Wilmington paid outside counsel that included the late Louis R. Lucas, Esquire, the late William L. Taylor, Esquire and Paul R. Diamond, Esquire. Local counsel, including the late Louis L. Redding, Esquire, the late Irving Morris, Esquire and the late Judge Leonard L. Williams filed a fee petition after winning the litigation. The State agreed to a settlement of \$1,000,000. As a result of the fee that the State had to pay local counsel, the City has been punished financially every since. After paying the settlement, the Delaware General Assembly took a percentage of the City wage tax claiming that it was appropriate since the City no longer operated a school district. In my view, it is punishment forever consistent with the State's segregation forever actions.

On the eve of the demise of Community Action of Greater Wilmington, all the advocates at PERC sought and obtained other jobs. After that, PERC did not exist and the Special Student Concerns Advocacy Project was only funded for two years.

In 1980, the State Board of Education asked the Court to allow the one large District in Northern New Castle County to be divided into the current four Districts. A group of volunteers and community leaders in conjunction with the NAACP formed the "Coalition to Save Our Schools"; subsequently it became the "Coalition to Save Our Children". The organization was formed for the sole purpose of representing the plaintiff class in the litigation. The Coalition opposed the four District plan in Court but did not prevail. From 1981 to 1996 when the Court Order was officially lifted, Coalition members volunteered their time to represent individual students in special education and expulsion hearings. This was done with the advice and where needed assistance of Counsel that represented the Coalition in the litigation. When the Court order was lifted in 1996, the Coalition did not have standing with any Court and did not continue to operate.

During the 102<sup>nd</sup> session of Wilmington City Council (1997-2001), City Councilman Samuel L. Guy, Esquire requested and obtained funding to provide a student advocate to represent City students in expulsion cases. After the 102<sup>nd</sup> session of City Council, funding for the student advocate did not continue.

In 2007 in the matter of City of Wilmington vs. Christina School District, the City of Wilmington hired outside Counsel and sued Christina to prevent the District from closing several City schools. The City and Parents prevailed in that matter. In the absence of legal representation provided by the City, the schools would have been closed.

In 2014 under the direction of former Mayor Dennis P. Williams, the City of Wilmington intervened in the matter of The New Moyer Academy vs. State of Delaware. The City hired outside counsel to represent parents in an effort to keep the school open. Regrettably, the City did not prevail in this matter and the school was closed.

For at least the last eight years the ACLU of Delaware has been very helpful. In 2014, the ACLU filed a Federal Complaint against the Delaware Department of Education and the Red Clay Consolidated School

District alleging re-segregation in Charter Schools. In addition, they have represented several students and parents in complicated or unique circumstances involving discrimination or illegal decisions. This support is ongoing and very much appreciated. However, it must be understood that the ACLU has a limited number of lawyers that assume other major legal responsibilities involving justice and civil rights.

From 1981 until present, I have served as a **volunteer student advocate** in my capacity as Executive Director of Hilltop Lutheran Neighborhood Center. For a short period of time in the 1980's (approximately two years), New Castle County provided funding to Hilltop for one advocate to serve parents and students in the former DeLaWarr School District. In recent years, I have limited that advocacy to expulsion and discrimination cases and matters that only require written or verbal communication with school officials. In matters involving Hilltop students, I proudly serve them as their Executive Director. In matters involving other students, I have used my vacation time to serve as their advocate. From 2013 until present, I have referred most of the calls that I receive for assistance to Education Voices that has been funded by Wilmington City Council. Most recently this year, I referred one complicated special education case to the Student Disabilities Advocate (SDA).

It is important that I let you know that last year; the State Board of Education contemplated promulgating rules of procedure that would prohibit lay advocates from representing students in suspension and expulsion hearings. In my view, it's a clear indication of the effectiveness of the advocates. Please keep in mind that it was lawyers that complained to the Supreme Court Disciplinary Counsel about the advocates from the Parent Information Center practicing law without a license. In my view, with meritorious foundation, it was because they were effective and prevailed on a regular basis. As punishment for prevailing in a matter involving the graduation of a pregnant student in the Capital School District, the exact same thing was attempted with me.

Representation is an ongoing matter of fundamental fairness. The harsh fact of the matter is there has not been a scintilla of a public outcry about the tax payer money that school districts spend on lawyers to help expel our children, defend discrimination and discriminatory practices, justify the placement of our children in special education or to defend IEP's that are non-compliant. The billing rate for at least one of the lawyers was \$400 an hour over twenty years ago. I know for a fact that lawyers were paid in a futile attempt to defend Christina when that district was investigated by OCR. Lawyers were also paid to defend the Federal complaint that I filed as County Councilman against the Colonial School District in 2008. From 1993 to 1996 several law firms were paid millions of dollars of tax payer money to have the Districts declared unitary. During this period of time, there was contentious public debate about former

Mayor James H. Sills Jr. spending \$100,000 to hire the late Louis R. Lucas to represent the City in the litigation and to help negotiate a settlement. In that regard, the money that the City has spent on advocates and lawyers is comparatively minute.

Since at least 1974 when I entered the education arena, the City of Wilmington has played a major role in providing lawyers and advocates to protect the educational destiny of its children. It is my fervent hope that the City will continue to provide funding for educational advocacy and support and consider

providing additional funding for both lay advocates and lawyers. I respectfully represent to you that the attached information cries out for relief that only the City can and will provide. In my view, the City's failure to provide continued and enhanced educational advocacy and support will be an extraordinary abdication of its responsibility to City children. The harsh fact of the matter is that the Mayor and City Council are in charge of the allocation of City resources. In that regard, you should never let the public press make decisions regarding City children for you.

I thank you for your consideration.

Sincerely,



Jeff P. Street, Councilman 10<sup>th</sup> District  
New Castle County Council

Pc: Honorable John Carney, Governor  
Dr. Susan S. Bunting, Secretary of Education  
Kathleen MacRae, Executive Director, Delaware ACLU  
Richard H. Morse, Esquire, Legal Director, Delaware ACLU

## ORDER OF ATTACHMENTS

1. February 2, 2017 letter to Governor John Carney from New Castle County Councilman Jea P. Street
2. Extrapolated Test Score information from the Delaware Department of Education School Profiles, extrapolated by Jea P. Street
3. Extrapolated Discipline information from the Delaware Department of Education School Profiles, extrapolated by Jea P. Street.
4. Extrapolated Special Education Information from the Delaware Department of Education School Profiles, extrapolated by Jea P. Street.
5. December 14, 2012 letter to Dr. Freeman Williams, former Superintendent of the Christina School District from Ms. Wendella P. Fox, Director, Philadelphia Office United States Department of Education, Office for Civil Rights
6. July 6, 2000 Delaware Supreme Court decision in the matter of Parent Information Center of New Jersey vs. Delaware Board on the Unauthorized Practice of Law

# ATTACHMENT 1

**JEA P. STREET  
COUNCILMAN, TENTH DISTRICT**



**COUNCIL**

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February 2, 2017

Honorable John Carney, Governor  
820 N. French Street  
Wilmington, De 19801

**Re: Bayard Middle School**

Dear Governor Carney,

I am writing to you as a follow up to the letter I sent to the President of the Christina School District Board of Education on February 1, 2017. I am specifically requesting that you and the State Board of Education utilize all of your power and all of the authority and power of the Delaware Department of Education to address the critical problems in the Christina School District in general and Bayard Middle school in particular. In addition, I am asking that you call upon the Delaware General Assembly to assist you with this most important matter.

My immediate concern is that Bayard middle school is not safe for children. I maintain this view for the reasons set forth in the February 1, 2017 letter. In addition, Bayard is the smallest of all the Christina School District's middle schools but has the highest number and rate of suspensions. The enrollment at Bayard has declined from the 416 students last year to 319 students this year. However, the district's own data shows that the number of suspensions at the school this year to date (August thru December) has increased (730 this year as compared to 628 last year) during the same period of time. The contrast of suspensions at Bayard and the District's other middle schools is shameful.



School	Enrollment	Total Suspensions (August-September thru December 2016-2017)
Bayard	319	730 *
Gauger	996	361 *
Kirk	680	107 *
Shue	853	109 *

\*Sources – School Profiles for enrollment, Christina School District Disciplinary Dash Board for total suspensions in and out of school.

In my view, the disciplinary data speaks for itself and cries out for relief. It appears on the surface that Bayard school is out of control and I am frankly afraid that the State's failure to intervene could result in another tragedy in one of our public schools that no one wants to see again.

The school profiles make it crystal clear that the children at Bayard School are definitely not learning. The School Profiles for Bayard show:

1. **Reading:** Only **5.1%** of 6<sup>th</sup> graders, **6.3%** of 7<sup>th</sup> graders and **13.7%** of 8<sup>th</sup> graders meet state standards \*\*
2. **Math:** Only **3.5%** of 6<sup>th</sup> graders, **2.1%** of 7<sup>th</sup> graders and **4.9** of 8<sup>th</sup> graders meet state standards\*\*
3. **Science:** Only **3.4%** of 8<sup>th</sup> graders meet state standards \*\*
4. **Social Studies:** Only **8.7%** of 7<sup>th</sup> graders meet state standards \*\*

My perusal of the school profiles this morning makes it crystal clear that **Bayard Middle School is the worst performing middle school in the entire State of Delaware.** This situation is unconscionable and warrants emergency action and relief by you, the State Board of Education and DOE.

**\*\*Source School Profiles DOE, regrettably, the profiles reveal that there is not a single grade level at any of the Districts middle schools where at least 50% of the students meet the state standard in any subject.**

On December 14, 2012, the US Department's Office of Education Office of Civil Rights Division (OCR) found that the Christina School District had discriminated in discipline district wide at all levels. In response, nobody was ever held accountable or responsible. In my view, as a result of the resolution that was agreed upon by the District and OCR, children in several Christina District schools have not been appropriately disciplined for the last four years. Teachers and students have complained and have been told that children could not be suspended because of "the law suit". I adamantly disagree with this view and know full well that the resolution does not prohibit schools from taking appropriate disciplinary action. This is especially significant when the infraction rises to the level of assault and robbery that require medical treatment at a hospital. In that regard, the State cannot stand idly by and allow this unsafe ineffective so called education to continue.

This is now an issue of fundamental fairness. In the 2014-2015 school year, the Delaware Department of Education (DOE) and the Delaware State Board of Education closed both Moyer and Reach Academy primarily because of low test scores. The fact is that neither of the two schools had test scores as low as those at Bayard last year. Further, to my knowledge, there were no incidents at either of the closed schools that resulted in children having to receive medical treatment at a hospital. The State Board was told at the time that the test scores at some regular public schools were lower than those of the closed schools and was challenged to do something about the failing public schools. To date, no action has been taken other than the proposal for the so called priority schools that was abandoned to move forward with the Wilmington Education Improvement Commissions (WEIC) Plan.

After extensive study and debate, the WEIC plan was approved by the four school districts in northern New Castle County, the State Board of Education and the Delaware House of Representatives. That plan specifically took children in the City of Wilmington out of the Christina School District that is in part non contiguous to the City of Wilmington. This plan was sabotaged by the Delaware Senate and left City children in Christina's failing schools that have discriminated against them in discipline, district wide at all levels. This broken promise leaves absolutely no hope for relief and fairness and children in the City of Wilmington are suffering irreparable harm accordingly.

The harsh fact of the matter is that the four districts in northern New Castle County were created by the Delaware General Assembly and it is now past time for the General Assembly to fix what is obviously broken.