

INSIDE: Charter Schools • Short-changing Our Disabled Students • A Vision for the Future

# Delaware Lawyer

A PUBLICATION OF THE  
DELAWARE BAR FOUNDATION



VOLUME 28 ♦ NUMBER 1  
\$3.00 ♦ SPRING 2010

## PUBLIC EDUCATION IN DELAWARE:

### High Hopes, Big Challenges

Nonprofit Organization  
U.S. Postage  
PAID  
Wilmington, Delaware  
PERMIT NO. 697





# Dr. Patricia Curtin, Medical Director, announces the appointment of Dr. Donald Riesenber as the Associate Medical Director of Stonegates Retirement Community!

Our Assisted Living and  
Skilled Nursing facility  
offers an array of therapies  
and programs.



**R<sub>x</sub>**

**STONEGATES**  
Retirement Community

*Aerobics*

*Art*

*Current Events*

*Massage*

*Music*

*Occupational Therapy*

*Pet Therapy*

*Physical Therapy*

*Podiatry*

*Speech Therapy*

*Weekly Outings*

*and even a Spa!*

Adding to our long list of health  
benefits we have two of the  
finest geriatricians on this planet!

**STONEGATES**  
Retirement Community

To arrange a tour, please call 302•658•6200  
4031 Kennett Pike • Greenville, DE  
[www.stonegates.com](http://www.stonegates.com)

## ...When experience and reputation count



As a leading corporate trust provider we offer a comprehensive suite of corporate trust products to include products tailored for Delaware entities.

### We offer diverse products and services for Delaware entities:

- Delaware Statutory Trusts
- Asset backed transactions
- Leveraged lease transactions
- Trust preferred securities
- Student loan securitization
- Life insurance premium finance
- Liquidating trust trustee
- Collateral agent
- Custodian
- Escrow agent
- Investment advisory services
- Issuing and paying agent

### How can we help you?

**Michael Orendorf**

302-575-2000 - office

302-575-2006 - fax

michael.orendorf@wellsfargo.com

**Together we'll go far**





# Delaware Lawyer

CONTENTS



SPRING 2010

**EDITORS' NOTE 4**

**CONTRIBUTORS 7**

**FEATURES 8 CHOICE, CHARTER SCHOOLS  
AND EDUCATION REFORM**

William E. Manning

**16 A HIGH NOTE AND  
WINNING FORMULA FOR  
PUBLIC EDUCATION**

Sally McBride, Cheryl Potocki  
and Julie A. Rumschlag

**18 THE BEST PUBLIC EDUCATION  
IN AMERICA — FOR WHOM?**

Matthew Denn

*Lieutenant Governor of Delaware*

**22 VISION 2015: THE LEGACY  
OUR FUTURE DEMANDS**

Marvin N. "Skip" Schoenhals



Photo by Carlos Alejandro



Photo by Kathy Atkinson

COVER: Student at Cab Calloway  
School of The Arts. Photo by Carlos Alejandro





# Doubletree Hotel Downtown Wilmington - Legal District

Featuring the Wilmington Legal Center with over 3,000 sq. ft. including an executive board room and seven paralegal workstations. The hotel is centrally located in the heart of the Legal District within walking distance to:

- New Castle County Courthouse - 500 North King Street
- U.S. Federal Court - 844 North King Street
- Supreme Court of Delaware - 820 North French Street
- U.S. Bankruptcy Court - 824 Market Street

A Member of the Hilton Family of Hotels



  
**Hilton HHonors®**



**DOUBLETREE®  
HOTEL**

WILMINGTON DOWNTOWN

700 N. King Street, Wilmington, DE 19801

Reservations: 1-800-222-TREE Hotel Direct: 302-655-0400  
[www.wilmingtonlegalcenter.com](http://www.wilmingtonlegalcenter.com)

©2009 Hilton Hotels Corporation



## EDITORS' NOTE

David C. McBride, Gregory A. Inskip, Teresa A. Cheek

Delaware's public schools are in a state of ferment, responding both to heightened expectations and to the need for fiscal restraint. The articles in this issue are by several educators and other community leaders who have played active roles in creating what works and fixing what does not.

Bill Manning draws on long hours and years of service to provide a trenchant look at our imperfect progress from a legal and educational system that was content to provide an equally bad education to every student toward an ideal that insists upon and rewards excellence in teachers and students alike.

School choice and charter schools are legal innovations that bore fruit in two institutions sharing the campus of the former Wilmington High School: Cab Calloway School of the Arts and The Charter School of Wilmington. The happy experience of students at those schools is related by the dean of Cab Calloway, Julie Rumschlag; a board member, Sally McBride; and a teacher at Wilmington Charter, Cheryl Potocki.

Lieutenant Governor Matt Denn describes another present reality that is less satisfactory: the substantive standards

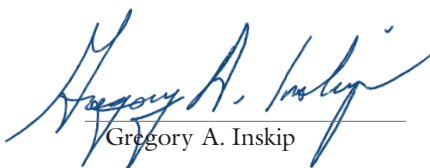
relating to educating children with disabilities and the procedural standards for appeal of such decisions. He asks for lawyers' help in designing a system in which disabled children will receive educational attention tailored to their individual abilities and needs.

Individualized attention to the progress of every student is one of several interlocking principles of the comprehensive plan for reform of Delaware's educational system, Vision 2015. The development of that plan and its core principles are described in the final essay by its chairman, Skip Schoenhals. Empowered principals and commensurate institutional accountability are at the heart of the plan. Mr. Schoenhals, like Mr. Manning, believes that we should be prepared to pay for excellent teachers, but not without metrics showing that students, in fact, are learning.

As this issue goes to press, we are happy to congratulate the Delaware team for winning major recognition for excellence, and a \$100-million award, in the Obama administration's Race to the Top competition.



David C. McBride



Gregory A. Inskip



Teresa A. Cheek

# WINNER

Big enough to serve you, small enough to know you.



### Winner Audi

1300 N. Union St. | Wilmington, DE 19806  
877.511.1198 | [winneraudi.com](http://winneraudi.com)



PORSCHE

### Winner Porsche

1851 Ogletown Rd. | Newark, DE 19711  
877.724.4443 | [winnerporsche.com](http://winnerporsche.com)





# WHO CAN YOU DEPEND ON WHEN YOUR CLIENTS ARE INJURED?



*Depend on us to  
get you better faster.*

## GETTING YOUR CLIENTS BETTER FASTER!

### **BOARD-CERTIFIED PHYSICAL MEDICINE, REHABILITATION AND INTERVENTIONAL PAIN MANAGEMENT SPECIALISTS**

A MULTI-SPECIALTY TEAM DEDICATED TO TREATING YOUR CLIENT'S PAIN  
WITH NON-SURGICAL CARE & REHABILITATION

### **ACCEPTING NEW MOTOR VEHICLE & WORKERS' COMPENSATION CASES**

#### Physical Medicine / Rehabilitation / EMG

Barry L. Bakst, D.O., FAAPMR  
Craig D. Sternberg, M.D., FAAPMR  
Arnold B. Glassman, D.O., FAAPMR  
Anne C. Mack, M.D., FAAPMR  
Stephen M. Beneck, M.D., FAAPMR  
Lyndon B. Cagampan, M.D., FAAPMR  
Kartik Swaminathan, M.D., FAAPMR

#### Pain Management Counseling

Irene Fisher, Psy.D.

#### Interventional Pain Management

Ginger Chiang, M.D., FAAPMR

#### Chiropractic Care

Kristi M. Dillon, D.C.  
Brian S. Baar, D.C.  
Debra Kennedy, D.C.  
Emily Swonguer, D.C.  
Marjorie E. MacKenzie, D.C.  
Adam L. Maday, D.C.  
Scott Schreiber, D.C.  
Mark Farthing, D.C.  
Trevor Ennis, D.C.  
Becky Keeley, D.C.

#### Interventional Pain Management / PMR / EMG

Rachael Smith, D.O., FAAPMR

**Depend on Teamwork for:** Physical medicine & rehabilitation, interventional pain management / injections, EMG, chiropractic care, rehabilitation therapy, psychology / pain management counseling, massage therapy and QFCEs.

**Depend on Time Saving Solutions:** Centralized communication — we'll keep track of every phase of your client's care. Prompt scheduling — often within 24 hours. Timely response — to your requests for documentation. One call for any record requests.

**Depend on Convenience:** Seven convenient locations. Hospital consultations at St. Francis and Kent General. Early morning, lunchtime and early evening appointments. Free, handicapped accessible parking. Transportation available for auto and work-related injuries. Accessible to public transportation. ONE-STOP CARE!

## **GETTING YOUR CLIENTS BETTER FASTER IS JUST A PHONE CALL AWAY. CALL US TODAY!**

#### Wilmington

2006 Foulk Road  
Wilmington, DE 19810  
302-529-8783  
700 Lea Boulevard  
Wilmington, DE 19802  
302-764-0271

#### New Castle

2150 New Castle Avenue  
New Castle, DE 19720  
302-529-8783

#### Newark / Glasgow

87-B Omega Drive  
Newark, DE 19713  
302-733-0980  
2600 Glasgow Avenue  
Newark, DE 19702  
302-832-8894

#### Dover

200 Banning Street  
Dover, DE 19904  
302-730-8848

#### Smyrna

29 N. East Street  
Smyrna, DE 19977  
302-389-2225

**TRANSPORTATION AVAILABLE**





# KRESTON

## WINE & SPIRITS

CELEBRATING  
**76 Years**  
of Business in Delaware.

Thank you for voting Kreston Wine & Spirits the  
"Best Wine Store" -Upstate

Voted "Best Liquor Store" -Delaware Today

Voted "Best Place to Buy Wine"  
News Journal Readers Poll

Family owned for three generations, Kreston's offers the very best in wine, cordials, liquor and beer, at competitive prices. Take a tour of our wine cellar and you will see why we are *the* place to buy wine in Delaware.

**TWO LOCATIONS - Open 7 days a week**  
**904 Concord Avenue**      **Middletown Crossing**  
**(Concord Avenue & Broom St.)**      **Shopping Center**  
**Wilmington, DE**      **Middletown, DE**  
**302.652.3792**      **302.376.6123**

[www.KrestonWines.com](http://www.KrestonWines.com)

# Delaware Lawyer

A publication of Delaware Bar Foundation  
Volume 28 Number 1

## BOARD OF EDITORS

*Managing Editor:* Richard A. Levine

Hon. Thomas L. Ambro  
Teresa A. Check  
Doncene Keemer Damon  
Lawrence S. Drexler  
Charles J. Durante  
Andrew W. Gonser  
Peter E. Hess  
Gregory A. Inskip  
Hon. Jack B. Jacobs  
Rosemary K. Killian  
David C. McBride  
Edward Bennett Micheletti  
Susan F. Paikin  
Karen L. Pascale  
Blake Rohrbacher  
Jeffrey M. Schlerf  
Hon. Christopher S. Sontchi  
Robert J. Valihura Jr.  
Gregory W. Werkheiser  
Robert W. Whetzel  
Loretta M. Young

## DELAWARE BAR FOUNDATION

100 W. 10th Street / Suite 106  
Wilmington, DE 19801  
302-658-0773 / 302-658-0774 (fax)

## BOARD OF DIRECTORS

Susan D. Ament  
Hon. Carolyn Berger  
Geoffrey Gamble  
Thomas E. Hanson, Jr.  
Richard D. Kirk  
Mary M. MaloneyHuss  
Charles S. McDowell  
David N. Rutt  
John F. Schmutz  
William H. Sudell Jr.  
Thomas P. Sweeney  
Karen L. Valihura

*Executive Director*  
Jacqueline Paradee Mette

## DELAWARE LAWYER

*is produced for the  
Delaware Bar Foundation by:*

Media Two, Inc. / Today Media, Inc.  
3301 Lancaster Pike, Suite 5C  
Wilmington, DE 19805

*Chairman* / Robert Martinelli  
*President/Editor* / Jonathan Witty

*V.P. Advertising* / Randel McDowell

*Art Director* / Samantha Carol Smith

*Subscriptions orders and address changes, call:*  
Chris Calloway 302-656-1809

*Advertising information, call:*  
Howard B. Hyatt 1-800-466-8721

*Delaware Lawyer* is published by the Delaware Bar Foundation as part of its commitment to publish and distribute addresses, reports, treatises and other literary works on legal subjects of general interest to Delaware judges, lawyers and the community at large. As it is one of the objectives of *Delaware Lawyer* to be a forum for the free expression and interchange of ideas, the opinions and positions stated in signed material are those of the authors and not, by the fact of publication, necessarily those of the Delaware Bar Foundation or *Delaware Lawyer*. All manuscripts are carefully considered by the Board of Editors. Material accepted for publication becomes the property of Delaware Bar Foundation. Contributing authors are requested and expected to disclose any financial, economic or professional interests or affiliations that may have influenced positions taken or advocated in the articles. That they have done so is an implied representation by each author.

Copyright 2010 Delaware Bar Foundation  
All rights reserved, ISSN 0735-6595



Looking for  
a short term  
apartment with  
long term appeal?  
*Call us today.*

The Towers At Greenville offer all this...and more:

- Luxury amenities, with housekeeping and concierge services available
- Washer/dryer, expanded cable and internet in every apartment
- Complimentary weekday continental breakfast
- All utilities included
- 24 hour fitness center and game room
- Swimming pool
- Free Parking
- Unfurnished apartments also available

302.999.0708

**PETTINARO**  
relocation, LLC  
Short Term Furnished Apartments

[www.PettinaroRelocation.com](http://www.PettinaroRelocation.com)



Easy access to downtown  
and airport, in a serene  
residential environment.

[info@Pettinaro.com](mailto:info@Pettinaro.com)





## Matthew Denn

is the Lieutenant Governor of Delaware and a member of the Delaware Bar. Two of the priorities that he has established for his tenure as Lieutenant Governor are improvement of the state's public schools and advocacy for children with disabilities.

## William E. Manning

is a partner with Saul Ewing LLP and Co-Managing Partner of its Wilmington Office. From 1979 to 1983, he served as Counsel and then Chief of Staff to Governor Pierre S. DuPont, IV. In 1988, Bill was elected to the Red Clay District Board of Education and became its President shortly thereafter. With his Saul Ewing colleague, Jim Taylor, Bill led the movement toward school choice and charter schools. He currently serves on the Board of the Delaware Charter School Network, as well as the Board of MOT Charter School in Middletown. Education reform being a family enterprise, Bill's wife, Martha, served for several years as the first Executive Director of the Delaware Charter School Network.

## Sally McBride

is one of the founders of the Cab Calloway School of the Arts and has served on its board, the Cab Calloway School Fund, since 2003. She is married to David McBride, a senior partner at the law firm of Young, Conaway, Stargatt & Taylor, and they have three sons, ages 29, 27 and 19. The 19-year-old graduated from Cab in 2009. She has a B.A. in Psychology from Hollins University and a M. Ed. from the University of Delaware. Besides being a wife and mother, much of her time during the past 20 years has been spent as a volunteer

in the community and the Red Clay Consolidated School District, both at the school and district level.

## Cheryl Potocki

has been teaching high school mathematics for more than 17 years and has been at The Charter School of Wilmington since the fall of 1998. She earned her B.S. Degree in Electrical Engineering from Drexel University in 1988 and her Master's in Secondary Education from Villanova University in 1999. Cheryl is a Presidential Award for Excellence in Mathematics and Science Teaching winner, a *USA Today* All American Teaching Team winner, and a Delaware Superstars in Education winner. In addition to teaching her Advanced Placement Calculus classes, Cheryl moderates Charter's Science Ambassadors outreach program, which provides tutoring, mentoring and enrichment for Wilmington elementary school students in math and science.

## Julie A. Rumschlag

has been the Dean of Cab Calloway School of the Arts since August of 1999. She has a B.A. in Special Education from St. Mary of the Woods College in Indiana and a Master's in Educational Administration from San Francisco State University. She came to Delaware in 1995 and worked as a Special Education teacher and Assistant Principal at Christiana High School prior to accepting her current position with Red Clay Consolidated School District. She also has taught high school in Indiana and California. Dean Rumschlag enjoys the arts as a vocalist and flutist and has experience in dramatic arts and musical theater both as a performer and director.

## Marvin N. "Skip" Schoenhals

is Chairman and past President and CEO of WSFS Financial Corporation and WSFS Bank in Wilmington. As Chairman of Vision 2015, he is leading a statewide collaborative effort to make Delaware public schools among the best in the world. He chairs the Sunday Breakfast Mission, the Delaware Business Roundtable Education Committee, and Burris Logistics. He serves on the boards of the Delaware State Chamber of Commerce and the Curry School of Education Foundation. He is past chair of the Federal Home Loan Bank of Pittsburgh and the Delaware State Chamber of Commerce and has served on the boards of Wilmington Renaissance, the Wilmington Housing Partnership, the Delaware Family Foundation, and the United Way of Delaware, Inc.

## TRADEMARK & COPYRIGHT SEARCHES

**TRADEMARK** - Supply word and/or design plus goods or services.

### SEARCH FEES:

COMBINED SEARCH - \$345  
(U.S., State, Expanded Common Law and Internet)  
TRADEMARK OFFICE - \$185  
STATE TRADEMARK - \$185  
EXPANDED COMMON LAW - \$185  
DESIGNS - \$240 per International class  
COPYRIGHT - \$195

**PATENT SEARCH- \$580 (MINIMUM)**

### INTERNATIONAL SEARCHING

### DOCUMENT PREPARATION

(for attorneys only - applications, Section 8 & 15, Assignments, renewals.)

**RESEARCH**-(SEC - 10K's, ICC, FCC, COURT RECORDS, CONGRESS.)

**APPROVED** - Our services meet standards set for us by a D.C. Court of Appeals Committee.

*Over 120 years total staff experience - not connected with the Federal Government.*

### GOVERNMENT LIAISON SERVICES, INC.

200 North Glebe Rd., Suite 321  
Arlington, VA 22203  
Phone: (703) 524-8200  
FAX: (703) 525-8451

*Major credit cards accepted.*

**TOLL FREE: 800-642-6564**

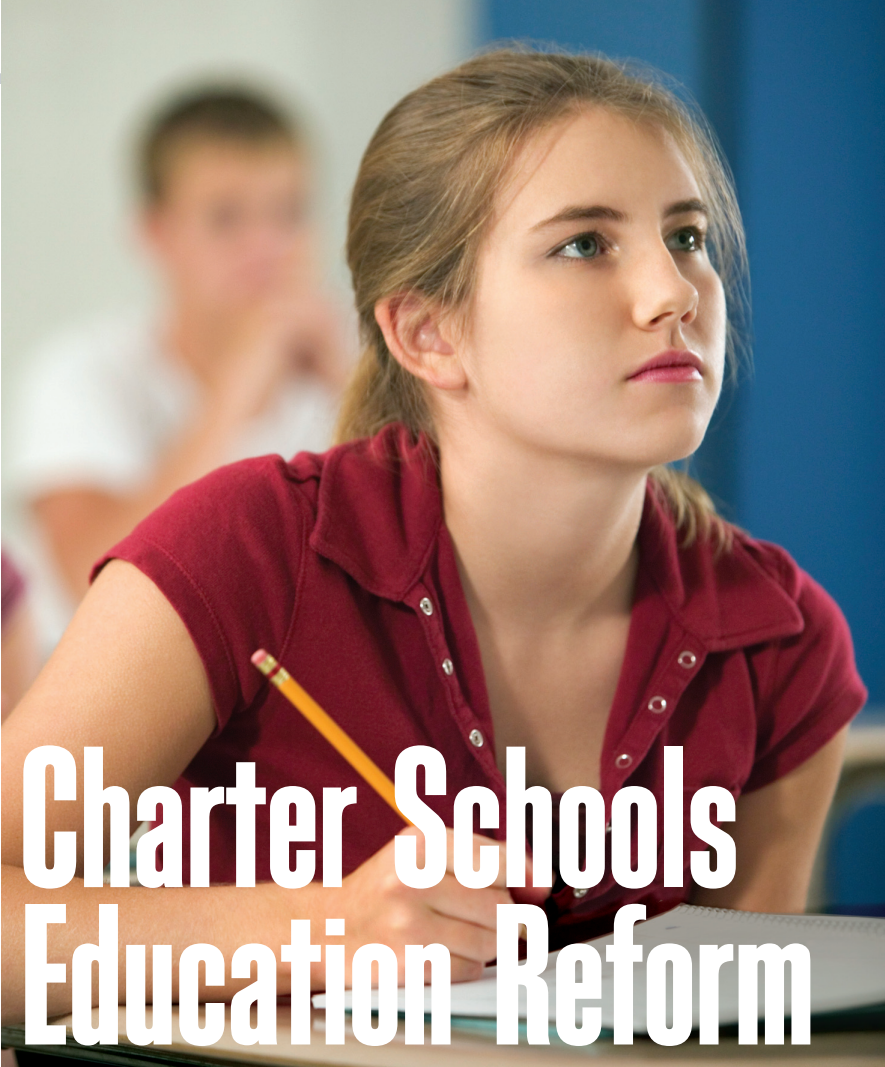
www.TRADEMARKINFO.com

Since 1957



## Reach The State's Legal Leaders With An Ad In Delaware Lawyer!

For information, contact Randel McDowell,  
[randel.mcdowell@mediatwo.com](mailto:randel.mcdowell@mediatwo.com)



# Choice, and Charter Schools and Education Reform

A 25-year trek through the garden of public education — and a few suggestions.

Let me begin by apologizing, in advance, to readers who may find that this piece wanders a bit. I found it hard to narrow the scope because, in order to understand education reform today, it helps to review: 1) how we got here; 2) what we're doing today that works (or doesn't); and 3) where we should go from here. That's a rough outline for the thoughts which follow.

## The Early Days

If, like me, you have a three-digit Bar identification number and had children in northern Delaware's public schools in the late 1970s and '80s, you may recall it was a troubled era. Our district court had finally acted in response to the United States Supreme Court's ruling some 24 years earlier in *Brown vs. Board of Education* and several local districts were merged into one by judicial decree.<sup>1</sup> Education ceased to be a cottage industry in this neck of the woods, a loss that we failed to appreciate at that time.

In an effort to restore "local control"

to the system, the General Assembly, with the district court's permission, created four districts out of one in the early '80s. However, that changed very little. Instead, the Delaware State Board of Education, as the nominal defendant in the continuing desegregation case, increased its authority over, and management of, local schools; the four districts functioned as one big, bureaucratic system; and the adults responsible for the quality of public education had all the room they needed to hide from accountability.

While observing that the quality of education eroded in that era, I suppose



that, to be fair, I should also note that attending to the quality of education was not first on the state board's agenda. Its job, prescribed by the district court, was to dismantle a segregated school system,<sup>2</sup> and it was no surprise that the next several years were consumed by quarrelsome discussions about which schools to close (public school population tumbled) and which census tracts would attend which schools.

The unrest was dynamic and each effort to rebalance schools racially aroused new fears that a family's so-called "feeder pattern" would be changed.

At the "retail" level, ingenuity flourished. Those with fewer resources "chose" better schools by certifying that Johnny or Susie had moved to live with a relative — who happened to live in a "better" feeder pattern. Some of those who were better off financially simply rented apartments located in a "better" feeder pattern.

In all of this, I am convinced that, at least in my school district, no one really knew which schools were better — it was as if the clock froze in 1978, and schools that were then considered successful and happy became the desired schools during the feeder pattern wars which followed.

Enter Yours Truly. Unhappy that the system was crashing while its leaders did little but whine about how little they could do and, perhaps, silly enough to believe that it could be fixed, I was elected in 1988 to the Red Clay Board of Education and became its President a few years later.

By that time, although school populations and quality had "cratered," racial balance had been achieved. Keeping in mind the constitutional objective, "deseg" had worked. For the first time in our history, our schools looked like our community. Now it was time to repair the educational damage done along the way.

Meaningful repairs were difficult amidst the chaos. How could confi-

dence be restored when, each month, the public was treated to a verbal food fight among seven school board members over the attendance assignments for 16,000 children? We needed to change that.

In the early '90s, Red Clay became the Peck's Bad Boy of public education by proposing, of all things, to let all high school students choose their schools. Judging from the reaction, one would have thought that we were speaking in tongues and insisting that students perform snake rituals.

The plaintiff coalition threatened to sue (it did); the state board threatened to sue (it didn't); and the "Blob" — the agglomeration of bureaucrats, officials, and union leaders who are most comfortable in an environment which holds no one accountable for crummy schools — howled.<sup>3</sup>

Long story short — the district court declined to interfere with Red Clay's "Choice" experiment. In the Spring of '92 (I think), after the computers sorted out the choices made by Red Clay's high schoolers, we learned that nearly 95% of students would attend their first choice, racial balances would remain relatively constant and the feeder pattern wars would end.

I recall my own sense of relief that the new idea (it is ironic that letting families choose should be regarded as "new") seemed to work. As one of the authors, I would have been condemned to cleaning a whole lot of blackboards after school had it turned out otherwise.

But we knew that imbalances would re-occur and feared that city schools in particular would be deselected unless they became relatively attractive in the new marketplace. That was no small feat.

A few facts will illustrate the challenge. Red Clay had four high schools and one would assume that each would serve 25% of the district's high school population. Not so. In the years im-

mediately before Choice, Wilmington High was assigned 40% of that population, leaving the other three to make do with 20% apiece.

Further, so few of the assigned 40% showed up that the school became an educational ghost town. On any given day, fewer than half of those enrolled would attend. While we were pleasantly surprised that the numbers grew no worse in the first year of Choice, we knew that we were on borrowed time — we needed to make city schools, particularly Wilmington High, successful in the new buyer's market.

After we fiddled around for a year or so with different educational offerings, two programs emerged as attractive in the new market. One — a math/science immersion high school — started as a magnet program and ultimately became the Wilmington Charter School, now annually lauded as one of the nation's best.

The other gets similar plaudits and is one of the region's — and perhaps the nation's — best schools for the performing arts: Cab Calloway.

While one could wax rhapsodic about either school, I will simply report, with pleasure and gratitude to those who make these schools what they are, that both have waiting lists as long as your arm, and each year, parents pray that Johnny or Susie wins the lottery and gets into one of those two schools.<sup>4</sup>

As the '90s rolled around, the desegregation order had been in place for a dozen years, and both Governors Castle and Carper, in succession, led efforts to have it vacated. Two episodes from that period remain poignant in my reverie.

The first is a bit depressing. In the early '90s, a summit meeting was convened to discuss an application to vacate the desegregation order on the grounds that unitary status had been achieved. Invited were the attorney general, the school board presidents and superintendents of the four defendant districts, outside counsel, the president of the

state board, and the governor.

To this day, I will remember my heart breaking after one of the superintendents piped up with his objection to any change in the *status quo* — he whined that parents might then have higher expectations of their schools. Mon Dieu!

The running negotiation with the Blob over an end to the desegregation order was inherited by Governor Carper when he took office in January, 1993, setting the stage for my second vignette.

Governor Carper, for reasons both political and legal, preferred a gradual abatement of federal judicial control rather than an abrupt end to the desegregation order. Thus, the state board's counsel presided over the negotiation and drafting of an elegantly frustrating consent order which proposed that several years be taken to do that which should have already occurred.

Fortunately, no such consent order could be submitted without the support of each of the four districts. We spotted leverage.

State board representatives approached Red Clay, seeking its support for the draft consent order. With a “maybe,” I was dispatched to speak with the governor and sought two things in return for Red Clay's very reluctant support: first, a promise that the state board would not interfere any further with Red Clay's Choice program. Next, I suggested that Red Clay's nascent success with market differentiation at Wilmington High proved that it was time for Delaware to authorize charter schools.

Governor Carper agreed to do both and, in fairly short order, successfully proposed legislation both permitting choice among regular public schools and authorizing the creation of charter schools. By design, Wilmington High

was to be Delaware's first charter school and the Wilmington Charter School was born — with some able midwifing performed by the governor and a group of corporate leaders.

To complete the tale, I should add that the proposed consent order was scuttled by criticism from the General Assembly and the district court shortly after our agreement with the governor, so Red Clay's “support” for it never came back to haunt us. Instead, Judge Robinson found the system to be unitary and vacated the desegregation order in 1995.<sup>5</sup>

And, before closing the vignette, I should say that, for all I know, Tom Carper may have had his sights set on charter schools before our conversations — Yours Truly may have been more Forrest Gump than Svengali regarding the creation of charter schools in Delaware.

# LifeStrategies

COMPREHENSIVE FINANCIAL DIRECTION LLC

## We Provide Direction to help Realize Life Goals

At Life Strategies, LLC, our name says it all. We work with you to organize all of your resources; time, finance and people to help you achieve your life goals. From family meetings to financial review, we create the big picture so that you can take the small steps that keep you going in the right direction for your family's financial health. And we stay with you every step of the way, adjusting the plan as life changes occur along the way.

“I don't change you to make your financial future work for you. I let you decide what's important. Then I make sure you have what you need to keep the important things in your life. That's our life strategy.” — Joan Sharp, CFP®, ChFC, CAP, MSFS. Call us today.

302. 324. 5363 phone  
302. 324. 5364 fax

**[www.lifestrategiesllc.com](http://www.lifestrategiesllc.com)**  
A Registered Investment Advisor  
Fee Only





## Viva Las Charters!

Today, Delaware has 18 charter schools. Three more are currently scheduled to open next year and seven applications for charters are pending for the year after. One of every 10 students in New Castle County attends a charter school and, if all charter schools were collected into one traditional district, it would be the fifth largest in the State.

Some current charter schools are quite successful, with programs that never would have emerged otherwise. For example, the Delaware Military Academy, chartered by Red Clay, is one of the few public military academies in the nation.

*[Note to the reader — if you are having a crummy day sometime and are ISO a non-chemical path to being happier, go see the Delaware Military Academy. And, when you leave, please thank the good women and men who make it pos-*

*sible. They have persevered through start-up woes and budgetary hard times, including an assault by the teachers' union on DMA's statutory right to tax-exempt capital financing. Because of them, DMA annually produces some of Delaware's most promising graduates, many of whom head for the nation's service academies.]*

Running a charter school is hard, and at times, independence is just another way of saying, "Don't expect any help." There is little money — charter schools must tend to both capital and operating needs with a budget that, at best, approximates the per-student operating budget of the regular public schools.

How, one asks, do charter schools find the money to build or rent their facilities and run an educational program with so little? Well, that's a terrific question that suggests two possible answers: either charter schools spend too little or the regular system spends too much. Maybe I should have arranged for toll-

free numbers at which readers could register their votes.

In addition to inadequate financial support, Delaware's charter schools face a constant effort to "re-regulate" them, missing their *raison d'être* — that, by freeing schools from the layers of regulations and bureaucracy that currently adorn (some say "smother") public education, we can recover that which makes good schools work well: school-level accountability, variety, innovation, and a culture of ownership and shared commitment.

I will admit that Dover has become less hostile toward charter schools recently, and am grateful for that, but there is still no instinctive appreciation of the destructive effects of over-regulation and stale uniformity. I realize it is, perhaps, too much to expect that regulators disfavor regulation, but one can always hope.

Happily, despite the burdens not

## Delaware Bar Foundation

### Fostering The Administration of Justice In Delaware

The Delaware Bar Foundation has established new categories of giving to recognize those who contribute substantially to the Foundation: 1) Sarjeants-At-Law<sup>1</sup> honors those who contribute gifts that meet or exceed \$10,000; 2) Legacy of Giving honors those who contribute between \$3000-\$9999; and 3) Foundation Fellows honors those who contribute at least \$1000. The Foundation wishes to express its gratitude to the following:

#### SARJEANTS-AT-LAW

Harold Schmittinger

#### LEGACY OF GIVING

Chesapeake Utilities Corporation  
Bayard P.A.

#### FOUNDATION FELLOWS

Anonymous Friend of the Foundation  
Victor F. Battaglia, Sr.  
O. Francis Biondi  
Edmund N. Carpenter  
Mary E. Copper  
Anne Churchill Foster  
Frederick S. Freibott  
Hon. Kathy Gravell

Richard D. Kirk  
William J. Martin  
Charles McDowell  
Francis J. Murphy, Jr.  
Hon. Donald F. Parsons, Jr.  
Vivian L. Rapposelli  
Nicholas H. Rodriguez  
Harvey Bernard Rubenstein

Carl Schnee  
Bruce M. Stargatt  
Barbara H. Stratton  
William H. Sudell, Jr.  
Thomas P. Sweeney  
Karen L. Valihura  
Robert Valihura  
Hon. Robert B. Young

These generous donations allow the Foundation to fulfill its mission of fostering the administration of justice in Delaware, primarily through ensuring equal access to justice for those who cannot afford it, as well as through promoting study and research in the field of law, fostering knowledge of citizenship rights and responsibilities and enhancing the public's respect for the rule of law.

*Please join the Foundation's Board in thanking these individuals whose gifts today are helping to build a stronger Foundation for tomorrow.*

*If you are interested in contributing to the Delaware Bar Foundation, you may contact the Foundation offices at 302-658-0773.*

*The Delaware Bar Foundation is a 501(c)(3) charitable organization and all contributions are tax deductible within the limits of the law.*

<sup>1</sup>A tribute to the English Order of Barristers.

faced by regular public schools, charter schools are thriving. Many serve otherwise underserved populations. Many offer things not available in the regular public system. Some came into existence because the local district could not pass a referendum. All were born out of a sense that the regular schools were not an attractive alternative for some group of kids. Like weeds in the cracks of your sidewalks, charter schools are tough to kill.

Before the charter-bashers leave their greetings on my answering machine, let me concede that which is undoubtedly true — not every charter school is doing well and two have been closed since 1995. But that observation prompts two thoughts.

First, all you Darwinians should celebrate this feature of charter school life — charter schools either succeed or close. When was the last time the regular system closed a failing school? Heck, we have had an entire district spend itself into insolvency, only to be rescued with millions from the State. I submit that, uncomfortable though charter schools might be constantly facing the risk of failure, that risk is the essence of that which the regular system lacks — accountability.

My second observation about the failure of a few charter schools is that we need to be more careful about defining “success.” Here’s my definition — a student has had a successful year if his or her educational achievement gains met or exceeded that which one would otherwise expect in a year.

In other words, when gauging the performance of teachers and schools the delta or gains matters more and the static achievement level snapshot at the end of the year matters less.

Consider the case of Johnny who enters Ms. Smith’s fifth-grade math class performing at a third-grade level. He leaves that class the next June performing at the level expected of a mid-year fourth grader. Has Johnny had a suc-

cessful year, even though his achievement level continues to lag behind State standards? You bet, and Ms. Smith deserves a bonus.

Moreover, if Johnny’s parents did poorly in school, do not have college diplomas and are not well off, Ms. Smith deserves a whopper of a bonus, notwithstanding the fact that Johnny is not yet at grade level. A few more years with the Ms. Smiths of the world, and Johnny will be on standard.

But the State hasn’t seen it that way, and every charter school whose student body is composed predominantly of Johnnies, over time, is threatened with closure.<sup>6</sup> Please do not misunderstand — it is right and good that our aspirational goals call for *all* students to achieve according to State standards. But articulating our goals is different from selecting the data set against which we measure the performance of a teacher or school.

In the latter case, it’s the delta or gains that matter and that data should drive every decision a school makes. The State’s resistance, so far,<sup>7</sup> to the paramount significance of academic gains data, has harmed charter schools more than their regular counterparts because only charter schools are at risk of closure.

And, because we look at static data rather than gains scores to measure the performance of schools, teachers and students, those for whom the gap between the two sets of data is the greatest become our least understood students.

### What Have We Learned?

Having bounced in this article from a personal stroll through public education to the history and current status of charter schools and then pausing for a rant about our inability to recognize a good school or teacher when we see one, I won’t blame the reader who either gives up or wonders, “Where is this going?” So, let me conclude quickly with a proposal.

First, let’s be clear about the problem. Our current system is a large bureaucracy which holds few accountable for failure. The Blob is adorned with institutions, unions and individuals whose primary objective is to resist change, keep expectations low and protect underperformers.

Worst of all, we fail to appreciate the critical need for better teachers. At a time when the national education reform community no longer debates the potential for dramatic improvement offered by good teachers,<sup>8</sup> Delaware has done nothing to act on that knowledge. Indeed, some parts of the Blob actively resist.<sup>9</sup>

There are many reasons for all of this, both organic and operational, and I am persuaded that, in its current form, the system isn’t worth repair. Let’s just pitch it and get a new one, designed according to the following principles:

- Collect the data that’s important — student gain scores — and judge *everything* by that data.
- Rather than a big system, managed centrally, let’s have a confederation of independent schools each locally managed and free of regulations about who to hire and how to teach. They will be judged only by performance. Remember, this assumes we collect the right data and will know good performance when we see it. If a school is judged successful by its results, why do we need to spend so much time and ink on how it got there?
- The new system will need only a small administrative cadre, tasked with the following:
  - Grant charters to applicants based on a rigorous review of proposals, hopefully from far and wide (if the economics are attractive, applications will be plentiful).
  - Collect, review and share with the public data on school performance; the basic data unit is the academic gain of each student in



each class. In other words, inform the marketplace.

- Assist, in the form of professional development and curriculum design, those schools seeking such assistance (but only if they seek it). This requires an administration that offers helpful resources rather than regulation.

- Close schools that are not performing and whose efforts to improve have failed.

- Make sure the money is distributed fairly among schools.

- Now that we have the data with which to identify which teachers perform well and which need to improve, use it as the basis of teacher compensation. I am a realist and believe that the total salary line will need to grow — when you find good teachers, you gotta pay 'em. While we can apply the savings achieved from more efficient management (fewer administrative bodies to feed), I frankly don't know if those savings are enough to raise teacher salaries to a level that attracts the nation's best. While I thus do not rule out spending more on the new system than we do today, I should quickly add that I wouldn't spend another farthing on today's school system.

- Elevate the teacher as the VIP at the center of the universe of adults in the system. Delaware has some fabulous teachers, but not enough of them. Pay them well, offer (but don't require) meaningful professional development to those who want to improve, and have a professional evaluation system based on objective data and acknowledged by teachers (as opposed to union leaders) to be fair. Establish Delaware as a place where the nation's best and brightest want to teach. We are so small and well located, that is doable at a fair price.

Clearly, I am proposing major changes and many think I'm nuts (or think I might be right but wish I would just go



With a unique all-club seat interior, this aircraft presents an efficient and comfortable environment for your private travel needs.

- Entertainment System
- Highly Experienced Crew
- Ample Baggage Space
- Most Efficient in Class
- Spacious Interior

Contact Us For a Free Flight Quotation  
World Link Jet Charter • [jc@flyworldlink.com](mailto:jc@flyworldlink.com) • 877.900.0068

Aircraft Locally Owned by Winner Aviation based at the New Castle County Airport and operated by World Link Jet Charter

*Visit the  
Brandywine Valley  
Every Day!*

Interactive Life in the  
Brandywine Valley  
For advertising information  
please call 443.909.7859



[www.thehuntmagazine.com](http://www.thehuntmagazine.com)

away anyway). If those of you in the reasonable middle want to hedge against the possibility that, indeed, I am nuts, then let's try this on a smaller scale.

How about the city of my birth — Wilmington? It commends itself for this experiment because: a) it doesn't have a whole lot to lose because its current schools are not nearly good enough; b) it is small enough, with approximately 12,000 school-age children, to be manageable; and c) Wilmington deserves the "ownership" of its own schools — something it lost in 1978.

As my friend Maria Matos, who leads the Latin American Community Center, once said to me, "If anyone is going to fail these kids, it should be us." Maria, and other good folks in Wilmington, know that our children's chances are better if their schools are closer to the community and run by those who cannot hide from accountability.

See, it's simple. ♦

## FOOTNOTES

1. *Brown v. Board of Education*, 347 U.S. 483 (1954). Delaware's desegregation case, *Evans v. Buchanan*, began in 1956, was inactive until 1971 and resulted in the 1978 desegregation order. *Evans v. Buchanan*, 447 F.Supp. 982 (D. Del.), *aff'd*, 582 F.2d 750 (3d Cir.1978), *cert. denied*, 446 U.S. 923 (1980).
2. The District Court confirmed to the State Board its priorities: "There is no constitutional guarantee of a quality education. The constitution is satisfied if all of the students in Red Clay receive an equally bad education, regardless of race." *Coalition to Save Our Children v. Bd. of Educ. of Del.*, 757 F.Supp. 328, 350 (D. Del. 1991). Undoubtedly accurate, but bracing, nonetheless, in its pessimism.
3. A framed quotation by one of my fellow Board members adorns my office to this day: "You aren't going to *make* us choose, are you?"
4. While frequently mistaken for a charter school, Cab Calloway is part of the Red Clay District and is best described as a "magnet school" (although I wince at taking any standard label off the shelf to describe such a wonderful school). Elsewhere in this issue, Sally McBride and friends have provided a more intimate picture of the "new"

Wilmington High, housing both Wilmington Charter School and Cab Calloway.

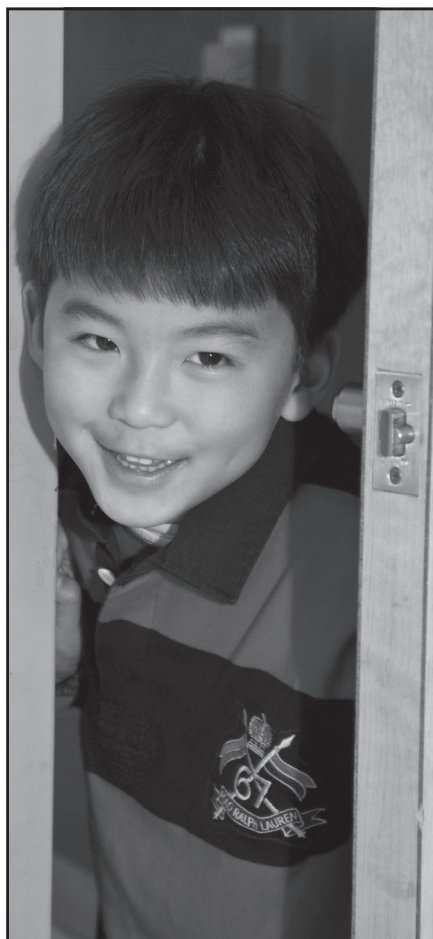
5. *Coal. to Save Our Children v. State Bd. of Educ.*, 901 F. Supp. 784, 785 (D. Del. 1995).
6. At the January 2010 meeting of the State Board of Education, one member voted against all charter renewals, citing to a State regulation (neither required nor, in my view, permitted under the statute which authorizes charter schools) that all charter schools perform at or above State averages. Each of the three schools has a predominantly minority population and the majority of students at two of the three are considered "low-income" by the State. If each school so composed must achieve at or above the Statewide average, they are in for rough sledding, even if they experience more than standard achievement gains each year.
7. The news on this front is not encouraging. As a result of litigation challenging the process by which Delaware's new assessment vendor was chosen, an initial contract award was scuttled in favor of a vendor which does not have the current ability to produce robust gains scores data. *Que lastima!*
8. Kati Haycock, in her important work *Closing the Achievement Gap*, puts it this way: "A decade ago, we might have said that we didn't know how much this [teacher quality] mattered. We believed that what students learned was largely a factor of their family income or parental education, not of what schools did. But recent research has turned these assumptions upside down. What schools do matters enormously. And what matters most is good teaching.

- Results from a recent Boston study of the effects teachers have on learning are fairly typical (Boston Public Schools, 1998). In just one academic year, the top third of teachers produced as much as six times the learning growth as the bottom third of teachers. In fact, 10th graders taught by the least effective teachers made nearly no gains in reading and even lost ground in math.

- Groundbreaking research in Tennessee and Texas shows that these effects are cumulative and hold up regardless of race, class or prior achievement levels. Some of the classrooms showing the greatest gains are filled with low-income students, some with well-to-do students. And the same is true with the small-gain classrooms. It's not the kids after all: Something very different is going on with the teaching (Sanders & Rivers, 1996)."

<http://www.tsssa.org/images/downloads/ClosingAchievementGap.doc>

9. Some readers may be familiar with the public hissy-fit thrown by the teachers union at the prospect of a handful of Teach for America participants (recent graduates of top universities who put their chosen careers on hold to teach in our toughest schools) coming to Delaware.



Wilmington

Friends 1748 School

## Give them the world.

Global education at Friends prepares students for the opportunities and challenges of their future, even those that we cannot predict. Our students learn how to engage complex questions intellectually and in action ~ in and outside of the classroom ~ with a sense of confidence and responsibility.

Please visit us to learn more.

302.576.2930

[www.wilmingtonfriends.org](http://www.wilmingtonfriends.org)



# Making Title Insurance EASY

CONESTOGA TITLE  
INSURANCE CO.

[www.contitle.com](http://www.contitle.com) 800-732-3555

At Conestoga Title Insurance Co. we make it easy for you to do business with us. We deliver the best service you'll find anywhere through our agent or approved attorney programs.

**We are dedicated to serving  
our attorney base.**

Our company philosophy is to provide prompt, responsive service.

**Conestoga Title Insurance Co. ... easy to do business with since 1973.**

- Rated "A Prime" by Demotech, Inc., the title industry's leading independent financial analyst
- Immediate underwriting support
- Title insurance on larger commercial transactions
- Full array of in-house specialists

CONESTOGA TITLE  
INSURANCE CO.

[www.contitle.com](http://www.contitle.com)

800-732-3555

## FEATURE

Sally McBride  
Cheryl Potocki  
Julie A. Rumschlag

# A High Note and Winning

# Formula For Public Education

Photo by Carlos Alcantara

Delaware's  
top two high schools  
provide an inspiring  
model for success.

Something very exciting is happening in education at the Wilmington High School campus in the Red Clay Consolidated School District (Red Clay). The building houses The Charter School of Wilmington, a math and science high school with 990 students, and Cab Calloway School of the Arts, a creative and performing arts middle and high school with 840 students.

**T**he two schools rank as the number one and number two high schools in Delaware, respectively, based on the Delaware Student Testing Program test scores. Besides thriving separately, together they offer a unique model for public education across the country.

Each school has a unique history. Cab Calloway School of the Arts (CCSA or Cab) started as an idea of several Red Clay Board members as a way to attract students to the Wilmington campus. The middle school opened in the fall of 1992 with 200 students in grades 6 and 7. The

vision for the school, then and now, is to use the arts to motivate young people and to integrate the arts and academics, creating a very proactive, hands-on method of educating students.

In 1997, a high school program was added with the goal of providing intensive training in the arts, in the context of a comprehensive college preparatory academic program. The school offers majors in dance, drama, vocal music, instrumental music (including strings and piano), visual arts (painting, sculpture and drawing), and communication arts (film studies,



creative writing, graphic arts and web design).

Most students at CCSA participate in an array of extra-curricular activities. Many participate not just in a wide range of arts-focused programs, but also in competitive academic teams including Mock Trial, Science Olympiad, Math League, and Speech and Debate.

Students also have opportunities to be involved in student government, student newspaper, the National Honor Society (NHS), the French NHS, and the National Art Honor Society, just to name a few. Each year, 98 to 100% of the seniors graduate, and the same percentage matriculate to post-secondary institutions. Some students choose specialized arts schools, but most attend liberal arts four-year colleges.

The success of CCSA can be attributed not only to the quality of its academic and arts classes, but to a school culture that celebrates diversity, thinking outside of the box, a love for learning, and a respect for individual differences. Students are engaged and motivated by their interest in and passion for the arts. Dedicated teachers and parents who are active in their students' learning, both in and out of school, also contribute to the school's success.

Additionally, the Cab Calloway School Fund, an independent 501(c)3 organization that operates to support the mission of the school and raises supplemental funds for its many programs, enhances the school.

The Charter School of Wilmington (CSW or Charter) opened its doors in September 1996 as the first charter school in Delaware. A consortium of six local companies, teachers, parents and community leaders organized the independently operated public school with an emphasis on the study of math and science. It is chartered by Red Clay.

The CSW mission is to engage highly motivated high school students with an interest in math and science by



Photo by Carlos Alejandro

providing a challenging college preparatory curriculum in a safe, friendly and nurturing environment that integrates practical learning opportunities, sets high expectations, develops social responsibility, and promotes a global perspective.

Charter was founded on the premise that today, and for the foreseeable future, people must be scientifically literate and technologically adept in order to make well-reasoned decisions affecting the community in a wide range of topics from health care to energy sources to our food supply.

As major community employers, the consortium of businesses that help govern CSW sees a rapidly increasing need for men and women who are well-grounded in mathematics, science and technology, and who have a well-rounded interest in the humanities. Students participate in team projects inside and outside the classrooms daily to develop their interpersonal and presentation skills so that they will be prepared for the work force. CSW is committed to educating students toward this ideal.

Like Cab, Charter is successful because it provides a challenging academic curriculum for students who share the focus interest of the school.

CSW also provides students with a supportive community of talented faculty, engaged parents, and a nurturing learning environment with peers focused on academic achievement.

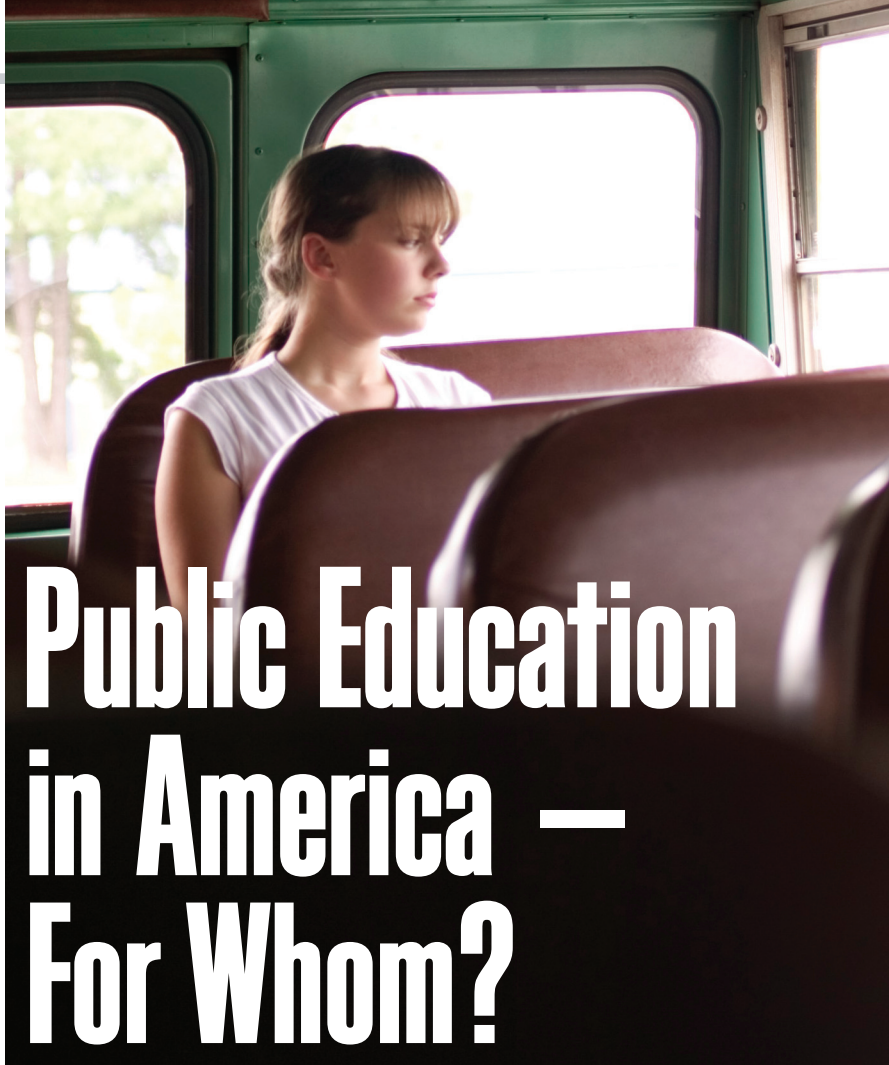
The two schools share facilities, and students of either have the opportunity to take classes in the other school's focus areas. Both schools benefit from opportunities to integrate their curriculums. The mixed class arrangement allows students to see how "the other half" lives.

Though not a hard and fast rule, Cab students have a more intuitive approach to problem solving, while Charter students have a more methodical approach. Neither is better, but both bring different perspectives and depth to the class discussion.

In trying to address preconceived notions, a friendly competitiveness arises between the students of the two schools. Cab students feel the need to prove their intelligence, while Charter students feel they must prove that they are creative and can think outside of the box. Each helps the other reach their potential.

Many students from both schools come to this campus having had the experience of being outside the "in" social group because their perception of the world and their interests are different from many of their peers. That shared experience of "differentness" is the basis for the students' mutual respect and long-lasting relationships. Besides being in the classroom together, the students participate collectively on athletic teams and in many extra-curricular arts opportunities.

Each school, standing alone, is successful in meeting the needs of its student populations. Collectively, the schools offer additional shared opportunities for those in both schools who choose to reach beyond their primary focus. Both schools provide quality opportunities for choice in public education. ♦



# The Best Public Education in America — For Whom?

Disabled children in Delaware schools can face daunting legal challenges.

When I ran for Lieutenant Governor of Delaware in 2008, I repeatedly said that I wanted Delaware children to receive the best public education in America. Since being elected, that goal has been the inspiration for a number of reform efforts that I have undertaken with the General Assembly and the Governor.

**O**n November 5, 1993, the United States Sixth Circuit Court of Appeals articulated a very different vision for educating children with disabilities. The Court held that the federal Individuals with Disabilities Education Act only requires public schools to provide disabled students with educational services that are the equivalent of “a serviceable Chevrolet, not a Cadillac solely for a disabled student’s use.”<sup>1</sup>

The Sixth Circuit’s “serviceable Chevrolet” language has been adopted by most of the Delaware tribunals that hear appeals by Delaware parents chal-

lenging the adequacy of the educational services offered to their disabled children.<sup>2</sup>

The best public education in America for most students with disabilities is a “serviceable Chevrolet.” Even accounting for the difference between the language of a political candidate and that of a federal judge, this language sends a chill down the spine of every parent of a disabled child who first hears it.

This substantive standard for the educational rights of disabled children is not the only legal obstacle disabled children face in the public education



system. The legal process for enforcing those educational rights is a labyrinth, as complex as some of the most intricate commercial regulatory systems in the State.

However, most parents must navigate this system alone, while schools are represented by seasoned in-house administrators and experienced litigators. The schools also enjoy a practical monopoly over the type of expert witnesses whose testimony typically resolves disputes over educational adequacy. And parents who believe that their disabled children are being denied necessary services must overcome the immense psychological barrier of filing a formal legal challenge against the school in whose care they continue to leave their child every morning.

In many school districts in Delaware, school district staff and school principals are committed to serving students with disabilities, and the legal obstacles imposed by the system do not affect children. But in those districts and schools that do not share that commitment, these substantive and procedural obstacles have created a legal system where disabled students are systemically denied the educational services that they need to fulfill their potential. It is a system that needs to change.

### **What Type of Education Do We Provide to Disabled Children?**

The “serviceable Chevrolet” phrase, though callous, is tethered to relevant case law. When Congress passed the predecessor of the Individuals with Disabilities Education Improvement Act in 1975, it required states receiving federal funds for the education of disabled students to provide those students with a “free and appropriate public education.”<sup>3</sup> But Congress left to the federal courts the critical duty of defining this term.

When the United States Supreme Court first interpreted the phrase “free and appropriate public education” in 1982, it rejected (by a 6-3 vote) the

lower courts’ contention that a free and appropriate education must “maximize the potential of handicapped children ‘commensurate with the opportunity provided to other children.’”<sup>4</sup>

Instead, the Court’s majority found that the intent of the Act “was more to open the door of public education to handicapped children on appropriate terms than to guarantee any particular level of education once inside.”<sup>5</sup> The majority therefore concluded that the “basic floor of opportunity” provided by the Act consists of “access to specialized instruction and related services which are individually designed to provide educational benefit to the handicapped child.”

Justice White argued in dissent that the majority’s standard would be satisfied if the plaintiff, a hearing-impaired first grade student, were “given a teacher with a loud voice, for [the student] would benefit from that service.”

The essence of the Supreme Court’s 1982 opinion — that Congress intended to allow disabled students into the classroom but didn’t intend to guarantee that they would get anything out of being there — proved sufficiently distasteful to some lower courts that those courts delicately refined the standard over time.

The Third Circuit Court of Appeals began its efforts in 1988. In a case involving the rights of a 14-year-old boy with the functional and mental capacity of a toddler, the Third Circuit found that a free and appropriate education called for “more than a trivial educational benefit” (“trivial benefit” being the way that the trial court had understandably interpreted the U.S. Supreme Court’s decision).<sup>6</sup>

The Third Circuit further expanded on that standard 11 years later in 1999, stating that a free and appropriate education must provide “significant learning” and “confer meaningful benefit” and that “the benefit must be gauged in relation to the child’s potential.”<sup>7</sup>

Today, the nation’s courts and administrative tribunals employ a range of standards for defining a “free and appropriate public education,” ranging from the more nuanced standard of the Third Circuit to the “serviceable Chevrolet” standard of the Sixth Circuit.

Even the Third Circuit’s standard falls far short of the “best public education in America” standard. To point out this discrepancy is not to trivialize the enormous cost of meeting every potential need of every disabled child — indeed, as one scholar has pointed out, most of the states that have voluntarily imposed a higher standard on themselves have seen the standard either withdrawn by their legislatures or effectively annulled by their courts.<sup>8</sup>

But we should at a minimum ensure that disabled children in Delaware are provided with the level of educational support that the Third Circuit Court of Appeals has held is their right — and that means that the “serviceable Chevrolet” educational standard should be banished from the language of Delaware administrative tribunals and from the training provided to Delaware educators who weigh the services provided to disabled children.

### **The Procedural Maze of IDEA**

In addition to requiring a free and appropriate public education, the Individuals with Disabilities Education Act also created the concept of an “Individualized Education Plan” (IEP) for purposes of developing educational services for disabled children. Under federal law, each disabled student must have an IEP — an extremely detailed document whose contents are dictated by federal statute. That IEP is prepared annually by an “IEP Team,” which consists of parents, teachers and other specialists, and when appropriate, the student himself.<sup>9</sup>

The IEP process was likely envisioned as one where parents and educators would work together in the best interests of children. In many cases, that

is how it works. But with school districts increasingly strapped for cash, creating pressure to keep the costs of special education to a minimum, there are also many instances where the services offered to a child are not determined purely by a calculation of the child's best interest.

As a practical matter, here is how the IEP process plays out in Delaware:

- Parents are summoned to an IEP meeting. At the meeting, they are greeted by all of the adults who care for their child on a daily basis, along with school or district administrators. After a review of their child's progress and status, this group tells the parents what services it believes are necessary for the child in the upcoming year, and in most cases hands the parents an already-completed draft IEP to sign.
- If the parents disagree in any way, they must then decide whether to refuse to comply with the people who care for their child every day, not knowing in most cases what their child is truly entitled to or what recourse they have if they disagree. Only the most assertive parents will do anything but sign the IEP on the spot.
- Those parents who refuse to sign the IEP must then embark on a complex appeal process guided by federal law.<sup>10</sup> Although parents are given a written guide describing the appeal process at the IEP meeting, it is a process that few laymen can navigate — there are two separate types of appeals that go to two different types of tribunals, pleading requirements, deadlines, substantive standards set by evolving case law, and a need in most cases to retain expert witnesses and present evidence to a legal tribunal.
- As complex as this process would be for any parent, the degree of difficulty is heightened by the fact that the school district need not retain or

pay expert witnesses, because its own employees serve as its experts, and the school has built-in legal expertise at the district level and through retained outside counsel.

- Under recent statutory revisions, parents who file appeals later deemed frivolous can be forced to pay the district's attorney's fees.<sup>11</sup>

When the "serviceable Chevrolet" substantive standard is combined with the procedural tangle created by federal law, the result is a deck heavily stacked against children with disabilities. Lack of money pushes many schools toward offering minimal special education services. Parents who disagree in any substantial way with the educational services offered must be willing to (a) disagree with — and inevitably inconvenience — the teachers and aides who care for their children every day; (b) master a legal process that requires them to comprehend detailed procedural rules, use pre-trial skills usually employed by attorneys, incur extraordinary expert costs, and comprehend and apply federal case law; and (c) if they are able to overcome all those obstacles, present their case to a tribunal where the only showing required of the school district is that the services offered their child are the equivalent of a "serviceable Chevrolet."

And coming full circle, schools that are strapped for money, knowing the slim odds that their offer of services is likely to be overturned, seem inclined to offer even fewer services. There are organizations in Delaware that are making extraordinary efforts to help parents overcome these obstacles, most notably the Community Legal Aid Society of Delaware, Inc., and the Parent Information Center. However, the resources available to these organizations do not allow them to even begin to balance the scales.

There are thousands of dedicated professionals caring for disabled children in Delaware's public schools — I

have met many of them, and they are among the most skilled and committed public servants we are lucky to have. Unfortunately, there are also school districts in our state that still seek to cut corners when it comes to the cost of educating disabled children — and with respect to those districts, disabled children in Delaware deserve better.

At a minimum, disabled children deserve to have the correct legal standard applied when their schools decide which educational services they will receive. And, given that Congress is unlikely to simplify the process for determining those services, disabled children and their parents also deserve the type of procedural assistance that will ensure a proper and fair outcome.

The need to develop a system to ensure adequate advice and representation for the parents of children with disabilities is a challenge that I hope the bar and education community in Delaware will meet head-on. ♦

## FOOTNOTES

1. *C.D. v. Niskayuna Central School District*, 2009 WL 1748794 (N.D.N.Y., June 19, 2009), citing *Doe v. Board of Education of Tullahoma City Schools*, 9 F.3d 455 (6th Cir. 1993).
2. Due process appeal panel decisions in Delaware can be found on the Delaware Department of Education web site at [http://www.doe.k12.de.us/infosuites/students\\_family/specialed/dphd.shtml](http://www.doe.k12.de.us/infosuites/students_family/specialed/dphd.shtml).
3. *Board of Education v. Rowley*, 458 U.S. 176, 181 (1982).
4. *Rowley*, 458 U.S. at 181-182.
5. *Id.* at 196.
6. *Polk v. Central Susquehanna Intermediate Unit 16*, 853 F.2d 171, 180 (3d Cir. 1988).
7. *Ridgewood Board of Education v. N.E.*, 172 F.3d 238 (3d Cir. 1999) (internal citations and ellipses omitted).
8. Gary Monserud, "The Quest for a Meaningful Mandate for the Education of Children With Disabilities," 18 *St. John's J. Legal Comment.* 675 (2004).
9. 20 U.S.C. § 1414.
10. 20 U.S.C. § 1415.
11. 20 U.S.C. 1415(h).





**500 Delaware Avenue**



**The I.M. Pei Building**



**The Nemours Building**



**The Brandywine Building**

# your practice made perfect

## **Top law firms choose a Buccini/Pollin building.**

Ashby & Geddes  
 Bailey & Associates, P.A.  
 Buchanan, Ingersoll & Rooney, P.C.  
 Cohen, Seglias, Pallas, Greenhall & Furman, P.C.  
 Cole, Schotz, Meisel, Forman & Leonard, P.A.  
 Connolly Bove Lodge & Hutz, LLP  
 Cooley Manion Jones, LLP  
 Elliott Greenleaf  
 Greenberg Traurig, LLP  
 Hogan & Vandenberg, LLC  
 Kent & McBride, P.C.  
 Montgomery, McCracken, Walker & Rhoads, LLP  
 Morris James, LLP  
 Paul, Weiss, Rifkind, Wharton & Garrison LLP  
 RatnerPrestia  
 Richard R. Wier, Jr., P.A.  
 Stevens & Lee, P.C.  
 The Stewart Law Firm, P.A.  
 Young Conaway Stargatt & Taylor, LLP

**bpgroup.net ■ 877.bp.group**

Another Project by:



**The Buccini/Pollin Group**

OWNER ■ BUILDER ■ MANAGER

# Vision 2015: The Legacy Our Future Demands

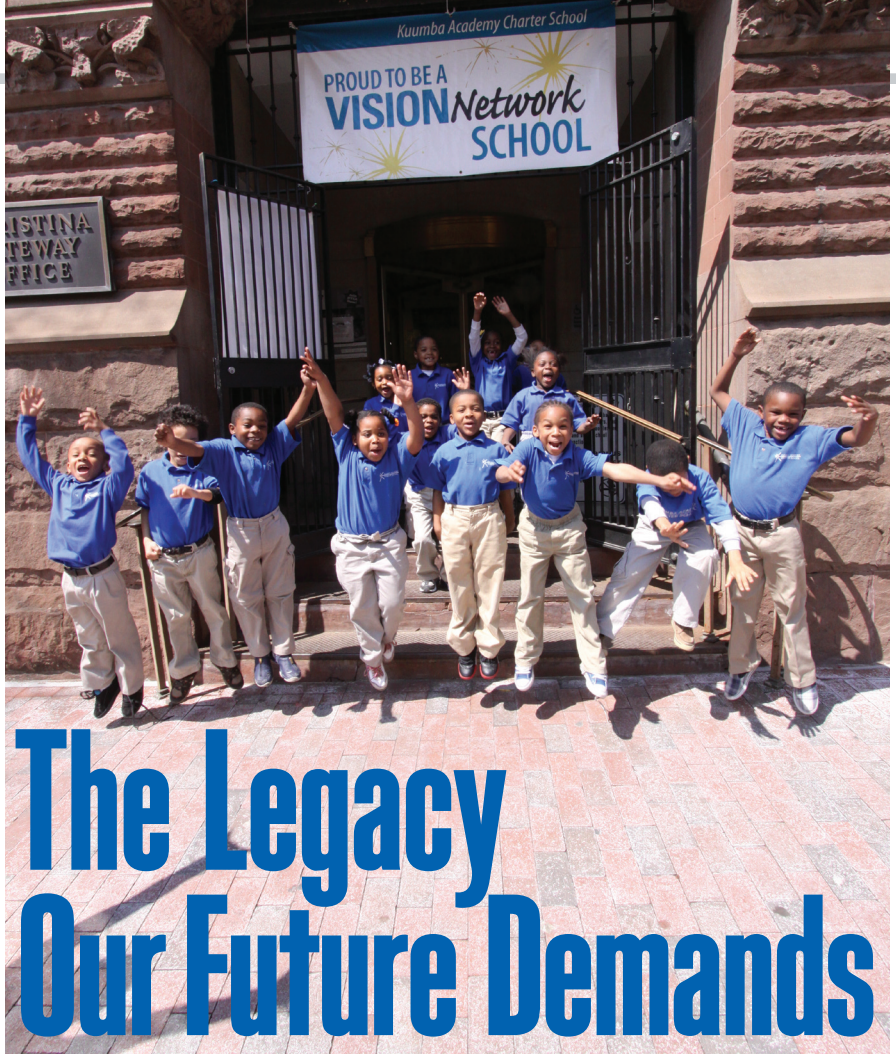


Photo by Kathy Atkinson

A bold plan  
to transform  
Delaware schools  
needs your support.

Cast your mind forward about 10 years and imagine what your practice might look like. Even in a profession that moves as deliberately as the law, the changes are likely to be tremendous: New statutes governing technologies that have yet to be invented. New linkages to data and evidence as yet unrecognized. New and more convenient ways to file a brief, take a deposition or do other business of the court for clients whose interests span the globe. Real-time trials in virtual courtrooms? They might soon be as commonplace as DNA evidence and computer modeling are today.

Of course, all of this is conjecture — but that's the point. In our era of accelerating knowledge and connectivity, it's simply not possible to predict what the world will look like a decade from now, or what specific skills will be needed to succeed in it. What we do know is this: The children that we are educating in our schools today will be Delaware's workforce of 2020 through 2070. Will they be ready to do the job? As citizens, as parents, and as beneficiaries of the efforts of Dela-

wareans who have come before, it is a simple matter of justice to make sure they are.

It was with this mission in mind that an extraordinary group of Delaware leaders came together in November 2005 to begin work on a comprehensive plan for statewide public school reform, which we now know as Vision 2015. I call the group — and our work — extraordinary for a number of reasons.

**First, it was a true collaboration.** The 28 members of the Vision 2015



Steering Committee were all leaders and key stakeholders in Delaware's public education system: educators, public officials, and business, community and civic leaders, who ably and vocally represented all their points of view. Even when we disagreed on specific issues, we maintained a strong working accord and, when the plan was presented, all of us stood behind it.

**Second, we were willing to be national groundbreakers.** Until we got to work, most efforts at comprehensive education reform were being undertaken by *school districts* such as New York and Chicago — not by *states*. But we felt that Delaware had a number of advantages, including our size and history of coming together to solve problems, which made our state a viable venue for a new kind of strategy, one that would address the systems behind what happens in our classrooms.

We also felt that Delaware had a great deal to gain. While acknowledging past accomplishments, a comprehensive assessment commissioned by the Rodel Foundation of Delaware in 2004 confirmed that we still had a long way to go. Called *Opportunity Knocks*, the report noted, for example, that our state ranked eighth highest among U.S. states in per-student spending, but our student performance on national assessments was stuck consistently in the middle of the pack, at 25th or so.

It also underscored gaps in achievement and graduation rates between white and minority students that all of us found unconscionable. We recognized our statewide mandate was both appropriate and necessary — and we went for it.

**Third, and perhaps most important, we were bold.** In that first meeting, we quickly decided that it was not enough to set our sights on the best schools in the *nation*. We needed to insist on the best schools in the *world* for every Delaware child — no exceptions, no excuses.

That's not merely a slogan, it's an imperative. In today's global economy, America's — and Delaware's — workers already find themselves competing for jobs with counterparts from all parts of the planet. In years past, ours would have had the edge: For more than a century, America led the world in the quality and accessibility of our public education system.

But as other nations have made education a priority, we have continued to rely on practices and systems that were designed for a nation of farmers and assembly-line manufacturing workers and that haven't been updated in any significant way since the Sputnik scare of the 1950s.

As a result, while students in other countries today are using education as the gateway to a better future, our children are falling farther and farther behind. For example, on the most recent Program for International Student Assessment (PISA), a key international benchmark, U.S. high school students ranked just 24th among their peers in 30 industrialized nations in science and just 25th among the 30 nations in mathematics.

To make sure our system could compete with the best, we worked with a team of nationally respected consultants to identify the best practices of the world's most successful school systems and used them to model what would work for Delaware. When released in October 2006, the Vision 2015 plan addressed all of the interlocking parts of the system — from academic expectations to school funding.

The plan is innovative, it's based on successful practices here and around the world, and it is relentlessly focused on students and student achievement. We know what we need to do. The plan is also doable, yet — *and here is the critical issue — only if we can muster the political courage to change the status quo and put the needs of children before the sometimes contentious goals of adults.*

## Years of Progress, Steady Gains

Since Vision 2015 was formally presented more than three years ago, Delaware has progressed steadily toward making it a reality. In January 2007, then-Governor Ruth Ann Minner endorsed Vision 2015 in her State of the State address and established the blue-ribbon Leadership for Education Achievement in Delaware (LEAD) Committee, which produced two landmark reports on education funding.

The first report identified how smarter spending practices could save as much as \$158 million annually, which could be reallocated to our financially strapped classrooms. The second report

### Vision 2015 Goals

*Clear and comprehensive, the Vision 2015 plan focuses on six interlocking system reforms:*

- ★ High standards. Challenging expectations inspire the best in every educator, parent and student.
- ★ Early childhood education. What children learn in their early years sets the stage for success in school and in life.
- ★ High-quality teachers. Excellent teaching is the key to successful learning.
- ★ Principals empowered to lead. Principals must have the knowledge, authority and flexibility to get results for the students in their schools.
- ★ Innovation and accountability. Students' diverse needs are best served through new and innovative approaches to teaching and learning, and we are all accountable for their success.
- ★ A simple and equitable funding system. We must allocate taxpayers' dollars equitably and wisely so they do the most good for our students.



identified steps to overhaul Delaware's antiquated system of raising and allocating education funds, so that local schools would receive dollars based on the actual needs of their students and so that local principals would have greater discretion on how those funds could be used.

Governor Jack Markell has placed education high among his priorities. In his 2009 Inaugural Address, the governor reaffirmed Vision 2015's core principles, stating that, "We will spend

smarter. We will demand accountability from top to bottom. We will retain, recruit and train the best teachers in America and we will reward them for carrying out the most valuable job in Delaware. We will demand the performance, promote the innovation, and provide the flexibility to make every school in this state great."

His recently released plan, "A World-class Education for Every Child: Delaware's Plan to Strengthen Our Schools," builds on his inaugural commitment, tightly aligning with Vision 2015.

One of the most exciting and successful ventures of Vision 2015 to date has been the establishment of the Vision Network of 25 schools, which has grown to serve some 20,000 students throughout the state.

Supported largely by private funds from businesses and the philanthropic community, the Vision Network provides participating principals and teachers with training in leadership and data-based instructional strategies, with grants, and with other learning opportunities, which they use to build a culture of achievement within their schools. These pioneers are showing what's possible when the recommendations of Vision 2015 are translated into tangible changes in schools and classrooms.

The Vision Network is supporting innovative school leaders and teachers who want to break the traditional molds and find ways to help every student succeed. In Kuumba Academy Charter School, which serves mostly low-income students, all classrooms use the rigorous Singapore math curriculum, engage parents in math education through a "Bring Your Parent to School" day, and provide learning tools for families to use together at home.

Teachers at Howard High School of Technology have adopted an instructional focus on literacy and higher-level thinking skills to ensure students are able to master today's demanding vo-

cational texts and manuals along with their academic subjects such as science and history.

At Indian River High School, principal Mark Steele cites Vision Network training as helping him "spend approximately 60% of my time on instructional activities, up from about 30% last year." And a Twilight Program developed by his school district has enabled a dozen students to stay in school and graduate instead of dropping out.

### Much More to Do

I could cite plenty of other signs of progress. But change comes slowly in big, tradition-bound systems, even one as relatively manageable as Delaware's — and there is still a great deal to do before we can truly celebrate.

That is one reason why Delaware has been such an eager competitor in President Obama's "Race to the Top" initiative, which is making almost \$4.5 billion in federal stimulus funds available to a small handful of states that are truly committed to transforming their systems.

Of course, in our view Delaware already is a leader — we were there first, with a plan that aligns closely with the priorities outlined by the President and his Secretary of Education, Arne Duncan. But the reality is that a number of other states have since developed ambitious plans of their own — some of which draw on Delaware's Vision 2015.

I am proud and happy, therefore, that on Monday, March 29, 2010, Delaware was one of only two states selected to receive the federal award. For Delaware this means an extra \$100 million, which will allow us to significantly accelerate our work. In any case, we already knew how our state can be a winner: Use the energy and excitement inspired by Race to the Top as the stimulus for realizing key portions of Vision 2015 — as wind in our sails, if you will.

First and foremost, we need to make an honest and actionable commitment

## The Committee

*The 28-member Vision 2015 Steering Committee included representatives from:*

Christina Cultural Arts Center  
Delaware Academy for School Leadership  
Delaware Association of School Administrators  
Delaware Business Roundtable Member Companies  
Delaware Chief School Officers Association  
Delaware Department of Education  
Delaware Division of Public Health  
Delaware Office of Management and Budget  
Delaware Public Policy Institute  
Delaware School Boards Association  
Delaware State Board of Education  
Delaware State Chamber of Commerce  
Delaware State Education Association  
Metropolitan Wilmington Urban League  
Rodel Foundation of Delaware  
Small Business Alliance  
University of Delaware  
Wood, Byrd & Associates





# To the Ends of the Earth

We will go to the ends of the earth to make the right match for you. Our clients and candidates are very important to us. Our seasoned legal recruiters have over 45 years combined law firm and legal recruiting experience.

We know the Delaware legal market and have long-standing relationships in the Delaware legal and corporate communities. Let us put our experience and relationships to work for you.

***We get it!***



Susan M. Rubinovitz, Esq.



Stephanie A. Ristvey

- Lateral Partner Placements
- Lateral Associate Placements
- In-House Counsel
- Mergers
- Practice Group Moves

Follow us on Twitter   
<http://twitter.com/smrlegalsearch>

**SMR**  
**LEGAL SEARCH**

*Engaged Exclusively  
in Permanent  
Attorney Placement*

(215) 665-0800  
[www.smrlegalsearch.com](http://www.smrlegalsearch.com)



to **transforming our system completely**. Incremental fixes won't do. That means accepting that the educational options that worked so well for our parents and for us simply won't meet the needs of the workforce of 2020.

Today's students need to learn more and they'll need to learn it better — not by rote, but by developing the critical-thinking skills and work habits that will enable them to be flexible and effective problem-solvers, ready for the global connectivity and multiple careers that forecasters tell us will characterize their futures.

And they'll need to be prepared academically to go on to college or otherwise get the postsecondary training that most good jobs already require.

We also will need to implement **rig-**

**orous standards** designed to meet the needs of college and the workplace, accompanied by meaningful assessments and accountability for results.

We've made some important strides in this area — we have joined other states working toward Common Core Standards, via a national initiative co-chaired by Governor Markell. And we will be implementing a new Delaware Comprehensive Assessment System (DCAS) that will **measure student progress over time, in real time**. But we can't close this file until we can say with confidence that Delaware's standards and assessments are among the best in the world.

We also need to modernize policies that will enable us to **recruit and retain more excellent teachers and**

**school leaders**. Extensive research has confirmed the long-term impact of an excellent teacher on a child's success; and a new analysis from Stanford University economist Eric Hanushek proposes that replacing six to 10 percent of the nation's worst teachers with teachers of average quality would boost our students' ranking on the international PISA test *from the bottom four or five into the top 10*.

We took a solid first step in 2009 when our legislature modernized our teacher certification provisions to enable some of the nation's brightest college graduates to work in Delaware through Teach for America (TFA) — making it possible for 21 TFA corps members to begin work in six of Wilmington's highest-need schools. We need to focus next on how to recruit, support and retain the very best school leaders, as well.

We also must **expand innovative learning options** for children who need them. One way we can do this is by supporting excellence in public charter schools and removing barriers, such as restrictions on capital financing, that limit their growth.

And we must continue to encourage our legislators to **implement the LEAD Committee's recommendations** to reduce wasteful spending, establish a fair funding system that recognizes the individual needs of the students enrolled in a school, and fix our top-down allocation system to give local principals the authority to use state dollars to best meet their students' needs.

Again, these ideas are well within the power of our elected and appointed public leaders to enact — *if we have the political will to demand it*.

And last — but absolutely not least — we must **hold schools strictly accountable** for results and act quickly to turn around schools that demonstrate they are not doing their jobs.

Sadly, far too many Delaware schools are falling short. Last year, more than one-third of Delaware's schools —

## Schools and Districts in the Vision Network

### Capital School District

- Central Middle School
- William Henry Middle School
- Dover High School

### Christina School District

- Bayard Middle School
- Gauger-Cobbs Middle School
- George V. Kirk Middle School
- Shue-Medill Middle School
- Christiana High School
- Glasgow High School
- Newark High School

### Indian River School District

- Georgetown Middle School
- Millsboro Middle School
- Selbyville Middle School
- Indian River High School
- Sussex Central High School

### Lake Forest School District

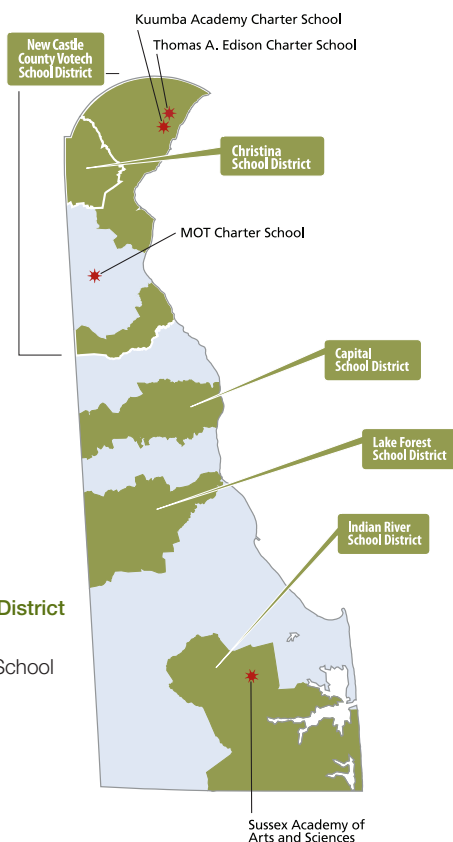
- W.T. Chipman Middle School
- Lake Forest High School

### New Castle County Vo-Tech School District

- Delcastle Technical High School
- Hodgson Vocational Technical High School
- Howard High School of Technology
- St. Georges Technical High School

### Charter Schools

- Thomas A. Edison Charter School
- Kuumba Academy Charter School
- MOT Charter School
- Sussex Academy of Arts and Sciences



77 schools serving 40,000 of our students — missed their AYP (Adequate Yearly Progress) targets. Twenty-five of those schools serving 26,000 students failed to meet their AYP targets *for five or more years*.

This means that thousands of our young people spent their entire high school or middle-school careers in schools that were not teaching them what they needed to learn. That is simply unacceptable.

We must act expeditiously to restructure or even close a school that no longer works. That means saying “no” to the typical argument that it takes five or more years for a failing school to improve. We know from experience that with the right leadership schools can make great strides in even the first year of transformation.

Struggling students can’t afford to waste any time, and neither can we. When it comes to preparing our children for the future, any delay is too long, and even one failure is too costly.

That’s self-evident as a matter of social justice, but these difficult economic times make it clear that it’s a matter of dollars and cents as well. On average, every additional student who graduates from high school generates an additional \$600,000 in lifetime earnings and contributes \$50,000 more in state and local taxes than a high school dropout. And those numbers increase to \$1.4 million and \$120,000, respectively, for those who also graduate from college.

Research also has shown that educational failure has long-term social costs as well; for example, one study found that a mother’s low educational achievement is the single most powerful factor in the likelihood of her children becoming criminals.

But if we truly want to thrive as a civil society and as a state, we cannot be content with avoiding failure — we need to accept nothing less than excellence. We must be bold in our inten-

# FRI. & SAT. MAY 14 & 15, 8PM

**"She appeared at ease and assured beyond her experience and thoughtful beyond her years."**

— THE WASHINGTON POST ON ELENA URIOSTE

## Russian Fire

David Amado, conductor

Elena Urioste, violin

STRAVINSKY *Ode*

TCHAIKOVSKY *Violin Concerto*

PROKOFIEV *Symphony No. 5*

THE GRAND OPERA HOUSE  
WILMINGTON, DELAWARE

800.37.GRAND  
YourDSO.com

J.P.Morgan

WILMINGTON  
TRUST

THE DELAWARE SYMPHONY ORCHESTRA  
DAVID AMADO, MUSIC DIRECTOR





tions — as bold as Vision 2015's commitment to making our schools world class. And we must be willing to make the hard choices and do whatever it takes to turn the plan into action.

### Our Time to Act

Taking control of our own destiny can be intimidating — no question — but Delaware has done it before, with rewarding results. In 1981, in the

midst of another economic downturn, we passed the Financial Center Development Act, which brought the credit card industry to Delaware and revitalized our economy for almost three decades.

Today, as we struggle to manage a new set of challenges, we must be equally visionary, equally courageous. To transform our education system —

which has been hindered by decades of institutional inertia, turf building and disjointed reform efforts — we need a coherent roadmap for change, along with the political courage to make it happen.

In Vision 2015, we have that plan. And in Education Voters of Delaware, a new citizens' action organization, we have the means to build political will. In this, we need your voice, too. So I urge you to join Education Voters ([www.educationvotersdelaware.org](http://www.educationvotersdelaware.org)) and — every time you have the chance — to speak with our state representatives and senators about how critically important this issue is. Let us give them the support they need to do what's right for children.

Some might say that long-term system transformation cannot be a priority in this time of crisis. I say just the opposite. Many of us are the successful sons and daughters of the Greatest Generation that emerged from the Great Depression. Their experience taught us that crises are exactly the right time to re-examine stale assumptions and plant the seeds for renewal.

Others might argue that middle of the pack is good enough. After all, we're busy with families and careers in a beautiful state with an excellent quality of life. Reading this article in our homes and offices today, we might wonder why we need to remake a school system that appears to be doing enough to get by.

And then, if you're like me, you lift up your eyes and start looking toward the future. Are we really willing to settle for less than we're capable of achieving — or, like every generation before us, do we want to build something better for our children? As our Steering Committee said when we launched Vision 2015, our goal should be nothing less than the best schools in the world for every Delaware child. Our children deserve it. And now, more than ever, our future demands it. ♦

## Philly has a new Celebrity. He's a Killer.

**A powerful and startling indictment of America's fascination with celebrity killers from a fresh new voice in fiction, Philadelphia attorney Jeffrey A. Cohen.**

**THE KILLING  
OF  
MINDI  
QUINTANA**  
A NOVEL BY  
**JEFFREY A. COHEN**

*"The Killing of Mindi Quintana* inspires some compelling comparisons: to Dostoevsky's *Crime and Punishment*, Joseph Heller's *Catch-22* and *Law & Order: Criminal Intent*. The crime at the heart of the story is brutal, senseless, sensational. The investigation absorbing, frustrating. The writing is crisp and, by turns, romantic and wry. But this is a novel about people caught up in a complex tragedy of expectations and contradictions, and it's more than memorable — it's haunting."

**David Bradley, author of *The Chaneyville Incident* (winner PEN/Faulkner Award)**



*Jeffrey A. Cohen is a writer, trial attorney and technology entrepreneur who was born and raised in Philadelphia. A 1988 graduate of the Law School of the University of Pennsylvania, Jeffrey specialized in appellate and corporate litigation before entering the business world, and now writes full time.*

*The Killing of Mindi Quintana* is published by Welcome Rain Books and is available in bookstores or online at [Amazon.com](http://Amazon.com) and [BarnesandNoble.com](http://BarnesandNoble.com).

Visit [JeffreyACohenBooks.com](http://JeffreyACohenBooks.com) for more information about the book and author, including an up-to-date schedule of author appearances in Philadelphia and elsewhere.





**Sheraton**  
**Suites**  
WILMINGTON



# Action Plans are Better when Shared

Sheraton is where colleagues gather.  
Bring the best minds together with special  
Legal Center rates that include breakfast  
and dinner for the team.

Book at [Sheraton.com](http://Sheraton.com) or call 800 988 3088

spg<sup>\*</sup>  
Starwood  
Preferred  
Guest

Le MERIDIEN



THE LUXURY COLLECTION

WESTIN

FOUR POINTS





## ***Corbett Reporting ~ a Veritext Company!***

**We've got you covered!**

### ***VIP 21 - Online Repository and Scheduling System***

*Deposition scheduling at your fingertips  
across the U.S. and the World.*

*Maintain your schedule of depositions with the handy on-line calendar.  
Manage your transcripts and exhibits and  
Keyword search across all transcripts in the repository  
to identify important issues/names, etc.*



*Ellie Corbett Hannum*

### ***Announcing our latest innovations!***

#### **EXHIBIT MANAGEMENT SOLUTION**



### ***Introducing the Mobile Deposition Video depositions Anywhere ~ Anytime!***

*All you need is internet access and a phone --  
Veritext provides the computer, webcam and know-how.*

*Call us for more information on our latest technology!*

#### **Delaware Locations**

**230 North Market Street, Wilmington, DE 19801**

**302-571-0510 ~ 302-571-1321 (fax)**

**15 E. North Street, Dover, DE 19901**

[www.veritext.com](http://www.veritext.com)