

RES 17-015

Wilmington, Delaware
February 16, 2017

#4331

Sponsor:

Council
Member
Guy

WHEREAS, local control is a fundamental tenet of public education that has been discussed in United States Supreme Court majority opinions and dissenting opinions; and

WHEREAS, local control has been defined by the United States Supreme Court in multiple cases on the subject of federal control over local school systems in efforts of desegregation; and

WHEREAS, in perhaps the clearest terms, Chief Justice Burger, joined in his dissent by Justices Blackmun, Powell, and Rehnquist, in Wright v. Council of Emporia, 407 U.S. 451, 478 (1972)(Burger, C.J., dissenting), expounded on the importance of local control because: “. . . Curricular decisions, the structuring of grade levels, the planning of extracurricular activities, to mention a few, are matters lying solely within the province of school officials, who maintain a day-to-day supervision that a judge cannot. A plan devised by school officials is apt to be attuned to these highly relevant educational goals; a plan deemed preferable in the abstract by a judge might well overlook and thus undermine these primary concerns;” and

WHEREAS, in San Antonio Indep. Sch. Dist. v. Rodriguez, 411 U.S. 1, 49-50 (1973), the Court, in its majority opinion, stated that “[i]n part, local control means . . . the freedom to devote more money to the education of one’s children. Equally important, however, is the opportunity it offers for participation in the decision making process that determines how those local tax dollars will be spent;” and

WHEREAS, in Milliken v. Bradley, 418 U.S. 717, 741-42 (1974), the Court noted that “local control over the educational process affords citizens an opportunity to participate in decision making, permits the structuring of school programs to fit

local needs, and encourages ‘experimentation, innovation, and a healthy competition for educational excellence;’” and

WHEREAS, the Court expanded in Freeman v. Pitts, 503 U.S. 467, 490 (1992) that “[r]eturning schools to the control of local authorities at the earliest practicable date is essential to restore their true accountability in our governmental system. When the school district and all state entities participating with it in operating the schools make decisions in the absence of judicial supervision, they can be held accountable to the citizenry, to the political process, and to the courts in the ordinary course;” and

WHEREAS, local control, sometimes referred to as local autonomy, has been recognized by the United States Supreme Court as a “vital national tradition,” (Dayton Bd. of Education v. Brinkman, 433 U.S. 406, 410 (1977)); “a need that is strongly felt in our society” and “. . . not only vital to continued public support of the schools, but it is of overriding importance from an educational standpoint as well . . .” (Council of Emporia, 407 U.S. at 469 (1972), and “essential both to the maintenance of community concern and support for public schools and to quality of the educational process,” (Milliken v. Bradley, 418 U.S. 717, 741-42 (1974)); and

WHEREAS, "the concept of local control is grounded in a philosophy of government premised on the belief that the individuals and institutions closest to the students and most knowledgeable about a school—and most invested in the welfare and success of its educators, students, and communities—are best suited to making important decisions about its operation, leadership, staffing, academics, teaching, and improvement." Local control (2016, February 18). In S. Abbott (Ed.), *The glossary of education reform*. Retrieved from <http://edglossary.org/local-control/>

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON, that Council respectfully encourages the State of

Delaware to recognize that the absence of local control afforded to Wilmington residents is an important factor among many to take into consideration when seeking solutions to education related issues negatively impacting Wilmington residents and students.

BE IT FURTHER RESOLVED, that Council encourages the State of Delaware to recognize that the drawing of the boundary lines for school districts can impact the degree of local control residents of Delaware possess.

BE IT FURTHER RESOLVED, that Council encourages the State of Delaware to recognize that Wilmington residents who vote in school board elections are disenfranchised in a manner that negatively impacts access to local control, a fundamental tenet of public education.

Passed by City Council,
February 16, 2017

Attest: Maribel Seijo
City Clerk

Approved as to form this 16
day of February, 2017.

[Signature]
Assistant City Solicitor