

From: "Walsh, Daniel F" <Daniel.Walsh@td.com>
Subject: **FW: Midtown Brandywine- Freire Charter**
Date: November 6, 2014 10:36:07 AM EST
To: "lyndandbillm@comcast.net" <lyndandbillm@comcast.net>

FYI

From: Walsh, Daniel F
Sent: Thursday, November 06, 2014 10:27 AM
To: 'mark.murphy@doe.k12.de.us'
Cc: Hanifa G. N. Shabazz (hshabazz@wilmingtonde.gov); MargaretRose.Henry@state.de.us; stephaniet.bolden@state.de.us
Subject: Midtown Brandywine- Freire Charter
Importance: High

Mr. Murphy,

I am a resident of Midtown Brandywine, in Wilmington, DE. It is a small city community filled with downtown professionals, artists, empty nesters a mix of all other walks of life. It is a tight knit community that enjoys getting together for various activities, parties, happy hours, etc.

We recently learned of Freire Charter School's intention to open a school in August 2015, but the community was not consulted. My research indicates your committee approved the charter- do you also approve the facility? How does that governance play through? The proposed site for Freire in Midtown is a location ill-suited for a school- there is no room for >500 kids to arrive and leave the school safely, among other concerns. Midtown has a moratorium against trucks and buses, because of our narrow streets and tight corners.

In short, these are the obvious problems:

- Parking- residents struggle to park today, having pick up and drop off will be a logistical nightmare of our neighborhoods
- Trash- I assume there will be a cafeteria, where will the food waste be disposed of so that we are not overrun with rats from the river?
- Noise- where will these kids go for recess?
- Loitering- I assume these kids won't be allowed to smoke on campus, so that means the front stoops of our neighbors
- Traffic Safety- there is just no room for cars and 500+ children to inhabit this concentrated area
- Sewage- The BCBS building was largely vacant for a number of years, how will the systems handle the influx of all of these people?
- Other issues- do neighbors need to have background checks done to find out if there have criminal backgrounds? Are gun owners going to be required to move > the required distance yards from the school?

I hope you can join us on November 11th @ 7pm, in the little church on West & South Park, where the neighborhood, for the first time, will meet with the Charter School and see what they have to say.

Dan

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Ben Cohen, President
Midtown Brandywine Neighbors Association
117 West 13th Street
Wilmington, DE 19801

December 28, 2014

Mark T. Murphy,
Secretary of Education
John G. Townsend Building
401 Federal Street, Suite 2
Dover, DE 19901-3639

Dear Secretary Murphy:

This letter is concerning the proposed Freire Charter School. I am writing at the request of many neighbors in the Midtown Brandywine neighborhood.

Representatives of Freire Charter School informed neighbors at our monthly Board meeting on November 11, 2014 that they plan to open a school in our neighborhood late next summer. While all of our residents value education, many feel that this school, with a projected enrollment of 560 students (plus educators and support staff) is far too intense a use for its proposed location. The proposed site is at 201 West 14th Street, on a one-way, ninety-degree corner at the base of Orange Street.

Because the February 10, 2014 public hearing for this school's charter addressed a site at 920 French Street, far beyond our neighborhood boundaries, few if any neighbors took any notice, and were therefore not able to comment on the appropriateness of the school. Now that a new site in our small neighborhood is being proposed, and heavily advertised by Freire, many neighbors consider this a major modification of the school's charter, and would like to request a new public hearing.

I would appreciate hearing from you as soon as possible.

Sincerely,

Ben Cohen, President
Midtown Brandywine Neighbors Association

Cc: The Honorable Dennis P. Williams, Mayor
The Honorable Theopolis K Gregory, City Council President
The Honorable Margaret Rose Henry, State Senator
The Honorable Stephanie T. Bolden, State Representative
The Honorable Hanifa G.N. Shabazz, City Council Member
The Honorable, Jennifer Nagourney, Exec. Director, Charter School Office, DOE

Good evening members of the CSAC,

My testimony concerns Freire's change of facility without following the Delaware Department of Education Application to Modify An Approved Charter. I attended April's Delaware School Board Public Meeting. During that time, the Design Lab Charter School was granted a major modification regarding change of location. The Design Lab, like Freire is due to open in August of 2015. This experience prompted me to more deeply investigate this major modification process.

I began with critically re-reading the Delaware DOE Application To Modify an Approved Charter 2014-15. Jennifer Nagourney kindly sent me this document in an e-mail dated February 3rd. (Exhibit 1 is part of these rules regarding change of location.) While doing so, I read that, "Most major modifications to a charter must be considered through the application process with recommendation for approval or denial...." Three bodies are concerned with this process: the Charter Accountability Committee, the Secretary of Education and then the State Board of Education. One major modification listed is "moving to a new facility". Further, in table 1 of that document, the type of modification of "Location change" has the application deadline of "recommended: March 1st".

Now I want to speak of Freire's locations. In their Delaware DOE Charter School Application, the facility of 920 French Street was sited throughout its application. (That is Exhibit 2 is part of their initial application pertaining to location.) There is extensive information, including a copy of a lease agreement between Steven Gendler of Newmark Grubb representing 920 French Street, and Kelly Davenport of Freire dated 12-13-3. (Atachment 16 Ex 4 in their Charter School Application) The DOE charter was granted in part due to this location choice of 920 French Street.

Freire Charter school has made a Major Modification Request, but did not include the facility change as a charter modification. It concerned Enrollment Change and Enrollment Preference. (Exhibit 3) In their request, there is mention that, "Our facilities plan has changed since submission of our charter application." This statement does not constitute a major modification request.

As an institution of educating and molding our youths, therefore striving to lead by example, I believe that this is an oversight on the part of Freire. I am asking that the CSAC, Mark Murphy and the State School Board will continue to do its due diligence, and provide Freire with the opportunity to meet all of the DOE's legally required criteria with fidelity. This includes applying for a Major Modification to change location from 920 French Street to 201 W 14th Street.

Faith McNamara
1213 N. West St.
Wilmington, De. 19801
302 545-8207

My name is Marilyn J. Doto, and I am submitting this testimony for review by the Charter School Accountability Committee (CSAC), the State Board of Education, the State Charter School Office, and the Delaware Department of Education.

I, along with many of my neighbors, am opposed to the location of Freire Charter School in the Midtown Brandywine Neighborhood. I believe that Freire erred in not submitting a **Request for a Major Modification to their Charter based on location.**

On December 31, 2014, our Neighborhood Association President, Ben Cohen, sent a letter to Secretary Mark Murphy of the Delaware Department of Education. In that letter he requested this Major Modification; however, the letter was never answered.

In recent weeks another neighbor, Faith McNamara, asked Ms. Nygourney of the State Charter School office why Freire wasn't required to file such a request based on change of location, since that was required of the Delaware Design Lab Charter. Ms. McNamara was informed that this was because the other school was involved in a change of city, not just a change of building. However, upon further investigation, Ms. McNamara confirmed that **DOE rules do state that such a request is required simply for "a change of location."** Indeed, such language is quite appropriate, and if Freire had made such a request, the CSAC and the State of Board of Education may have heeded some of the many concerns that Midtown Brandywine residents and some of our local elected officials have raised.

Here are some of the reasons why I believe that **Freire School should have been required to file a Major Modification Request based on change of location:**

Public Hearing: The DOE rules require a Public Hearing before they approve a Charter. In Freire's original Charter application it was anticipated that they would be located at 920 French Streets in a building that was designed for school use and that is accessible from four surrounding streets, not just a single, narrow, one-way street as is the case in our tiny neighborhood. Unfortunately, this more appropriate location was secured by a competing charter school which is how Freire ended up with its proposed location in Midtown Brandywine. **Our neighborhood was not afforded a Public Hearing based on the location here.**

inadequate Physical Building and Resources: Freire's fall-back location, this office building at 14th & Orange Streets, is hardly an ideal structure for conversion to a school. **Freire received a zoning exception re: their elevator and fire tower.** Neighbors requested information re: these exceptions, but has received no information. Will this affect child safety?

Freire will have **no gymnasium, athletic fields, or Physical Education** programs for its active clientele -- unlike the former location's plan.

The students will have use of the first and third floors of the building. **There is a business, FedX Florists, located on the second floor of the building. Will those**

employees interface with the students on the elevator and the stairwell? Will the employees undergo criminal background checks, as the school staff will be required to do? This is an issue that has not been addressed by Freire.

Questions remain about the school's overall viability. According to the School's own testimony, their **"full-time" school nurse will double as the receptionist.**

Discussion at a recent CSAC meeting cast serious doubts about whether the school has a credible and affordable plan for addressing the educational needs of the special education students who will make up a portion of its projected enrollment. On 4-1-15, with an enrollment of 78, there were 18 Special Needs children, 4 of whom are "Intense and Complex." Now, Freire claims to have 208 students. **What is the number of Special Needs students now?**

At the last CSAC meeting Ms. Davenport, calling in from Philadelphia, stated, "We see **nothing wrong in sending Special Needs children across State lines to private schools in Chester County.**" That conversation was wisely cut-off by Deputy Secretary Blowman.

But what is the plan for these children? And if, after these many months working through the Delaware Charter School process, the CEO of Freire's umbrella charitable organization is so uninformed about such an important and sensitive topic, **how can their leadership be given serious consideration?**

The Board of Directors of the Midtown Brandywine Neighbors Association voted at its May meeting to take the admittedly extreme, but unfortunately necessary step, of **hiring an attorney to assist us in challenging our own City government.**

The City Administration has repeatedly refused to require the proposed Freire Charter School to apply for a variance from the Zoning Appeals Board of Adjustment (ZBA) to prove that it can supply the amount of on site parking that is mandated by the City Code. **We believe construction should be halted until and unless Freire complies with the City Code.** This David and Goliath battle threatens the fragile quality of life that many neighbors have spent their lives nurturing and protecting in Midtown Brandywine.

Many in our diverse and friendly neighborhood feel that their legitimate concerns have been ignored and that they are being strong-armed by a City administration that is unwilling to enforce its own zoning laws. They are seeking protection from this charter school that proposes to bring 560 students in grades 8 through 12, and at least 50 teachers and staff (and the traffic generated by this intense use) to a hard-to-reach site in our residential enclave of 220 households at the dead-end of N. Orange and W. 14th Streets.

Freire has consistently minimized the impact that a school of this size will have on Midtown Brandywine. **They insist that the majority of students will arrive by DART buses that will drop students off, in all kinds of weather, five blocks away at Rodney Square or near the Emergency Room entrance of the Wilmington Hospital.** Many feel that Freire's reliance on this untested mass transit model is naive and extremely unrealistic, and that it is entirely likely that hundreds of cars will use the already congested local streets, producing a traffic nightmare not just for our neighborhood but for the adjacent central business district too.

I find quite ironic that those associated with a school named after the late socialist/Marxist activist and educational theoretician Paulo Freire, would be so **insensitive to the needs and opinions of their neighbors.**

Even more ironic is that Freire's **Head of School, which touts its zero tolerance approach toward violent words and actions by its students, has been arrested, arraigned and is facing a criminal hearing for a physical and verbal attack on one of the neighbors -- me.*****

The Head of School has been given a "No Hostile Contact Order" and must remove himself from any public premises where I am -- I live just one block from the school. He, fortunately, has been removed from the school. But now, Freire is a headless entity, with **two Co-Academic leaders with 4 years teaching experience and no administrative training or experience heading a school.** We have been told that Ms. Davenport will be "supervising" these young educators from Philadelphia. But in the past couple of weeks I have been at the CSAC meeting in Dover, the CSAC Public Hearing in Wilmington, and a TV interview near the school. Ms. Davenport was invited, but not present at any of these events. **If she is too busy in Philadelphia now, how will she be able to "supervise" her inexperienced staff when there are students and classes in the building?**

For all of these reasons, I strongly believe Freire's Charter should be revoked.

*****Please see attached papers from the Attorney General's office.**