

In The Matter Of:
Department of Education
In Re: Freire Charter School

Hearing
March 9, 2015

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DELAWARE DEPARTMENT OF EDUCATION
PUBLIC MEETING
FREIRE CHARTER SCHOOL

Public Meeting of the Department of Education, taken pursuant to notice at The Carvel State Office Building, 820 North French Street, Second Floor Auditorium, Wilmington, Delaware, beginning at 4:43 p.m. on Monday, March 9, 2015, before Jennifer Shomper, Professional Court Reporter and Notary Public.

APPEARANCES:

CATHERINE T. HICKEY, ESQUIRE,
DEPUTY ATTORNEY GENERAL, DEPARTMENT OF JUSTICE
102 West Water Street
Dover, DE 19904

JENNIFER NAGOURNEY
CHARTER OFFICE EXECUTIVE DIRECTOR

DONNA JOHNSON
STATE BOARD EXECUTIVE DIRECTOR



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P R O C E E D I N G S

MS. NAGOURNEY: Good evening. I declare this public hearing to be open.

My name is Jennifer Nagourney. I am the Executive Director of the Charter School Office of the Delaware Department of Education, and I have been appointed by the Secretary of Education to conduct this public hearing.

The charter of Freire Charter School has applied for major modification. As required by law, the matter is referred to the Charter School Accountability Committee.

I will now ask the others with me to introduce themselves .

MS. JOHNSON: My name is Donna Johnson. I'm the Executive Director for the Delaware State Board of Education.

MS. HICKEY: Good evening. My name is Catherine Hickey. I'm the Deputy Attorney General with the Delaware Department of Justice, and I'm here today as counsel to the hearing officer.

MS. NAGOURNEY: This joint public hearing is being held by the Department of Education and the State Board of Education to assist in the decision of whether the criteria set forth for approval in



1 the Delaware Code have been satisfied. This
2 hearing provides the school an opportunity and
3 community members an opportunity to receive and
4 provide public comment.

5 I would like the record to reflect that the
6 notice of the time, date, and place of today's
7 public hearing was published in the News Journal
8 and the Delaware State News. In addition, notice
9 was posted at the Charter School Accountability
10 Committee's official place of business, on the
11 Department of Education's official website, and on
12 the state public meeting calendar on the state's
13 official website. Further, the school was
14 personally notified of the time, date, and place of
15 this public hearing.

16 The court reporter is present so that a
17 record of this hearing can be made. It will be
18 necessary for each speaker to clearly identify
19 himself or herself before beginning to speak so
20 that the court reporter will be able to note who
21 you are. Please also spell your name. If you have
22 your comments that are typed, the court reporter
23 would appreciate a written copy of your comments to
24 help with the transcription.

25 The record of this hearing will be provided



1 to the Secretary of Education and members of the
2 State Board Education together with any written or
3 electronic comments received at this hearing.

4 We'll proceed in the following manner: First
5 we'll hear from any representatives from the
6 charter school who are present. Then we will take
7 comments from anyone else who desires to speak. We
8 have sign-up sheets at the front of the room, which
9 I now have here.

10 First, I'd like to ask for a show of hands of
11 all those desire to speak so that I can determine
12 whether it will be necessary to impose a time limit
13 on comments. Okay. We'll ask that you keep your
14 comment to three minutes. We'll be using a timer.
15 I intend to be as liberal as time and reason allow
16 in accepting comments. However, I do reserve the
17 right to limit comments if it is purely repetitive
18 or speculative.

19 At this point if there are any members of the
20 school board present, I ask them to come forward.
21 At this point I will accept comments from anyone
22 else who desires to speak.

23 MS. DOTO: Good evening my name is Lynn Doto.
24 My name husband, Bill Montgomery, and I have been
25 residents of Midtown Brandywine for almost forty



1 years.

2 There are so many reasons why Freire should
3 not be granted the request for major modification.
4 Most are a consequence of Freire's poor planning,
5 lack of knowledge from the community, and
6 inattention to regulations. Many neighbors,
7 including me, have addressed the lack of a real
8 transportation plan for Freire's prospective
9 students.

10 I understand the CSAC members' position. The
11 third job is to decide on the major modification,
12 and that location is not interest -- of interest of
13 their decision. However, Freire has change in
14 location was the driving force that resulted in
15 lower enrollment, no gym, no physical education
16 program for three years, a school nurse who will
17 also do office work and be the security guard at
18 the door. Why would a parent want to enroll their
19 child in a school located in almost inaccessible
20 old building with below-average offerings when The
21 Met is located downtown in a beautiful building
22 specifically designed for a high school.

23 At the 2/24/15 CSAC meeting in Dover, a CSAC
24 member asked Freire -- about Freire's
25 transportation plan. Mr. Porter indicated that



1 they're working on the transportation plan and
2 crosswalk repairs with the city's, quote,
3 Mr. Blankenstein. I believe he was referring to
4 Mr. Blankenship, and I wonder just how closely
5 they've been working together. Mr. Porter
6 mentioned repairs to the crosswalks but had no plan
7 for crossing guards at any of the many
8 intersections that have stated their students will
9 be traveling. Mr. Porter also stated that Freire,
10 quote, still anticipates using DART buses but then
11 gave a list of implausible possibilities including
12 purchasing Moyer Academy's buses, transporting
13 students in vans, and having Ray Clay District
14 buses drop off students within a half a mile of the
15 school. These aren't plans. It's wishful thinking
16 with no real substance.

17 When asked by CSAC when Freire's
18 transportation would be finalized, I and the two
19 Midtown neighbors with me at that meeting were
20 stunned when Mr. Porter replied March 20th. That's
21 seven days after any neighbors would have an
22 opportunity for public comment and one day after
23 the School Board votes on modification. How can
24 the School Board and the Department of Education
25 make an informed decision on the modification when



1 there's no plan for student transportation and
2 safety? It appears that Freire views this whole
3 process as a rubber stamp for approval.

4 As for their ability to legally operate a
5 school at this location, CSAC should investigate
6 whether Freire has the necessary approvals from the
7 City of Wilmington. We have been told by the city
8 that Freire has not applied for a building permit.
9 Therefore, the city can't require a Zoning Board of
10 Adjustment hearing where neighbors can present the
11 fact that Freire has fewer than half of the parking
12 spots required by city code. Neighbors feel caught
13 in a catch-22 situation.

14 We have seen construction going on at the
15 building. Freire has posted photos of the
16 demolition on their Facebook page, and
17 Ms. Davenport told CSAC on February 24th that the
18 building owner was doing demolition work to make
19 room for a cafeteria. We're still waiting for the
20 city to take action on the lack of a permit and the
21 need of a ZDA hearing.

22 The terms of Freire's pending \$1.1 million
23 Barclays Bank Loan -- their conditions of closing
24 or loan dispersement include borrower obtaining all
25 necessary approvals from the City of Wilmington,



1 the state and federal government permitting the
2 borrower to operate a fully licensed high school.
3 The terms of their pending \$687,000 federal charter
4 school start-up grant also included adherence to
5 local, state, and federal regulations. The
6 apparent lack of compliance with city regulations
7 regarding permits and parking requirements could
8 result in Freire losing significant funding. But
9 better that occurs now rather than after Freire
10 opens a school that is headed towards failure.

11 The lack of student and family interest in
12 Freire, Freire's subsequent low enrollment figures
13 are just the proverbial canary in the coal mine.
14 If this school is approved and open with fewer than
15 half the first year enrollees that Freire
16 anticipate, it will surely fail. This is
17 Wilmington, not Philadelphia.

18 Once the unweary parents and students
19 actually experience the deficits of the school,
20 word will quickly spread. Freire will be unable to
21 increase their enrollment figures in the second
22 year. This will eventually be yet another failed
23 Delaware charter school. The parents, students,
24 and Freire will be the loser. The only winners
25 will be the building's owners who will finally have



1 their Class 2 building renovated at the expense of
2 tax payers and private donors.

3 Please deny Freire's request for major
4 modification.

5 I've attached two letters from 36 concerned
6 residents. One is to our state senators and
7 representatives. The other is to our city counsel
8 people. There's almost an e-mail to Hanifa Shabazz
9 and the counsel members about the work going on at
10 Freire and some Facebook photos that Freire posted
11 out their window of neighbor's homes and also of
12 the demolition that took place in the building.

13 Thank you very much.

14 MS. HICKEY: We'll mark this as Exhibit 1 if
15 you want this all part of the record.

16 MS. DOTO: I will, yes, please.

17 (Exhibit No. 1 was marked for identification.)

18 MS. NAGOURNEY: I think we're ready to
19 proceed. So now we have the time set for three
20 minutes per person.

21 MS. McNAMARA: Do we have to --

22 MS. NAGOURNEY: Could you identify
23 yourselves.

24 MS. HICKEY: I'm sorry. My name is
25 Faith McNamara. Can we sort of edit what



1 we're -- we don't have to read word for word and
2 submit it; we can just kind of summarize it in case
3 we're getting too longwinded?

4 MS. NAGOURNEY: Absolutely. No. There is no
5 test. We ask you to use these three minutes in any
6 way you see fit. This is your opportunity to
7 provide comments and our opportunity to record
8 them. You also have the opportunity, again, to
9 submit your comments in whole in writing to be
10 added to the record.

11 MS. McNAMARA: Thank you.

12 THE REPORTER: Can I ask you to spell your
13 last name for me, please.

14 MS. McNAMARA: I'm sorry. M-c-N-a-m-a-r-a.

15 THE REPORTER: Thank you.

16 MR. SOULSMAN: I'm going it to give you this
17 so you have a spelling of my last name if that's
18 okay.

19 I am Gary Soulsman, and I live at 109 West
20 13th Street, two blocks from the proposed Freire
21 school. Among the documents that Freire filed in
22 support of its charter is a business plan. The
23 plan states that the school will be located, quote,
24 inside Wilmington's central business district,
25 unquote, and makes several mentions how important



1 this is for the school's success. In fact, Freire
2 could not secure its first location and now has the
3 use of an office building that is next to Fletcher
4 Brown Park in our neighborhood. The city's zoning
5 plan does not consider our row homes and relatively
6 quiet street a central business district. We are
7 the Midtown Brandywine neighborhood, and we are
8 zoned residential.

9 Given Freire's misstatement of where they
10 will locate, it is important that you will consider
11 the accuracy and the practicality of the modified
12 plan for getting the 8th and 9th graders safely to
13 school. The new Freire building is at the end of a
14 one-way street. It's a street through our
15 neighborhood, and it makes a sharp left-hand turn
16 onto a narrow street with row homes on either side.
17 The dog leg is such that neither city buses, nor
18 school buses, negotiate this turn. Yet, this is
19 the only direct route to the school.

20 Because of street and traffic limitations,
21 Freire school planners have told our civic
22 association that students will be encouraged to use
23 the DART bus system with a drop-off adjacent to
24 Rodney Square. This is a plan that has many
25 questionable elements in terms of safety to



1 students. Nor is it clear that parents would ask
2 their children to walk several blocks from that
3 drop-off point given the city's reputation for
4 violence and crime.

5 As we know from other Delaware schools,
6 parents are very willing to drive students to
7 classes, but Freire's plans for parents to drop off
8 students are questionable. Freire executive staff
9 told our civic association that parents will have
10 to drop off students a block away from the school
11 and have them walk across the south boundary of
12 Fletcher Brown Park in all kinds of weather. I ask
13 you, does this strike you as realistic given how
14 many -- how protective many parents are.

15 The bottom line for me is this: Even with
16 Freire's reduced goal of 224 students that a major
17 modification would provide, staff would still be
18 required to recruit 560 students by year four.
19 That's 560 students coming into a city
20 neighborhood, not the central business district.
21 We are frightened of even 150 parents driving cars
22 into our neighborhood each morning. We can't
23 imagine how terrible this situation will be when
24 the school scales up to 560 students. Our
25 neighborhood streets would be a disaster if the



1 majority of parents drive their children to school
2 and we have more than 300 cars blocking our streets
3 each morning and afternoon. There is also a
4 question of how safe this is for all involved.

5 We ask that you not modify the Freire charter
6 because the location of the school is not what was
7 originally proposed and is now -- next two
8 sentences -- and is now next to an area with
9 residential zoning. Our neighborhood is the only
10 realistic route for parents to transport their
11 children to school, and the amount of traffic and
12 congestion that would come to these streets is
13 outrageous. Whatever the merits of Freire's
14 philosophy, they misled you about the school's
15 location, and the selection of the site is
16 inappropriate.

17 MS. HELLER: Let's see how this goes. My
18 name is Melissa Heller, M-e-l-i-s-s-a H-e-l-l-e-r.
19 Good evening. I'm a resident of the Midtown
20 Brandywine neighborhood.

21 I propose that the committee reject Freire's
22 major modification request due to the sacrifices
23 that the school is willing to make based on some of
24 their modification. I believe Freire is making
25 concessions on certain aspects that are pivotal to



1 potential success as a charter school in
2 Wilmington, and their concessions risk their
3 sustainability and performance. Freire has an
4 excellent school in Philadelphia. And if I had
5 been on the committee evaluating whether or not to
6 give them a charter based on their initial
7 application, I probably would have supported it. I
8 think Wilmington can benefit from a school like the
9 one they have in Philadelphia. But things have
10 changed since that initial application.

11 One of Freire's major modification requests
12 is to remove the preference for student and
13 families that sign the pledge about college
14 preparedness and nonviolence. Their nonviolence
15 policy has been highlighted and something that sets
16 Freire apart from other schools. Freire
17 representatives have repeatedly said that to be a
18 Freier student, you have to be willing to work
19 hard. Freire has a certain expectation of their
20 students. Students who sign the pledge are
21 committed to working towards these expectations,
22 and the pledge is a way for Freire to develop a
23 responsible, high-achieving, socially conscious
24 student body. There is even a letter available
25 online for Ms. Davenport and Mr. Porter that says



1 Freire is not a school with high academic
2 achievement and a nonviolence policy. We are a
3 school with high academic achievement because we
4 have a strong nonviolence policy.

5 Now the school would like to remove this
6 nonviolence pledge as a factor that potentially
7 affects the makeup of their student body. At first
8 glance, this is not a big change. Some students
9 will still sign the pledge, and the school will
10 still have a nonviolence policy it will uphold.
11 But consider the implication. Freire is willing to
12 sacrifice a student body with a commitment to their
13 mission because they are removing some of the
14 motivation for students to make this pledge. This
15 seems like a move in the wrong direction. And
16 frankly, it's troubling that a pledge to a policy
17 which they themselves have recognized is critical
18 for their academic performance is so easily
19 dismissed by the school.

20 The rationale is they are doing this to
21 increase the funding. Funding can impact the
22 school's performance, but so can the motivation and
23 commitment of its student body. I am also
24 submitting as an exhibit a list of the many other
25 changes that have taken place since Freire's



1 initial application, changes that have resulted in
2 a less desirable location with less desirable
3 facilities, less desirable access, and a less
4 desirable impact on residential and business
5 neighbors.

6 If they've already made concessions with less
7 desirable outcomes, what concessions will they make
8 in the future? How much are they willing to
9 sacrifice the quality of their location, access,
10 facilities, and students body? Are their low
11 enrollment numbers really indicative of success?
12 Are we getting an early indication that Freire is
13 not sustainable and willing to potentially risk the
14 performance by diluting the power of their own
15 pledge?

16 The performance and sustainability of
17 Freire's school Wilmington are in question, and we
18 look to you to make the right decision for our
19 students, families, and the community.

20 Thank you.

21 (Exhibit No. 2 was marked for identification.)

22 MS. NAGOURNEY: Before we proceed, it's
23 traditional -- our tradition is to allow
24 representatives from the school to speak at this
25 time we began the hearing. There were no



1 representatives present. I understand that we have
2 someone here.

3 Would you like to speak at this time?

4 MS. DAVENPORT: Whatever works. I thought we
5 started at 5:00, so I apologize if I'm late.
6 Whatever works considering I'm late.

7 MS. NAGOURNEY: We started early. You are
8 not late. We wanted to collect comments from
9 people who needed to leave, and we'll keep the
10 floor open as long as people want to stay.

11 MS. DAVENPORT: So whatever works for you,
12 but I do intend to speak.

13 MS. NAGOURNEY: Whenever you'd like to,
14 please come on up.

15 MS. DAVENPORT: Okay.

16 MR. PELEGRIN: Ready? My name is
17 Larry Pelegrin. I live at 1327 Tatnall in Midtown
18 Brandywine. I've been there for nineteen years.

19 Some others have addressed some of the
20 statutory requirements, quasi-legal requirements,
21 for a charter school. One of the earlier speakers
22 from the school over here -- I can't remember which
23 one it was -- he said there are three M's in
24 charter schools. I submit there's an L, and it's
25 the location.



1 Charter schools create a new paradigm for
2 location of schools. Never has that been a local
3 or neighborhood issue like it is today when you
4 drop a school into a neighborhood.

5 I've written two letters, one to your
6 committee, the Delaware Department of Education
7 Charter School Accountability Committee on
8 February 9th, and I'll submit that after I'm done.
9 I'm not going to read that in the interest of time
10 because you can read. The second one was that
11 letter attached to the Board of Directors of
12 Freire's school which attached that letter and
13 raised some other questions in regard to location.
14 And my comments are maybe more questions than
15 comments.

16 And so my first question is, what were they
17 thinking? What were they thinking? And the
18 collective "they" is, first of all, the site
19 selection committee who picked this location. It
20 was second choice because their first one was
21 turned down. And then the second part of that is,
22 who did they sell it to, to get to this point in
23 the discussion? And thirdly, who bought it? Who
24 bought this location?

25 And in regards to the third question, I would



1 like to ask you a question: Have you been to the
2 location? Has anybody been to the location?

3 MS. HICKEY: We're going to trust that's a
4 rhetorical question because this is not a
5 back-and-forth setting. It can be for you to --

6 MR. PELEGRIN: Okay. Well, I think I hear
7 your answers loud and clear.

8 I asked the same question of the Board of
9 Directors of the school in my letter, and I didn't
10 expect an answer. But I can surely give you a bet
11 on my part as to how many have been to the
12 location.

13 The point is, it's -- if you were there, you
14 would have to ask the question, what were they
15 thinking? One of the previous speakers defined it
16 very clearly. It's a one-way street. Parking in
17 this case going down Orange on one -- on Market
18 going down on one side. You turn the corner ninety
19 degrees. It's one way street parking on both
20 sides. It's ludicrous. It's absolutely ludicrous.
21 And it puts the kids in jeopardy. In good weather,
22 it puts the kids in jeopardy. Whether they're
23 dropped off at Rodney Square or they're dropped off
24 on Washington Street, they're in jeopardy. No one
25 wants that. The whole charter program is based on



1 success. I have two grandkids --

2 (Timer beeps.)

3 MR. PELEGRIN: Does that mean I'm done?

4 MS. JOHNSON: We're going to ask you to wrap
5 it up if you could.

6 MR. PELEGRIN: -- two grandkids going to
7 charter school next year. They're ecstatic, their
8 parents are ecstatic, and so am I. But my question
9 remains, what were they thinking, and I will
10 welcome you to come to our neighborhood and take a
11 look. And you'll end up walking away with the same
12 question, what were they thinking.

13 (Exhibit No. 3 was marked for identification.)

14 MS. McNAMARA: You have the spelling. I'm
15 Faith McNamara. I'm a retired teacher and I live
16 in Midtown Brandywine, and I taught for thirty-two
17 years. During that time, I earned my national
18 board certification as an early childhood
19 generalist because I worked in special ed and
20 regular ed and early childhood.

21 Anyway, the First State Montessori Board, are
22 you familiar with the First State Montessori Board?
23 Okay. They invited me to participate in their
24 family board, which I did for two-and-a-half years.
25 It was an awesome experience. I was invited to



1 First State Montessori, and it is just a -- the
2 most wonderful place in the world. But they were
3 denied their charter. For two years, I sat on that
4 board and I was denied the charter despite all the
5 hard work we did for two years. Two-and-a-half
6 years later, First -- I went off the board -- First
7 State Montessori continued to persevere. Five
8 years it took them to get their charter and it is
9 awesome. It is exemplary. I was invited to see
10 it, and it is absolutely beautiful.

11 Now back to Midtown. I can only think -- you
12 asked why -- what were thinking. Well, I'm
13 thinking they made this decision in haste. I do
14 not -- I like that -- I like them. I think they're
15 professional. I think they really care about the
16 kids. I'm sure they've got a wonderful program.
17 But our site is unsuitable for their -- not only is
18 it unsuitable, it is unsafe. They've -- they paid
19 a planning corporation to do a study, traffic
20 study, and it -- and I will tell you -- and we
21 talked about it earlier -- it is unsustainable. It
22 is unenforceable. And it's just not going to
23 create safety.

24 We are a little -- I wish you could see what
25 we're talking about because it is a little tiny



1 neighborhood, and having 600 people with all that
2 traffic -- traffic is already an issue. Parking is
3 already an issue. And the safety of these kids is
4 really put in jeopardy. And I know that Freire
5 wants a safe environment, but that's why I think
6 they just made this decision in haste. Because
7 this is environment is not going to provide the
8 safety that they will want -- that we all would
9 want for their students.

10 Now back to First State. It is awesome. And
11 the reason it's awesome, it took five years to
12 develop that charter. And they persevered and they
13 continued. So I am asking -- and, you know, I was
14 disappointed not to have gotten that charter. But
15 I see in the long run that the families in
16 Wilmington are so much better served because they
17 had to wait and take more time to -- and from day
18 one, it was perfect.

19 Now, I'm requesting that you deny Build A
20 Future and Freire the major modification request
21 this year. Please give them the time they need to
22 not settle for an unsuitable, unsafe setting for
23 their charter school. Wilmington needs a full
24 service high school desperately where all the
25 children that attend that high school will prosper



1 and be as successful as they can, and the setting,
2 as they said, is really important, the environment.
3 But it's not Midtown.

4 Thank you.

5 MR. MONTGOMERY: My name is Mike Montgomery.
6 I'm speaking on behalf of Dr. Hanifa Shabazz, a
7 city counsel member for the fourth district.
8 Unfortunately she's not able to attend today, but
9 she did prepare a text which I'd like to enter into
10 the record. The letter is addressed to the
11 concerned residents of the Midtown Brandywine
12 neighborhood.

13 It reads as follows: Dear neighbors, I
14 appreciate your request for me to attend the
15 March 9th meeting of the Charter School Advisory
16 Committee. Unfortunately, I am not able to attend
17 as I will be away from March 7th through the 12th
18 for a conference. However, your concerns are my
19 concerns, and I am pleased to be able to support
20 your position with regard to a school being
21 established in your neighborhood. Our concerns are
22 not about the school itself but about the location
23 of the school. I've always known the Midtown
24 Brandywine community to be comprised of welcoming,
25 caring, and tolerant people. I still know that to



1 be true today. I agree with your collective
2 assessment that a school of this size placed in
3 such a densely populated and compact area will be
4 detrimental both to the school and the community.

5 One of the important community benefits of
6 any type of school or learning facility being
7 established in close proximity to neighborhoods is
8 that its students and faculty become part of the
9 community and can contribute to its growth and
10 prosperity. I doubt in this case that any of the
11 intended or hoped-for benefits by either the school
12 or the community will come to fruition. There is a
13 clear clash of values that is deep and could
14 unintentionally place the children in an
15 unwelcoming environment or situation to which none
16 of us should contribute.

17 I also have deep concerns about the proposed
18 traffic flow plan associated with the school and
19 especially about a portion of the plan for dropping
20 off and picking up children which I feel could
21 interfere with existing businesses on Market
22 Street. This is not acceptable.

23 I also have deep concerns about the
24 availability of the staff and student parking.
25 Part of the plan apparently involves excess parking



1 (Exhibit No. 4 was marked for identification.)

2 MS. KOCHER: My name is Trish Kocher. I've
3 lived in Midtown Brandywine for twenty years. My
4 house is in the same block as the new location
5 proposed Freire school. I object to this new
6 location due to the traffic constraints created by
7 the landlocked site and the 560 students and 50
8 faculty and staff that will arrive and depart each
9 day during two condensed windows of time.

10 The property only has one street front, and
11 all passenger cars, transit vans -- which are
12 required to bring the Red Clay students to
13 school -- food and delivery trucks -- which I guess
14 food is being delivered to the school as well --
15 will be forced by street patterns to come into the
16 neighborhood on one-way Orange Street, turn left at
17 the dead end in front of the school onto one-way
18 14th Street. The vehicles will, by virtue of their
19 use, be stopping to drop off people and goods.
20 There is no plan to route them through the rear of
21 the property, and there are no side streets, just
22 one city street in front of the school.

23 Freire leaders have suggested they will
24 direct most students to ride DART buses and walk
25 into school from Rodney Square or Washington



1 Street. They've also suggested that they would
2 direct parents that do drive to drop off their
3 children at the site about a block away. I
4 appreciate the concept, but there is nothing to
5 compel parents or students to follow these rules.
6 Like me, they'll take the shortest line from A to
7 B. Like me, they're entitled to drive down Orange
8 Street to the front of the school where they will
9 join the inevitable line of cars that will form on
10 14th Street, my street. Like me, the students will
11 cut through the neighborhood to find the quickest
12 route to school. The vehicle and foot traffic will
13 have a profound and negative affect on our
14 well-established and quiet neighborhood.

15 Midtown Brandywine is a testimony to the fact
16 that people still enjoy city living and that
17 downtown neighborhoods can flourish. But Midtown
18 is a rare thing in the city, and I believe the
19 fragile balance of this residential neighborhood in
20 the middle of the city is about to tip. This is a
21 good school, but it should not be shoehorned into
22 this bad location.

23 Thank you.

24 MR. PODORSON: Hi, I'm Roy Podorson. I live
25 at 1335 West Street since 1997.



1 And what I want to do is, first a picture is
2 worth a thousand words. Essentially, this is a
3 mockup, a dramatization, of 75 students. And
4 Freire when they are fully populated will have
5 seven times the amount of what is shown in that
6 picture. So what's going to happen is some major
7 problems, kids being maybe hit by cars because
8 coming up 14th Street from the drive, a lot
9 of -- some cars make a left on West Street and take
10 a shortcut up Tatnall. Then what's going to happen
11 is, because it's so populated -- have you ever
12 walked on 5th Avenue and 45th on lunch hour?
13 Unbelievable. This is going to be into the
14 streets. This is going to be dangerous for the
15 students. I'm not against the school. As we've
16 all said, where are they putting the school. It is
17 about two or three times the amount of the
18 population of our neighborhood, which is 250
19 people. So we have a major problem with students.

20 And of course this is a dramatization, but it
21 is something that students are going to be
22 also -- there's a little map there of the Midtown
23 area. Winchester Street is a place where students
24 are going to start cutting through and going around
25 the block. It's going to create a problem of



1 having the income or the rates of the homes lower
2 the value. That's another problem that can happen.
3 But the main thing is the amount of students, the
4 amount of people coming into our neighborhood twice
5 a day and having drop-offs. In cold weather like
6 this, they're going to be coming right up to the
7 door.

8 This is another picture of a van rounding a
9 corner on 14th Street. It takes the whole block up
10 from the cars parked on the left and the right
11 side. So you have something that's going to be
12 very dangerous and incredibly consumed with
13 traffic.

14 There was a time about eight months ago when
15 the drive was blocked going eastbound coming from
16 the west, and cars were coming up that way. And
17 I'm making a point here for a reason. There was so
18 much traffic coming up the light on -- the traffic
19 light on the main street by the bridge there, cars
20 were backed up so much that the cars coming up from
21 the drive were going straight up my block the wrong
22 way. What's going to happen with the amount of
23 students coming across 14th Street? And there
24 aren't as many guards as possible. It's going to
25 block the traffic especially in the afternoon and



1 in these rush hours of the morning so much so that
2 that's a thing that can happen, blocking traffic
3 coming up from the drive.

4 So there's two issues here: The traffic, the
5 students -- and what about emergency vehicles?
6 What about the trash pickups? What about people
7 going out wanting to walk their dog first thing in
8 the morning and having hundreds of students? You
9 can't even walk up and down the block. This is
10 what's going to happen. It's pretty rough for our
11 neighborhood, and it'll change the character of the
12 neighborhood forever. And it wouldn't be a better
13 neighborhood.

14 MS. HICKEY: Mr. Podorson, we're going to
15 make the first picture that you gave us, the
16 dramatization, Exhibit 5.

17 MR. PODORSON: Yeah.

18 MS. HICKEY: And the picture of the van,
19 transit van, we'll make Exhibit 6.

20 MR. PODORSON: That's about -- that's about
21 70 students to give you an idea.

22 MS. HICKEY: Thank you.

23 MR. PODORSON: You're asking seven times the
24 amount of students coming down the block.

25 (Exhibit Nos. 5 and 6 were marked for identification.)



1 MR. WILSON: My name is Dion Wilson.

2 MS. HICKEY: Wait one second. We have to
3 make sure the court reporter is ready to take down
4 the testimony.

5 MS. NAGOURNEY: Our court reporter is by far
6 the most important person. We just want to make
7 sure that she has the most accurate record as
8 possible so that all of your comments will be
9 accurately reflected in the record.

10 MR. WILSON: My name is Dion Wilson. I have
11 a prepared statement here, but I'm going to vary
12 from it. I'm a resident of Midtown Brandywine
13 close to seventy years. My family has been over
14 eighty. And thinking about that, there's seven
15 other families in that neighborhood that have been
16 there eighty years. Now, you're talking about a
17 quaint neighborhood, but we all know this -- and
18 I've been to a couple of Freire's presentations,
19 and they're selling our neighborhood like it's
20 their campus. And it's not. That's where we live.
21 This is our homes. And also I've been listening to
22 Freire, and they've been at a couple neighbor's
23 houses I've been in, and they've been talking. And
24 they've talked about taking the lowest kids, the
25 kids that can't make it so forth and so on. I have



1 nothing against this. But in reality, are they
2 prepared to do it.

3 The charter schools in Wilmington so far are
4 offering the same education as the public schools,
5 and they're failing. There's a reason why. You're
6 dealing with young, black children that aren't
7 getting it, mostly black men, young men. And the
8 reality of it is they're not getting because it's
9 not being presented to them in the manner they can
10 tame it. There are no black studies. There is not
11 an African central education nowhere in our system,
12 and our system is failing our black youth.

13 I listened to the lady from Freire, and she
14 told me -- I felt like she was being very
15 condescending -- she says all I have to do is look
16 at them in their eyes, and they'll do what I'm
17 telling them. I don't know what world she's living
18 in. It's not this one. It's not Wilmington,
19 Delaware.

20 You're going to hear a thousand things about
21 the size of the neighborhood, the traffic. They're
22 all true. Everything you're hearing here is true.
23 It's a bad fit. But as far as charter schools,
24 that's why I'm glad the three of you are here.
25 They need to be specific. The kids -- we have a



1 disenfranchised youth that needs special schools.
2 We have kids roaming the streets that need to be
3 educated. That's why you have 13- and 14-year-olds
4 killing each other. The education system is
5 failing them, just like a lot of their parents are.

6 With that, I'll be quiet and I'll submit
7 this.

8 MS. HICKEY: We'll mark this as Exhibit 7.
9 (Exhibit No. 7 was marked for identification.)

10 MS. COOPER: My name is Nancy Cooper,
11 N-a-n-c-y C-o-o-p-e-r, like the car. Midtown
12 Brandywine is a cozy residential area in
13 Wilmington, Delaware. It is founded by the lovely
14 Brandywine Park and River, the Hercules building,
15 Pennsylvania Avenue, and Christiana Care's
16 Wilmington Hospital. This small, quiet
17 neighborhood is made of people of many races,
18 education levels, sexual orientations, and economic
19 levels. They work together to keep the
20 neighborhood clean, attractive, and safe. They
21 play together at block parties, progressive
22 dinners, chili cook-offs, book clubs, et cetera.
23 This is just the kind of neighborhood that
24 Wilmington needs. I've lived here for thirty-seven
25 years, and I'm happy here.



1 Midtown is one of the first built parts of
2 Wilmington, and it has very narrow streets, which
3 are adequate for the cars from a long time ago but
4 not for the big vehicles we have today. We have a
5 severe parking problem. We do have one-hour
6 parking in the neighborhood.

7 The Freire school wants to open in the old
8 Blue Cross Blue Shield building at the corner of
9 14th and Orange in Midtown. I won't go too much
10 into the parking, which is in here, and the traffic
11 problems we have. But I do want to mention that
12 the Freire people talked when I was down in Dover.
13 They talked about maybe using vans to bring the
14 kids in. That is just another traffic problem for
15 our neighborhood. We have a traffic problem
16 at -- well, in the morning when people come in the
17 city, that's bad for our neighborhood and when
18 they're leaving. And we have our regular traffic
19 through the neighborhood and our parking problems
20 because, you know, most people don't have just one
21 car per family anymore; they have two or three. So
22 we'll leave it at that -- and no matter what they
23 have, if they have buses dropping off the kids or
24 if they have vans bringing them in.

25 The parents of the kids are concerned about



1 those kids. They want the best for those kids.
2 And no matter what they tell me, I'm not going to
3 believe that some kid's parents aren't going to
4 come in and bring them into the neighborhood, which
5 could be as many as a hundred more people,
6 individual cars coming into our neighborhood to
7 drop their kids off or pick their kids up at the
8 end of the day.

9 I just do not feel that Freire fits in our
10 neighborhood. I don't really know much about the
11 school, but I just don't feel that it fits with us.
12 I'm bridging this so it fits. Some people have
13 recently asked for a moratorium on the charter
14 schools in Wilmington because they seem to be
15 slipping back into having segregated schools.

16 I'm a retired teacher who taught over forty
17 years. And twenty-five-plus years, I taught in the
18 public schools of Delaware in Wilmington. I taught
19 at PS DuPont School in Brandywine School District,
20 having taught in the old Alfred I. DuPont School
21 District first and then to the Brandywine School
22 District. I believe in integrated schools. I'm
23 not a part of the group of people asking for the
24 moratorium. But I can understand how they feel and
25 perhaps we should really look at anybody who is



1 asking for a charter really, really seriously and
2 make sure we're doing the best thing for our kids.

3 I've been reading in the paper about people
4 really interested in a public school, public high
5 school now, which I think would be a great idea.
6 But that's my opinion. My opinion also is to use
7 Burnett School in Brandywine School District. I
8 taught there for a while. I was -- before deseg, I
9 was out in the Alfred I. School District, and then
10 I was moved into the city to Burnett. It's built
11 to be a school. It's never been a successful
12 school, but it could be wonderful. I love
13 teaching.

14 MS. NAGOURNEY: We're well over the
15 three-minute limit.

16 MS. COOPER: Oh, okay.

17 MS. JOHNSON: If you'd like to submit your
18 additional comments --

19 MS. COOPER: Well, I did send this before.

20 MS. HICKEY: Okay. Then we have it on
21 record.

22 MS. COOPER: And I change /T-D a lot.

23 MS. MONTGOMERY: Hi, my name is
24 Michelle Fanny-Montgomery (ph). I am presenting
25 the following statement as well as photos as



1 exhibits from a Brandywine resident and retired
2 professional photographer John Newill: I'm a
3 photographer, not a speaker, not a public speaker.
4 We all know a picture is worth a thousand words, so
5 I'm giving a few words and a lot of pictures. By
6 now you have all heard that Midtown is a small
7 neighborhood with narrow streets that are
8 inaccessible by buses and other large vehicles.

9 You have heard Freire's plans for most of the
10 school children to walk five-and-a-half blocks back
11 and forth from busy Rodney Square to our
12 neighborhood. Other children are supposed to take
13 a DART bus from 14th and Washington, right at the
14 emergency vehicle entrance to Wilmington Hospital.
15 There is also a plan for parents who refuse to put
16 their children on a DART bus to drop them off at
17 14th and Market near the Little Folks Too day care
18 center drop-off point. We understand the business
19 owners are opposed to this plan, too.

20 To those of you who -- to those of us who
21 live in Brandywine, Midtown Brandywine, it is very
22 evident that this is a bad plan for safety of the
23 children, and maybe that is why parents are not
24 enrolling them in the school. I am opposed to the
25 location of the school. Perhaps these photos will



1 give those members of CSAC and the state school
2 board who may not be familiar with the area a
3 better idea why we are opposed to the major
4 modification of Freire's charter. Thank you.

5 This is from John Newill, N-e-w-i-l-l.
6 (Exhibit No. 8 was marked for identification.)

7 MS. BRAXTON: I'm Johnny Braxton (ph). I
8 live at 208 West 14th Street directly across the
9 street from the proposed location of Freire's
10 charter school. I'm opposed to the location of the
11 school for many of the reasons that you've already
12 heard. But one of the things that I'd like to ask
13 is that you slow down a minute and take into
14 account that the Education Advisory Committee is
15 trying to get a handle on what's needed for
16 education in the City of Wilmington. So I'm
17 wondering if this charter school should be allowed
18 to open just under the water before those plans are
19 made, accepted by the governor, and put into
20 action.

21 It seems like there's a rush to open this
22 school. They have not been able to enroll the
23 original amount of people that they thought they
24 would be able to. So if that's the case, why is
25 there this big push to open it anyway. Perhaps



1 it's not an idea that's time has come, and we
2 should give the other people already living in
3 Delaware and working in Delaware on a plan for a
4 comprehensive school for education for school in
5 Wilmington, a chance for that plan to come
6 together.

7 Thank you.

8 MS. JAMISON: Hi, my name is Leslie Jamison,
9 and this is a letter I'm going to read on behalf of
10 myself and my husband, Rob Butts. We live at
11 1219 West Street and have been residents for 20
12 years. While we generally are in favor of charter
13 school opportunities for students, there are many
14 reasons that the chosen location, 201 West 14th
15 Street, is a poor choice for the school.

16 The fact that they're asking to decrease
17 their enrollment numbers due to low numbers
18 recruited thus far may be an indication that
19 parents of potential students agree with the
20 residents of Midtown Brandywine on the flawed
21 location. The proposed method of getting to and
22 from the school by DART bus will put them in harm's
23 way twice a day, will cross some busy downtown
24 streets at rush hour to go from the bus stop
25 several blocks to school. Beyond traffic hazards,



1 there will be other times and other possible
2 dangers in the urban environment.

3 Midtown Brandywine is a very small
4 neighborhood of approximately 220 residents with
5 narrow one-way streets and narrow sidewalks. When
6 the school is at full capacity of students and
7 faculty, this will inject an additional almost 600
8 people into our small neighborhood. This will
9 create various issues as you can imagine, but
10 consider emergency vehicles needing to respond to
11 the school or any home in the neighborhood with
12 hundreds of students walking through Midtown as
13 well as the possibility of parents driving through
14 to drop off their children creates the potential
15 for an unsafe and logistically challenging
16 situation.

17 Part of the Freire plan to keep parents from
18 driving into the neighborhood if the children are
19 not taking DART buses is to have parents drop them
20 off at a designated location several blocks from
21 the school. This would reduce parking spaces
22 currently available to the public and would
23 unfairly interfere with existing businesses on
24 Market Street.

25 The building itself is a less-than-ideal



1 school with a lack of gym or cafeteria or play
2 area. These seem like basics for school. Instead
3 will students be expected to stay cooped up in
4 their classrooms for a full school day? There
5 doesn't appear to be any funding on there for
6 coaching or other activities that would enrich the
7 students' experience. Freire really seems to be
8 trying to scramble to make this location work since
9 their first choice on French Street was leased to
10 another charter school.

11 The points above are just some of the issues
12 that make the location unacceptable. In addition
13 to obvious transportation and infrastructure
14 issues, the lack of interest by the local parents
15 should be a clear indication that the plan is not
16 workable and the modifications should be denied.
17 (Exhibit No. 9 was marked for identification.)

18 MR. CHEN: First of all, good evening, ladies
19 and gentlemen behind me.

20 I have been a resident of Midtown Brandywine
21 for nearly nine years. I value tremendously this
22 small, unique, and diverse neighborhood.

23 MS. NAGOURNEY: Could you give us your name.

24 MR. CHEN: Sorry. I'll have to spell it.
25 Can you start the three minutes again?



1 Hop-Sei Chen, H-o-p, hyphen, S-e-i C-h-e-n, and I'm
2 on 222 West 14th Street, which is opposite of the
3 proposed location.

4 So I've been a resident of Midtown Brandywine
5 for nearly nine years and value tremendously the
6 small, unique, and diverse neighborhood, which I
7 now call home. I hope that you join me in
8 reviewing carefully this major modification request
9 submitted for the Freire Charter School.

10 I believe that the overriding reason for the
11 school's lack of success in meeting original
12 student recruitment goals is due to the physical
13 inaccessibility and limited facilities for the
14 proposed location on West 14th Street. By
15 inaccessibility, I mean that any parent and
16 resident can see the inherent flaws from the
17 school's proposed DART transportation model and
18 submitted traffic study. Since the school will be
19 shoehorned on a narrow ninety-degree street, which
20 does not allow for school bus and parents' access,
21 students have been enticed by free DART cards to be
22 dropped off at the municipal bus stop on Rodney
23 Square and Washington Street, and then have to walk
24 along supposedly prescribed routes through the city
25 and neighborhood. In addition, the proposed



1 reassignment of eleven parking spots on King Street
2 as a drop-off/pick-up area is totally inadequate in
3 terms of flow, capacity, and also for inclement
4 weather conditions.

5 Finally, the limited facilities of the
6 proposed location means there are no parking spots
7 on site for parents or students, and there still
8 remains the open question of whether the existing
9 number of parking spots available for school staff
10 meets the zoning board regulations. There is no
11 large area dedicated by the school for student
12 recreation and the absence of a cafeteria, gym, or
13 any physical education programming until many years
14 later.

15 Therefore, in summary, I appeal to your good
16 judgment that the unsuccessful outcome of the
17 school's recruitment drive so far and hence the
18 need for this modification is due to the poor
19 proposed school location which severely limits any
20 future school expandability, student's development,
21 and also a positive engagement with the local
22 community. This conflict between the school,
23 potential students, and the neighborhood is not a
24 suitable environment or foundation for the
25 establishment of a prosperous learning facility.



1 I strongly urge you to reject requests for a
2 major modification and ensure that our state,
3 federal, and private funds are used more
4 effectively for building thriving schools which are
5 supported by the whole community and develops our
6 students to their maximum potential.

7 Thank you very much for your attention.

8 MR. McNAMARA: Hello. I'm Eric McNamara,
9 same spelling my wife. I'm a member -- or a
10 resident of Midtown Brandywine for thirty-four
11 years. I'm reading a statement from another
12 Midtown resident, Rosemary Powell, who could not be
13 here today: I think the charter school advisory
14 committee should ask the question whether Freire
15 would find -- or where they will find their
16 teachers. A year ago, the head of the school,
17 William Porter, said, in Philadelphia, kids have a
18 lot of choice in terms of a quality education. Not
19 all kids in Wilmington have access to a quality
20 education. Porter said offering a premier
21 education would give the community a place they can
22 be proud of and make Wilmington a better place to
23 be. This is an interview on the Freire Wilmington
24 website.

25 Obviously Mr. Porter does not believe that



1 Wilmington has teachers capable of delivering a
2 quality education. I am assuming teachers are the
3 key for any quality education. I do not see
4 teachers commuting from Philadelphia. So where
5 will they come from. The CSAC should carefully
6 consider Freire's claims of excellence.

7 The US News and World Report 2015 rankings
8 indicated that Freire did not make the 1,000 best
9 schools list for the United States. In fact,
10 Freire was rated lowest of any Philadelphia school
11 in college readiness. Fifteen percent of students
12 were tested and zero percent passed. Freire claims
13 it's number one because Freire Pennsylvania sends
14 more of its graduates to college than any of the 36
15 high schools in Delaware. However, Freire's
16 Pennsylvania percentage, eighty-five percent,
17 according to the Pennsylvania Department of
18 Education is one point below the State of
19 Pennsylvania's average of eighty-six percent.

20 US News and World Report does not rank Freire
21 at all but gives two Delaware high schools a silver
22 medal, and six, including two in Wilmington, are
23 given a bronze medal. Freire's claim to be number
24 one may be justified in some sense, but there
25 certainly seem to be quality high schools in



1 Delaware already operating and already ranked high
2 by this national magazine.

3 Freire's average SAT score in 2009 was 1207,
4 lower than the national average of 1509. It was
5 also lower than both Delaware and Pennsylvania's
6 average of 1477. Freire's ACT score in 2013 on a
7 scale of 1 to 36 was 17. That was lower than the
8 national average of 20.9. It's also lower than
9 Delaware's average of 22.9 and Pennsylvania's
10 average of 22.7. Freire's claims of academic
11 success are exaggerated.

12 Their ability to enforce zero tolerance for
13 infractions of school rules is most likely
14 unenforceable in Delaware. Their expectations for
15 full enrollment are unrealistic. For these and
16 many other reasons expressed by other residents of
17 Midtown Brandywine, Freire's request for a major
18 modification of the charter should be denied,
19 Rosemary Powell. She lives at 220 West 14th Street
20 in Wilmington.

21 (Exhibit No. 10 was marked for identification.)

22 MS. MINOR: Hi, my name is Sharon Minor. I'm
23 a resident and owner at 109 West 13th Street in
24 Midtown Brandywine. I oppose the major
25 modification request on two points.



1 My first point is that the staff and
2 representatives of Freire have met with Midtown
3 Brandywine residents several times over the past
4 months promoting the school and its unique mission
5 and philosophy of academic success proven by the
6 graduates' college entry rates and commitment to
7 nonviolent problem resolution. The commitment to
8 this process by students and parents is represented
9 by their signature of the Freire school pledge
10 which then grants them preference for admission.
11 But with the major modification, a commitment to
12 the Freire pledge will no longer be offered, ending
13 much of what makes Freire unique.

14 School leaders told Midtown residents that
15 the pledge was a means for the school to enforce
16 important Freire rules, such as parents not driving
17 into the neighborhood for drop-off and pick-up,
18 students keeping to designated paths to and from
19 school, and refraining from engaging in poor
20 conduct on school grounds.

21 Without the pledge, Freire of Wilmington will
22 offer a watered-down version of the zero tolerance
23 and no second chance policies that worked in
24 Philadelphia. Without the pledge, family
25 allegiance to the mission will be lessened, making



1 Freire just another charter school. The city
2 leaders in Wilmington have said that we have enough
3 of them at this time. The bottom line, if Freire
4 is coming to Midtown and I have to deal with more
5 traffic and parking issues, I want students and
6 families to commit to the mission to make it a
7 great school, that to be demonstrated by that
8 pledge and get preference for admission.

9 The second note I oppose is the reduced
10 reduction in the required student enrollment
11 because this reduction in enrollment limits funding
12 and this impacts the full-time school nurse and
13 requires that person in that position to also
14 provide general administrative support. I know.
15 I'm a registered nurse practitioner. According to
16 the Title 14 Education Delaware Administrative
17 Code, a school nurse must hold a standard school
18 nurse certificate requiring a minimum of a
19 Bachelor's degree in nursing, hold a current
20 registered nurse license, have three years'
21 clinical nursing experience, have current
22 certifications in CPR and AED use and within
23 eighteen months of hire complete ninety hours of
24 training in school nursing, health education,
25 training and screening, counseling and guidance,



1 and introduction to exceptional children. Does
2 that sound like a job description for a
3 receptionist? And how is the nurse to function as
4 a health provider and a receptionist when those
5 duties conflict? Freire's response is that the
6 nurse will only be performing administrative tasks
7 in down time. Well, just like teachers utilize
8 down time to prepare and create education plans, a
9 nurse uses down time to prepare and create wellness
10 programs, not to take on another job description.

11 This is a modification that I think has been
12 poorly conceived and potentially jeopardizes
13 appropriate school health and wellness and should
14 be denied.

15 Thank you.

16 MS. HICKEY: Ms. Minor has provided a copy of
17 the school nurse regulation, Title 14 Education,
18 Delaware Administrative code, and has requested it
19 be made an exhibit to this transcript.

20 (Exhibit No. 11 was marked for identification.)

21 MS. BAKER: My name is Annie Baker, and I'm
22 also a resident of Midtown Brandywine. I live at
23 304 West 14th Street. I'm reading into the record
24 one of my neighbor's, Judith Jones from 220 West
25 14th, one of her letters that she wrote:



1 To whom it may concern, I am writing to
2 comment on Freire's application for a charter
3 school exception. Locating a school in Midtown
4 Brandywine has led to obstacles negating the
5 school's unique attributes drawing from the
6 Philadelphia model which should mandate postponing
7 its opening. You have received a general letter
8 about the safety concerns of this
9 neighborhood -- narrow streets and limited parking.
10 I would like to address some academic concerns.

11 Why would students come to a school with no
12 distinguishing characteristics. Freire stresses
13 its uncompromising, nonviolent behavior policy
14 enforced by dismissal for any student who violates
15 it. This zero tolerance policy is a the backbone
16 of the Freire methodology in the Philadelphia
17 location, according to Mr. William Porter, who is
18 slated to head the school.

19 It is hard to know exactly how many students
20 are expelled, as parents may withdraw their
21 children to avoid the expulsion black mark on
22 school transcripts. However, approximately ten
23 percent of the students in any year withdraw from
24 the school. Obviously such attrition affects
25 Freire's success rates. The assumption implicit in



1 Freire's claim to be unique in controlling school
2 violence is that no Wilmington school can enforce a
3 nonviolent school behavior policy or provide a safe
4 learning environment. More importantly, the zero
5 tolerance policy literally deals with difficult
6 students by dunking them back into the standard
7 public school system.

8 While an interesting debate could be held
9 regarding the efficacy of such a policy and a
10 contrast could be drawn between Freire and Delaware
11 schools, such as the Charter School of Wilmington
12 with its national awards for scholastic excellence,
13 the question becomes moot since Freire's exception
14 application proposes the school drop its
15 parent/student pledge involving this no second
16 chances policy in order to qualify for federal
17 funding. But if their nonviolence policy is the
18 backbone of the Freire methodology, then how does
19 that methodology function without it.

20 Note on legal limits. Delaware, unlike
21 Pennsylvania, does not allow school administrations
22 to expel students unilaterally. It requires
23 further hearings before dismissal. Why would
24 students choose a school with few facilities and
25 limited academic opportunities? As part of its



1 exception application, Freire wants to open with no
2 lunchroom, no gymnasium, or provision for sports,
3 even the severely restricted male-only program
4 offered at the Philadelphia location and no
5 enrichment classes such as art, music, and computer
6 labs.

7 Freire also cites its high academic
8 standards, but the Philadelphia prototype offers a
9 very limited advanced placement AP courses. Only
10 two are included on their website. And students'
11 scores on national tests, like the SAT and ACT, are
12 below national averages. At least one charter
13 school opening this fall, the Design Lab School,
14 offers only college prep and AP courses as well as
15 computer labs, art, music, and sports.

16 Is there a market now for this school in this
17 location? Freire's connection to Delaware is
18 Bill Porter, the school's head of academic affairs,
19 who was born and educated in this state. He's been
20 looking to open up a school in Delaware for years,
21 despite the news of failing charter schools, and
22 the recent shutdown of Pencader Charter High
23 School. These developments aren't enough to deter
24 Porter who says there's still a cluster of children
25 that Freire Charter can serve. Mr. Porter admits



1 Midtown Brandywine was not the school's first
2 choice. The Rodney Square area, first choice, was
3 taken by another charter school -- another charter
4 school which is also opening in August of 2015 and
5 has the location, the programs, the facilities, and
6 the national and regional endorsements such as the
7 University of Delaware and the University of
8 Pennsylvania, to attract both the students and the
9 faculty Freire is also seeking.

10 Freire has not been able to find students
11 dispute very active recruiting who are interested
12 in attending this school in this location. Hence,
13 they have asked for the exception being considered
14 at this time. In view of the amended start-up
15 productions and the questionable success scenario
16 of the proposed Freire Charter School, a
17 postponement of approval for its exception
18 application prior to the allegation of hundreds of
19 thousands of dollars in local, state, and federal
20 funds seems to be the fiscally responsible course.
21 Sincerely, Judith Jones.

22 (Exhibit No. 12 was marked for identification.)

23 MR. CHUKWUOCHA: Good evening. My name is
24 Nnamdi Chukwuocha. I am the councilman for the
25 first district and the chairmen of the city's



1 Education, Youth and Families Committee. I just
2 wanted to come state a couple things on behalf of
3 our committee.

4 As was noted here a few times, our city
5 council did pass a resolution in which we were
6 asking the state to place a moratorium on charter
7 schools in Wilmington. We really feel our city has
8 been saturated with charter schools and, there has
9 been no plan at all for the charter schools being
10 placed in our city and in this chaos are fighting
11 against each other for enrollment.

12 We also feel there needs to be a statewide
13 plan, also a city plan, about how these schools,
14 these charter schools, are impacting our local
15 communities. And this is a perfect example of it,
16 to me, where the placement of the school is not in
17 harmony with the community. I think that has
18 happened quite frequently with charter schools and
19 also saying that we as a city are really looking to
20 charter schools and the placement of these schools
21 about the impact that it's having on our municipal
22 infrastructure and the uses of the buildings.

23 So we stand firm. I stand firm with the
24 community's input. I've heard an array of voices
25 from the community that this just isn't the right



1 location. It just isn't the right location for
2 this school, and I think that as a city, as we
3 begin to move forward, there are a lot of heavy
4 conversations right now about charter schools and
5 about what we should do, what we as a city, we
6 really have a vested interest in supporting our
7 community, ensuring that their voices are heard,
8 that it's impossible for any school to be
9 successful if you don't have that true volume from
10 the community, that true community engagement.

11 And I think all I've heard about the
12 situation is that it's lacking, and I believe it
13 will be very difficult to generate that community
14 support for -- in this present location. A lot of
15 things have been mentioned. There are other
16 options, other parts of the county that could use
17 this great school. But I believe our good city
18 is -- has enough charter schools for right now, and
19 I would just like to be on record as being against
20 or opposed to the modification.

21 Thank you.

22 MS. NAGOURNEY: Is there anyone else who
23 wishes to speak?

24 MR. OGREM: David Ogrem, O-g-r-e-m.

25 My name is David Ogrem. I want to thank the



1 committee for this time and their attention. I'll
2 be very brief. My neighbors have already spoken at
3 length about our neighborhood's concerns about the
4 viability of the location, traffic, parking, and
5 facility. I share these concerns. The streets of
6 the community and the building simply cannot
7 support a successful charter school.

8 I wanted to mention briefly, however, one
9 additional concern. Freire has acted in a manner
10 that I do not find fitting for the educators of
11 Delaware's children. Their actions in dealing with
12 the neighbor have lacked preparation and knowledge,
13 and their actions have often been disrespectful and
14 frankly deceptive.

15 Ironically, Freire often talks about the high
16 standard that they hold their students to. I hope
17 that we can hold their modification requests to the
18 state to assemble our high standard. I request
19 that the Freire modification be denied as the new
20 location and facilities are not good educational
21 environment and that the school has not acted in
22 good faith with Delaware citizens.

23 Thank you.

24 MR. PODORSON: Can I add something? I've
25 been there already.



1 MS. JOHNSON: If you would like to add
2 additional public comment --

3 MR. PODORSON: Yeah.

4 MS. JOHNSON: -- you can do so via e-mail on
5 our website and do that in that manner.

6 MR. PODORSON: Sure.

7 MS. BOLDEN: Good evening. I'm State
8 Representative Stephanie T. Bolden, and I represent
9 the second representative district for the City of
10 Wilmington, and I'm here just to go on record that
11 I've had several meetings -- this is about my fifth
12 one -- regarding the location of this particular
13 school.

14 As you've heard this evening, most of the
15 people that live here in Midtown Brandywine are
16 totally opposed to the location of the school, not
17 so much the concept but the location. And it is a
18 very diversified district. I want to make that
19 clear so you don't see -- because you don't see a
20 lot of people in color in here does not mean that
21 there are people of color that lives there. So it
22 has nothing to do with that or the students that
23 are coming in.

24 The problem is the density. It took me
25 twenty-five minutes just to get from my house to



1 try to get to the Hotel DuPont this morning for an
2 8:00 meeting. I'm at McCaulley Court which is at
3 11:00. I have Stubbs School there. I have Howard
4 High School. We have Delaware Skill Center. We
5 just had the Bank of America that's opened up
6 charter schools there. So you couldn't get up
7 Lombard Street because buses were blocking. You
8 couldn't get down 11th Street because they were
9 turning to go on Pine Street. You couldn't get up
10 12th Street because they were trying to get all the
11 way up 12th street to get to the Bank of America
12 charter school building.

13 So the density -- and when you're talking now
14 about 14th Street because there's a vacancy in
15 terms of that building and they need something to
16 go in there. These people have dedicated their
17 lives and into that community. I've had fantastic
18 times there in terms of the cook-offs, the
19 activities during the summer. I take sweet potato
20 cake to the meetings and all those things. But the
21 thing about it is that we've got to have respect
22 for our community and for people. We want
23 Wilmington to grow. We don't want people to leave
24 Wilmington because their vision or their comments
25 are not heard. This is one of the best



1 neighborhoods that we have in the City of
2 Wilmington because they're people that are totally
3 involved.

4 So with everything that you've heard today, I
5 hope that you're really listening and taking into
6 consideration that this is not the place for this
7 particular school to be.

8 You have Moyer Academy that's closing.
9 There's a building there that is already prepared.
10 It's a high school there. It's an elementary
11 school there. It's next to Fletcher Brown Boys and
12 Girls Club, which has a swimming pool. So there's
13 so many activities to go there. There is a need
14 there in that area for a school to work with those
15 kids that have been displaced so many times. So
16 there are schools here that may be closing and that
17 are available where you don't have to worry about
18 the infrastructure and a whole bunch of other
19 things that go into it.

20 So I just want to go on record to let you
21 know that I agree with the community from Midtown
22 Brandywine, that this is not the location
23 specifically to be and also that we have
24 established the advisory counsel, and the
25 recommendations in that counsel indicate the same



1 things. We need to look into charters into the
2 locations where they want to go prior to the
3 charter being implemented to that particular group.
4 And the final report comes out at the end of this
5 month, so we will be addressing that as state
6 legislators, and there's also a public hearing
7 tonight -- I don't know if you're there -- 6:30 at
8 the Chase Center also to address the same thing.

9 So thank you.

10 MS. NAGOURNEY: Is there anyone else who
11 wishes to speak?

12 MS. DAVENPORT: Good evening. I'm
13 Kelly Davenport. Freire Charter School's mission
14 at every school we operate is to provide a
15 high-quality, safe college preparatory education
16 for our students in a way that is responsive to
17 those student's needs, to the community's needs,
18 and Freire Wilmington is no exception.

19 As part of Freire Wilmington's charter
20 modification, we requested to make a small change
21 to our admissions process to simplify our
22 application. Previously, students and families had
23 an option to sign a pledge supplemental to their
24 general application indicating their specific
25 interest in Freire Wilmington's mission. Freire



1 within that grant had an enrollment preference to
2 students who indicated this interest. However,
3 while this enrollment preference was in compliance
4 with all Delaware regulations, we have asked to
5 remove it because it is not in compliance with the
6 regulations of the federal charter schools programs
7 in which Freire Charter School Wilmington is a
8 grant participant. Freire Charter School does not
9 grant any kind of enrollment preference
10 mission-specific or otherwise at any of its other
11 existing locations.

12 The pledge that was removed from the Freire
13 Wilmington's application is not related to the
14 implementation of Freire's nonviolence program or
15 our emphasis on student safety and academics.
16 Freire Wilmington students will still be trained in
17 nonviolent methods of conflict resolution and held
18 to our highest standard of behavior in academic
19 excellence.

20 It is central to the Freire mission to
21 educate and support all students who come through
22 our doors no matter their academic level or
23 background or prior educational experience. We use
24 a lottery system to select our students with no
25 preference given based on previous academic



1 performance. Student interest in Freire has been
2 growing steadily as the beginning of the upcoming
3 school year approaches. It has been our consistent
4 experience that many families, especially in urban
5 neighborhoods, make plans for where their child
6 will attend school the following year in the late
7 spring and early summer of the year before. We are
8 confident that enrollment applications will
9 continue to increase.

10 Several public comments submitted in response
11 to Freire Wilmington's charter modification
12 application reflect a misapprehension that Freire
13 Wilmington students would not have access to a
14 school cafeteria or indoor gymnasium space during
15 the school's first year of operation. This is not
16 true. Freire Wilmington students will have full
17 access to the school's lunch room and gymnasium
18 space from the first day that the school opens.

19 In addition, the amount of parking available
20 to staff and students at the Freire Wilmington site
21 is sufficient by state and city law. Emergency
22 responders have stated that the presence of school
23 at 202 West 14th will not impede the passage of
24 traffic and will not hinder emergency vehicles'
25 access to the school or to any part of the Midtown



1 Brandywine neighborhood. We understand that some
2 community members have expressed concerns about
3 congestion, and we are working with the city and
4 community members to address every one of those.
5 We are committed to creating and maintaining an
6 arrangement that is safe, agreeable, for beneficial
7 for residents, business owners, and students and
8 their families.

9 Freire will also take steps necessary to
10 protect students' safety on DART and in downtown
11 Wilmington. Freire Wilmington is committed fully
12 to create a high quality inclusive safe educational
13 space for all students and to be part of the
14 solution, not the problem. We are dedicated to
15 building and maintaining a mutually supportive and
16 beneficial relationship with a very vibrant
17 community of Midtown Brandywine. I hope that as we
18 move forward, we can find a way to work together.

19 Thank you.

20 MS. NAGOURNEY: Is there anyone else who
21 would like the speak?

22 If not, this hearing is now closed.

23 (This public hearing concluded at 6:11 p.m.)
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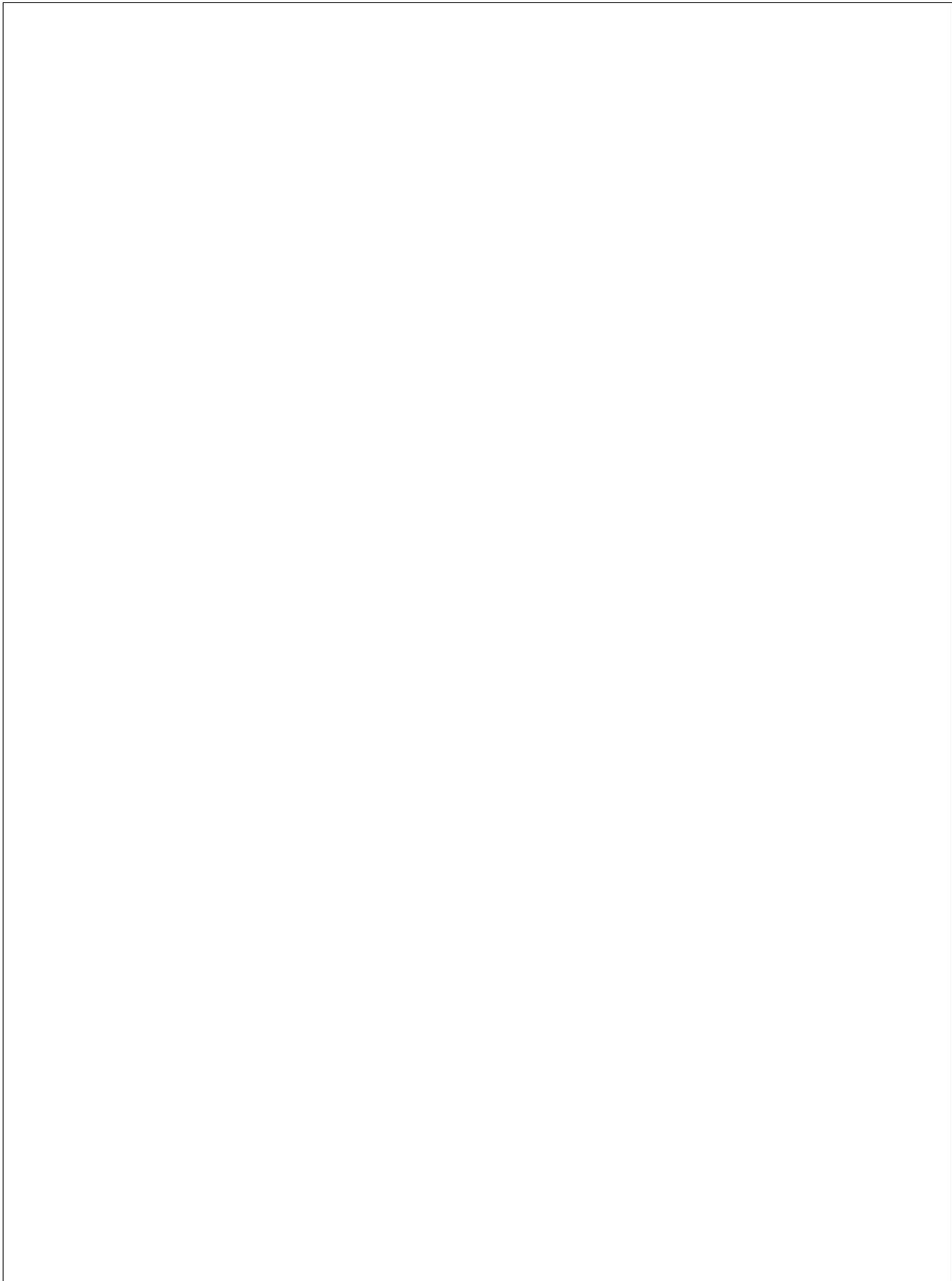
I, Jennifer Shomper, Professional Court Reporter, certify that the hearing before The Delaware Department of Education regarding Freire Charter School on Monday, March 9, 2015, is a true and accurate transcript of the foregoing proceedings.

I further certify that I am neither attorney nor counsel for, nor related to nor employed by any of the parties to the action in which this proceeding was taken; further, that I am not a relative or employee of any attorney or counsel employed in this case, nor am I financially interested in this action.

/s/Jennifer Shomper
Jennifer Shomper

Professional Court Reporter and Notary Public





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