

In The Matter Of:
In Re: Formal Review
Freire Charter School

Public Hearing
June 09, 2015

Wilcox & Fetzer, Ltd.
1330 King Street
Wilmington, DE 19801
email: depos@wilfet.com, web: www.wilfet.com
phone: 302-655-0477, fax: 302-655-0497



P U B L I C H E A R I N G

In Re: Formal Review - Freire Charter School

Carvel State Office Building
820 North French Street
2nd Floor Auditorium
Wilmington, Delaware 19801

Tuesday, June 9, 2015
5:17 p.m.

BEFORE: Michelle Whalen, Hearing Officer,
Education Associate, Charter School
Office and the Delaware Department of
Education

APPEARANCES:

CATHERINE T. HICKEY, DEPUTY ATTORNEY
GENERAL

DEPARTMENT OF JUSTICE
Carvel Office Building
820 N. French Street - 3rd Floor
Wilmington, Delaware 19801
Counsel to the Hearing Officer

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1 MS. WHALEN: Good evening, I
2 declare this public hearing to be open. My
3 name is Michelle Whalen. I'm an education
4 Associate with the Charter School Office of
5 the Delaware Department of Education and I'm
6 conducting this hearing on behalf of the
7 Department. Freire Charter School was placed
8 on formal review by the Department of
9 Education with the assent of the State Board
10 of Education. As required by law the matter
11 was referred to the Charter School
12 Accountability Committee. Last week the
13 Charter School Accountability Committee issued
14 its final report with the recommendation of
15 probation with conditions.

16 This joint public hearing is being
17 held by the Department of Education and the
18 State Board of Education to assist in the
19 decision of whether the criteria set forth for
20 remedial action in the Delaware Code have been
21 satisfied. This hearing provides the school
22 an opportunity to respond to the
23 Accountability Committee's final report. This
24 hearing also gives member of the public the



1 opportunity to comment.

2 I will now ask the other person
3 with me to introduce herself.

4 MS. HICKEY: Good evening, my name
5 is Catherine Hickey and I'm a Deputy Attorney
6 General with the Delaware Department of
7 Justice and I'm here this evening serving as
8 Counsel for the hearing officer.

9 MS. WHALEN: I would like the
10 record to reflect that the notice of the time,
11 date and place of today's public hearing was
12 published in the News Journal and the Delaware
13 State News. In addition, notice was posted at
14 the Charter School Accountability Committee's
15 place of business, on the Department of
16 Education's official website, and on the State
17 public meeting calendar on the State's
18 official website. Further, the school was
19 personally notified of the time, date and
20 place of today's public hearing.

21 A court reporter is present so that
22 a record of this hearing can be made. It will
23 be necessary for each speaker to clearly
24 identify himself or herself before beginning



1 to speak so the court reporter will be able to
2 note who you are. The record of this hearing
3 will be provided to the Secretary of Education
4 and members of the State Board of Education
5 together with any written or electronic
6 comments received at or before this hearing.

7 We will proceed in the following
8 manner. First, we will hear from any
9 representatives of the charter school who wish
10 to comment. Then, we will take comments from
11 anyone else who desires to speak. The sign-up
12 sheet is to my left on the table and if you
13 desire to speak and have not already done so,
14 please sign that sheet now. One final time
15 I'll ask for a show of hands for all of those
16 who wish to make comments so that I can
17 determine whether it may be necessary to
18 impose a time limit.

19 (Show of hands.)

20 MS. WHALEN: Thank you all. The
21 time limit for each individual will be three
22 minutes. For those approaching as a group in
23 which the other individuals of that group are
24 not speaking in their individual capacity the



1 time limit will be five minutes. Again, I
2 intend to be as liberal as time and reason
3 allows in accepting comments, however, I do
4 reserve the right to further limit comment if
5 it is purely repetitive or cumulative. For
6 clarification, if a group comes up each
7 individual in that group speaks as part of
8 those five minutes.

9 At this point I will accept any
10 comments from representatives of the school.
11 At this point I will note that the request has
12 been made that you identify yourself. We do
13 have your names written down, but please
14 identify yourself by name and then spell that
15 name for the court reporter.

16 MR. PIERSON: My name is John
17 Pierson, P-I-E-R-S-O-N. I currently serve as
18 the chair of the Freire school board. I'm a
19 Delawarian. Both of my children have attended
20 public schools in Delaware. My oldest
21 daughter graduated from Mt. Pleasant last year
22 and just completed her freshman year at UD and
23 my youngest daughter is currently enrolled in
24 Mt. Pleasant Elementary School.



1 The first thing I would like to do
2 is thank you, the Charter School
3 Accountability Committee, for their favorable
4 recommendation and we certainly hope that the
5 Secretary of Education will accept the
6 recommendation made by the Committee and that
7 the State Board will assent. Already over 200
8 families have placed their trust in Freire
9 Wilmington by enrolling their children in our
10 school and we take this trust that they have
11 bestowed upon us as an incredible honor.

12 We are determined, staff and board
13 alike, to deliver the high quality education
14 these children deserve and we believe we can
15 help more Delaware students succeed and thrive
16 in college. We're inspired by the incredible
17 work already being done by others in Delaware
18 and we are ready to join in and help while
19 learning along the way.

20 At Freire we promise to keep
21 students at the center of everything we do,
22 helping kids grow and achieve as scholars and
23 doing so in a way that meets each of their
24 unique needs. We feel we have an inspired and



1 well-equipped staff team in place to lead this
2 effort and as we continue to hire additional
3 staff we are looking for only the best and
4 brightest to join our team.

5 Just yesterday our board held our
6 monthly meeting welcoming, including and
7 hearing from several members of the local
8 community adjacent to the site of our school,
9 Midtown Brandywine. We are working hard,
10 board and staff both, to build effective and
11 productive relationships with both the City of
12 Wilmington and the immediate community in
13 which our school is located. I thank the
14 community leadership who has worked to deliver
15 a unified message to our board and I look
16 forward to continued conversation with the
17 leadership of the Midtown Brandywine Neighbors
18 Association.

19 The board and staff at Freire are
20 determined to build a school that works for
21 everyone. We are also determined to keep the
22 education of children as our highest priority,
23 building a bright future for Delaware. Thank
24 you.



1 MS. WHALEN: In you event you don't
2 finish your comments within the time allotted,
3 you can provide and, in fact, it's encouraged
4 you provide your comments to the court
5 reporter and they will be added to the record
6 as an exhibit. Any other comments from
7 representatives of the school?

8 MR. PIERSON: That's it.

9 MS. WHALEN: At this point I'll
10 accept comments from anyone else who desires
11 to speak. Please remember to identify
12 yourself clearly and spell your name before
13 you begin your comments. Before our first
14 speaker, this gentleman, begins if you have
15 entered, please sign up for the school for
16 which you are present.

17 (Brief recess.)

18 MR. SOULSMAN: My name is Gary
19 Soulsman, G-A-R-Y, S-O-U-L-S-M-A-N. I'm a
20 resident of Midtown Brandywine. I live at 109
21 West 13th Street. Thank you for letting me be
22 here today. Under Delaware Title 14 of the
23 Administrative Code there is a series of
24 definitions of what constitutes a major



1 modification. I would call your attention to
2 Section 200. There the code states that the
3 major modification occurs if at any time
4 before the first instructional day the charter
5 applicant proposes to offer educational
6 services at a site other than the site
7 approved as part of the school's original
8 charter.

9 So, in submitting its original
10 charter Freire listed a location other than
11 the location now planned. The now planned
12 location is Orange and 14th Street. In its
13 original charter application Freire said its
14 location would be, quote, 900-920 North French
15 Street in Wilmington central business
16 district, an existing fully built-out
17 building, end of quote. Those writing the
18 charter application called it, quote, the
19 flagship location for Freire, end of quote.
20 That's a beautiful phrase, the flagship
21 location. That flagship had a gym and a
22 cafeteria, neither of which are included in
23 the current location on Orange and 14th
24 Street.



1 Given this change from the original
2 charter application and given that Title 14 of
3 State law defines this as a major modification
4 I request a major modification hearing on
5 Freire's change of location. I believe the
6 site at Orange and 14th Street is no longer as
7 suitable as the flagship location and that's
8 for many reasons, including the lack of a
9 cafeteria and gym. So, by holding such a
10 hearing, such a modification hearing, the
11 State Board of Education will be complying
12 with Title 14 of the State law. Thank you.

13 MS. HICKEY: Mr. Soulsman, would
14 you like to leave your remarks with the court
15 reporter?

16 MR. SOULSMAN: (Complying.)

17 MS. DOTO: Good evening, my name is
18 Marilyn Doto and this is Leslie Jamison and we
19 are both residents of Midtown Brandywine. We
20 are speaking together and hoping to keep it to
21 five minutes. I've spoken before the Charter
22 School Accountability Committee on several
23 occasions and submitted many exhibits and
24 on-line comments. Those of you who have



1 listened to our testimony, looked at the
2 exhibits, the comments sent on-line, are well
3 aware we have very serious concerns about the
4 negative effect that Freire will have on the
5 quality of life of residents in our small,
6 diverse, and close-knit neighborhood.

7 Of course, our initial concerns
8 were about traffic and parking. We continue
9 to work with our legal counsel so that the
10 City will grant us our legal right to a zoning
11 board of adjustment hearing about the parking
12 issue.

13 There are no viable solutions for
14 the traffic problems that the school will
15 create as occurred many times. As you have
16 heard many times large trucks and buses can't
17 travel down our narrow streets. Despite all
18 of Freire's plans for drop-offs by DART at
19 Rodney Square, and parent drop-offs several
20 blocks away, the reality is that many parents
21 will be driving through our already congested
22 neighborhood and make traffic unbearable for
23 residents and dangerous for children.

24 It still amazes me that CSAC, DOE



1 and the State Board of Education could approve
2 the school without first visiting and
3 approving the location. I know that daycare
4 centers can't get approval without the State's
5 Office of Child Care Licensing's approval not
6 only of the staff and programs, but also of
7 the facility and location.

8 It boggles my mind that part of
9 CSAC's probationary plan is to review Freire's
10 traffic plan months after the school opens
11 when, of course, we all know there is no real
12 plan, just a series of maybe's. Having
13 attended so many CSAC meetings and public
14 hearings and a school board meeting I have
15 come to learn that Freire has many other flaws
16 beyond the traffic and parking issues.

17 The leadership is inexperienced.
18 The management in Philadelphia is unrealistic
19 and uninformed about the needs of special
20 needs children and until a week ago they
21 planned to send them out-of-state to private
22 schools. We have never seen a board member at
23 any of these meetings until tonight. The
24 finances are based on three million dollars in



1 loans and lines of credit that will be paid
2 back with unspecified private donations.

3 Since CSAC, DOE and the State Board
4 of Education don't seem interested in those
5 issues we are, once again, requesting that
6 they follow charter school rules and require
7 that Freire submit a request for a major
8 modification to their charter based on change
9 of location. We know Design-Lab Charter
10 followed this regulation when they moved their
11 location. We believe the same should be
12 required for Freire.

13 We are looking for a profile in
14 courage, someone who will stand up and say,
15 yes, that was an oversight and we will rectify
16 the situation by requiring the major
17 modification request based on location change.
18 Yes, that may involve revoking Freire's
19 charter or forcing them to delay opening the
20 school for a year. It's the right thing to do
21 for the benefit of the children and the
22 community.

23 MS. JAMISON: We are submitting as
24 an exhibit a 200-page looseleaf binder that



1 includes all the testimony of neighbors and
2 elected officials opposing Freire's location
3 in Midtown Brandywine and also submitting an
4 extra hard copy to be provided to members of
5 the State Board of Education. Some members
6 are well aware of the prior testimony, but at
7 the last meeting attended one member asked
8 where is the school and another responded that
9 I think it's in Red Clay. The testimony and
10 photos offered as exhibits will make the
11 location perfectly clear. Thank you.

12 MS. HICKEY: This binder will be
13 Freire Exhibit 1.

14 (Freire Hearing Exhibit No. 1 was
15 marked by Ms. Hickey.)

16 MR. PODORSON: Thank you for being
17 here tonight. I have a lot to say in three
18 minutes. My name is Roy Podorson, 1335 West
19 Street, Wilmington. I've been here since '97.
20 The Freire Charter School population will
21 choke the Midtown neighborhood. If you're
22 community-minded and looking to settle in
23 Wilmington, try Midtown Brandywine. That
24 statement was true for years, but it can soon



1 become history if over 400 students are added
2 to our neighborhood crowding us off of our
3 sidewalks, students spilling into the streets,
4 with traffic jams and safety issues twice a
5 day, five times a week.

6 The Freire Charter School has
7 picked the wrong location. With twice the
8 population of Midtown Brandywine an influx of
9 more than double the amount of people five
10 days a week will help destroy our neighborhood
11 as we know it today. Overcrowded sidewalks,
12 students backed up into the street, traffic
13 tie-ups daily, congestion on West and 14th,
14 13th and Orange and Tatnall Street will be the
15 main issues, not including pick-ups and
16 drop-offs.

17 This is truly the wrong place for a
18 school with that population. The
19 infrastructure was not built to handle such a
20 crowd as limited parking already exists.
21 Narrow streets and no way out on the dead end
22 of West 14th and Orange could become a real
23 hazard for traffic and pedestrians alike. If
24 there was an emergency like a fire, no way



1 out.

2 Some folks don't realize the danger
3 of what over 400 students added to our
4 sidewalks twice a day, five times a week will
5 do. The pictures below are just an example of
6 what I'm projecting will happen. The
7 immediate picture shows about 75 students
8 walking to the school on West 14 Street.
9 Where are the additional 325 students going to
10 fit on these sidewalks? When people open
11 their front door first thing in the morning
12 they are going to be faced with a crowd of
13 students so dense it could be difficult
14 getting to their cars, walking their dogs or
15 just walking down the block.

16 Property valuables are dropping.
17 Brandywine Midtown is a classic neighborhood
18 in Wilmington that stretches from 12th and
19 Washington to 14th and Orange and ends at the
20 Brandywine Creek. The area is composed of
21 more than 200 homes and a healthy mix of
22 first-time home buyers, established residents
23 and growing families. With the Freire Charter
24 School inappropriate use of space not being



1 thought through properly, not taking into
2 account traffic, adding 400 students becomes a
3 real hazard for pedestrians and traffic alike.
4 The Freire Charter School has no strategy and
5 is quite blind or doesn't care in dealing with
6 Brandywine Midtown citizens and their
7 prospective students.

8 MS. HICKEY: So, this will be
9 Freire Exhibit 2, Mr. Podorson's statement
10 with the picture.

11 (Freire Hearing Exhibit No. 2 was
12 marked by Ms. Hickey.)

13 MS. SHABAZZ: Good evening, my name
14 is Dr. Hanifa Shabazz, H-A-N-I-F-A,
15 S-H-A-B-A-Z-Z. I'm the city council
16 representative for the 4th district in which
17 Midtown Brandywine resides. I have had the
18 pleasure of representing this neighborhood for
19 the past ten years. The issue that they have
20 presented in regard to their position with the
21 Freire Charter School I'm in full support of.

22 As in any entity a business
23 location is most important in the location of
24 a business and in this case in the business of



1 a charter school. I don't believe there is
2 any question of whether or not Freire will
3 provide a quality education for the students
4 they plan to serve, but whether or not the
5 location is conducive to the quality of life
6 of the neighborhood that is at question.

7 Given that the city council has
8 sent the resolution to the General Assembly
9 and it was passed in the General Assembly for
10 a moratorium on charter schools until the City
11 has had an opportunity to have some input in
12 the placement and approval of charter school
13 applications and how they affect our
14 communities is purely an example of what is
15 happening here with this neighborhood.

16 So, as the city council
17 representative I am in full support of their
18 concerns and their position on the approval of
19 Freire Charter School's application. Thank
20 you.

21 (Audience applause.)

22 MR. MATTHEWS: Good evening, my
23 name is Mike Matthews, M-A-T-T-H-E-W-S. I'm a
24 teacher at Warner Elementary School and I'm



1 also the president of the Red Clay Education
2 Association. I'm up here for a very specific
3 reason, which I'll mention in just a minute,
4 but I think it should be again noted that
5 State code says that the Department of
6 Education, the Charter School Office and the
7 charter school is to engage a community before
8 anything moves forward. According to the
9 residents of Midtown Brandywine I don't
10 believe that has actually happened to the
11 extent that it should have.

12 I also brought it to the State
13 Board's attention at a meeting in either
14 January or February when Freire's original
15 major modification was put through. I made a
16 comment why was location not included in that
17 major modification? I believe only enrollment
18 numbers were and perhaps another piece, but
19 location was not included. So, I believe
20 something has been violated there.

21 My comment as a teacher in the Red
22 Clay School District is related to the
23 concerns with enrollment. Several months ago
24 enrollment I believe was around 78 or 80 and



1 all of a sudden it is now I believe at or near
2 the 80 percent threshold. The reason I'm up
3 here is I'm very interested. As you know, in
4 the State of Delaware we have a unit count
5 funding system. Our jobs in Red Clay are
6 impacted by those unit counts. If 100, 150,
7 200 of those potential students are coming
8 from Red Clay, we lose teachers.

9 Now, if those students actually
10 show up on the first day of school, fine. We
11 have had instances in the past where some
12 charter schools in the past few years have
13 over-reported their enrollment numbers and
14 then when the first day of school comes, they
15 don't show up. Meanwhile, our school district
16 has made hiring decisions well before the
17 beginning of summer based on projected
18 enrollment numbers for the fall and we're
19 short-staffed. So, we have to hire more
20 people after September 1st or after the
21 September 30th count and this has a major
22 impact on our schools to operate effectively.

23 So, what I'm going to recommend to
24 the Department of Education and the Charter



1 School Accountability Committee is to actually
2 get some accountability in the equation and
3 take the list of those 280 students who are
4 allegedly going to show up to Freire on the
5 first day and you call them all this week to
6 make sure that that is the intent of the
7 individuals and they weren't simply showing
8 interest in Freire when they're listed in the
9 enrollment numbers.

10 So, time for the Charter School
11 Office and DOE to really get down and do some
12 work. I think you should make the phone calls
13 and ask all 280 of those families if their
14 children intend to show up on the first day in
15 August so that our district, our hiring
16 numbers, can meet the needs of the students
17 that we intend to have in August. Thank you
18 very much.

19 (Audience applause.)

20 MS. JONES: Hello, I'm Judith
21 Jones, J-O-N-E-S. Having researched this
22 problem for about seven months now I thought I
23 would look back at what I see as some of the
24 contradictions in this whole process and the



1 first one goes back at the basic premise.
2 Freire said it was coming to Wilmington to
3 offer a quality education, which we heard
4 again tonight from Mr. Pierson, and this
5 quality education was not available in
6 Wilmington.

7 So, there are two co-heads
8 currently at the school who have only teaching
9 experience in Wilmington. I'm assuming Freire
10 is hiring teachers from this area and not from
11 Philadelphia. So, I can only assume that the
12 teachers in Wilmington seem to be available
13 and acceptable and, therefore, it must be the
14 Wilmington model of education that is lacking.
15 When I checked the US News and World Report
16 2015 ranking the best high schools it seems
17 Delaware had two silver and six bronze medal
18 winners. Delaware looked pretty good.

19 Freire Philadelphia on the other
20 hand had no medal. It was not ranked in the
21 Pennsylvania list. There are three indices,
22 college readiness, English and Math were all
23 below Pennsylvania's averages. Eighteen
24 percent of their students did take an AP exam,



1 but only 11 percent of those passed. This is
2 US News and World Report. That model in
3 Philadelphia doesn't look like it really is
4 good enough for Delaware.

5 Second, non-violence contradiction.
6 We have a school that says it's based on
7 non-violence and, again, Philadelphia model
8 says anyone who violates it will be expelled.
9 There are no second chances. Freire
10 Wilmington had to drop their pledge in a
11 similar vein to be eligible for federal
12 funding. So, they have no pledge, they have
13 no real plan to handle anyone who might become
14 violent.

15 Furthermore, Delaware law is
16 stricter than Pennsylvania. It requires that
17 a student who is charged has the right to an
18 impartial hearing and, finally, we have the
19 contradiction of this school that is espousing
20 non-violence that is actually now under
21 judicial proceedings for attacking a
22 non-violent protester.

23 We heard about there is no
24 gymnasium, there is no lunchroom. These are



1 children kept in school from eight until five,
2 teenagers, energy with nowhere to go, nothing
3 to do except hang out around the school so
4 that even their budget doesn't come within
5 their own goals. They cannot have room for a
6 budget for a gymnasium or lunchroom. They
7 have a budget to pay \$500,000 to Ms.
8 Davenport's group for advice. They are
9 starting a school with almost \$3 million in
10 debt.

11 So that this seems to be creating
12 danger rather than protection for the children
13 and I would ask that the City and State take
14 the actions required by law to be sure this
15 institution helps Wilmington students. Thank
16 you.

17 (Audience applause.)

18 MS. COOPER: I'm Nancy Cooper and
19 I'm reading this for Dan Walsh, W-A-L-S-H.
20 This is what Dan says. I am against Freire
21 School opening in Wilmington. I am puzzled
22 why this State hasn't taken a more critical
23 lens to approval of this charter. The Board
24 of Education has put them on formal review,



1 but all signs point to their allowing the
2 school to open its doors in August.

3 Freire doesn't have a gym and will
4 have no physical education staff or programs
5 for three years. More than 30 percent of the
6 girls in the City will have Type 2 diabetes by
7 the time they are 13-years old. Not having a
8 physical education program is a travesty.
9 Type 2 diabetes is environmental and
10 behavioral.

11 Freire does not have a cafeteria.
12 These children live in a food desert. How
13 will they be provided sustenance for their
14 dinner and weekends as we offer in other
15 schools if there is no food source at the
16 school and they rely on another organization
17 to bring it in?

18 Freire had stated their plan to
19 ship our special ed. and special needs
20 students to Pennsylvania. Their plan has
21 evolved, but it is still insufficient. Freire
22 is planning to bus the kids to Rodney Square
23 because the location they chose for the school
24 is at the corner of two narrow, one-way city



1 streets. I would not allow my eight-grade
2 daughter to walk through Rodney Square several
3 blocks to school. Safety is an issue. A bad
4 plan will always lead to bad results. Why is
5 the health and safety of these children not
6 central to the scope of DOE's formal review?

7 My neighborhood of 200 plus
8 households has been at every DOE and Charter
9 School Committee meeting and voiced
10 significant opposition. We have petitioned
11 our lawmakers and were a catalyst for the
12 moratorium on new charter schools in the State
13 until we get a plan for handling them.

14 To be clear I began by opposing the
15 dangerous location. Now that I have learned
16 more about the school I oppose the school
17 based on the fundamental basis of health and
18 well-being. Daniel L. Walsh, child advocate,
19 Midtown Brandywine resident.

20 (Audience applause.)

21 MS. KUNKEL: I'm Kathy Kunkel,
22 K-U-N-K-E-L. I'm reading for Rosemary Powell,
23 P-O-W-E-L-L. She says, I would like to make a
24 clarification for the record in answer to the



1 misleading statements made by Freire officials
2 both publicly and individually to parents and
3 students who are considering attending school.
4 The residents of Midtown Brandywine are not
5 racist. Racism is not included in our reasons
6 for opposition and it would not matter if the
7 school were Eton or Choate rather than Freire.

8 This is a bad location for any
9 school, bad for the neighborhood, bad for the
10 faculty and administrators, and appallingly
11 bad for the safety and well-being of the
12 students. The jerry-rigged transportation
13 plan does not sufficiently deal with the
14 inherent problems at this location.

15 This school, which is purporting to
16 be a duplicate of the Freire Philadelphia
17 School, has already had to make a major
18 modification to its core value code. The
19 Philadelphia school is based on a zero
20 tolerance policy with regard to disruptive
21 behavior. Freire officials have stated this
22 policy is the reason that such strides are
23 possible in the classroom.

24 The Wilmington school has no such



1 plan for dealing with problem situations. Ms.
2 Wenell, head of academic support, and Mr.
3 Ramirez, head of academics, were questioned at
4 the last CSAC meeting regarding a plan to deal
5 with disruptive behavior and Ms. Wenell
6 vaguely replied, We will turn it over to the
7 special needs teachers.

8 When the CSAC members suggested
9 that this was not a special needs area and
10 that a plan needed to be in place, Ms. Wenell
11 searched for an answer and then hesitantly
12 replied, We will have them write a contract.
13 When asked what would be the follow-up to a
14 violation of such a contract Ms. Wenell
15 replied hopefully, We will write another
16 contract.

17 At the same CSAC meeting Ms.
18 Wenell was asked for information about the
19 Freire board of directors. She was again
20 vague and was unsure as to the number of
21 members, the specifics of board's makeup or
22 the amount of training the board or, in fact,
23 she or Mr. Ramirez had received. As the
24 chairman of CSAC has repeatedly stated, Strong



1 leaders and strong boards make strong schools,
2 but Freire is revealing glaring weaknesses in
3 the leadership of the school.

4 They already found it necessary to
5 remove the head of school, Mr. William Porter,
6 and replace him with two co-heads, Mr. Ramirez
7 and Ms. Wenell, who were originally intended
8 to serve as interns and who appear woefully
9 inexperienced and uninformed. The apparently
10 incomplete board of directors has been notably
11 silent and absent. I would ask the CSAC, the
12 Delaware Board of Education and the Freire
13 board of directors to keep these points in
14 mind when evaluating the school.

15 (Audience applause.)

16 MR. WILLIAMS: My name is John L.
17 Williams, W-I-L-L-A-M-S. I'm here to
18 basically echo the comments of Councilwoman
19 Shabazz, Marilyn Doto and Mike Matthews who
20 spoke earlier today and as well as the others.
21 I have a law firm located at 12th and Orange
22 Street, One Commerce Center. It's an 11-story
23 office condominium building and we actually
24 own two floors, my father and I. He has been



1 there since 1983 and I joined him in 2001.

2 It's interesting, our perspective
3 is more on the real estate side. We have to
4 rent an office space and it's difficult to
5 find tenants in downtown Wilmington. I'm
6 concerned the school may actually make it more
7 difficult to find tenants. This school has
8 been something of a coup, if you will, for the
9 owners of that building, which is a former
10 Blue Cross/Blue Shield of Delaware building,
11 because it's basically an obsolete building
12 and which doesn't really -- is not attractive
13 for commercial tenants.

14 This was a way to basically try to
15 get a non-profit in there to avoid having to
16 pay real estate taxes and has nothing to do
17 with how well-suited that school was for that
18 location. It's really just a coup for the
19 developers who I think may be associated with
20 McConnell Johnson, but it's something of a tax
21 tail wagging the dog where you have basically
22 sort of a tax loophole or way to kind of
23 eliminate this liability for these developers
24 and instead get the kids in there.



1 I don't think it's good for the
2 kids. It's not good for the neighborhood.
3 The only one it's good for is the developer
4 and it's actually bad for the neighborhood,
5 even surrounding businesses. You have kids
6 walking past there and it's not really suited
7 for this particular neighborhood. That's all
8 I have to say. Thank you.

9 (Audience applause.)

10 MS. KOCHER: My name is Trish
11 Kocher, K-O-C-H-E-R. I live at 229 West 14th
12 Street. I am opposed to the location of the
13 proposed Freire School due to the traffic
14 constraints created by the more than 600
15 students, faculty and staff that will arrive
16 and depart each day on foot and in cars on our
17 narrow one-way streets. I challenge you to
18 visit this landlocked site and explain how
19 traffic will circulate once the school reaches
20 full enrollment.

21 Other than Ms. Davenport's promise
22 to look them in the eye and tell them no
23 Freire's traffic plan is nothing more than an
24 expression of what they hope will happen.



1 They cannot tell us how they will compel
2 students to ride DART or make parents follow a
3 drop-off protocol at a site that is more than
4 a block away from the school.

5 I support Ms. Toto's wish to have
6 the City code and the zoning board of
7 adjustment issue resolved before the school
8 moves forward. I support Mr. Soulsman's and
9 Mr. Matthews' request to have Freire submit a
10 major modification request due to the change
11 in location. And, thank you, Hanifa, for
12 being here to support us tonight.

13 I would like to say to the mayor
14 and city council and other politicians who are
15 not here if you are really committed to
16 enticing people to come work and live and play
17 in Wilmington, start by supporting people who
18 live there. We have been here for years
19 working, shopping, paying taxes and voting.
20 Freire has been offered other more appropriate
21 locations. Please compel them to consider
22 them. The fragile balance of our neighborhood
23 thriving in the middle of the City is about to
24 tip. Please stop this school from being



1 shoe-horned into an inappropriate location.

2 (Audience applause.)

3 MR. NEWELL: My name is John
4 Newell, N-E-W-E-L-L, resident of Midtown
5 Brandywine. Simply put, be fair and respect
6 the neighborhood.

7 (Audience applause.)

8 MS. McNAMARA: My name is Faith
9 McNamara, F-A-I-T-H, M-C-N-A-M-A-R-A. Ms.
10 Hickey, I want to address my public comments
11 to you because you are the attorney who sits
12 on the Charter School Advisory Committee. You
13 represent the rule of law with an organization
14 whose primary mission I believe is to educate
15 the students and youth of Delaware in the best
16 way possible.

17 The last time I spoke to your
18 committee on March 16th here I asked that
19 Freire be compelled to follow the Delaware
20 Department of Education application to modify
21 and approve charter because they asked for a
22 different location in their approval of the
23 charter. I had evidence, I brought
24 documentation. I also want to tell you that



1 in December our president of Midtown wrote a
2 letter to Mike Murphy asking for a major
3 modification for location and that was also
4 ignored.

5 Now, there are rules that are
6 stated in the Delaware Code Title 14, Chapter
7 5, that Freire has not followed during the
8 process of establishing themselves in my
9 neighborhood. For example, they do not have a
10 Delaware certified teacher on their founding
11 committee. They have not engaged parents and
12 community -- let me get this right from the
13 law. They have not engaged a parent or a
14 member of the community in which the school
15 will be located.

16 Now they're beginning as required
17 to develop a plan for special education
18 students and it's starting to sound good, but
19 they do not -- as required by the law they do
20 not have in my opinion a very clear schoolwide
21 discipline plan or strategies to adequately
22 intervene with or support students in need.

23 Now, I could further speak about
24 where I feel Freire has not followed Title 14,



1 Chapter 5, but the bottom line here is I
2 wouldn't even be aware of them if they didn't
3 try to move into my neighborhood. I just
4 believe that -- I realize that Title 14,
5 Chapter 5, is designed to ensure success when
6 followed with integrity. In my mind the
7 approval authority has not exercised due
8 diligence and good faith in their findings
9 regarding Freire. The approval authority
10 seems to not be providing adequate time or
11 guidelines to ensure Freire's success.

12 Now, I had a conversation with one
13 of my kids. He said, Oh, they have a right to
14 be there. Well, Guess what? There are laws
15 that have been immoral, slavery, child labor,
16 some women's laws. I believe this is immoral
17 for Freire to come into our little tiny
18 neighborhood. The whole situation feels
19 immoral to me. I had another conversation
20 with my son, who is an attorney, and he says I
21 need to look for an attorney in the State who
22 might help us to rectify this horrible
23 situation. Thank you.

24 (Audience applause.)



1 MR. WILSON: Dion Wilson, 117
2 Winchester Place. I have to say I'm proud of
3 my neighbors, I really am. I'm proud of Ms.
4 Shabazz for being here because no one else
5 seems to be listening. Everyone else's
6 attention seems to be somewhere else where you
7 have a neighborhood full of people saying we
8 don't want it and then the facts saying it
9 won't fit. I'm not going to go on much.

10 Freire has a picture like this on
11 its cover, right, a picture of a little
12 African kid? This is A. I. duPont High
13 School. I keep looking at them. A. I. has
14 way more to offer than Freire. Freire doesn't
15 even mention the word African anywhere in its
16 literature, but A. I. does. If the \$900,000
17 that is to be given to Freire goes to A. I.,
18 then maybe our schools will be straightened
19 out.

20 It's the right of eminent domain is
21 what is going on here. Do we or do we not
22 have the right where we live to say what goes
23 on there? We're taxpayers, we're good people
24 and they're not racists. I live there and the



1 fact that Freire would even bring that into
2 the conversation after I looked him in the
3 eye, Mr. Porter, it's amazing to me.

4 What we need is we need the right
5 to tell Mr. Johnson to keep his money and stay
6 out of our business and that's a fact because
7 that's where it's coming from, the right of
8 eminent domain.

9 (Audience applause.)

10 MR. HRONSKY: Hello, my name is
11 Robert Hronsky, H-R-O-N-S-K-Y. I am a father
12 of a five-year old. I live at 304 West 14th
13 street. I believe in charters. Our son is
14 going to go to a charter for kindergarten
15 coming up. Last night I was at a neighbor's
16 house and heard an update of a Freire board
17 meeting where I understood that the head of
18 school resigned in May. I think that's about
19 two months after he accosted one of my
20 neighbors. I'm speechless. I don't know what
21 words to say. I didn't know last night.

22 How can this school that espouses
23 non-violence that had a head of school and two
24 months later the head of school had to resign.



1 Where is the board? Where is the governance?
2 Where is the ethics? Where is the
3 accountability? I can't understand that. If
4 that isn't a big issue to you beyond the
5 location and beyond all this technical stuff
6 that you are thinking about, I just don't know
7 what else you would be considering. That's
8 one example that is the most striking example,
9 forgive the pun, of what we have experienced.

10 Earlier on I had an open mind. I
11 listened to what representatives of the school
12 said. They talked about the location and the
13 traffic studies and how they were going to do
14 things. Well, this story has changed so many
15 times since we heard it in my eyes as a
16 non-expert in this field I just lost
17 credibility. I don't know how they're going
18 to deal with the logistics. I don't know if
19 they know how. I don't know if you know how
20 they're going to deal with the logistics of
21 taking care of what they say they're going to
22 take care of.

23 That's a big deal, the track record
24 of what they said and how things have changed.



1 They're supposed to be the experts, I'm not,
2 I'm not an expert in this, but I know what
3 I've heard and I know I've heard different
4 things and they knew or should have known the
5 enrollments that they were going to have here.

6 You heard about the Philadelphia
7 model and all this stuff. This ain't
8 Philadelphia. I have lived in Buffalo, I have
9 lived in New York, I have lived in different
10 places. They either refuse to or can't
11 understand what the local rules are. Time and
12 time again they have showed us. They have
13 showed this to you. They have shown this to
14 us. What else do they have to do to show us
15 they are not accountable for what they're
16 doing?

17 I respectfully request that you do
18 not approve this school. They are not ready
19 for prime time. Thank you.

20 (Audience approval.)

21 MS. HELLER: My name is Melissa
22 Heller, M-E-L-I-S-S-A, H-E-L-L-E-R. I am a
23 resident of the Midtown Brandywine
24 neighborhood. I would like to highlight a few



1 arguments all based on documents that I
2 obtained from the DOE website this afternoon
3 as basis for my request that the CSAC require
4 a major modification from Freire before
5 further operation of the school in 201 West
6 14th Street.

7 One, the Charter School Office
8 published the performance framework in
9 September 2012, which lists the factors,
10 quote, to be taken into account when
11 evaluating public charter schools and making
12 critical decisions such as renewal,
13 modification, revocation, end quote. School
14 Environment, question 5a, asks whether the
15 school, quote, complies with the applicable
16 laws, rules, regulation and provisions of the
17 charter relating to the school facilities,
18 grounds and transportation, end quote.

19 Freire's original application was not for 201
20 West 14th Street. This question cannot be
21 answered if the charter was not issued for
22 this location, which brings me to my second
23 point.

24 The DOE charter modification



1 process is described in the modification
2 rubric, which states on page 2, All major
3 modifications require CSAC review. The table
4 on page 2 lists major modifications, one of
5 which is location change. The document states
6 that section H questions must be addressed by
7 the applicant. Among other things, section H
8 requires the applicant to describe any
9 challenges that the current school facility
10 presents, end quote.

11 Certainly the intent of section H
12 requirements is to capture challenges such as
13 impact to traffic and parking of the
14 surrounding area. The major modification
15 request that was submitted by Freire
16 December 31, 2014 did not address any traffic
17 or parking issues and yet the minutes from the
18 CSAC final meeting on February 24, 2015
19 stated, quote, The school is looking for a way
20 to not enter Midtown Brandywine and also find
21 a better drop-off point. The search for
22 different traffic patterns certainly sounds
23 like a challenge to me.

24 So, we are unable to utilize the



1 performance framework to evaluate the school
2 environment due to the change in location from
3 the original charter and we are unable to
4 assess the applicant's response to the
5 challenge of the new location because section
6 H questions were not addressed in their
7 modification request.

8 Therefore, I am hereby requesting
9 the CSAC to uphold the requirements set forth
10 by the DOE and the Charter School Office and
11 require Freire to submit a major modification
12 for the change in location. Not doing so is
13 neglectfully deviating from your own
14 requirements and procedures and inconsistent
15 with the goals of Charter School
16 Accountability. Thank you.

17 (Audience applause.)

18 MR. MONTGOMERY: Good evening, my
19 name is Bill Montgomery, president of Midtown
20 Brandywine. Back in November our community
21 met for the first time with Freire School. We
22 had a decent meeting, it was a civil meeting,
23 but we said right from the get-go to the
24 school officials that you may have a great



1 concept here, we'll give you that, but you got
2 the wrong location. They smiled at us and
3 moved along and have been stonewalling us ever
4 since. Frankly, the school and the City.

5 The issue of finances, I read the
6 recent CSAC final report from the last
7 go-round I think the last time we were all
8 here talking and I noted with a little bit of
9 concern that the report indicates there are no
10 longer any financial concerns with Freire.
11 Apparently, I guess, CSAC has given the school
12 its version of a Good Housekeeping seal of
13 approval, but like our late president or our
14 last president when he was on the aircraft
15 carrier I kind of think that CSAC's mission
16 accomplished pronouncement here may be a
17 little bit premature.

18 I believe that there are actually
19 warning signs on the horizon that are being
20 ignored by the State officials. Like a
21 previous speaker, Mike Matthews, I'm extremely
22 suspicious of Freire's 11th hour jump in,
23 quote, enrollment. I have to put quotes
24 around that phrase. And I also urge the State



1 to carefully scrutinize these numbers.

2 I'm also concerned that a recent
3 report states that over 50 percent of the,
4 quote, enrolled students will come from the
5 Christina District. We all know that
6 Christina just had a major budget cut and some
7 just debilitating reduction in force on its
8 teacher staff due to its inability to get a
9 referendum passed. Given that I can't help
10 but wonder whether the school has greatly
11 overestimated the potential revenue stream
12 that it basically will get from the kids who
13 will follow from the Christina District.

14 We also recently learned that the
15 school has recently found another purported 30
16 parking spaces. I know you don't care about
17 parking. We obviously do. They found another
18 30 parking spaces. I asked the State
19 officials to remember that these spaces don't
20 appear out of thin air. They will come with a
21 cost and I ask the State to get back with the
22 school and assess the impact of those, quote,
23 new spaces, those miraculous 30 new spaces, on
24 the budget of the school.



1 So, I would respectfully suggest
2 that the finance issue is far from closed.
3 Thank you.

4 (Audience applause.)

5 MR. MAZZELLA: Hi, my name is Jeff
6 Mazzella, M-A-Z-Z-E-L-L-A. I just wanted to
7 provide some commentary. A little bit of it
8 echos the previous folks who have spoken, but
9 I think Wilmington, Delaware has begun
10 demonstrating a disturbing pattern of
11 substandard charter schools and I think this
12 is evidenced through multiple recommendations
13 for probation, clashes with local community
14 whom they claim to support. The moratorium on
15 charter school creations has been the outcome
16 of this pattern.

17 Freire has submitted its plans in
18 time to avoid that moratorium, but I ask that
19 we consider that in order to fit the school in
20 Freire along with the Delaware Board of
21 Education will allow at best suspicious and
22 questionable enrollment figures, leadership
23 weaknesses and oversight weakness, in complete
24 facilities, substandard transportation plans



1 and the elimination of language that
2 surrounded a pledge for zero tolerance
3 violence policies.

4 I think that the City and the
5 Delaware Education Board and its advisors make
6 unnecessary compromises to accommodate this
7 school to the detriment of any students
8 enrolling. Thanks.

9 (Audience applause.)

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

12 (No response.)

13 MS. WHALEN: Noting there are no
14 additional individuals who wish to speak I
15 want to thank you all for participating today.
16 The Secretary will consider your comments as
17 part of the decision-making process. Your
18 comments will also be available for the State
19 Board of Education to consider. This hearing
20 is now closed. Thank you.

21 (The hearing was concluded at 6:17
22 p.m.)

23
24



1 State of Delaware)
2)
3 New Castle County)
4

5 CERTIFICATE OF REPORTER
6

7 I, Christina M. Vitale, Certified Court
8 Reporter and Notary Public, do hereby certify
9 that the foregoing record, pages 1 to 46
10 inclusive, is a true and accurate transcript
11 of my stenographic notes taken on Tuesday,
12 June 9, 2015 in the above-captioned matter.
13

14 IN WITNESS WHEREOF, I have hereunto set
15 my hand and seal this 11th day of June, 2015,
16 at Wilmington.
17

18 
19

20 Christina M. Vitale, CCR
21
22
23
24



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