



DEPARTMENT OF EDUCATION

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Secretary of Education
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April 23, 2015

Via email attachment

Mr. John Pierson
Board President
Freire Charter School
227 North Market Street
Wilmington, DE 19801

Dear Mr. Pierson:

Please be advised that, for the reasons set forth below and with the assent of the State Board of Education, the Department of Education (“Department”) has placed the charter of Freire Charter School on Formal Review, pursuant to Title 14, Delaware Code, Section 515(b), to determine whether the school is violating the terms of its charter and, if so, whether to order remedial measures.

The school was approved to open grades 8 and 9 with an enrollment of 224 students. However, unit count information submitted April 1, 2015 included students enrolled in grades 8 and 9 with a total enrollment of 78 students, or 35% of the total authorized enrollment. Title 14, Delaware Code, Section 506 (c)(1) requires that, on or before April 1 of each school year, a charter school shall have enrolled, at a minimum, 80% of its total authorized number of students. This requirement was also imposed as a condition upon the approval of the charter. The Board of Directors signed an assurance document, ensuring that “by April 1 each year the school [would have] enrolled at least 80% of the total authorized number of students and that it [would have] notified each school district of information about enrolled students.” Additionally, this requirement was discussed by the charter holder in the approved charter application.

A student enrollment number so far below the total authorized enrollment and 80% minimum raises concerns about whether the school will be financially viable. It also raises concerns about whether many areas of the approved charter application can be implemented with fidelity – these include, but are not limited to: plans for curriculum and education delivery, plans to serve students with special needs, plans to maintain economic viability and plans for administrative and financial operations. In addition, this situation raises concerns about the capacity of both the leadership team and the management company to start and operate a charter school.

Please also be aware of the provisions of 14 Del. Admin. C. § 275.5.2, which states: “Compliance with the charter, including compliance with the terms of any conditions placed on the charter, is a condition precedent to the authority to open and operate the Charter School. Failure to comply with the terms of the charter and any conditions placed on the charter, including deadlines, operates as a forfeiture of the authority to open the Charter School regardless of previous approval. These regulations are incorporated into and made a part of each charter approved by the Department with the consent of the State Board. A Charter School’s failure to comply with these regulations shall be treated as a failure on the part of the school to comply with its charter.” The current situation constitutes a failure to comply with the terms of the charter the Department approved and therefore is a forfeiture of the authority to open the charter school.

This matter will be referred to the Charter School Accountability Committee (CSAC) for review and recommendations. Enclosed, please find a timeline for this process, including dates of CSAC meetings and public hearings. Please note that there is a May 5 deadline for a revised budget and organizational chart, which should be developed based on the final May 1 enrollment count. These documents, and any other materials you wish the CSAC to review, should be submitted by the Charter School Office to infocso@doe.k12.de.us.

If you have any questions, please contact me at (302) 735-4020 or Jennifer.Nagourney@doe.k12.de.us.

Sincerely,

A handwritten signature in black ink, appearing to read "Jennifer Nagourney". The signature is fluid and cursive, with a large initial "J" and "N".

Jennifer Nagourney
Executive Director, Charter School Office

cc: Williams Porter, Head of School, Freire Charter School
Dr. Kelly Davenport, Head of Freire Charter Schools
David Blowman, Deputy Secretary of Education
Jennifer Nagourney, Executive Director, Charter School Office