

**In The Matter Of:**

*The State of Delaware Department of Education*

*In Re: Freire Charter School*

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*Hearing*

*February 3, 2015*

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H E A R I N G

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DELAWARE DEPARTMENT OF EDUCATION )  
 and STATE BOARD OF EDUCATION )  
 )  
 In Re: FREIRE CHARTER SCHOOL )

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Department of Education  
 The Townsend Building  
 401 Federal Street  
 Cabinet Room  
 Dover, Delaware

Tuesday, February 3, 2015  
 5:15 p.m.

BEFORE: JENNIFER NAGOURNEY, Hearing Officer

PRESENT:

CATHERINE T. HICKEY, ESQUIRE  
 DEPUTY ATTORNEY GENERAL  
 Counsel to the Hearing Officer

WILCOX & FETZER  
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1 HEARING OFFICER: Good evening.

2 I declare this public hearing to be open.

3 My name is Jennifer Nagourney.

4 I am the executive director of the Charter  
5 School Office at the Delaware Department of  
6 Education, and I have been appointed by the  
7 Secretary of Education to conduct this public  
8 hearing.

9 The charter of Freire Charter  
10 School has applied for a major modification.  
11 As required by law, the matter was referred to  
12 the Charter School Accountability Committee.  
13 This joint public hearing is being held by the  
14 Department of Education and the State Board of  
15 Education to assist in the decision of whether  
16 the criteria set forth in the Delaware Code  
17 had been satisfied. This hearing provides the  
18 school with an opportunity to provide and  
19 receive public comments.

20 I will now ask our counsel to  
21 introduce herself.

22 MS. HICKEY: My name is  
23 Catherine Hickey. I'm a deputy attorney  
24 general with the Delaware Department of



1 Justice. I serve as counsel to the Department  
2 of Education, and I am here this evening as  
3 counsel to the hearing officer.

4 HEARING OFFICER: I would like  
5 the record to reflect the notice of the time,  
6 date and place of today's public hearing was  
7 posted in The News Journal and the Delaware  
8 State News. In addition, notice was posted at  
9 the Charter School Accountability Committee's  
10 official place of business, on the Department  
11 of Education's official website, and on the  
12 state public meeting calendar on the state's  
13 official website. Further, the school was  
14 personally notified of the time, date, and  
15 place of today's public hearing on  
16 January 21st, 2015.

17 A court reporter is present so  
18 that a record of this hearing can be made. It  
19 will be necessary for each speaker to clearly  
20 identify himself or herself before beginning  
21 to speak so that the court reporter will be  
22 able to note who you are.

23 The record of this hearing will  
24 be provided to the Secretary of Education,



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

4 We will proceed in the following  
5 manner. First, we will hear from any  
6 representatives of the charter who wish to  
7 comment. Then we will take comments from  
8 anyone else who desires to speak. Please  
9 raise your hand if you plan to make comments  
10 so that we can determine whether it will be  
11 necessary to impose a time limit. I would ask  
12 everyone to try to hold to three minutes. If  
13 you need to go longer, I will tend to be as  
14 liberal as time and reason allow, but ask that  
15 you respect the time limits.

16 At this point, we will accept  
17 comments from representatives of the school.

18 (Pause.)

19 HEARING OFFICER: Okay.

20 At this point, I will accept  
21 comments from anyone else who desires to  
22 speak.

23 MS. FAITH McNAMARA: My name is  
24 Faith McNamara, but I am going to read part of



1 one electronic e-mail that I have. I was  
2 going to read both of them, but I had eye  
3 surgery today, and I'm really struggling with  
4 the reading, so I'm just going to do this one  
5 part.

6 HEARING OFFICER: You also have  
7 the option to enter something into the record  
8 as an exhibit.

9 MS. McNAMARA: And I am going  
10 to, but I just want to state that Judith Jones  
11 is the person that sent this e-mail and that's  
12 the part I'm going to read. And then also  
13 Jones Powell also has an e-mail.

14 MS. HICKEY: When you are done,  
15 we will get the copies from you and we will  
16 have them marked as exhibits.

17 MS. McNAMARA: Great.

18 MS. HICKEY: Do you need to sit  
19 down?

20 MS. McNAMARA: Yes. Thank you.

21 MS. HICKEY: Please do.

22 MS. McNAMARA: Judith -- can I  
23 summarize? -- she was a teacher and she feels  
24 that -- never mind.



1                    "I have addressed the academic  
2 implications of most relevance to the board  
3 above, but I thought some local background  
4 might be explain why in my opinion Freire is  
5 having trouble attracting students in  
6 Wilmington. Their philosophy is inspiring,  
7 their model has proven effective, and the  
8 target student population seems similar, but  
9 other assumptions about Philadelphia and  
10 Wilmington have been faulty.

11                    "Location: The Rittenhouse  
12 Square area has broad four-lane streets and  
13 wide sidewalks because it is a commercial  
14 high-rise apartment area with shops and fast  
15 food restaurants. Midtown has one-lane,  
16 one-way streets with sidewalks allowing no  
17 more than two people to walk abreast.  
18 Freire's preferred Wilmington location on  
19 French Street was given to another charter  
20 school so that their current building was what  
21 they described as the last available space  
22 their budget could cover in Wilmington.

23                    "Transportation: This building  
24 has only one entrance at the corner of two



1 one-way, narrow streets, so narrow that school  
2 buses cannot move through them. The school  
3 proposes using public transportation as they  
4 do in Philadelphia, but the Wilmington system  
5 is much less expensive and is currently being  
6 downsized. It may not be suitable for all  
7 students. The system is also deemed less safe  
8 than Philadelphia, which may cause more  
9 parents to bring their children to school,  
10 creating a safety concern on congested  
11 streets.

12 "Safety: At present, Freire  
13 suggests they can force parents to drop off  
14 children one block from the school but without  
15 explaining how they could force compliance.  
16 Even assuming public transport use, the  
17 children would be using very narrow sidewalks  
18 so that the temptation to walk in streets  
19 would be very strong. School buses cannot  
20 negotiate the narrow one-way streets.

21 "Timing: The school would be  
22 best served to postpone opening for one year,  
23 which would give them time to recruit more  
24 students across more grades, while also



1 finding a safer and more appropriate location  
2 for the school."

3 I guess, are you guys going to  
4 talk about the reasons why you are requesting?

5 MS. HICKEY: The school  
6 representatives have indicated that they don't  
7 intend to make any comment tonight.

8 MS. McNAMARA: Okay.

9 MS. HICKEY: The record in this  
10 case, in this matter to date is posted on the  
11 website, and so there may be information there  
12 that might answer whatever questions you might  
13 have had.

14 MS. McNAMARA: Okay.

15 Would I have time to read this  
16 second one? Because I know I'm doing this  
17 really slowly and I'm sorry.

18 HEARING OFFICER: Yes.

19 MS. McNAMARA: This is from  
20 Jones Powell, and before I leave, can you guys  
21 give me your website? I cannot navigate DOE.

22 MS. HICKEY: They have a fairly  
23 newly formulated website that is not as easy.

24 MS. McNAMARA: Holy cow, hours



1 and hours. So if you would give me that.

2 MS. HICKEY: But I'm sure that  
3 Ms. Nagourney would be able to show you --

4 MS. McNAMARA: Thank you.

5 MS. HICKEY: -- how to get to  
6 the page that you need to be at.

7 MS. McNAMARA: Wonderful.

8 "The Freire application was  
9 originally approved by the board to bring a  
10 new approach to charter education in  
11 Wilmington; however, the school's major  
12 modification request for enrollment change and  
13 enrollment preference suggests that Freire has  
14 changed that approach so that they would  
15 become merely" -- I apologize for that word --  
16 "one more of the many charter schools already  
17 in existence.

18 "This major modification of the  
19 application proposes removal of the  
20 preadmission pledge supplemental to the  
21 general charter application indicating  
22 specific interest in Freire's methods,  
23 philosophy and educational focus. Without  
24 this contractual agreement between the school



1 and the students and the parents, the school  
2 will find it very difficult to compel  
3 compliance with its stated education on  
4 behavioral standards.

5 "In addition, the school already  
6 states that there is less interest in the  
7 school than originally envisioned. The result  
8 of these lower attendance figures may suggest  
9 that the school standards would be further  
10 eroded simply to fill the student quotas.

11 "There is currently no funding  
12 for coaching and thus no possibility for an  
13 athletic program, no funding for  
14 extracurricular activities, no money for a  
15 lunchroom or a gymnasium. Nor is there, in  
16 this residential neighborhood, the cultural  
17 enrichment provided by the more urban  
18 environment of Freire's Philadelphia location.

19 "Sincerely, Rosemary Powell."

20 HEARING OFFICER: Thank you.

21 MS. HICKEY: We are going to  
22 make these exhibits to this record. The first  
23 one was Judith Jones, and we'll call that  
24 Exhibit A.



1           The second one will be Exhibit  
2 B, and that was Rosemary Powell.

3           (Hearing Exhibit A and B,  
4 respectively, were marked for identification.)

5           HEARING OFFICER: Go ahead.

6           MS. DOTO: I'll try to speak as  
7 quickly as I can. I might have a little more  
8 than three minutes, but I do have a copy of  
9 this document and three other documents as  
10 exhibits.

11           MS. HICKEY: Would you like to  
12 state your name, please.

13           MS. DOTO: Yes. My name is Lyn  
14 Doto. I have been a resident of Midtown  
15 Brandywine neighborhood since 1975. My  
16 husband, Bill Montgomery, and I were in our  
17 20's when we moved in, and like many other  
18 neighbors, renovated our home from first floor  
19 to third floor, doing much of the construction  
20 work ourselves. We were fortunate to meet our  
21 then-City Councilman Jim Baker that year. At  
22 his suggestion and with his help, we restarted  
23 the Midtown Brandywine Neighbors Association.

24           We're a close-knit group of



1 approximately 220 families who live in  
2 100-year-old houses. We're bounded on the  
3 north by the beautiful Brandywine Creek.  
4 We're surrounded by businesses on the other  
5 three sides of the neighborhood. My husband  
6 and I chose this location because we love the  
7 Brandywine and we love downtown Wilmington.  
8 We also love our neighbors: From newborn  
9 babies to a couple in their 90's, we're part  
10 of a diverse group comprised of various ages,  
11 races, religions, sexual orientations and  
12 occupations.

13 Our neighbors love to play and  
14 celebrate together. This weekend 50 of us  
15 enjoyed 25-degree temperatures for our annual  
16 chili cook-off. We also have neighborhood  
17 cleanups, a progressive dinner, a book club, a  
18 running group, and so forth. Over the years,  
19 we have also worked together when we're faced  
20 with zoning violations, including developers  
21 tearing down houses to put in parking lots or  
22 attempting to convert one-family houses into  
23 apartments. These struggles are often  
24 stressful, but in the end have brought the



1 neighbors closer together.

2           The proposal to place Freire  
3 Charter School in our neighborhood  
4 unfortunately has become another of our  
5 neighborhood struggles. Our primary concern  
6 is if there is insufficient parking as  
7 required by city code and that the school will  
8 bring so much additional traffic that we will  
9 not be able to get in or out of our tiny  
10 neighborhood of narrow, one-way streets.  
11 We're continuing to address these issues with  
12 the city, and I've included some background  
13 information and a packet I'm providing to this  
14 committee as an exhibit.

15           I realize we're here to discuss  
16 Freire's major modification request, but I  
17 believe the school is more than the proposed  
18 educational program. The school experience  
19 should include an environment that is  
20 conducive to learning, and that environment  
21 should include the mode of transportation to  
22 the school and the building itself.  
23 Transportation to school should be safe and  
24 easily accessible. There should be a place at



1 school for students to comfortably enjoy a  
2 meal, and they should have an opportunity to  
3 exercise and participate on sports teams.

4 In Freire's major modification  
5 request they state, quote, to account for our  
6 anticipated smaller student population, we are  
7 currently renegotiating our lease with the  
8 landlord, unquote. The result is that there  
9 will be no cafeteria in the first year. In  
10 prior discussions with the neighborhood,  
11 Freire indicated that the cafeteria space  
12 would also serve as an exercise area, not a  
13 gym, for the students. Now it appears that  
14 the opportunity for a physical education  
15 program is no longer available.

16 Freire states that, quote, the  
17 rationale for our enrollment decrease is based  
18 on actual demand for Freire, unquote. They  
19 conjecture that the reason for lower than  
20 anticipated enrollment figures may be due to,  
21 quote, the fact that current high school  
22 students are entrenched in their current high  
23 school settings and thus do not desire  
24 transferring to a new, unknown school,



1 unquote. This may or may not be the case  
2 since we do not know what the current  
3 enrollment figures are. I have no way of  
4 knowing if eighth grade enrollments are high.  
5 But I would think the same rationale would  
6 apply for 8th graders as for 10th graders,  
7 quote, being entrenched in their current  
8 settings, unquote.

9 I believe that Freire's  
10 insistence on a Philadelphia-oriented  
11 transportation program contributes to their  
12 low enrollment figures. It's a fact that a  
13 school bus or any similar size vehicle cannot  
14 travel down Orange Street and turn at the  
15 corner of 14th Street. Many smaller vehicles  
16 have tried and failed, so that is not an  
17 option. And the neighborhood is firm in not  
18 wanting an additional 500 cars on the street  
19 twice a day for student drop-offs and pickups.  
20 So from a Philadelphia perspective, it might  
21 seem logical to rely on DART to transport  
22 children to local public bus stops.

23 But Wilmington is not  
24 Philadelphia. Certainly, many people do take



1 the bus, but we are an automobile-oriented  
2 city. At Rittenhouse Square, students can  
3 take a bus to the art museum or the zoo. In  
4 Rodney Square, they can take a bus to within  
5 six or seven blocks of similar Wilmington  
6 attractions. The same is true for the school.  
7 Arriving five blocks away and walking to the  
8 school during business rush hour in any type  
9 of weather is not conducive to a good start of  
10 any child's school day.

11 As for Freire's request to  
12 remove the, quote, enrollment preference for  
13 students and families who support Freire's,  
14 quote, methods, philosophy and educational  
15 focus, unquote, that seems the proper thing to  
16 do. However, I cringe at the fact that Freire  
17 will be given \$687,000 in federal funds for,  
18 quote, planning and implementation funding,  
19 unquote, for a program that cannot recruit a  
20 sufficient number of students as outlined in  
21 their charter application. If they are having  
22 these difficulties in the first year, I  
23 believe the problem will grow exponentially as  
24 the years go by. In the end, the traffic,



1 parking and physical facilities problems are  
2 not conducive to a good educational  
3 environment.

4 I believe that Freire's request  
5 for major modification to their charter should  
6 be denied, and I've attached a petition signed  
7 by 118 residents of Midtown Brandywine with  
8 their signatures; an e-mail I sent to the  
9 neighborhood about my opposition to Freire;  
10 and a fact sheet that I also compiled.

11 Thank you.

12 MS. HICKEY: This will be  
13 Exhibit C, and it is a multi-page,  
14 multi-document exhibit. It does have Miss  
15 Doto's testimony and several pages of  
16 signatures to a petition and an e-mail that  
17 Miss Doto described.

18 (Hearing Exhibit C was marked  
19 for identification.)

20 MS. DOTO: There is a fact sheet  
21 at the end, just some references.

22 MS. HICKEY: And there is a fact  
23 sheet, the last page is a fact sheet.

24 Miss Nagourney is going to hold



1 this also.

2 HEARING OFFICER: Thank you.

3 Is there anyone else who desires  
4 to speak?

5 (Pause.)

6 HEARING OFFICER: If not, I want  
7 to thank you all for participating today. The  
8 Secretary will consider your comments as part  
9 of the decision-making process and your  
10 comments will also be available for the State  
11 Board to consider. The hearing is now closed.

12 - - -

13 (The hearing concluded at  
14 5:33 p.m.)

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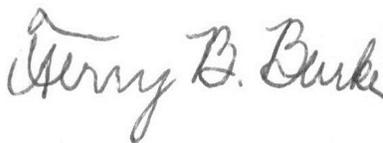


1 State of Delaware )  
2 New Castle County )

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CERTIFICATE OF REPORTER

I, Terry Barbano Burke, RMR-CRR and Notary Public, do hereby certify that the foregoing record, pages 1 to 20 inclusive, is a true and accurate transcript of my stenographic notes taken on Tuesday, February 3, 2015, in the above-captioned matter.



Terry Barbano Burke, RMR-CRR



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