



## DEPARTMENT OF EDUCATION

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April 21, 2016

*Via email attachment*

Ted Williams  
Chair, Board of Directors  
Delaware STEM Academy  
109 Lukens Drive  
New Castle, DE 19720

Dear Mr. Williams:

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 Delaware STEM Academy 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 9 and 10 with an enrollment of 250 students. However, unit count information dated April 4, 2016 included students enrolled in grades 9 and 10 with a total enrollment of 72 students, or 29% of the total authorized enrollment. As of today, 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, and plans for administrative and financial operations.

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, revenue sheets, and organizational chart, which should be developed based on the final May 1 enrollment count. You are required to use the DOE templates for the revised budget and revenue sheets. It is important that the budget sheets include detailed information about the funding source for each budget line. 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](mailto:infocso@doe.k12.de.us).

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

Sincerely,



Jennifer Nagourney  
Executive Director, Charter School Office

cc: Brett Taylor, School Leader, Delaware STEM Academy  
Steven Godowsky, Secretary of Education  
Karen Field Rogers, Deputy Secretary of Education  
David Blowman, Associate Secretary of Financial Management and Operations