



Dr. Cristina Alvarez
Co-Founder of Delaware Design-Lab High

Public Comments for the Minor Modification of the Charter for Delaware Design-Lab High School

June 5, 2017 – Public Hearing, Dover, Delaware

Good evening, I'm Dr. Cristina Alvarez, the Co-Founder, along with Dr. Martin Rayala, of Delaware Design-Lab High School. This public hearing is part of the review process for a minor modification to the charter for the School we created. From December 2012 to the School's successful launch in fall 2015, working for Design-Lab Schools LLC, we wrote the charter application, presented it to the Delaware Department of Education, and planned, funded, and implemented the School's start-up. The Delaware Department of Education approved the charter in June of 2013.

The minor modification submitted by the School's Board of Directors and that is currently under consideration, misrepresents the relationship between Design-Lab Schools LLC and the School. For due process and for full disclosure purposes, I wrote to the Charter School Office and the School's Board requesting the opportunity to address the Charter School Accountability Committee (CSAC) at the CSAC meeting for the Minor Modification Application for Delaware Design-Lab High School, on May 22, 2017, and was denied the opportunity to speak at the meeting. It was inappropriate not to let Dr. Rayala and me testify before the CSAC because what we had to say was relevant to the minor modification request. We seek full disclosure to correct inaccuracies made by the Board in the minor modification application.

Part of the minor modification is premised on the recent action by the Board to terminate the contractual relationship between Design-Lab Schools LLC and the School. There is no factual or legal basis for the notice of termination for many reasons. The notice did not comply with numerous provisions of the Academic and Business Services Agreement entered into by Design-Lab Schools LLC and Delaware Design-Lab High School, Inc. The Agreement has plainly been in effect and constitutes a valid and binding obligation of the School, and is enforceable against the School in accordance with its respective terms. Design-Lab Schools LLC has performed its obligations under the Agreement.

The Board and the School have materially breached and interfered with performance of the Agreement in numerous respects, by making misleading and false allegations, improperly preventing full performance of the Agreement, violating its financial terms, purporting to bar employees of the LLC to cease contact with School personnel, students, and families and to ban Dr. Alvarez and Dr. Rayala from even entering the School. The statement that the Board intends to issue a Request for Proposals to, in effect, replace Design-Lab Schools LLC is another material breach.

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Design-Lab Schools LLC has provided the vast majority of the agreed upon services as well as many other services that were beyond the scope of those listed in the Agreement, doing whatever it took to make sure the School had the resources it needed to be viable and successful.

Pursuant to certain terms of the Agreement, we requested that the termination be suspended since the Board recently filed with the Delaware Department of Education an application to modify the School's charter. And in accordance with terms of the Agreement, we made several requests to enter into mediation. We are hopeful that the Board will begin to act in good faith and respond favorably to our requests.

In conclusion, we believe that the minor modification submission made by the Board is misleading in a number of respects, including describing our relationship with the School, and the fact that the termination is totally without basis. If the Department of Education proceeds, it will be acting upon the minor modification as submitted that is incorrect and misleading. The School should be required to update and make accurate its statements before any approval is granted.