



March 13, 2012

The Honorable Dr. Lillian Lowery
Delaware Department of Education
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Dear Secretary Lowery,

The UCLA Civil Rights Project/Proyecto Derechos Civiles has been tracking educational trends as they relate to civil rights for over 14 years. They have clearly established that in communities across the United States schools are becoming more and more re-segregated and that the charter school movement is exacerbating this problem.

Members of the board of directors and the staff of the American Civil Liberties Union of Delaware share these concerns about re-segregation of Delaware schools, especially in New Castle County. This is why we are writing to oppose the expansion of the Newark Charter School (NCS).

Department of Education statistics shown that Christina School District students are 41% African American, 18% Hispanic and 61% low-income. Yet, Newark Charter School's student body is 11% African American, 4% Hispanic and 15% low-income. Even when compared to the census tracts that make up the five mile radius from which the school draws, African American and Hispanic students are underrepresented. The population of those census tracts is approximately 23% African American and 12% Hispanic.

It is our understanding that there are many factors that contribute to the school's high proportion of white and higher income students. However, certainly one of the factors, that is in violation of state and federal law, is the lack of provision of free and reduced cost lunches to children who are eligible for those lunches. In all likelihood, this failure discourages low-income families from entering their children in the Newark Charter School lottery. It may also result in a family deciding to turn down a place at the school when they learn that they must forgo free or reduced cost lunches for their children in exchange for the classroom seat.

The state administrative code required that Newark Charter School's original application show how the school would comply with the legal requirement of providing free and reduced lunch to students eligible under the applicable state and federal laws. (14 Del. Admin. C. § 275 – 4.5.2.5) In response, NCS's original application said the school would meet that requirement through a professional food service vendor, such as ARAMARK, that established it met all federal and state requirements and was reimbursable under the free and reduced lunch program.

However, when it submitted its first renewal application, in 2004, NCS said that keeping the program "was no longer viable." The renewal application told the Department of Education "it does not receive the federal subsidy for food services, but students who would have qualified for free and reduced lunches are annually identified and offered the same discounts on lunches provided by outside vendors such as McDonald's." However, unless McDonald's is giving away its food, the McDonald's meals would not meet the free lunch requirement, and there is no indication that the discounted McDonald's price does not exceed the price charged for federally subsidized reduced price lunches.

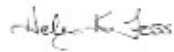
In its next renewal application, submitted in 2008, NCS said it was not proposing any changes in the provision of meals. Presumably that is still the case for the school's application to expand its grades K-6 enrollment. According to the Charter School Accountability Committee's February 1, 2012 Preliminary Report and Recommendations on the NCS application to modify its charter, Mr. Meece of NCS told the Committee that NCS intended to offer a formal school lunch program in junior high/high school. Nowhere in its application to modify does it address the need to provide lunches in the lower grades. Nor is there any indication that there is a cafeteria for grades K-6. The 2004 renewal application said the school did not have a cafeteria in its modular buildings during its first two years of operations, and did not have a cafeteria in its new permanent building. Nothing in the filings show that has changed.

This violation of law cannot be permitted to continue. It appears to directly impact the make-up of the student body and contribute to the under-enrollment of children of color and low-income students in the existing school.

Research has established that integrated schools provide academic, social and psychological benefits for all students. African American and Latino students perform better in integrated schools and student achievement is higher when the average socio-economic status of the student body is higher, which means that a balanced mix of low-income with middle and upper income students is optimal. Over the long-term, racially integrated schools are associated with a reduction in racial stereotyping and greater cross-racial understanding among students.

We believe that approving the Newark Charter School expansion is a disservice to all the students and families in the Christina School District and will further complicate the challenges that the district and its schools are facing. We encourage you to reject the expansion application and require that free and reduced costs lunches be provided to qualified students at all grade levels in the current schools. Thank you for your careful consideration of this matter.

Sincerely yours,



Helen K. Foss
President

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Executive Director

Cc: The Honorable Jack Markell
Ms. Donna Johnson, Delaware State Board of Education