

EXHIBIT A



= Racially Identifiable (White)



= Racially Identifiable (African American (‘Af.Am.’) or Hispanic)



= Not Racially Identifiable

ⁱ The terms “failing” and “nonfailing” in this complaint are derived from Delaware’s Adequate Yearly Progress (“AYP”) standards. AYP is the name given to accountability standards that states developed under the federal No Child Left Behind Act. In Delaware, schools are put into three categories: “Above Target,” “Meets Target,” or “Below Target,” based on students’ scores on the Delaware Comprehensive Assessment System (“DCAS”), Delaware’s statewide standardized test. 14 Del. Admin. Code 103, *available at* <http://regulations.delaware.gov/AdminCode/title14/100/103.pdf>. For this complaint, “low-performing charter schools” or “failing schools” are schools that are “below target,” or fail to meet AYP.

ⁱⁱ All information in this table regarding schools’ use of a placement test, parent essay for admission, student essay for admission, past grades, uniform purchase requirements, annual activity fees, and parental involvement requirements is based from the information made publicly available on each school’s website.

ⁱⁱⁱ In this complaint, racially identifiable schools are identified using the Department of Education’s Office for Civil Rights (“OCR”) “rule of thumb” for identifying such schools. A school is racially identifiable if there exists at least a 20% disparity between a given school and its surrounding district’s enrollment for a given racial group. *See* Letter from Beth Gellman-Beer, Supervising Attorney Philadelphia Office, U.S. Dep’t of Educ. To Mark Murphy, Secretary of Educ., Del. State Dep’t of Educ. 3 (May 22, 2013) (on file with author) (“In determining whether a school is racially identifiable, OCR compares the percentage of minority students in the school to the percentage of minority students in the District as a whole. In comparing enrollment disparities, OCR looks for differences that are statistically significant and may also consider ‘a rule of thumb’ that flags disparities of 20 percent between school enrollments and district-wide enrollments as possible indicators of racial identifiability.”). To determine whether charter schools in Delaware are racially identifiable, this complaint used the state’s school-specific and district-specific enrollment data. *See generally* School and District Profiles, State of Delaware: The Official Website of the First State, <http://profiles.doe.k12.de.us/SchoolProfiles/State/Default.aspx> (last viewed Dec. 1, 2014). Because several charter schools are authorized by the RCSD and the district enrollment data for RCSD included charter school data, this complaint adjusted the RCSD enrollment data to include only public, non-charter schools in determining the racial identifiability of charter schools authorized by RCSD.

^{iv} *See* School Profiles, State of Delaware: The Official Website of the First State, <http://profiles.doe.k12.de.us/SchoolProfiles/State/Default.aspx> (last viewed Nov. 14, 2014).

^v *Id.*

^{vi} *Id.*

^{vii} This complaint refers to a charter school as “high-performing” when in the 2013-2014 academic year, at least 90% of students met the state reading and math standards (measured by the highest grade level for which data is available). *See* School Profiles, State of Delaware: The Official Website of the First State, <http://profiles.doe.k12.de.us/SchoolProfiles/State/Default.aspx> (last viewed Nov. 17, 2014). In the 2013-2014 school year, these schools were: the Charter School of Wilmington, Newark Charter School, Sussex Academy, MOT Charter School, and Odyssey Charter School. *Id.*

^{viii} The Charter School of Wilmington, Student Admissions Policy (approved Oct. 28, 2014) at 1-2, *available at* <http://www.charterschool.org/aboutus/boardofdirectors/downloads/policies/csw-admissions-policy-rev102814.pdf> (last viewed Nov. 30, 2014).

^{ix} *Id.*

^x *Id.*

^{xi} Shirt Orders, The Charter School of Wilmington, <http://charterschool.org/shirt-orders/> (last viewed Nov. 12, 2014).

^{xii} Newark Charter School, http://ncs.charter.k12.de.us/pages/Newark_Charter_School/Parents/Uniform_Purchases (last viewed Nov. 12, 2014)

^{xiii} Sussex Academy, Addendum Application to Delaware Standard Application (2015-2016), *available at* <http://www.sussexacademy.org/Admissions/> (last viewed Dec. 1, 2014).

^{xiv} *Id.*

^{xv} Sussex Academy, Student Handbook 2014-2015 at 12, *available at* https://imageserv11.team-logic.com/mediaLibrary/1/Web2015_10_16_14.pdf.

^{xvi} *Id.* at 6.

^{xvii} Sussex Academy, School Success Agreement at 2, *available at* https://imageserv.team-logic.com/mediaLibrary/1/School_Success_Plan_1.pdf (requiring parents to “[v]olunteer to chaperone field work, review portfolio presentations, help with special assignments from [] child’s team and work to support the PTO and Sports Boosters as needed).

^{xviii} Uniforms/Dress Code, Odyssey Charter School, <http://odysseycharterschooldel.com/uniforms.html> (last viewed Nov. 17, 2014).

^{xix} Delaware Military Academy, DMA Cadet Handbook 2012-2013 at 17, *available at* http://www.demilacad.org/index_htm_files/Handbook%202012-2013%20Final.pdf.

^{xx} Reach Academy for Girls, Uniform Policy, *available at* http://www.reachacademyforgirls.org/UserFiles/Servers/Server_4072197/File/School%20Policies/Uniform%20Policy%202013.pdf.

^{xxi} Family Foundations Academy, 2014-2015 Student Code of Conduct at 23-25, *available at* <http://www.familyfoundationsacademy.org/ourpages/auto/2014/1/3/46286396/Family%20Foundations%20Academy%20Student%20Code%20of%20Conduct%202014-2015.pdf>.

^{xxii} Family Responsibility, Family Foundations Academy, http://www.familyfoundationsacademy.org/apps/pages/index.jsp?uREC_ID=225969&type=d&pREC_ID=552193 (last viewed Nov. 17, 2014) (parents must check their child’s progress each week on Home Access Center).

^{xxiii} Kuumba Academy Charter School, Required Documents for All Applications, *available at* <http://kuumbaacademy.org/modules/cms/pages.phtml?pageid=146264&sessionid=799576ebe6eeb5119ed0bcfe6788d24b&sessionid=799576ebe6eeb5119ed0bcfe6788d24b> (requiring state test scores for students applying to grades 2-8).

^{xxiv} Kuumba Academy Charter School, Kuumba Academy Charter School Student Code of Conduct (Revised Aug. 2014) at 16, *available at* <http://kuumbaacademy.org/modules/groups/homepagefiles/cms/953202/File/Kuumba%20Code%20of%20Conduct%202014-2105.pdf?sessionid=799576ebe6eeb5119ed0bcfe6788d24b>.

^{xxv} Las Americas ASPIRA Academy, School Uniform Policy, *available at* http://www.aspiracademy.org/pdf/Code_Of_Conduct/School_Uniform_policy_2012.pdf.

^{xxvi} Las Americas ASPIRA Academy, School Code of Conduct (2014-2015 School Year, Grades K-8th) at 10, *available at* http://www.aspiracademy.org/pdf/Code_Of_Conduct/LAAA_Code_of_Conduct_2014-2015.pdf (requiring parents to “[c]omplete a minimum of five (5) hours of volunteer time during each school year (July 1-June 30).

^{xxvii} MOT Charter School, Admissions Policies & Procedures at 2, *available at* https://imageserv11.team-logic.com/mediaLibrary/15/MOT__Admissions_Policy_K-12_4.pdf.

^{xxviii} *Id.*

^{xxix} *Id.*

^{xxx} MOT Charter, High School Family Handbook 2014-2015 at 13, *available at* https://imageserv11.team-logic.com/mediaLibrary/15/HS_Handbook_Website.pdf.

^{xxxi} *Id.* at 21 (“Because parent involvement is integral to the success of MOT Charter School, we request that each family serve at least 10 volunteer hours each academic year.”)

^{xxxii} Providence Creek Academy Charter School, School-Parent-Student Compact School Year 2014-2015, *available at* <http://www.pcasaints.org/wp-content/uploads/2014/03/Student-handbook-14-15.pdf> (requiring parents to “[v]olunteer[] in or for [their] child’s classroom.”).

EXHIBIT B

**EXHIBIT B. ADMISSIONS AND ENROLLMENT REQUIREMENTS AT DELAWARE FAILINGⁱ
CHARTER SCHOOLSⁱⁱ**

Delaware Failing Charter Schools (2013-2014)	Racially Identifiable (2013-2014) ⁱⁱⁱ	Percent of Racially Identifiable Group (2013-2014) ^{iv}	Percent Low-Income Enrollment (2013-2014) ^v	Percent Special Education (2013-2014) ^{vi}	High-Performing (2013-2014) ^{vii}	Placement Test	Parent Essay for Admission	Student Essay for Admission	Past Grades Evaluated for Admission	Uniform Purchase Required from Specific Vendors	Annual Activity Fee	Parental Involvement Requirement
1. Delaware Academy of Public Safety and Security	YES	57.9% White	29.4%	13.3%				✓ ^{viii}	✓ ^{ix}	✓ ^x		
2. Prestige Academy	YES	94.8% African American (“Af.Am.”)	60.6%	19.5%						✓ ^{xi}		✓ ^{xii}
3. The Maurice J. Moyer Academic Institute	YES	88.5% Af.Am.	78.4%	31.3%								
4. Thomas A. Edison Charter School	YES	98.3% Af.Am.	80.9%	6.8%			✓ ^{xiii}		✓ ^{xiv}			✓ ^{xv}
5. Delaware College Preparatory Academy	YES	96.8% Af.Am.	82.1%	4.1%						✓ ^{xvi}		✓ ^{xvii}
6. Gateway Lab School	NO	(Gateway Lab School is not a racially	27.9%	58.7%						✓ ^{xviii}		

		identifiable school, but the majority of the student body is White, 64.4%)										
7. Campus Community Charter School	NO	(Campus Community is not a racially identifiable school, but African American students comprise the largest group, 41.1%)	39.2%	9.0%			✓ ^{xxix}	✓ ^{xx}	✓ ^{xxi}			✓ ^{xxii}
8. Positive Outcomes Charter School	NO	(Positive Outcomes is not a racially identifiable school, but the majority of the student body is White, 65.8%)	38.3%	63.3%			✓ ^{xxiii}	✓ ^{xxiv}	✓ ^{xxv}	✓ ^{xxvi}		



= Racially Identifiable (White)



= Racially Identifiable (African American (“Af.Am.”) or Hispanic)



= Not Racially Identifiable

ⁱ The terms “failing” and “nonfailing” in this complaint are derived from Delaware’s Adequate Yearly Progress (“AYP”) standards. AYP is the name given to accountability standards that states developed under the federal No Child Left Behind Act. In Delaware, schools are put into three categories: “Above Target,” “Meets Target,” or “Below Target,” based on students’ scores on the Delaware Comprehensive Assessment System (“DCAS”), Delaware’s statewide standardized test. 14 Del. Admin. Code 103, *available at* <http://regulations.delaware.gov/AdminCode/title14/100/103.pdf>. For this complaint, “low-performing charter schools” or “failing schools” are schools that are “below target,” or fail to meet AYP.

ⁱⁱ All information in this table regarding schools’ use of a placement test, parent essay for admission, student essay for admission, past grades, uniform purchase requirements, annual activity fees, and parental involvement requirements is based from the information made publicly available on each school’s website.

ⁱⁱⁱ In this complaint, racially identifiable schools are identified using the Department of Education’s Office for Civil Rights (“OCR”) “rule of thumb” for identifying such schools. A school is racially identifiable if there exists at least a 20% disparity between a given school and its surrounding district’s enrollment for a given racial group. *See* Letter from Beth Gellman-Beer, Supervising Attorney Philadelphia Office, U.S. Dep’t of Educ. To Mark Murphy, Secretary of Educ., Del. State Dep’t of Educ. 3 (May 22, 2013) (on file with author) (“In determining whether a school is racially identifiable, OCR compares the percentage of minority students in the school to the percentage of minority students in the District as a whole. In comparing enrollment disparities, OCR looks for differences that are statistically significant and may also consider ‘a rule of thumb’ that flags disparities of 20 percent between school enrollments and district-wide enrollments as possible indicators of racial identifiability.”). To determine whether charter schools in Delaware are racially identifiable, this complaint used the state’s school-specific and district-specific enrollment data. *See generally* School and District Profiles, State of Delaware: The Official Website of the First State, <http://profiles.doe.k12.de.us/SchoolProfiles/State/Default.aspx> (last viewed Dec. 1, 2014). Because several charter schools are authorized by the RCSD and the district enrollment data for RCSD included charter school data, this complaint adjusted the RCSD enrollment data to include only public, non-charter schools in determining the racial identifiability of charter schools authorized by RCSD.

^{iv} *See* School Profiles, State of Delaware: The Official Website of the First State, <http://profiles.doe.k12.de.us/SchoolProfiles/State/Default.aspx> (last viewed Nov. 14, 2014).

^v *Id.*

^{vi} *Id.*

^{vii} This complaint refers to a charter school as “high-performing” when in the 2013-2014 academic year, at least 90% of students met the state reading and math standards (measured by the highest grade level for which data is available). *See* School Profiles, State of Delaware: The Official Website of the First State, <http://profiles.doe.k12.de.us/SchoolProfiles/State/Default.aspx> (last viewed Nov. 17, 2014). In the 2013-2014 school year, these schools were: the Charter School of Wilmington, Newark Charter School, Sussex Academy, MOT Charter School, and Odyssey Charter School. *Id.*

^{viii} Delaware Academy of Public Safety and Security, Cadet Service Information, *available at* <http://www.dapsscharterschool.org/apps/download/2/eUOcd8mBQ4bAc6nMvd1mxUzatBvphOP5SmrCrAAAYDNjajpdJ.pdf/Cadet%20Service%20Information.pdf>.

^{ix} Delaware Academy of Public Safety and Security, Application Cover Letter, *available at* <http://www.dapsscharterschool.org/apps/download/2/gLSR9TKmHVP1vKrvuZ0ZgbyDXCb0fw5EOniVw9caSOjtdWBo.pdf/Cover%20Letter.pdf>.

^x Delaware Academy of Public Safety and Security, DAPSS Uniform Policy 2014-2015, *available at* http://www.dapsscharterschool.org/apps/download/2/QWn58CY33Hwayglvc7YNfOaru9mUmmGCIgRSWOzdMfeBbHsC.pdf/2014-15_Uniform.pdf.

^{xi} Uniform Orders, Prestige Academy, <http://www.prestigeacademycs.org/uniform-orders.html> (last viewed Nov. 17, 2014).

^{xii} Prestige Academy, Prestige Academy Family Covenant at 2, *available at* http://www.prestigeacademycs.org/uploads/7/2/2/9/7229998/famcovsample_000.pdf (requiring parents to “volunteer at least once each trimester”).

^{xiii} Thomas A. Edison Charter School, 2015-2016 K-8 Student Supplemental Application, *available at* <http://thomasedison.charter.k12.de.us/education/page/download.php?fileinfo=U3R1ZGVudF9BcHBsaWNhdGlvb19Db21iaW5lZF8yMDElLTlwMTYucGRmOj06L3d3dzUvc2Nob29scy9kZS90aG9tYXNlZGlzb25jaGFydGVyL2ltYWdlcy9kb2NtZ3IvN2ZpbGU0NDEucGRm§iondetailid=1> (requiring parents to state why they are choosing TECS for their child and providing two lines for parents’ response).

^{xiv} *Id.*

^{xv} Thomas A. Edison Charter School, Student Handbook/Code of Conduct for Students, Parents, Teachers, and Administrators 2013-2014 at 10, *available at* <http://thomasedisoncharter.de.schoolwebpages.com/education/page/download.php?fileinfo=U3R1ZGVudENvZGVpZkNvbmlR1Y3QucGRmOj06L3d3dzUvc2Nob29scy9kZS90aG9tYXNlZGlzb25jaGFydGVyL2ltYWdlcy9kb2NtZ3IvMTBmaWxlMzAwLnBkZg==§iondetailid=581> (“Thomas Edison Charter School Parents are required to volunteer a minimum of 3 hours per year.”).

^{xvi} School Uniforms, Delaware Preparatory Academy, <http://delaware.gabbartllc.com//index.php?pageID=9042> (last viewed Nov. 17, 2014).

^{xvii} Delaware College Preparatory Academy, Scholar Code of Conduct: Scholar Rights and Responsibilities, Grades Kindergarten through Five, School Year 2013-2014 at 5, *available at* http://delaware.gabbartllc.com/page/56233_2 (“Parents are required to complete fifteen hours of service to the school.”).

^{xviii} FAQs, Gateway Lab School, <http://www.gatewaylabschool.org/faqs/> (last viewed Nov. 17, 2014).

^{xix} Campus Community School, Supplemental Application, *available at* <http://campuscommunityschool.fatcow.com/CCS%20Supp%20App%202014-2015.pdf> (requiring parents to state “[i]n what ways [they] feel that Campus Community School will serve [their] child” and providing two lines for response).

^{xx} *Id.*

^{xxi} Campus Community School, Application for Enrollment 2015-2016, *available at* <http://www.positiveoutcomescs.org/ourpages/auto/2011/6/15/51625980/2%20-%20Application%20Directions%202015-16.pdf>.

^{xxii} Campus Community School, Handbook 2012-2013 at 5, *available at* <http://campuscommunityschool.fatcow.com/pdfs/student-handbook-12-13-final-1.original.pdf> (“All parents are expected to volunteer in some way during the year.”).

^{xxiii} Positive Outcomes Charter School, Supplemental Application for Enrollment 2015-2016, *available at* <http://www.positiveoutcomescs.org/ourpages/auto/2011/6/15/51625980/5%20-%20POCS%20Supplemental%20Application%202015-16.pdf>.

^{xxiv} *Id.*

^{xxv} Positive Outcomes Charter School, Application for Enrollment 2015-2016, *available at* <http://www.positiveoutcomescs.org/ourpages/auto/2011/6/15/51625980/2%20-%20Application%20Directions%202015-16.pdf>.

^{xxvi} Positive Outcomes Charter School, Student Handbook 2014-2015 at 15-16, *available at* <http://www.positiveoutcomescs.org/ourpages/auto/2012/4/24/58076073/POCS%20Student%20Handbook%202015%20Final.pdf>.

EXHIBIT C

DECLARATION OF EVE BUCKLEY

I, Eve Buckley, hereby declare:

1. I am a resident of Newark Delaware and the Christina School District. I am a professor of history at the University of Delaware in Newark. I have a child in elementary school in the Christina School District.
2. Many charter schools carry out substantial fundraising campaigns each year that pressure parents to raise significant sums of money for or donate to the schools. In addition, there are mandatory supply and activity fees at various charter schools, including Newark Charter School and Charter School of Wilmington.
3. Newark Charter School was founded largely by professionals residing in the Newark area, and serves a large number of families affiliated with the University of Delaware.
4. Newark Charter School uses the standard state application for admissions, but it embraces many practices and traditions that align it more closely with private schools than traditional public schools. These pose admissions barriers for students of color and students with disabilities.
5. If a child is not admitted to Newark Charter School in Kindergarten, it is very difficult for the child to gain admission at a later time, though the school currently offers K-10 instruction levels, because there is a sibling preference and, with the exception of an

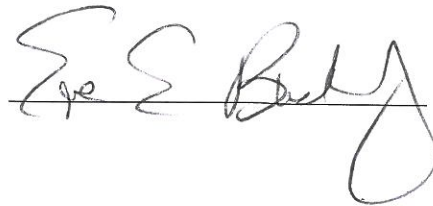
increase during the 2013- 2014 expansion, very few seats have become available each year.

6. Parents of Newark Charter School students are pressured by the school community to volunteer and contribute financially to the school's success, although that is difficult for lower-income families because of the financial and time constraints faced by lower-income families.
7. Newark Charter School decided not to include a cafeteria in its original design, claiming that the space was needed for a library. As a result it could not serve students who needed federally funded free- or reduced-priced lunch .

I declare under penalty of perjury under the laws of the United States and the State of Delaware that the foregoing is true and correct.

EXECUTED this 1 day of December, 2014 in Newark, Delaware.

Eve Buckley

A handwritten signature in cursive script that reads "Eve Buckley". The signature is written in black ink and is positioned below the printed name.