

**IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY, PENNSYLVANIA**  
**COVER SHEET - NOTICE OF FILING OF MOTION OR PETITION UNDER**  
**LOCAL RULES OF CIVIL PROCEDURE**

CASE CAPTION:

CIVIL CASE NO. 2012-009781

IN RE: APPOINTMENT OF A RECEIVER FOR THE CHESTER UPLAND  
SCHOOL DISTRICT

NATURE OF MATTER FILED: *(please check one)*

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Petition Pursuant to Rule 206.1                   | <input type="checkbox"/> Response to Petition | <input type="checkbox"/> Motion for Judgment on the Pleadings Pursuant to Rule 1034(a) |
| <input checked="" type="checkbox"/> Motion Pursuant to Rule 208.1          | <input type="checkbox"/> Response to Motion   | <input type="checkbox"/> Summary Judgment Pursuant to Rule 1035.2                      |
| <input type="checkbox"/> Family Law Petition/Motion Pursuant to Rule 206.8 |   |  |

**FILING PARTY IS RESPONSIBLE FOR SERVICE OF THE RULE RETURNABLE  
DATE OR HEARING DATE UPON ALL PARTIES**

A motion or petition was filed in the above captioned matter on the 19 day of November, 2020, which:

Requires you, Respondent, to file an Answer within twenty (20) days of the above date to this notice, or risk the entry of an Order in favor of the Petitioner. Answers must be filed and time stamped by the Office of Judicial Support by 4:30 PM on the following date December 9, 2020.

Requires all parties, to appear at a hearing/conference on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at \_\_\_\_ in Courtroom \_\_\_\_, Delaware County Courthouse, Media, Pennsylvania. At this hearing/conference you must be prepared to present all testimony and/or argument, and must ensure that your witnesses will be present.

Was timely answered, thus requiring the scheduling of the following hearing in the above captioned matter on: \_\_\_\_\_, \_\_\_\_\_ at 10:00 AM in Courtroom \_\_\_\_.

At this hearing, all parties must be prepared to present all testimony and/or argument and **must ensure that their witnesses will be present.**

Qualifies as an Uncontested Motion or Petition, and as such requires neither an answer from the Respondent nor the scheduling of a hearing in this matter.

Has been assigned to Judge Barry C. Dozor.

**FOR OFFICE USE ONLY**

Mailing date: \_\_\_\_\_

Processed by: \_\_\_\_\_

CATANIA & PARKER, LLP

P.O. Box 2029

Media, PA 19063

(610) 565-8101

By: Francis J. Catania, Esquire

Attorney ID No. 41733

Attorney for Intervenor

Chester Community Charter School

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IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY  
CIVIL ACTION

IN RE: APPOINTMENT OF A :  
RECEIVER FOR THE : CIVIL ACTION  
CHESTER UPLAND SCHOOL DISTRICT : NO. 2012-009781

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**PROPOSED ORDER**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2020, upon consideration of the Motion To Require CUSD & Receiver To Follow The Requirements Of This Honorable Court's May 14th Order; To Include All Of The Statutory Requirements Of An Approved Financial Recovery Plan Under 24 P.S. § 6-641-A In Their RFP, To Amend The RFP To Redraft The Evaluation Criteria And Weighted Rubric To Include All Of The Requirements Of 24 P.S. § 6- 641-A filed by the Chester Community Charter School and the Parties Responses, it is hereby ORDERED that CUSD and the Receiver are ordered to follow the requirements of the May 14th Order; to include all of the statutory requirements under 24 P.S. § 6-641-A in the RFP; to amend the RFP to redraft the Evaluation Criteria and weighted rubric to include all of the requirements of 24 PS. § 6-641-A at equal weighting; to withdraw the RFP, rewrite the RFP to comply with the

May 14, 2020 Order and comply with 24 P.S. §6-641-A, and change the weighted rubric to award points equally to all of the sections of 24 P.S. §6-641-A, and then reissue the RFP for future response, and a Status Conference is scheduled for

\_\_\_\_\_.

BY THE COURT:

\_\_\_\_\_

J.

CATANIA & PARKER, LLP

P.O. Box 2029

Media, PA 19063

(610) 565-8101

By: Francis J. Catania, Esquire

Attorney ID No. 41733

Attorney for Intervenor

Chester Community Charter School

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IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY  
CIVIL ACTION

IN RE: APPOINTMENT OF A :  
RECEIVER FOR THE : CIVIL ACTION  
CHESTER UPLAND SCHOOL DISTRICT : NO. 2012-009781

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**MOTION TO REQUIRE CUSD & RECEIVER TO FOLLOW THE REQUIREMENTS OF THIS HONORABLE COURT'S MAY 14TH ORDER; TO INCLUDE ALL OF THE STATUTORY REQUIREMENTS OF AN APPROVED FINANCIAL RECOVERY PLAN UNDER 24 P.S. §6-641-A IN THEIR RFP, TO AMEND THE RFP TO REDRAFT THE EVALUATION CRITERIA AND WEIGHTED RUBRIC TO INCLUDE ALL OF THE REQUIREMENTS OF 24 P.S. §6-641-A; AND SCHEDULING A STATUS CONFERENCE**

Intervenor/Movant, the Chester Community Charter School ("CCCS"), by its undersigned counsel, hereby moves this Honorable Court for an Order supplementing this Honorable Court's May 14, 2020 Order, and compelling the Chester Upland School District Receiver, Superintendent, and School District personnel to follow the requirements of the May 14th Order; to include all of the statutory requirements required of an approved financial recovery plan under 24 P.S. §6-641-A, to amend the RFP to redraft the Evaluation Criteria and weighted rubric to include all of the requirements of 24 PS. §6-641-A; and scheduling a Status Conference all as set forth hereinafter.

In support of this Motion, CCCS avers as follows:

1. CCCS is a public charter school established in 1998 under Pennsylvania's Charter School Law, 24 P.S. §17-1701-A, et seq. ("Charter School Law"), currently operating under a charter issued by Chester Upland School District.

2. Chester Upland School District is a school district existing under the laws of the Commonwealth of Pennsylvania, with administrative offices located at 232 W. 9<sup>th</sup> Street, Chester, Pennsylvania, 19103 ("CUSD").

3. CCCS files this Motion because responses to an October 26, 2020 Request for Proposal (see paragraph 13 below) issued as a requirement of a May 14, 2020 Order (see paragraph 11 below) **are due December 14, 2020, which is twenty-five (25) days from now**, and the Request for Proposal misapplies the May 14<sup>th</sup> Order and the requirements of 24 P.S. §6-641-A.

4. CUSD is one of only two school districts' in the state categorized by the Pennsylvania Department of Education as being in severe financial distress. (Pennsylvania Auditor General, Performance Audit Status Update Harrisburg City School District Sunshine Act Compliance November 2019, [https://www.paauditor.gov/Media/Default/Reports/HSD%20Status%20Update%20Sunshine%20Act\\_11-25-19.pdf](https://www.paauditor.gov/Media/Default/Reports/HSD%20Status%20Update%20Sunshine%20Act_11-25-19.pdf), See page 2).

5. CUSD is in severe financial distress, in financial recovery status and operates under the Financial Recovery Law, 24 P.S. §6-601-A, et seq.

- On August 14, 2012, the Pennsylvania Secretary of Education issued a declaration that CUSD was declared to be in recovery status pursuant to 24 P.S. §6-621-A; and,
- Upon Petition by the Secretary of Education filed December 3, 2012 with this Honorable Court, CUSD was placed into receivership on December 13, 2012; and,

- By the Court's Order of June 3, 2016, the receivership was extended for a period of three years, ending on June 2, 2019 (24 P.S. §6-675-A(b)); and,
- On May 16, 2019 the receivership was extended until June 3, 2022; and,
- On December 10, 2019 the Honorable Judge Barry C. Dozor issued an Order appointing Gregory E. Thornton, Ed.D., interim receiver until March 31, 2020; and,
- On December 19, 2019 CUSD filed a Revised Financial Recovery Plan; and,
- On March 10, 2020 the Honorable Judge Barry C. Dozor issued an Order appointing Dr. Juan R. Baughn, Ed.D., as the "permanent receiver for the Chester Upland School District for a term to begin on or before May 25, 2020".

6. Receiver Dr. Juan R. Baughn, Ed.D. is referred to throughout this Motion as Receiver and/or Respondent.

7. CUSD is operating under a Financial Recovery Plan (24 P.S. §6-641-A through §6-643-A) (Financial Recovery Plan ordered to be implemented by Order of the Court on December 13, 2012 and updated Revised Financial Recovery Plan filed December 20, 2019 and approved by this Honorable Court in its May 14, 2020 Order) and this Honorable Court has continuing jurisdiction under the approved revised Financial Recovery Plan. 24 P.S. §6-663-A(c)(2)(iii), 24 P.S. §6-671-A(a)(i), 24 P.S. §6-671-A(g)(2), 24 P.S. §6-672-A(b)(5), 24 P.S. §6-672-A(b)(8).

8. The Receiver is responsible for implementing the approved revised Financial Recovery Plan. 24 P.S. §6-672-A(b)(1).

9. On April 15, 2020 Mr. Robert M. DiOrio, Counsel for CUSD, filed a Praecipe to File of Record requesting the filing of record of the following documents which were attached to the Praecipe:

“Request for Proposal: Proposed Outsourcing of Functional Areas;  
Request for Proposal: Special Education Audit Services;  
Request for Proposal: Audit Services for District Organizational Chart;  
Framework for Chester Upland School District’s Strategic Initiative”.

10. The docket for this proceeding contains no further entries referencing the documents introduced in Mr. DiOrio’s April 15<sup>th</sup> filing with the Court.

11. On May 14, 2020 the Honorable Judge Barry C. Dozor issued a ten page Order (“Order”) along with a two page cover letter (“Judge Dozor’s May 14<sup>th</sup> Letter”) in which the Court approved the Revised Financial Recovery Plan, provided a “road map” for CUSD, provided priority to initiatives and strategies recommended in the approved Revised Financial Recovery Plan and authorized “the Receiver to move ahead with various recommendations and initiatives, including further investigation and requests for proposals for strategic initiatives.” The Order (10 pgs.) and Judge Dozor’s May 14<sup>th</sup> Letter (2 pgs.) are attached hereto and incorporated as though set forth herein and labeled as Exhibit A.

12. Without any prior Court review or approval, on July 30, 2020 the Receiver issued a twenty-three (23) page document titled “Request for Interest and Case Statement Potential Outsourcing of Management or Operations of District Schools Chester Upland School District July 30, 2020” (“RFI”) which detailed the first part, the Request for Interest, of what the RFI described as a two part process of the CUSD Strategic Options Initiative Process.

13. Without any prior Court review or approval, on October 26, 2020 the Receiver issued a forty (40) page document titled “Request for Proposal for Potential Outsourcing of Management or Operations of District Schools for Chester Upland School District October 26, 2020” (“RFP”). The RFP (40 pgs.) is attached hereto, and incorporated as though set forth herein, and labelled as Exhibit B.

**RECEIVER'S FAILURE TO FOLLOW REQUIREMENTS OF MAY 14<sup>th</sup> ORDER**

14. Judge Dozor's May 14<sup>th</sup> Letter specifically states:

"It is important that various documents and notices be posted on the School District's website, see paragraphs 2(a) and 9 of the Court's May 14, 2020 Order, and the Restated June 30, 2018 and June 30, 2019 audits must be completed, see paragraphs 1(b) and 3 of May 14, 2020 Order."

Order, ¶ 2(a) Requires publication by posting on CUSD website of Revised Financial Recovery Plan within 30 days of Order

Order, ¶9 Requires posting of the Order and specific documents related to the Revised Financial Recovery Plan including the RFI and RFP to the CUSD website

Order, §1(b) Requires "As a precondition of the outsourcing of management of schools, the restated June 30, 2018 and June 30, 2019 audit MUST BE COMPLETED..." and requires the information to be available.

Order, ¶3 Requires within 45 days of Order the filing of the Restated June 30, 2018 and June 30, 2019 audits and this is not done a report shall be filed as to status, reasons and explanations of delay and expectation of completion otherwise a hearing will be scheduled

15. CCCS located the "Chester Upland School District Annual Financial Report Year Ended June 30, 2018" on the CUSD website but CCCS is unable to locate the Restated June 30, 2018 audit on the CUSD website, nor does the Restated June 30, 2018 audit appear to have been filed of record in the docket for this proceeding.



16. CCCS cannot locate the Restated June 30, 2019 audit on the CUSD website, nor does Restated June 30, 2019 audit appear to have been filed of record in the docket for this proceeding.

17. The Order requires the following actions which have not been completed:

- a. Not completed - "...the restated June 30, 2018 and June 30, 2019 audit MUST BE COMPLETED and filed of record..." See Order page 3.
- b. Not completed - "Within forty five days of this Order, the School District shall file of record, and copy to Chambers, the Restated June 30, 2018 and June 30, 2019 audit. If not timely completed and filed of record, the District and Receiver shall file of record, a copy to Chambers, a report as to status, reasons, and explanations of delay, and expectation of completion..." See Order page 4.
- c. Not completed - "...the Receiver shall prepare, advertise, solicit, and evaluate Requests for Proposals and instructions governing the requested proposals for the consideration by the Chester Upland School District and Receivership for the potential need for outsourcing of functional areas of the District..." See Order page 5.
- d. Not completed - "...the Receiver shall prepare, advertise, solicit, and evaluate Requests for Proposals and instructions governing the requested proposals for the consideration by the Chester Upland School District and Receivership for the potential need for strategic options in managing and delivering pre-kindergarten – 12<sup>th</sup> grade schools..." See Order page 6.

18. By letter dated June 4, 2020 to the Honorable Judge Dozor, Mr. Francis J. Catania, counsel for CCCS, requested a telephone status conference call due to CCCS concerns about the Receiver's purging of prior legal counsel for both the Receiver and the CUSD Board and the resulting ability of Receiver to comply with the Order .

19. In response to Mr. Catania's June 4<sup>th</sup> letter, by letter dated June 11, 2020 Mr. Sultanik advised the Honorable Judge Dozor "...the Receiver conducted a comprehensive meeting with all of his strategic advisors and has developed a timeline and directives to all involved so that the RFP process, as well as all other aspects of the Order, will be complied with." (Emphasis added.)

20. As a follow-up to a Court conference on June 22, 2020, Mr. Jeffrey T. Sultanik, Esquire, counsel for CUSD, on June 26, 2020 emailed the attached five (5) page document, of which pages three through five are titled "Update from Receiver, Dr. Juan Baughn, RE: Status of the Recovery Plan Initiatives as of June 22, 2020" ("June 26 Letter & Receiver Update"), however the update is not signed by the Receiver nor is there any indication of the Receiver's approval of the update. The June 26, 2020 Letter & Receiver Update (5 pgs.) is attached hereto and incorporated as though set forth herein and labeled as Exhibit C.

21. The June 26 Letter & Receiver Update states Dr. Leroy D. Nunery, II, PlūsUltré LLC, was retained as Strategic Advisor to the Receiver but there is no reference to a specific date on which Dr. Nunery was retained by the Receiver. See Exhibit C, page 3.

22. The June 26 Letter & Receiver Update states "The 2018-2019 Audited Financial Statements are in process....The target date for completion of the audit is end of July/beginning of August." See Exhibit C, page 4.

23. The Order required the June 30, 2018 and June 30, 2019 Audits to be completed and filed of record within 45 days of the Order which was June 28, 2020.

24. Page three of the Order states

"b) As a precondition of the outsourcing of management of schools, the restated June 30, 2018 and June 30, 2019 audit MUST BE COMPLETED and filed of record. It is paramount that his information be available to decision maker(s), Receiver, consultants

and advisors, the School District, the Pennsylvania Department of Education, all parties, and general public, and this Court.”

25. The Order states “if not timely completed and filed of record, the District and Receiver shall file of record, and copy to Chambers, a report as to status, reasons, and explanations of delay, and expectation of completion...”. See Exhibit A, page 4.

26. The June 26 Letter & Receiver Update does not contain the reasons and explanations of delay required by the Order and CCCS still does not know the reasons for delay.

27. The Receiver has failed to issue an update since the June 26 Letter & Receiver Update and the court docket contains no record of an update being filed.

28. By email dated September 21, 2020, Mr. Sultanik indicated that an updated status report would be issued on or before October 9, 2020.

29. The docket for this proceeding contains no reference to a status report issued on or before October 9, 2020.

30. By email dated October 8, 2020 Mr. Sultanik stated “The status report will be updated by 11/13/2020” and as of today no update has been filed.

**RECEIVER’S FAILURE TO INCLUDE ALL OF THE STATUTORY REQUIREMENTS  
REQUIRED OF AN APPROVED FINANCIAL RECOVERY PLAN UNDER 24 P.S. 6-  
§641-A**

31. CUSD is in severe financial distress, in financial recovery status, and operates under an approved Revised Financial Recovery Plan (24 P.S. §6-641-A through §6-643-A) and this Honorable Court has continuing jurisdiction under the Plan. 24 P.S. §6-663-A(c)(2)(iii), 24 P.S. §6-671-A(a)(i), 24 P.S. §6-671-A(g)(2), 24 P.S. §6-672-A(b)(5), 24 P.S. §6-672-A(b)(8).

32. The May 14, 2020 Order incorporates the requirements of 24 P.S. §6-641-A which provides as follows:

“A financial recovery plan developed under this sub-article shall:

- (1) Provide for the delivery of effective educational services to all students enrolled in the financial recovery school district.
- (2) Provide for the payment of lawful **financial obligations** of the financial recovery school district.
- (3) Provide for the **timely deposit of required payments** to the Public School Employees' Retirement Fund.
- (4) Provide a plan for the **financial recovery school district's return to financial stability...** (Emphasis added.)

33. Three of the four requirements of 24 P.S. §6-641-A pertain to financial obligations, payments and the financial recovery of the school district.

34. The Honorable Judge Dozor recognized the importance of the requirements of 24 P.S. § 6-641-A when he specifically cited to that section when including in the Order "This Court also finds that the submitted Revised Recovery Plan provides for the effective educational services to students enrolled in the District (24 P.S. §6-641-A) and said plan is hereby approved..." Order, Exh. A, page 2 .

35. The Order section 7 (d) states:

"Requests for Proposals shall be issued for each of the initiatives recommended in the Revised Financial Recovery Plan. **Each responder shall address how their response meets all the goals and recommendations set forth in 24 P.S. §6-641-A,** and the terms and conditions of this Order." (Emphasis added.)

36. The RFP very specifically sets forth the "RFP Narrative and Evaluation Criteria" for responses to the RFP. See Exhibit B, pg. 32-38.

37. The RFP sets forth eight separate Evaluation Criteria sections for response and details the questions that should be responded to, how many pages the response to

each section is allow to be, and the “weighted rubric” to be used by the Receiver and the RFP Task Force when reviewing responses. See Exhibit B, pg. 25.

38. While three of the four requirements of 24 P.S. 6-641-A pertain to financial obligations, payments and the financial recovery of the school district, only two of the eight RFP Evaluation Criteria sections pertain to financial matters. See Exhibit B, pg. 25. The RFP purposely underweights requiring a responder to demonstrate how the proposal will assist the CUSD in its financial recovery and achieve the goal of independence as more specifically set forth in the May 14, 2020 Order.

39. Page twenty-four (24) of the RFP states that reasons for disqualifying/rejecting a proposal include “...alterations of form, additions not called for ...unauthorized alternate proposals, or irregularities of any kind.” See Exhibit B, pg. 24. Consequently, an RFP responder can submit a proposal in compliance with the Order and be disqualified by the RFP evaluation criteria.

40. Page twenty-nine (29) of the RFP states “The RFP document should be written to respond to the questions in the Evaluation Criteria section.” See Exhibit B, pg. 29. Consequently, an RFP responder can submit a proposal in compliance with 5/14 Order and be disqualified by the RFP evaluation criteria.

41. In violation of the Order and ignoring the requirements of 24 P.S. §6-641-A, the Receiver’s RFP proposes a grading of RFP responses that ignores or downplays three of the four requirements of 24 P.S. §6-641-A. See Exhibit B, pg. 25.

42. The Honorable Judge Dozor approved the Revised Financial Recovery Plan incorporating the requirements of 24 P.S. §6-641-A and the Receiver violated and rejected the Order by setting forth eight Evaluation Criteria only two of which pertain to 24 P.S. §6-641-A.

43. The Receiver established RFP Evaluation Criteria with only two of the eight criteria dealing with financial matters whereas three of the four requirements of 24 P.S. §6-641-A are specific to financial matters. The RFP purposely underweights requiring a

responder to demonstrate how the proposal will assist the CUSD in its financial recovery and achieve the goal of independence as more specifically set forth in the May 14, 2020 Order.

44. Eighty percent of the weighted rubric pertains to only one of the requirements of 24 P.S. §6-641-A, 24 P.S. §6-641-A (a), and the remaining twenty percent of the weighted rubric pertains to the other three sections of 24 P.S. §6-641-A, (b), (c) and (d).

45. The Receiver's Evaluation Criteria and weighted rubric have ignored the requirements of 24 P.S. §6-641-A and violated the Order.

46. The Receiver has hijacked the RFP process in contravention of 24 P.S. §6-641-A and in contravention of the Order which requires that "Each responder shall address how their response meets all the goals and recommendations set forth in 24 P.S. §6-641-A..." Order, Exhibit A, pg. 7.

47. Not only has the Receiver hijacked the RFP process in contravention of the Order, but he has reserved for himself the ability to impose a death penalty on any responder who complies with the Order but who has therefore made any "...alterations of form, additions not called for ...unauthorized alternate proposals, or irregularities of any kind" will be disqualified or rejected. See Exhibit B, pg. 24.

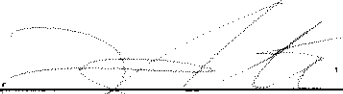
48. A responder complying with the Order and addressing "how their response meets all the goals and recommendations set forth in 24 P.S. §6-641-A..." faces disqualification and rejection of their RFP response.

49. The RFP should be withdrawn and rewritten to comply with the May 14, 2020 Order and 24 P.S. §6-641-A and reissued for future response.

WHEREFORE, CCCS respectfully requests that this Honorable Court issue an order (1) immediately scheduling a Status Conference; and, (2) requiring CUSD and the Receiver to follow the requirements of the May 14th Order; to include all of the statutory requirements under 24 P.S. §6-641-A in the RFP; to amend the RFP to redraft the

Evaluation Criteria and weighted rubric to include all of the requirements of 24 PS. §6-641-A at equal weighting; the Court should further require CUSD and the Receiver to withdraw the RFP, rewrite the RFP to comply with the May 14, 2020 Order and comply with 24 P.S. §6-641-A, and require that the weighted rubric should be changed to award points equally to all of the sections of 24 P.S. §6-641-A, and then reissue the RFP for future response.

Respectfully submitted,



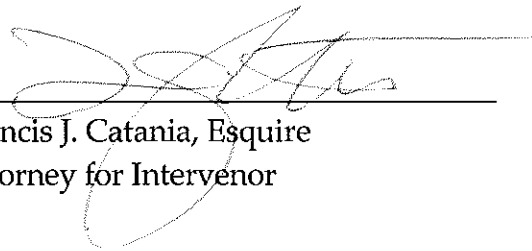
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Francis J. Catania, Esquire  
Catania & Parker, LLP  
230 North Monroe St., 2<sup>nd</sup> Floor  
PO Box 2029, Media, PA 19063  
Attorney ID No. 41733  
(610) 565-8101

Date: November 19, 2020

VERIFICATION UNDER P.A.R.C.P. 1024 AND 1024(c)

I, Francis J. Catania, Esquire, attorney for Intervenor, hereby verifies that the attached pleading is true and correct to the best of my knowledge, information, and belief and based on my review of the Court Docket, Court filings, Intervenor's records and School District records. Additionally, pursuant to Rule 1024(c), Intervenor lacks sufficient knowledge or information to make this Verification. It is understood that false statements herein are made subject to the provisions of 18 Pa. C.S.A. §4904, relating to unsworn falsification to authorities.



Francis J. Catania, Esquire  
Attorney for Intervenor

Date: 11/19/20



CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by: Francis J. Catania, Esquire

Signature: \_\_\_\_\_



Name: Francis J. Catania, Esquire

Attorney Id No.: 41733

# **EXHIBIT A**

**COURT OF COMMON PLEAS**



**KEVIN F. KELLY**  
PRESIDENT JUDGE

SENIOR JUDGES  
**ANN A. OSBORNE**  
**GREGORY M. MALLON**

JUDGES  
**GEORGE A. PAGANO**  
**KATHRYNANN W. DURHAM**  
**BARRY C. DOZOR**  
**JAMES P. BRADLEY**  
**MARY ALICE BRENNAN**  
**LINDA A. CARTISANO**  
**SPIROS E. ANGELOS**  
**G. MICHAEL GREEN**  
**JOHN P. CAPUZZI, SR.**  
**RICHARD M. CAPPELLI**  
**WILLIAM C. MACKRIDES**  
**ANTHONY D. SCANLON**  
**MARGARET J. AMOROSO**  
**DOMINIC F. PILEGGI**  
**JOHN J. WHELAN**  
**NUSRAT J. RASHID**  
**RICHARD H. LOWE**  
**STEPHANIE H. KLEIN**  
**KELLY D. ECKEL**

**DELAWARE COUNTY**  
**THIRTY - SECOND JUDICIAL DISTRICT**  
**COURTHOUSE**  
**MEDIA, DELAWARE COUNTY, PENNSYLVANIA**  
**19063**

May 14, 2020

Dr. Gregory Thornton  
Receiver – Chester Upland School District  
232 West 9<sup>th</sup> Street  
1<sup>st</sup> Floor Administration  
Chester, PA 19013

Dr. Juan Baughn  
Superintendent-New Receiver as of May  
25, 2020  
232 West 9<sup>th</sup> Street  
1<sup>st</sup> Floor Administration  
Chester, PA 19013

Gentleman,

The approaching retirement of Dr. Thornton and the challenges ahead for the new School District Receiver Dr. Baughn, marks a "mild post" for the Chester Upland School District.

As a courtesy, I am enclosing a copy of the Court's May 14, 2020 Order that approves the Revised Financial Recovery Plan and further Orders the implementation of recommendations thereto.

This Order is intended to provide a "road map" for the School District, providing priority to initiatives and strategies recommended in the Revised Financial Recovery Plan.

The Order is intended to confirm authority to the Receiver to move ahead with various recommendations and initiatives, including further investigation and requests for proposals for strategic initiatives.

It is important that various documents and notices be posted on the School District's website, see paragraphs 2(a) and 9 of the Court's May 14, 2020 Order, and the Restated June 30, 2018 and June 30, 2019 audits must be completed, see paragraphs 1(b) and 3 of May 14, 2020 Order.

May I also confirm the importance of ongoing professional and academic collaboration with all the talented, experienced, and conscientious stakeholders, including staff, administration, strategic advisors, parents, elected School Directors, and the Pennsylvania Department of Education staff and advisors, as well as prospective offerors.

For both of you, your decades of public service, commitment to public education, and service to our children is appreciated. Thank you for toiling in the fray. Your service to our community is worthy of acclaim.

Very truly yours,

Barry C. Dozor, J.

BCD/dmc  
Enclosure  
Cc: All Counsel of Record  
Letter filed of Record

**IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY, PENNSYLVANIA  
CIVIL ACTION - LAW**

**IN RE: APPOINTMENT OF A RECEIVER  
FOR THE CHESTER UPLAND SCHOOL  
DISTRICT**

**NO. CV 2012-009781**

James R. Flandreau, Esquire and Sean Fields, Esquire,  
for Pennsylvania Department of Education

Robert DiOrio, Esquire, George Dawson, Esquire, William A. Jacobs, Esquire  
for Chester Upland School District

Kevin M. McKenna, Esquire and Carolyn Flynn, Esquire  
For Agora Cyber Charter School, Chester Charter School for the Arts,  
Pennsylvania Cyber Charter School, Pennsylvania Virtual Charter School  
and Commonwealth Connections Academy

Rocco P. Imperatrice, III, Esquire and Katherine O'Connell Bell, Esquire  
For Widener Partnership Charter Schools

Francis Catania, Esquire, James J. Byrne, Jr. Esquire and, Kevin D. Kent, Esquire  
for Chester Community Charter School

Kenneth R. Schuster, Esquire and George Dawson, Esquire  
For Elected Board of the Chester Upland School District

Michael Puppio, Esquire  
for Friends of Chester Community Charter, Chester Charter School for the  
Arts

Brian H. Leinhauser, Esquire  
For Achievement House Cyber Charter School, Pennsylvania Leadership  
Charter School, Pennsylvania Distance Learning Charter School, Education  
Plus Academy Cyber Charter School

Mary M. McKenzie, Esquire, Michael Churchill, Esquire, Darlene Ko Hemerka, Esquire,  
Maura McInerney, Esquire and Kristina Moon, Esquire  
For Parent Petitioners

**ORDER APPROVING THE SUBMITTED REVISED FINANCIAL RECOVERY PLAN  
AND IMPLEMENTATION OF RECOMMENDATIONS THEREOF**

**AND NOW**, this *14* day of May, 2020, whereas the Receiver has submitted a Revised Financial Recovery Plan providing various recommendations intending to achieve and sustain financial viability and educational achievement, and this Court's January 8, 2020 Scheduling Order and Rule upon the Receiver, the Chester Upland School District and School Board, The Pennsylvania Department of Education, and all other parties to this matter, and a hearing on March 3 and 4, 2020, and this Court's review of the record, testimony, submissions, and all evidence thereto, **NOW, THEREFORE**, subject to the following conditions and requirements, **THE REVISED FINANCIAL RECOVERY PLAN IS HEREBY ACCEPTED AND APPROVED.**

1. This Court finds that the revised Financial Recovery Plan complies with the requirements, intent and purpose of the School District Financial Recovery Law, 24 P.S. 6-601 et seq. This Court further finds that the Receiver, Dr. Gregory Thornton, and the District's financial consultant, John Pund, C.P.A. credibly testified and collaborated the merits of the revised Financial Recovery Plan, and clarified the information necessary for the successful completion and implementation of the revised plan.

a) This Court also finds that the submitted Revised Recovery Plan provides for the delivery of effective educational services to students enrolled in the District (24 P.S. § 6-641-A) and said plan is hereby approved and the

Receiver is specifically authorized the use of specific powers under the Financial Recovery Plan to carry out any of the options set forth in the Revised Financial Recovery Plan and the framework for Chester Upland School District Strategic Options Initiative (SOI), the outsourcing management of schools or functional areas of management, requiring further review and approval of this Court as this Order specifically identifies. The Receiver may exercise all the powers and duties specifically set forth in 24 P.S. §6-642-A.

b) As a precondition of the outsourcing of management of schools, the restated June 30, 2018 and June 30, 2019 audit **MUST BE COMPLETED** and filed of record. It is paramount that this information be available to decision maker(s), Receiver, consultants and advisors, the School District, the Pennsylvania Department of Education, all parties, and general public, and this Court.

2. The Revised Financial Recovery Plan, submitted on December 19, 2019, provides the School District with multiple recommendations, including provisions of an effective education to all students, as well as providing various initiatives and a roadmap to financial recovery and options available to it under Section 642-A of the School District Financial Recovery Law.

a) The Revised Financial Recovery Plan, as submitted and approved herein, shall within thirty (30) days of this Order be published by the posting in full

on the District's website, and copies available at the Districts Administration Office, at no cost, to anyone upon request.

3. Within forty five (45) days of this Order, the School District shall file of record, and copy to Chambers, the Restated June 30, 2018 and June 30, 2019 audit. If not timely completed and filed of record, the District and Receiver shall file of record, and copy to Chambers, a report as to status, reasons, and explanations of delay, and expectation of completion, otherwise a hearing will be scheduled for further review and corrective measures that may be required.
4. As retaining essential personnel shall be a priority, the District, with all deliberate care and speed, shall search and employ supportive staff required for educational, financial, auditing, management, business practices, and maintenance that the Recovery Plan recommends, subject to the Receiver's judgment, and financial recovery. i.e.: Quad A. Project Manager; Financial and Data Management; IT Child Accounting; Human Resources; and all functional areas as the Receiver deems required.
  - a) As finances and circumstances may require the Receiver shall determine the timetable for search and retaining new essential employee-personnel and/or choose to outsource with Request for Proposals as more fully set forth herein.
  - b) Financial recovery and the success of any future contracting and procurement will be dependent on bringing stability to the District's



business operations. The employment of supportive staff and advisors, do not require Court approval.

5. As the Receiver deems necessary, and as events and circumstances may require, amendments to the Revised Recovery Plan may be submitted for review.
6. As the Receiver has recommended, to pursue a path to financial viability, stability, and recovery, as well quality education, and the return of control to the elected CUSD Board of School Directors, the Receiver shall prepare, advertise, solicit, and evaluate Requests for Proposals and instructions governing the requested proposals for the consideration by the Chester Upland School District and Receivership for the potential need for outsourcing of functional areas of the District, including HUMAN RESOURCES, SPECIAL EDUCATION AUDIT SERVICES, FEDERAL PROGRAMS, TRANSPORTATION, BUSINESS AND FINANCIAL OFFICES, ACCOUNTING, AUDIT SERVICES, INFORMATIVE TECHNOLOGY, CHILD ACCOUNTING, MAINTENANCE OF FACILITIES AND ANY ASSESSMENT THEREOF, AND SECURITY to one or more providers.
  - a) Requests for Proposals for various functions may be prepared, advertised and reviewed collectively, or at various periods of time. Circumstances, events, and financials may require differing or various time schedules for the preparation, advertising, and review, if at all. The specific Proposal(s) requirements, specifications, qualifications, criteria for prospective offerors and selection thereof, proposal(s) format, contract terms and conditions are to be prepared, submitted, and approved by the Receiver, with the advice,

review, and further approval of Receiver's legal counsel, Robert M. DiOrio, Esquire. The Receiver shall set all dates and conditions of proposal submissions. The outsourcing of functional areas referred in Paragraph 6 do not require Court approval.

7. As further recommended by the Receiver, and having reviewed the Receiver's "Framework for Chester Upland School District Strategic Options Initiative", (SOI), dated April 15, 2020, the Receiver shall prepare, advertise, solicit, and evaluate Requests for Proposals and instructions governing the requested proposals for the consideration by the Chester Upland School District and Receivership for the potential need for strategic options in managing and delivering pre-kindergarten – 12<sup>th</sup> grade schools, or any variation thereof.

The Request for Proposals are intended to address the District's substantial near-term and long-term challenges, including lagging academic results, attendance and truancy, financial challenges, deferred maintenance, operational administrative, and financial requirements, special education, and the delivery of quality safe education.

- a) The specific proposal(s), strategic options, proposal requirements, specifications, criteria for prospective offerors, and selection process, all terms and conditions, are all to be prepared, submitted and approved by the Receiver with the advice, review, and approval of Receiver's legal counsel, Robert M. DiOrio, Esquire. The Receiver shall set all dates and conditions of proposed submissions. The Receiver, with the advise of legal

counsel, may consider at his discretion the benefits and use of Requests for Information, in advance of Requests for Proposals, for any and all of the strategic options in managing and delivering grade levels of education.

- b) As to any and all strategic options of managing Chester Uplands School District's pre-kindergarten – twelfth grade schools, or any school or portion thereof, any provider must be required to effectively demonstrate their ability to provide continuity of quality educational curriculum and extra-curriculum programs, and meet the needs of current and future students with disabilities, as well as alternative quality arrangements for students who do not chose to attend the conversion charters 24 PS 6-642-A(a)(iii)(E).
- c) As set forth in this Order and as required by School Code, the Receiver, with assistance of legal counsel and strategic advisors, shall consider requirements for the conversion of a District School to a Charter School that include a competitive request for proposal process, the demonstration of the financial savings, and the evaluation of each submitted proposal in a public manner. See 24 PS 6-642-A(a)(2)(i), 24 PS 6-642-A(a)(iii)(E)(10).
- d) Requests for proposals shall be issued for each of the initiatives recommended in the Revised Financial Recovery Plan. Each responder shall address how their response meets all the goals and recommendations set forth in 24 P.S. §6-641-A, and the terms and conditions of this Order.
- e) Any proposal to outsource management or operation of District schools shall be evaluated not only for it's potential cost savings and effecting needed

economies but also for its impact on the District, effective delivery and quality of educational services, and quality services to children with disabilities.

8. The Receiver shall engage independent strategic, educational and/or legal advise to assist and advise in any way the Receiver and legal counsel may require, of which shall include John Pund, C.P.A.

a) The elected School Board of the Chester-Upland School District, with the advice and assistance of their solicitor, shall serve as a Review Board of the Receiver's recommendations in an advertised public manner, and shall review, comment, and invited to make further recommendations and provide advice to the Receiver and this Court of the merits of the Receivers recommendations of any options of outsourcing management of school(s) and grade levels of education. This public meeting shall be transcribed. The Receiver and his strategic educational and legal advisors, as well as the proposed providers, shall be available to answer questions and present any and all recommendations. The public and representatives of the Pennsylvania Department of Education shall be invited to attend and comment.

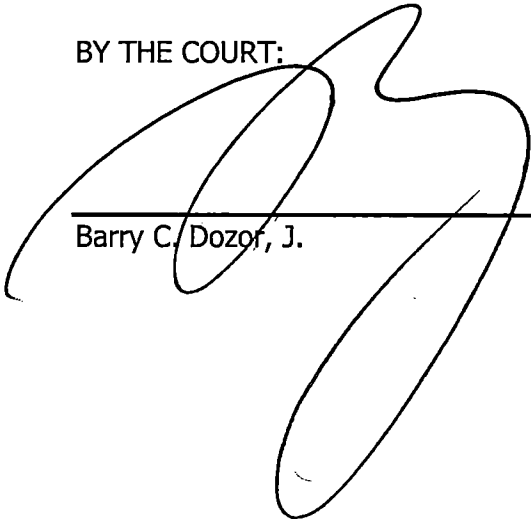
b) Any recommended strategic initiative or option to change management of any school or grade level, requires the filing of a Proposed Amendment to the Recovery Plan for Court review and approval.

9. The Receiver, on behalf of the District shall timely post on the District's website:
- a) Revised Financial Recovery Plan and any amendments thereto;
  - b) All final Requests for Proposals; or Requests for Information, if any;
  - c) The "Framework for Chester Upland School District's Strategic Initiatives" and any update versions;
  - d) A copy of this Court Order;
  - e) Notice of all School Board meetings and School Board Review Board meeting(s) scheduled to review and discuss strategic initiatives, as more fully set forth herein.
10. The Receiver is expected to communicate, collaborate, and confer with the Pennsylvania Department of Education and School Board on all matters of importance, and new initiatives, critical to recovery. The Pennsylvania Department of Education's collaboration, resources, advice, expertise, and commitment is appreciated and a great public service to Chester Upland School District and children.
11. The gravity of the School District's severe financial distress, aggravated by the economy, and financial crises caused by the COVID-19 pandemic is both a short term and a long-time reality and a precursor of a far grimmer School District financial report card. The financial impact of the COVID-19 virus pandemic on all School Districts is undoubtably substantial, to be measured in the future.

Recovery will require resourcefulness and initiatives that are contemplated and authorized by the School District Financial Recovery Law and School Code.

The collaboration with the Pennsylvania Department of Education continues to be essential, especially in the midst of the COVID-19 economic collapse and recovery.

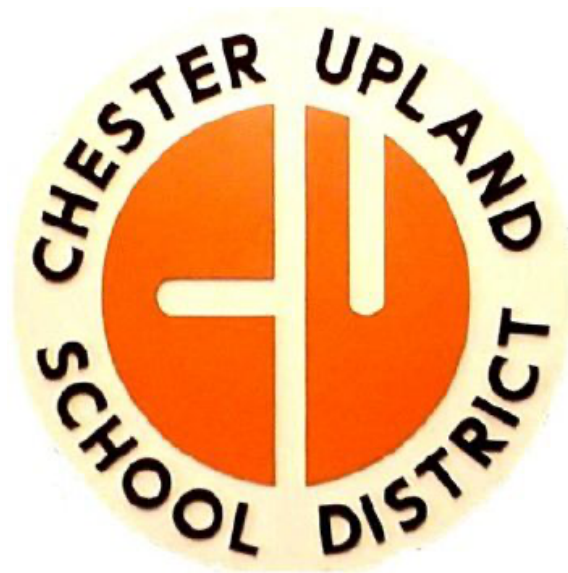
BY THE COURT:



Barry C. Dozor, J.

# **EXHIBIT B**

**Request for Proposal for  
Potential Outsourcing  
of Management or Operations of District Schools  
for Chester Upland School District  
October 26, 2020**



**Issued By:**

**District Receiver, Dr. Juan Baughn**

**Chester Upland School District**

**232 W. 9th St. | Chester, PA 19013**

**[Phone: 610-447-3600](tel:610-447-3600)**



**Request for Proposals for Potential Outsourcing of Management or Operations  
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## Background

CUSD faces substantial near-term and long-term challenges, including lagging academic results, financial constraints, substantial amounts of deferred maintenance, inadequate operational and administrative work processes, and inadequate support systems. Unfortunately, despite over two decades of interventions via Pennsylvania’s Department of Education, the District’s progress towards administrative, fiscal, and operational self-sufficiency has been much slower than desired.

To address these long-standing issues, the District’s Receiver, Dr. Juan Baughn, has been charged to explore innovative alternatives to the District’s current operational structure, academic programs, support systems, staffing models, and financial and budgetary status. Pursuant to an Order of the Delaware County Court of Common Pleas (No. CV 2012-009781), dated May 14, 2020, the **CUSD Framework for Strategic Options Initiative (SOI)** was approved for implementation. The Court Order specifies that the Receiver has the authority and responsibility for implementing the SOI. In response to that Court Order, Receiver Baughn is considering a number of bold solutions such as outsourcing the management or operations of District schools or District central office operations and is committed to undertaking an intensive analysis of feasible options that articulate performance expectations that can be measured, monitored, and maintained with fidelity. The ultimate goal of the analysis is for the District to realize its mission and vision, as follows:

**Mission Statement:** The Chester Upland School District is committed to providing all students the opportunity to achieve excellence in the four A’s: Academics, Athletics, the Arts, and Activities.

**Vision Statement:** The Vision of the Chester Upland School District is for every student to graduate from high school ready for college and/or a career despite any and all challenges.

Throughout the SOI process, Dr. Baughn will share the results with the Delaware Court of Common Pleas, the CUSD Board of Education, and other Chester Upland School District stakeholders.

### Strategic Options Initiative Progress To Date

The Receiver has made significant progress on implementing the Strategic Options Initiative.

- (1) **Restructuring of the District’s Central Office:** The Resolution of the Receiver Restructuring the Operations of CUSD, dated September 17, 2020, is presented In Appendix Item #7. In order to achieve greater efficiency and effectiveness in central office functions, the Receiver solicited proposals from four Intermediate Units in southeastern Pennsylvania to determine their interest in providing a variety of services to the District. Ultimately, the [Chester County Intermediate Unit \(“CCIU”\)](#) was selected and has been contracted to manage and operate the

**Request for Proposals for Potential Outsourcing of Management or Operations  
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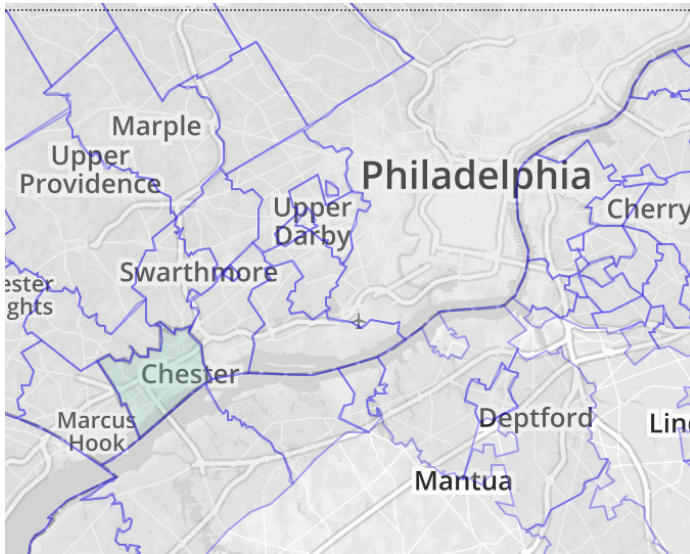
District's Business Services, Instructional Technology, Human Resources, Special Education, Federal Programs, and Student Services functions. CCIU has commenced its work in the District and will be delivering support services to CUSD schools including those which may be selected through this RFP process.

- (2) **Request for Interests (Phase 1 of Strategic Options Initiative)** This Request for Proposals (RFP) is being distributed only to Educational Management Organizations (EMOs) or Charter Management Organizations (CMOs) which completed the initial phase of the SOI, the Request for Interest (RFI). RFI's were reviewed for completeness, accuracy, and appropriateness for CUSD's various needs by the District's Strategic Advisor, with recommendations to Receiver Baughn to accept or not accept those submissions.
  
- (3) **Virtual Bidders' Meeting:** On October 8, 2020, Receiver Baughn convened a Virtual Bidders' Meeting that was facilitated by Strategic Advisor Dr. Leroy D. Nunery II. The meeting provided updates from the Receiver, District Counsel, and the District's strategic advisory team on CUSD's needs and aspirations for the RFP process. A recorded version of the Bidders' Meeting is available (only to participants) in the Bidders' Dropbox folder.

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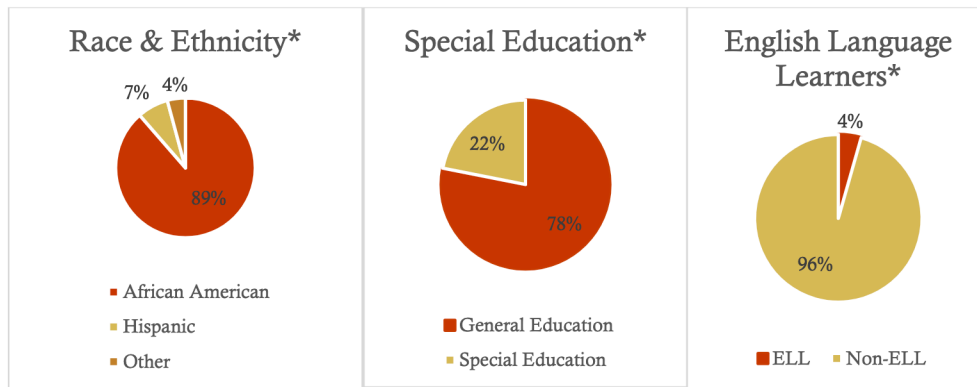
## CUSD Demographics, Community, and Catchment Area

The **Chester Upland School District** is located in Delaware County, Pennsylvania. The total population of 41,365 resides in a 6.9 square mile area, southwest of Philadelphia.



### Student Demographics and Populations

Chester Upland School District has six (6) schools offering grades Pre-KF, K5F, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12. There are approximately 7,000 K-12 school-aged children in the district catchment area. CUSD currently educates approximately 3,000 students and approximately 4,000 school aged children attend charter schools in or around the CUSD catchment area.



\*Source: Mass Insight May 2019 School District of Chester-Upland District Diagnostic

The CUSD May 2019 student population is 52% male and 48% female and average attendance is approximately 65% across the District. The demographic breakdown is as follows:

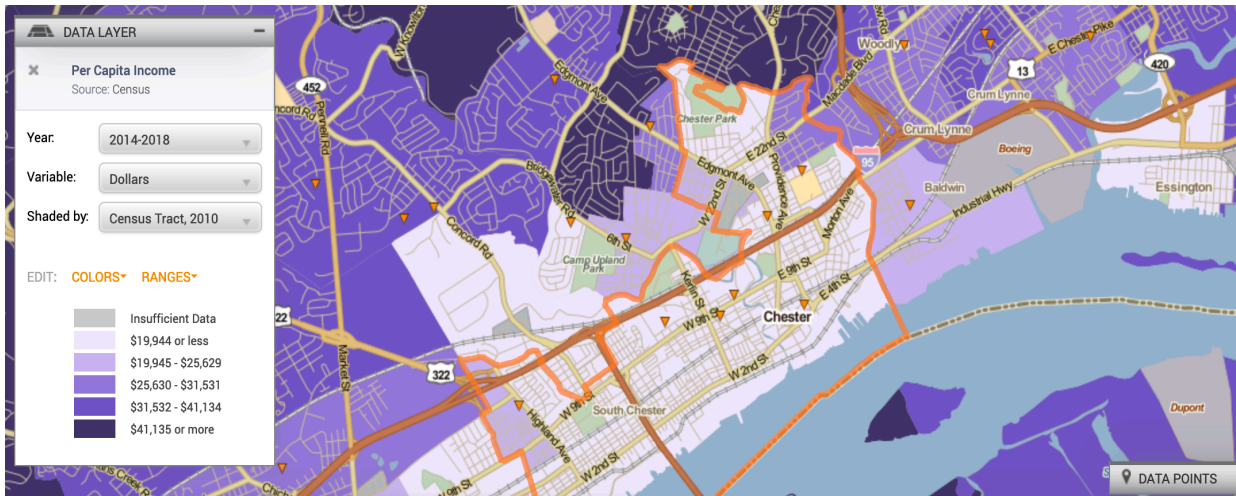
- American Indian/Alaskan Native (not Hispanic): 0.0%
- Asian (not Hispanic), Native Pacific Islander or Hawaiian: 0.1%
- Black or African American (not Hispanic): 90.8%
- Hispanic (any race): 7.5%
- White (not Hispanic): 1.6%

## Request for Proposals for Potential Outsourcing of Management or Operations of District Schools for Chester Upland School District

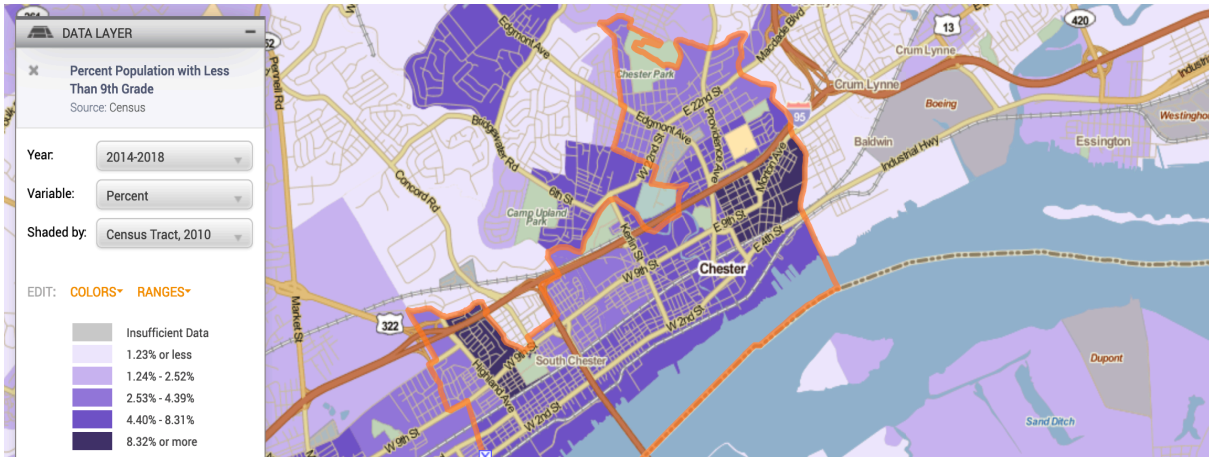
### Chester Upland Snapshots

The following maps from Policy Map™ portray some relevant CUSD demographic data that further highlight the need for the SOI. Please see the legends in each snapshot for an explanation of the data.

### Chester Upland Per Capita Income

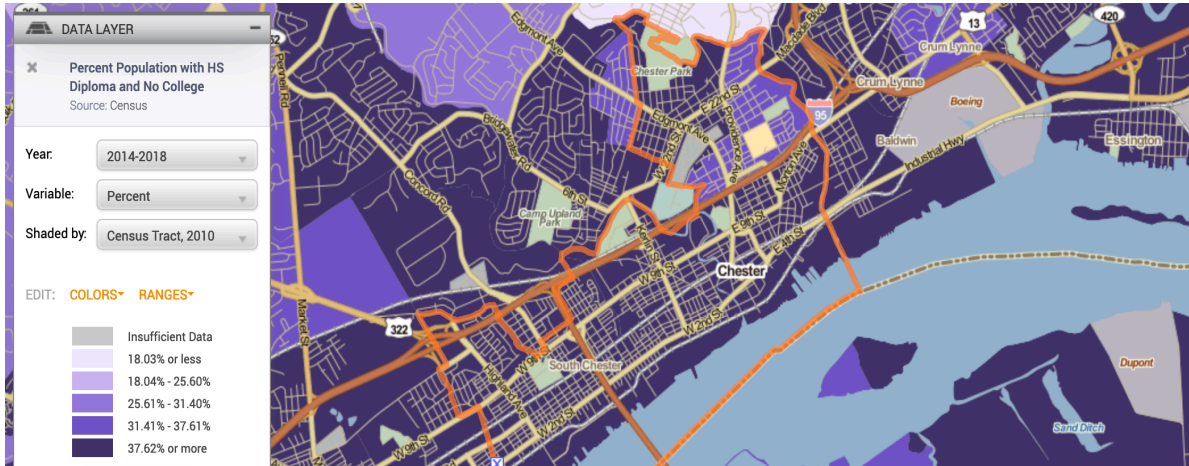


### Chester Upland: Estimated percent of population with less than a 9th grade education, 2014-2018.

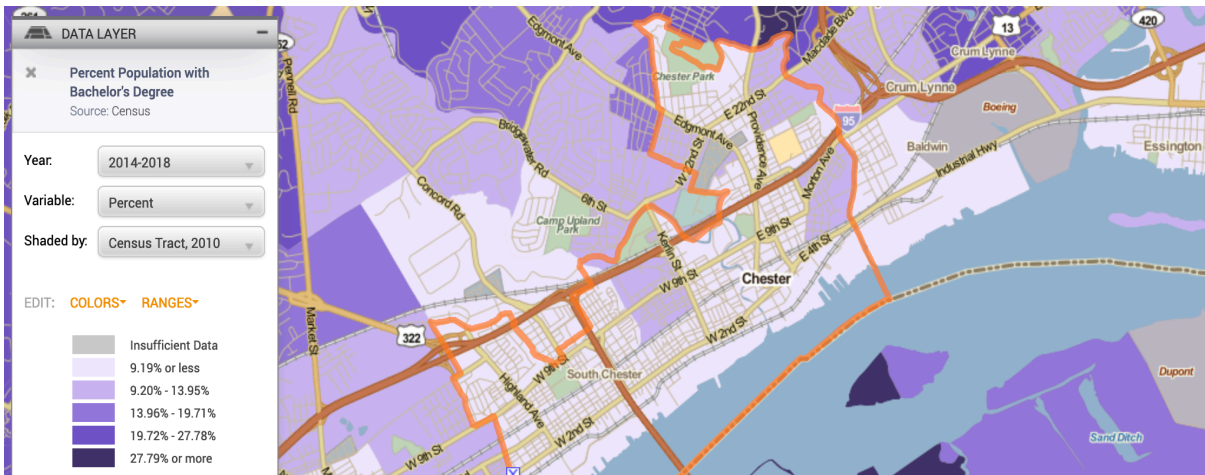


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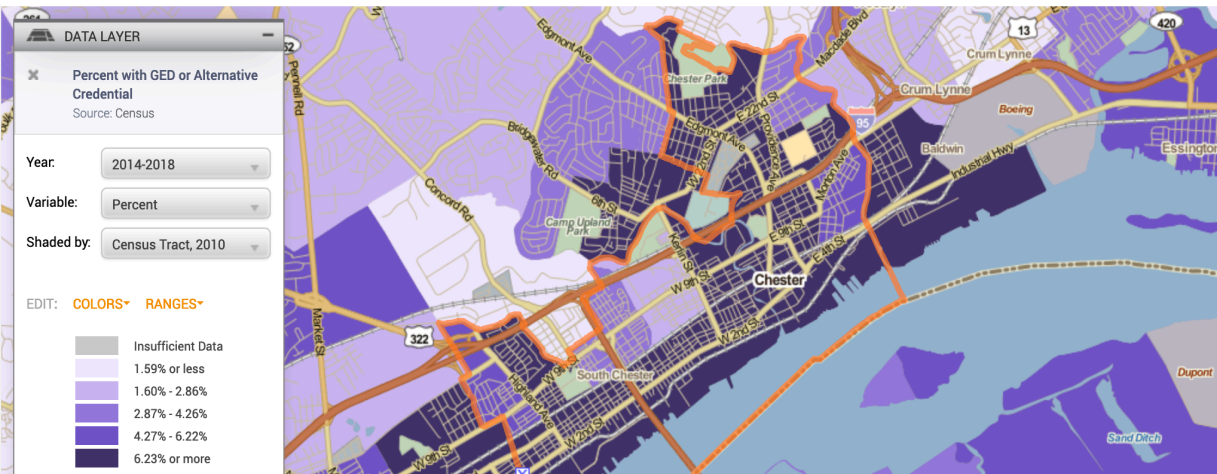
Chester Upland: Estimated percent of people with a high school diploma and no college, 2014-2018.



Chester Upland: Estimated percent of people with a bachelor's degree, 2014-2018.

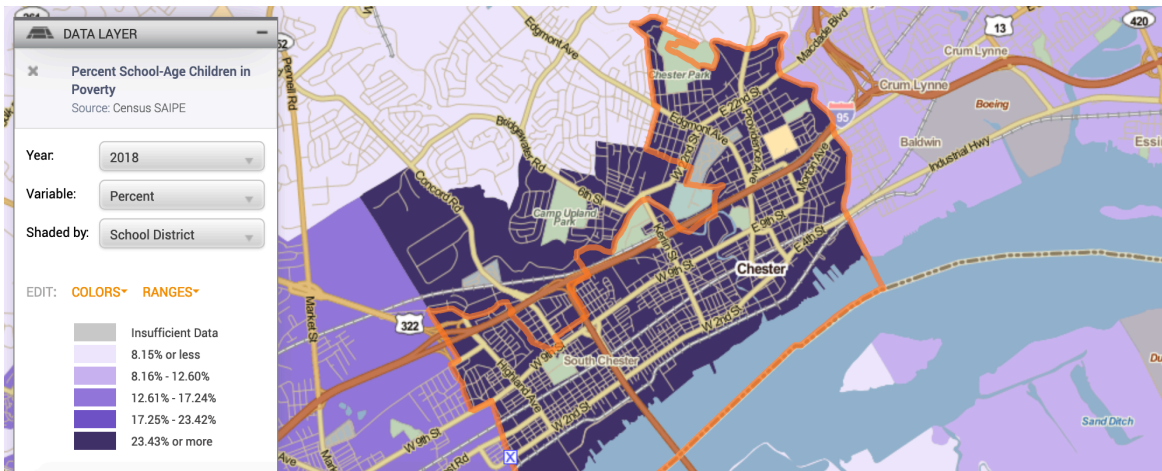


Chester Upland: Estimated percent of people age 25 or older with a GED or alternative credential, 2014-2018.

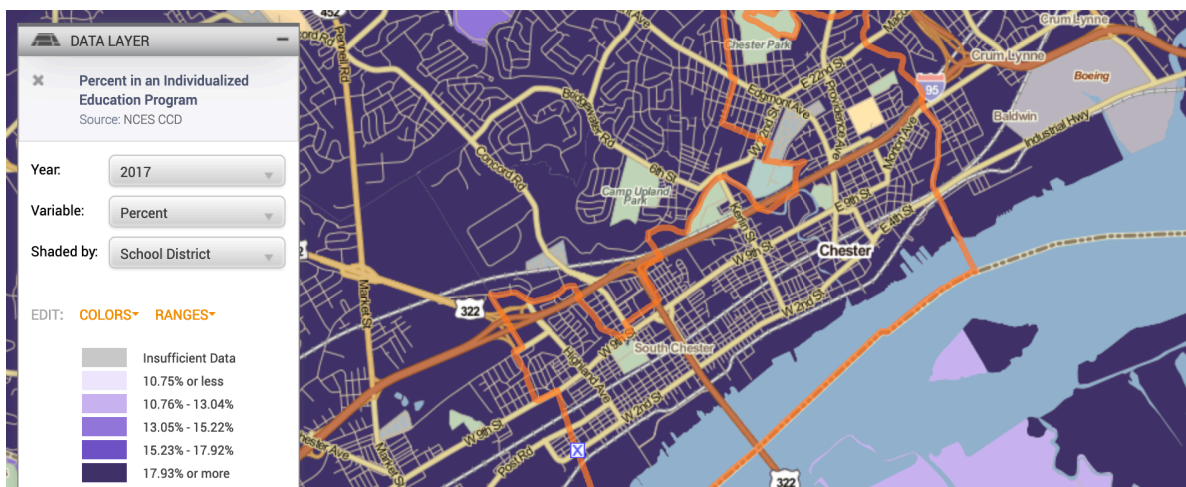


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Chester Upland: Percent of school-age children in poverty in 2018.



Chester Upland: Percent of students that were in an Individualized Education Program in 2016-17.



### Other District Facts

The Receiver encourages all readers to review the [Revised Financial Recovery Plan](#), the [Continuity of Education Plan](#), and other substantial background documents in the Appendix for information on the District's financial and operating conditions. The School District had an approved budget of \$135 million for the 2019-2020 school year and employs approximately 240 employees, including 200 teachers and instructional staff. The District is highly dependent on State funding to provide the majority of its revenue. Budgeted state funding for 2019-2020 constitutes approximately 76% of the total revenue for the District. Local tax revenue constitutes the second largest source of funding for the District, accounting for 20% of total budgeted revenue in 2019-2020. Local tax revenues are dominated by real estate taxes, with much smaller proportions coming from realty transfer taxes, utility taxes, and other miscellaneous sources. The remainder of the District's funding is received in the form of Federal funds, which represents approximately 4% of budgeted revenues. The 2020-2021



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Final General Fund Budget reflects similar proportional expenditures to the 2019-20 fiscal year (see <https://www.chesteruplandsd.org/docs/district/Financial%20Recovery/GFBPackage%202020-2021.pdf>).

Source of 2020-21 District Revenues	Budget Amount (\$millions)	Percentage of Revenues
<b>State (Pennsylvania)</b>	\$102.234	76%
<b>Local</b>	\$24.452	18%
<b>Federal</b>	\$7.457	6%
<b>Total</b>	\$134.143	100%

CUSD’s budgeted Regular Education Per Pupil Funding for 2020-21 is \$11,596, and budgeted Special Education Per Pupil Funding is \$14,881. One hundred percent (100%) of the students are eligible for free lunch. The School District’s goal is to increase enrollment to 3,200 by 2024 and believes that this is achievable with continued and focused recruitment efforts and that it has the capacity to do so without hiring additional staff. The current student-teacher ratio across the District is 16:1. Chester High School’s graduation rate is just under 60%.

**COVID-19 IMPACT**

The COVID-19 pandemic has affected CUSD like other school districts around the country. Students have been educated remotely since March 2020, and state mandated testing in the spring of 2020 was suspended by order of the Secretary of Education. Respondents to this RFP must consider the feasibility and functionality of their proposed solutions under uncertain conditions.

The District has convened a Pandemic School Reopening Task Force, headed by Superintendent Dr. Carol D. Birks. This task force consists of faculty, board members, community and staff, and convenes weekly to discuss all aspects of school operations relevant to the school community during the pandemic. The Task Force is also divided into five workgroups – family and community engagement, learning and teaching, organizational efficiencies and safety, talent management, and development and technology – that are examining organizational efficiencies and effectiveness. Recently the Task Force conducted community forums and town meetings to garner input prior to finalizing recommendations.

Earlier in the year, CUSD filed a [Continuity of Education Plan](#) (see Appendix for link) with PDE to address, in detail, how it would sustain educational services under COVID-19 conditions. The Plan remains in effect as of this RFP publication. During the 2020-2021 academic school year, when students are required to attend school remotely and online, planned instruction will occur using school issued computers and/or personal mobile devices, the Internet, and digital platforms such as Zoom and Google Classroom. All students will be issued a consistent daily schedule that meets the

**Request for Proposals for Potential Outsourcing of Management or Operations  
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required instructional minutes as per PA Code 22 § 11.3. Monday through Friday, teachers will facilitate synchronous lessons, in real-time and post weekly plans with mandatory assignment completion dates for grades PreK-12.

As part of the Continuity of Education Plan, the District also has written and published a Health and Safety Plan which states that schools will be in virtual operation at least until January 2021. Laptops and/or Chromebooks have been distributed to students to facilitate e-learning, with the goal of maintaining a 1:1 device-to-student environment. The District has been working with families without internet access to provide them with low-cost options, such as Internet Essentials from Comcast, or a Verizon hotspot for families who are not eligible for low-cost Internet.

## CUSD School Profiles

Background information on the District's six schools can be found on the websites for each school:

Chester High School (9 - 12): <https://www.chesteruplandsd.org/chs/home>

Stetser Elementary (PreK - 6): <https://www.chesteruplandsd.org/stetser/home>

STEM at Showalter (7 - 12): <https://www.chesteruplandsd.org/stem/home>

Toby Farms Intermediate (4 - 8): <https://www.chesteruplandsd.org/toby/home>

Main Street Elementary (PreK - 5): <https://www.chesteruplandsd.org/main/home>

Chester Upland School of the Arts (CUSA) (PreK - 5): <https://www.chesteruplandsd.org/cusa/home>

The Revised Financial Recovery Plan has detailed information on each school's performance and the District's academic strategic priorities and initiatives called the "Four Building Blocks", outlined below. By engaging proven Providers, the Receiver is utilizing the Strategic Options Initiative to accelerate the implementation of the Building Blocks.

**Building Block #1: Teaching and Learning:** Student performance outcomes and standards-aligned instructional system.

**Building Block #2: Investing in People:** Effective, collaborative, and accountable teachers and staff, and capable, collaborative, and accountable leadership at all levels.

**Building Block #3: Ensuring a Rich, Robust, Educational Experience:** Further improve and expand the opportunities for student involvement in the areas of Academics, Activities, Arts, and Athletics (The Quad A's); Collect, analyze, and disseminate assessment data efficiently and effectively for use by LEA leaders and instructional teams; and Implementation of Comprehensive Support and Improvement (CSI) Initiatives.

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**Building Block #4: Mass Insight Roadmap:** District Vision, Strategy, and Culture; Organizational Clarity and Collaboration; Focus on Instruction; Talent Development; and Finance.

#### Charter Schools in Chester Upland

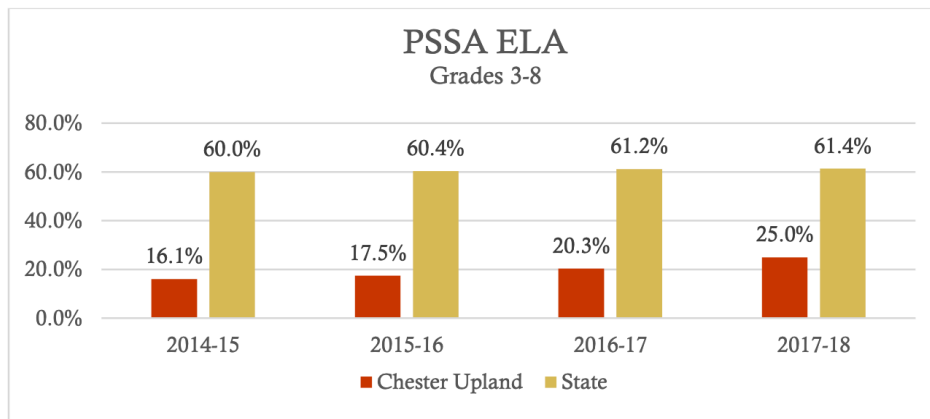
Students from the Chester Upland catchment area enrolled at charter schools primarily attend Chester Charter Community School, Widener Partnership Charter School, and Chester Charter School for the Arts. Other District students attend Camelot Alternative Education School

<https://www.chesteruplandsd.org/camelot/home> or Digital Academy

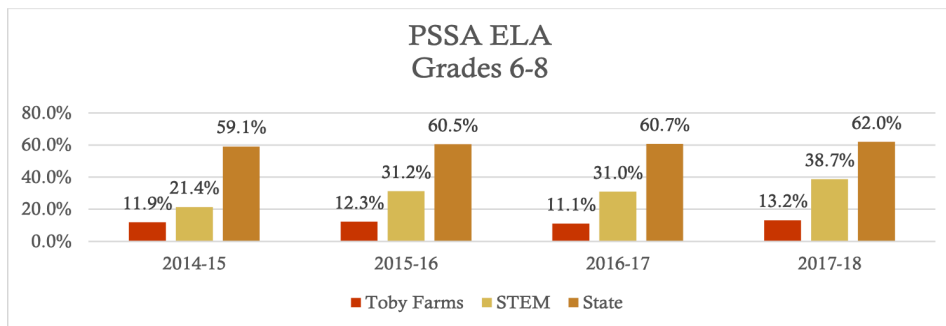
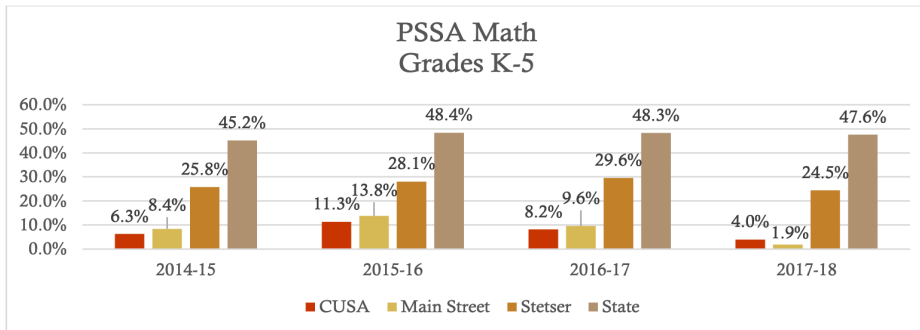
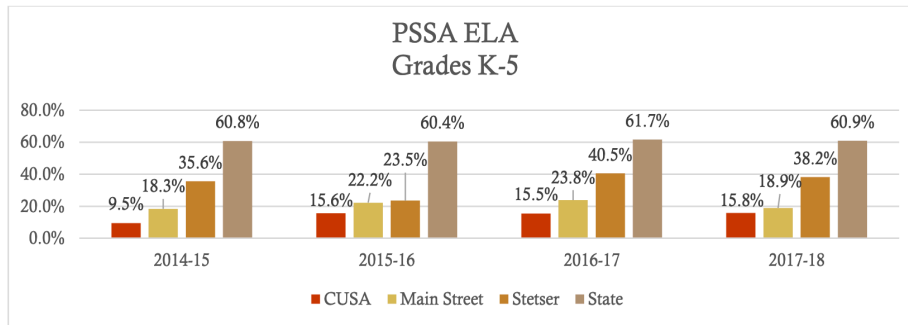
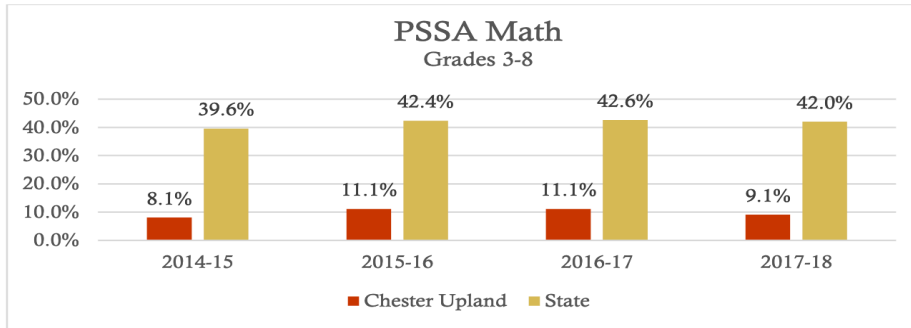
<https://www.chesteruplandsd.org/digital/home>.

#### CUSD Academic Performance

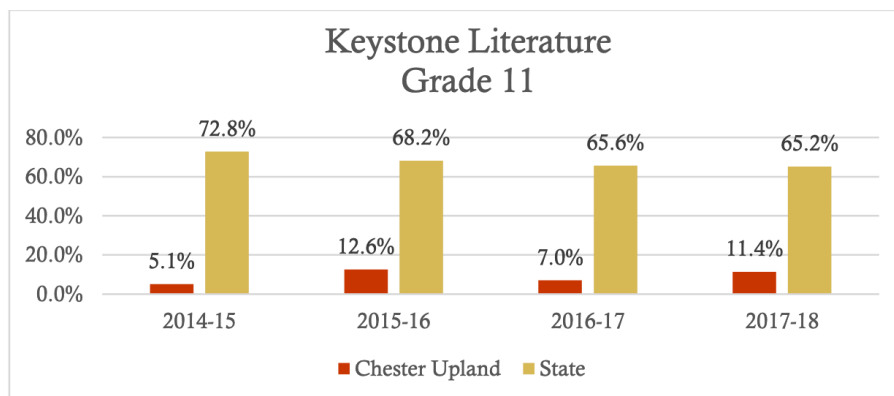
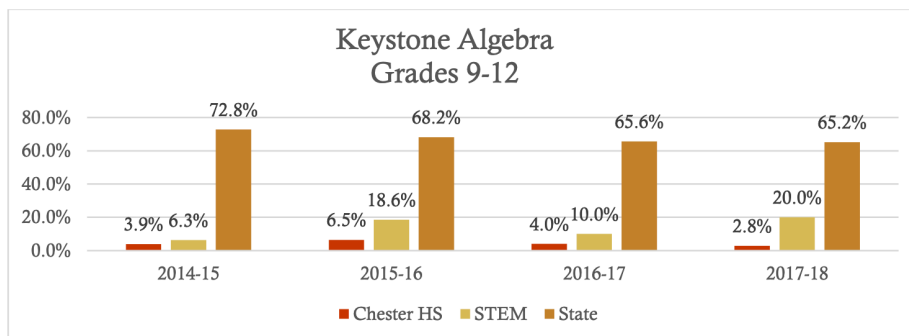
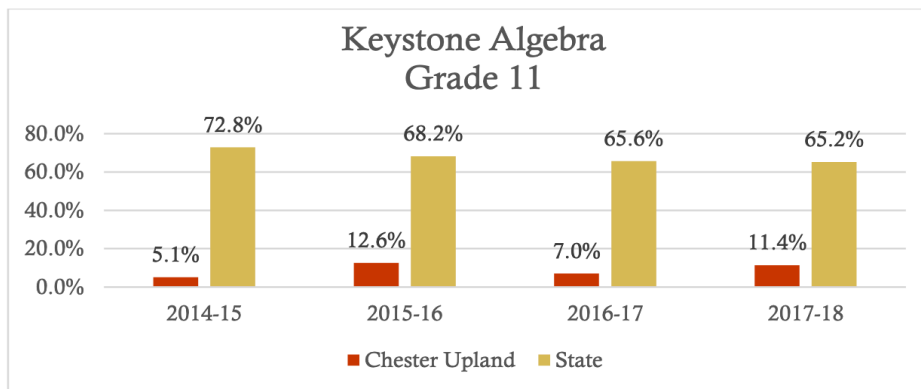
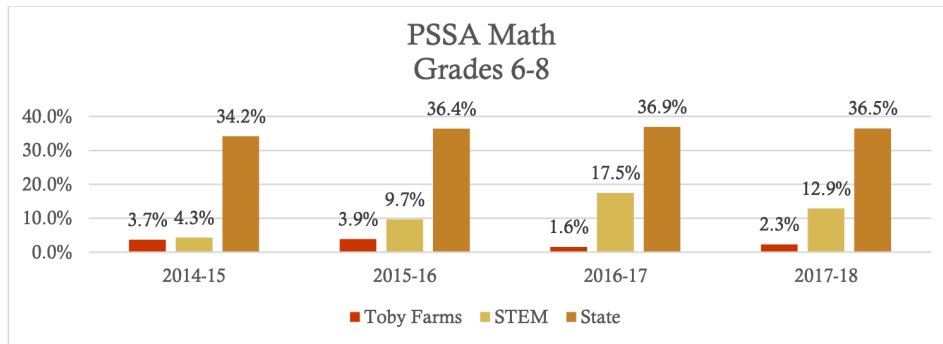
In 2019, [Mass Insight](#) was engaged to diagnose the District's academic and operational conditions. The following snapshots are from their May 2019 diagnostic report and are incorporated in the District's Revised Financial Recovery Plan of December 2019. More detailed information on the diagnostics can be found in the Plan.



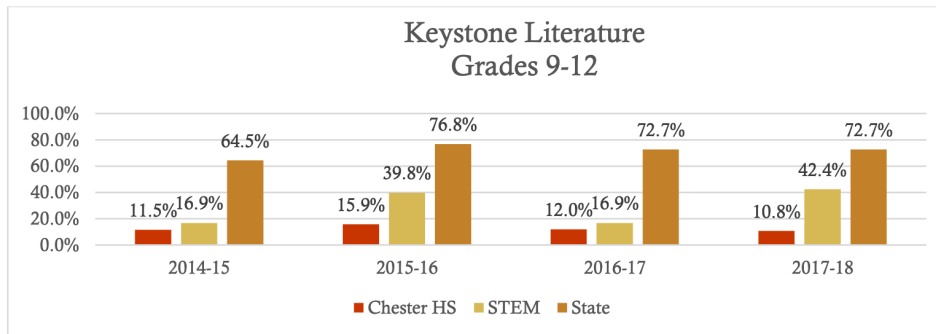
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Providers submitting affirmative responses to this Request for Proposal can access the Dropbox folder for more detailed academic achievement data on a school-by-school basis, and some limited cohort basis, upon request. The Pennsylvania Future Ready Index can also provide relevant information to interested Providers on each District school, grade cohorts, and student demographical performance metrics (<https://futurereadypa.org/Search/District>).

### Potential Strategic Options for CUSD

As stated in the Request for Interest, Receiver Baughn and the CUSD Board of Education are considering cost effective strategic options that will address the district’s most severe challenges. CUSD will leverage the experience of proven subject matter experts on district reorganizations and examine best practice examples from several urban school districts that have embarked upon similar initiatives to restructure the delivery of education to their students. The Court Order and the Receiver are clear that any strategic options for managing CUSD’s schools must effectively demonstrate, “continuity of quality educational curriculum and extra-curricular programs and meet the needs of current and future students with disabilities, as well as alternative quality arrangements for students who choose not to attend the conversion charters.” During the Virtual Bidders’ Meeting, Dr. Baughn affirmed that the District wants to attract the best ideas and programs to achieve these mandates.

The Strategic Options Initiative has been constructed to identify, evaluate, and eventually contract with Education Management Organizations, or Charter Management Organizations, or any other K-12 education service organizations (“Providers”) that offer the **“best fits”** and **“best matches”** for CUSD’s needs for dramatic improvement in academic performance *for every student in the District*. The “best fits” and “best matches” for the District must ensure that all CUSD students have access to programs, instruction, and support services that meet their needs. ***Although each of CUSD’s Pre-Kindergarten – 12<sup>th</sup> grade schools will be considered under this initiative, the highest priority will be placed on schools which have been challenged in meeting the District’s mission and vision and where academic achievement has been historically below expectations.*** As stated earlier, the Receiver has

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already approved the transition of the District’s central office functions to the Chester County Intermediate Unit to manage and oversee those operations.

In the evaluation of Provider proposals, the Receiver will consider a range of potential options, including but are not limited to, the following:

Option 1: Outsourced/contracted management for selected CUSD schools\*

Option 2: Outsourced/contracted management for a subset of CUSD schools\*

Option 3: Conversion of individual District school to a charter school

Option 4: Conversion of a subset of District schools to charter school

Option 5: Outsourced/contracted management of District facilities and real estate

\* The Receiver has determined that Options 1 and 2 are preferred alternatives for the initial years of the SOI. Options 1 and 2 appear to offer the most feasible pathways toward early success for the Initiative as compared to Options 3 and 4, which are conversions to charter status. It is advisable for each Provider to consider if its proposed solutions can be accomplished under a contract management structure.

It is possible that the Receiver could select and contract with multiple organizations to execute the SOI and may consider partnering Providers in an individual or subset of schools depending upon how well their qualifications and proposed solutions respectively meet the needs of the students. It is possible that the District may maintain responsibility and control for some of its schools, if it determines that doing so is in the best interest of the students and CUSD community.

#### [Option 1: Outsourced/Contracted Management for Selected CUSD Schools](#)

The Receiver may consider outsourcing the management of each CUSD school, under contract with an external third party, non-CUSD organization with the expected outcome of improving academic outcomes and operations, with the highest priority placed on addressing the needs of the District’s lowest performing schools. Under this scenario, the successful Provider may be a for-profit Education Management Organization, non-profit entity (such as a Charter Management Organization), or other education organization that has a proven track record in turning around failing or struggling individual schools.

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Under Option 1, CUSD will mandate the academic, budgetary, operational, and administrative guidelines for each school and engage the Provider to deliver services and functions to meet or exceed those guidelines. The guidelines will include academic growth and corrective action plans and require the Provider to incorporate the following elements: academic growth and corrective action plans; development strategies for school leadership teams; curriculum, instruction, and assessment strategies; and direct and indirect services for students.

The contracted Provider will be supplementary and/or substitutional of existing CUSD functions and will report to CUSD's Receiver, who will maintain oversight and establish performance targets for each contractor.

#### **Option 2: Outsourced/Contracted Management for a Subset of CUSD Schools**

Option 2 calls for a greater degree of restructuring through the outsourcing of all or a subset of CUSD schools to a single Education Management Organization, or multiple Education Management Organizations, non-profit entity or entities (such as Charter Management Organizations), or other education organizations that have proven track record in turning around failing or struggling individual schools. Under this scenario, the Provider will have greater decision-making autonomy over the schools within its purview. Similar to Option 1, the successful Provider(s) will be selected because of proven track records in turning around portfolios of failing or struggling schools.

Under Option 2, a successful Provider will be responsible for developing and implementing solutions that meet or exceed the needs of each school in the portfolio. The Provider's solutions will be based upon annual academic, budgetary, operational, and administrative guidelines that CUSD will establish. The guidelines will require the Provider to incorporate academic growth and corrective action plans; development strategies for school leadership teams; curriculum, instruction, and assessment strategies; and direct and indirect services for students. The successful Provider may sub-contract services to other Providers depending upon their respective competencies and capabilities.

Retention of current CUSD staff would be subject to the review of individual staff member performance records, and it is possible that new staff would be hired or existing staff repositioned, depending upon the needs of the school. The Provider would be responsible for all aspects of a school's operations and would report directly to CUSD's Receiver who will maintain oversight and establish performance targets.

#### **Option 3: Conversion of Individual District School To A Charter School Structure**

Under Option 3, the Receiver will consider the conversion of an individual school to a charter school structure. Similar to Option 1, the Provider will be an external third party, non-CUSD organization contracted to improve academic outcomes and operations, and may be a for-profit Education Management Organization, non-profit entity (such as a Charter Management Organization), or other



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education organization that has a proven track record in turning around failing or struggling individual schools, and will be responsible for developing and implementing solutions that meet or exceed the needs of the student population.

Under Option 3, however, the Provider will be mandated to install a whole-school model that entails all aspects of the academic experience including counseling, student support, and professional development and will operate as a standalone entity with district oversight. Enrollment in an Option 3 school will be determined by the Receiver and be guided by the needs for the current populations in the existing school. Additionally, an Option 3 school will have greater autonomy to implement its program as long as that program aligns with the District's mission, vision, and the Building Blocks described in the 2019 Revised Financial Recovery Plan.

The Receiver will be the authorizing body for an Option 3 school under Public School Code Of 1949 ( 24 P.S. §§ 17-1701-A - 17-1732-A - Amended for Act 70). It is contemplated that under Option 3 the Provider will be given an initial five (5) year charter, with options for renewal of the charter based upon performance.

#### [Option 4: Conversion Of A Subset Of District Schools To A Charter School Structures](#)

Under Option 4, the Receiver will consider the conversion of a subset of District schools to a charter schools. The Provider(s) will be an external third party, non-CUSD organization contracted to improve academic outcomes and operations, and may be a for-profit Education Management Organization, non-profit entity (such as a Charter Management Organization), or other education organization that has a proven track record in turning around failing or struggling individual schools, and will be responsible for developing and implementing solutions that meet or exceed the needs of the student population. It is contemplated that each school in an Option 4 group of schools will have goals and objectives that are customized to meet those students' needs.

Under Option 4, the Provider(s) will be mandated to install whole-school models that entail all aspects of the academic experience including counseling, student support, and professional development and will operate as a standalone subset with District oversight. Enrollment in an Option 4 school will be determined by the Receiver and be guided by the needs for the current populations in the existing schools. Additionally, an Option 4 school will have greater autonomy to implement its program as long as that program aligns with the District's mission, vision, and the Building Blocks described in the 2019 Revised Financial Recovery Plan.

The Receiver will be the authorizing body for Option 4 schools under Public School Code Of 1949 (24 P.S. §§ 17-1701-A - 17-1732-A - Amended for Act 70). It is contemplated that under Option 4 the Provider will be given an initial five (5) year charter, with options for renewal of the charter based upon performance.

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### Option 5: Outsourced/Contracted Management of District Facilities And Real Estate

As stated in the Revised Financial Recovery Plan (pp. 86 - 90), it has been noted that District enrollment has dropped largely because of substantial amounts of deferred maintenance and underfunded capital improvement budgets. Moreover, changing academic program requirements, e.g., educational technologies and career and technical education programs, mean that school buildings should be reconfigured and upgraded to deliver the best educational experience for students. The District accordingly embarked upon a study of its facilities and capital improvement needs in 2019 and studied the related impact on the condition of District's facilities and its ability to service its bond debt obligations. The study revealed that the district has approximately \$30 million in prioritized capital expenditures and facilities improvements.

Under Option 5, the Receiver is considering the most appropriate way to manage, operate, reconfigure, invest in, and upgrade its facilities and will consider proposals from facilities management companies, real estate companies, and other qualified organizations. The successful Provider will present numerous options for improving the infrastructures and systems for each district building. Additionally, Providers may submit alternatives for the consideration of the Receivers, such as sale, sale/leaseback, partitioning, or other methods to reduce the District's facilities-related liabilities.

### CUSD Strategic Options Initiative Process

At the direction of the Receiver, CUSD has undertaken a two-part process: (1) a **Request for Interest**, and (2) a **Request for Proposals**. The Request for Interest step concluded on September 18, 2020. This document serves as (2) the **Request for Proposals**.

#### Phase 1: Request for Interest

CUSD's Receiver engaged an independent Strategic Advisor, PlusUltre LLC, to develop the RFI document and solicit interest in the Initiative from potential Providers. The RFI process has yielded significantly positive interest from Education Management Organizations and Charter Management Organizations within and outside of Pennsylvania. The Strategic Advisor has recommended several submissions to the Receiver to proceed to the Request for Proposals phase.

#### Phase 2: Request for Proposals

This document serves as the CUSD Strategic Options Initiative Request for Proposals (RFP). Only those Providers which have submitted RFI's, and whose RFI's meet the District's needs, are eligible to submit RFP responses. The District's Strategic Advisor is responsible for developing and distributing the RFP to eligible Providers.

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### CUSD Rights

In its sole discretion, CUSD reserves the right to:

- a) Award contracts in CUSD's best interest, all factors considered, with or without negotiations.
- b) Award contracts for distinct portions of a proposal without accepting other portions of the proposal.
- c) Award contracts to supplier(s) other than the supplier submitting the lowest priced proposal.
- d) Reject any or all proposals received.
- e) Cancel or withdraw this RFP without awarding any contracts.
- f) Grant or deny any request for an extension of the proposal deadline.
- g) Modify the evaluation procedure described in this RFP.
- h) Waive informalities and irregularities in proposals received.

An oral interpretation of this RFP is not binding on CUSD or any Provider. Any correction will be issued in the form of a written addendum to this RFP and will be mailed, faxed, or otherwise delivered to all prospective suppliers. No clarification or revision to this RFP made other than by a written addendum is binding on CUSD. A Provider should promptly notify CUSD's Strategic Advisor of any ambiguity, inconsistency, or error that is discovered upon examination of this RFP or any proposal document.

It is a Provider's responsibility to seek clarification of any inconsistency, ambiguity, error, or other issue regarding this RFP, and to ascertain any condition that might affect the Provider's proposal. CUSD is under no obligation to allow a Provider to: (i) correct an error or omission made by a Provider in its proposal, or (ii) in any way modify the contents of a proposal after the due date.

CUSD reserves the right to request additional information which, in its opinion, is necessary or advisable to assure that the Provider's competence, number of qualified employees, business organization, and financial resources are adequate to perform the requirements of this RFP.

CUSD may make investigations as deemed necessary to determine the ability of the Offeror to complete the anticipated outsourced services, and provide high quality services, and the Offeror shall furnish to the CUSD all requested information and data. CUSD reserves the right to reject any proposal if the evidence submitted by, or investigation of such Provider fails to satisfy the CUSD that such Provider is properly qualified and has sufficient resources.

### Confidentiality of Proposal

All proposals and other material submitted in response to this RFP are CUSD's property. CUSD may use, for any purpose it may deem appropriate, any information submitted in connection with this RFP. Any request for confidential treatment of any portion of a proposal must be submitted in writing concurrently with the submission of a proposal. Information for which confidential treatment is

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requested must be (1) separately submitted, (2) labeled CONFIDENTIAL, and (3) specifically identified in the non-confidential portion of the proposal or amendment (by reference to the confidential portion). A Provider must indicate in detail the justification for confidential treatment of each item of information for which confidential treatment is requested and demonstrate the harm that would result from the public release of the information. A statement simply indicating that disclosure of the information would result in competitive harm is not sufficient. The fact that the information is not available to the public from another source must be stated, if this is the case. By submitting a proposal to CUSD, the Provider agrees to accept CUSD's determination of the confidentiality and acknowledge that material for which confidential treatment is not granted may be disclosed after award. If CUSD determines that confidentiality cannot be afforded, a Provider will be notified and permitted to withdraw its proposal.

#### Disclosure of Confidential District Information to Third Parties

In the event a Provider expects a need to disclose confidential District Information to a third party, agent or subcontractor, the Provider must request written approval from CUSD before disclosing that confidential District Information. If requested by CUSD, a Provider shall require any such third party, agent or subcontractor, by means of an appropriate written agreement and in connection with the Provider's proposal, to maintain the confidentiality of Confidential CUSD Information ("Confidentiality Agreement"). The Confidentiality Agreement shall prohibit the parties from further using, divulging or disclosing confidential CUSD Information to any other party. Failure to carry out the requirements of this provision may result in significant harm to CUSD and CUSD may exercise any available remedies at law or equity. Provider shall inform its employees, agents, and subcontractors, if any, of the requirements in this paragraph.

#### Provider Representations

By submitting a proposal, a Provider represents and warrants that:

- a) The Provider has carefully examined this RFP and is fully informed of the character and quality of the good/services required and that Provider's proposal is made in accordance therewith;
- b) The Provider has attached all documentation requested by this RFP, and except to the extent specifically and clearly indicated otherwise in the proposal, the goods and/or services proposed conform to all specifications of this RFP;
- c) The Provider has the technical capability, equipment, financial resources, and personnel necessary to effectively and successfully perform Provider obligations if awarded a contract;
- d) The Provider:
  - a. Is legally authorized to do business in the United States;
  - b. will provide the required services, in compliance with applicable law of the Commonwealth of Pennsylvania and the United States; and,

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- c. is not prohibited from doing business with any public school district, private school or academy, any governmental or quasi-governmental entity, agency, or organization for any reason;
- e) The person submitting the proposal on the Provider's behalf is authorized by the Provider to bind the Provider to the provisions of Provider's proposal and this RFP;
- f) The Provider has followed the requirements for treatment of any information for which the Provider is requesting confidential treatment; and
- g) The Provider acknowledges that the Provider has read the RFP terms and conditions and by submitting a proposal, agrees to comply with the terms and conditions herein.

#### Evaluation Criteria And Equal Opportunity

CUSD does not discriminate on the basis of race, color, religion, sex, age, national origin, disability, marital status, sexual orientation, gender identity, or genetic information in the solicitation, award, or administration of contracts. CUSD also promotes the acquisition of goods and services from small businesses. CUSD is committed to ensuring that all firms interested in doing business with CUSD, including minority-owned and women-owned businesses, have the maximum practicable opportunity to participate fairly in contracts awarded by CUSD.

CUSD requires that its suppliers confirm in writing their commitment to the principle of equal opportunity in employment and contracting. By submitting a proposal, Provider confirms Provider's commitment to the principle of equal opportunity in employment and contracting.

The contract will be awarded to one or more responsible and responsive Providers at the sole discretion of CUSD after consideration of the quality of service, price, and other factors that CUSD deems relevant to the procurement. The CUSD will be separately scoring each section of this RFP. Multiple contracts may be awarded to one or more Providers based upon a Provider's score on a particular section.

The following factors, listed in priority order, will be considered in evaluating proposals submitted in response to this RFP:

- a) Provider written proposal;
- b) Provider response to questions from the District's Receiver, Strategic Advisors, RFP Review Task Force, or the CUSD Board of Education;
- c) Provider presentation(s) to the District's Receiver, Strategic Advisors, RFP Review Task Force, or the CUSD Board of Education;
- d) Conformance to specifications set forth in the requirements, such as presentations of proposed services, due diligence visits to existing Provider sites or schools, interviews, etc.;
- e) Costs to CUSD; and
- f) Ability to adhere to SOI timetable.

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**Provider Responsibility and Commitment to Workforce Diversity**

The burden is upon a Provider to clearly demonstrate its responsibility. CUSD may require such additional information concerning a Provider's responsibility as CUSD deems necessary. A factor bearing on a Provider's responsibility is a Provider's ability to demonstrate its commitment to the principle of equal opportunity in employment and contracting. Each Provider doing business with CUSD must agree to the maximum extent possible and consistent with applicable law and to provide for the fair inclusion of minorities and women in its work force. To the extent permitted by applicable law, each Provider must agree to implement its commitment in the awarding of subcontracts by requiring its subcontractors, if applicable, to provide, to the maximum extent possible and consistent with applicable law, for the fair inclusion of women and minorities in their respective work forces. Accordingly, a Provider agrees to provide documentation to CUSD of the actions the Provider have undertaken to evidence Provider good faith efforts to provide for the fair inclusion of minorities and women in the Provider's work force if requested by CUSD. The request for such documentation, when applicable, will be implemented through a Good Faith Efforts questionnaire process separately from this RFP.

Other factors bearing on Provider responsibility include, without limitation: adequate financial resources to perform the contract or the ability to obtain them; ability to comply with the required or proposed delivery or performance schedule, taking into consideration all existing business commitments; record of satisfactory performance with respect to contracts with other school districts or entities; satisfactory record of integrity and business ethics; necessary organization, experience to perform the work, accounting and operational controls, and technical skills; and licenses necessary for eligibility to receive an award under applicable law, or the ability to obtain them. Those lacking present authority must demonstrate to CUSD's satisfaction that such authority will be timely obtained.

**Limitations of CUSD Liability**

Issuance of this RFP and CUSD's receipt of any information and/or proposal does not obligate CUSD to perform any act or incur any liability, financial or otherwise. CUSD assumes no obligation to reimburse or in any other way compensate Provider for any loss or expense incurred with respect to submitting a proposal.

**RFP Amendments**

CUSD specifically reserves the right to extend the schedule, modify, supplement, clarify, or correct any information and data contained in this RFP or a related document, as CUSD may deem useful or necessary, without incurring any liability to any supplier or third party. Any amendment will be issued in the form of a written addendum to this RFP and will be delivered to all prospective Providers.

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**Provider Inquiries Concerning This RFP**

During the RFP process, any questions, comments, and other communications concerning this RFP must be submitted in writing, without exception, to the authorized agent of CUSD, by the specified date, as stated in this RFP. Contact regarding this RFP with any other employee of the CUSD may be cause for disqualification of Provider proposal.

A Provider must designate a single point of contact for all questions regarding this RFP. Please see Attachment A to designate the point of contact. Questions regarding this RFP should be submitted by sending an electronic message to Dr. Leroy D. Nunery II, CUSD Strategic Advisor, [lnunery2@comcast.net](mailto:lnunery2@comcast.net) or [ldnunery2@plusultrellc.net](mailto:ldnunery2@plusultrellc.net).

**CUSD Discussions with Providers**

CUSD may negotiate with any Provider or more than one Provider or terminate negotiations with any Provider and undertake negotiations with other Providers. Negotiations with a Provider do not constitute acceptance or rejection of a proposal or a counteroffer. Conducting negotiations with a Provider after the receipt of proposals, including the request for an oral presentation, does not jeopardize CUSD's right to accept or reject any proposal.

**Withdrawal of Proposal**

A Provider may withdraw its proposal at any time before the deadline for submitting a proposal by making the request in writing to CUSD's authorized agent before the deadline for submitting a proposal.

**Late Proposals**

A proposal received after the exact time set for submission of proposals is "late," unless the CUSD has granted in writing an extension of the proposal deadline. A late proposal will not be considered unless it is determined by CUSD that the late receipt was due solely to mishandling by CUSD after receipt at CUSD.

**Disqualification of Proposal**

Reasons for CUSD's disqualifying/rejecting a proposal include, but are not limited to, the following:

- a) Failure to submit a response to Good Faith Efforts questionnaire;
- b) Failure to submit a proposal in the required format;
- c) Lack of Provider responsibility; or
- d) The proposal contains omissions, alterations of form, additions not called for, conditions, limitations, unauthorized alternate proposals, or irregularities of any kind.

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**Notification of Award**

After the successful Provider(s) has been determined, each Provider that submitted a proposal will be notified.

**Proposal Submissions**

To be considered, providers should submit a complete response to this RFP to the Receiver using the format provided in Attachments A and B, providing both eight printed copies, and PDF copies submitted on a standard USB flash drive or via a link to a secure online cloud storage system (e.g., Box, Dropbox, etc.). Spreadsheets included in the submission should be provided in Excel, and Providers may not lock or protect any cells or tabs.

**Freedom of Information Act**

Provider proposals may be subject to the Freedom of Information Act (FOIA).

**Evaluation Criteria**

The Receiver will consider and approve a Provider’s proposal if it thoroughly meets the stipulated qualifications and criteria listed in this RFP. Each bidding Provider will be required to submit summaries and examples that capture the organization’s demonstrated previous successes, reputation, and track record in several domains, as follows. The RFP Review Task Force will review each written RFP response, discuss its merits, and then score each response using a weighted rubric (shown below).

<b>Evaluation Criteria</b>	<b>Weight</b>	<b>Maximum No. of Pages</b>
<i>Section 1: Provider Background, Theory Of Change, and Rationale</i>	5%	3
<i>Section 2: Proposed School(s) Model(s)</i>	20%	10
<i>Section 3: Proposed Curriculum And Instructional Approach</i>	25%	20
<i>Section 4: School Climate and Student Motivation</i>	10%	10
<i>Section 5: Human Resources and Talent Development</i>	10%	10
<i>Section 6: Parental and Community Engagement</i>	10%	10
<i>Section 7: Provider Management, Operational, and Financial Capacities</i>	10%	10
<i>Section 8: Provider Cost Proposal</i>	10%	5
<i>Total</i>	100%	

To be eligible for selection, a proposal must both be timely received from the Provider and be properly signed by an officer of the Provider who may legally bind the Provider. These requirements are the only RFP requirements that the CUSD will consider to be non-waivable. CUSD reserves the right, in its sole discretion, to (1) waive any other technical or immaterial nonconformities in a Provider’s proposal, (2) allow the Provider to cure the nonconformity, or (3) consider the nonconformity in the scoring of the Provider’s proposal.



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Evaluation of the proposals involves a weighing of different economic and non-economic interests, and thus there is no single numeric metric that will be applied. In evaluating the proposals to determine the best responsible offer, a non-exclusive list of elements likely to be considered by the CUSD include:

*A. Educational Factors*

- Expected annual academic growth of CUSD students.
- Expected impact of proposed school model on student success (PSSA scores, PVAAS trends, Future Ready Index, promotion and graduation).
- Curricular approach for all student cohorts, including special needs students and gifted and talented students.
- Capacity and capability to recruit and retain highly qualified and highly motivated instructional and noninstructional teams.
- Ability to innovate and create new and different approaches to increasing student success.
- Capacity to design and deliver top quality professional and staff development.
- Capacity to utilize and leverage technology to develop and deliver educational content.
- Effectiveness and efficacy of proposed school climate and discipline approaches.
- Other educational factors.

*B. Engagement Factors*

- Ability to provide student engagement programs and avenues for increasing the likelihoods of student success.
- Capacity to engage with parents and community members in similar environments.
- Quality of programs to increase parental and community engagement.
- Other engagement factors.

*C. Technical Factors*

- History of performance with similar school districts or other educational systems.
- Record of legal and financial compliance in operation of similar school districts or other educational systems.
- Financial structure of Provider, and ability to perform obligations under the contract, and whether such abilities are conditioned on market or other conditions.
- Requirements for approval and expected likelihood of approval of outsourced services by the Court.
- Other technical factors.

*D. Financial Factors.*

- Capacity of Provider to meet expectations under a multi-year contractual engagement.

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- Ability of Provider to successfully execute proposed school model within CUSD’s economic constraints.
- Ability of Provider to attract new, additional funding to its proposed school.
- Other financial factors.

**CUSD RFP Review Task Force**

The district’s strategic advisor will form and facilitate a CUSD RFP Review Task Force that will include administrators, community members, District faculty, and staff. Proposals will be prioritized based on proven capacity to effectively and efficiently serve CUSD’s needs using a “CUSD SOI Provider Selection Rubric”. The Rubric will score Provider responses to each of the required areas.

The responsibilities of the RFP Review Task Force are as follows:

- Represent the interests and concerns of the CUSD stakeholder community in the successful implementation of the Strategic Options Initiative;
- Provide objective and meaningful feedback on proposer submissions and presentations;
- Read, review, and critique each RFP submission for clarity, adequacy of solutions to CUSD’s needs, and expected outcomes;
- Conduct in-person capacity interviews, and possibly visit the schools where bidding Providers can demonstrate the effectiveness of their programs; and
- Provide and present a report on each Provider submission to the Receiver with recommendations for action.

It is anticipated that the RFP Review Task Force will be fully staffed and operational on or before the RFP submission date of **December 14, 2020**.

**Evaluation Criteria and Selection Rubric**

Selected Providers will present their respective ideas to the Receiver and the RFP Review Group. Using the Rubric, Review Group recommendations, and site visit data, the District’s strategic advisor will evaluate the RFP documentation, and then recommend the “best fit, best match” Providers to the Receiver. Due diligence checks will be conducted by the Receiver and Strategic Advisor.

The ultimate decisions on Providers will be submitted for consideration to the Court of Common Pleas and Pennsylvania Department of Education. Public announcements on the process and final selections will be made after these reviews are completed.

### Post Selection Process

Following the approval of the Court and PDE, the Receiver and Strategic Advisor will begin to prepare the successful bidder(s) for transitions. The preparations will include intensive reviews of school and District staffing and implementation planning. There will be regular (monthly) progress monitoring by the Strategic Advisor, reporting to the Receiver, PDE, and Court of Common Pleas.

### Provider Contracts

It is envisioned that CUSD SOI Provider contracts will be a minimum of five (5) years to enable Providers ample time to implement their programs and demonstrate success. Provider contracts will entail terms and conditions that align with the district’s mandate for improvement in academic, financial, and operational performance. Performance goals for each school will be established at the beginning of each Provider’s contract period. The Receiver will conduct mandatory monthly progress reviews with each Provider and will conduct an annual review.

### Tentative RFP Timetable (As of October 26, 2020)

The following target dates and action steps are tentative and the Receiver may adjust the timing and action steps change as the RFP process evolves. Adjustments to the timing or action steps will be communicated to Providers by the Strategic Advisor.

<b>Target Dates</b>	<b>Action Steps</b>
<i>October 26, 2020</i>	Issuance of RFP to potential Providers who qualified via the RFI process
<i>October 26, 2020</i>	Strategic Advisor to schedule site visits/walk-throughs of CUSD schools.  <b><u>Potential Dates for Walkthroughs: PLEASE ALLOW 2 – 3 DAYS ADVICE NOTICE!</u></b> Friday, October 30 Monday, November 2 Friday, November 6 Monday, November 9 Wednesday, November 11 Thursday, November 12 Friday, November 13 Monday, November 16 Wednesday, November 18 Friday, November 20
<i>December 14, 2020</i>	<b>RFP’s due – NEW REVISED DATE</b>
<i>December 14 – December 21</i>	Evaluation of RFP’s by CUSD RFP Review Task Force Recommendation to Receiver on finalist Providers
<i>December 23, 2020</i>	Presentation of findings to CUSD Receiver by RFP Review Task Force
<i>January 15, 2021</i>	Receiver decision on SOI finalists

January 25 - 29, 2021	Finalist Providers' presentations to Receiver, CUSD Board, RFP Review Task Force
January 31, 2021	Final recommendations on Providers CUSD RFP study group visits finalist Provider schools Due diligence checks (PIusUltré and CUSD)
February 28, 2021	CUSD decision on ultimate Provider and submission of decision to Court of Common Pleas and PDE Public announcement on selection recommendations
March 31, 2021	Decision/Approval by Court of Common Pleas Contract negotiations with Provider on Service Agreement, etc.
April 30, 2021	Contracts signed Transition of student records, personnel records, etc. commences
May 1, 2021 – June 30, 2021	Provider preparation, staffing, on-site meetings, and implementation planning District preparation for transition to external Provider system
July 1, 2021	SOI Initiative goes "live"

### Process for RFP Response

A complete response to the RFP will include (1) **RFP Cover Letter** (see Attachment A) and (2) **Response to the RFP** (see Attachment B) with exhibits or attachments. Responses may be submitted in one of three (3) ways:

- **USB device**
- **Link to secure online cloud storage system (e.g., Box, Dropbox, OneDrive)**
- **Hard copy (Eight (8) copies)**

Responses must be submitted to Receiver Dr. Juan Baughn **no later than Monday, December 14, 2020 at 5:00PM Eastern** at the following address:

**Receiver Dr. Juan Baughn**  
**Chester Upland School District**  
**232 W. 9th St.**  
**Chester, PA 19013**  
**E-mail: [jbaughn@chesteruplandsd.org](mailto:jbaughn@chesteruplandsd.org)**

There will be no exceptions to the RFP submission dates unless determined otherwise by the Receiver.

### RFP Format

The RFP document should be written to respond to the questions in the Evaluation Criteria section. **To expedite access to a Provider's background materials, please provide links to supporting documents via Dropbox, iCloud, or other cloud-based services. Please make sure to provide a secure sign on access for any supporting documents that are in cloud-based folders.**

## Summary

Dr. Leroy D. Nunery II, Founder & Principal of PlusUltré LLC, and Strategic Advisor for the CUSD Receiver's Strategic Options Initiative is accessible to any Provider if there are questions regarding the RFP at [ldnunery2@plusultrellc.net](mailto:ldnunery2@plusultrellc.net) or (215) 888-7333.

Attachment A – RFP Cover Letter

Please return this RFP Cover Letter to Receiver Baughn no later than 5:00 P.M. EST, December 14, 2020, to the following address via one of three (3) ways: (1) USB device, (2) Link to secure online cloud storage system (e.g., Box, Dropbox, OneDrive), or (3) hard copy (eight (8) copies. Please use certified US mail or express delivery for delivery options (1) or (3).

Receiver Dr. Juan Baughn
Chester Upland School District
232 W. 9th St.
Chester, PA 19013
E-mail: jbaughn@chesteruplandsd.org

Date: \_\_\_\_\_

Organization Name: \_\_\_\_\_

Provider Type: (please choose one)

- Charter Management Organization
Education Management Organization
Facilities Management Company
Real Estate Management Company
Other \_\_\_\_\_

Table with 2 columns: Selected Strategic Option:(Check One) and Name of CUSD School/Schools. Rows include Option 1 (Outsourcing/Contracted Management of a Single CUSD School), Option 2 (Outsourcing or Contracted Management of a Multiple CUSD Schools), Option 3 (Conversion of a CUSD School to Charter School Structure), Option 4 (Conversion of a Multiple CUSD Schools to Charter Schools), and Option 5 (Facilities Management and Operation).

Name of Respondent Representative: \_\_\_\_\_

Signature\*\*\* \_\_\_\_\_

Title: \_\_\_\_\_

Street: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email of Primary Contact: \_\_\_\_\_

Mobile telephone number of Primary Contact: \_\_\_\_\_

Website: \_\_\_\_\_

Federal ID # (if applicable): \_\_\_\_\_

\*\*\* By signing this letter, I hereby represent that I am authorized to submit this proposal on behalf of the Respondent. I further represent that all information provided in this proposal is accurate and truthful. I understand that the proposal will be immediately disqualified if any misrepresentations are made in the proposal. I further understand that the Respondent's proposal will be evaluated based on the qualifications of the Respondent to run a school on a daily basis. Responses that do not contemplate operating a school without additional resources, supports, or organizations will be disqualified. \*\*\*

## Attachment B: RFP Narrative and Evaluation Criteria (Options 1 – 4)

### Narrative Format

- Format: Arial, Font = 11, Margins = 1”
- Please feel free to provide links to supporting documents via Dropbox, iCloud, or other cloud-based services. Please make sure to provide a secure sign on access for any supporting documents that are in cloud-based folders.

### RFP Narrative

#### *Section 1: Provider Background (5 points)*

Provide a summary of your organization (**maximum of 3 pages**) including:

- a) Provider’s background, founder(s), and management profiles;
- b) Provider’s Theory of Change or guiding principles; and
- c) Provider’s rationale for operating and/or managing school(s) in CUSD.

***(Note: Providers have previously submitted detailed background documentation in the Request for Information phase. This section requires only a brief summary of that background information).***

#### *Section 2: School Model (20 points)*

Describe the proposed school(s) model, highlighting mission-critical needs (i.e., “must haves”) and expected outcomes:

- a) Which CUSD school(s) and grades are you proposing for consideration, and what is your selection rationale?
- b) What elements of your school model differentiate it from the proposed school’s model? How will your school model align with the school’s assets and needs, especially for improving educational outcomes?
- c) What is your organization’s academic growth plan for the first 3 years of operation in your proposed school? How will the proposed school model equip all students with specific knowledge and skills that will help them acquire new learning, such as project-based learning? Please provide as much detail as possible on any proposed innovations, programs, changes in grade configurations, etc., that will be incorporated in the growth plan.
- d) Please describe how the proposed school model has been successfully implemented in schools or school districts that are similar to CUSD (in terms of demographics, academic achievement, etc.). Please provide evidence of success with similar student populations or, for innovative or untested models, a strong rationale for the likelihood of success.

*Section 3: Curriculum and Instruction (25 points)*

Describe the proposed curricular and instructional approach for the school(s), keeping in mind that CUSD's current remote learning environment may be wholly or partially in place in 2021 and beyond:

- a) How is the proposed curriculum aligned to Pennsylvania Department of Education Academic Standards and the Pennsylvania Danielson Frameworks for Teaching (or similar framework for monitoring instructional efficacy)?
- b) How will you align your teaching and learning approach with the articulated goals of the state's Future Ready Index for proficiency and growth for each grade and cohort?
- c) What are your proposed quantifiable strategies and goals for addressing a school's most urgent concerns, such as: boosting PSSA and PVAAS scores for each grade and cohort; increasing attendance levels; or improving graduation rates? What is your approach to working with struggling students?
- d) What is the proposed instructional approach for the school(s), i.e., direct instruction vs. inquiry learning, and why is this approach optimal for the selected school(s)?
- e) CUSD has adapted the instructional design of core content lessons to align with the National Standards for Quality Online Courses, Programs, and Teaching (Virtual Learning Leadership Alliance and Quality Matters) and ISTE Standards for Educators. How does you propose to align content to similar research-driven and proven curricular standards? (See Appendix: CUSD Continuity of Education Plan).
- f) What baseline assessment systems will be utilized, and why?
- g) How will you utilize virtual platforms (Zoom, Google Classroom, etc.) to sustain planned instruction?
- h) Will you use synchronous or asynchronous methods in instruction? What are the benefits and detriments to your approach?
- i) What is the expected use of adaptive technologies in delivering instruction?
- j) What is your organization's approach to exceptional student education or the needs of students with learning differences? Be as specific as possible, providing an explanation of your organization's use of inclusive classrooms, internal or external support services (including



subcontractors), etc.

- k) What is your organization's overall approach to high school, post-secondary, and/or career readiness? Do you propose to implement Career and Technical Education courses or classes?
- l) What grading and promotion standards are expected to be implemented?
- m) What is your organization's approach to alternative education for students who may be challenged to progress in a more traditional learning environment?
- n) What is your organization's approach to educating English Language Learners?

*Section 4: School Climate and Student Motivation (10 points)*

Describe your organization's approaches to managing school climate and building and sustaining productive and positive learning environments. Please include concrete examples of your organization's experience in each of the following areas of School Climate in your response, where applicable, and how implementing those approaches can be expected to boost academic achievement.

- a) Enrollment program and admissions
- b) Attendance and student mobility
- c) Student engagement and classroom management
- d) Out-of-classroom learning opportunities (e.g., clubs, activities, sports, trips)
- e) Pupil services and student support
- f) School discipline, Restorative justice programs, etc.
- g) Multi-Tiered System of Supports (MTSS) and/or Response to Intervention (RTI)
- h) Graduation and promotion support
- i) Mentoring
- j) Security
- k) Auxiliary services (e.g., Food Services)
- l) Other School Climate-related services

*Section 5: Human Resources and Talent Development (10 points)*

Describe your organization's approach human resources policies and practices, especially the hiring, retention, and development of instructional and non-instructional staff. Please include concrete examples of your organization's experience in each of the following areas of Human Resources and Talent Development. Elaborate on your experience in working with represented (i.e., unionized) workforces, if applicable. Please include a copy of your most current Human Resources policies and

Code of Conduct with your submission.

- a) Teacher recruitment, hiring, and retention
- b) Staff recruitment, hiring, and retention
- c) Professional development for instructional staff, including onsite and offsite venues
- d) Professional development for non-instructional staff, including onsite and offsite venues

*Section 6: Parental and Community Engagement (10 points)*

Describe the Provider's approach to engaging parents and caregivers of students, and the approach to engaging school communities. Please include concrete examples of the organization's experience in each of the following areas of Parental and Community Engagement, where applicable.

- a) Frequency and type of communication with parents, by the school itself, teachers, staff members, or other employees, e.g., home visits, newsletters, social media, meetings, conferences, online school portals, class websites, or parent teacher apps.
- b) Frequency and type of communication with the school community (e.g., within the catchment area, nearby neighborhoods, etc.) e.g., home visits, newsletters, social media, meetings, conferences, and school portals.
- c) Parent-Teacher committees, organizations, or collaborative programs.
- d) Parent/Caretaker volunteering opportunities (in-school and out-of-school)
- e) Opportunities for skills acquisition (e.g., computer skills, literacy, etc.).
- f) Access to school materials in languages other than English.

*Section 7: Provider Management, Operational, and Financial Capacities (10 points)*

Describe an overview of your organization's management, operational, and financial capacities to undertake the proposed solutions, with particular focus on how your organization will expand its services into Chester Upland. Please submit your most recent Annual Report, Form 990, and/or related financial statements with your RFP Narrative.

- a) Describe your organization's plans to staff the proposed school model(s), including an organizational chart of expected personnel. Please explain how the proposed staff in CUSD

will report to, or be responsible to, your organization's headquarters/central office.

- b) How will your organization prepare and train staff to be engaged in CUSD?
- c) Describe how your CUSD school(s) will be handle day-to-day and/or long-range operational issues, including the decision-making process for your organization.
- d) Describe how your organization's current financial capacity enables its multi-year engagement in CUSD.
- e) Describe your organization's access to capital for potential capital investments in facilities, technology, and security in order to implement the proposed school design.
- f) Describe your organization's access to, and management of, philanthropy and/or grants (private, governmental, etc.) that would support the implementation of the proposed school design.

*Section 8: Provider Cost Proposal (10 points)*

Provide a description of the potential operational costs to implement your proposed school model, calculated on an expected per pupil enrollment, and on a total per school basis. Please use an Excel spreadsheet to respond to this question and include the spreadsheet with your submission. ***In order to inform your efforts in responding to Section 8, CUSD will provide a school-level budget to you in advance of your Narrative submission, including current PSERS, maintenance, and health insurance costs.*** Be sure to include:

- a) Personnel costs (Wages, benefits, etc.)
- b) Operational costs
- c) Curriculum and content acquisition (e.g., consumables, software, books, periodicals, content subscriptions and licenses, etc.)
- d) Technology costs (e.g., infrastructure or hardware, student devices, instructional staff devices, etc.)
- e) Contracted services (if any)
- f) Other costs for implementation (if any).

## Attachment C: RFP Narrative and Evaluation Criteria (Option 5)

### Narrative Format

- Format: Arial, Font = 11, Margins = 1"
- Please feel free to provide links to supporting documents via Dropbox, iCloud, or other cloud-based services. Please make sure to provide a secure sign on access for any supporting documents that are in cloud-based folders.

### Option 5 RFP Narrative

#### *Section 1: Provider Background (5 points)*

Provide a summary of your organization (**maximum of 3 pages**) including:

- Provider's background, founder(s), and management profiles;
- Experience in managing or operating facilities in the education space, particularly in urban districts similar to Chester Upland;
- Provider's mission and guiding principles; and
- Provider's financial, and operational capacity to successfully operate, and manage CUSD facilities.

***(Note: Providers have previously submitted detailed background documentation in the Request for Information phase. This section requires only a brief summary of that background information).***

#### *Section 2: Provider Capabilities (95 points)*

Each bidding Provider for Option 5 (Outsourced/Contracted Management of District Facilities And Real Estate) will be required to submit summaries and examples that capture the organization's demonstrated previous successes, reputation, and track record in several domains.

##### A. Facilities Operations:

- Copies of Licenses and Certifications
- Employee sourcing, screening, and hiring procedures
- Staff training/professional development program
- Capacity to conduct visual inspections and assessments of all building exterior and interior areas, building systems, and infrastructures (e.g., HVAC, electrical, plumbing, landscaping)
- Management/supervision structure
- Daytime and evening custodial services, including thorough cleaning of designated areas and cleaning procedures, with particular focus on CDC recommended cleaning procedures in response to the COVID-19 pandemic
- Response to emergency orders & service (e.g., response time, breadth of service coverage, strength of meeting service, and warranty needs of members) and procedures for customer

service, e.g., work order tracking system and management and maintenance of work order system, or call center or help desk options

- h) Service quality monitoring and metrics
- i) Safety record (e.g., benchmarks, lost hours, and reporting)
- j) Invoicing process (e.g., ease of use; transparency, and billing resolutions)
- k) Contingency/coverage for daily facilities management

#### B. Facilities and Real Estate Management:

The Receiver is mandated by court order to achieve long-term viability and sustainability for the District. Providers who wish to provide alternatives to the District for reconfiguring, repurposing, acquisition, and/or disposal of District-owned properties will be required to submit a separate detailed proposal to the Receiver no later than December 4, 2020.

## Appendix: CUSD Background Materials

Note: Several supporting background documents will be placed in an online Dropbox folder. Access to the folder will be granted by Strategic Advisor Dr. Nunery via email to each bidding Provider. From time to time, more background information may be added to the Dropbox folder, or the folder may be updated. Notification of any changes to the Dropbox folder will be communicated to bidding Providers. Providers are encouraged to review CUSD's official website ([Chester Upland School District website: https://www.chesteruplandsd.org/](https://www.chesteruplandsd.org/)). Folder contents include:

### 1. **Chester County Intermediate Unit (CCIU)**

- Resolution of the Receiver Restructuring the Operations of the Chester Upland School District
- Article on selection of CCIU

### 2. **CUSD Collective Bargaining Agreements**

- Chester Upland Education Association
- Chester Upland Education Support Personnel Association

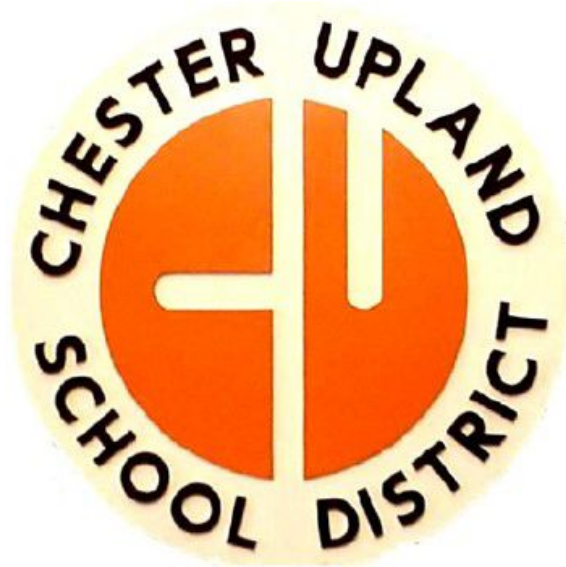
### 3. **CUSD Plans**

- CUSD District Level Comprehensive Plan 2019-2022
- CUSD General Fund Budget 2020-2021
- CUSD [2020 Continuing Education Plan](https://www.chesteruplandsd.org/docs/district/VIRUS/Continuity%20Plan%20CUSD%20Original%20Template%20Final%20%20(1).pdf)  
([https://www.chesteruplandsd.org/docs/district/VIRUS/Continuity%20Plan%20CUSD%20Original%20Template%20Final%20%20\(1\).pdf](https://www.chesteruplandsd.org/docs/district/VIRUS/Continuity%20Plan%20CUSD%20Original%20Template%20Final%20%20(1).pdf))
- Delaware County Court of Common Pleas, No. CV 2012-009781, dated May 14, 2020, authorizing Receiver Baughn to implement the Strategic Options Initiative.
- CUSD 2019 [Revised Financial Recovery Plan](https://www.chesteruplandsd.org/docs/district/Financial%20Recovery/December%202019%20CUSD%20Recovery%20Plan%20(12-19-19).pdf)  
([https://www.chesteruplandsd.org/docs/district/Financial%20Recovery/December%202019%20CUSD%20Recovery%20Plan%20\(12-19-19\).pdf](https://www.chesteruplandsd.org/docs/district/Financial%20Recovery/December%202019%20CUSD%20Recovery%20Plan%20(12-19-19).pdf))
- CUSD Continuity of Education Plan

### 4. **CUSD School Based Data**

- CUSD DIBELS (2019-2020)
  - Chester Upland Schools - Future Ready Index Links: <https://futurereadypa.org/Search/District>
  - Individual school data: Main St., Stetser, CUSA
  - CDT Range Scores (for reference)
- 
- [Virtual Bidders' Meeting video](#), October 8, 2020

**Request for Proposal for  
Potential Outsourcing  
of Management or Operations of District Schools  
for Chester Upland School District  
October 26, 2020**



**Issued By:**

**District Receiver, Dr. Juan Baughn**

**Chester Upland School District**

**232 W. 9th St. | Chester, PA 19013**

**[Phone: 610-447-3600](tel:610-447-3600)**

# EXHIBIT C





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JEFFREY T. SULTANIK  
Direct No: 610.397.6515  
Email: JSultanik@FoxRothschild.com

June 26, 2020

**VIA EMAIL**

James R. Flandreau, Esquire and Sean Fields, Esquire  
For Pennsylvania Department of Education

Robert DiOrio, Esquire, George Dawson, Esquire, and William A. Jacobs, Esquire  
For Chester Upland School District

Kevin M. McKenna, Esquire and Carolyn Flynn, Esquire  
For Agora Cyber Charter School, Chester Charter School for the Arts, Pennsylvania  
Cyber Charter School, Pennsylvania Virtual Charter School and Commonwealth  
Connections Academy

Rocco P. Imperatrice, III, Esquire and Katherine O'Connell Bell, Esquire  
For Widener Partnership Charter Schools

Francis Catania, Esquire, James J. Byrne, Jr., Esquire, Kenneth R. Schuster, Esquire, and George  
Dawson, Esquire  
For Elected Board of the Chester Upland School District

Michael Puppio, Esquire  
For Friends of Chester Community Charter, Chester Charter School for the Arts

Brian H. Leinhauser, Esquire  
For Achievement House Cyber Charter School, Pennsylvania Leadership Charter School,  
Pennsylvania Distance Learning Charter School, Education Plus Academy Cyber Charter  
School

Mary M. McKenzie, Esquire, Michael Churchill, Esquire, Darlene Ko Hemerka, Esquire,  
Maura McInerney, Esquire, and Kristina Moon, Esquire  
For Parent Petitioners

A Pennsylvania Limited Liability Partnership

California Colorado Delaware District of Columbia Florida Georgia Illinois Minnesota Nevada  
New Jersey New York North Carolina Pennsylvania South Carolina Texas Virginia Washington



Counsel of Record  
June 26, 2020  
Page 2

**Re: In Re: Appointment of a Receiver for the Chester Upland School District  
Court of Common Pleas of Delaware County, PA; Docket No. CV-2012-009781**

Dear Counsel of Record:

This communication is a follow-up to the Court Conference conducted on June 22, 2020,

As a matter of clarification, this office will be representing the Chester Upland School District. Robert DiOrio, Esquire, will continue to be involved with respect to the recent intervention/appeal of the School District of the City of Philadelphia on behalf of the District. Communications to the District in this matter should continue to go to both Robert DiOrio, Esquire, and the undersigned.

William A. Jacobs, Esquire, will be the counsel for the Elected Board of the Chester Upland School District.

Consistent with the request made on June 22, 2020, I am enclosing three pages of materials. The first two pages represent the update from the Receiver, Dr. Baughn, on the status of the Recovery Plan Initiatives as of this week. The last page represents the status of the Recovery Plan Priority Initiatives Since the March 3, 2020, Hearing and an appropriate timeline showing what has been completed, what is in process, and what future steps are required.

I trust that this information will be of assistance to all parties in this litigation.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeffrey T. Sultanik'.

Jeffrey T. Sultanik

JTS:slw  
Enclosures

cc: The Honorable Barry C. Dozor with enclosures (via email)

**Update from Receiver, Dr. Juan Baughn**  
**RE: Status of the Recovery Plan Initiatives as of June 22, 2020**

---

**I. Introduction of New Receiver and the Receivership Team**

1. Dr. Juan Baughn was appointed Receiver of the Chester Upland School District effective May 25, 2020 for a three-year term (See attached Court Order).
2. Dr. Baughn has retained the following professionals to support the efforts of the Receivership:
  - a. Jeffrey T. Sultanik, Esq., Fox Rothschild, LLP (including the entire Education Law Group), has been retained to serve as general counsel to the Receiver/School District effective May 27, 2020 (See attached May 28, 2020 Receiver's Special Meeting with the Public).
  - b. Dr. Leroy D. Nunery II, PlüsUltré LLC, has been retained to serve as a strategic advisor to the Receivership to address the District's substantial near-term and long-term challenges, including lagging academic results; financial constraints; substantial amounts of deferred maintenance; inadequate operational and administrative work processes, and Court-ordered RFI's/RFP's.
  - c. John L. Pund, CPA, Esq., MBA, LL.M and Mari Grochowski, CPA, MT, JLP & Associates LLC, were retained by prior Receivership counsel to analyze the CUSD finances in support of the proposed financial turnaround. This retention evolved to include the preparation of the December 2019 Recovery Plan. Dr. Baughn has requested JLP's continued involvement to help implement the initiatives in the Recovery Plan and to revise the plan when the 2018-19 Audited Financial Statements become available consistent with the Court order.
3. CUSD Board President, Anthony Johnson, has participated in all update meetings and continues to provide valuable insights from the Board's and community's perspective that need to be considered throughout this process. The Board intends to retain Al Jacobs, Esq., Schuster Law, to represent its interests in the operation of the District.

**II. Communications**

1. On May 29, 2020, Dr. Baughn requested an update from all prior counsel outlining:
  - A list of all current matters being handled by the firm.
  - With respect to such current matters, to provide the full name of the matter, the date when work commenced, the date when the firm last performed services on that matter, and a succinct description of the work being performed.
  - With respect to each one of the matters, to identify whether or not there is any third party payment for the firm's services, which would include but not be limited to insurance company engagements, the status of the arrangement, and the insurance carrier involved.
2. Dr. Baughn has been in regular communication with the Pennsylvania Department of Education (i.e., Lori Graham, Special Advisor and Debbie Reeves, Deputy Secretary). PDE is supportive of Dr. Baughn and his team.
3. The CUSD Business Office also regularly communicates with PDE representatives.

4. Dr. Baughn has initiated discussions with Lancaster County Intermediate Unit, Chester County Intermediate Unit, and Montgomery County Intermediate Unit regarding the support services potentially available to the School District in the areas of Finance, Human Resources, Special Education, and IT Support.

**III. Audits**

1. The 2017-2018 Restated Audited Financial Statements have been completed.
2. The 2018-2019 Audited Financial Statements are in process. The CUSD Business Office is in the process of providing all necessary information to the auditor, Christopher Herr of Maillie LLP. The target date for completion of the audit is end of July/beginning of August.
3. Once the 2018-2019 Audited Financial Statements are complete, Mr. Pund and Ms. Grochowski will work with PDE and PFM Group Consulting LLC to update the projections in the Recovery Plan.

#### IV. Status of Recovery Plan Priority Initiatives since March 3, 2020 Hearing

Priority Initiative	Completed	In Process	Future Steps
<b>1. Consider outsourcing of functional areas</b>			
• Dr. Baughn to initiate contact with Intermediate Units	6/1/20-6/15/20		
• JLP to prepare outline of potential services from IU's	6/16/20		
• JLP to discuss potential services with IU's and determine what additional Information is needed by IU's to prepare proposals		6/22/20-6/26/20	
• Deadline for proposals from interested IU's			7/15/20
• Evaluation of IU proposals compared to in-house solutions			7/16/20-7/23/20
• Selection of IU for services (if IU option is most beneficial)			7/24/20
• Transition and implementation of IU services			7/27/20-7/31/20
<b>2. Considering outsourcing of management or operations of the schools</b>			
• Retain Dr. Nunery to assess needs and prepare RFI's and RFP's	6/4/2020		
• Research and data gathering for RFI's		5/14/20-6/22/20	
• Develop list of potential providers		5/14/20-6/22/20	
• Release of RFI's to potential providers			7/1/20
• Interested providers respond to Receiver with LOI			7/1/20-8/14/20
• Site visits, walk throughs			7/1/20-8/14/20
• RFI's completed and submitted to Strategic Advisor			7/1/20-8/14/20
• RFI evaluation and recommendation to Receiver			7/1/20-8/14/20
• Issuance of RFP to potential providers			9/11/20
• RFP's submitted to Receiver and evaluation by CUSD			11/9/20
• Presentation of findings/Selection of providers for presentation			12/14/20
• Final recommendation of providers and visit finalist provider schools			12/18/20-1/15/21
• Due diligence checks			12/18/20-1/15/21
• Presentation of options under consideration to the Community and solicitation of feedback.			1/16/21-2/15/21
• CUSD decision on ultimate provider/Public announcement			2/28/21
• Decision/Approval by Court of Common Pleas			3/31/21
• Contract negotiations with provider on Service Agreement			3/31/21
• Contracts signed			4/30/21
• Provider preparation, staffing, on-site meetings, planning and preparation for transition to external provider			5/1/21-6/30/21
<b>3. Prepare comprehensive facilities assessment</b>			
• CUSD facilities manager to assess structural risks in each building		6/16/20-6/30/20	
• Prepare priority needs for 2020-21 school year		6/16/20-6/30/20	
• Determination of next steps based on findings			TBD
<b>4. Comprehensive assessment of special education costs and infrastructure and potential more cost-effective delivery models</b>			
• To be included in the discussions with the IU's regarding the potential outsourcing of functional areas		6/22/20-6/26/20	
<b>5. Independent assessment of educational and School District leadership</b>			
• New Superintendent identified and hired	6/1/20-6/19/20		
• Announcement and introduction of Superintendent at Board Mtg.		6/22/20	
• Assessment of current educational and administrative leadership by new Superintendent		6/23/20-8/31/20	
• Determination of next steps based on findings/possible assistance from IU's			TBD

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**IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY  
CIVIL ACTION**

IN RE: APPOINTMENT OF A :  
RECEIVER FOR THE : CIVIL ACTION  
CHESTER UPLAND SCHOOL DISTRICT : NO. 2012-009781  
:

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**CERTIFICATE OF SERVICE**

Francis J. Catania, Esquire, Co-Counsel for Chester Community Charter School, hereby certifies that on November 19, 2020 he served upon the following via Delaware County's electronic filing system and via email a true and correct copy of the Chester Community Charter School's Motion To Require CUSD & Receiver To Follow The Requirements Of This Honorable Court's May 14th Order; To Include All Of The Statutory Requirements Of An Approved Financial Recovery Plan Under 24 P.S. § 6-641-A In Their RFP, To Amend The RFP To Redraft The Evaluation Criteria And Weighted Rubric To Include All Of The Requirements Of 24 P.S. §6- 641-A.

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