

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: In re: Appointment of a Receiver
for the Chester Upland School
District

CIVIL CASE NO. 2012-009781

NATURE OF MATTER FILED: (please check one)

- ☐ Petition Pursuant to Rule 206.1 ☐ Response to Petition ☐ Motion for Judgment on the
Pleadings Pursuant to Rule 1034(a)
☒ Motion Pursuant to Rule 208.1 ☐ Response to Motion ☐ Summary Judgment
Pursuant to Rule 1035.2
☐ 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 4 day of December, 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 24, 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: _____

IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY, PENNSYLVANIA
CIVIL DIVISION

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

:
:
:
:

CASE NO.: 2012-009781

ORDER

AND NOW, this ____ day of _____ 2020, upon consideration of the Motion to Compel Compliance with the Court's May 14, 2020 Order filed by Parent Intervenors Jazmine Campos, Latoya Jones, Tiffany Raymond, Precious Scott, and the Delaware County Advocacy & Resource Organization, any responses thereto, and any hearing thereon, it is hereby **ORDERED** that said Motion is **GRANTED**.

IT IS FURTHER ORDERED that the Receiver shall rescind the October 26, 2020 RFP, revise the RFP in conformity with the May 14 Order and the Financial Recovery Law, and submit a revised RFP for review and Court approval.

BY THE COURT:

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**IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY, PENNSYLVANIA
CIVIL DIVISION**

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

CASE NO.: 2012-009781

**PARENT REPRESENTATIVES
JAZMINE CAMPOS, LATOYA JONES, TIFFANY RAYMOND, PRECIOUS SCOTT,
AND THE DELAWARE COUNTY ADVOCACY & RESOURCE ORGANIZATION'S
MOTION TO COMPEL COMPLIANCE WITH THE COURT'S MAY 14, 2020 ORDER**

Parent Intervenors Jazmine Campos, Latoya Jones, Tiffany Raymond, Precious Scott, and the Delaware County Advocacy & Resource Organization (together, "Parent Representatives"), by and through their undersigned counsel, respectfully submit the following Motion to Compel Compliance with the Court's May 14, 2020 Order. For the reasons set forth herein, Parent

Representatives respectfully request that this Honorable Court direct the Receiver to rescind and revise the defective Request for Proposals issued on October 26, 2020.

In support of their Motion, Parent Representatives aver as follows:

BACKGROUND

1. Chester Upland School District (“CUSD”) is a school district of the second class located within the City of Chester, Delaware County, Pennsylvania.
2. CUSD is in recovery status and is operating under a financial recovery plan pursuant to Section 621-A of the School District Financial Recovery Law, 24 P.S. § 6-601 et seq. (the “Financial Recovery Law”).
3. CUSD is subject to a receivership under the ongoing jurisdiction of this Court. *See* 24 P.S. § 6-671-A.
4. Parent Representatives are parents of children attending elementary and middle schools within CUSD and a disability advocacy organization whose members include parents of children attending elementary and middle schools within CUSD.
5. On January 31, 2020, Parent Representatives filed a petition seeking to intervene in CUSD’s financial recovery proceedings in order to inform the development and implementation of a proposed Revised Financial Recovery Plan (“Revised Plan”).
6. On February 24, 2020, the Court granted Parent Representatives’ Petition to Intervene.
7. Parent Representatives have legally enforceable interests in the Revised Plan, which is required to “[p]rovide for the delivery of effective educational services to all students enrolled in the . . . district.” 24 P.S. § 6-641-A(1).

8. The Revised Plan is also required to comply with numerous laws that implicate Parent Representatives' educational rights, including but not limited to laws governing educational standards and protections, the right to an education in a non-charter school, and federal and state civil rights of children with disabilities. *See, e.g.*, 24 P.S. § 15-1504 (mandating at least 180 days and certain requisite hours of instruction); 24 P.S. § 6-642-A(a)(iii)(E)(3) (requiring that where an existing school or portion of a school is converted to a charter school, alternative arrangements must be made available for students who choose not to attend the charter school); Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et. seq. (2004). *See also Sch. Dist. of Abington Twp. v. Schempp*, 374 U.S. 203 (1963); *Reichley v. N. Penn Sch. Dist.*, 537 A.2d 391, 399 (Pa. Commw. Ct. 1988).

9. On March 3–4, 2020, the Court held a hearing to consider the merits of the proposed Revised Plan.

THE COURT'S MAY 14, 2020 ORDER

10. On May 14, 2020, the Court issued an order (the “May 14 Order”) approving the Revised Plan and directing CUSD’s receiver (the “Receiver”) to carry out its recommendations.

11. In its May 14 Order, the Court established detailed prerequisites and requirements for implementing the Revised Plan, including, *inter alia*, for issuing requests for proposals (“RFP”) to outsource the management and delivery of educational services in CUSD.

12. The May 14 Order makes clear that the Receiver’s objective in outsourcing these services through an RFP process is to “pursue a path to financial viability, stability, and recovery, as well as quality education and the return of control to the elected CUSD Board of Directors...” May 14 Order at ¶ 6.

13. Several of the requirements in the May 14 Order were put in place to ensure that the request for proposals process (“RFP Process”) would be public and transparent and that Parent Representatives would be able to defend their legally enforceable interests.

14. *First*, as a precondition of outsourcing the management of schools, the May 14 Order required CUSD to file of record Restated June 30, 2018 and June 30, 2019 audits within 45 days of the Order. *See* May 14 Order at ¶¶ 1(b); 3. In the event the audits were not timely completed and filed, CUSD and the Receiver were required to file a status report explaining the delay. *Id.* at ¶ 3. The May 14 Order emphasized that it was “paramount” that the audits be available “to decisionmaker(s), Receiver, consultants and advisers, the School District, the Pennsylvania Department of Education, all parties, and general public, and this Court.” *See id.* at ¶ 1(b).

15. *Second*, the May 14 Order required the Receiver to make information about the RFP Process public and accessible. For example, the Order required the Receiver to timely post on CUSD’s website “[a]ll final Requests for Proposals; or Requests for Information, if any.” *Id.* at ¶ 9(b). The May 14 Order also directed the Receiver to ensure that each submitted proposal would be evaluated in a public manner. *Id.* at ¶ 7(c).

16. *Third*, the May 14 Order directed the Receiver to ensure that any RFP related to any and all strategic options for managing CUSD schools, or any school or portion thereof, incorporate important provisions of the Financial Recovery Law related to the conversion of schools into charter schools. Specifically, the May 14 Order required the RFP to ensure that Providers could provide continuity of quality educational curriculum and extra-curriculum programs; meet the needs of students with disabilities; provide alternative quality arrangements for students who chose not to attend the conversion charters; demonstrate financial savings; and

otherwise meet the goals and recommendations set forth in the Financial Recovery Law. *Id.* at ¶¶ 7(b)-(d) (citing 24 P.S. §§ 6-641-A, 6-642-A).

17. Following entry of the Court's May 14 Order, several status updates were filed with the Court.

THE RECEIVER'S FAILURE TO COMPLY WITH THE MAY 14 ORDER

18. The Receiver has a legal duty to comply with the Financial Recovery Law, to implement the Revised Plan approved by the Court, and to comply with the Court's May 14 Order directing the Revised Plan's implementation. *See, e.g.*, 24 P.S. § 6-672-A(b)(1).

19. In breach of his duties, the Receiver has repeatedly failed to comply with the May 14 Order and the Financial Recovery Law, as detailed herein.

The Receiver's RFP Process Violates this Court's Requirements for Preparing, Requesting, and Evaluating Proposals to Outsource Educational Services in CUSD

20. In violation of Paragraphs 1 and 3 of the May 14 Order, the Restated June 30, 2018 and June 30, 2019 audits have not been "filed of record" with the Court, and upon information and belief, the Receiver failed to file any updated status reports between June 22, 2020 and November 25, 2020, when the Receiver reported that it is "anticipated" that the 2019 audit will be completed in the first week of January 2021. *See* Letter from Jeffrey Sultanik to Counsel dated December 1, 2020, *Update from Receiver, Dr. Juan Baughn RE: Status of the Recovery Plan Initiatives as of November 25* ("Receiver's November 25th Update") at 2, attached hereto as Exhibit A. The Receiver has never explained the delay in completing and/or submitting the audits.

21. Based on status updates provided to the Court, the Receiver initiated the RFP Process in May or June of 2020, ignoring the fact that the May 14 Order expressly requires that the audits be completed and filed as a precondition of the outsourcing of management of schools,

and despite the fact that in the absence of these audits, it is impossible to assess the financial impact of any proposal. *See Nov. 19, 2020 Motion by CCCS to Require CUSD and Receiver to Follow the Requirements of this Honorable Court May 14th Order* at Exhibit C.

22. In violation of Paragraph 9(b) of the May 14 Order, the Receiver has also failed to post on CUSD's website either the July 30, 2020 Request for Interest ("RFI") or the RFP that was subsequently issued on October 26, 2020. As a result, neither the Court nor Parent Representatives were able to review and evaluate the criteria used in the RFI, the Providers to whom the RFI was distributed, or the Providers invited to respond to the RFP, among other critical matters.

23. The RFP was first disclosed to Parent Representatives only by virtue of a motion filed by Chester Community Charter School on November 19, 2020, seeking, among other things, compliance with the Court's May 14 Order, which included the RFP as an exhibit to the motion. *See Nov. 19, 2020 Motion by CCCS to Require CUSD and Receiver to Follow the Requirements of this Honorable Court May 14th Order* at Exhibit B.

24. The Receiver has also not provided the Court, Parent Representatives, and the other parties with the information and documents necessary to evaluate whether any proposal is in the best interest of CUSD and complies with the May 14 Order and governing law, including:

- a) the Restated June 30, 2018 and June 30, 2019 audits;
- b) unaudited financial statements for the year ending June 30, 2020, or audited statements, if available;
- c) any Requests for Information ("RFI") regarding the outsourcing of management or operations of CUSD, including the RFI issued on July 30, 2020;

- d) the list of education management organizations, charter management organizations, or any other K-12 education service organizations (“Providers”) that received the RFI(s);
- e) all responses to the RFI(s);
- f) the recording of the Virtual Bidders Meeting held on October 8, 2020
- g) the list of Providers that attended the Virtual Bidders Meeting;
- h) any other information provided to any of the Providers;
- i) any changes or amendments to the RFP since it was issued;
- j) the list of Providers invited to respond to the RFP; and
- k) the identity of any persons who will serve on the RFP’s Review Task Force.

25. On December 4, 2020, in response to Parent Representatives’ request for these documents, counsel for the Receiver represented that the Receiver is “committed to distributing all of the available document requests and providing them to all of the bidders. . .”

26. In violation of 24 P.S. §§ 6-642-A(a)(2)(i), (a)(iii)(E)(10), and Paragraph 7(c) of the May 14 Order, the timeline reflected in the RFP and the Receiver’s November 25th Update for completing the RFP Process does not provide any meaningful opportunity for input and review of the submitted proposals in a public manner.

27. The RFP indicates that initially the Review Task Force must evaluate several complex applications and recommend finalists within a one-week period, and then subsequently must recommend the final Provider(s) within two days of presentations. *See* RFP at 28-29. It is unclear whether members of Review Task Force have been identified or on what basis members have been or will be selected. Moreover, it is unclear whether the Review Task Force will be obligated to conduct its evaluation process in a public manner. *See id.* at 27.

28. The current timeline also does not assure any opportunity for the community to question the RFP finalists, or any mechanism for receiving input and comments before a final Provider is selected and submitted to the Court for approval, in contravention of the May 14 Order and the Financial Recovery Law. *See* 24 P.S. §§ 6-642-A(a)(2)(i), (a)(iii)(E)(10); May 14 Order at ¶ 7(c). Notably, the Receiver's November 25th Status Update does not even acknowledge the need for public notice and participation, or how the RFP Process will proceed in a public manner. *See* Ex. A.

The October 26, 2020 Request for Proposals Violates State Law and the May 14 Order

29. The RFP issued by the Receiver on October 26, 2020 also suffers from numerous critical defects.

30. In violation of 24 P.S. § 6-642-A(a)(iii)(E) and Paragraph 7(b) of the Court's May 14, 2020 Order, the RFP fails to require Providers proposing charter-school options to establish alternative quality arrangements for students who do not chose to attend the conversion charters, or to solicit the information necessary to accurately assess the costs of those alternatives.

31. This omission jeopardizes parents' legal rights to keep their children in their non-charter schools in CUSD and to access quality educational alternatives if their schools are closed.

32. In violation of Paragraph 7(b) of the May 14 Order, the RFP fails to solicit the information necessary to ensure that Providers proposing any strategic option for managing CUSD's pre-kindergarten through twelfth grade schools, or any school or portion thereof, can provide continuity of quality educational curriculum and extra-curriculum programs, and meet the needs of current and future students with disabilities.

33. In violation of 24 P.S. § 6-642-A(a)(2)(i), (a)(2)(iii), (a)(10), and Paragraph 7(c) and (e) of the Court's May 14, 2020 Order, the RFP fails to require Providers to demonstrate that

their proposal will result in financial savings, and fails to request information necessary to assess any claim of savings. This information is essential to enable compliance with § 6-642-A(a)(10), which requires CUSD to “present a three-year cost comparison of the services as currently provided and as projected under the proposed agreement demonstrating that the proposed agreement will result in financial savings.”

34. The RFP does not require Providers to detail what services they will require CUSD to provide so that the Receiver and Court can accurately assess the proposed cost to CUSD of those services. *See, e.g.*, RFP, Section 8 (Costs). For example, if a proposal contemplates that CUSD will continue to provide students with transportation, the cost of that transportation will depend upon factors such as the hours students are required to be in school, the extra-curricular programs offered, and any adjustments for social distancing, among others.

35. In violation of Paragraph 7(d) of the May 14 Order, the RFP fails to require Providers to address how they will meet all the goals and recommendations set forth in 24 P.S. § 6-641-A, and the terms and conditions of the Court’s Order.

36. In violation of Paragraph 7(e) of the May 14 Order, the RFP fails to ensure that any proposal to outsource management or operation of CUSD schools will be evaluated not only for its potential cost savings but also for its impact on CUSD, on the effective delivery and quality of educational services, and on the quality of services to children with disabilities.

37. In violation of Paragraph 7(e) of the May 14 Order, the RFP references a “non-exclusive list of elements likely to be considered by the CUSD” and explains that the evaluation of the proposals involves “a weighing of different economic and non-economic interests” but fails to prioritize academic results and does not require potential providers to comparatively assess its academic results; attendance and truancy; financial challenges; deferred maintenance;

operational, administrative, and financial requirements; special education; or the delivery of quality safe education with what CUSD provides. For example, the RFP does not require Providers to document cost savings, or that the Provider will provide a better quality safe education for current students, including students with disabilities, than CUSD. *See* RFP at 26-27.

38. Moreover, the RFP presupposes that contracts will be awarded to Providers that are the “best fits” or the “best matches,” in contravention of the May 14 Order’s directive that a Provider *only* be selected if it can demonstrate it will qualitatively improve outcomes for students and produce cost savings for CUSD. *See* May 14 Order at ¶ 7(e).

39. The RFP also fails to contemplate any comparative evaluation of CUSD’s current programs or any consideration of whether a submitted proposal is superior in quality to what CUSD could provide. *See* RFP at 15, 27. As a result, the RFP permits the award of a contract to Providers whose programs may not be improvements over what CUSD is able to offer.

40. The Receiver’s repeated failures to adhere to the May 14 Order and the Financial Recovery Law have impaired Parent Representatives’ ability to review, evaluate, and provide comment throughout the RFP process, and to ensure that the resulting RFP is legally sufficient.

RELIEF SOUGHT

WHEREFORE, for all the foregoing reasons, Parent Representatives respectfully request that this Honorable Court grant their Motion to Compel Compliance with the Court’s May 14, 2020 Order and issue an order requiring the Receiver to rescind the October 26, 2020 RFP, revise the RFP in conformity with the May 14 Order and the Financial Recovery Law, and submit a revised RFP for review and Court approval.

Date: December 4, 2020

Respectfully submitted,

/s/ Michael Churchill

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EXHIBIT A



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December 1, 2020

VIA EMAIL

The Honorable Barry C. Dozor
President Judge
Delaware County Court of Common Pleas
Media, PA 19063

Re: Appointment of Receiver for the Chester Upland School District
Docket No. CV-2012-009781

Dear Judge Dozor:

Attached please find the November, 2020 update of the Receiver, Dr. Juan Baughn, in conjunction with the above-entitled matter. I am providing this update to all of the copied parties.

Should you have any questions regarding the foregoing, please do not hesitate to contact me.

Very truly yours,

Jeffrey T. Sultanik

JTS:ssd
Attachment

cc: James R. Flandreau, Esquire
Rocco P. Imperatrice, III, Esquire
Kathleen S. O'Connell Bell, Esquire
Robert Michael DiOrio, Esquire
James J. Byrne, Jr., Esquire
Kevin M. McKenna, Esquire
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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



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The Honorable Barry C. Dozor

December 1, 2020

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Chester Upland School District Receivership

The Honorable Judge Barry C. Dozor

Court of Common Pleas of Delaware County, PA; Docket No. CV-2012-009781

November 2020 Receivership Update

By: Receiver, Dr. Juan Baughn

I. Outsourcing of Functional Areas - Completed

1. In June 2020, Dr. Baughn initiated discussions with Chester County Intermediate Unit (CCIU), Delaware County Intermediate Unit (DCIU), Lancaster County Intermediate Unit (LCIU), and Montgomery County Intermediate Unit (MCIU) regarding the functional support services potentially available to the School District in the areas of Finance, Human Resources, IT Support, and Special Education.
2. The Receivership team briefed and interviewed CCIU, DCIU, and MCIU representatives and requested a proposal for outsourced services. All three IU's were enthusiastic about the opportunity and responded shortly thereafter with proposals for outsourced services (Note: DCIU proposed on special education only). In addition, the Receivership team reviewed the proposals and conducted further interviews to resolve any questions or concerns regarding the proposed services. Moreover, the Receivership team compared the proposed services to the current in-house services at the District and the Receiver determined, both quantitatively and qualitatively, it was in the best interest of the District to outsource such services as soon as practicable.
3. After careful consideration, the Receiver selected CCIU to provide outsourced services in the areas of Finance, Human Resources, Special Education, and IT Support. Legal counsel for the Receiver negotiated the services agreement for three years, September 1, 2020 through August 31, 2023. PDE legal counsel reviewed the agreement and provided input in advance of execution of the agreement.
4. CCIU is starting to make tangible progress. Some of the accomplishments include:
 - a. CCIU is in the process of updating the accounting and financial reporting. They have provided the Receiver with a comparative statement of activities July 2017-June 2018 (audited), July 2018-June 2019 (unaudited), and July 2019-June 2020 (unaudited) showing the following:

	July 2017- June 2018	July 2018- June 2019	June 2019- June 2020
Total Revenues	\$128,745,648	\$136,690,044	\$130,761,780
Total Expenditures	\$127,407,606	\$134,564,647	\$136,021,862
Net Income/(Loss)	\$1,338,042	\$2,125,397	(\$5,260,083)

The schedule also shows a projected fund balance roll forward, as follows:

	July 2017- June 2018	July 2018- June 2019	June 2019- June 2020
Fund Balance, beginning	\$6,190,395	\$7,528,437	\$9,653,834
Net change in FB	\$1,338,042	\$2,125,397	(\$5,260,083)
Fund Balance, ending	\$7,528,437	\$9,653,834	\$4,393,751

- b. In addition, CCIU has provided the Receiver with a General Fund Budget Comparison for school years 2018-2019, 2019-2020, and 2020-2021.

- c. The CCIU also has provided the District's statement of activities for the period July through September 2020 compared to prior year-to-date three-month periods ended September 2019 and September 2018. Moreover, the schedule indicated that revenues exceeded expenses for each of the three-month periods ended September 30th, as follows:

	July-Sept 2020	July-Sept 2019	July-Sept 2018
Total Revenues	\$31,383,932	\$37,672,259	\$31,753,330
Total Expenditures	\$27,352,833	\$30,673,579	\$27,225,300
Net Income	\$4,031,099	\$6,998,680	\$4,528,030

- d. CCIU has provided the independent auditors the remaining items needed to finalize the 2018-2019 audit. It currently is anticipated the audit will be completed in the first week of January 2021.
- e. The Annual Financial Report reportedly will be submitted by the November 30, 2020 extension deadline.
- f. CCIU has hired a new Chief Operating Officer, a new Human Resources director, and has a special education team in place at the District.

II. Communication with Pennsylvania Department of Education

1. The Receiver has remained in regular contact with PDE and has kept PDE apprised of Recovery Plan execution progress. In addition, PDE's input was very helpful regarding the services contract with Chester County Intermediate Unit.

III. Potential Outsourcing of School Management or Operations

1. The Request for Information process has been completed and the Request for Proposal (RFP) process is in process.
2. The Receivership team held a Zoom conference with interested bidders to answer any questions or concerns. Approximately seven entities participated in the conference and expressed an interest in responding to the RFP.

IV. Facilities

1. Several management companies have walked through the District's buildings. The District has placed its assessment of the facilities on hold until the management companies complete their responses to the RFP.

V. Academic Team Assessment

1. This assessment is on hold until the CCIU transition team has completed staffing all functional areas under their agreement.

VI. Special Education

1. Special Education has been restructured throughout the District.
2. CCIU has hired a new team to lead Special Education.

3. The team is progressing as much as possible given the constraints of COVID-19.

VII. Warehouse Settlement

1. The Receiver and legal counsel, Robert DiOrio, Esq., were able to negotiate a settlement with the City of Chester in October 2020 for the sale of land located at 106-130 East 6th Street, Chester, PA and for the forgiveness of all accounts receivable for crossing guard services through December 31, 2020.
2. The purchase price of the land (in "AS IS" condition) was \$508,782.14, representing the complete forgiveness by the City of Chester of all accounts receivable claimed by the City from the School District for crossing guard services through December 31, 2020.

VIII. Transportation

1. The district is currently renegotiating the transportation contract and also is working on negotiating the costs of transportation expenses during the pandemic.

IX. Contracts

1. The Teachers Union agreed to a one-year extension of their existing contract in order to provide time to find a new health insurance provider.
2. The District is in the process of negotiating the Support Staff contract that expired on June 30, 2020.
3. The District is in the process of negotiating the Security Staff contract, which will be its first contract with the District.

X. Municipal Bond Refinancing

1. The Receiver initiated the refinancing of certain municipal bonds due to the historically low interest rates.
2. Upon completion of the 2018-2019 audit, the bank will complete the District's refinancing application process.
3. Refund proceeds from the bond refinancing are approximately \$700,000.

XI. Billboards

1. Donald J. Weiss, Esq. is working on behalf of the School District to obtain revenue from billboard companies that lease from the District.
2. The matter has been remanded to court to determine valuations so that the District can bill the companies for their taxes.

XII. Status of Recovery Plan Priority Initiatives

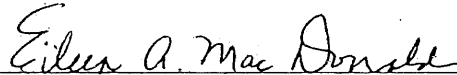
(See next page)

Priority Initiatives	Completed	In Process	Future Steps
1. Consider outsourcing of functional areas			
• 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	8/11/20		
• 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		In process	
2. Considering outsourcing of management or operations of the schools			
• Conclusion of RFI process and RFP Task Force Selection	9/18/20		
• Issuance of RFP to potential providers who qualified via the RFI process	10/26/20		
• Site visits, walk throughs		In process	
• RFPs due date			12/14/20
• Evaluation of RFP's by CUSD RFP Review Task Force and Recommendations to Receiver on finalist Providers			12/14/20-12/21/2
• Presentation of findings to CUSD Receiver by RFP Task Force			12/23/20
• Receiver decision on finalist(s)			1/15/21
• Finalist(s) Providers' presentation to Receiver, CUSD Board, and RFP Review Task Force			1/25/21-1/29/21
• Final Recommendations on Providers/CUSD RFP study group visits finalist Provider schools/Due diligence checks (PlusUltré and CUSD)			1/31/21
• CUSD decision on ultimate Provider and submission of decision to Court of Common Pleas and PDE/Public announcement on selection recommendations			2/28/21
• Decision/Approval by Court of Common Pleas/Contract negotiations with Provider on Service Agreement, etc.			3/31/21
• Contracts signed/Transition of student records, personnel records, etc. commences			4/30/21
• Provider preparation, staffing, on-site meetings, and implementation planning/District preparation for transition to external Provider system			5/1/21-6/30/21
• Initiative goes "live"			7/1/21
3. Prepare comprehensive facilities assessment			
• CUSD facilities manager to assess structural risks in each building		In process	
• Prepare priority needs for 2020-21 school year		On hold	
• Determination of next steps based on findings			TBD
4. Comprehensive assessment of special education costs and infrastructure and potential more cost-effective delivery models			
• To be included in the discussions with the IU's regarding the potential outsourcing of functional areas		In process	
5. Independent assessment of educational and School District leadership			
• 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		On hold	
• Determination of next steps based on findings/possible assistance from IU's			TBD

VERIFICATION

I verify that the statements made in the foregoing Motion to Compel Compliance are true and correct to the best of my own personal knowledge, information and belief. I understand that false statements herein are subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.

Date: December 3, 2020


Eileen MacDonald, Executive Director of
the Delaware County Advocacy &
Resource Organization

CERTIFICATE OF COMPLIANCE

I, Michael Churchill, Esq., certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

/s/ Michael Churchill

Michael Churchill (Bar No. 04661)

**IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY, PENNSYLVANIA
CIVIL DIVISION**

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

CASE NO.: 2012-009781

CERTIFICATE OF SERVICE

I hereby certify that on this date, December 4, 2020, I caused the foregoing Motion to Compel Compliance with the Court's May 14, 2020 Order to be served by the means identified below on the following:

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Dated: December 4, 2020

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