

IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY

CIVIL DIVISION

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

ORDER

AND NOW THIS 14th DAY OF January, 2021, following a status hearing and a hearing on January 11, 2021, on all outstanding motions, **NOW THEREFORE**, it is hereby ORDERED and DECREED:

1. The Parent Representatives' Motion for Emergency Equitable Relief to suspend the Request for Proposals Process is DENIED.
2. The Chester Community Motion to Compel Production of Documents, to allow inspections, and request for a status conference is now found to be moot, and therefore DENIED. This Court reserves the liberty to consider requests or motions for discovery as circumstances and events may require.
3. The balance of the three motions:
 - Chester Community Charter School Emergency Motion to Require Compliance with the Court's May 14, 2020 Order and Motion to Extend the Due Date for Responses to the Request for Proposal; and
 - Chester Community Charter School Motion to Require School District and Receiver to follow requirements of the May 14, 2020 Order, to include all the statutory requirements of an Approved Recovery Plan to redraft the evaluation criteria and weighted rubric to include statutory requirements and schedule a Status Conference; and

- Parent Representation Motion to Compel Compliance with the Court’s May 14, 2020 Order:…are all hereby GRANTED in part and DENIED in part, as more fully set forth herein.
4. Providers’ Date to Respond to the Request for Proposal issued by Chester Upland School District Receiver, Dr. Juan Baughn, is rescheduled to be 30 days after the restated June 30, 2019 Audit has been completed and posted to the District’s Website. The completed, revised June 30, 2019 Audit shall also be timely provided to all known potential providers and all counsel.
 5. John L. Pund, CPA, Esquire, MBA, LLM’s January 2021 Receivership Finance updated, marked Exhibit D-2, shall be posted on District’s website and shared with all potential Providers.
 6. Page 16 of the October 26, 2020 Request for Proposal, as revised to reflect changes, Exhibit D-5 shall be amended by removing the full paragraph that begins: “The Receiver has determined that Options 1 and 2 are preferred alternatives for the initial years of the SOI;” Any asterisk (*) of referring to this paragraph shall also be removed.
 - A. This paragraph is being deleted to confirm that all options 1 through 5 are to be reviewed and considered without any bias or preferences till evaluations are complete.
 7. Page 25 of the October 26, 2020 Request for Proposal, as revised to reflect changes, Exhibit D-5, in the section titled Evaluation Criteria, the first sentence of the paragraph shall be amended to state “The Receiver shall consider a Provider’s Proposal that addresses the stipulated qualifications and criteria listed in this RFP. Consideration of the stipulated qualifications and criteria does not preclude the essential consideration of the requirements, intent, and purpose of the School District Financial Recovery Law, 24 P.S.6-601 et.seq., and the identification and analysis of financial savings, revenue, costs, expenses, and budget consequences”.

8. Page 25 of the Request for Proposal, as revised to reflect changes, Exhibit D-5, in the section titled Evaluation Criteria, the following sentence shall be added to the end of the first paragraph:
“Providers are encouraged to provide comment and make recommendations on whether or how or why the evaluation criteria should be weighted differently”.
9. The Court, along with all counsel of record, shall be timely provided with copies of amended Pages 16 and 25 of the Request for Proposal.
10. The newly amended Request for Proposal, conforming to this Order, shall be provided to this Court and all counsel of record, timely posted on the District’s website and provided to all known potential providers;
11. A copy of this Order shall be immediately posted on District’s Website and provided to all prospective providers.
12. The District shall comply with the Court’s May 14, 2020 Order confirming authority to the Receiver to move ahead with various Revised Financial Recovery Plan recommendations and initiatives, including further investigation and requests for proposals for strategic initiatives, further study and Receiver recommendations.
13. This Court further confirms the importance of ongoing professional and academic collaboration with all the talented, experienced and conscientious shareholders, including Parents, the District’s Strategic Advisors, District Staff, Superintendent, the Elected School Board Directors, and the Pennsylvania Department of Education, as well as prospective providers.

BY THE COURT:

Barry C. Dozor, J.