



**EDUCATION
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CHESTER UPLAND RISING: WHERE DO WE GO FROM HERE?



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FEBRUARY 4, 2021

ABOUT US

[Education Law Center-PA \(ELC\)](#) is a nonprofit legal advocacy organization dedicated to ensuring access to a quality public education for all children in Pennsylvania. We pursue this mission by focusing on the most underserved students: children living in poverty, children of color, children with disabilities, children in the foster care and juvenile justice systems, children experiencing homelessness, English learners, LGBTQ and gender-nonconforming students - and many who are at the intersection of these identities.

[Public Interest Law Center](#) uses high-impact legal strategies to advance the civil, social, and economic rights of communities in the Philadelphia region facing discrimination, inequality, and poverty. We use litigation, community education, advocacy, and organizing to secure their access to fundamental resources and services.

The logo for the Education Law Center, featuring a yellow horizontal bar above a blue square containing the text "EDUCATION LAW CENTER" in white, with another yellow horizontal bar below the blue square.

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The logo for The Public Interest Law Center, featuring a blue square with a white stylized 'P' shape on the left, and the text "THE PUBLIC INTEREST LAW CENTER" stacked vertically in white to the right.

THE
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Action. Access. Progress.

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CHESTER UPLAND SCHOOL DISTRICT: WHAT'S AT STAKE?

May become the first Pennsylvania district to be completely privatized.

May be completely or partially dismantled and handed over to charter operators and education management organizations.

Impact:

- Quality of education for students
- Disruption and lack of continuity
- Consequences for teachers and staff
- Impact on students with disabilities
- Future of self-governance for CUSD

HOW DID WE GET HERE? PENNSYLVANIA'S INEQUITABLE FUNDING SYSTEM

Our broken school funding system further entrenches inequities and fails to support students. Those who need the most receive the least in this system.

Inadequate

- PA public schools underfunded by at billions each year
- Nationally, PA ranks 46th- 44th in “state share” of basic education funding

Inequitable

- Largest gap in the nation between wealthiest and poorest districts: the poorest 20% of school districts have \$7,866 less per student than the wealthiest 20%
- PA schools are among the most racially segregated in the nation - and whiter schools are better funded: PA districts with the fewest white students are shortchanged in state funding by over \$2000 per pupil, while the districts with the most white students receive about \$2000 more per pupil than their fair share under the funding formula.

HISTORY OF INEQUITABLE FUNDING AND RACIST POLICIES

Schools in Chester Upland are segregated by policy and design and children are denied the educational resources they need to learn.

1946: School Board adopts plan to desegregate BUT permits white students to transfer out while denying the applications of Black students

1953: District is highly segregated; School Board undertakes process to redraw District lines; Ignores landmark ruling in *Brown v. Board of Education*, claiming that segregation is a “fact,” denying that segregation was created by policy.

1964: Protests challenge segregation in Chester Upland

1964-1967: PHRC orders School Board to desegregate, finding the Board violated established law. Board unsuccessfully appeals THREE times.

1970s-1990s: Manufacturing firms leave the area; tax base declines; financial distress sets in while children of Chester Upland fail to receive basic resources they need to learn and thrive due to an inadequate and inequitable system of funding education.

CHESTER UPLAND'S HISTORY OF FINANCIAL DISTRESS

1994: Chester Upland is identified as among the lowest-performing school districts in the state. Yet, no additional money is provided to address the needs of struggling students.

2000: Chester Upland is declared financially distressed and taken over by a state-appointed Board.

2001-2005: State hires three different private companies to take over schools in CUSD with the bulk of the contract awarded to for-profit Edison Schools, with poor track record educationally and financially.

2005: Edison pulls out after four years of poor outcomes, increased violence, and financial mismanagement. Edison claimed it had not been fully paid. Gov. Rendell calls on Board members to resign.

CHESTER UPLAND'S RECENT HISTORY OF FINANCIAL DISTRESS

2007: Another state takeover board, the Empowerment Board of Control, takes control of the District for both financial and academic reasons and stays in place until the law that put them in place runs out in 2010.

2012-2013: Another school takeover law is passed, and the District is once again under state control, this time via a Chief Recovery Officer. Teachers and staff agree to work without pay. District's graduation rate is 56%; PSSAs rank the lowest in PA.

2014: The first Recovery Officer is removed by the PA Secretary of Education via the courts and replaced with another state-appointed Receiver.

HOW DOES RECEIVERSHIP WORK?

PA Dept. of Education: Identifies districts experiencing financial difficulties through Early Warning System, declares a district to be in financial recovery; then, within five days of the declaration of Financial Recovery, appoints a Chief Recovery Officer (CRO) who works with PDE and the district to create and implement a Financial Recovery Plan. See Act 141; 22 Pa. Code Chapter 18.

School Board: Works with CRO, implements the Recovery Plan, or fails to do so, leading to receivership. Once in receivership, Board's authority is limited to levying taxes.

Court: The Court is responsible for appointing the Receiver, approving the Financial Recovery Plan, and approving certain decisions such as charter conversion, takeover of schools by a private management organizations (EMOs), sale of property. Determines when to exit.

Receiver: Once approved by the court, the person has wide discretion and assumes all duties of the CRO and the school board.

CHESTER UPLAND'S CURRENT FINANCIAL DISTRESS AND CHARTERS

2015-2016: The District is sending more money to charter schools than it is receiving in aid from the state. There is evidence that charters are overidentifying students with low-cost disabilities and not serving as many students with high-cost disabilities. Budget impasse disproportionately impacts Chester Upland.

2017: Pennsylvania auditor general Eugene DePasquale declares that the District is in “administrative chaos,” with increasing debt and negative fund balance.

Charters expand: Three K-8 charter schools enroll over half the students in the district. CCCS -- the largest brick-and-mortar charter in the state -- serves 2/3rds of district students. Receiver grants CCCS an unprecedented add-on 5-year extension to then-current 5-year term.

CURRENT RECEIVERSHIP PROCEEDING

November, 2019: CCCS files a motion asking the Court to let charters take over full operation of the K-8 schools in the District and proposing that CCCS handle the RFP process.

December, 2019: Parents seek to intervene to represent the interests of students in order to inform the development of a proposed Revised Financial Recovery Plan and ensure that the Revised Plan is implemented in compliance with laws that implicate parents' rights, and ensure educational standards and protections for their children, including federal and state rights of children with disabilities.

By this time, CUSD has had four recovery plans, four receivers, three chief recovery officers, and two judges.

CHESTER UPLAND'S CURRENT FINANCIAL RECOVERY PLAN

The Plan, approved by the Court in May 2020, authorizes the Receiver to consider a broad range of options for:

- (1) converting K-12 schools to charter schools or
- (2) entering into a management services agreement for K-12 schools.

Proposals for each model must be evaluated to ensure both high educational quality and cost savings by comparison with the District.

The Plan also authorizes the outsourcing of management tasks and operations, selling of buildings, etc. For example, CCIU has already taken over certain financial administrative tasks and district building was sold.

LEGAL REQUIREMENTS FOR CHARTER CONVERSION

Must ensure “the delivery of effective educational services to all students” and educational services must be at least as good as or better than the educational services and program currently provided. 24 P.S. § 6-641-A(1).

Must ensure the quality of education: content and dissemination of the RFP must be consistent with the charter school law and consider evidence “if available, of a provider's success in serving student populations similar to the targeted population, including demonstrated academic achievement, successful management of nonacademic school functions and safe school environment, if applicable.”). 25 P.S. § 6-642-A(a)(iii)(B).

Must provide alternatives for parents who do not want their children to attend charters. 24 P.S. § 17-1717-A(e)(3).

Must meet the needs of students with disabilities by complying with Chapter 711

LEGAL REQUIREMENTS GOVERNING PRIVATE MANAGEMENT

Quality of education must be prioritized.

Cost savings must be clear.

Curriculum must comply with state standards for the full school year and employ the necessary qualified professional employees, substitutes, and adequate professional employees to enforce the state curriculum requirements. See, e.g., 24 P.S. § 11-1106; 22 Pa. Code § 4.4.

Must meet the needs of students with disabilities, including IDEA's requirement to identify and evaluate all students who are reasonably suspected of having a disability. See 20 U.S.C. § 1412(a)(3).

COURT'S ORDER GOVERNING REQUEST FOR PROPOSAL PROCESS

Receiver must:

- Complete and file outstanding 2018 and 2019 audits as a precondition of the RFP Process
- Timely post on CUSD's website all RFPs and RFIs;
- Conduct the RFP Process in a public manner;
- Ensure that the RFP incorporates important provisions of the School District Financial Recovery Law, 24 P.S. § 6-601 et seq. including requiring the delivery of effective educational services to all CUSD students, including students with disabilities, and undertake a comparative analysis to determine whether any proposal is superior in quality to what CUSD could provide.

CURRENT STATUS OF RECEIVERSHIP CASE

June, 2020: Superintendent Baughn resigned to be appointed by the Court as the new Receiver over PDE's candidate following a hearing. Strategic Advisors assigned to invite potential bidders to RFI process.

November 2020: CCCS filed a motion which disclosed for the first time that an RFP to outsource the management and delivery of education in district schools had been issued on October 26, 2020 and completed bids were to be submitted by Dec. 14, 2020.

December 2020: Parents filed an emergency motion to suspend the RFP process and to require compliance with Court's Order demanding greater transparency, public input, and revisions to RFP to ensure that the quality of education is assessed and prioritized; CCCS also sought to postpone the deadline, revise the RFP, and obtain discovery.

RECENT HEARING AND COURT ORDER

January 2020: Following a hearing on January 11th on all motions, the Court issued an order making revisions to the RFP and postponing the RFP deadline until 30 days after the Receiver posts the completed 2019 financial audits. The completed audit has now been submitted and the new deadline for all RFP submissions is February 25th.

Current Potential Bidders (who attended virtual bidders' meeting): American Paradigm; Chester Community Charter School; CSMI Education Management (represented by Vahan Gureghian and others); Friendship Educational Foundation; Global Leadership Academy; Great Oaks/Baltimore Collegiate Academy; People for People Charter Schools

CURRENT REVIEW PROCESS

February 25, 2021: All bids submitted.

RFP Task Force Review: Stakeholders to include “administrators, community members, District faculty, and staff.” Testimony indicated that there are four School Board members, two community members, Superintendent Birks, one parent, and no faculty.

Duties of Task Force include:

- 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 based on rubric evaluation.

RFP EVALUATION RUBRIC

Section 1: Background, Theory Of Change, and Rationale 5%

Section 2: Proposed School(s) Model(s) 20%

Section 3: Curriculum And Instructional Approach 25%

Section 4: School Climate and Student Motivation 10%

Section 5: Human Resources and Talent Development 10%

Section 6: Parental and Community Engagement 10%

Section 7: Management, Operational, and Financial Capacities 10%

Section 8: Provider Cost Proposal - 10%

RFP REVIEW PROCESS: PUBLIC INPUT

Providers must respond to questions from the District's Receiver, Strategic Advisors, RFP Review Task Force, or the CUSD Board of Education;

Final Bidders or Provider(s) will provide presentation(s) to the District's Receiver, Strategic Advisors, RFP Review Task Force, or the CUSD Board of Education.

Members of the public will have the opportunity to ask questions directly of final bidders during School Board meetings.

Opportunities for Public Input: Receiver meetings and School Board meetings, inquiries to Receiver.

WHAT CAN YOU DO TO MAKE YOUR VOICE HEARD IN THIS PROCESS?

Push for public disclosure of information:

- Members of RFP Review Task Force should be disclosed ASAP
- Inquire re estimated time period for identifying final bidders.

Learn and share information about bidders: What is their track record for education success? How well have they served students with disabilities?

Participate in Receiver and Board Meetings & Question the Bidders Directly re:

- Are the contracts 3-year? 5-year? One year, renewable? What are the oversight and accountability measures? Continuity of curriculum? Staff? Education quality metrics should be compared to current district schools to ensure academic improvements. Cost savings: What costs will remain with the school district?

WHAT YOU CAN DO

Attend Receiver and School Board Meetings:

Participate, ask questions. Request that meetings be recorded and agendas and notes be posted in a timely manner and be readily accessible.

Let your voices be heard: Talk to legislative leaders, state and community leaders about the current situation. Consider letters to the editor and op eds.

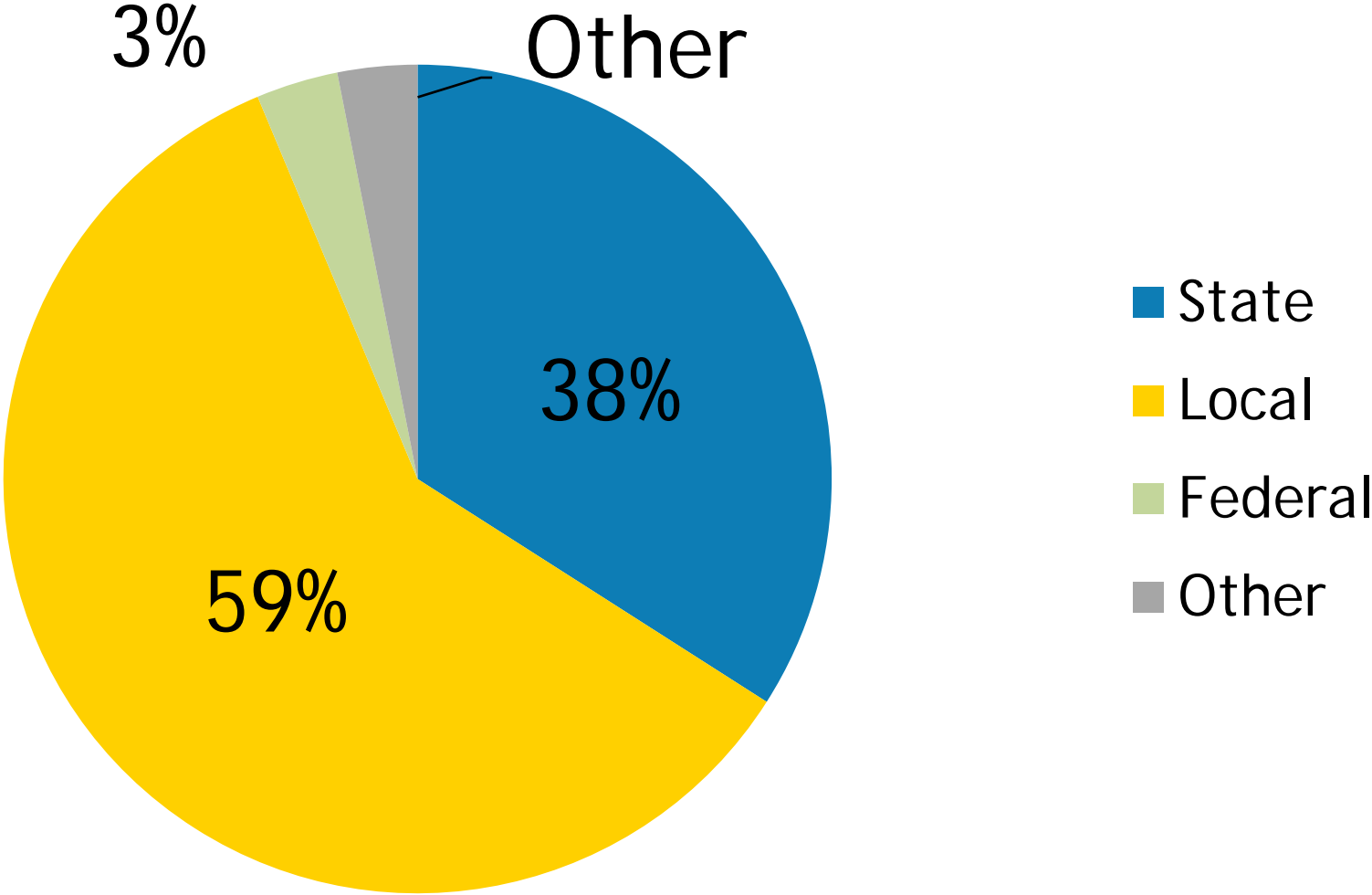
Share your concerns with Court: Let us know what if there are concerns you want to share or questions raised at meetings that are not answered.

THE BIG PICTURE: MONEY MATTERS



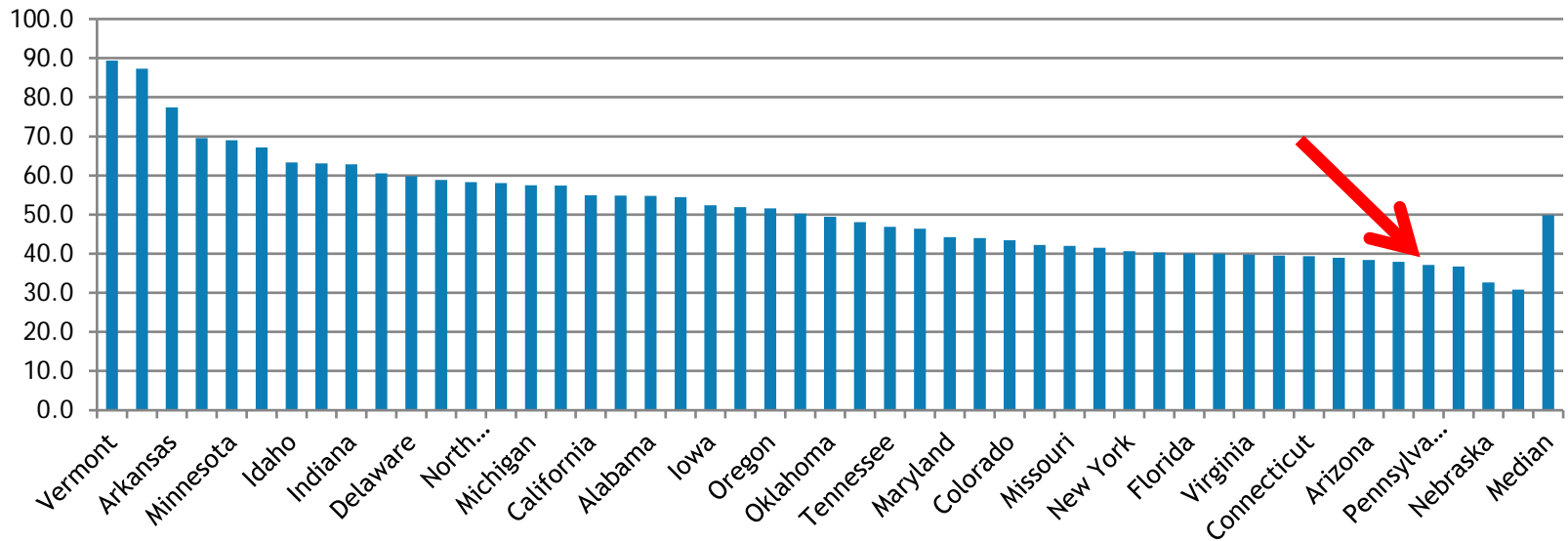
Research is clear that when schools are given resources - high quality preschool, small class sizes, highly qualified teachers, culturally relevant and competent curriculum, access to enough counselors, social workers, technology, etc - academic outcomes improve significantly.

SOURCES OF PENNSYLVANIA EDUCATION FUNDS



HOW DOES PENNSYLVANIA COMPARE?

Percent of a State's Contribution to Education



TAX DISPARITY IN DELAWARE COUNTY (2018)

District	Tax burden: Equalized Mills	Local Revenue per Student
Marple Newtown SD	12.7	\$20,278
Radnor Township SD	14.6	\$21,549
Rose Tree Media SD	17.6	\$19,424
Haverford Township SD	20.4	\$15,596
Chester-Upland SD	21.0	\$3,725
Penn-Delco SD	21.7	\$12,088
Garnet Valley SD	21.8	\$17,567
Springfield SD	22.3	\$14,444
Interboro SD	25.0	\$12,342
Upper Darby SD	27.3	\$8,075
Ridley SD	28.6	\$13,493
Wallingford-Swarthmore SD	28.8	\$16,890
Southeast Delco SD	30.8	\$8,476
Chichester SD	32.1	\$14,390
William Penn SD	34.9	\$8,546

William Penn Sch. Dist. et al v. PDE et al.

- Lawsuit filed: November 2014
- Court: Pennsylvania Commonwealth Court

CLAIMS: FUNDING SYSTEM THAT IS INADEQUATE & INEQUITABLE

- Count I, PA Constitution: “The General Assembly shall provide for the maintenance and support of a thorough & efficient system of public education to serve the needs of the Commonwealth.”
- Count II, PA Constitution: Equal Protection



WILLIAM PENN CASE PROGRESS

- Governor and Legislative leaders argued that the case is not “justiciable;” the issue cannot be heard by the courts.
- **April 2015:** Commonwealth Court dismissed the case as presenting a political question.
- **Sept. 2017:** Supreme Ct rules for Petitioners, case can proceed toward trial
- **Oct. 2020:** Fact discovery and expert reports completed
- **Dec. 2020:** Minor motions for summary judgment
- **2021:** Trial

FUTURE & ECONOMIC IMPACT

Education quality impacts ability to graduate from high school and pursue their interests in college or career.

- College degree leads to economic gains for individual & community
- A smart investment - if we ensure students graduate from high school with proficient reading, math and critical thinking skills they will be more successful adult citizens able to contribute to our economy and our democracy



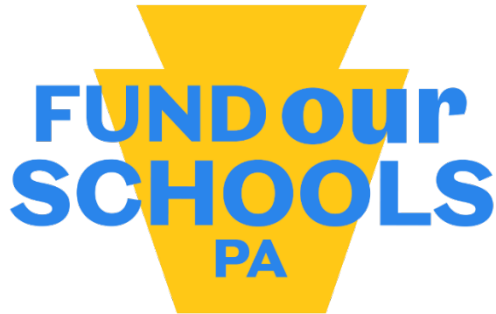
HOW CAN WE WORK TOGETHER FOR FAIR SCHOOL FUNDING?

- PA Schools Work Campaign
 - <https://paschoolswork.org/join-the-work/>
- Letters to the editor & media campaigns
 - General education & special education funding
- Advocacy to state legislators, keep school funding on the discussion
- Follow updates about the litigation (website coming soon)

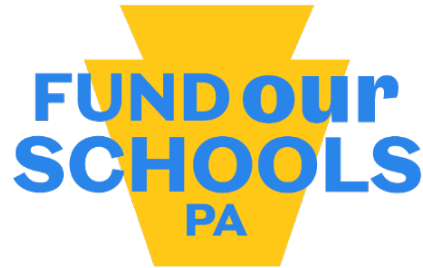
WHAT CAN YOU DO?

FUNDOURSCHOOLSPA.ORG

PASCHOOLSWORK.ORG



- Sign up to stay informed about the case, advocacy campaigns, & calls to action



TAKE ACTION!

- Volunteer to share your school funding story at *FundOurSchoolsPA.org/GetInvolved*
- Write a letter to the editor of your local newspaper
- Post/re-post about school funding on social media
- Email your PA legislators
- Organize a presentation like this for your organization

CONTACT US

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