

**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

William A. Jacobs, Esquire and Kenneth R. Schuster, Esquire
for Chester Upland School Board

Kevin M. McKenna, Esquire, Carolyn Flynn, Esquire and Sean Kerns, 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

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, Kristina Moon, Esquire, Thomas J. Miller, Esquire and Sozi
Tulante, Esquire
For Parent Petitioners

Jacque Jones, Esquire, Michele J. Mintz, Esquire and Jeffrey T. Sultanik, Esquire
For Chester Upland School District and the Receiver Dr. Baughn

Nafis J. Nichols, **via EMAIL**

**ORDER APPOINTING AN INTERIM RECEIVER FOR THE CHESTER UPLAND
SCHOOL DISTRICT**

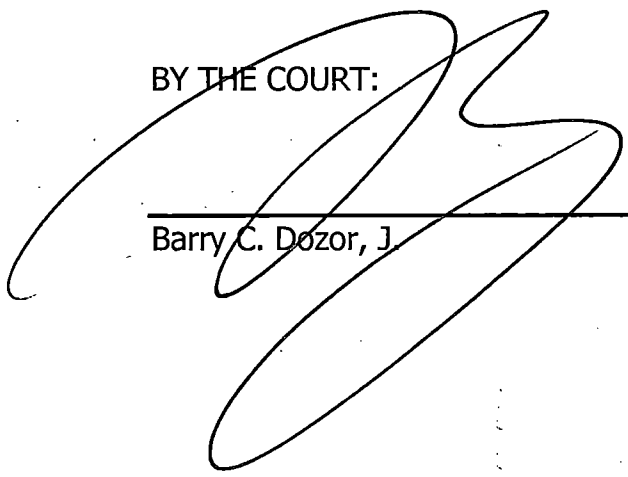
AND NOW, this 13 day of August 2021 upon consideration of the Commonwealth of Pennsylvania, Department of Education's Petition for Appointment of Permanent Receiver of Chester Upland School District or, In the Alternative, an Interim Receiver, replies thereto and a Hearing on August 5, 2021 NOW THEREFORE, it is hereby ORDERED and DECREED, that the Pennsylvania Department of Education's Petition is **GRANTED IN PART AND DENIED IN PART**.

1. On July 12, 2021 the current Receiver for the Chester Upland School District, Dr. Juan R. Baughn, submitted to Pennsylvania Department of Education, specifically Secretary Ortega a letter of resignation. Dr. Baughn's resignation is effective as of August 31, 2021.
2. In anticipation of the vacancy of the position of a Receiver and to have a smooth and uninterrupted Receivership, this Court received a Petition for Appointment of Permanent Receiver of Chester Upland School District or, In the Alternative, an Interim Receiver filed by the Pennsylvania Department of Education on July 27, 2021.
3. Pursuant to Title **24 P.S. Section 6-674-A (f)**, this Court scheduled and held a Hearing on this Petition on August 5, 2021.
4. During the August 5, 2021 Hearing, this Court heard testimony from the Receiver proposed by Pennsylvania Department of Education, Michael Pladus, Ed.D, ("Dr. Pladus").
5. During the August 5, 2021 Hearing, this Court also heard the testimony of Nafis J. Nichols, who submitted his name for consideration directly to this Court, on July 25, 2021, in the time period between the resignation of Dr. Baugh, the filing of the Petition from the Pennsylvania Department of Education and the Hearing. See Court's Exhibit, C-1.
6. This Court notes that Nafis J. Nichols verbal Petition for consideration as Receiver was supported by Chester Mayor Thaddeus Kirkland, Senator John I. Kane, Friends of Chester Community Charter, Chester Charter School for the Arts as well as the Chester Community Charter School.

7. This Court notes that in the event that a Court rejects the Pennsylvania Department of Education's Petition requesting the Appointment of a receiver and naming in the Petition the person to serve as a receiver, the Court shall name a receiver. See **24 P.S. § 6-674-A (c)(1)**.
8. Nafis J. Nichols, is a graduate of Chester High School and has been a resident of the City, provides municipal and government experience and expertise, including valuable experience with government, financial and budget requirements, management, accounting, human resources and other key functions of Receivership and the Districts return to financial stability.
9. Candidate Nichols meets the Statutory requirements for appointment and provides experiences, and a spectrum of talents and traits that may assist with the success of receivership and financial recovery, as well as the financial and educational tasks ahead for the District and all students, staff, teachers and parents.
10. Candidate Nichols' public and private sector experiences identifies strengths in management, book keeping, human resources, public relations, grant applications, contract negotiations, collective bargaining agreements and Act 47 Recovery (Borough of Colwyn) Plan(s), and third-party vendors for municipal financial roles.
11. The Chester-Upland School Community provides unique community dynamics. The Community is very much engaged, informed, sincere and committed to recovery and improving educational opportunities for their students. Community support for recovery and pursuing educational excellence is crucial for the success of Receivership.
12. Community support for the Receiver's leadership, work product and initiatives are fundamentally and practically important. Candidate Nichols exhibits strengths of pursuing communication, collaboration and coalition.
13. It is further ORDERED and DECREED that Nafis J. Nichols is appointed to serve as the Interim Receiver for the Chester Upland School District for a term to begin on September 1, 2021.

14. Having been advised, by way of a Joint Stipulation of August 13, 2021, that the balance of the receivership term ends on June 3, 2022, and the term of Financial Recovery is winding down, this Appointment to serve this transitional period as an Interim Receivership ends June 3, 2022, or sooner if the Financial Recovery status ends, or later by further Order of Court.

BY THE COURT:



Barry C. Dozor, J.