

MEMORANDUM

February 6, 2005

To: Attorney Leon Williams
From: William and Carrie Bailey
Subject: **Position Paper and Required Remedies Regarding the Confiscation of Khepera Charter School from Founder Carrie Bailey by the Board of Trustees**

Enclosures: (1) Notice of Determination from the Commonwealth of Pennsylvania, Department of Labor and Industry, Bureau of Unemployment Compensation Benefits and Allowances.
(2) Adjustments to Carrie Bailey's Reimbursable Expenses.
(3) Response to Adjustments to Carrie Bailey's Reimbursable Expenses.
(4) Documentation of the Effort Expended by Carrie Bailey to Transform Khepera Charter School from a Vision to a Reality
(5) Record of Expenses for Emergency Treatment due to Assault Suffered in Incident of September 28, 2004.

1. This memorandum lists items required by Carrie Bailey from the Khepera Board of Trustees. It also presents background information on the need for certain items.

2. The required items are:

a. A walk through of the facility for the purpose on identifying and repossessing personal items.

b. Copies of meeting minutes that document the discussions and record the voting regarding the termination of Carrie Bailey's position as CEO.

c. Copy of the report of the "investigation" of the incident of September 28, 2004.

d. Reimbursement for adjustments to Carrie Bailey's expenses as specified in enclosure (3).

e. Compensation for the effort expended by Carrie Bailey to transform Khepera Charter School from a vision to a reality.

f. Payment of Workman's Compensation claim for expenses specified in enclosure (5).

3. Obtaining a copy of the report of the "investigation" of the incident of September 28, 2004 is an absolute necessity.

4. In a mockery of due process and fairness, without giving Carrie Bailey the opportunity to assess and rebut the report, the board used the report as a basis for terminating Carrie Bailey's position. Moreover they have been showing the report to people with whom she had developed rapport and trust, as justification for their action.

5. Carrie Bailey's short glimpse of the report revealed it to be a distortion of her behavior and intentions masquerading as facts. A few of the points that demand responses are:

a. Concentration on a single fallible eyewitness who stated that he saw a child being choked.

b. Capricious dismissal of witness statements that disputed that account.

c. Criticism of Carrie Bailey for not informing the president of the board about the incident, even though he had offered her no support in the work she did to gain the charter and no support in running the school after it opened.

d. Criticism of Carrie Bailey for reporting the incident to the police, even though that was precisely the direction given by the School Climate and Safety Officer at the Charter School Informational Meeting on June 22, 2004.

6. Enclosure (1) contains an objective assessment of the report. Included in its discussion is the following. "In situations where a claimant is discharged, the burden of proof is on the employer to show the claimant's action which caused the separation constitute willful misconduct... In this case the claimant did not admit to the incident which caused the separation and the employer did not submit sufficient information to sustain its burden of proof."

7. A forum in which Carrie Bailey responds to this report is a necessity. People are waiting to hear from her. We have gotten feedback that people are hurt that she is no longer associated with the school. They are disappointed that her mission for Khepera has been abandoned. Referring to the board, we have been told, "They are lying to the parents. They think we don't know it, but we do."

8. This Paragraph begins an explanation of the legitimacy of Carrie Bailey expectation to be financially compensated for her painstaking three-year effort to transform Khepera Charter School from a vision to a reality. She had expected her reward to be seeing her vision flourish. But the Khepera Board's manipulation of the charter school laws undermined that expectation. Through their tactics, they grabbed the benefits of her three years of work and grabbed control of a two million-dollar budget.

9. Enclosure (4) contains comprehensive details and a valuation of Carrie Bailey's effort. This paragraph summarizes that effort. Her work began in October 2001 with

the conception, production and submission of a successful application for a \$20,000 charter school planning grant. Over the following three years she organized, hosted and led an approximately 11 person team of charter school application writers (many were compensated for their services); generated widespread excitement and support for Khepera through involvement and presentations at community organizations, orientation events that she produced, and appearances on radio talk shows; solicited approximately 25 letters of support to include in the charter school application; received approximately 80 enrollment application to include in the charter school application; wrote the bulk of the charter school application; edited typed and combined the work of the other writers to produce the final product; led the presentation at the charter school application review in March 2003 and was awarded a provisional charter; conceived approaches to addressing 15 conditions for receiving a full charter, did the work to fulfill the conditions and produce the documentation to support their fulfillment; introduced herself to and gained the trust and admiration of the owners of the current site of the school; negotiated the lease agreement; obtained insurance for the board; obtained legal services for the board; delivered the package documenting the fulfillment of the 15 conditions in April 2004, and was awarded a full charter pending the fulfillment of 3 additional conditions by June 2004; conceived approaches to addressing the additional conditions, and produced the documentation to support their fulfillment; obtained the crucial certificate of occupancy for the site of the school; sought and gained a \$500,000 construction loan; gained the trust admiration and dedication of the architect and contractors to work for her before she had the loan money to pay them; managed the major and complex construction project to prepare the school for opening in a short two month period; recruited a teaching and support staff of 16 people; recruited an enrollment of 275 students; conceived approaches to addressing the 20 items required to gain the \$500,000 construction loan; did the work to fulfill the items, produced and delivered the documentation to support their fulfillment; conceived approaches to addressing the 17 items required by the Philadelphia School District for new charter schools; did the work to fulfill the items, produced and delivered the documentation to support their fulfillment; conceived approaches to addressing the 14 items required by the Pennsylvania Department of Education for new charter schools; did the work to fulfill the items, produced and delivered the documentation to support their fulfillment; handled the approximately 20 phone calls and 10 emails per day during spring and summer 2004 from the Philadelphia School District, the Pennsylvania Department of Education, the loan officer, the landlord, the architect, the contractor, job seekers, and parents, all requesting immediate attention; selected, ordered and received delivery of textbooks; selected, ordered and received delivery of furniture; commissioned and managed the production of the Khepera brochure; commissioned the tailoring of school uniforms; developed and maintained the Khepera website; produced the school's handbooks; opened the bank accounts; and risked approximately \$50,000 of personal money for pre-funding financing of Khepera's expenses.

10. Khepera Charter School opened on September 7, 2004. On September 28, a child punched Carrie Bailey on her temple and she instinctively acted to restrain him. A

man and two women arrived later accusing her of choking the child, cussing and threatening her. One of the women struck her. (Later that day Carrie Bailey worked into the evening, purchasing equipment and cleaning three flooded classrooms in the basement.) A week later on October 5, without ever talking her, the board enacted punitive measures against Carrie Bailey, including a resolution to put her on administrative leave. The board gave her notice of termination in a letter dated November 4. So in less than two months, with callous indifference to the significant sacrifices Carrie Bailey made to transform Khepera from a vision to a reality, the board confiscated her three-year effort and gained total control over a two million dollar budget.

11. Given that the board has custody over two million dollars of the public's money, the public is entitled to the following.

a. Explanations for the lack of constructive leadership. Explanations for the lack of actions to instill confidence in and assure due process and fairness for the founder, heart and soul of the institution. Explanation for the actions whose inevitable results would be harm to the school.

b. Explanation for how the board expected Carrie Bailey to be effective under the uncertain and toxic environment created by their actions.

c. For their actions to be legal, the sunshine law requires that actions as important as removing the founder be held in previously advertised public meetings. The board had a sunshine meeting on October 13 where the matter was not discussed. Their next one was on November 10. Yet the termination letter was dated November 4. The public is entitled to see the minutes of the meetings where Carrie Bailey's removal was discussed and passed. The public is entitled to see proof of the notice of this meeting was advertised as required by law.

d. The well-organized and influential neighbors of West Mount Airy gave the OK for the school to proceed based on trust they placed in Carrie Bailey, after meeting her, that she would protect the integrity of their neighborhood. They are entitled to see a evidence of an intention to continue the effective effort Carrie Bailey put into this area.

e. Removal of the key person with mostly all of the corporate knowledge is a major transition. The public is entitled to expect that the custodians of two million dollars of their money to have the foresight and skills and to have produced the plans to carry out this transition with minimum disruption. The public is entitled to see the plans that identified and specified the details of daily activities, and the plans for post transition operation.

f. Carrie Bailey was awarded a \$500,000 Implementation Grant from the Pennsylvania Department of Education to bring start up activities, materials and innovative learning programs to the school, and to incorporate a computer laboratory

and school wide local area network. The public is entitled to see evidence that those plans are being implemented.

g. The public is entitled to see evidence that the board's officers are fulfilling their duties as specified by bylaws submitted to and approved by the Commonwealth of Pennsylvania.

12. Please initiate a dialog with the board's attorney for the purpose of attaining the requirements specified in paragraph 2.

William HT Bailey
Carrie DM Bailey