

MEMORANDUM

November 1, 2006

To: Attorney Leon Williams
From: William HT Bailey

Subj: Deposition Strategy for Rachel Randolph v. Khepera Charter School

Encl: (1) Specific Questions
(2) Pertinent Regulations

1. We want the deposition to address the following items.
 - a. When and where they decided to terminate Rachel Randolph's employment?
 - b. How they reached the conclusion that Rachel Randolph held an administrative position?
 - c. How their conclusion that Rachel Randolph held an administrative position warranted terminating her employment?
 - d. What compelled them to dismiss Rachel Randolph the same day they dismissed the other founder a mere two months after opening?
 - e. Whether or not they complied with their obligation to report the details of Rachel Randolph's dismissal to the School District of Philadelphia?
 - f. Why they failed to address pertinent items in their August 1, 2005 Annual Report?
2. Enclosure (2) delineates specific questions for each of the items.
3. Enclosure (3) is a collection of pertinent regulations.

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Specific Questions for Item a.

When and where they decided to terminate Rachel Randolph's employment?

(1) The resolution to dismiss Rachel Randolph was established in the evening of November 10, 2004 following the afternoon when she was verbally dismissed. When, where and how did the discussions leading to her dismissal take place?

(2) Was she informed of these meetings?

(3) Were these meetings reported at an open meeting?

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Specific Questions for Item b.

How they reached the conclusion that Rachel Randolph held an administrative position?

(1) How is an administrative position established?

(2) How could the extra work Rachel Randolph was doing put her in an administrative position?

(3) Are you aware that it is common practice in the School District of Philadelphia for teachers to get extra pay for extra work?

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Specific Questions for Item c.

How their conclusion that Rachel Randolph held an administrative position warranted terminating her employment?

(1) Should a person who assumes extra work be applauded or punished?

(2) Did you ever talk to Rachel Randolph about the extra work she was doing?

(3) Were any means of addressing the situation other than dismissing her considered?

(4) Were the contributions she made and was making given any consideration?

(5) Were you aware of her contributions?

(6) SPECIAL QUESTION FOR THE SECRETARY. What compelled you to put forth a resolution to terminate Rachel Randolph's employment?

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Specific Questions for Item d.

What compelled them to dismiss Rachel Randolph the same day they dismissed the other founder a mere two months after opening?

(1) What compelled you to dismiss Rachel Randolph on the same day you dismissed the other founder a mere two months after they successfully completed establishing the school?

(2) Was the connection just coincidence?

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Specific Questions for Item e.

Whether or not they complied with their obligation to report the details of Rachel Randolph's dismissal to the School District of Philadelphia?

(1) Did you comply with Act 22 of 1997 - the Charter School Act – Section 1724-A, Subsection H, which obligates you to report the details of Rachel Randolph's dismissal to the School District of Philadelphia?

(2) Why not?

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Specific Questions for Item f.

Why they failed to address pertinent items in their August 1, 2005 Annual Report?

(1) What is the purpose of the Annual Report and what are the Board's responsibilities with regard to it?

(2) The August 1, 2005 Annual Report you delivered to us in a previous case was missing responses to Section VI Paragraph 2, Section VI Paragraph 3 and Section X Paragraph 1. Did you delete those responses before delivery?

(3) Why did you fail to respond to them?

(4) In section VI, paragraph 3 of your August 2006 Annual Report you state, "Throughout the year, the Board members participated in several kinds of professional development. This participation happened on the State, local and internal level. On the state level, trustees attended the annual Pennsylvania Charter School Conference in May 2006. Members attended the following workshops: 1. Duties and Responsibilities of the Board; 2. The importance of collecting timely and accurate attendance; 3. New legislation that affects governance of charter schools.

Who attended what development sessions? When and where did these sessions take place?

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Pertinent Regulations

**Charter School Law Section 1716-A, Paragraph (C)
&
Sunshine Act Section 8, Paragraph (a)(1)**

**Text of Act 22 of 1997
(Senate Bill 123)
Charter Schools**

Section 1716-A. Powers of Board of Trustees

(C) The Board of Trustees shall comply with the Act of July 3, 1986 (P.L.388, No.84), known as the "Sunshine Act."

**Sunshine Act
Act of July 3, 1986, P.L. 388, No. 84
65 P.S. 271 et seq.**

Section 8. Executive sessions.

(a) Purpose.-An agency may hold an executive session for one or more of the following reasons:

(1) To discuss any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of performance, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the agency, or former public officer or employee, provided, however that the individual employees or appointees whose rights could be adversely affected may request, in writing, that the matter or matters be discussed at an open meeting. The agency's decision to discuss such matters in executive session shall not serve to adversely affect the due process rights granted by law, including those granted by Title 2 of the Pennsylvania Consolidated Statutes (relating to administrative law and procedure). The provisions of this subsection shall not apply to any meeting involving the appointment or selection of any person to fill a vacancy in any elected office.

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Pertinent Regulations

Charter School Law Section 1724-A, Paragraph (H) (1)

**Text of Act 22 of 1997
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Section 1724-A. School Staff

(H) (1) Any temporary professional employee or professional employee who leaves employment at a charter school shall have the right to return to a comparable position for which the person is properly certified in the school entity which granted the leave of absence. In the case where a teacher has been dismissed by the charter school, the school entity which granted the leave of absence is to be provided by the charter school with the reasons for such dismissal at the time it occurs, a list of any witness who were relied on by the charter school in moving for dismissal, a description and access to any physical evidence used by the charter school in moving for dismissal and a copy of any record developed at any dismissal proceeding conducted by the charter school. The record of any such hearing may be admissible in a hearing before the school entity which granted the leave of absence. Nothing in this section shall affect the authority of the board of school directors to initiate proceedings under Article XI if the board determines that occurrences at the charter school leading to dismissal of a teacher constitute adequate and independent grounds for discipline under Section 1122.

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Pertinent Regulations

Three Items from August 2005 Annual Report

Section VI, Paragraph 2

Discuss briefly any leadership changes during the past year on the Board of Trustees and in the school administration (President of the Board, Chief Executive Officer, Principal, etc.) explaining why or how those changes were accomplished.

Section VI, Paragraph 3

Describe professional development regarding governance of the school (including the Sunshine Law and the Public Officials Act) for the Board of Trustees.

Section X, Paragraph 1

Describe the professional staff of the school including total number of personnel, how many are returning staff from the 2003-2004 school year, and how many were with the school for the entire 2004-2005 school year. Discuss staff turnover and retention patterns and possible reasons for each.