

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF EDUCATION
STATE CHARTER SCHOOL APPEAL BOARD**

EDUCATION FOR NEW GENERATIONS	:	
CHARTER SCHOOL,	:	
Petitioner,	:	
	:	
v.	:	CAB Docket No. 2013-10
	:	
NORTH PENN SCHOOL DISTRICT,	:	
Respondent.	:	

OPINION AND ORDER

I. INTRODUCTION

On October 17, 2014, the North Penn School District [hereinafter North Penn] filed a Petition for Reconsideration and Rehearing with the State Charter School Appeal Board [hereinafter CAB] regarding CAB’s Order of October 3, 2014. CAB’s Order had granted the Appeal of Education for New Generations Charter School [hereinafter New Generations or Charter School] from North Penn’s denial of its Revised Application. (HO-1).

After receiving an Answer to the Petition from New Generations, CAB issued a March 6, 2015 Order granting North Penn’s Petition for Rehearing and directing a hearing officer to take additional testimony and documentary evidence regarding certain specific questions/issues. (HO-4).

Hearings were held by the Hearing Officer on July 20 and August 18, 2015. The parties filed proposed findings. (HO-19 and HO-20). On February 16, 2016, the Hearing Officer submitted 217 proposed findings of fact in response to the March 6, 2015 CAB Order. Both parties filed exceptions and a brief in support of the exceptions. North Penn filed a brief in opposition to New Generation’s exceptions.

On May 24, 2016, CAB heard oral argument on the exceptions to the Hearing Officer's findings.

II. PROCEDURAL BACKGROUND

On October 31, 2012, New Generations submitted to North Penn its initial proposal (hereinafter Initial Application) to establish a charter school. However, after a public hearing, New Generations' Initial Application was denied by North Penn on February 12, 2013. As permitted by Section 1717-A(f) of the Charter School Law, 24 P.S. §17-1717-A(f), New Generations chose to revise and resubmit its application on March 22, 2013 (hereinafter Revised Application). On May 16, 2013, North Penn's Board voted unanimously to deny the Revised Application stating, as its only reason for denial, that: "the Applicant has not demonstrated the amount of support that is necessary to sustain a charter school."

In response to this denial and in compliance with Section 1717-A(i)(2) of the Charter School Law [hereinafter CSL], New Generations obtained the signatures of more than one thousand residents of North Penn School District in support of an appeal of its denial. It subsequently filed its Petition to Appeal with the Montgomery County Court of Common Pleas on July 22, 2013. Upon consideration of the Petition filed by New Generations regarding the sufficiency of its signatures, an Order and Decree was issued on October 8, 2013 granting New Generations' Petition.

New Generations filed an appeal with CAB on October 11, 2013. Oral arguments were held on July 29, 2014, and on September 30, 2014 the CAB voted unanimously to grant the Charter School its charter. On October 3, 2014, the CAB issued its written Decision and Order granting the Charter School's charter.

III. FINDINGS OF FACT

1. On October 17, 2014, North Penn filed a Petition for Reconsideration and Rehearing with the CAB regarding CAB's Order of October 3, 2014 which had granted the Appeal of New Generations from North Penn's denial of its Revised Application. (HO-1).

2. On October 30, 2014, CAB issued an Order granting North Penn's Petition for Reconsideration and Rehearing and requiring New Generations to file an Answer to the Petition within twenty (20) days. (HO-2).

3. On November 20, 2014, New Generations filed its Answer. (HO-3).

4. On March 6, 2015, CAB issued an Order granting the Petition for Rehearing and directing that a hearing officer take additional testimony and documentary evidence regarding certain specific questions/issues. (HO-4).

5. Hearings were held on July 20, 2015 and August 18, 2015.

6. Both parties submitted Proposed Findings of Fact.

What is Arhatic Yoga?

7. Arhatic Yoga is a specific organization of seven different yogas that involves meditations, breathing exercises and physical exercises. (N. T. 61-62).

8. Arhatic Yoga is a branch of a religious movement founded by Grand Master Choa Kok Sui [hereinafter Grand Master] of the Philippines during the second half of the 20th Century. (N.T. 154, 159; SD-4, Chapter 1, Chapter 2).

9. Arhatic Yoga involves a series of spiritual practices that are ultimately designed to allow the practitioner to reach soul and God realization. (N.T. 159; SD-4, p. 172).

10. Arhatic Yoga includes five basic pillars that must be achieved before moving on to higher levels of practice. (SD-4, p. 175).

11. The first of the Five Pillars of Arhatic Yoga is Devotion to the Supreme Being and Reverence to the Spiritual Teacher. (N.T. 159; SD-4, p. 175).

12. Another term for the “Spiritual Teacher” in Arhatic Yoga is “Sat Guru.” In Arhatic Yoga, the Sat Guru is the Grand Master and it is through him that the blessing of God passes. (N.T. 159; SD-4, p. 175).

13. The second pillar of Arhatic Yoga is Purifications. This pillar includes both physical and inner purifications. (N.T. 159; SD-4, p. 176).

14. The physical purifications that comprise the second pillar of Arhatic Yoga include a proper diet, abstinence, breathing exercises, and physical exercises. (N.T. 160; SD-4, p. 176).

15. The inner purifications that comprise the second pillar of Arhatic Yoga are also referred to as “character building.” These inner purifications, or character building, involve adherence to five virtues. The five virtues are: (1) loving kindness and non-injury, (2) generosity and non-stealing, (3) objectivity (honesty) and non-falsehood, (4) moderation and non-excessiveness and (5) constancy of aim and effort and non-laziness. (N.T. 160; SD-4, pp. 177-181).

16. The third pillar of Arhatic Yoga is Meditations. The most important meditation in Arhatic Yoga is the Meditation on Twin Hearts which involves blessing other beings with loving-kindness which activates the heart chakra, also known as an energy center, and the crown chakra, which is the center of the divine heart. (N.T. 160-161; SD-4, pp. 175, 183).

17. The fourth pillar of Arhatic Yoga is Study, specifically, the study of the Grand Master’s teachings. (N.T. 161; SD-4, pp. 175, 192).

18. The fifth pillar of Arhatic Yoga is Service and Tithing. (N.T. 161; SD-4, p. 175).
19. Adherents of Arhatic Yoga are required to donate ten percent of their income to the charitable projects of the Grand Master. (N.T. 161; SD-4, p. 190).

What is Pranic Healing?

20. Pranic Healing was not developed by Master Choa Kok Sui but was developed in or before the 1st Century CE. (N. T. 117-118).
21. Pranic Healing incorporates concepts from both Indian and Chinese medicine. (N. T. 115-116).
22. Prana is an Indian word meaning energy. (N.T. 115).
23. Pranic Healing is a practice and idea that, in addition to a person's biology, there is also energy that can be affected by a person's mental state or affected by other people that can be used for healing. (N. T. 114-115, 472).
24. Pranic Healing is similar to the concept of the "placebo effect" in that both derive from the idea that energy within the body can be used in healing. Other examples are acupuncture and acupressure. (N. T. 115-116).
25. The concept of Pranic Healing is utilized every day by persons in the medical profession, including nurses and doctors in Western culture who use therapeutic touch to address patients' illness and healing. (N. T. 115).
26. Pranic Healers believe in an invisible, spiritual form of energy that has not been confirmed by conventional scientists or scientific equipment. (N.T. 155).
27. The concept of Pranic Healing is that people have both a physical body and an energy body, sometimes called an "aura." (N.T. 155).

28. Pranic healers believe that the spiritual energy flows along channels, which are sometimes called meridians, and through gates that are called chakras. Pranic Healing is premised on the belief that in order for life to exist, the body must have prana or chi or life energy. (N.T. 155; SD-4, p. 90).

29. Pranic healers believe that by using their hands in a sweeping motion, they can move diseased energy out of a person's aura. (N.T. 156; SD-4, pp. 112-114).

30. Pranic Healing, also sometimes referred to as Modern Pranic Healing, is part of a new religion founded by the Grand Master. (N.T. 154; SD-4, p. 119).

31. The Grand Master's Pranic Healing, or Modern Pranic Healing, is founded on four important concepts: Intuitive Intelligence, Inner Transmission, Guided Transferred Clairvoyancy and Telepathic Communication. (N.T. 157-159; SD-4, p. 67).

32. Intuitive Intelligence refers to a knowing through direct inner perception that comes without study by activating the crown chakra, which is the gateway to God. (N.T. 158).

33. Pranic healers begin healing sessions by invoking a divine blessing. (N.T. 157).

Is Arhatic Yoga or Pranic Healing a religion or associated with religious practices?

34. Arhatic Yoga and Pranic Healing have gathering places that are considered sacred, holy and significant. Two of these locations are the Institute for Inner Studies in the Philippines and the Center for Pranic Healing in New Jersey. (N.T. 173).

35. Arhatic Yoga and Pranic Healing are two branches of a new religion founded by the Grand Master. (SD-4, Introduction).

36. Dr. Glenn Mendoza [hereinafter Dr. Mendoza] is a leader of Arhatic Yoga, a practitioner of Pranic Healing and one of New Generations' four founders. (N.T. 233).

37. In a 2011 lawsuit unrelated to the present matter, Dr. Mendoza described Arhatic Yoga and Pranic Healing as “a devoted spiritual practice rooted in religion and ancient teachings of meditation, physical and breathing exercises, charitable and humanitarian efforts and the study of religious scriptures. It is no different than being Jewish, Hindu, Buddhist, Catholic or Muslim.” (N.T. 241; SD-14, p. 12). Dr. Mendoza’s Complaint in that lawsuit also stated that “meditation and prayer precedes and is incorporated in all aspects” of Arhatic Yoga and Pranic Healing. (SD-14, p. 12). Dr. Mendoza has described Arhatic Yoga and Pranic Healing as “part of [his] religious beliefs.” (SD-14, p. 29).

38. As part of his “spiritual thesis,” the Grand Master focuses on improvement on an individual level by “achieving oneness with the Higher Soul” and experiencing one’s “buddha nature” and on a planetary level by healing the planet and creating “heaven on earth.” (N.T. 169; SD-4, pp. 172, 185, 188). The “Great Vision” of the Grand Master is that if there is one Pranic Healer for every family and one Arhatic Yogi for every one thousand people within one hundred and fifty years, there will be heaven on earth. (N.T. 169; SD-4, p. 199).

39. Arhatic Yoga and Pranic Healing have important writings. (N.T. 171). There are a number of sutras, or prescriptions for a way of life, that were published by, or ascribed to, the Grand Master. (N.T. 172; SD-5; SD-6; SD-7).

40. Arhatic Yoga and Pranic Healing are part of a comprehensive belief system. (N.T. 170). According to the Grand Master, the spiritual practices that comprise Arhatic Yoga and Pranic Healing, including character building, service and living the life of a good person, are “a way of life.” (N.T. 170; SD-4, p. 169). The purpose of Arhatic Yoga, in particular, is to “produce intelligent, compassionate, good hearted, powerful disciples who will become great divine servants.” (N.T. 170; SD-4, p. 169).

41. Arhatic Yoga and Pranic Healing have designated keepers of knowledge such as clergy or ministers. (N.T. 173). Two of these keepers of knowledge are New Generations' founders Glenn Mendoza and Kimberly Siar. (N.T. 174). Arhatic Yoga may only be learned under an authorized Arhatic instructor for the following three reasons: (1) to maintain purity of the teachings and techniques, (2) to achieve spiritual empowerment, and (3) to insure that the Arhatic students will receive divine guidance, divine help and protection. (N.T. 173; SD-4, p. 198). To become a Pranic Healer, one must complete certain courses and submit a minimum number of successfully healed cases. (SD-9).

42. Arhatic Yoga and Pranic Healing have a set structure or organization. At the top of the hierarchy is Bodhisattva Padmasambhava who is then followed by the Grand Master. The Grand Master then designated nine masters who are trained in advanced spiritual techniques that are not revealed to the public. Two of these masters are Dr. Mendoza and his wife, Marilag Mendoza. Below the masters, there are various levels of certified Pranic Healers. (N.T. 175-176; SD-9; SD-10).

43. Arhatic Yoga and Pranic Healing include some form of ceremony or ritual. One example is the sweeping motion that Pranic Healers do when removing negative or diseased energy. Other examples include SuperBrain Yoga and the Meditation on Twin Hearts, which is often practiced at weekly and full moon meditations. (N.T. 174-175).

44. Arhatic Yoga and Pranic Healing prescribe abstinence and a certain diet. There are prohibitions against smoking, excessive alcohol and meat, the eating of pork, and the eating of fish without scales. (N.T. 179; SD-4, p. 176; CS-15, p. 132).

45. Arhatic Yoga and Pranic Healing utilize proselytizing techniques. The goal of the Center for Pranic Healing in New Jersey, the Institute for Inner Studies in the Philippines, and

other similar entities throughout the world is to spread the Grand Master's teachings. The Grand Master taught his followers that "Pranic Healing must spread like a virus—constantly, deeply and quietly." He also taught: "spread the teachings as fast as possible. Spread the work. Do this now, now, now!" and "[c]onquer all countries spiritually! Spread the Light!" (N.T. 180; SD-7, pp. 2, 5, 7).

46. Dr. Candy Brown [hereinafter Brown] was offered as an expert witness, without objection, on the topic of religion. She was accepted, over objection, as an expert witness on Pranic Healing and Arhatic yoga as a religion and whether or not New Generations is religious in nature. (N.T. 132, 146-147).

47. Brown testified that Pranic Healing is a new religion, basing her opinion in large part upon a sociological study outlined in an article by Beckford and Suzara that involved only Catholic individuals located and residing in the Philippines. (N.T. 181-182, 474-475; CS-15; SD-2).

48. The sociological study by Beckford and Suzara was performed by non-Americans, did not involve any individuals located in, or who were residents of, the United States and did not discuss the practice of Pranic Healing in the United States. (N.T. 474-475; CS-15; SD-2).

49. Regarding the definition of religion, Brown testified: "I like to use a definition that's in a widely assigned college textbook that's now in its fifth edition called America: Religions & Religion, which is authored by a scholar, Catherine Albanese"; and Brown then went on to testify regarding what she considered the "four Cs of religion": creed, code, cultus and community, "through which people locate themselves in reference to both ordinary and extraordinary powers, meanings, and values." (N.T. 148).

50. The book America: Religions & Religion referenced by Brown does not provide an exact definition of religion but specifically states that “. . . religion eludes definition,” and that “[i]t is difficult, if not impossible, to define religion.” (CS-13, pp. 2-3).

51. There is no precise legal definition of religion, but Brown’s testimony included a discussion of two different legal definitions set forth in *Malnak v. Yogi*, 592 F.2d 197 (3d Cir. 1979) and *U.S. v. Meyers*, 95 F.3d 1475 (10th Cir. 1996). (N.T. 140-141).

52. Arhatic Yoga falls under the umbrella of Pranic Healing, but Arhatic Yoga, according to New Generations’ expert, Dr. Daniel Cozort [hereinafter Cozort], is not a religion. (N.T. 109-110).

53. Brown has previously provided testimony under oath, in other legal matters, stating that she believes yoga to be a religious practice. (CS-22, p. 24).

54. Arhatic Yoga and Pranic Healing include the celebration of holidays. The most important holiday is August 15, which is called Founders Day and occurs on the Grand Master’s birthday. Days on which there is a full moon are also important and are celebrated with meditations. (N.T. 77, 179).

Are any of the symbols associated with the Charter School, including its logo, religious in nature?

55. New Generations utilizes an image of a tree with visible roots as its logo. (N.T. 186; SD-39).

56. New Generations’ logo is a tree with the letters e-N-G, and is teal and gold in color. (N.T. 37; SD-39).

57. The New Generations logo is very similar to the tree logo that was utilized by The Center for Pranic Healing on its advertisement for the 2011 Master Choa Kok Sui Education for

the New Generations Summit. (N.T. 368; *compare* SD-39 with SD-11).

58. The significance of the “tree of life” is that it refers to spiritual roots of man being connected to the higher soul and ultimately to God. (N.T. 186).

59. According to the writers of the Application and Revised Application, Naomi Rodriguez [hereinafter Rodriguez] and Kim Siar [hereinafter Siar], New Generations used a tree logo because a tree is “. . . often used in education as a symbol of growth.” (N.T. 33, 37, 65).

60. The drafters of the New Generations’ applications also chose to use a tree because it “shows growth” and resembles the brain with its development of branches. (N.T. 65-66).

What, if any, is the connection or relationship between the proposed Education for New Generations Charter School and Arhatic Yoga and/or Pranic Healing?

61. The Grand Master’s vision for Pranic Healing in the school system in 1997 was a “theoretical framework” called “Education for New Generations.” (SD-12).

62. The four founders of New Generations are Siar, Rodriguez, Dr. Mendoza and Ilan Almog. (N.T. 233; Revised Application, pp. 33-34).

63. All four of the founders of New Generations attended the hearing before North Penn’s Board of School Directors in December of 2012. (N.T. 233-234).

64. The descriptions of Dr. Mendoza in the Revised Application did not reference any involvement with Arhatic Yoga or Pranic Healing. (N.T. 237-238; Revised Application, pp. 33-34; Revised Application, Appendix N, pp. 10-16).

65. Dr. Mendoza is one of nine Master Pranic Healers in the world and President of The Center for Pranic Healing in New Jersey. (N.T. 244; SD-16).

66. Dr. Mendoza filed a lawsuit in New Jersey against Good Samaritan Hospital in 2011 alleging that he was terminated because of his involvement with Arhatic Yoga and Pranic

Healing. (N.T. 240; SD-14, p. 13).

67. Dr. Mendoza has “written articles, taught classes, attended and conducted workshops in the United States and abroad on the subject” of Arhatic Yoga and Pranic Healing. (SD-14, p. 12).

68. According to the Revised Application, Dr. Mendoza will be the lead person responsible for conducting the lottery for which students are accepted to New Generations and also for confirming student acceptances. (Revised Application, p. 48; N.T. 337).

69. The description of Siar in the Revised Application does not reference any involvement with Arhatic Yoga or Pranic Healing. (N.T. 247; Revised Application, pp. 33-34).

70. Siar makes several references on her resumé to SuperBrain Yoga or SBY which is a separate yoga practice from either Arhatic Yoga or Pranic Healing. (N.T. 114, 117, 493; Revised Application, Appendix V).

71. Siar is a practitioner of Arhatic Yoga and Pranic Healing. (N.T. 62-63).

72. Siar has organized events on Pranic Healing where Dr. Mendoza was a speaker. (N.T. 246-247; SD-17).

73. Siar is associated with “Pranic Healing Penn,” which is an affiliate of The Center for Pranic Healing in New Jersey. “Penn” is a reference to Pennsylvania. (N.T. 248-249; SD-19; SD-20).

74. Siar served as a mentor for Rodriguez in the Norristown Area School District. (N.T. 48).

75. The description of Rodriguez in the Revised Application does not reference any involvement with Arhatic Yoga or Pranic Healing. (N.T. 253; Revised Application, p. 33).

76. Rodriguez has attended events involving a leader of Arhatic Yoga and Pranic

Healing. (N.T. 253-255; SD-25; SD-26; SD-27).

77. The descriptions of Ilan Almog in the Revised Application did not reference any involvement with Arhatic Yoga or Pranic Healing. (N.T. 251; Revised Application, p. 34; Revised Application, Appendix N, pp. 2-3).

78. Ilan Almog, one of New Generations' four founders, is a follower of, and has conducted fundraising activities for, Arhatic Yoga and Pranic Healing. (N.T. 251-253; SD-22; SD-23; SD-24).

79. When asked about how the name "Education for New Generations Charter School" came about, Rodriguez testified that she was unaware of the Educational Summit until North Penn submitted its Petition for Reconsideration and Rehearing. (N.T. 48). However, Rodriguez also testified that she and Siar together wrote the Revised Application which specifically references the Educational Summit. (N.T. 33). It was Rodriguez who typed the entire Revised Application. (N.T. 55).

80. The Revised Application specifically indicates that it was during the "Educational Summit held in New Jersey on August 15, 2011" that the founding coalition came together. (Revised Application, p. 34; N.T. 78, 97-99). Siar testified that she was involved in naming both the Summit and New Generations. (N.T. 93).

81. One of the mission statements of New Generations is to allow students to "manifest their greatness." (N.T. 187; Revised Application, p. 3). The Grand Master also instructs his followers to "manifest your greatness." (SD-7, p.10).

82. New Generations aims to develop the "physical, heart, thinking, creative and spirited elements." (N.T. 187; Revised Application, p. 3). The heart and spirited elements parallel the emphasis in Arhatic Yoga and Pranic Healing on the heart chakra and the crown

chakra as the source of divine spiritual energy downloads. (N.T. 187).

83. New Generations describes its program as “a way of life.” (Revised Application, p. 3). The Grand Master describes the practice of Arhatic Yoga and Pranic Healing, including character building, service and living the life of a good person, as “a way of life.” (SD-4, p. 169).

84. New Generations will require all staff to participate in character building practices and an energetics program which teaches “proper nutrition, emotional regulation tools, and the virtues of loving-kindness, industriousness, generosity, honesty and temperance.” (Revised Application, p. 18).

85. In Arhatic Yoga and Pranic Healing, there are specific aspects of character development that are referred to as the “Virtues.” (SD-4, p. 177; SD-5, pp. 1-2).

86. According to Arhatic Yoga and Pranic Healing, “the more you develop your Virtues, the stronger your connection to God will become.” (SD-5, p. 2).

87. One of the major components of New Generations’ educational program is referred to as the “Necessities” course. (Revised Application, p. 6; Revised Application, Appendix A, p. 198).

88. The “premise of the Necessities course is to shed LIGHT on the development of a child.” (Revised Application, Appendix A, p. 198).

89. LIGHT is an acronym for five “character attributes: L-loving kindness, I-industriousness, G-generosity, H-honesty, T-temperance.” (Revised Application, Appendix A, p. 198; N.T. 196-197).

90. New Generations indicates that the use of the LIGHT model will result in “activation of latent potentialities within each child.” (Revised Application, Appendix A, p.

198).

91. The five LIGHT virtues that New Generations intends to teach to its students and staff are identical to the Grand Master's five Virtues on Inner Purification, as set forth in the Grand Master's book, The Origin of Modern Pranic Healing and Arhatic Yoga. (SD-4, pp. 177-181).

92. The "L" in the New Generations' LIGHT framework stands for "loving-kindness." (Revised Application, Appendix A, p. 198). "Loving-kindness" is one of the Grand Master's five Virtues. (SD-4, p.178; SD-5, p.25).

93. The "I" in the New Generations' LIGHT framework stands for "industriousness." (Revised Application, Appendix A, p. 198). "Constancy of aim and effort," which the Grand Master states is another term for "industriousness," is one of the Grand Master's five Virtues. (SD-5, pp.17-18; SD-4, p. 181).

94. The "G" in the New Generations' LIGHT framework stands for "generosity." (Revised Application, Appendix A, p. 198). "Generosity" is one of the Grand Master's five Virtues. (SD-4, p. 179; SD-5, p. 35).

95. The "H" in the New Generations' LIGHT framework stands for "honesty." (Revised Application, Appendix A, p. 198). "Honesty" is one of the Grand Master's five Virtues. (SD-4, p. 180; SD-5, p. 43).

96. The "T" in the New Generations' LIGHT framework stands for "temperance." (Revised Application, Appendix A, p. 198). "Moderation and Non-Excessiveness" is one of the Grand Master's virtues. (SD-4, p. 181; SD-5, p. 39).

97. One of the daily aspects of the education program New Generations proposes is called "Energetics." (Revised Application, Appendix A, pp. 210-211).

98. New Generations' Energetics program is focused on the "balanced development of a child" through development of "the physical, heart, thinking and spirit capacities of each person." (Revised Application, Appendix A, p. 210).

99. Pranic Healers have developed a program aimed at children called "Prana Kids." (SD-30).

100. In a message posted to the "Pranic Healing Atlanta Group" on Yahoo on August 29, 2010, Prana Kids was described as "a component of a global movement in education called Education for New Generations" that was being spearheaded by "Master Glenn," which would seem to be a reference to Dr. Mendoza. (N.T. 290-291; SD-42).

101. The Prana Kids program advertises that it will benefit children in the areas of "Physical Health," "Emotional Health," "Mental Health" and "Spiritual Growth." (SD-30). These four areas directly parallel New Generations' Energetics program's focus on "the physical, heart, thinking and spirit capacities of each person." (N.T. 260-261; Revised Application, Appendix A, p. 210).

102. The Energetics program of instruction parallels the SuperBrain Yoga goal of balancing energy and the Pranic Healing goal of activating spiritual energy that is latent in the chakras in order to connect with the higher soul. (N.T. 198).

103. As part of the Energetics program, students are instructed to "breathe in peace, happiness, love, confidence etc. breathe out . . . opposite." (Revised Application, Appendix A, p. 211). In Arhatic Yoga and Pranic Healing, ritualized breathing is a way to move spiritual energy. (N.T. 199).

104. As part of the Energetics program, students are instructed to "say a positive word such as peace-be aware of the heart. Say peace again and be still. Be aware after 30 seconds

have student plant the feet to the ground, the head to the sky and continue.” (Revised Application, Appendix A, p. 211). In Arhatic Yoga and Pranic Healing, the sun, the air and the ground are major sources of pranic energy. (N.T. 199; CS-15, p. 119).

105. The Energetics program also includes a daily “Affirmation” in the morning. (Revised Application, Appendix A, p. 211). Affirmations are an important part of the practice of Arhatic Yoga and Pranic Healing. (N.T. 199; SD-6, pp. 37, 75).

106. On Friday mornings, the students at New Generations are expected to participate in an “I am Love” affirmation. The Center for Pranic Healing sells an affirmation poster written by Marilag Mendoza titled “I am Love.” (N.T. 200; Revised Application, p. 211).

107. The Revised Application states that Dr. Mendoza and Ilan Almog indicated an interest in serving on New Generations’ Board of Trustees “once its charter is granted.” (Revised Application, p. 39).

108. New Generations has a Facebook page that has, at various points in time, been administered by each of the four founding members of the charter school. (N.T. 49).

109. On April 4, 2012, New Generations posted a message to its Facebook website which stated: “We have a version of Twin Hearts Meditation developed specifically for children!” (N.T. 280-281; SD-33, p. 2). The Meditation on Twin Hearts, which involves blessing other beings with loving-kindness, is the most important meditation in the Pranic Healing Spiritual Process. (N.T. 160-161; SD-4, p. 183).

110. On January 31, 2013, New Generations posted a message to its Facebook website which stated: “Please join us February 12, 2013 7:30 pm to move eNG into the public sector where we can invest the time and money into creating these systems that develop the practices of loving-kindness, intelligent evaluation, sustainability and many other great systems for the safe

advancements on society.” (SD-33, p. 3). February 12, 2013 was the date on which North Penn’s Board of School Directors voted on New Generations’ initial Application. (N.T. 281).

111. On December 6, 2013, New Generations posted a message to its Facebook website titled “Intelligent Evaluation.” (SD-33, p.1). The virtue of “Intelligent Evaluation,” or “Discernment,” is part of the Grand Master’s teachings on Arhatic Yoga and Pranic Healing. (N.T. 279-280; SD-4, pp. 61, 193, 290).

112. On October 2, 2014, Marilag Mendoza, Master Pranic Healer and wife of New Generations’ Founder Dr. Mendoza, posted a message on Facebook announcing that New Generations would open in August, 2015, and have an Inauguration on August 15th. (SD-33, p. 5; N.T. 282-283).

113. August 15th is Founder’s Day. Founder’s Day celebrates the birthday of the founder of Pranic Healing, the Grand Master. (N.T. 77).

114. Now that Mendoza and Ilan Almog have declined to participate as Trustees, the three remaining members of the Board of Trustees, [Garreth J. Heidt, Vivian Loewenstern, and Christopher Teufel] have no connection or relationship with either Arhatic Yoga or Pranic Healing. (N.T. 23-26, 39-40, 47, 69; Revised Application, Appendix N).

115. Siar is a Catholic who calls herself a Pranic Healer and practices Pranic Healing activities. (N.T. 63).

116. Rodriguez testified: “There’s no intention to employ Pranic Healing or Arhatic Yoga in the charter school at any time; there never has and there never will be.” (N.T. 39).

What is the Center for Pranic Healing and does it have any relationship with the proposed charter school?

117. The Center for Pranic Healing is a Center where Pranic Healing classes and

meditations are offered. (N.T. 51).

118. The Center for Pranic Healing was established in New Jersey by Dr. Glenn and Marilag Mendoza, among others. (N.T. 178; SD-4, p. 207). The purpose of the Center for Pranic Healing, as well as other similar centers throughout the world, is to spread the teachings of the Grand Master. (SD-4, p. 201).

119. Dr. Mendoza, one of New Generations' four founders, identifies himself as the President of the Center for Pranic Healing. (N.T. 178; SD-14, p. 12).

120. The Complaint in a 2011 lawsuit that was filed by Dr. Mendoza described The Center for Pranic Healing as “a place of worship where the PH/AY community gathers for meditation, practice and healing.” (N.T. 242; SD-14, p. 29). That Complaint included a sworn Verification signed by Dr. Mendoza. (SD-14, p. 33).

121. Rodriguez has attended four or five events sponsored by The Center for Pranic Healing. (N.T. 50-51).

122. Siar has participated in activities at the Center for Pranic Healing. (N.T. 67).

123. The Center for Pranic Healing certified Siar as a Certified Associate Pranic Healer. (N.T. 76, SD-8).

124. Siar has previously identified herself as affiliated with The Center for Pranic Healing. (N.T. 86-87; SD-21, p. 3).

125. According to the Revised Application that was submitted to North Penn, the way in which the founding coalition of New Generations came together was through “the Educational Summit held in New Jersey on August 15, 2011.” (Revised Application, p. 34).

126. Although the Revised Application only refers to the group coming together during an “Educational Summit,” the full name of the event was actually the “Master Choa Kok Sui

Education for the New Generations 2011 Education Summit.” (SD-11; N.T. 97-99).

127. Siar, Dr. Mendoza, and Ilan Almog attended the “Master Choa Kok Sui Education for the New Generations 2011 Education Summit” from August 13-15, 2011, in New Jersey. (N.T. 76, 78; SD-11).

128. The Education Summit was sponsored by The Center for Pranic Healing. (SD-11).

129. An advertisement for the August, 2011 Education Summit indicated that the sponsors were looking for “Pranic Healers (preferably Arhatic Yoga practitioners)” with an interest in education to attend. (N.T. 256; SD-11).

130. One of the goals of this Education Summit was to establish and promote the Master Choa Kok Sui Education for New Generation framework as set forth by the Grand Master. (N.T. 79; SD-11).

131. During the Education Summit, a portrait of the Grand Master hung in the front of the room. (N.T. 257-258; SD-28).

132. As part of its 2012 IRS tax filings, The Center for Pranic Healing listed an expense of \$3,691 for “ENG EXPENSE.” (SD-52, p. 3 of 2012 Form 990; N.T. 298-299).

133. On August 25, 2012, The Center for Pranic Healing posted the following message to its Facebook website:

For those who did not make it to the Founder’s Day celebration, this is one of the highlights from the different speakers. A new school incorporating Master Choa’s teachings (loving kindness and all the Arhatic virtues) will be formed with a grand opening on Founder’s Day 2013 with the school year starting on September 2013. This will be the first school worldwide that will be a real school from Kindergarten to Grade 5 and eventually up to Grade 8 whose curriculum is formed by Arhatic Yogis and taught by mostly Pranic

Healers who are specialists in their respective field. The first school of its kind will be built in Pennsylvania. The beauty of it is that you get quality teachings (developing the mind and the heart and imbibing the teachings as a way of life) yet the tuition is free. Pre-enrollment now accepted. Go to the website to pre-enroll your children as early as now. Go to www.engcharter.org. ENG stands for Education for New Generation.

(SD-46; N.T. 294-295).

134. In March of 2013, The Center for Pranic Healing held an Arhatic Yoga Retreat. As part of the Retreat, children participating in the PranaKids entrepreneur project sold wallets with the proceeds going to the “Education for New Generations project.” (SD-47; N.T. 295).

135. On May 14, 2013, The Center for Pranic Healing posted a message to its Facebook website encouraging people to attend the meeting at which North Penn’s Board of School Directors was voting on the Revised Application and to “bring your children or neighbors [sic] children or borrow children to show our strong community support.” (SD-48; N.T. 296).

136. On October 1, 2014, The Center for Pranic Healing posted a message to its Facebook website which said: “FANTASTIC NEWS!! eNG Charter School was approved yesterday!” (SD-49; N.T. 296-297).

137. The Center for Pranic Healing is not mentioned or referenced anywhere in the Revised Application. (N.T. 39).

138. The Center for Pranic Healing is not mentioned or referenced anywhere in New Generations Bylaws. (N.T. 25; CS-2).

139. The Center for Pranic Healing is not mentioned or referenced anywhere in the Articles of Incorporation. (CS-1).

Does the School District conduct any type of background check of the members of the founding coalition of a proposed charter school?

140. North Penn does not have any policies or procedures requiring that background checks be performed on the founding coalition of a proposed charter school. (N.T. 233).

141. North Penn did not perform background checks on any of the founding members of New Generations prior to the School Board vote to deny the Revised Application. (N.T. 233).

142. Siar's resumé was included in the revised charter application and was reviewed by the Assistant Superintendent of the District, Diane Holben [hereinafter Holben], who conducted the investigation after receiving the email about the school from a parent. (N.T. 237, 329).

143. The exhibits upon which the District relied during the July 20, 2015 and August 18, 2015 Hearing Dates, including various online articles and Facebook postings, existed and were available to the District prior to the District's May 17, 2013 decision on the revised application. (SD-3-12, 14, 15, 18, 21, 26-28, 32, 33, 41-48, and 52).

144. Holben testified that—prior to the receipt of allegations from this individual in the midst of her own religious struggle—Holben had no concerns with the application being religious in any way. (N.T. 329-330).

What was the exact text of the email message received by the School District after the CAB vote on this appeal and when was it received?

145. On October 11, 2014, Laura Boquist, a parent of several children in North Penn, sent an email to North Penn's nine members of the Board of School Directors regarding concerns with CAB's vote to grant the Appeal submitted by New Generations. (N.T. 235-236; SD-13).

146. The exact text of the email message with the subject "concern about Education for New Generations Charter" received by North Penn after CAB's vote was:

Greetings,

As a member of the North Penn SD community, and as NP parent, I have been following the progress of charter school applications closely and have voiced my concerns via emails and public comment at school board meetings. I would like to bring to your attention a serious concern I have with the PA Charter Appeal Board's recent decision in accepting the application of Education for New Generations Charter School on September 30, 2014.

Since that decision, I have been doing additional research of my own on the background of some of the founding members of this charter school, and high-profile positions with The Center for Pranic Healing, Inc. Having followed eNG's Facebook page for several months, I was curious about the international attraction it seemed to have, particularly since the school has been promoted as being developed in concept by two local teachers in nearby districts.

What I discovered is that one of the founding board members, Dr. Glenn Mendoza, is a Master Teacher with the Center for Pranic Healing, and Kim Siar, another founding board member, is also a Pranic teacher. While Dr. Mendoza and Ms. Siar have every right to pursue these interests and beliefs as individuals, I am concerned that the very foundation of Education for New Generations Charter School is a product of a vision or belief system of The Center for Pranic Healing and its founder, Master Choa Kok Sui. I am very concerned that North Penn tax dollars are being used to build a school primarily for followers of the Center for Pranic Healing in Lyndhurst, NJ.

This particular post on the Facebook page of The Center for Pranic Healing illustrates my concern:

The Center for Pranic Healing

August 26, 2012

For those who did not make it to the Founder's Day celebration, this is one of the highlights from the different speakers. A new school incorporating Master Choa's teachings (loving kindness and all the Arhatic virtues) will be formed with a grand opening on Founder's Day 2013 with the school year starting on September 2013. This will be the first school worldwide that will be a real school from Kindergarten to Grade 5 and eventually up to Grade 8 whose curriculum is formed by Arhatic Yogis and taught by

mostly Pranic Healers who are specialists in their respective field. The first school of its kind will be built in Pennsylvania. The beauty of it is that you get quality teachings (developing the mind and the heart and imbibing the teachings as a way of life) yet the tuition is free. Pre-enrollment now accepted. Go to the website to pre-enroll your children as early as now. Go to www.engcharter.org. ENG stands for Education for New Generation.

2822 SharesLikeLike [Comment] Share
28 people like this.

*Nuha Amara So, so, SO FANTASTIC!!!
August 26, 2012 at 1:48 am - Like*

*Sol Santiago Wow!! This is the greatest idea ever!!
So happy to hear
August 26, 2012 at 7:40 pm - Like*

***** Note that the Center for Pranic Healing is based in Lyndhurst, New Jersey, and the page is administered by Dr. Glenn Mendoza. Why would a center based in New Jersey, a significant distance from North Penn, encourage its followers to pre-enroll? Of the letters of support and pre-enrollments that were provided by eNG in its application, how many of these were from people based outside of the North Penn area, and how many have ties to the Center for Pranic Healing?**

There are several other links that I have found, including this particular article in the Pacific Northwest Pranic Healing newsletter, "Insight" of October 2012:

EXCITING NEW DEVELOPMENTS IN PRANIC HEALING: EDUCATION FOR NEW GENERATIONS - A MESSAGE FROM MASTER GLENN (MENDOZA)

In 1997, GrandMaster Choa Kok Sui envisioned Pranic Healing in the school system. He envisioned a theoretical framework that would serve as the foundational elements for teaching. He called this Education for New Generations. It is with pride and honor to present the Education for New Generations Charter School that is being established in Pennsylvania USA based on the seed ideas and framework Grand Master Choa envisioned. We are in the process of establishing the blueprint of schools to

*come. Have a glimpse of the school ...
<http://youtube/ymxjFesjW9c> . A humble request to include
blessings in your meditation groups for the success and
smooth planning, organization and completion of
the Education for New Generations Charter School.*

Atma Namaste, Master Glenn Center for Pranic Healing

http://www.pnwpranichealing.com/newsletters/newsletter_2012-10.pdf

I have looked through the Charter's application thoroughly, and reviewed the Curriculum Vitae that were included. Nowhere is the relationship between Dr. Mendoza and The Center for Pranic Healing, nor the fact the Education for New Generations Charter School is being established based on Grand Master Choa's ideas, mentioned. There is no mention of the fact the curriculum is formed by Arhatic Yogis and will be taught by mostly Pranic Healers who are specialists in their respective field. I find this omission disturbing, and am very concerned about the taxpayer dollars being used to develop a school based on privately held beliefs.

Perhaps this is all legal... but because this significant relationship is not documented anywhere the Education for New Generations Charter Application to the North Penn School Board nor to the Carter [sic] Appeal Board, I find the application to be disingenuous and believe it is important that I bring it to your attention.

Thank you for your time,

Laura Boquist
100 Candlewood Way
Harleysville, PA 19438

(N.T. 235-236; SD-13).

Why does the School District consider the e-mail allegations against the founding coalition to be credible?

147. After receiving the email from Laura Boquist on October 11, 2014, North Penn began an investigation into the allegations contained within the email. (N.T. 236-237).

148. North Penn's investigation into the allegations against New Generations included verification of the sources presented by Laura Boquist, internet searches on Pranic Healing, the founding members and New Generations itself, and reviewing various books on Arhatic Yoga, Pranic Healing and SuperBrain Yoga. (N.T. 237). Holben, the investigator, acknowledged in her testimony that she is not familiar with Pranic Healing or what it entails and had never heard of it before receipt of the e-mail from Ms. Boquist. (N.T. 330).

149. As a result of information discovered during its investigation, which is now a part of the Record in this matter, North Penn believes that New Generations is based upon Pranic Healing and Arhatic Yoga. (N.T. 237, 300).

Explain the announcement in Pranic Healing newsletters and on websites which highlights the founding of the charter school as an outgrowth of the desires of Pranic Healing's founder and celebrates the granting of the school's charter?

150. On August 15, 2012, a message posted to the Central Florida Pranic Healing and Meditation Message Board on meetup.com indicated that a special presentation would be taking place at the Founders Day celebration in New York City on the topic of "Master Choa Kok Sui vision on Pranic Healing in Education – Education on the New Generation into another level as a curriculum program and building of a Charter School is presented." (SD-44, p. 1; N.T. 292-293).

151. On August 22, 2012, Arizona Pranic Healing posted a message to its Facebook website describing the discussion at a recent Founder's Day Celebration about "plans for a charter school in Pennsylvania based on Master Choa's Theory of Education for the New Generations." The message that was posted by Arizona Pranic Healing was accompanied by a photograph of a number of individuals, including Dr. Mendoza. (SD-45; N.T. 293-294).

152. In an October 2012 issue of a Pacific Northwest Pranic Healing newsletter, there is an announcement from “Master Glenn” titled: “Exciting New Developments in Pranic Healing: Education for New Generations” which states: “with pride and honor to present the Education for New Generations Charter School that it being established in Pennsylvania USA based on the seed ideas and framework GrandMaster Choa envisioned.” The announcement contained the logo utilized by New Generations and provided a link to New Generations’ website. (SD-12).

153. Siar presents webinars on Pranic Healing. In one webinar advertisement she is described as “on her way to open nation’s first charter school to providing energy based education – integrating her mastery in the field of education, Pranic Healing and Arhatic Yoga for maximizing learning, creativity, character-building and harmony.” (SD-18; N.T. 81-86, 248).

154. Siar testified that she did not approve this description of her or her Charter School efforts. (N.T. 81-86).

155. On October 1, 2014, the Institute for Inner Studies Publishing Foundation, Inc., which is the Philippines-based publisher for nearly all of the books on Arhatic Yoga and Pranic Healing, posted a message to its Facebook website congratulating “Master Glenn Mendoza and his associates” for CAB’s decision to grant New Generations’ appeal. Below its posted message was an image of a letter from Dr. Mendoza, which he signed as “Glenn J. Mendoza, MD MPH, Education for New Generations.” Next to his name appeared the logo for New Generations. (SD-50; N.T. 297-298).

156. On October 5, 2014, Pranic Healing Albany posted a message to its Facebook website which shared New Generations’ post regarding CAB’s vote and included a message of congratulations. (SD-51; N.T. 298).

157. Any postings on any Pranic Healing newsletters or websites highlighting the founding of New Generations were not made, written, promoted or published by Siar or Christopher Teufel, as a member of the Board of Trustees. (N.T. 26, 68-69).

Is the charter school a 501(c)(3) religious or educational entity or a 509(a)(2) private foundation?

158. New Generations has not received recognition as a 501(c)(3) organization. (N.T. 20).

159. New Generations' Articles of Incorporation require that New Generations operate as a 501(c)(3) non-profit corporation for "exclusively charitable and educational purposes." (N.T. 15-16; CS-1, p. 2).

160. The Bylaws governing the Board of Trustees of New Generations require that New Generations operate as a 501(c)(3) non-profit corporation for public educational purposes of operating a charter school. (N.T. 17-19; CS-2, p. 1).

161. New Generations cannot obtain its official 501(c)(3) status until it is granted a charter. (N.T. 20).

162. Upon receipt of a charter, New Generations will apply to become a 501(c)(3) non-profit corporation as required by Pennsylvania Charter School Law, the Articles of Incorporation and the Bylaws. (N.T. 20).

163. New Generations' Bylaws do not mention operation as a 509(a)(2) private foundation. (N.T. 17-19; CS-2).

Why do the letters "SBY" appear on the curriculum and other documents in the application and for what is "SBY" an acronym?

164. “SBY” is an acronym for SuperBrain Yoga. (N.T. 49, 59).
165. SuperBrain Yoga is a ritual expressing the key concepts in Pranic Healing and Arhatic Yoga. (N.T. 161-162; SD-3). Specifically, SuperBrain Yoga involves the cultivation of pranic energy and directing that energy into the brain. What makes the brain “Super” in SuperBrain Yoga is the increased intuitive intelligence resulting from energy transformation. (N.T. 162).
166. SuperBrain Yoga is a cross midline activity used in the educational setting or in schools as a “brain break” activity and is believed to help to improve cognition. (N.T. 42).
167. In a June 2011 issue of a Pacific Northwest Pranic Healing newsletter, an update is provided regarding the 9th World Pranic Healing Convention in Singapore. The newsletter mentions that various “applications of Pranic Healing from around the world were shared,” including “Education for the New Generation” in east coast U.S., which involves “the use of subtle energies” and “practicing SuperBrain Yoga to increase behavior and intelligence of students.” (SD-43; 291-292).
168. Rodriguez learned about SuperBrain Yoga from Siar. (N.T. 49-50).
169. Siar previously utilized SuperBrain Yoga in the Norristown Area School District. (N.T. 60). The results of studies conducted by Siar on the use of SuperBrain Yoga with school students were published in the book SuperBrain Yoga. (SD-3, pp. 86-92).
170. SuperBrain Yoga is an example of achieving mindfulness through stretching and breathing practices that are referenced in Learning to Breathe by Patricia Broderick, which is a mindfulness program and curriculum utilized in the Central Bucks School District in Pennsylvania. (N.T. 433, 435-437; C-23).
171. In a 2007 article that appeared in Prana World, Siar described some of her

experiences utilizing SuperBrain Yoga in the Norristown Area School District. It was Dr. Mendoza who encouraged her use of the practice with her students. Siar's article indicates that her students were "practicing Master Choa Kok Sui's SuperBrain Yoga." Siar described the progress of her students as allowing her to "witness the miracles of Master Choa Kok Sui each and every day." (N.T. 87; SD-21, pp. 11-12).

172. Siar has written that "SuperBrain Yoga is the gateway for many more products of MCKS Pranic Healing in school systems." (N.T. 89; SD-21, p. 12).

173. Siar testified that one of the benefits of SuperBrain Yoga is that it "increases memory, learning capacity, calmness." (N.T. 60).

174. In a PowerPoint presentation that Siar delivered at an education conference, she explained that SuperBrain Yoga "integrates and balances the brain through activation of certain energy pathways throughout the body" and that "these energy channels or meridians provide subtle 'energy fuel' to energize the brain." (N.T. 284-285; SD-34, p. 2).

175. New Generations would begin each school day with the practice of SuperBrain Yoga. (N.T. 90; Revised Application, Appendix A Curriculum, p. 211).

176. The practice of SuperBrain Yoga involves twelve steps. (N.T. 163; SD-3, pp. 40-45).

177. The first step in SuperBrain Yoga is to face east unless you are older, in which case you face north. (N.T. 163; SD-3, p. 40). The religious significance of facing east is that gods reside principally in the east by the sun. (N.T. 164). According to the Grand Master, the east radiates the electric violet pranic energy, which is a divine energy that activates the heart and crown chakras. (N.T. 163; SD-3, p. 38).

178. The second step in SuperBrain Yoga is to connect the tongue to the pallet.

(N.T. 163; SD-3, p. 40). This step is important because it allows for a greater flow between identified energy centers. (N.T. 164; SD-3, pp. 28-29).

179. The optional third step in SuperBrain Yoga is to invoke for Divine Blessing. (N.T. 163; SD-3, p. 40).

180. Steps four through seven in SuperBrain Yoga involve spreading the feet shoulder width, squeezing the right ear lobe with the left thumb and the left ear lobe with the right thumb, crossing your arms with the right arm in front of the left. (N.T. 163; SD-3, p. 41). Squeezing the ears is important because it is believed to energize and activate the brain as well as the aura surrounding the brain to connect the individual with the higher soul. (N.T. 165; SD-3, p.31).

181. Steps eight through eleven of SuperBrain Yoga involve squatting to inhale, standing to exhale and then repeating the steps. (N.T. 163; SD-3, pp. 42-44). The reason why squatting is important is because that physical activity causes energy that resides in the “basic energy center” and the “sex energy center” to move upward toward the brain. (N.T. 165; SD-3, pp. 38-39).

182. Step twelve of SuperBrain Yoga, an optional step, involves a prayer of thanksgiving. (N.T. 163; SD-3, p. 45).

183. Individuals who desire to become certified in SuperBrain Yoga can receive such certification through a Center for Pranic Healing. (SD-10).

184. SuperBrain Yoga is nearly identical to an ancient Hindu worship ritual called “Thoppukaranam,” which involves devotion to Ganesha, who is best recognized as the elephant-headed God of wisdom and intelligence. (N.T. 162).

185. Thoppukaranam is traditionally practiced early in the morning, or at the beginning of any activity, so as to allow the practitioner to be a better student. (N.T. 201).

186. The acronym SBY appears in only one section of the revised charter application, which is the energetics program. (Revised Charter Application, Appendix A at p. 211).

187. Siar has taught SuperBrain Yoga to public school students and teachers at the request of her own employer, the Norristown Area School District. (N.T. 60-61).

188. In regards to the energetics program, New Generations' revised charter application expressly states: "These practices are integrated throughout the day as part of our energetics instruction program." (N.T. 442, 528-529; CS-10, p. 16).

189. These brain breaks or stretching activities are modeled after the movements provided as examples in the educational book Tools for Engagement by Eric Jensen, which was utilized in drafting the curriculum in the revised application. (N.T. 529; CS-23).

190. New Generations' expert on "the topic of religion," Dr. Daniel Cozort, a teacher of religion at Dickinson College with a Ph.D. in the History of Religions, was not compensated for his testimony, but agreed to testify on behalf of the Charter School because the idea behind the Charter School "is just terrific," there is a "witch hunt" motivated by fear being conducted by the District and he was offended as a taxpayer and an educator who has studied eastern religions for over 40 years. (N.T. 106, 201, 481-482; CS-3).

191. Cozort testified: "SuperBrain Yoga is a very clever way to get children to let off some nervous energy and to become more focused. It's a very simple technique that involves breathing and squatting in a certain way, and by crossing the arms and touching the opposite earlobes So then that's it; that's what it is" (N.T. 480).

How was the curriculum developed?

192. Siar and Rodriguez selected the various programs and methods of instruction that were incorporated into the curriculum. (N.T. 55).

193. Rodriguez testified that New Generations' educational program is partially based upon the concept of mindfulness. (N.T. 417-418). Siar testified that she did not utilize mindfulness in any curriculum she has drafted and to her knowledge, the Revised Application did not contain the term "mindfulness." (N.T. 417, 499-501).

194. One of the books that Siar has suggested New Generations' educational program is based upon is Learning to Breathe by Broderick. (CS-30). The foreword to Learning to Breathe was written by Jon and Myla Kabat-Zinn. Jon Kabat-Zinn, an influential promoter of mindfulness meditation, has described mindfulness as "the heart of Buddhist meditation." (CS-22, p. 10; CS-23; CS-30).

195. Several of the educational resources introduced at the hearing on August 18, 2015, were not published until after New Generations had applied to North Penn. (N.T. 430, 462-463, 465-467; CS-14; CS-16; CS-23; CS-30).

196. The list of sources that New Generations states were utilized while developing the school's curriculum was not compiled until after the hearing that took place on July 20, 2015. (N.T. 430, 465; CS-23).

197. Siar and Rodriguez described themselves as "volunteers" who drafted New Generations' revised charter application. (N.T. 33, 35).

198. No one else besides Rodriguez and Siar was involved in drafting the revised charter application for New Generations. (N.T. 33, 56).

199. Rodriguez has over twelve years (12) years of experience teaching in Pennsylvania and has a Master's Degree in Education from Nova Southeastern University. (N.T. 31-32, 52, 412; Revised Application, Appendix V).

200. Rodriguez focused on brain research and applying what is known about the brain to education and the classroom during her Master's Degree program. (N.T. 32, 52).

201. Rodriguez is in the process of obtaining her doctorate degree in Education Policy at Drexel University. (N.T. 31).

202. Siar has over 25 years of teaching and educational experience in the Norristown Area School District in Pennsylvania. (N.T. 54-55, 493).

203. Siar has a Master's of Science with a specialization in the BrainSMART program in brain-based research and has taken several courses towards obtaining her doctorate degree. (N.T. 54-55, 500).

204. Siar has drafted curriculum for public school districts in Pennsylvania, including the Norristown Area School District, for science, reading, writing, social studies and digital courses, which were all aligned to state standards. (N.T. 494-495).

205. Siar attended a University of Pennsylvania mentor program, has trained and mentored teachers, and has taught over 40 workshops in the Norristown Area School District. (N.T. 497).

206. Rodriguez and Siar utilized numerous well-known and widely-accepted educational resources, including many resources that are also utilized by public school districts in Pennsylvania, in drafting and developing the proposed curriculum for New Generations. (N.T. 413-414, 416-417, 422, 430, 503-504, 514; CS-23).

207. According to Siar, all of the terms utilized in the L-I-G-H-T acronym in New Generations' curriculum came from educational resources and Siar's and Rodriguez's educational studies. (N.T. 447-448; CS-23).

208. Specifically, one of the sources that influenced the L-I-G-H-T acronym was a book titled Authentic Happiness by Martin Seligman, a professor of psychology at the University of Pennsylvania, which included 24 signature strengths to strengthen and character build. (N.T. 502; CS-23).

209. Siar and Rodriguez studied Martin Seligman's works, including Authentic Happiness, in their Master's Degree programs in Education. (N.T. 502-504).

210. Siar testified that the 24 strengths referenced in Authentic Happiness include industry, perseverance, generosity, loving oneself, kindness, love for learning, temperance and honesty. (N.T. 502-505, 507).

211. L-I-G-H-T is an example of a School-Wide Positive Behavior System used to create a positive school culture or climate and, according to Siar, was not in any way influenced by Pranic Healing. (N.T. 501-502, 508).

212. "I am" statements and/or affirmations used by New Generations are inspired by Martin Seligman, including his book Optimistic Child, because he tried to create a model to give students an opportunity to deal with adversity by using positive self-talk. (N.T. 414, 426).

213. The use of "I am" statements in the curriculum was influenced by Rodriguez' experiences in the Norristown Area School District and her studies of cognitive behavioral therapy, which includes the importance of students being in a positive mental state to be able to learn. (N.T. 427).

214. Tools for Engagement, by Eric Jensen, discusses the use of affirmations as being a “clarification and short-term memory device rather than a test of prior learning,” which is a brain-based thinking or education strategy. (N.T. 509; CS-28, pp. 105, 136; CS-30).

215. Educational books by Barbara Given, including Teaching to the Brain’s Natural Learning System, heavily influenced New Generations’ proposed energetics course because Ms. Givens’ books discuss energetics being incorporated throughout the day, how foods and nutrition can impact brain states and what part of the brain is activated as a result of doing different things. (N.T. 512-513; CS-29).

216. Siar testified that the term LIGHT was not in any way influenced by Pranic Healing. (N.T. 448).

V. CONCLUSIONS OF LAW

1. Pursuant to the Charter School Law, 24 P.S. §§ 17-1701-A *et seq.*, CAB has jurisdiction over this appeal.

2. The Charter School Law, 24 P.S. §17-1701-A, *et seq.*, governs the application process, the approval process, the operation and the revocation/renewal of charter schools in Pennsylvania.

3. Section 1717-A(e)(2) of the CSL sets forth the factors to be considered by the local board of school directors in the evaluation of a proposed charter school application:

a. Demonstrated, sustainable support for the charter school plan by teachers, parents, other community members and students, including comments received at the required public hearings;

b. The capability of the charter school applicant, in terms of support and planning, to provide comprehensive learning experiences to students pursuant to the adopted charter;

c. The extent to which the application considers the information requested in section 1719-A and conforms to the legislative intent of the CSL; and

d. The extent to which the charter school may serve as a model for other public schools.

4. North Penn properly followed the procedures contained within the CSL regarding the review of an application to create a charter school and providing notice of the denial.

5. CAB had the authority to grant North Penn's request for reconsideration of its October 3, 2014 Order granting the charter to New Generations.

6. The supplemental information presented to the Hearing Officer was "previously unavailable" pursuant to Section 1717-A(i)(6) of the CSL.

7. A charter school is required to be nonsectarian in all operations. 24 P.S. § 17-1715-A(4).

8. Charter schools "shall not provide any religious instruction, nor shall it display religious . . . symbols . . .". 24 P.S. § 17-1715-A(5).

9. After CAB granted reconsideration of its October 3, 2014 Order, North Penn had the burden of proving that New Generations would not be "nonsectarian in all operations," as required by Section 17-1715-A(4) of the CSL.

10. Based upon the supplemental information presented to the Hearing Officer, North Penn met its burden of proof that New Generations would not be nonsectarian in all operations, in violation of Section 1715-A(4) of the CSL.

11. Pranic Healing is a new religion which is inextricably intertwined with and tied to New Generations. (N.T. 181-182; CS-15; SD-2).

12. New Generations will provide religious instruction.

13. New Generations would not be “nonsectarian in all operations.”

14. New Generations does not conform to the legislative intent of the CSL.

15. New Generations’ Revised Application fails to meet all of the requirements of the CSL.

VI. DISCUSSION

New Generations contends that if North Penn had performed due diligence “at a very basic level” prior to its ruling on the revised application, much, if not all, of the evidence presented to the Hearing Officer would have been available to the School District. New Generations argues that North Penn admitted that it failed to do background research on the Charter School’s founders. (N.T. 233).

Section 1717-A(i)(6) of the CSL provides: “The appeal board shall have the discretion to allow the local board of directors and the charter school applicant to supplement the record if the supplemental information was previously unavailable.” 24 P.S. § 17-1717-A(i)(6).

According to New Generations, the information presented was not “previously unavailable” but rather was available had the school district simply looked for it. The bottom line is that New Generations wants CAB to exclude all of the information presented before the Hearing Officer on the grounds that it was all previously available to North Penn.

The Commonwealth Court has addressed this issue in *Pocono Mountain Charter School, Inc. v. Pocono Mountain School District*, 88 A.3d 275 (Pa. Cmwlth. Ct. 2014), holding that

“unavailable” means “not accessible, unknown, or not discernible with due diligence.” *Id.* at 291. The issue, then, is whether or not North Penn failed to exercise “due diligence” when it failed to discover the links between Pranic Healing, Arhatic Yoga, and the relationship with Grand Master Choa Kok Sui and the charter school. If the supplemental information presented during the hearings before the Hearing Officer could have been found with due diligence, then it was not “previously unavailable” and should be excluded.

There was, however, nothing in the Initial Application or the Revised Application or the record previously before this Board to suggest any relationship between the proposed charter school and Pranic Healing, Arhatic Yoga, the Center for Pranic Healing, super brain yoga, or Grand Master Choa Kok Sui. It was not until a community member of North Penn School District sent an email to the School Board raising concerns about the decision to grant New Generations a charter that the school district had any reason to inquire about these issues. In fact, it appears that the applicants, particularly Ms. Siar--deliberately or not--failed to mention the relationship between the four founders of the charter school and Grand Master Choa Kok Sui and his teachings of Pranic Healing. The founders were listed in the Revised Application as having come together at an “educational summit.” None of the application materials gave the full name of that summit, which was “Master Choa Kok Sui’s Education for New Generations 2011 Education Summit” sponsored by the Center for Pranic Healing. (Findings 126 - 130). The letters SBY do appear in the proposed curriculum, but there is no explanation that these letters stand for Super Brain Yoga, a practice which will begin each school day. (Findings 164, 165, 175).

Because there was no reason for North Penn to inquire about these potentially sectarian matters, we cannot conclude that the information presented to the Hearing Officer and ultimately

CAB should be excluded because North Penn failed to exercise “due diligence.” We will not impose upon a school district the need to research every possible connection between the founders when there is no reason on the face of the application to do so. It is understandable that the School District had no reason to suspect a link between Pranic Healing, Arhatic Yoga, and the relationship with Grand Master Choa Kok Sui and the charter school until these issues were specifically called to its attention. CAB will supplement the record with this previously unavailable information and consider its relevance to the CSL requirements.

Next, New Generations argues that CAB made a final decision granting it a charter in its October 3, 2014 Order. This action should shift the burden of proof to the party seeking a reconsideration or rehearing. It contends that it should be incumbent upon North Penn to convince CAB that there is a compelling reason for changing that initial determination granting the charter. We agree. The burden of proof does fall upon the party seeking reconsideration.

New Generations also contends that the Hearing Officer committed an error of law when she made a ruling on which party would first present evidence on the various questions raised in our March 6, 2015 Order referring the matter to the Hearing Officer. The Hearing Officer required New Generations to go forward with its testimony or other evidence with respect to some of the questions contained in the March 6 Order and required North Penn to go forward with respect to other questions. New Generations believes that this was a “misapplication of the law.” The Hearing Officer specifically—and properly—determined that the question of which party bears the burden of proof after CAB has granted a petition for reconsideration and rehearing is a case-dispositive legal issue which is to be decided by CAB, not the Hearing Officer: “[t]he question of who bears the burden of proof after CAB has granted a petition for reconsideration and rehearing is a case-dispositive legal issue which will be decided by CAB.

The Hearing Officer makes no determination on this legal issue.” (HO-8). How the Hearing Officer organized the presentation of the evidence is not determinative of which party had the burden of proof on the issue of whether or not New Generations will be sectarian or non-sectarian.¹

Having determined that North Penn bears the burden of proof, we have carefully considered the evidence presented and determined that the facts do show a strong correlation between some of the programs to be utilized at New Generations and Grand Master Choa Kok Sui’s Virtues on Inner Purification.

There is an unmistakable correlation between the tree logo used by New Generations and the tree symbol used as the logo in an advertisement for the “Education for the New Generations 2011 Education Summit.” The Charter School’s symbol, a tree with visible roots with the letters e-N-G, teal and gold in color (N.T. 37; SD-39), is a “tree of life” referring to spiritual roots of man being connected to a higher soul and ultimately to God. (Finding 58, N.T. 186). Several findings are indicative of the use of a nearly identical symbol by the Grand Master and his followers. New Generations contends that the tree symbol is used by many public educational institutions, including school districts and charter schools. (N.T. 217, 422-4). This may be true; but the similarity of the logo, along with many other factors, suggests an impermissible relationship between the charter school and religious teachings of the Grand Master.

Even the use of the name, Education for New Generations Charter School, is remarkable in its apparent relationship to the expressed desires of the Grand Master to teach his philosophy to new generations. Dr. Glenn Mendoza is a leader of Arhatic Yoga and Pranic Healing and one

¹ On December 28, 2015, the Hearing Officer certified the record and, only later, submitted her proposed findings of fact. According to New Generations, because she certified the record first, before submitting proposed findings of fact, CAB should not consider the proposed findings of fact at all. It contends that the record was closed upon the certification of the record and could not be “reopened” for the proposed findings. We find no merit in this argument based upon the General Rules of Administrative Practice and Procedure, 1 Pa. Code §35.202.

of New Generations' four founders. (Finding 36). New Generations Charter School's application states that it will develop in students the "physical, heart, thinking, creative and spirited elements." (N.T. 187; Revised Application, p. 3). The heart and spirited elements parallel the emphasis in Arhatic Yoga and Pranic Healing on the heart chakra and the crown chakra as the source of divine spiritual energy downloads. (Finding 82; N.T. 187).

The testimony of North Penn's expert, Dr. Candy Brown [hereinafter Dr. Brown], is comprehensive and convincing as to there being religious overtones to some of the curriculum—religious in the sense that they sound strikingly similar to the teachings of the Grand Master about Pranic Healing and Arhatic Yoga. The Energetics program includes daily "Affirmation" in the morning; affirmations are an important part of the practice of Arhatic Yoga and Pranic Healing. (Finding 105).

New Generations will require its staff to participate in a program that teaches virtues that are identical to the Grand Master's five Virtues on Inner Purification. The LIGHT framework is identical to his written teachings introduced by North Penn and discussed at length by Dr. Brown. The five LIGHT virtues are identical to the five Virtues on Inner Purification, as set forth in the Master's book, The Origin of Modern Pranic Healing and Arhatic Yoga. (SD-4, pp. 177-181). LIGHT is an acronym for five "character attributes: L-loving kindness, I-industriousness, G-generosity, H-honesty, T-temperance." (Revised Application, Appendix A, p. 198; N.T. 196-197). Ms. Siar testified that not the Master's book, but rather Authentic Happiness by Martin Seligman, is the source for this LIGHT acronym. The Seligman book was never introduced into evidence.

The question, then, is whether or not the use of Arhatic Yoga and Pranic Healing, together with the teachings of the Grand Master, causes us to conclude that this charter school

will be sectarian rather than non-sectarian. Dr. Brown analyzed New Generations' Revised Application and presented extensive, and compelling, testimony comparing items from this application to information regarding Pranic Healing and Arhatic Yoga, and specifically books authored by Grand Master Choa Kok Sui.

Dr. Brown discussed two different legal definitions of religion set forth in *Malnak v. Yogi*, 592 F.2d 197 (3d Cir. 1979) and *U.S. v. Meyers*, 95 F.3d 1475 (10th Cir. 1996). (N.T. 140-141). Ten "accoutrements of religion" come from *Meyers*: (1) a founder, prophet, or teacher; (2) important writings such as sacred scriptures, prayers or mantras; (3) gathering places for the community to come together; (4) keepers of knowledge, who are religious experts whose job is to maintain and transmit the purity of the teachings; (5) ceremonies and rituals that have transcendent significance; (6) a structure or organization of hierarchical leadership; (7) holidays that mark out sacred times; (8) diet or fasting; (9) appearance and clothing; and (10) propagation or efforts to persuade others to accept beliefs and practices as true. *Id.* at 1483.

Both Arhatic Yoga and Pranic Healing have a founder and important writings. (N.T. 171). Certain gathering places are considered sacred, holy or significant: the Institute for Inner Studies in Manila, the Philippines, which is also the publisher for all scriptures, and The Center for Pranic Healing in New Jersey. (N.T. 173). Arhatic Yoga and Pranic Healing are part of a comprehensive belief system. (N.T. 170). Arhatic Yoga and Pranic Healing have designated keepers of knowledge such as clergy or ministers. (N.T. 173). Two of these keepers of knowledge are New Generations' founders Dr. Glenn Mendoza and Kimberly Siar. (N.T. 174). Arhatic Yoga may only be learned under an authorized Arhatic instructor for the following three reasons: (1) to maintain purity of the teachings and techniques, (2) to achieve spiritual empowerment, and (3) to insure that the Arhatic students will receive divine guidance, divine

help and protection. (N.T. 173; SD-4, p. 198). To become a Pranic Healer, one must complete certain courses and submit a minimum number of successfully healed cases. (SD-9). Arhatic Yoga and Pranic Healing have a set structure or organization. At the top of the hierarchy is Boddhisattva Padmasambhava who is then followed by the Grand Master. The Grand Master designated nine masters who are trained in advanced spiritual techniques that are not revealed to the public. Two of these masters are Dr. Mendoza and his wife, Marilag Mendoza. Below the masters, there are various levels of certified Pranic Healers, including Siar. (N.T. 175-176; SD-9; SD-10). The Grand Master's birthday, August 15, is an important holiday. (N.T. 179). Arhatic Yoga and Pranic Healing include some form of ceremony or ritual. One example is the sweeping motion that Pranic Healers do when removing negative or diseased energy. Other examples include SuperBrain Yoga and the Meditation on Twin Hearts, which is often practiced at weekly and full moon meditations. (N.T. 174-175). Arhatic Yoga and Pranic Healing prescribe abstinence and a certain diet. There are prohibitions against smoking, excessive alcohol and meat, the eating of pork, and the eating of fish without scales. (N.T. 179; SD-4, p. 176; CS-15, p. 132). A style of dress is recommended to cultivate a professional, non-provocative image. (N.T. 180). Arhatic Yoga and Pranic Healing utilize proselytizing techniques. The goal of the Center for Pranic Healing in New Jersey, the Institute for Inner Studies in the Philippines, and other similar entities throughout the world is to spread the Grand Master's teachings. (N.T. 180; SD-7, pp. 2, 5, 7). Based upon these criteria, Brown testified that Pranic Healing is a new religion. (N.T. 181-182, CS-15; SD-2).

In a 2011 lawsuit unrelated to the present matter, a New Generations' Founder, Dr. Mendoza, described Arhatic Yoga and Pranic Healing as "a devoted spiritual practice rooted in religion and ancient teachings of meditation, physical and breathing exercises, charitable and

humanitarian efforts and the study of religious scriptures. It is no different than being Jewish, Hindu, Buddhist, Catholic or Muslim.” (N.T. 241; SD-14, p. 12). Dr. Mendoza’s complaint in that lawsuit also stated that “meditation and prayer precedes and is incorporated in all aspects” of Arhatic Yoga and Pranic Healing. (SD-14, p. 12). Dr. Mendoza has described Arhatic Yoga and Pranic Healing as “part of [his] religious beliefs.” (SD-14, p. 29).

In *The Eloise and Edith Academy*, CAB No. 1999-13 at Page 1, CAB denied the Charter School’s appeal from the local school board’s refusal to grant a charter. This decision rested upon the failure to establish the nonsectarian requirement contained in the CSL even though the proposed school met “most of the requirements of the Charter School Law.” The evidence of entanglement with an operating Christian Church in *The Eloise and Edith Academy* was very persuasive. The evidence in the present case is related more to the influence of the Founders and the spillover of Grand Master’s teachings into the curriculum. It, too, is persuasive.

Siar and Rodriguez deny that the proposed New Generations’ curriculum came from principles of Pranic Healing and is based instead on well-respected educational sources. Several of the educational resources which Siar and Rodriguez testified had been used in preparing the Revised Application were not even published until after New Generations had applied to North Penn for its charter. (Finding 195). This, too, suggests that the testimony of these two applicants is suspect, at best. They can deny that their materials came from sources written by the Grand Master and they can deny that they will follow his teachings in the curriculum; but the overwhelming evidence produced at hearing supports the conclusion that there is a relationship between New Generations and Pranic Healing, a new religion.

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF EDUCATION
STATE CHARTER SCHOOL APPEAL BOARD**

EDUCATION FOR NEW GENERATIONS	:	
CHARTER SCHOOL,	:	
Petitioner,	:	
	:	
v.	:	CAB Docket No. 2013-10
	:	
NORTH PENN SCHOOL DISTRICT,	:	
Respondent.	:	

ORDER

AND NOW, this 1st day of July, 2016, based upon the foregoing and the vote of this Board¹, the prior Order of October 3, 2014 granting a charter to the Education for New Generations Charter School is VACATED; and the appeal of the Education for New Generations Charter School from the May 16, 2013 Order of the North Penn School District is DENIED.

FOR THE STATE CHARTER SCHOOL
APPEAL BOARD

/s/ Pedro A. Rivera
Pedro A. Rivera, Chairman

¹ At the Board's meeting of June 23, 2016, the appeal was denied by a vote of six to zero with Board Members Cook, Miller, Munger, Peri, Rivera and Yanyanin voting.