

Order of Business

1. Call to Order; Pledge of Allegiance

President Alan C. Earnshaw called the meeting of the East Penn Board of School Directors to order at 7:30 p.m. in the Board Room, followed by the Pledge of Allegiance.

Board Members Present: C. Ballard, A. Earnshaw, F. Fuller, E. Gannon, C. Jones, S. Kowalchuk,
M. Prinzing, T. Richwine, J. Stolz

Solicitor: Marc S. Fisher, Esq., Worth, Magee & Fisher

Treasurer: Lynn Glancy

Board Secretary: Cecilia R. Birdsell

Superintendent of Schools: Dr. Thomas L. Seidenberger

Press Present: Lorraine Fenstermacher, East Penn Press
Sarah Fulton, Morning Call Reporter

2. SGA Report

SGA Representative Neil Merchant reported on the Snow Ball that was held last weekend. They had over 600 people in attendance. Most of the profit from the dance went to the Make-A-Wish Foundation to support Dave Ortwein of Southern Lehigh School District. They will be conducting a Blood Drive at the end of March or in early April. At the end of the school year, they will again be sponsoring the Final Fling. Mr. Earnshaw thanked Mr. Merchant for his report, adding that it was good to see the students so involved.

3. Requests to Address the Board

Prior to acknowledging citizen input, Solicitor Marc Fisher called attention to items 4 and 5 on the agenda. These items appeared on an addenda at the January 26 Board Meeting. There was a question about whether or not the addendum was available on the back table at the start of the meeting. To avoid any confusion and in the event there was an inadvertent mistake to place the addenda there, the two items will be placed on tonight's agenda and give the public a full opportunity to make comments on those items or any other item on the agenda.

Mr. Mike Policano, 1813 Alexander Drive, Macungie expressed his concern about communications between the public and the Board as a result of the events at the last meeting. He claimed that the public has information that the Board may not be aware of and likewise the Board may have information that the public is not aware of. He felt there needed to be more openness.

Mr. John J. Hinkle, 4351 Hillary Drive, Emmaus said he and his wife had lived in the district for over 34 years and he thanked the Board for the opportunity to speak. He commented on the fact that some board members when running for election visited his house or asked him and his wife and neighbors to support them financially. Board members were given the opportunity to be responsible for budgetary items in the district. He was urged by his friends to come and speak even though he was not energized to do so. He said he did not want to waste his time and energy and had more respect for himself than to address a Board that would not return the favor. He said when the President, who Ms. Fuller supported, is dictating for corporate America on what salaries are going to be for executives why in this economic climate is the Board taking this step. He commented on friends at Air Products and ITT who were just laid off. Dr. Seidenberger is under a contract that he agreed to and increasing the contract allows him to have a bonus on something that is part of his job description. He wanted to know how the Board had arrived at the \$3,000. He concluded that if the Board voted "yes" tonight there would be a backlash "like you have never seen before in East Penn." He said he would be happy to be part of the backlash, adding this was not a threat. He said there are folks in the community who have an issue with this entire Board and he hoped they would take it in great stride.

Mr. Richard Jones, 6702 Kings Highway, Zionville announced that his children had started in a new school, adding he had taken them out of East Penn not only for the questionable decisions in the district made evident by the alleged violations of the Sunshine Law, but because of others issues such as the vulgar books in the Emmaus High School Library and the ninth grade summer reading list. He said nothing has been done since his protest and the Board keeps raising taxes to the maximum level as the economy continues to crumble and the unemployment rate skyrockets. He said taxes are pushing many of the residents below the poverty line. He said the Board should cut taxes; cut spending; and get on a budget. He said Dr. Seidenberger, as a public servant, should take a pay cut.

Mr. Giovanni Landi, 869 Frank Drive, Emmaus commented that with the current economic conditions it was ridiculous to give the superintendent a raise and a bonus, adding that not only is he under contract which he assumes contains yearly increases he is being rewarded for doing his job. He expressed his disappointment with the Board, noting that when the budget was increased last year, he and other members of the public talked about the economic downturn and asked the Board to use some good judgment. He said the vote not being on the agenda showed a complete lack of respect for the taxpayers. He said he hoped that residents would voice their displeasure about the shenanigan at the polls.

Mr. Otto Slozer, 121 E. Elm Street, Emmaus said he had addressed the Board at the last several meetings about the reserved funds. He received a letter from Dr. Seidenberger extending an invitation to make an appointment to come in and discuss his concerns. He said as soon as he gets his calendar clear he would like to take him up on the

invitation. He said some of the other people expressed their displeasure rather succinctly. He talked about the bonus being tax dollars and people who have to pay the bill are losing their jobs and many of them have seen their retirement investments and savings disappear. There are real questions and concerns in the community. He asked that the Board take a second look at how the district does business.

4. Amendment No. 1 to the Superintendent's Contract (Exhibit 1)

Motion by Ballard, Seconded by Gannon

RESOLVED, That the East Penn Board of School Directors approve Amendment No. 1 (Exhibit 1) to its contract for employment with Dr. Thomas L. Seidenberger.

Mr. Prinzing said he would not support this motion even though he felt Dr. Seidenberger was doing an excellent job and he appreciated the fact that he was streamlining the administration. He concluded the raise was not something the residents of the school district could support at this time.

Mr. Stolz said in the current economic crisis he could not support this resolution at this time, even though he felt Dr. Seidenberger was doing a good job. He said the district was paying \$156,000 and claimed that Dr. Seidenberger was the second highest paid superintendent in the Lehigh Valley next to Bethlehem. He reiterated he could not pay the increase during this economic turmoil, adding it was nothing personal.

Mr. Ballard addressed the comments that were made about the Superintendent being under contract. He said the word contract is a wide ranging term. It is not implied that the person's salary under the contract is fixed for a certain number of years. Mr. Ballard said the Superintendent's contract calls for a review of the Superintendent yearly and a decision made by the Board as to the merits of an increase of that salary. He said the review was to be done last fall and the Board was behind schedule. The general expectation is that if the superintendent is performing to standard or above then consideration will be given for an increase. He talked about the feeling that if someone else is suffering then you should be suffering as well. It is a human thing to think and believe but it is not always true. He said in the companies laying off people the remaining employees are going to get increases of various sorts. It is not that every employee is going to take a freeze or cut. In order to retain the people you need to keep the company going through bad times and not have them leave, you have to be somewhat cognizant of the market for employees and the functions that possibly could have been lost plus the inevitable inefficiency to taxpayers to go on searches. He said the district has an administrator who is cutting back on administrative positions and saving the district a quarter of a million dollars a year. This is something that he claimed had not been accomplished in the 13 years he had been on the Board and something that is reasonably extraordinary for taxpayers. He concluded that the amount being saved is greater than the bonus and the raise. Mr. Ballard indicated his support of the motion. He said trying to be too cheap and stingy is not the way to go about doing things. The problem is not that people are not making money or businesses are not profitable, it's about the lack of confidence in the system and not spending money.

Mr. Chris Jones thanked Mr. Ballard for his accurate reflection. He said that he firmly believes that it is the responsible and right decision. He disagreed with certain folks that spoke this evening and he would be happy to have a discussion about the reasons for his decision. Dr. Seidenberger made decisions to cut costs, added additional responsibility to his work load, and had no expectation for any remuneration. He deserves our thanks. Mr. Jones said the superintendent is doing a great job. He said he felt bad for the ones who see it differently.

Ms. Kowalchuk indicated her support for the motion. She said Dr. Seidenberger has done an exemplary job and when the Board discussed his evaluation and review, it was agreed that everyone was pleased with his performance. However, given the economic situation, it was not what the Board wanted to give in light of the money he has saved the district. She indicated it was a small cost for what has been gained as having Dr. Seidenberger for the superintendent.

Ms. Fuller said there is not much more she can add but to say she agrees with the comments by Mr. Jones, Ms. Kowalchuk and Mr. Ballard. Ms. Fuller will support the motion.

Mr. Earnshaw said that even in times of a down economy most companies are giving increases to employees at the same time they are laying off - it a sad fact of the corporate reality. He felt Dr. Seidenberger is doing an outstanding job and he is happy to give the modest increase. To give a 3.2% increase to an outstanding employee is quite modest and well deserved.

This resolution was duly adopted by the following roll call vote:

Aye: Ballard, Earnshaw, Fuller, Gannon, Jones, Kowalchuk, Richwine-----7

Nay: Prinzing, Stolz-----2

5. Retirement of Janice Hoffman (Exhibit 2)

Motion by Ballard, Seconded by Kowalchuk

RESOLVED, That the East Penn Board of School Directors approve the terms of retirement of Janice Hoffman as outlined in Exhibit 2.

Mr. Prinzing said Ms. Hoffman chose to take the RIP retirement and is now retiring early and has requested the retirement under the ERIP plan. He did not think the district should pick up the tab that will cost the district more money. He felt it set a dangerous precedent for staff who could fall under those categories when they chose to lock into a certain program. He indicated he would not support the resolution. Ms. Fuller read the attached resolution, Exhibit 2, Item 3. She felt Mr. Prinzing's concerns about precedent should be allayed by the resolution. Mr. Jones asked for the reason for switching plans. Dr. Seidenberger said she had made plans to retire later and there is a \$4,000-\$5,000 differential. She will not be replaced for the rest of the year. Mr. Richwine said that the district will actually end up ahead. Dr. Seidenberger said there are people who will pick up the responsibilities and try to make it as financially neutral as possible. Ms. Kowalchuk commented that this position would probably be filled by an administrator with less experience. Dr. Seidenberger said he would not commit to that concept but generally speaking it is usually the case. Mr. Earnshaw said the district will spend a little more on the retirement but there may be a net reduction in expenses.

This resolution was duly adopted by the following roll call vote:
Aye: Ballard, Earnshaw, Fuller, Gannon, Jones, Kowalchuk, Richwine-----7
Nay: Prinzing, Stolz-----2

Mr. Stolz said that the Board will need to act on the FRN conference for Mr. Ballard at a future meeting.

6. Approval of Minutes

Motion by Ballard, Seconded by Gannon
RESOLVED, That the East Penn Board of School Directors approve the minutes for the January 26, 2009 meeting.

Ms. Fuller said she reads many minutes from many organizations and no where does she minutes as complete as East Penn's where the full flavor of the meeting is captured. She said for those who want to know what is going on then they should consult the web page of the district, under the School Board.

This resolution was unanimously adopted by voice vote.

7. Seven Generations Charter School Resolution (Exhibit 3)

Motion by Ballard, Seconded by Gannon
RESOLVED, That the East Penn Board of School Directors deny the Charter School Application of Seven Generations Charter School as outlined in Exhibit 3.

Mr. Prinzing said he was not against school choice but rather the applications was not submitted in full. As a Board, we cannot vote on an application as is without being in gross misconduct of the law.

This resolution was duly adopted by the following roll call vote:
Aye: Ballard, Earnshaw, Fuller, Gannon, Jones, Kowalchuk, Prinzing, Richwine-----8
Nay: Stolz-----1

8. Report of the Superintendent of Schools - Dr. Thomas L. Seidenberger

1. Personnel

Motion by Kowalchuk, Seconded by Stolz
RESOLVED, That the East Penn Board of School Directors approve the following personnel items:

Dr. Seidenberger reported that as of March 2 the district will be launching the central registration process. The office will be located at Eyer MS. Kindergarten registration will be held as it has been in the past.

Director of Technology Michael Mohn and Dr. Seidenberger were interviewed by a reporter from the Technology and Learning magazine for the April edition. They were very excited about the district's commitment to technology, specifically white boards.

Dr. Seidenberger announced that the EHS Concert Choir under the direction of Rita Cortez will be performing at Carnegie Hall on June 14. He is also nominating Ms. Cortez for a scholarship at Yale University.

Dr. Clyde Hornberger, Director of LCTI, will be attending the February 23 Board Meeting to answer questions about their budget.

Through the efforts of Dr. Torma, Web Master John Stabinger, and Director of Technology Michael Mohn, the district will be adding dashboards to the website. Residents will be able to see test scores and important data about students' progress, key elements of the budget; and information about personnel. The Community Newsletter will be restarted and will be available online.

Resignations

- Hillary Orobono, Instructional Assistant, Jefferson School, effective February 12, 2009 (Exhibit 4)
- Shannon Herring, Staff Assistant, Wescosville School, effective February 6, 2009 (Exhibit 5)

Leave as Per Collective Bargaining Agreement

Employee: Heather Montero
 Social Studies Teacher, Emmaus HS
 Effective: February 18-June 30, 2009

Request for General Leave of Absence

Employee: Patricia Horwat
 Eyer MS
 Effective: January 8-March 31, 2009
 Reference: Board Policy 539-General Leave of Absence

Appointment of Elementary Principal

Name: Tara Desiderio
 Effective: February 3, 2009
 Assignment: Principal, Lower Macungie Elementary School
 Vacancy created by D. Cortez transfer
 Salary: \$80,000, plus benefits as outlined in the Act 93 Agreement

Appointment of Confidential Assistant

Name: Amy Hitch
 From: Administrative Assistant, Assistant Superintendent's Office
 To: Confidential Assistant, Personnel Office
 Vacancy created by M. Wessner retirement
 Salary: \$30,000/year, effective February 9, 2009

Appointment of Staff Assistant

Name/Address: Julie Malloy
 Effective: January 27, 2009
 Assignment: Eyer MS
 Vacancy created by L. Gehman resignation
 Salary: \$12.01/hr., 32.5 hrs./wk.

2008-09 List of Per Diem Substitutes

- Pam Kiser, Instructional/Staff Assistant
- Pam Albrecht, Instructional/Staff Assistant
- Brooke Markle, Mathematics
- Megan Moran, Elementary
- Diane Edelman, Elementary
- Ellen Toth, Health/Physical Education
- Emily Sheehan, Elementary
- Lyndsey Klinefelter, Elementary/Special Education

This resolution was duly adopted by the following roll call vote:
 Aye: Ballard, Earnshaw, Fuller, Gannon, Jones, Kowalchuk, Prinzing, Richwine, Stolz--9

2. Educational Conferences - Exhibit 6

Motion by Gannon, Seconded by Ballard
 RESOLVED, That the East Penn Board of School Directors approve the estimated expenses for the individuals attending the educational conferences listed on Exhibit 6.

This resolution was duly adopted by the following roll call vote:
 Aye: Ballard, Earnshaw, Fuller, Gannon, Jones, Kowalchuk, Prinzing, Richwine-----8
 Nay: Stolz-----1

9. Other Educational Entities

- Carbon Lehigh Intermediate Unit T. Richwine

Mr. Richwine reported on the video streaming presentation from the Information Technology Department. This service is provided in cooperation with PBS 39 to all the districts in Carbon and Lehigh counties. Discovery Education Plus offers 10,000 video titles correlated to PA standards in all subject areas K-12. This replaces the video title library that had been used in the past. The cost is covered by the Operating Budget and East Penn has used the service extensively. Referring to the services in which East Penn students are involved, Mr. Richwine noted that there are 67 students who are covered by major assignments (emotional support and life skills); related services include 207 students who receive occupational therapy and 44 students who receive adaptive physical education. In total, there are 302 students who receive services. Mr. Richwine also reported on the World Café on Latino Culture that was held at Lehigh University in December. Educators and community members heard lectures on cultural and historical perspectives of the Latino population. Many of the ESL teachers in the IU are interacting with Latino students. It was sponsored through a diversity and equity partnership involving IUs 20 and 21, Northampton Community College, Community Action Committee of the Lehigh Valley, and United Way. The Governor's Advisory Commission on Latino Affairs and community businesses (Air Products, King Spry, Sanofi Pasteur) were also included. The IU budget will be acted on by the East Penn Board at a future meeting.

-Lehigh Career & Technical Institute

F. Fuller
A. Earnshaw
S. Kowalchuk

Ms. Fuller reported that the January Joint Operating Committee Meeting was cancelled because of inclement weather. She took this opportunity to explain the purpose and mission of LCTI. She indicated that the school provides educational opportunities that individual school districts are not able to offer. There are partnerships with the Penn State Lehigh Valley Campus and Lehigh Community College. Students are able to earn college credit in many areas and may choose either a full-time or half-time program. For example, there are pre-medical programs, pre-engineering programs, and job shadowing that will prepare students for future careers. She said careers are coming to pass that that people do not even know exist. Statistics show that students will have 8-12 career changes and they will need to pick up new talents and skills. She indicated that there were a number of East Penn students who were named to the Honor Roll for the Academic Center. Dr. Seidenberger commented very positively about the students who participated in the Skills USA competition.

10. Legislation

C. Ballard

Mr. Ballard reported extensively on the NSBA Federal Relations Network Conference that he attended in Washington, D. C. There were over 1000 Board representatives from across the country who participated in the various activities that involved lobbying local legislators from their home states. The conference began with an orientation session that provided an overview for the conference. There were Hot Topics sessions that dealt with current and emerging education and legal issues affecting school districts. There was a presentation by Political Analyst Norman Ornstein, followed by the political satire group Capitol Steps. Mr. Ballard indicated that the Elementary and Secondary Education Act, which includes No Child Left Behind must be reauthorized. NSBA has produced another training video on lobbying. There was a Congressional Luncheon with Ben Chandler, a Democrat from Kentucky, giving a presentation on nutritional issues. He was instrumental in pushing many of the wellness initiatives. The Honorable Tom Harken and the Honorable James P. Moran talked about educational issues in Congress. There was a lobbying session on Tuesday that provided an opportunity for Mr. Ballard and Mr. Bold, a Parkland board member, to meet with Representative Dent's Senior Legislative Assistant Kristin Dini. They met for 45 minutes discussing education issues such as unfunded mandates and costs from federal legislation, ESEA reauthorization and issues involving NCLB timelines. The position of PSBA and NSBA is that if you cannot fix the law then extend the times for penalties until the law can be amended. Also, correlating IDEA and ESEA so it is fairer to students. He talked about the Single Audit Act that states that any district receiving more than \$500,000 in federal monies is subject to a separate federal audit. There was discussion that this Act should not apply to the e-rate or stimulus package for schools. Mr. Ballard talked about the Shovel Ready projects and the time lines. There was a Congressional Reception at the end of the day which Representative Dent was able to attend after a House vote so Mr. Ballard, and Mr. Bold and Ms. Roberta Marcus from Parkland were able to have further discussion with Mr. Dent. East Penn and Parkland were the only two Lehigh County school districts who had representatives attending the conference. Mr. Ballard distributed buttons with the slogan "Facilitate, Don't Dictate." He talked about the influence that 1,000 board members had by putting "legs on the hill." He suggested a Morning Call reporter should attend a conference to see the interaction.

The House passed a job stimulus package. It is a quick infusion of money to stabilize jobs and the funds will only be for two years. Mr. Ballard said most of the funds are for construction or money to keep educational staff employed. He said there are many areas in other states that are furloughing teachers because of budget constraints which is not an option in Pennsylvania and most of the funds are to keep that the staff in place. He noted that even though there is talk about bringing special education funds up from 17% to 23% (should be 40%), the funds are not continuing. He explained the various options that are in the House and Senate bills. When approved, they will go to a House/Senate Committee that will review the two bills to reach a solution.

While in Washington, Governor Rendell's budget proposal was discussed. Mr. Ballard commented that there are "a lot of smoke and mirrors" in the proposal. Some of the proposals include trying to legalize video poker machines to give out scholarships and reducing the number of school districts from 501 to 100 school districts. Mr. Ballard spoke about the history of the consolidation of East Penn from local boroughs and municipalities. The state proposal is an effort to save money. He talked about the Standard & Poor's study that considered consolidation. Mr. Ballard pointed out the complexities of changing boundary lines, consolidating curriculum and staff, and the costs to accomplish the

consolidation. He said rather than tackling the funding issues to resolve some of the inequities they are finding some other way to deal with that situation. The proposal is to start a Commission that would propose two plans. If neither plan is approved, then the Department of Education will consolidate anyway. His assessment was that the state legislature would not relinquish their responsibilities to the PDE. In order to balance the state budget, 500 million dollars is needed from the stimulus package. Some of the cuts proposed are to eliminate the Governor's Schools of Excellence and specialty schools such as a school for the deaf. Mr. Ballard predicted the state budget would not be adopted on time.

Mr. Ballard reported on HB 104 is an act authorizing the Commonwealth of Pennsylvania to join the Interstate Compact on Educational Opportunity for Military Children; providing for the form of the compact; imposing additional powers and duties on the Governor, the Secretary of the Commonwealth and the compact commissioner; and establishing the State Council on Interstate Educational Opportunity for Military Children. This will be another imposition of a federal unfunded mandate. Mr. Ballard talked about being careful about budgeting that will be affected by these outside factors. He indicated he may not be at the next meeting.

11. Business Operations

1. Approval of Bill List

Motion by Ballard, Seconded by Stolz

RESOLVED, That the East Penn Board of School Directors approve the attached bill list, including the addenda, and that the Treasurer be authorized to issue checks and vouchers in the amounts indicated.

Authorization to Proceed for Bond Refinancing

RESOLVED, That the East Penn Board of School Directors does hereby authorize the administration to work with Public Financial Management, as Financial Advisor, and Rhoads & Sinon, LLP, as Bond Counsel, in conjunction with the issuance of General Obligation Bonds, Series of 2009, for the purpose of refunding the School District's General Obligation Bonds, Series of 2004, as long as the net savings are greater than or equal to the total issuance costs.

Special Funds Disbursements - Exhibit 7

RESOLVED, That the East Penn Board of School Directors authorize the expenditure of funds from the 2007 EGA Issue as listed on Exhibit 7.

In answer to a question from Mr. Prinzing about the bond savings, Dr. Seidenberger responded that it was clear that we would not go through with the bond sale if it is below the net savings target.

These resolutions were duly adopted by the following roll call vote:

Aye: Ballard, Earnshaw, Fuller, Gannon, Jones, Kowalchuk, Richwine, Prinzing, Stolz-----9

12. Announcements

Monday, February 9	7:00 p.m.-CLEAR Session (Litigation, Negotiations) 7:30 p.m.-Board Meeting
February 9, 10, 11, 12	PSSA Grades 5, 8, 11, Writing Test
February 9 & 10	Middle School Parent-Teacher Conferences
February 13 & 16	President's Holiday-Schools and Offices Closed

Mr. Prinzing talked about the potential closing of the Lehigh Valley Zoo by the County. and he informed the Board that he and Mr. Jones had met with administrators and faculty at LCTI to see if a partnership could be forged. People from LCTI were basically willing to work with the Zoo Director to help with landscaping needs and capital projects. This would be a huge savings for the County. He suggested anyone wishing to support the Zoo should attend the Lehigh County Commissioners meeting at 7:30 p.m. on Wednesday.

13. Adjourn

There being no further business to come before the Board, the meeting was adjourned, upon motion, at 9:03 p.m.

Cecilia R. Birdsell, Board Secretary