

ORDER OF BUSINESS

1. Call to Order; Pledge of Allegiance

President Charles H. Ballard called the meeting to order at 7:30 p.m. in the Board Room located at 800 Pine Street, Emmaus, PA, followed by the Pledge of Allegiance.

Board Members Present: K. Bacher, C. Ballard, L. Donches, A. Earnshaw, F. Fuller, R. Heid, M. Policano, S. Rhodes, III, 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: L. Fenstermaker, East Penn Press Reporter

J. Marangos, Emmaus.Patch.com Reporter

2. Requests to Address the Board

Mr. Robert Hamill, 1500 Little Lehigh Drive, N., Emmaus, PA requested the Board not increase the tax index by more than 1.7%. He commented on the Budget Facts regarding the State Pension Liabilities (Commonwealth Foundation) that showed a 500% increase in the state pension plan from 2011 to 2016-17. He claimed it is an asset that public employees have that is not shared by the private sector. He distributed copies of the November 8, 2011 article from The Wall Street Journal entitled, "Public School Teachers Aren't Underpaid." The article states that "teachers receive about 52% more than they could in private business." He also quoted from a December 12, 2011 article in The Wall Street Journal that "Two-thirds of employees, report they would be willing to make some sacrifice to keep their jobs. Giving up the opportunity for an annual bonus is the most palatable option; while taking a lesser job or a demotion is the least attractive." Mr. Hamill said public school teachers are not underpaid because of the pension issue and to some degree the health care issue. He suggested that the salaries be frozen again for next year. He did not think it was the right time to raise taxes because most people don't see any need and think they are being taxed enough.

Mr. William Bullman, 2306 Chablis Drive, Macungie, PA complained because the online agenda did not have the resolution for vouchers. He felt there was no opportunity for the public to present their views. Mrs. Fawn Strunk, 1885 Greenshire Drive, Macungie, PA spoke about the resolution for vouchers, adding it was divisive and controversial. She felt it should have been posted online with the agenda for public review. She complained that the school district did not ask for input from the community by an online survey. She criticized the resolution as being ill conceived and one-sided. She asked who wrote the resolution and was an attorney involved and who paid for the attorney and the authors and what organization produced it. She concluded that the resolution did not represent the diversity in the community. She felt if the Board had issues with SB 1 then they should speak out about those issues and how they could be remedied. She said as citizens they had First Amendment rights to speak and others should not be speaking for them. She commented that it did not represent the thoughts of three generations of her family, citing a workshop she attended where the PSBA stated there should be sufficient study given to proposed actions and districts should encourage input from students, staff, and citizens and try to incorporate their views into Board deliberations. She felt the Board should not take action on the resolution until everyone has a chance to contact their representatives.

3. Approval of Minutes

Motion by Policano, Seconded by Fuller

RESOLVED, That the East Penn Board of School Directors approve the minutes for the November 14, 2011 meeting and the December 5, 2011 Reorganization Meeting.

This resolution was unanimously adopted by voice vote.

4. Bond Refinancing - Scott Shearer, Managing Director, Public Financial Management - Exhibit 1 Richard B. Wood, Esq. and Jens Damgaard, Esq., Rhoads & Sinon, Bond Counsel

Mr. Shearer reviewed the attached Bid Results and Debt Service Schedule, noting that Moody's Investor Service had maintained the Aa2 rating for the school district. This rating is two from the top (Aa1 and Aaa) of the rating scale. He said the results of the auction were the best he had ever seen. The bonds today actually sold better than an actual triple A credit rating. There were 65 bids with Morgan Keegan being the successful bidder. Originally, the projected savings were around \$200,000 but the actual savings to the district as a result of this sale is \$1,340,021.81. The optional redemption date for these bonds is March 15, 2017. He explained how the payment dates were moved up which also saved \$150,000-\$200,000. He said in a normal transaction 2% savings would be considered good; however, this transaction shows 16.24%. Mr. Shearer pointed out that Page 13 indicates the Summary of outstanding indebtedness and PFM is always looking for opportunities for the district to refinance bonds. The district has saved almost 10 million dollars by refinancing bonds over the past 13 years.

Public Financial Management is watching the GO Bonds Series AA of 2004 and GO Bonds of Series 2007 for possible refinancing in 2012.

In response to a comment from Ms. Fuller, Mr. Shearer concurred that the 1.3 million dollar savings does not occur in one year but over the life of the bond. Mrs. Donches asked if there was a protocol for the amount of savings. Mr. Ballard replied that it has been a long standing practice to look for \$200,000 or more. Replying to a question from Mr. Bacher, Mr. Shearer explained the reason why this issue is structured for the savings to fall over multiple years is because there is not a lot of principal being paid over the next five to six years (See Page 7, Col. 2) with the larger principal starting after that time. If there were full principal payments in the first or second year, then it would have been structured for the savings to take place in the earlier years. It works well in this case and allows for a level funding. Mrs. Donches asked if it was possible to get a Prospectus. Board members receive this information about ten days after the sale. Mr. Ballard called attention to the Moody's Investors Service letter and the positive comments about the debt service and East Penn's "conservative financial management practices" as one of the reasons the district has maintained its high rating. Mr. Shearer concurred. Mr. Ballard said he was somewhat stunned by the positive statements. Mr. Shearer said they made many positive statements about the district. He said these agencies are looking at things very carefully and more strictly than in the past.

Motion by Earnshaw, Seconded by Rhodes

RESOLVED, That the East Penn Board of School Directors authorize the refunding of its General Obligation Bonds, Series A of 2006, in the original aggregate principal amount of \$9,500,000 dated as of December 15, 2006 as set forth in the attached resolution.

Mr. Damgaard reviewed the attached resolution. The numbers in this resolution reflect the results of the bond sale. The bond counsel is part of the Financial Team that includes the financial advisor, solicitor, and administration. They are charged with focusing on state borrowing laws, federal security laws, and the IRS Code. Mr. Earnshaw and Mr. Ballard thanked the Financial Team for their work.

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

Aye: Bacher, Ballard, Donches, Earnshaw, Fuller, Heid, Policano, Rhodes, Stolz-----9

5. 2012-2013 Budget - Index Resolution

Mr. Ballard explained that this resolution as stated would lock the district into a budget that would be at the index or less. If the Board wants to apply for exceptions, then this motion would have to be defeated. Dr. Seidenberger asked the Board to review the document prepared by Mr. Shearer and the recognition of the efforts that were made by the administration. He mentioned comments that were made last year by members of the community that claimed the district was carrying a lot of debt. In the Moody's letter, they clearly state that "the district's debt burden is below average."

Dr. Seidenberger discussed the impact of re-assessments that is affecting school districts. He noted that East Penn must refund \$862,154 as a result of reassessments. There has been a reduction of over 2 million dollars in state aid. He emphasized that exceptions are part of Act 1 and they are legal. In the early years of Act 1, we did not choose exceptions because we felt a quality education could be offered within the index. He reviewed the history of East Penn's use of exceptions and the actual budget increase. He felt the district had shown restraint and actually brought the budget in under the index. Two years ago we were approved for exceptions at 5.02% and came in at 2.9% and last year we were approved for 4.79% and came in at 1.83%. This year if the Board defeats this motion it gives the administration more flexibility. The two areas that reflect increases are PSERS and special education over which we do not have control. The special education population has increased in every category. We do not anticipate any state increases. If Congress does not pass a spending plan, the district is looking at a cut of 1.5% in existing special education funds or \$25,000 less. He pointed out that the CPI is running around 3.4% which affects the purchase of materials. This year the district is actually spending less than last year and continues to monitor discretionary spending. In January, the county is moving toward a new EIT collection which may slow cash flow. He said state aid is the wild card. He reviewed the information that he has given the Board concerning charter cyber school funding. He noted East Penn has a program for \$4,200 yet the district is paying over \$8,000 for a cyber charter school. He said if the district would only have to pay \$4,200 then it would be a savings of over \$700,000. Referring to vouchers, East Penn's voucher is worth approximately \$2600. If a parent was given a voucher for cyber charter school in the amount of \$2600 then they would save East Penn close to one million dollars. He felt the Legislature needs to address the issue and urged people to contact them. In addition, Auditor Jack Wagner has urged the Legislature to review the way cyber charters schools are being funded. Dr. Seidenberger's recommendation was to allow the administration to be given the time and flexibility to look at the budget by defeating this motion.

Motion by Earnshaw, Seconded by Heid

WHEREAS, the Board of School Directors of the East Penn School District has determined that there will be no increase in the rate of any tax for the support of its public schools for the 2012-2013 fiscal year by more than the Index established by the Department of Education (Department) for the district;

WHEREAS, the Index for the District is 1.7%;

- WHEREAS, the Board of Directors of the East Penn School District does hereby certify that the District will comply with the procedures as forth in Section 687 of the Public School Code as it relates to the annual budget for the adoption of its proposed and final budgets;
- WHEREAS, the Board of School Directors certifies that increasing any tax at a rate less than or equal to the established index will be sufficient to balance its final budget;
- WHEREAS, the Board of School Directors certify that the District will submit information on a proposed increase in the rate of a tax levied for the support of the public schools to the Department on a uniform form prepared by the Department no later than five (5) days after the adoption of this resolution;
- WHEREAS, the Board of School Directors certify that a copy of this resolution adopted pursuant to Section 311 of the Taxpayer Relief Act of Special Session No. 1 of 2005 will be sent to the Department no later than five (5) days after the adoption of this resolution;
- WHEREAS, the Board of School Directors recognize that the District shall not be eligible to seek referendum exceptions under Section 333 (f) of the Taxpayer Relief Act; and,
- WHEREAS, the Board of School Directors recognize that the Department shall compare the proposed percentage increase in the rate of the tax with the index; within ten (10) days of the receipt of the information as required, the Department shall inform the District whether the proposed tax rate increase is less than or equal to the index.

NOW, THEREFORE, BE IT RESOLVED, by the Board of School Directors of the East Penn School District, as follows:

The Board of School Directors adopts this RESOLUTION on the 12th day of December, 2011 indicating that it will not raise the rate of any tax for the support of its public schools for the 2012-2013 fiscal year by more than the index established by the Department of Education for the East Penn School District.

Mr. Earnshaw commented on the uncertainty of funding from the state, noting Governor Corbett's promise not to raise taxes. He pointed out that the state will be under a great deal of budgetary pressure regarding PSERS. This may result in a cut of basic education subsidy and there has been no increase in special education funding. If Seven Generations continues to add another grade, then that will increase charter school payments. While Mr. Earnshaw would like to see a budget with no tax increase, he recognizes that the district does not know where it is going with revenue in the face of significant costs. This would give the administration more flexibility by applying for exceptions rather than making significant cuts in programs. He talked about cuts that have been made such as middle school band camps. If the district's hands are tied, then the Board may have to make some unpleasant decisions regarding curriculum areas and class sizes. Dr. Seidenberger talked about increases in class sizes at several levels. The Kindergarten registration date has been moved up to give a better idea of what the Kindergarten population will look like. Ms. Fuller pointed out that this is the first of four votes on the budget. A vote to defeat this resolution will give the district administration more flexibility to develop a budget that is better suited to the district. She emphasized that the quality of the education sets the standard for the district and the quality of our housing market. In response to a question raised by Mr. Bacher concerning the Kindergarten registration date, it was clarified that it will be moved from April to March and there will be two more votes on the budget after that time. Dr. Seidenberger said that it is a group process to review the high school schedule and the class selections by students to see what staff is needed and this will take place at both the middle school and elementary level as well. He further noted that the administration already knows that there are 15% more students in the IU early intervention program coming into the district. We must provide the supplementary services if they are included in a child's IEP. We are constantly looking at ways to save energy. We have made attempts to Go Green in the area of copying. This year we will not be having a significant number of retirements.

Mr. Stolz asked how many exceptions there were prior to the legislation that was passed last year. Mr. Ballard responded prior to last year there were approximately ten but some of those were absolutely useless such as the health insurance exception as it relates to contracts and court orders. There probably were five that were useful. Mr. Stolz contended that the Legislature actually removed the ones that were not used and left the ones that were. Mr. Ballard said they took out the construction exception which has been used by some districts. Mr. Stolz noted that charter school reimbursement was removed from the Governor's budget last year. He talked about asking the Governor to restore charter school reimbursement as it relates to vouchers and choice. In referring to the wage freeze by employees, Mr. Ballard indicated that the employees had volunteered to take a wage freeze and that it was a partial freeze. In response to a question from Mr. Stolz, Mrs. Surdoval replied that the approved exceptions amounted to 1.3 million dollars as well as the salary savings. Mr. Stolz called on the staff to volunteer to take another freeze to show they were not just creating an election year issue but were really interested in what is best for the taxpayers and students. He indicated that he was voting to stay within the index. Mr. Ballard pointed out that the process is flawed because the budget is supposed to be prepared before anyone has indicated what we will be getting in revenue. He said the Governor has not even

given his budget address, adding that by May the district still may not know what it is getting in subsidy. He reiterated the concerns that had been expressed regarding special education funding. If the motion is not defeated, then it could result in making painful cuts in program based on the vote without any knowledge of where the state is going with the budget. The index will not sustain the costs to the district. He reminded the Board that there are assessment appeals that would result in refunds, the real estate market is soft, and the EIT revenue will be slow coming in with the county changes. Mr. Ballard indicated he would be voting against this motion. To clarify the motion, Mr. Earnshaw said if the vote is "no" the administration will bring back a resolution to apply for exceptions and then apply to the state where the exceptions may or may not be approved. Mr. Ballard clarified that the Board would be voting on the proposed preliminary budget on January 23. By taking this action, the Board would follow the regular budget timeline for March/April and, by that time, the district would have the proposed budget, the tax increase to support that budget, and the amount of the exceptions. Ms. Heid said this is not an easy decision for anyone on the Board and they do not want to put a burden on taxpayers. Last year the district could have stayed within the index. Dr. Seidenberger and the work of the Business Office got the budget to a place where most of the Board would be happy. She reviewed how she looks at her agenda packet prior to coming to the meeting to vote. She said she listens to people's comments and tries to make a decision about what is best for the education system and the taxpayers. She urged the Board to try to stay within the index if at all possible.

This resolution was defeated by the following roll call vote:

Nay: Bacher, Ballard, Earnshaw, Fuller, Heid, Rhodes-----6
 Aye: Donches, Policano, Stolz-----3

6. Report of the Superintendent of Schools

1. District Update

Dr. Seidenberger asked the Board to join him in asking the Governor to reinstate the 30% reimbursement for charter schools and capping cyber charter schools costs.

There were questions about the occupational/physical therapy contract. We are asking for approval because 2 staff members are on leave and we still need to provide the services. The letter and brochure listing the emergency bus routes is being mailed to parents this week. There is a Plan A and B and an Alert NOW message will be sent to only those parents who are impacted by the flooding. When Plan B is implemented, it will be for both morning and afternoon runs. This information will also be on the web site. The EnerNOC contract will provide additional energy cost savings. Several weeks ago, Seven Generations Charter School asked for an extension of their charter. Last Wednesday the district group was set to tour Seven Generations; however, they were having problems with their building so some of the documents were not available. The district administration will reschedule the tour and, after reviewing the documents, a report will be written along with the Superintendent's recommendation to the Board. Dr. Seidenberger has had two very positive conversations with the Director and, at the right time, we have offered the services of our maintenance staff to help train their maintenance staff on what to look for. He concluded that the process was going on but just had to be interrupted at this time.

Dr. Seidenberger reported on his invitation to visit Kutztown University where he and Dr. David Krem, Superintendent of Wyomissing, will be meeting with the KU President and Dr. Angel Castillo who is the Ecuadorian Director of Education.

Referring to various awards, Dr. Seidenberger said he will be presenting 2 energy awards at the January meeting. East Penn and Parkland each received a \$1,000 check from Giant Food Store at the opening of their new Trexlertown Store. He explained that the designation of Title II funds for conferences means that this is federal funds for staff development. We use Title II funds before district funds are allocated.

2. Personnel

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

Retirements/Resignations

- Dr. Linda Delvernois, Supervisor of Secondary Curriculum, effective April 4, 2012 (Exhibit 2)
- Linda Duffy, School Nurse at Eyer MS, effective date to be determined (Exhibit 3)
- Donna Hunger, Instructional Assistant at Emmaus HS, effective December 23, 2011 (Exhibit 4)
- Gina Tomasino, Remedial Assistant, effective December 9, 2011 (Exhibit 5)
- Elizabeth DeSantis, Instructional Assistant at Emmaus HS, effective December 4, 2011 (Exhibit 6)
- Chandra L. Dodds, Instructional Assistant at Wescosville School, effective immediately (Exhibit 7)
- Marc Pun, Staff Assistant at Emmaus HS, effective December 8, 2011 (Exhibit 8)

Appointment of Full Time Substitute Teacher

Name/Address: Ross Glase
 126 Wildflower Drive, Allentown 18104
Education Level: B. S. Degree (2009)
 B. S. Degree (2010)
Undergraduate School: Penn State University
Graduate School: Penn State University
Certification: Instructional I, Elementary K-6
Initial Assignment: Grade 2, Shoemaker School
 Opening created by K. Faisetty leave.
Effective: December 13, 2011
Experience: 8/2011-Present: East Penn
Salary: \$45,185 (Year 1, Col. 3)

Sabbatical Leave for Restoration of Health

Employee: Jan Landgraf
 English Teacher, Emmaus HS
Effective: 12/6/11-12/5/12

Compensated Professional Leave

Employee: Lisa Caruso
 Art Teacher, Emmaus HS
Effective: 2012-2013 School Year

General Leaves of Absence - Board Policy 539

Employee: Laura Goldy, Remedial Assistant
Effective: 1/13/12-4/30/12

Employee: Jennifer Curtis
 Supervisor of Special Education
Effective: 1/9/12-1/26/12

Leaves as per Collective Bargaining Agreement

<u>Employee</u>	<u>Effective</u>
Amanda Theis, Grade 2, Shoemaker	Extension to 6/15/12
Amanda Schneck, Grade 1, Shoemaker	12/20/11-2/7/12
Jill Kuebler, English Teacher, Emmaus HS	12/23/11-1/2/12
Rebecca Beitler, Speech, Shoemaker	1/2/12-4/3/12
Amanda Bower, Grade 2, Willow Lane	1/2/12-6/15/12
Kelly Duffy, Business Ed, Emmaus HS	12/22/11-6/15/12
Tanya Scisly, Grade 6, LMMS	1/2/12-4/3/12
Caitlin Shutte, Kindergarten, Macungie	Extension to 1/26/12

Correction to Food Services Department Hours

<u>Employee</u>	<u>From</u>	<u>To</u>
Renee Holmes	5.75 hrs./day	4.75 hrs./day
Melanie Potter Morales		Additional 1.0 hrs/day Breakfast

Additions to the 2011-2012 Per Diem Substitute List

Sharon Benner	Instructional/Staff Assistant
Risa Roth	Instructional/Staff Assistant
LuAnn Cronauer	Instructional/Staff Assistant
June Rodriguez-Ashmar	Instructional/Staff Assistant
Natalie Lahr	Instructional/Staff Assistant
Danielle Treat	Instructional/Staff Assistant
Irene Tyson	Elementary, ML Math
Lisa Donmoyer	Food Services Department
Michael Runyan	Biology, ML Science
Arlene Sovorsky	Elementary
Lynnze Weidaw	Elementary/Special Education
Ashley Weaver	Elementary, ML Math, English, Special Ed.

Appointment of Temporary Professional Employee

Name/Address: Eileen Klang
 130 Pond View Drive, Hamburg 19526

Educational Level: B. S. N. Degree (2004)
 Course Work for Masters

Undergraduate School: Kutztown University

Graduate School: Alvernia College

Certification: Ed. Specialist I, School Nurse

Assignment: School Nurse, Eyer MS
 Vacancy created by L. Duffy resignation.

Effective: To be determined

Experience: 1/2009-Present: Reading SD

Salary: \$45,508, Year 2, Col. B

Co-Curricular Advisors - Exhibit 9

Educational Conferences - Exhibit 10

That the East Penn Board of School Directors approve the estimated expenses for the individuals attending the educational conferences listed on Exhibit 10 with the exception of the PSBA New Board Member Orientation Program being held at Lehigh Career & Technical Institute on January 26, 27, 2012 with Board Member Lynn Donches attending.

Contract for Speech/Occupational/Physical Therapy - Exhibit 11

RESOLVED, That the East Penn Board of School Directors approve the contract with Providastaff, for Speech/Occupational/Physical Therapy for the 2011-2012 school year as described in Exhibit 11.

Note: This contract has been approved by the solicitor. There were changes to the date of the contract and correction of an interest rate error.

Mr. Earnshaw and Mr. Ballard noted the retirement of Dr. Linda Delvernois from the district. Mr. Earnshaw said he valued not only her professional contributions to the district but also her sunny disposition. He thanked her again and wished her well in her retirement. Mr. Stolz said she was his Assistant Principal and expressed his best wishes. Mr. Ballard also added his best wishes and noted that Dr. Delvernois always kept her smile even when there were heated questions from the Board.

These resolutions were duly adopted by the following roll call vote:
 Aye: Bacher, Ballard, Donches, Earnshaw, Fuller, Heid, Policano, Rhodes, Stolz-----9

Educational Conference

Motion by Earnshaw, Seconded by Fuller
 RESOLVED, That the East Penn Board of School Directors approve the estimated expenses for the PSBA New Board Member Orientation Program being held at Lehigh Career & Technical Institute on January 26, 27, 2012 with Board Member Lynn Donches attending at a cost of \$349.

Mrs. Donches indicated that she would be abstaining because she is receiving remuneration for the conference. Mr. Earnshaw explained that when a board member is sent to training in their capacity as a board member there is no conflict of interest unless there is a financial interest in the company that is providing the training. There is nothing inappropriate in voting to attend a conference in a professional capacity.

This resolution was duly adopted by the following roll call vote:
 Aye: Bacher, Ballard, Earnshaw, Fuller, Heid, Policano, Rhodes, Stolz-----8
 Abstain: Donches-----1

4. 2012-2013 Emmaus HS Program of Studies Changes- Exhibit 12

Motion by Earnshaw, Seconded by Stolz
 RESOLVED, That the East Penn Board of School Directors approve the 2012-13 Emmaus HS Program of Studies Changes as indicated on Exhibit 12.

Dr. Linda Delvernois explained that each year the high school administration along with the guidance counselors and the department leaders look at the document students use to select their courses. This year math has been the ever changing content area because the state has changed things. Dr. Delvernois thanked Assistant Principal Andrea Edmonds who was responsible for making the changes. Two years ago when the process began the new tool was the SAS. This was changed in March and then the state adopted the Common Core for full implementation in 2013-2014. PA is only 45% aligned with the Math Common Core. She noted that

this has influenced the middle school program that was presented to the Board in September and subsequently the high school program that is being recommended this evening. Dr. Delvernois referred the Board to the changes in Math that are listed on Exhibit 12, page 2. Laura Leiby, Mathematics Teacher at EHS and member of the Keystone Exam Committee, who answered questions regarding this area. Mr. Bacher had questioned an area where there was indeed a correction needed. Mr. Bacher asked about the restriction of science electives to Grades 10-12 only or when students have concurrent enrollment in Honors Biology. Mrs. Edmonds indicated that the Science Department felt that a freshman taking two courses was somewhat overwhelming for some students. The Science Department recommended that it be changed to a 10-12 grade elective and, if a Grade 9 student had a solid science background, then they could take the course. There are other electives outside of the science curriculum. Mr. Earnshaw said the curricula is much more challenging for high school students today. He said he was pleased to see that courses that no longer serve the needs of students are being removed. He complimented the staff on their work.

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

Aye: Bacher, Ballard, Donches, Earnshaw, Fuller, Heid, Policano, Rhodes, Stolz-----9

7. Legislative

C. Ballard

Mr. Ballard is the PSBA Liaison for the Board and the resolution was prepared by PSBA and reviewed by the PSBA legal counsel. There were no school district resources utilized to prepare this resolution. In answer to a question from Mr. Rhodes about whether this resolution was on the web site, the item was listed on the printed agenda that was on the website; however, the actual resolution was an attachment, and attachments are not included on the website. It was part of the printed agenda that was available to the public. Mr. Policano questioned whether it was appropriate for the public to have the resolution prior to the meeting. Mr. Stolz said he assumed that the Board was being asked to vote on this resolution because the Legislature is going to be voting on it this week. He said he could support it if it was specifically for SB 1; however, this resolution was opposing all school choice and he found that offensive. He asked how much it cost to educate a child in East Penn. Mr. Ballard noted that there are different calculations. Mr. Stolz said it was \$13,000 as compared to \$8,000 for a charter school student. Dr. Seidenberger said there are approximately 260 East Penn students in charter schools for a total of 3 million dollars. Mr. Stolz said he would not support the resolution. He felt districts should be competing for tax dollars. He said it was the parents' choice, their children, and their tax dollars to make a choice. Ms. Fuller said if it was the parents' tax dollars it would cost about \$3,000. She had calculated the cost of an East Penn education for her children and she estimated it would be around \$120,000 and she would be still paying. Ms. Fuller pointed out that in no way over the course of a child's education in East Penn are the parents solely paying the education - it is the whole community's money. She contended that it is not a level playing field because public schools take all students and "public schools in the Commonwealth are held to strict accountability standards in an effort to measure student achievement and academic progress, unlike private and parochial schools which are not required to give state assessments or publish student achievement data." SB 1 is picking the pocket of the taxpayers. Mr. Bacher said he did not see the relevancy of charter schools and commented 75% of the money from SB 1 is going to go to people already enrolled in private schools. If they are going to private school now then the money is coming out of the taxpayers and they do not get to see any benefit. He indicated his support for the resolution. Mrs. Donches said she agreed that the resolution should be on the web site. She feels that education provides opportunities and every child deserved a first rate education and in a safe and nonviolent environment. She concluded that the resolution restricts parents' choice and she would not support it. Mr. Earnshaw said there are a number of issues and misconceptions around school choice. Parents have a choice to apply to any private school or parochial school but those schools also have the ability to say "no" to any parent. He said until every private and parochial school is required to accept any student there is no true choice. He commented on his interaction with a teacher from a local private school who said they have no curriculum requirements and he can teach anything he wants. Mr. Earnshaw pointed out that there is no accountability that students are achieving the standards that are expected of them. He talked about the tuition for the top private schools in this area and the amount of tuition compared to the tuition voucher amount of \$2600 so they would still have to come up with \$13,000 for tuition. He criticized the concept that parents should judge what a quality education is for their child. Even as a board member, he felt he was not qualified to judge one school over another. This legislation does not require that students take any type of standardized tests or assessments of any kind. He talked about the funding for students, noting that one student does not add a substantial amount. The incremental cost is minimal. When the total cost of the entire system is considered that is when the figure comes up to \$12,000 or \$13,000. The state funds education from state and local sources. He felt it was a public priority to educate the populace. Mr. Policano asked what purpose this resolution would serve and felt the resolution is restrictive. He felt the resolution implied that all of East Penn is against vouchers.

Mr. Ballard said the reason this is on the agenda is that there are only six more days left in the Legislative agenda for this year. It is possible that someone will try to sneak through a bill to accomplish something in the voucher area. PSBA is asking for a maximum effort to get word to the legislators. This is not a referendum by the people but for the district. Mr. Ballard pointed out that board members represent the people who elected them as well as the district of which they are a part. Board members have a fiduciary responsibility to the district as well as the taxpayers to do what is in the best interest of the district. The question before you is whether or not vouchers are in the best interest of the district. He said board members are here to represent the public and the district and sometimes they have to decide what is best for the district. This was not a public poll. There has never been a question about whether parents have choice but the question is now do they get tax dollars. This is a question for all taxpayers to weigh in on, not just parents. He concluded that SB 1 was an entitlement program and all of the proposals that have come forth are damaging to public education. In

response to a question from Mr. Stolz, Mr. Ballard said there is a spread sheet that has been put out showing that a voucher in East Penn would be worth \$2,600. He said there are some districts that may receive more. He further clarified that there are 144 failing schools in 17 districts and those are the districts that will be affected. Mr. Stolz continued to debate whether parents know if their children are learning, concluding that if the school is working for their children then it is good for them. He proposed the following amendment:

Motion by Stolz, Seconded by Donches

RESOLVED, That in the three paragraphs that start with the East Penn Board of School Directors the language be changed to read, "a majority of the East Penn Board of School Directors."

Ms. Heid said that this is just starting something that could be inserted in every document that the Board votes on. She said she was against it. Mr. Bacher asked how many times in the past has it been reflected that a vote is a majority of the Board. Mr. Ballard said it has not been done in the 20 years he has been on the Board. Mr. Earnshaw explained the parliamentary procedure with this amendment. There continued to be debate about whether parents know the quality of the school they choose, accountability to the public.

This amendment was defeated by the following roll call vote:

Nay: Bacher, Ballard, Donches, Earnshaw, Fuller, Heid, Rhodes, Stolz-----8
Aye: Policano-----1

1. Resolution Opposing Tuition Vouchers (Exhibit 13)

Motion by Ballard, Seconded by Fuller

WHEREAS, school districts in the Commonwealth have continued to make steady gains in academic achievement and create innovative and effective programs and curricula for all public school students and Pennsylvania is the only state in the nation to have increased academic achievement in every subject, at all tested grade levels and for all ethnic, racial and economic subgroups of students from 2002 through 2008; and

WHEREAS, the implementation of a tuition voucher program, over-expansion of any existing tax credit program or incentivizing a student's transfer out of the public education system in any way takes financial resources away from traditional public schools and diminishes the great strides that have been made in those schools and increases the burden on property taxpayers and their resident school districts working toward greater academic successes; and

WHEREAS, unlike nonpublic and private schools, public school districts in the Commonwealth accept and educate children regardless of race, ethnicity, gender, religion or academic talents, as opposed to those institutions that are able to reject applicants based on low academic performance, discipline issues or any number of other factors; and

WHEREAS, unlike nonpublic and private schools, public schools in the Commonwealth are held to strict accountability standards in an effort to measure student achievement and academic progress, unlike private and parochial schools which are not required to give state assessments or publish student achievement data; and

WHEREAS, there is no consistent evidence to demonstrate that students who utilize vouchers make any better academic progress in nonpublic or private schools than they did prior to transferring; and

NOW THEREFORE, BE IT RESOLVED that the EAST PENN School District opposes any legislation or other effort by the General Assembly to implement a tuition voucher program in the Commonwealth or any other program that would have an effect similar to that of a tuition voucher program, and encourages its elected officials to oppose the same.

BE IT FURTHER RESOLVED that the EAST PENN School District directs its Board President to take immediate action to alert its district's state legislators about the need to oppose voucher legislation and the negative consequences on the school district and the public education system at large and to provide a copy of this resolution to them.

BE IT FURTHER RESOLVED that the EAST PENN School District will encourage others, including parents, students and district taxpayers, to contact the Pennsylvania General Assembly to convey the importance of supporting public education in the Commonwealth.

Mr. Rhodes felt this resolution should be placed before the public. He indicated his support for the resolution. Mrs. Donches said there are too many unanswered questions. She introduced the following motion:

Motion by Donches, Seconded by Stolz
RESOLVED, That the resolution opposing Tuition Vouchers be tabled.

This resolution was defeated by the following roll call vote:
Nay: Bacher, Ballard, Earnshaw, Fuller, Heid, Rhodes-----6
Aye: Donches, Policano, Stolz-----3

The Board then returned to the original motion.

This motion was duly adopted by the following roll call vote:
Aye: Bacher, Ballard, Earnshaw, Fuller, Heid, Rhodes-----6
Nay: Donches, Stolz-----2
Abstain: Policano-----1

8. Business Operations

1. Informational: Plancon Part K: Project Refinancing - Exhibit 14

Plancon Part K: Project Refinancing has been approved by the PA Department of Education. This document and appended materials are to be entered into the minutes of this meeting.

2. Bill List Approval

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

Treasurer's Report

RESOLVED, That the Treasurer's Report be approved.

Parent Transportation Contract

RESOLVED, That the East Penn Board of School Directors approve the following transportation contract:

Parents: Pamela and John Clark
1151 Bulldog Road, Allentown
Effective: November 21, 2011-June 15, 2012
Reimbursement: 7.4 miles to Lincoln School
\$.55/mile

Disbursement of Funds - Exhibit 16

RESOLVED, That the East Penn Board of School Directors authorize the expenditure of funds from the 2010 Series A and Capital Reserve Fund as described on Exhibit 16.

These resolutions were duly adopted by the following roll call vote:
Aye: Bacher, Ballard, Donches, Earnshaw, Fuller, Heid, Policano, Rhodes, Stolz-----9

3. Termination of Clear Choice Energy and Approval of the ENERNOC Demand Response Sales and Services Agreement (Exhibit 15)

Motion by Earnshaw, Seconded by Stolz
RESOLVED, That the East Penn Board of School Directors terminate the agreement with Clear Choice Energy and approve the Demand Response Agreement with ENERNOC, Inc.

Note: The estimated first year revenue for this agreement would be \$61,672 which would be used to offset part of the cost of electricity. Section 3.g. of the Demand Response Agreement has been modified.

These resolutions were duly adopted by the following roll call vote:
Aye: Bacher, Ballard, Donches, Earnshaw, Fuller, Heid, Policano, Rhodes, Stolz-----9

4. LCTI Alternates

Motion by Policano, Seconded by Heid
RESOLVED, That all members of the East Penn Board of School Directors be approved
as alternates to the Joint Operating Committee of LCTI.

This resolution was duly adopted by the following roll call vote:
Aye: Bacher, Ballard, Donches, Earnshaw, Fuller, Heid, Policano, Rhodes, Stolz-----9

Since Ms. Fuller will be a member of the IU Board of Directors and will be reporting on the IU activities at the East Penn Board Meeting, another board member will need to report on the activities of the JOC. Mr. Ballard asked the representatives to work that out among themselves.

9. Announcements

Mr. Earnshaw complimented the Emmaus HS Band on their concert on Friday evening.

Monday, December 12 7:00 p.m.-CLEAR Session (Confidentiality)
7:30 p.m.-Board Meeting

Tuesday, December 13 7:00 p.m.-Eyer MS Band & Orchestra Concert
7:00 p.m.-Alburtis & Lincoln Winter Concert

Wednesday, December 14 7:00 p.m.-Eyer Chorus Concert
7:00 p.m.-LMMS Choral Concert

Thursday, December 15 7:00 p.m.-LMMS Choral Concert

Friday, December 16 11:00 a.m.-Middle Schools Early Dismissal
11:00 a.m.-Emmaus HS Dismissal
7:00 p.m.-EHS Orchestra Concert

Friday, December 23 11:00 a.m.-Secondary Schools Dismissal
12:00 p.m.-Elementary Schools Dismissal

Monday, January 9 7:30 p.m.-Board Meeting, Board Room

10. Adjourn

There being no further business to come before the Board, the meeting was adjourned, upon motion, at 10:20 p.m.

Cecilia R. Birdsell, Board Secretary