

ORDER OF BUSINESS

1. Call to Order; Pledge of Allegiance

President Charles H. Ballard called the regular meeting of the Board of School Directors 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, 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:

Patrick Lester, Reporter, Morning Call
Jennifer Marangos, Editor, Emmaus.Patch.com
Mariella Savidge and Jenae Holtzhafer, Lower Macungie.Patch.com
Precious Petty, Reporter, Express Times
Randy Kraft, Reporter, WFMZ.online
Peter McConnell, Reporter, East Penn Press

2. TIF (Tax Increment Financing Act) – Hamilton Crossings

Mr. Tim Harrison, Hamilton Crossing Project; Mr. Jeremy Fogel, Goldenberg Group; and Mr. John Kingsley, Vice President of Economic Development Finance, Lehigh Valley Economic Development Corp. presented an overview of the TIF financing for the Hamilton Crossing Project that was discussed with the Board at the August 13, 2012 meeting. Mr. Kingsley serves as the staff member of the Lehigh County Industrial Development Authority and is the manager of the proposed Tax Increment Financing process. Attached is the power point presentation that was provided for the Board and audience members (attached to the minutes of this meeting). By law, they are required to make this presentation to the Board. A detailed project overview was presented at the August 13, 2012 Board Meeting. They were not asking for approval of the TIF this evening but were requesting that a representative to serve on the required TIF Committee be selected. Mr. Kingsley did review how the TIF works, the chronology for the process, how TIF is guaranteed, why it is needed for this project, and the project schedule. Mr. Fogel pointed out some sample projects by the Goldenberg Group that include the Metroplex, Plymouth Meeting; Exeter Commons, Exeter Township; Tilden Ridge, Tilden Township; and Park West Town Center in Philadelphia. The Hamilton Crossing project is a 63-acre retail project and 10 acre regional storm water detention facility. Hamilton Crossings will be anchored by Target and the first Costco Wholesale Club in the Lehigh Valley. The design and construction will be closely associated with the Promenade Shops at Saucon Valley. Mr. Fogel noted that there are extraordinary infrastructure costs and environmental remediation costs in order to develop the site and move forward. Currently, the district receives \$7,000 in taxes and the property is owned by the Dioceses of Allentown. The sizing of the TIF is anticipated to include only the shortfall after all other sources are finalized. They have made applications for grants and other financing alternatives to help with the project. The cost for this project is estimated to be over \$115 million dollars. It is anticipated that approximately 400 construction jobs will be created and over 1,000 permanent jobs. The estimated date of completion and store openings is Fall 2014; however, there still several steps that must be in place before construction can begin in June 2013. There is no liability on the part of taxpayers, Lehigh County, LM Township, or the school district. At President Ballard's request, Mr. Kingsley will be putting the request for representative(s) from East Penn in writing later this week. Once the TIF Committee members have been identified, they will begin preparing a development plan.

Ms. Fuller said the taxes are imposed and collected as usual by the taxing bodies then the money goes to the Economic Development Authority to pay the bonds. In answer to a question from Mr. Bacher about the timing of the bonds, it was noted that the TIF Committee will be helping with the schedule but, assuming that bonds were issued in 2013, there will be other financings considered like interest capitalization and debt service capitalization that will actually pay the debt service while the project is being developed. To clarify a question asked by Mr. Stolz, Mr. Fogel said without the TIF Program they would not be able to fund the project. Mr. Stolz asked about prevailing and minimum wage. He then commented on government meddling in the Free Market. Mr. Earnshaw called for a point of order, noting that the Board had not had the requests to address the Board so we should not be debating the merits or demerits of the proposal. He felt it was only appropriate to have questions addressed. Mr. Ballard asked Mr. Stolz to hold his comments until there is the actual discussion of appointing representatives. Ms. Heid asked how many members are on the exploratory committee. Mr. Kingsley responded that there are usually 1 or 2, noting that Lower Macungie Township appointed one of the Commissioners and the Township Manager. Ms. Donches asked if the committee meetings were open to the public. Mr. Fogel said the committee will set the meetings and they are not public. They will come back to the Board with a recommendation and that will be a public meeting.

President Ballard thanked them, adding he would be looking forward to receiving their letter.

3. Requests to Address the Board

Giuseppe Martellucci, 5202 Bow Lane, Emmaus complained about the "crap" being taught in school, school taxes, and criticized the representatives from the TIF group. Mr. Ballard suggested Mr. Martellucci look into the Senior Citizen Rebate Program. Mr. Martellucci responded that he wanted respect and would not accept something he did not work for and asked why taxes keep going up. Mr. Ballard indicated that the meeting was not interactive. Mr. Stolz called for a point of order, indicating that it was Mr. Ballard who started the interaction and Mr. Martellucci was responding.

Terry Richwine, 1463 Country Club Road, Wescosville encouraged the Board to vote against the book banning motion. He said the books were not pornography because pornography is meant to sexually arouse someone, neither the books or the passages cited do that. He believed the entire issue was a manufactured crisis orchestrated by a group dedicated to tearing down the East Penn School District and giving it a black eye. The issue has been portrayed in the most sensational and inflammatory manner possible. The use of the word "pornography" grabbed headlines. These actions are not about protecting students. If it was, those responsible went about it the wrong way. Thanks to the publicity there are now 2 books that teenagers know they should not read and by publicizing the pages on which the alleged pornography appears it has made it easier to find the passages without having to read the books. If those calling for the removal of the books truly believe they are pornographic, then why do you think it is okay to leave them in the library? Perhaps they do not want to be called book burners.

On another topic, Mr. Richwine encouraged the Board to vote against the motion for additional information for district documents. As a former board member, Mr. Richwine said these nuisance motions are designed to harass district personnel with trivial minutiae. He found no value or practical use for anyone. He quoted John Wooden, "Don't mistake activity for achievement. Just because you appear to be doing something does not mean you are accomplishing anything." While supporters of these motions can strut and preen about all of the transparency they are providing, in reality it adds nothing to the public discourse. He urged them to devote their time and effort to enabling the delivery of a thorough and efficient education, not toward destroying the district for political reasons. His three children benefited from an excellent East Penn education. It is his hope that the current generation of students will also benefit from such an educational opportunity.

Megan Slifka, 1870 Brookhaven Drive, West, Allentown indicated that she had two daughters in the district, that she loved the district, and her children have received a good education. Mrs. Slifka, using the following Shared Values of the East Penn School District as stated in the Strategic Plan, responded as follows:

1. We believe education is an ever-changing lifelong process and people need to view themselves as life-long learners.
2. We believe students have a shared responsibility for their own learning.
3. We believe students of today will live in a different future and we must prepare them to confront new challenges. *(Does reading like this prepare them? If so, why not provide students with the facts of what constitutes felony sexual assault, what is the age of consent and why, and, most importantly why not give students refusal skills to lead them to self-sufficiency and a strong resolve to remain abstinent.)*
4. We believe the East Penn School District must continue to provide an excellent program that addresses the educational needs of all students in a safe and supportive environment. *(How safe is it to suggest casual summer reading materials that promote felony sexual assault, sex with a minor. Why not help students realize the social, psychological and physical well being they will achieve by abstaining from premature or inappropriate sexual activity. She did not see any of that in the educational program.)*
5. We believe a commitment to continuous improvement is essential to achieve the mission of the East Penn School District. *(If this is the case, then hold the suggested reading list to the same continuous improvement that you ask everything else to be held to. She cited the regulations for the rides at Dorney Park. Why do we not improve the district policy by warning parents of books containing pornographic material and tell them that they are in the library. Tell us that they are going to be suggested that our kids are going to read them over the summer. Warn them of the repercussions of group sex, oral sex and underage sex. You don't have to ban books, just warn the parents.)*

Eric Adams, 1611 Woodfield Drive, Bethlehem said he wanted to refute the most common arguments for keeping the books. First, these books are only suggested and are not required reading and that is followed by if you don't like these books then don't read them. Well, how about, if you don't like these books, then don't pay your property taxes. Well, we all know that property taxes are not optional and that is why the issue is on the agenda as part of the social contract as spelled out clearly in Board Policy 109. The central issue is the professional judgment of the educators and the internal process used to approve the final list. The district hires professional educators to review thousands of books and we depend on them to pick the most valuable educational materials for our children. Obviously, a district is capable of suggesting much better books than The Kool-Aid Acid Test. The second big issue is censorship. What is the common notion is that absolutely no book should ever be removed from a public school curriculum for any reason. There are no limits and this interesting argument is only a diversion and what is overlooked is that every piece of material in a public school curriculum is carefully scrutinized for the purpose of excluding objectionable, sub-standard content. The public school curriculum is arguably the most censored body of information imaginable. All sorts of materials have been removed from public schools including the bible and, until now, pornography. Just this year the Southern Lehigh SD removed the book Nickel and Dimed. The general public is probably unaware that resource materials are routinely removed by public school districts in a process known as weeding. Mr. Adams said that, as school board member, they may not cite an opposition to censorship as a reason to vote against these books. Although this responsibility is delegated to the superintendent, the responsibility of the curriculum rests solely in the Board, not the students, not the parents, not the teachers, not the special interest groups, so this issue is black and white and you are in either for or against the use of Prep or The Kool-Aid Acid Test in the curriculum.

Neil Wren, 2304 Aberdeen Way, Macungie and a student at Emmaus HS, said that when he first heard about the issue he was concerned about the fact proper procedures had not been taken and the precedent that would set. He was also concerned about the intellectual freedom and integrity of the students. He had not read either book and he did not believe that many others in the debate had read them either. He said he has read his share of mature novels and he believes it is every student's right to read what they wish. He places his trust in the teachers of the East Penn School District and Emmaus High School. He has read The Good Earth and The Jungle and they have contained mature content. He has also read books by authors (John Irving, The World According to Garp) who are thought provoking. He said the students at Emmaus HS want to be treated as young adults. The relatively contemporary novels were added to make reading more appealing for students who are bombarded with flashy movies and mega sound bites. He said very few students can find literary merit in Dickens and classical literature. He said contemporary books could be the way to get a child to read. The students do not want to be sheltered and it is counterproductive to attempt to cover up things that are problems in our society now. We should not be worried about books but look towards the problems with violence and drugs and substance abuse. Parents should educate during this delicate time of growing up. He said from his discussions with students they are fairly united that they do not want these books to be removed. It is unnecessary and a waste of time. He and fellow student Isaiah have an online petition and they have acquired 125 signatures from students and former students and adults in the community. He said the intellectual freedom of students should be respected. Parents should tell their students what they can and cannot read and it should not be left to a small minority of people to establish what students can and cannot do.

Isaiah Zukowski, 840 Chestnut Street, Emmaus and a student at Emmaus HS, said he wanted to talk about the book issue from the students' perspective. All novels on the summer reading list are recommended from third party literary organizations and English teacher at Emmaus HS many of whom he had the privilege of learning under. Mr. Zukowski added that the amount of trust he has for them is impossible to quantify. He said it is a thankless job because many students do not like reading and a lot of parents and people in the community are quick to blame them. He said some people need a reality check because the "pornographic" material cited really pales to what is available and regularly accessed on the internet. Just because they are reading books from the summer reading list people think they have an illusion of control over their child's innocence. It is really a futile effort. The world has become more explicit and the grotesque violence on TV, in music, and condoned in the movies is far more offensive to him than literature concerning sex. I think this double standard of what is appropriate and the ignorance on the part of the students contributes greatly to the number of kids who experiment with these dangerous actions even at Emmaus High. In the grand scheme of things, books are the least problem and, most importantly, it is the right of a few people to voice their opinion under the supposition that they are representing everyone's interests. Yes, you have the right to dictate what your own child reads but the books are marked optional on the list and that is why there are summaries and disclaimers on the page. His own parents are against the idea of censorship and would be comfortable with him reading any books on the list. He benefited from the liberal environment provided by his parents. He gained from reading authors such as John Irving, Dave Eggers, Toni Morrison, etc. – all authors whose works would be subject to the intense scrutiny would have some sort of outrage. Because he was allowed to read what he wanted, he read a lot more and became more self-aware to the problems in the world. The whole process is a slippery slope. He read a lot of mature novels and he knows he benefited from reading all of them. His parents are proud of him and they are the only source of guidance he needs in his life and not any other parent no matter how justified they feel to make decisions for him.

Nicole Bassett, 1221 Acorn Circle, Macungie indicated that her daughter was a freshman at Emmaus High School and she had read Prep. Mrs. Bassett explained to her daughter that there may be passages in the book that she may be uncomfortable with involving sexual situations but the context of these passages was extremely important. She made it clear she was open and available to discuss with her anything she came across that she was bothered or confused by and she left it at that. Mrs. Bassett said that was her role as a parent. To be there and guide them with situations that may concern them. Her children will be exposed to the real world that includes sex, drugs, violence, and all sorts of things that she would rather not have them deal with. She would rather have her read about the conflicting emotions of a teen girl negotiating her first sexual relationships and have the opportunity to process her thoughts on this situation within the safe confines of a book. Mrs. Bassett said it is not the role of the school district to dictate to her child what is appropriate. The school provides a list of suggested titles with a notation that some books may contain mature material. The responsibility lies with the parent to investigate those titles if she has concern about what her child chooses. Art and literature is a reflection of society, good and bad. In order to understand society, all art, including that which is uncomfortable, must be questioned and appreciated. Mrs. Bassett said she commended East Penn for identifying books of merit and offering them for the suggested reading list. These books challenge students to think about themselves in the context of the wider world. By offering these suggestions, East Penn is developing critical thinkers capable of analyzing and appreciating all types of literature. Mrs. Bassett took issue with the depiction of books like Prep as porn. Porn implies the intent to tantalize and excite. She could not imagine anyone reading the entire book and seeing it as anything close to tantalizing. Prep is a cautionary tale, a coming of age novel, in which the main character struggles and faces the consequences as she moves through a challenging period of time. The sexual relationships are realistic and painful for the main character and cannot be described as exciting. More often, she is humiliated and questioning her decision. To label a book like this as porn, based solely on selected excerpts, is irresponsible and she demands more from her elected officials. Banning books by any other name is still banning books.

Garrett Rhoads, 5595 Wedge Lane, Allentown read aloud a selected passage from Page 315 of Prep (book is on the optional summer reading list). He was not asking the Board to ban any book from any library. He said he believes in the First Amendment, free speech, and the free will of citizens to choose what they read, watch, and listen to. He was asking that the district quit promoting sexually explicit material to 13 and 14 year olds. He said much has been said as to the book, Prep, being optional, suggested, or recommended. He said the book is on a limited list for graduating eighth graders who are entering ninth grade to choose from. He drew the conclusion that the book is on a limited list and is therefore required. Based on a family

member's personal experience, he felt this blatant sexuality and the depiction of women in the book offensive and morally reprehensible. The passages should be offensive to any self-respecting woman who values her own self-worth in society. Mr. Rhoads claimed that it promotes a message of subservience to men and marginalizes the role of femininity in our society. He added that in our community women should be valued and not marginalized. This book is inappropriate and teaches girls that they need to submit to a male dominated society in order to get along. He concluded that he has spent his lifetime as a father to an 11 year old girl teaching her she could become anything that she wants to if she is willing to work hard enough. The message of the book that she will encounter in 3 years will undermine everything for which he has worked. He asked that the book be replaced with something more inspirational for young ladies to pattern themselves after and present positive opportunities for women. He distributed copies of excerpts from the book.

Jeff Lotte, 560 Broad Street, Emmaus said that at the last Board Meeting they had only wanted their three questions answered. He said he was not interested in banning books and felt this was being blown out of proportion. The questions were: who has the responsibility for these books; who approved the list; and is someone going to review the list and remove "pornographic" material like this.

Janice Bowman, 629 E. Hamilton Street, Allentown indicated that she was not a resident and did not have a student in any school district. She was not here to ban books but she was here to discuss the responsibility of public schools for her taxpayer money. She talked about sex abuse in schools, sexting, crime in school, perps at bus stops, and she read excerpts from a book entitled, A Million Little Pieces. She concluded that she was not here to ban books, but hoped elected officials would fix the problems.

Kevin Bartholomew, 4127 Ford Drive, Emmaus said he did not think the books at issue were appropriate for a school reading list at any age. He said no one is asking to ban books but take them off the list. He said parents who want their kids to read this stuff can have them read it at home. He did not want it introduced to his kids.

4. Approval of Minutes

Motion by Donches, Seconded by Stolz

RESOLVED, That the East Penn Board of School Directors approve the minutes for the September 10, 2012 meeting.

This resolution was unanimously adopted by voice vote.

5. Report of the Superintendent of Schools – Dr. Thomas L. Seidenberger

1. District Update

Dr. Seidenberger announced that Mr. Thomas Gentzel, Executive Director of PSBA, was appointed Executive Director for the National School Boards Association in Washington. Dr. Seidenberger noted that he will be greatly missed at PSBA. Today, Dr. Torma and Dr. Seidenberger met with representatives from PDE regarding the PIL work that has been done in the district. Since all administrators are required to take 180 PILS hours over 5 years to maintain their certification having an on-campus program will be cost effective. Last summer a consultant was approved for approximately \$34,000 and with 21 administrators taking 70 hours of on-campus PILS training, this could save the district an estimated \$38,000 for tuition costs. Through the ePower Program of PPL the district has received a check for \$9,180. He thanked Mr. Glancy and Mr. Ritter for their efforts. The district has saved approximately \$77,000 in not filling vacancies immediately. Dr. Mirabella, Dr. Moyer, Mr. Glancy, a parent, a state policeman and a teacher from Willow Lane spent two days looking at the walking routes for Willow Lane. The district received high marks and a written report will be forthcoming. The planned Willow Lane parent meeting has been moved from October to November after the report has been completed. Dr. Seidenberger reported that there is a new housing development going up along Gehman Road in Macungie. The only space where there would be classroom availability is at Alburtis School. The district will be watching this development carefully.

2. Personnel

Motion by Donches, Seconded by Stolz

RESOLVED, That the East Penn Board of School Directors approve the personnel items as listed below:

Resignations

- Ashley Zulli, Instructional Assistant at Macungie School, effective September 24, 2012 (Exhibit 1)
- Roseann Sottolano, Staff Assistant at Willow Lane, effective July 10, 2012 (Exhibit 2)

Appointment of Full Time Substitute Teacher

Name/Address:	Amber Burian 469 Krumsville Road, Kutztown 19530
Education Level:	B. S. Degree (2008)
Undergraduate Schools:	Shippensburg University

Certification: Kutztown University
 Instructional I, Biology, Earth and Space Science
 Assignment: Biology Teacher, Emmaus HS
 Opening created by K. Svencer leave
 Effective: September 25, 2012
 Experience: 8/2012-9/2012: East Penn SD (per diem substitute)
 8/2011-2/2012: Wilson Area SD (per diem substitute)
 2/2012-5/2012: Wilson Area SD (FTS)
 9/10-6/11: Wilson Area SD (FTS)
 12/2009-2/2010: Fleetwood SD (per diem substitute)
 9/2009-12/2009: Fleetwood SD (FTS)
 Salary: \$45,185 (Year 1, Col. B, prorated)

Requests for General Leave of Absence – Board Policy 539, General Leave

<u>Employee</u>	<u>Effective</u>
Jane Kressley Instructional Assistant, Willow Lane School	11/26/12-11/25/13
Jane Sullivan Instructional Assistant, Eyer MS	9/13/12-6/30/13
Kim Bosak Staff Assistant, Eyer MS	10/1/12-4/1/13

Leaves as per Collective Bargaining Agreement

<u>Employee</u>	<u>Effective</u>
Laura Oswald Special Education Teacher, Wescosville School	January 23, 2013 (extension)
Lauren Krause Grade 1 Teacher, Shoemaker School	10/25/12-12/4/12
Kristina Svencer Science Teacher, Emmaus HS	January 23, 2013 (extension)
Nicole Swatsky Grade 2 Teacher, Wescosville School	10/2/12-6/30/13

Appointment of Instructional/Staff Assistants

Name/Address: Vicki Kulp
 3036 South Sixth Avenue, Whitehall
 Assignment: Wescosville School, Instructional Assistant
 Effective: 9/25/12
 Salary: \$13.38/hr., 29 hrs./wk.

Name/Address: Michele Schupp
 7156 Tuscany Drive, Macungie 18062
 Assignment: Emmaus HS, Staff Assistant
 Effective: 9/25/12
 Salary: \$13.38/hr., 29 hrs./wk.

Additions to the 2012-13 List of Per Diem Substitutes

See Exhibit 3

Co-Curricular Appointments

See Exhibit 4

Change in Employment Status

Employee	From	To
Doug Spadt	Special Education, Lower Macungie MS	Special Education, Eyer MS
Ellen Navitsky	Mathematics, LMMS	Mathematics, Eyer MS
Angela Aleszczyk	PTFSA – addition of 1 hr. for the Alburdis Breakfast	

Independent Contractor Agreement – Exhibit 5

That Dr. Daniel Cane be appointed as an Independent Contractor to provide services as outlined in Exhibit 5.

Educational Conferences – Exhibit 6

That the East Penn Board of School Directors approve the estimated expenses for the individuals attending the educational conferences listed on Exhibit 6.

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

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

6. Other Educational Entities

-Carbon Lehigh Intermediate Unit F. Fuller

Ms. Fuller announced that Jack Hauser and Phoebe Sechrist had been nominated by parents and received the Annie Sullivan Award for their work with special needs children. The Joint Coordinating Committee (Carbon Lehigh Intermediate Unit, LCTI and LCCC) is working together to develop resources for social media issues that will be shared with the sponsoring school districts.

-Lehigh Career & Technical Institute R. Heid
A. Earnshaw
F. Fuller
S. Rhodes, III

Ms. Heid reported that the Joint Operating Committee will be meeting on Wednesday, September 26.

7. Legislative C. Ballard

There are attempts to get a legislative session together. Governor Corbett is trying to bring up his charter school re-authorization bill. It is not clear if any of these sessions will gain traction. Mr. Ballard said board members should continue to talk to their legislators. Mr. Ballard reported that he had some email exchanges with Rep. Justin Simmons who is dealing with the committee for property tax reductions. Property taxes are also paid by businesses and there is no mechanism being discussed for businesses. The individual taxpayers will pick up the part of the revenue paid to public schools that is currently being paid by the businesses. Mr. Bacher asked if Mr. Simmons was receptive and Mr. Simmons responded that he understood the issue. In response to Ms. Donches, he said it is not part of the charter school reauthorization bill. They are trying to allow for more institutions to offer charters. Dr. Seidenberger reported that Pat Browne came to the district and he is optimistic about the special education bill being passed.

8. Business Operations

1. Bill List Approval

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

Prior to the meeting, Ms. Donches had raised questions about the following list of bills:

11651	Allentown Appliance Replacement of ranges in the Family & Consumer Science Area – LMMS	\$4,598
16706	Tessin Bossard – EHS	\$1,000

Dr. Michael Fowlin's program, "You Don't Know Me until You Know Me," on the issues of race, discrimination, violence prevention and personal identity.

	Funds from the proceeds in vending machines.	
16726	Heineman	\$6,400
	Trainer for Title I workshop on New Interventions for Remedial Assistants.	
16732	HTTS	\$505.62
	2 temporary maintenance men to fill in for 4 maintenance employees on long term leaves.	
16744	Lehigh Valley Public Telecommunications	\$13,760.25
	Consortium Membership for Discovery Education; Participation in the Scholastic Scrimmage Program; Raising Readers and Building Readers Literacy Programs; Tech Savvy Internet Safety Workshops; PBS Kids Go! Writers Contest; PBS39 Online Resources for Educators (Based on ADM and then \$1.75/student)	
16819	USI Insurance Services (Workers Compensation – Installment Payment)	\$77,666.72

Ms. Donches asked if there was a commission. Mr. Glancy said it is included in the premium and he would get back to her with the amount.

Treasurer's Report

RESOLVED, That the East Penn Board of School Directors approve the Treasurer's Report.

Disbursement of Funds (Exhibit 7)

RESOLVED, That the East Penn Board of School Directors authorize the payment of funds from the 33-2010 Series A GOB as listed on Exhibit 7.

Facility Rentals

RESOLVED, That the following Group V organizations be granted permission for the following facility rentals:

<u>Organization</u>	<u>Facility & Dates</u>	<u>Rental Fees</u>
Patricia Bostick Dance Center 5925 Tilghman Street, Allentown	LMMS, Auditorium & Locker Rooms 5/23, 31, 2013; 6/1, 2013	\$18.00/hr., Locker Rooms \$120.00/hr., Rehearsal Fee \$125.00/hr., Recital Fee \$41.49/hr., Custodial Fee \$41.49/hr., Stage Mang. Fee \$15.00/hr., Security Fee
Prepare Test Preparation & Tutoring 2250 W. Union Blvd., Allentown	EHS, Classrooms 8/27; 8/29; 9/5, 12; 19; 10/3	\$18.00/hr., Classroom

Parent/Guardian Transportation Contract

RESOLVED, That the East Penn Board of School Directors approve the following Parent/Guardian Transportation Contract:

Parent/Guardian: Lisa Kern
84 Commanche Drive, Auburn, PA
Effective: August 27, 2012-June 10, 2013
Reimbursement: \$.555/mile-16.6 miles/day

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

9. Unfinished Business

1. Document Preparation (as suggested by L. Donches at the 9/10/12 Board Meeting)

Motion by Donches, Seconded by Stolz

RESOLVED, That all documents prepared for the East Penn School Board include identifying information, including, but not limited to, date created, office in which created, and page number of total number of pages. If data is provided, include specific source of data with URL, if appropriate.

Dr. Seidenberger indicated that reports such as the Charter School Report did have a date, index, and his Superintendent's Report always has a date. In conclusion, he did not see a need for this motion. He was concerned because his job is administration and the board members' job is policy. He saw this as someone crossing the line and trying to get into the administration area. Ms. Donches said this came to mind after she was organizing her papers from the budget presentations. She felt it would be helpful when versions are separated and the email documents do not always have a date or the office that created the document. She said a footer at the bottom of the page would be helpful. She said it is always traceable back to the office in the event there are questions. She said she did not mean to cross into Dr. Seidenberger's area. Mr. Bacher said he did review the budget information and he found a date on each revision of the budget along with page numbers. He did not see a problem. He was happy with the current documentation. Mr. Earnshaw said it was incredibly broad scoped. He provided various scenarios that would create the need for additional employees. He did not support the motion. Ms. Fuller reminded the board members that budget binders are distributed and it is easy to keep the information in the binder. Ms. Donches suggested a variety of date formats (military date format-year, date, and month). She again referred to budget documents and subsequent versions. Mr. Ballard asked her to clarify whether she was just wanting the date. Ms. Donches responded that she also wanted the creator and the office in which it was created. Solicitor Fisher said that this was the same motion. Ms. Heid asked if the Superintendent could provide this information without a motion and he agreed a motion was not necessary. Ms. Donches said she would eliminate the second sentence dealing with URL.

Motion by Donches, Seconded by Stolz

RESOLVED, That all documents prepared for the East Penn School Board include identifying information, including, but not limited to, date created, office in which created, and page number of total number of pages.

This motion was defeated by the following roll call vote:

Nay: Bacher, Ballard, Earnshaw, Fuller, Heid, Policano, Rhodes-----7

Aye: Donches, Stolz-----2

2. Bill List (as suggested by L. Donches at the 9/10/12 Board Meeting)

Motion by Donches, Seconded by Stolz

RESOLVED, That the full budget code as determined from the Manual of *Accounting and Financial Reporting for PA Public Schools Chart of Accounts* be included for each check number on each Fund Accounting Check Summary.

Dr. Seidenberger said that his administrative team looked at other schools districts' information, including Seven Generations Charter School. He explained that East Penn's bill list was remarkably the same as the other districts', including Seven Gen. East Penn is not doing any less or any more than the other districts. We do not need to drill down the bill list to the specificity of Ms. Donches. East Penn's local auditor, Mr. Gorman, was consulted and the auditors deal with major functions to rectify the books. The Annual Financial Report (AFR) also does not record the information to the level Ms. Donches is requesting. The state does not ask for that level of detail. His recommendation is that there is no need for that kind of extensive information. He also pointed out that it would require adding a half-time person to help in the Business Office. He did not see the cost value since the state and local auditors did not need that information. It does not impact education at all. This is not a record that exists and according to the Open Records law, it is not necessary to create a record that does not exist. Ms. Donches continued supporting her request that she needed more information and she was just overseeing how taxpayers' money is spent and who the district does business with. She liked the samples from Seven Gen and was told that they give less information than what is on our bill list. She felt if the code was listed that it would be clear as to what the item is for. Mr. Earnshaw said earlier in the meeting she read the purpose behind each of the questioned checks. The accounting code would not have given the level of detail that she wanted. He told her she would still have to ask the questions because there would be no code with that level of detail. The current bill list shows the description and may have more descriptions because multiple purchases for one company is put in one check. He said he did not see the value at all. Mr. Policano asked how we know the account is being exceeded. Dr. Seidenberger said that is when a budget transfer is done which is only done when a major account is exceeded. The district cannot make budget transfer until October and after the audit. Dr. Seidenberger used the Tuition Reimbursement account as an example. Mr. Ballard pointed out that every check is listed. He said when he had questions he asked the Board Secretary to check on an item. He said so far the arguments that have been brought up are singularly unpersuasive. Ms. Donches said she would ask more questions about what she is curious about if she did not know it would take up a lot of time in the office. Ms. Donches said she would be content with the basic information and Mr. Bacher pointed out the information she said she would be satisfied with is exactly how the information was listed.

This motion was defeated by the following roll call vote:
Nay: Bacher, Ballard, Earnshaw, Fuller, Heid, Policano, Rhodes-----7
Aye: Donches, Stolz-----2

Mr. Earnshaw asked for a recess before discussing the next item. Mr. Ballard said he had something that he wanted to read concerning the following motion. As the President of the Board under Roberts Rules of Order, Mr. Ballard said he was dismissing Mr. Stolz' motion as improper until the requirements of Board Policy 109 have been met. Until the Board has received the committee report on challenged material, as required by Board Policy 109, the motion is null and void and will not be discussed. Attached is the statement. Mr. Stolz appealed the decision of the Chair and it was seconded by Ms. Donches.

Motion by Stolz, Seconded by Donches
RESOLVED, That the decision of the Chair be appealed.

Under this privileged motion, the Chairman is required to speak first and last before the motion is voted upon. Mr. Ballard said there is a very serious Constitution issue. The Supreme Court has ruled that School Boards have no right to censor materials unless they use a process that is unbiased and reviews all the educational benefits and objections to this under the same criteria. We have already received letters from one national organization, supported by the signatures of seven other national groups, plus one in the packet tonight that indicates some of those same concerns. The Board needs to follow the policy and trying to overthrow that on an instantaneous motion would be grounds for considering that you have not produced a process that is facially neutral and that you have not reviewed the material necessary to make that decision. Mr. Ballard said he is in a position to stop the district from being involved in unnecessary law suits. If someone wants to negate the policy, then be aware that is the slope you are going down. Mr. Earnshaw asked for the Solicitor's opinion.

At the request of the Solicitor, Mr. Ballard called for a five minute recess. The meeting was recessed at 9:55 p.m. and reconvened at 10:00 p.m.

Solicitor Marc Fisher said the motion is debatable. He said what is being debated is whether the motion should be entertained this evening. The School District has Board Policy 109 and included in the policy is that the "responsibility for the selection of instructional materials to be used in the district is delegated by the Board to the professionally trained personnel employed by the district." Solicitor Fisher noted that the process allows for a committee to be established that includes the Assistant Superintendent for Curriculum and Instruction who shall chair the committee. The membership of the committee shall include the appropriate supervisor(s) and/or teacher(s); librarian(s); a building administrator; a Board member; and two (2) members from the general public. After The committee shall study the materials in question in relation to the selection criteria and the nature of the inquiry. Professional staff members involved in the initial selection and use of the materials may be interviewed. The committee shall issue a written response to the inquiry and shall make a specific recommendation to the Board who can accept or reject the recommendation. Mr. Fisher said it has been confirmed that there is a citizen complaint form that has been filed this evening. In answer to a question by Mr. Stolz, Mr. Fisher indicated that there is Board Policy and, if you agree to follow the policy, you would not entertain the motion tonight. There was a question about whether the Board can waive policy and Solicitor Fisher said he would interpret that the Board can always waive policy which is different from Mr. Ballard's opinion. It is up to the Board as a whole. Mr. Stolz said the Chair stated that the Board may be open to legal action. Mr. Fisher said it is the Chair's opinion that if you do not follow policy then you could be subject to a possible law suit, noting that anyone can file a law suit but will it be successful is another issue. He could not give an opinion either way on whether a law suit would be successful. Mr. Stolz asked if the Board could be open to a law suit on the corruption of the morals of a minor given the content in the book. Mr. Fisher said it is not his place to render a legal opinion at this point as to whether the Board could be open to a charge of the corruption of the morals of a minor based on the warnings. Mr. Stolz said he could not fathom that not including this on the suggested summer reading list is censorship. He did not feel it was censorship but he did not feel a government body should be recommending explicit sexual content to minors, 14, 15, or 16. Mr. Ballard pointed out the motion is about following policy. Mr. Ballard and Mr. Stolz debated whether this was about censorship. Mr. Bacher asked how long the formal review will take. Dr. Seidenberger said at least a week or two. Mr. Bacher asked if a report would be forthcoming in two weeks. Mr. Bacher said it seems like this issue is not done yet and it will be coming back to the Board. He said he did not see a pressing need to discuss it now and to not follow Board Policy. Mr. Policano asked who decides the makeup of the committee. Dr. Seidenberger said since it is a high school book there will be high school staff but the administration will need to discuss this tomorrow. Ms. Donches asked how members of the public are selected. Dr. Seidenberger said he was not part of the decision in the past but there will need to be people who are willing to read the book. Mr. Rhodes said the Board needs to follow the policy, adding it seems reasonable. He said without the policy then the Board is in an uncomfortable position. He will vote to stay with the policy. Mr. Earnshaw corrected one statement by Mr. Ballard that no student is required to read any book; however, ninth grade honor students are required to read Great Expectations by Charles Dickens. The titles in question are not required. There is policy and it gives the Board an opportunity to receive a well-rounded opinion. Mr. Earnshaw said he had not read the books but he was willing to have the committee give its recommendation. Mr. Ballard said the quotes he gave were about a School Board that removed a book from a reading list and the case went to the Supreme Court.

This motion was defeated by the following roll call vote:
Nay: Bacher, Ballard, Donches, Earnshaw, Fuller, Heid, Policano, Rhodes-----8
Aye: Stolz-----1

EHS Reading List – The Electric Kool-Aid Acid Test & Prep

