

NESHAMINY SCHOOL DISTRICT
Langhorne, Pennsylvania

PUBLIC BOARD MEETING MINUTES
NESHAMINY BOARD OF SCHOOL DIRECTORS
February 22, 2011

The Neshaminy Board of School Directors met in public session on February 22, 2011, in the Harry M. Dengler, Jr. Performing Arts Center at Maple Point Middle School. The following persons were in attendance:

BOARD MEMBERS:

Mr. Ritchie Webb, President
Ms. Irene M. Boyle
Mr. Scott Congdon
Mrs. Susan Cummings
Mr. Richard M. Eccles
Mr. Mike Morris
Mr. William D. O'Connor
Mr. William Oettinger

ADMINISTRATORS:

Dr. Louis T. Muenker
Mrs. Barbara Markowitz
Mrs. Patricia Boylan
Dr. Geeta Heble
Mr. Kevin Kane
Dr. Jacqueline Rattigan

BOARD MEMBER ABSENT:

Mr. Kim Koutsouradis, Vice President

OTHERS: Approximately 70 persons from the public, staff and press

SECRETARY: Mrs. Jennifer Burns

SOLICITOR: Thomas J. Profy, III, Esquire

Mr. Webb announced that prior to the meeting an Executive Session was held where personnel and contract issues were discussed.

Call to Order

Mr. Webb called the meeting to order at 7:16 p.m.

Pledge of Allegiance

Mr. Webb requested those in attendance join in the salute to the flag.

Announcements

None

Public Comment

Mike Caputo, retired, Penndel, opened his comments by noting that this week is National School Choice Week. Mr. Caputo stated that parents want the government to make the choice easier for them to send their children to private or charter schools because competition equals quality education. He mentioned that the quality of education in our country has been spiraling downward and if we do not explore all options for better education our students will have no future. Mr. Caputo said that if the School Board denies the application for the School Lane Charter School – Neshaminy, the parents would like an explanation from those members who voted against it. Mr. Caputo implored the Board to approve the application for the School Lane Charter School – Neshaminy, saying that if it is denied it will be a travesty for the education of Neshaminy students.

Jim McPartlin, Executive Director of Neshaminy Kids Club, expressed his thanks to the Board for their support for the aftercare program, as well as summer camp programs for the last 25 years. Mr. McPartlin stated that the program provides much more than afterschool care, including various children activities, community activities, the Secret Santa Program, participation in a community food bank, talent competitions, and dance and sewing classes. Mr. McPartlin concluded by inviting the School Board Members and Administrators to come out and visit the afterschool program.

Ellen Lockyer, self-employed, Swan Point, began by pointing out that due to the fact that the Bensalem School Lane Charter School has an extensive waiting list indicates that parents feel that the education provided by the Charter School is a better choice. Ms. Lockyer stated that parents throughout the country have supported Charter Schools because they are unhappy with the public school systems. Ms. Lockyer noted that the NFT leaders should have been in attendance at the meetings regarding the Charter School to represent the position of the teachers who will be affected. Ms. Lockyer said it is time for the School Board to give the parents of Neshaminy students a choice.

Steve Rodos, semi-retired, Villages of Flowers Mills, acknowledged that the contract problems the Board faces are serious; however, he reminded the Board that their primary constituents are the school children of the district. Mr. Rodos implored the Board not to cut programs, but rather to increase programs in all areas.

Kevin Mullins, Levittown, stated that his organization requested the usage of Neshaminy fields and was denied the request for usage on Sundays. Mr. Mullins noted that some organizations have been using the fields on Sundays and asked the Board to review his request for field usage on Sundays.

Charles Alfonso, semi-retired, Laurel Oaks, Langhorne, brought a sensitive situation to the Board's attention regarding a recent posting on Facebook by a Neshaminy teacher regarding derogatory remarks about a Neshaminy student. Mr. Alfonso stated that the teacher's use of vulgar language is inexcusable especially because minor students have access to Facebook postings. Mr. Alfonso questioned why a teacher from Central Bucks School District would be suspended for a lesser offensive blog and the Neshaminy teacher has faced no consequences thus far. Mr. Alfonso said he is leaving it up to the School Board to deal with.

Superintendent's Report

Dr. Muenker advised the Board on the following:

- Good luck went out to the Boys Basketball team who is playing Glen Mills.
- Neshaminy wrestlers finished 3rd and advanced 7 to the PIAA District 1 North Championships, which will be held at Council Rock North next Friday and Saturday.
- Congratulations went out to a very successful production of "Beauty and the Beast."
- Annual Gym Night will be held on March 4th.

Approval of Minutes

Mrs. Burns presented the minutes of January 25, 2011 and February 8, 2011 for the Board's approval.

Mr. Eccles noted a correction on the February 8, 2011 minutes on page 14. Mr. Eccles asked how the present 4 to 5.5 million dollar state deficit will affect funding coming to school districts. The word million should read billion.

Mrs. Burns stated that said request was noted.

Upon motion of Ms. Boyle and seconded by Mrs. Cummings the Board approved the minutes of the January 25, 2011 Public Meeting and the February 8, 2011 Work Session Meeting by a vote of 8 ayes and 0 nays. (Mr. Koutsouradis was not present.)

Approval of Treasurer's Report, Check Register, and Exonerations of Personal and Per Capita Tax

Mrs. Markowitz presented the following for approval:

- January, 2011, Treasurer's Report, subject to audit
- Check Register - January, 2011
- Budget Transfer- (Working Copy 11-4 with three transactions)
- Investment Summary
- Personal and per capita tax exonerations for January, 2011

Mr. O'Connor moved the January, 2011 Treasurer's Report be approved, subject to audit, Check Register for January, 2011, Budget Transfer Report (Working Copy 11-4), Investments Report, and the Personal and Per Capita Tax Exonerations for January, 2011 be approved. Mr. Congdon seconded the motion.

Mr. Morris asked about an expenditure on the check register in the amount of \$1,329,100.19 and inquired who is covered for that expense. Mrs. Markowitz answered it is the district's monthly bill to Blue Cross.

Mr. Morris asked if that covered all employees.

Mrs. Markowitz stated yes.

Mr. Webb noted that this will be reviewed because it may not cover the entire month.

Mr. Eccles asked if the 7.88% of personal and per capita tax exonerations of the population is higher or lower over the previous years.

Mrs. Markowitz responded that the percentage has remained consistent, but she will get that verified.

The Board unanimously approved said reports. (Mr. Koutsouradis was not present.)

Certified and Support Personnel Actions

Dr. Muenker presented the following for approval:

- Elections – Certified Personnel
- Resignations and Leaves of Absence – Certified Personnel
- Elections – Support Personnel
- Sabbatical Leaves – Certified Personnel

Dr. Muenker asked the Board to table candidate one, on page 43 and only consider candidate two for the administrative position being listed.

Dr. Muenker recommended the approval of the personnel report for certified and support personnel

Mr. Eccles moved the Certified and Support Personnel Reports be approved. Mrs. Cummings seconded the motion.

The Board unanimously approved said reports. (Mr. Koutsouradis was not present.)

Motion: Acceptance of the 2009 – 2010 Audit

Mr. Webb presented the following motion:

WHEREAS, the audit for the Neshaminy School District for the fiscal year ended June 30, 2010, has been prepared by Maillie, Falconiero & Company, LLP.

NOW, THEREFORE, BE IT RESOLVED, that the Audit Report for the fiscal year ended June 30, 2010, be accepted in accordance with Section 24-2408 of the School Code.

Mrs. Boyle seconded the motion.

The Board unanimously approved said motion. (Mr. Koutsouradis was not present.)

Motion: Approval of the BCIU #22 2011 – 2012 Programs & Services and Instructional Materials & Research Budget

Mr. Webb requested that the motion for the Approval of the BCIU #22 2011-2012 Programs & Services and Instructional Materials & Research Budget be tabled.

Mr. Eccles seconded the motion.

The Board unanimously agreed to table said motion. (Mr. Koutsouradis was not present.)

Motion: Application of the School Lane Charter School – Neshaminy

Mr. O'Connor presented the following motion:

WHEREAS, on November 15, 2010, School Lane Charter School – Neshaminy (hereinafter Applicant) submitted a Charter School Application (hereinafter Application) to the Neshaminy School District (hereinafter District) in accordance with Act 22 of 1997, seeking a charter for the 2011-2012 school year; and

WHEREAS, Karen Shade, School Lane Charter School – Bensalem is moving the party behind the creation of Applicant; and

WHEREAS, District is required to review the Application and must hold a public hearing to obtain information necessary to determine whether the Application shall be accepted or rejected; and

WHEREAS, duly advertised public hearings were held on December 15, 2010 and February 17, 2011 for the purpose of clarifying information submitted in the Application and answering questions from the District's Board of School Directors (hereinafter Board) and the public; and

WHEREAS, the Board and its administrators have reviewed the Application and supplemental information provided by Applicant and either attended the public hearing or had an opportunity to review the transcript of the public hearing; and

WHEREAS, the Board has reviewed the Application and record of the proceedings to evaluate the Application under the criteria set forth in Charter School Law Section 1717-A(E)(2); and

WHEREAS, the Board is required to evaluate the Application and grant or deny the Application, pursuant to Charter School Law Section 1717-A(E); and

WHEREAS, the Applicant seeks to obtain a Charter whose proposed mission is to create a haven where all members of the community are partners and show by example their commitment to the school's vision of: high achievement, life-long and active learning, diversity and equity, collaborative problem solving. While students are in this safe haven they are free to be inquirers and encouraged to ask questions. Inquiry based teaching means students are in heterogeneous groups. Students work actively and collaboratively. School Lane Charter School – Neshaminy education program will differ from those offered by the Neshaminy School District:

- Approximately one hour per day more instructional time
- School year increased by 10 days
- Foreign language for all students beginning in kindergarten
- Comprehensive assessment process that includes standardized formative and summative assessments, exhibitions and portfolios
- Inquiry method of instruction
- Co-teaching in grades 1 – 5 to support inclusion model
- Focus on school as a safe haven

WHEREAS, the Board is desirous of ensuring that the proposed Charter School can provide the students of the region with comprehensive learning experiences; and

WHEREAS, the Board is desirous of ensuring that the curriculum of Applicant meets acceptable minimum standards for student learning and performance; and

WHEREAS, the Board is desirous of ensuring that the proposed Charter School can articulate clear methods of accountability to ensure the students enrolled in the Charter are meeting educational goals and objectives; and

WHEREAS, the Board is desirous of ensuring that the proposed Charter School can meet the academic and functional needs of special education students who enroll in the Charter; and

WHEREAS, the Board is desirous of ensuring that the fiscal operation and administrative governance of Applicant is sufficient to ensure the sustainability and fiscal viability of the charter school; and

WHEREAS, the Applicant did not demonstrate either in the Application or during the Public Hearing that the proposed Charter has the sustainable support of parents, students, teachers and other community members throughout the area (24 P.S. § 1717-A(e)(2)(i); and

WHEREAS, the Application and the Charter Applicant failed to demonstrate the capability, in terms of support and planning, the ability for the proposed Charter School to provide comprehensive learning experience for the regions students (24 P.S. § 1717-A(e)(ii); and

WHEREAS, the Applicant did not demonstrate neither in the Application or during the Public Hearing, that the proposed Charter Plan has an established curriculum with a clear method of accountability to ensure progress within the curriculum and the ability to monitor educational goals and objectives of the Charter School (24 P.S. § 1717-A(e)(ii); 24 P.S. § 1702-A(1)-(6); and

WHEREAS, the Applicant and the Application does not demonstrate how the proposed Charter may serve as a model for other public schools (24 P.S. § 17-1717-A(e)(iv); and

WHEREAS, the Application and information provided at the Public Hearing does not satisfy the requirements of Charter School Law Section 1717-A(e)(2)(i) through (iv); and

WHEREAS, while the District supports the concept of a charter school, it cannot approve the Application as submitted because the Applicant has failed to show that their current charter school operation has been sufficiently brought into compliance with state and federal educational requirements necessary for the District to guarantee sustainability and fiscal viability, and otherwise does not comply with the requirements of the Charter School Law.

NOW, THEREFORE, the Board of School Directors of the Neshaminy School District hereby denies the Application of School Lane Charter School; and sets forth below the deficiencies in the Application which were not adequately addressed at the public hearing or in the supplemental information provided by the Applicant.

FINDINGS

- The Applicant submitted 181 signatures of support as part of its Application. Of the 181 signatures of support, only 71 were from Neshaminy School District Residents. (less than 40%)
- The Applicant submitted 80 Pre-Enrollment signature forms as part of its Application. Of the 80 Pre-Enrollment forms, only 8 were from Neshaminy School District Residents. (less than 10%)

- The Applicant's Application stated that the school will utilize the framework of The International Baccalaureate Organization and that it was submitted its Application to become an IB world school.

In terms of implementing the International Baccalaureate program, the following deficiencies in the Application are noted:

- A.) The founders have not contacted the International Baccalaureate Organization.
- B.) No steps have been taken to prepare the Application for the International Baccalaureate Organization, which has to be submitted by April 1, 2011; And
- C.) The founders have not hired an International Baccalaureate coordinator to support curriculum and implementation strategies.

School Lane Charter currently operates a charter school in the Bensalem Township School District. There are only (5) Neshaminy students on its current waiting list.

The Applicant failed to submit any letters of support from foundations, other non-profit educational institutions, business and/or elected officials.

CONCLUSION

The Board concludes that each of the deficiencies identified above is sufficiently serious to warrant denial of the Charter Application, and certainly in the aggregate, dictate that the board must deny the Application.

AND, NOW, this 22 day of February, 2011, the Board denies the Application of the School Lane Charter School – Neshaminy.

ATTEST:

NESHAMINY SCHOOL DISTRICT

Jennifer Burns, Secretary

By: Ritchie Webb, Board President

Mrs. Cummings seconded the motion.

Mr. McKenna stated that the law is clear and this cannot be looked at in a vacuum. Under the law, if a school demonstrates that it has substantial support from teachers, parents, and other community members, and if it provides a comprehensive learning experience, then the charter must be granted. Mr. McKenna said it was at the request of members of the Neshaminy community that the Charter School was proposed. Mr. McKenna stated that at the previous three hearings there were many parents, teachers, and community members that were in support of the application. He also reminded the Board that economic consequences of granting a charter cannot be a consideration in the decision. He noted that as a financial benefit from a charter school in Neshaminy, the district would keep approximately \$8,200 for each regular education student and approximately \$8,800 for each special education student that the district would not need to teach. Mr. McKenna stated that it has not been substantiated that the International Baccalaureate has not been contacted by the applicant and the Board's conclusion that the application would not offer parental choice is fundamentally flawed. He concluded by asking the Board to carefully consider all of the evidence that has been presented, which he feels should result in the Charter School Application being granted.

Mr. Webb clarified that a yes is a no vote and a no is a yes vote.

Mr. Webb called for a roll call tally. The tally indicated that the motion was denied by a vote of 5 ayes, (Ms. Boyle, Mrs. Cummings, Mr. Eccles, Mr. O'Connor and Mr. Webb) 2 nays, (Mr. Morris and Mr. Oettinger) and 1 abstention, (Mr. Congdon.) (Mr. Koutsouradis was not present.)

Mr. Congdon stated that the reason for his abstention is that while he believes that there are some benefits to a Charter School within the district, the applicants have not provided sufficient information to convince him to support the application.

Mr. Webb made a motion to amend the agenda by including the motion for the Appointment of Health Insurance broker. Mr. Eccles seconded the motion.

The Board unanimously approved said motion by a vote of 8 ayes and 0 nays. (Mr. Koutsouradis was not present.)

Motion: Appointment of Health Insurance Broker

Mr. Webb presented the following motion:

WHEREAS, the Finance and Facilities Committee of the Neshaminy Board of School Directors interviewed four health insurance brokers in November, 2010; and

WHEREAS, finalists were subsequently required to submit compensation proposals.

NOW, THEREFORE, BE IT RESOLVED, that the Neshaminy Board of School Directors removes the Seltzer Company as the Broker of Record for employee health insurance matters and in replacement of the Seltzer Company appoints as Broker of Record for employee health insurance matters WRG Insurance Group, a monthly fee of \$7,700 offset for any commissions received.

Mr. Eccles seconded the motion.

Mr. Webb called for a roll call tally. The tally indicated that the motion passed by a vote of 5 ayes, (Ms. Boyle, Mr. Eccles, Mr. Morris, Mr. O'Connor and Mr. Webb) and 3 nays, (Mr. Congdon, Mrs. Cummings and Mr. Oettinger.) (Mr. Koutsouradis was not present.)

Federal Programs

Dr. Muenker stated that there were no changes to federal grants to date. The amount remains \$2,140,496.00. Dr. Muenker also noted that that amount will be dropping significantly based on current predictions for receiving Federal funds.

Mr. Eccles asked Dr. Muenker to elaborate on his statement.

Dr. Muenker reiterated that the information that he has received regarding Federal monies will be lower than previous years.

Other Board Business

Mrs. Cummings asked Mr. Mullins and Mr. Fein to identify the organization that they were presenting.

Mr. Fein stated that they are members of the Bucks County Bulldogs, a men's baseball team based out of New Jersey.

Dr. Muenker asked them to leave their contact information as this is reviewed on a case by case determination.

Mr. Congdon congratulated the students for their presentation for "Beauty and the Beast" at the high school. He stated that he and his family enjoyed the show.

Mr. Morris stated that he was disappointed that the Charter School Application was denied. Mr. Morris noted that the applicants were not asked to provide letters of recommendations during any of the hearings. Mr. Morris also stated that he has seen success with Charter Schools and he is sorry the Neshaminy parents will not be given the advantage of having a choice.

Public Comment

Almando Carrasquillo, private investigator, Langhorne, remarked that some of the blame for the rejection for the Charter School application falls on those parents that supported the idea but did not attend the hearings and let their voices be heard. He encouraged parents who watch the meetings on television to come to the meetings and participate in the discussions. Mr. Carrasquillo stated that there is a trend building across our nation to decrease the power of the teachers unions and parents are demanding changes to be made in the educational system.

Beth Shuster, teacher at School Lane Charter School - Bensalem, Neshaminy resident, expressed her disappointment that the Charter School application was rejected. Ms. Shuster said that she thinks it is a shame that Neshaminy parents and students will not be given the opportunity to have a choice. Ms. Shuster invited the School Board to visit the Charter School classrooms and thinks by doing so they may have voted differently.

Matt Pileggi, computer programmer, Levittown, said he is baffled by the current contract situation. He stated that the original contract that was signed in 2002 contained built in annual raises that included 3% to 17% increases. When the contract expired in 2008, the salary range for teachers spanned from \$42,552.00 to a maximum base salary of \$95,923.00. The NFT's original 4% salary increase proposal would have increased the maximum based salary to \$116,705.00 by the 2012 school year. Mr. Pileggi explained that when the NFT proposes an annual salary increase, it is not just a straight percentage, but rather for every cell of the salary scale to increase each year. The NFT also asked for the retirement incentive to increase to \$30,000.00, while it made no change to the health insurance package being paid for by the district. Mr. Pileggi said it is obvious where the NFT priorities lie. Their latest proposal maintained all of the requirements for higher salaries and free benefits, while dropping education focused objectives such as smaller classes and full day kindergarten. Mr. Pileggi hopes that there will be a resolution soon.

Stephen Pirritano, self-employed, Feasterville, stated that he thinks there is a lot of support for a Charter School in the Neshaminy District and if the applicants decide to reapply they will find that the parents do want to have a choice. Mr. Pirritano said that since the district has not been able to negotiate a change with the NFT, and the state has not changed the rules that the district must abide by then perhaps change must come from Charter Schools. Mr. Pirritano said that he would like to see the NFT representatives attend the public meetings and tell the public how they think the School Board can financially meet them half way when in reality the funds are not there. Mr. Pirritano asked for clarification regarding the \$11 million dollar surplus in the 2010-2011 budget. Mr. Pirritano asked Dr. Muenker to explain why the 9th, 10th and 12th grades will not be attending school on the three days that the 11th graders are taking the PSSA's.

Deborah Daughterman, Langhorne, advised the Board that she was unaware of the Charter School proposal until very recently. Ms. Daughterman said she thinks that the lack of parental support was due to the fact that parents were unaware rather than disinterested.

Dave Brown, software engineer, Treose, asked the Board what is the probability of the State intervening in the contract negotiations if a settlement cannot be reached.

Charles Alfonso, semi-retired, Laurel Oaks, Langhorne, asked Dr. Muenker to verify whether a rumor reporting the death of a Maple Point teacher was accurate.

Board Comment

Dr. Muenker stated that he is not at liberty to discuss the issue publically, but he would be available after the meeting to address Mr. Alfonso's question. In reply to Mr. Pirritano's question regarding the three days during the PSSA testing, Dr. Muenker stated that the school policy was adopted in order to give the 11th graders the full benefit of a quiet atmosphere during the testing days.

Mr. O'Connor said that he shares the public's concern about the contract, because the union leadership uses "lemonade stand logic" to share their numbers with their members. He explained that "lemonade stand logic" is when children who have a lemonade stand mistakenly think that the money made is all profit, while failing to take expenditures into consideration. Mr. O'Connor said that the NFT continues to report that they have a plan that offers savings; however, the savings are in one area and the cost in other areas of the contract more than absorb that savings. Mr. O'Connor emphasized that there is no net savings in any of the NFT's offers. He pointed out that during one of the worse economic periods, the NFT is enjoying a very favorable contract and still are asking for more. Mr. O'Connor said that the Board has explained their position over and over and have been totally transparent and still, the NFT denies this. Mr. O'Connor concluded by declaring that the Board will not sacrifice the education of the children and it is going to require concessions by the NFT in order to come to a settlement.

Mrs. Markowitz said that the 2009 - 2010 school year ended with an \$11 million dollar balance. It has carried over to the 2010 - 2011 school year, which is not completed yet and it is not known how this year will end.

Mr. Webb clarified that the \$11 million dollars has been accumulated over a period of time and the fund can diminish quickly. Mr. Webb stated that the attorneys for the NFT and the School Board met with Blue Cross to determine if there is indeed a \$3,500,000.00 savings as claimed by the NFT. He said the result of that meeting determined that there was no \$3,500,000.00 savings. He added that the figures are continuing to be reviewed. He said, to date, the NFT has not offered to contribute anything to the cost of their healthcare. In response to the question about the possibility of the State intervening in the negotiations, Mr. Webb stated that he does not think this will occur.

Mr. Oettinger thanked the parents who supported the application for the Charter School and he said that he is in favor of parents having a choice.

Adjournment

Mr. O'Connor moved the meeting be adjourned and Mr. Eccles seconded the motion. The Board unanimously approved the motion. Mr. Webb adjourned the meeting at 8:35 p.m.

Respectfully submitted,

Jennifer Burns
Board Secretary