



Lower Merion School District

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LMSD Board of School Directors Business Meeting Highlights

Vol. 2, No. 10 – Highlights from the April 24, 2017 Business Meeting

For a complete agenda, visit the BoardDocs section of the District Website. [Click here](#) to view.

REMARKS REGARDING TAX LITIGATION

Statement by Board President

LMSD Board President Dr. Robin Vann Lynch provided the following remarks at the opening of the Board meeting:

This past Thursday, April 20 a three-judge panel of the Commonwealth Court dismissed the District's appeal of the Montgomery County Court of Common Pleas August 29, 2016 order enjoining the District from enforcing a tax increase in excess of 2.4%. Our attorney will outline the legal implications of this order after I am finished speaking.

Despite the decision and the next legal steps that the Board may take, our primary focus continues to be providing a high-quality education to more than 8,300 students in our ten schools. As school directors, we take great pride in the academic, co-and extra-curricular experiences that make attending our schools special. From foreign language in the elementary schools, to the International Baccalaureate program, to state of the art facilities, to some of the best teachers and administrators in the state, we have much to be proud of.

As your publicly-elected Board of School Directors, our commitment to delivering on our educational mission remains unwavering and steadfast. It is important that our families and community members know this.

Our work as a Board continues, the lawsuit notwithstanding, and includes:

- *Finalizing the 2017-18 budget -- one of our primary roles as Board Directors*
- *Addressing increased and growing enrollment and its impact on facilities*
- *Negotiating a fair and fiscally-responsible contract with our teachers and staff*
- *Focusing on student safety, engagement and achievement*

Over the last few days, I have responded to a number of parents and community members regarding their concerns about how the litigation might change things here in Lower Merion School District. I have shared that the way in which we navigate our journey when addressing these and other priorities might look somewhat differently given the uncertainty. We remain committed to the premise that local budgeting and tax issues are best decided by a democratically-elected school board, not the courts. However, we will continue to work closely with our administration to find workable solutions that best support our students and community. Our Board is committed and prepared to address these challenges.

The current Board today and previous Boards have been responsible, ethical, sound and professional stewards of taxpayer funds. Our certified auditors support this view, as do bond counsel and the Pennsylvania Department of Education.

We are grateful to serve such an engaged community of families, students, teachers and staff. This Board has acted with the utmost professionalism and integrity to preserve and protect Lower Merion School District.

In closing, I want to welcome a respectful civil discourse around this incredibly important issue that has implications not just for Lower Merion but for all districts around the Commonwealth.

Thank you for your ongoing commitment to the Lower Merion School District.

Statement by District Solicitor

District solicitor Ken Roos provided the following remarks regarding the District's legal position and interpretation of the Commonwealth Court ruling:

On this past Thursday, April 20 a three-judge panel of the Commonwealth Court dismissed the District's appeal of the Montgomery County Court of Common Pleas August 29, 2016 order enjoining the District from enforcing a tax increase in excess of 2.4%. The Panel concluded that Judge Smyth's Order was a permanent or final (as opposed to a preliminary) injunction and that the District should therefore have filed post-trial motions rather than taking an appeal. All district legal counsel believe that conclusion is incorrect and that post-trial motions were neither required nor appropriate in a case in which significant questions and issues remained (and remain) undecided. I also want to be clear that this issue was carefully researched and thoroughly and collaboratively deliberated at the time and that the decision not to file post-trial motions was a conscious and deliberate one. The Board has therefore directed its special counsel to seek appellate review of the panel's order through Application for Reargument en banc and any other appeals deemed necessary.

The reasons why we take this view include:

- *The trial court had noticed the hearing as a preliminary injunction hearing, not as a trial of a permanent injunction;*
- *While it is possible to convert a preliminary injunction hearing into a trial on a permanent injunction, that can only be done with the agreement of all parties. See Big Bass Lake Cmty. Ass'n v. Warren, 950 A.2d 1137, 1149 (Pa. Cmwlth. 2008) ("The trial court erred in converting the hearing on the preliminary injunction to a final hearing on the merits of the permanent injunction because it did so without a stipulation from the parties.") There was no such agreement here.*
- *After Judge Smyth entered his injunction, he directed Plaintiffs to post (and they did post) a bond under Pa.R.Civ.P. 1531(b), which applies to preliminary or special injunctions, not to permanent or final injunctions.*
- *The pertinent Rule of Appellate Procedure says that an "injunction" is immediately appealable, not a "preliminary" injunction.*
- *Whatever label the injunction is given, the fact remains that much of the case remains untried and undecided (e.g., the issues raised in the Preliminary Objections pending before Judge Haaz). It follows that the injunction was an interlocutory order appealable as of right as opposed to an order with the requisite finality needed for post-trial motions. See Wynnewood Development, Inc. v. Bank and Trust Co., 711 A.2d 1003 (Pa. 1998) (order resolving a claim for injunctive relief but failing to resolve a separate claim for compensatory damages was an interlocutory order appealable as of right pursuant to Pa.R.A.P. 311(a)(4)).*
- *In the case of an order that is appealable as of right under Pa.R.A.P. 311(a)(4)), "post-trial motions are neither required nor permitted." City of Philadelphia v. Frempong, 865 A.2d 314, 317-318 (Pa. Cmwlth. 2005).*

PRESENTATIONS

Interdisciplinary Middle School Teams

Middle school students provided an overview of the District's small group interdisciplinary middle school programs. Each middle school offers themed, project-centered, year-long programs at each grade level (six total, one per grade) that fully-incorporate most subject areas of the curriculum. Highlights of these programs include experiential learning, small learning communities and an emphasis on student choice. One example is "Waterbound," a year-long program for 7th graders at Welsh Valley that incorporates most subject areas through hands-on exploration of the history, culture and environment of Lower Merion and Colonial America. Other programs at Welsh Valley include Artifacts (6th) and Points of View (8th); Bala Cynwyd's interdisciplinary programs are eVOLVE (6th), Communicue

(7th), and Voices of Change (8th). To view a video overview shown at Monday's presentation, [click here](#).

Proposed Final Budget Presentation

Superintendent Robert Copeland provided a detailed presentation of the 2017-18 Proposed Final Budget. The Proposed Final Budget represents a refined version of the Preliminary Budget established by the Board in January and is an important step in an extensive public review process that concludes with Final Budget adoption in June. Over the past few months, the District has hosted a series of public budget meetings that have included detailed, in-depth presentations on key areas of the budget, including curriculum and instruction, facilities, transportation, staffing, etc. These meetings will continue through June. The District has also developed online and video resources related to the budget, which can be found in the budget section of the District website. For more information, [click here](#).

On Monday, Mr. Copeland described some of the unique challenges the District faces with regard to enrollment growth. No other school district in the Commonwealth has been impacted more by enrollment growth over the past eight years than Lower Merion. LMSD is the fastest-growing school district in Pennsylvania by total number of students. Mr. Copeland also provided uncertainties with this year's process related to current and future tax revenues, the state budget and pending budget litigation. Additionally, he affirmed the District's practices regarding fund balance and fund transfers.

Mr. Copeland also shared that the District has been able to reduce the proposed tax increase for 2017-18 from 3.85% in Preliminary Budget to 2.99% in the Proposed Final Budget. The increase is necessary to maintain existing programs and cover new costs related to enrollment growth, personnel (salaries and benefits) and mandates, including rising retirement and special education costs. The District will continue to review all areas of the budget to identify opportunities for cost-savings and greater efficiencies.

Fixed costs, including salaries, benefits and debt service, continue to be key drivers of the budget, with the instructional program accounting for two-thirds of the entire budget. The need for additional revenue has been exacerbated by minimal increases in funding from state and federal sources and unfunded/underfunded mandates.

The District encourages community members to review budget information to better understand the budget and current funding challenges facing public education in Lower Merion and across the Commonwealth. Questions about the LMSD budget may be directed to budget@lmsd.org. [Click here](#) for a slideshow of the presentation.

SUPERINTENDENT'S UPDATE

Superintendent Copeland shared the following recent news:

LMSD Named One of the Nation's Best Communities for Music Education

The NAMM Foundation has recognized Lower Merion School District for its outstanding commitment to music education with a Best Communities for Music Education designation for the seventh consecutive year. LMSD joins the distinguished ranks of 527 other districts across the country in receiving the prestigious distinction in 2017.

The Best Communities Music Education designation is awarded to districts that demonstrate outstanding achievement in efforts to provide music access and education to all students. Criteria relate to funding, graduation requirements, music class participation, instruction time, facilities, support for the music program, and community music-making programs.

Additional Recent Highlights

Lower Merion HS Lip Dub Raises Funds for Webster Elementary

Lower Merion High School recently partnered with the School District of Philadelphia's John H. Webster Elementary School in Kensington for a special video campaign to help collect much-needed funds and supplies for the school. Students and staff from Webster made the trip to LMHS to film an all-school "lip dub" set to Jess Glynne's "Hold My Hand" to raise awareness for the initiative which aims to raise \$20,000 to help support the Webster school community. [Click here](#) to watch the lip dub. To visit the campaign's GoFundMe page and to make a donation, [click here](#).

LMSD hosts 4th Annual Girls Empowerment Conference

Lower Merion School District recently hosted the 4th Annual Girls Empowerment Conference focusing on building self-confidence and leadership skills. In workshops led by college mentors and female professionals from the community, more than 100 girls (and boys) from Harriton, Lower Merion, Bala Cynwyd and Welsh Valley explored their strengths, learned and practice new skills to become more self-assured, and took part in conversations about opportunities and challenges for women in high school and beyond.

Organized by (SAGE) Students Advocating for Gender Equality at Lower Merion and Harriton high schools, the conference had several key objectives:

- Teach skills to help students gain confidence, advocate for themselves and understand basic financial matters
- Discuss gender issues that are key to students' success in school, relationships and careers
- Share strategies that students can use to deal with gender bias, sexism, and harassment
- Connect girls to college students and professional women mentors who can share their experiences with gender issues on campus and in the workplace

HUMAN RESOURCES

The Board approved personnel actions across the District, including staff and coaching hires for the current school year.

Several longtime staff members announced their retirement this month. Best wishes to Jill Alexander (Teacher/Lower Merion HS), James Dugan (Transportation), Joseph Malatesta (Custodian/Welsh Valley MS), Eileen McGinley (Instructional Aide/Gladwyne ES), Charles Nicholls (Campus Aide/Welsh Valley MS), Karine Pierre (Administrative Secretary/Operations), Jean Repetto (Administrative Secretary/Administration).

EDUCATIONAL SERVICES

The Board approved the purchase of K-2 Investigations mathematics curriculum resources.

STUDENT SERVICES

Among the items approved by the Board included: a contract with OIG Compliance NOW to provide monthly screening of providers (vendors and personnel) that provide medical assistance and health programs services; an agreement with Easter Seals for special instruction services for the summer of 2017 extended school year; a contract with Austills Rehabilitation Services to provide occupational therapy, physical therapy, speech therapy and specialized therapeutic healthcare services.

BUSINESS OFFICE AND FINANCE

The Board approved a List of Bills reviewed through the Facilities & Purchasing Committee as well as the March 2017 LMSD Financial Report.

The Board (1) tentatively adopted the 2017-18 Proposed Final School District Budget which authorizes expenditures totaling \$265,984,334; (2) levied a Real Estate Tax of 28.2145 mills (\$28.2145 per \$1,000 of assessed valuation); (3) continued the 1% Real Estate Transfer Tax; and (4) continued the \$5 Local Services Tax.

The Board accepted the donation of playground equipment and chess tables from Gladwyne Elementary's Home and School Association to Gladwyne Elementary School.

The Board accepted a monetary donation from Chandan Chadha to the Belmont Hills Elementary School Library in appreciation for his children's experience at the school.

The Board accepted a monetary donation from Joshua and Jane Novodo to Gladwyne Elementary School.

The Board accepted a donation from Tisha and Khori Hagues of six copies of Khori's book titled *Be a Lion at Heart* for each elementary school, to be used as a counseling resource for anti-bullying efforts.

FACILITIES & OPERATIONS

Contract awarded to A Turf, Inc. to replace artificial turf field surface at LMHS Arnold Field; Agreement approved with Kinetics Physical Therapy, LLC for athletic trainer services at both high schools and middle schools; Agreement approved with Reynolds Construction, LLC for Construction Management Services for installing temporary and permanent classrooms at BCMS, and renovations at WVMS; First amendment approved for license agreement with My Turn to Drive extending the agreement to accommodate classroom driver education classes at Lower Merion High School in May and June 2017; Individual work order approved for professional services with Gilbert Architects, Inc., to update the District-Wide Building Capacity Study; Individual work order approved for professional services with Gilbert Architects, Inc., for restroom modifications at Welsh Valley Middle School; Quote approved from ePlus for Cisco wireless materials; Purchase approved for the "Records" add-on component to TalentEd Human Resources software package with PeopleAdmin; Change orders approved for additions and alterations at Bala Cynwyd and Welsh Valley Middle Schools.

POLICY

The following policies were reviewed for a second reading: [Policy 207 Attendance Policy](#); [604 Tax Waiver Requests](#); and [Policy 713 Access to School Facilities](#).

The following policies were reviewed for a first reading: [Policy 460 Tutoring for a Fee](#); and [Policy 701 Equipment Disposal](#).

UPCOMING MEETING DATES

Upcoming Meeting Dates: Monday, May 8 Education Committee & Supplementary Regular Board Monday; May 15 Regular Board. COMMITTEE MEETING DATES - SEE TIMES LISTED BELOW - HELD IN THE ADMIN BLDG BOARD ROOM: Wednesday, April 27 7:00 PM; Legislative Meeting - CANCELLED; May 3 8:30 AM Curriculum; Friday, May 5 8:30 AM Policy; and Thursday, May 11 8:30 AM Facilities/Purchasing.

LMSD BUSINESS MEETING HIGHLIGHTS is distributed to the community and staff of Lower Merion School District to highlight actions taken at Board Meetings. It is not intended to take the place of the minutes of the meeting. Citizens are encouraged to attend meetings; for information, visit www.lmsd.org.