

DRAFT PENDING COMMITTEE APPROVAL
BOARD LEGISLATIVE COMMITTEE MEETING MINUTES
February 17, 2015
Tredyffrin/Easttown Administrative Offices
7:00 p.m.

Agenda

Attending all or part of the meeting:

Board Committee Members: Doug Carlson (Chair), Scott Dorsey, Kris Graham

Other Board Members: Kevin Buraks, Karen Cruickshank,

TE School District Representatives: Richard Gusick (Administrative Liaison), Nancy Adams

Community Members: Peggy Layden, Tracy Gould, Jerry Henige, Matt Diamond

The meeting was called to order at 7:05 p.m.

Approval of Minutes:

The November 11, 2014 minutes were approved.

Public Comment:

Tracy Gould commented on the **PSERS Reform Resolution**.

Committee Discussion and Recommendations:

The Committee discussed the **PSERS Reform Resolution**. State Pension Reform is a top priority for the District. The resolution focused on the impact of the mandated Employer Contribution Rate (ECR) to employee pensions, which is predicted to reach 30% per year by 2018 and remain there until 2035. The resolution calls for a reduction of the ECR, without which programming cuts may result. The Committee emphasized that the timing of this resolution is important due to a new governor and new legislative leadership. The Committee also recommends creating and posting a sample letter for community members to use to express their support of the resolution. Finally, the Committee expressed its thanks to community member Tracy Gould, who provided information that helped develop the T/E PSERS Reform Resolution.

The Committee discussed the **Keystone Exams Resolution**. The Tredyffrin/Easttown School District has taken an active stance in opposing the Keystone Exams since 2008. Currently, students graduating in 2017 and beyond must take and pass three exams to graduate from high school; one in Algebra 1, one in Biology and one in Literature. Although Federal accountability measures require state testing, Pennsylvania has gone one step further with the inclusion of these exams as a graduation requirement. This poses particular difficulties for students who learn differently as the required remediation, retesting and/or project completion interferes with children's ability to take full advantage of opportunities offered at the high school. The Keystone Exams Resolution is two-fold; it opposes the implementation of any new exams and opposes the use of the current exams as graduation requirements. The Committee recommends that this Resolution be shared with Harrisburg and our local legislators as well as neighboring school districts. The Committee also recommends that a sample letter for community use be posted on our website.

The meeting was adjourned at 7:45 p.m.

At the June 15, 2015, School Board meeting, the Board tasked the Legislative Committee to address the issue of school director region reapportionment. There are currently three voting regions across the Tredyffrin/Easttown School District that will likely need realignment due to uneven population numbers. The Committee is tasked with conducting a study of the issue, reviewing census and election board figures, and making recommendations on a reapportionment plan for Board consideration. The outcome of this study could make it possible for the District to submit a proposal to the courts for approval in time for the 2017 School Board election.

Realignment Process

Presentation to TESD Legislative Committee
September 2, 2015

Kenneth Roos, Solicitor
Lawrence Dodds, Esquire
Wisler Pearlstine, LLP
www.wislerpearlstine.com

School Code -Section 303(b)

The boundaries of the regions shall be fixed and established in such manner **that the population of each region shall be as nearly equal as possible and shall be compatible with the boundaries of election districts....**In the event of any division, redivision, alteration, change or consolidation of election districts which renders regional boundaries incompatible with the boundaries of election districts, a new plan shall be developed and submitted for court approval in like manner. Any proposed change in an approved plan, including abolition of regional representation, shall be submitted for approval to the court of common pleas by the board of school directors, or by a petition of the resident electors within the district....

[Wisler Pearlstine, LLP](http://www.wislerpearlstine.com)

Permissible Forms of Representation

- The School Code provides that the District may elect either:
 - At-large representation;
 - Regional representation with either three (3) or nine (9) regions; or
 - A combination of at-large representation and regional representation.
 - If the District elects a combination of at-large and regional representation, there must be three regions.

[Wisler Pearlstine, LLP](#)

Case law under Section 303(b)

- The School Board:
 - must reapportion when there is any division, redivision, alteration, change or consolidation of election districts within the District; and
 - should at least consider the possibility of reapportionment when the population inequity between any two of the three current election districts reaches 20%.

[Wisler Pearlstine, LLP](#)

Criteria for Regions

- Regions in any proposed plan must be:
 - compatible with the existing election boundaries,
 - must not be created in an arbitrary or discriminatory manner, and
 - must provide for the most equally populated regions possible under the circumstances within the District.
 - A deviation of greater than 10% creates a prima facie case of discrimination.

[Wisler Pearlstine, LLP](#)

Criteria (con't)

- Integrity of the election districts “must take priority over the population factor.
- However, the inequality of population, which necessarily results, must be free from any taint of arbitrariness or discrimination.

[Wisler Pearlstine, LLP](#)

Analysis of Deviations

- In reviewing the equality of populations between voting regions, courts engage in two critical analyses.
 - The first analysis examines the deviation percentage found by comparing the population of each voting region with the mean population of the voting regions.
 - The second analyses examines the percentage deviation between the highest populated region from the lowest populated region as compared to the mean population of the voting regions.

Wisler Pearlstine, LLP

Applicable Formulae

- In considering the equality of populations between voting regions, courts review two critical statistics: (1) Deviation from the Ideal and (2) Maximum Deviation. These statistics are defined by the following formulae:
 - Deviation from Ideal = $(\text{Region population} - \text{Ideal Population}) \div \text{Ideal Population}$
 - Maximum Deviation = $(\text{Largest region} - \text{Smallest region}) \div \text{Ideal Population}$
 - Ideal Population = $\text{Total Population} \div \text{Number of voting regions}$.

Wisler Pearlstine, LLP

Approval on case-by case basis

- Although many court decisions have examined the percentage of population variation in each voting region compared to the mean voting region population to determine whether or not a proposed plan complies with the statute, the Commonwealth Court of Pennsylvania has clearly stated that “such a determination must turn on the particular facts of each situation, rather than on strict mathematical formulae.”

[Wisler Pearlstine, LLP](#)

Plan stands on its own merits

- Thus, ratios and percentages of other reapportionment plans are not dispositive
- The proper analysis is whether the plan creates the most equal regions possible under the circumstances.

[Wisler Pearlstine, LLP](#)

Timeline for Plan to Take Effect

- Any plan submitted within the next year could not take effect prior to the 2017 primary election.

Wisler Pearlstine, LLP

Effect on Sitting Board Members from Plan Approved Effective with 2017 Election

- Any sitting Board member who no longer resides in the voting region from which he or she was elected after realignment will remain on the Board, as a representative of his or her prior region, until his or her seat is up for re-election.
- At the 2017 election and any subsequent election, any Board member whose residence has been realigned to a different election district will have to seek election from the voting region that then contains his or her residence to remain on the Board.

Wisler Pearlstine, LLP

Questions?

[Wisler Pearlstine, LLP](#)

**Frequently Asked Questions on Region Realignment Process
Tredyffrin/Easttown School District
Updated 8/27/15**

1. Why is this process underway?

School boards generally should consider the possibility of reapportionment when the population inequity between any two of the three current election districts reaches 20%. This has occurred in the Tredyffrin/Easttown School District.

2. What will the process be?

This will be decided by the Board through its Legislative Committee. At a minimum, the process will include a review of population data and receipt of comment from concerned members of the public.

3. What are the permissible forms of representation?

The School Code provides that the District may elect either:

- a) At-large representation;
- b) Regional representation with either three (3) or nine (9) regions; or
- c) A combination of at-large representation and regional representation.

If the District elects a combination of at-large and regional representation, there must be three regions.

4. How can the regions be determined?

The regions must be:

- compatible with existing election boundaries
- created by a process that is neither arbitrary nor discriminatory
- provide for as equally populated regions as possible

5. Is there a definitive % that they all must be within (i.e. 10%)

No. They must be as equal as possible based on the particular facts of each situation. A deviation of greater than 10% creates a *prima facie* case of discrimination. Integrity of election districts takes priority over a more equal population. Population distribution must be free from arbitrariness or discrimination.

6. Must the boundaries be contiguous?

Most likely and they must be compatible with existing election boundaries.

7. Who approves the plan?

The Board's plan must be approved by the Chester County Court of Common Pleas.

8. What is the timeline the Court must follow?

Neither the statute nor case law presents a timeline to follow. It will depend on the Court's schedule.