

From: Chris at Stapleford & Byham <asalawchris@atlanticbb.net>
To: "Norbert" <kennerknechtn@wcsdpa.org>
Date: Wed 19 Feb 2014 11:34:15 AM -0500
Cc: "William Clark" <clarkw@wcsdpa.org>
Subject: Allegheny Valley

📎 wcsd - Resolution (if AV closed).docx ((28 kb)) wcsd - Resolution (AV reassignments if still used).docx ((29 kb))

Norbert,

Relative to Allegheny Valley, you indicated that you are still waiting on some information from PDE and PFM relative to the impact on state reimbursement that is necessary for the administration to provide its recommendation on Allegheny Valley to the Board. As such, you asked that I prepare alternative motions for the Board's consideration. The alternative motions are as follows:

I. If Allegheny Valley is Closed

Closing Motion

Based on the information presented to the Board as part of the June 4, 2012, public hearing and in accordance with Section 1311 of the School Code, the Board of School Directors hereby orders the closure of Allegheny Valley Elementary School due to the declining enrollment within the District and in order to implement the September 2008 Warren County School District Master Facilities Plan, as amended. I further move that said closure shall be effective on August 22, 2014, and that the Board authorizes the administration to carry out all administrative steps that are necessary to effectuate said closing pursuant to 24 P.S. §5-524, 22 Pa. Code §349.28, 22 Pa Code §4.41, or otherwise.

- If there is a desire to have the effective date of the closing be June 30, 2014 (to coincide with the end of the fiscal year for budgetary purposes), this can be done by modifying the date in the motion accordingly. If this is done, the Board vote to close the school must occur no later than the April 14th meeting, so that 60 days notice of the closing can be provided prior to the June 30th effective date of the closing.

Reassignment Motion:

That the Board of School Directors, due to the closure of the Allegheny Valley Elementary School, approves the Resolution as presented reassigning those students that would have otherwise attended the Allegheny Valley Elementary School to the Sheffield K-12 School commencing with the 2014-2015 school year.

* The Re-Assignment Resolution is attached hereto.

* Please make sure that the closing motion precedes the reassignment motion on the agenda.

** Please also note that, if the Board desires to close Allegheny Valley prior to the start of the next school term and also receive all of the reimbursement that the District would have received had Allegheny Valley remained open, the Board does have the option of engaging in an accelerated redemption. An accelerated redemption requires the District to make all of the remaining payments on Allegheny Valley **before** the Board passes the motion to close the school. If this is done, the District would be eligible to receive all of the associated state reimbursement. If it is not done, the District would no longer be entitled to reimbursement once the school is closed. The feasibility of an accelerated redemption is something that Board will of course need to discuss (I have no idea what amount we are talking about), but it is something that the Board needs to be made aware of as it considers the options relative to Allegheny Valley.

II. If Allegheny Valley Remains in Use, the LEC goes to Allegheny Valley and Current Allegheny Valley Students go to Sheffield K-12 (which was the potential scenario that you outlined to me)

Motion

Based on the information presented to the Board as part of the June 4, 2012, due to the declining enrollment within the District and based on the September 2008 Warren County School District Master Facilities Plan, as amended, I move that the Board of School Directors approves the Resolution as presented reassigning those students that would have otherwise attended Allegheny Valley Elementary School to the Sheffield K-12 School and also relocating the Learning Enrichment Center to Allegheny Valley, with the understanding that the building shall cease operating as Allegheny Valley Elementary School on June 30, 2014, and shall commence as the location for the Learning Enrichment Center on July 1, 2014. I further move that the Board authorizes the administration to carry out all administrative steps that are necessary to effectuate said reassignment and relocation pursuant to 24 P.S. §5-524, 22 Pa. Code §349.28, 22 Pa Code §4.41, or otherwise.

* The Resolution is attached hereto.

As with Russell Elementary, even if it were determined that a de facto school closing occurred, this would not be problematic because all of the requirements for a school closing (public hearing, wait 3 months etc.) were adhered to. Given the de facto closing argument, we would again also want to send a letter to the employees that is similar to the letter that we send following a formal closing (again to ensure that the changes are not invalidated on the basis that a de facto closing occurred and the legal mandates for a closing were not adhered to because the employees were not properly notified).

You were of the opinion, based on your conversations with Jim Vogel at PDE, that the fact that the school is not formally closed and the 50% occupancy threshold will be met should allow for continued state reimbursement, but I advise that you confirm this with Jim Vogel at PDE before any Board action occurs to implement the preceding recommendations. He advised that a letter, floor plan, etc. similar to what you sent him for Russell would also be needed for Allegheny Valley, if the Board elects to move in this direction. The date of said letter would also need to be inserted into the attached Resolution prior to approval of the Resolution.

As we discussed, the Headstart students, which are currently at YEMS and Sugar Grove, could also be moved to Allegheny Valley if desired or needed. Mr. Vogel indicated to me that the Headstart students would count towards the 50% occupancy.

Timing of Board Action on Item #1 or #2

Dr. Clark indicated that he would like some more time to have additional discussion with the folks at the LEC before the options for Allegheny Valley are presented to Committee or to the full Board. I advised him that the timing was within his discretion, with the caveat that it is my recommendation that the full Board make its decision on Allegheny Valley no later than the April 14, 2014, regular meeting in order to ensure that any 60 day notice requirements can be complied with. This means that the Allegheny Valley options would need to be presented to Committee at the March Committee meetings. If the Board is unable to make its decision by the April 14, 2014, meeting for any reason, we can likely push it back, but please let me know so that we can make sure that the closing date or transition date (from AV to the LEC) is in compliance with any 60 day notice requirements and that the dates in the motion and Resolution are modified accordingly.

Christopher M. Byham, Esq.
Stapleford & Byham, LLC
600 Market St.
Warren, PA 16365
(814) 723-3445
(814) 723-7950 (fax)
asalawchris@atlanticbb.net

This electronic message contains information from the law firm of Stapleford & Byham, LLC . The contents are

privileged and confidential and are intended for the use of the intended addressee(s) only. If you are not an intended addressee, note that any disclosure, copying, distribution, or use of the contents of this message is prohibited. If you have received this e-mail in error, please send a reply e-mail to the sender and delete the material from any and all computers. Unintended transmissions shall not constitute waiver of confidentiality, the attorney-client privilege or any other privilege.