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June 14, 2019

VIA EMAIL (FJC@FJCCP.COM) AND FIRST CLASS MAIL

Francis J. Catania, Esquire
Catania & Parker, LLP
230 N. Monroe Street, Second Floor
P.O. Box 2029
Media, PA 19063-2029

Re: Middle School to be located in the Borough of Clifton Heights

Dear Mr. Catania:

Thank you for the June 5, 2019, correspondence that you sent to Robert Gundlach, Jr., Esquire, on behalf of the Borough of Clifton Heights. Mr. Gundlach forwarded the correspondence to me for response.

From reading your correspondence, it is apparent that you misunderstood the presentations on May 28, 2019. If that is because the District's Administration and the architect were unclear, then I apologize on their behalf. That being said, the District has consistently stated that it projects to house an anticipated 860 students at the new school. The capacity of the school using PDE's methodology is calculated as 950. Similarly, the existing middle schools have current enrollment of 1,383 for Drexel Hill Middle School and 1,459 for Beverly Hills Middle School. In addition, although they are already overcrowded, they are projected to rise to 1,471 for Drexel Hill Middle School and 1,634 for Beverly Hills Middle School for school year 2021-2022. Upon completion of the new middle school, the District intends to realign the attendance areas and redistribute the students. Using our projections for that year, that realignment would result in the above 860 students at the new school while leaving approximately 1,000 students for Drexel Hill Middle School and approximately 1,100 for Beverly Hills Middle School.

Thus, there was no fluctuation. Instead, the numbers as stated on May 28, 2019, were the current numbers, as well as the projected numbers as the District believes they will be in the fall of 2022. The Administration previously stated all of this during the various presentations, including what each number represented, but I hope it is clearer for you now.

Also, keep in mind that the Borough's continued focus on the number of middle school age students living in the Borough that would attend this new school misses the point. Clearly, under the current plan, all of the Borough's middle school aged students would have that opportunity, but the catchment area for the school would be larger than just the Borough. This is similar to the way that the District has located schools in Upper Darby Township that educate the Borough's children.

To respond to your next series of questions, it is apparent that I will need to explain the law as it relates to truancy.

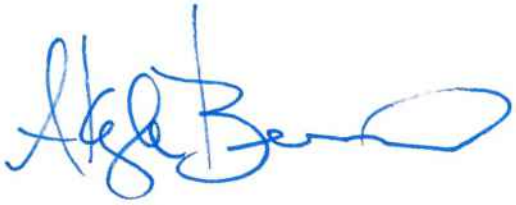
Truancy is defined in §13-1326 of the School Code as occurring when a student misses three days of school in the current school year without a valid excuse. Similarly, habitual truancy is when the above number reaches six days of unexcused absences. Thus, such a Safe Schools Report number would simply mean that 32% of students at that school have missed 6 days of school without excuse over the course of a year.[1] You have entirely misunderstood the meaning of that report if you believe that on average only 2/3 of the students are in school each day.

Further, your question concerning the regulation found at 22 Pa. Code §11.24 is inapt. For every resident of the District of compulsory school age, the District is required to follow the dictates of the School Code's §13-1333 through §13-1333.3. Those statutes, as modified in 2016, include the specific procedures the District must follow in the event a compulsory school aged child has unexcused absences. I am sure you are already aware that every middle school student is of compulsory school age.

Thus, to answer your question directly, the District has projected and continues to project that there will be approximately 860 students enrolled at the new school in Clifton Heights when it opens in the fall of 2022 and that almost every single one of those student will be in school on a daily basis.

[1] Also, your number is wrong. The total percentage of students at that building who missed school without excuse on 6 days over the course of a year was 11%. Adding percentages in that way is a basic mathematical error. Moreover, truancy numbers cannot directly translate into daily attendance numbers, which is about 95%.

Very truly yours,



A. Kyle Berman

AKB:slw

cc: Robert W. Gundlach, Jr. (via email)