



IN THE COURT OF COMMON PLEAS OF BUCKS COUNTY, PENNSYLVANIA  
CIVIL DIVISION - EQUITY

NATALIE G. CHAMBERLAIN, et al.

: No.

Plaintiffs

vs.

NESHAMINY SCHOOL DISTRICT

Defendant



Case # 2015-02929 B09 10845948

Code 0 Judge 34  
Patricia L. Bachtel Bucks County Prothonotary  
Rept. 2015-41-00347 4/16/2015 2:06:43 PM

**NOTICE TO DEFEND**

**TO: NESHAMINY SCHOOL DISTRICT**

You have been sued in court. If you wish to defend against the claims set forth in the following pages you must take action within twenty (20) days after this complaint and notice are served by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

**YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.**

**IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.**

**Bucks County Bar Association  
135 East State Street  
Doylestown, PA 18901  
Phone (215) 348-9413, 1-800-479-8585  
www.bucksbar.org  
PA Bar Association: www.pabar.org**

**The Law Office of Peter M. Williams, LLC**

Date: 4-16-15

By: 

**Peter M. Williams, Esquire  
Attorney for Plaintiff  
Attorney I.D. # 90485  
1288 Veterans' Hwy., Suite 1A  
Levittown, PA 19056  
(267) 583-3690**

**IN THE COURT OF COMMON PLEAS OF BUCKS COUNTY, PENNSYLVANIA  
CIVIL DIVISION - EQUITY**

NATALIE G. CHAMBERLAIN  
461 Snowball Drive  
Levittown, PA 19056

and

KAREN A. SARAULLO  
118 Red Rose Drive  
Levittown, PA 19056

and

CHRISTY DOUGHERTY  
1530 Veterans Highway  
Levittown, PA 19056

and

JENNIFER A. WILITYER  
74 Forsythia Drive East  
Levittown, PA 19056

and

KIMBERLY MASON  
24 Spinythorn Rd.  
Levittown, PA 19056,

Plaintiffs

vs.

NESHAMINY SCHOOL DISTRICT  
2250 Langhorne-Yardley Road  
Langhorne, PA 19047

Defendant

No.

**COMPLAINT IN MANDAMUS**

1. Plaintiffs are:
  - a. Natalie G. Chamberlain, an adult individual, residing at 461 Snowball Drive, Levittown, Bucks County, Pennsylvania. She is the mother of a child who attends kindergarden at Samuel Everitt Elementary School;

- b. Karen A. Saraullo, an adult individual residing at 118 Red Rose Dr.,, Levittown, Bucks County, Pennsylvania. She is the mother of a child who attends third grade at Samuel Everitt Elementary School;
- c. Christy Dougherty, an adult individual residing at 1530 Veterans Highway, Levittown, Bucks County Pennsylvania. She is the mother of a child who attends fourth grade at Samuel Everitt Elementary School;
- d. Jennifer A. Wilityer, an adult individual residing at 74 Forsythia Drive East, Levittown, Bucks County, Pennsylvania. She is the mother of a child who attends first grade at Samuel Everitt Elementary School.
- e. Kimberly Mason, an adult individual residing at 24 Spinythorn Rd., Levittown, Bucks County, Pennsylvania. She is the mother of a child who attends second grade at Samuel Everitt Elementary School.

2. Defendant is the Neshaminy School District with a business office located at 2250 Langhorne-Yardley Road, Langhorne, Bucks County, Pennsylvania, 19047.

3. Plaintiffs incorporate herein by reference the allegations set forth in paragraphs one through two of this Complaint as if set forth at length herein.

4. On or about November 18, 2014, a resolution was adopted by the Neshaminy School District Board of Directors (“Board”) regarding the permanent closure of Samuel Everitt Elementary School (“Everitt”), an elementary school located at 145 Forsythia Drive South, Levittown, Bucks County, Pennsylvania 19056.

5. A public hearing was held on the closure in accordance with the Pennsylvania Public School Code of 1949, as amended, on December 15, 2014 at the Maple Point Middle

School Auditorium on December 15, 2014 upon the question of whether or not to permanently close Everitt at the end of the 2014-2015 School Year.

6. On March 17, 2015 at a regularly scheduled school board meeting, an “agenda item” on the topic of the permanent closure of Everitt was presented by Mr. Anthony Sposato. A true and correct copy of that agenda item is attached hereto and incorporated herein as Exhibit “A.” The resolution to permanently close Everitt at the end of the 2014-2015 school year passed by a vote of 7-2.

7. The reasons set forth in the agenda item, *inter alia*, are the following:

WHEREAS, this action is being taken because of the declining student enrollment at the elementary school level throughout the School District, and the School is situate in an area of student population decline; and

WHEREAS, the School, which has a PDE capacity: Regular 525 and Maximum Practical Capacity 521 has an enrollment of only 395 students in grades K-5, which is the second smallest enrollment of an elementary school in the School District; and

WHEREAS, the School, constructed in 1954, and the last expanded and renovated in 1968, requires the most extensive and costly renovations of any other elementary school in the School District; and....

8. These three paragraphs represent significant misstatements of fact that are contradicted by facts contained on the Neshaminy School District’s website which were available at the time of the March 17, 2015 Board meeting.

9. These significant misstatements of fact were relied upon by the Board and by members of the public with respect to voting on and commenting on the permanent closure of Everitt.

10. Specifically, the first paragraph cited in paragraph seven (7) of this Complaint states that there is declining enrollment at the elementary school level throughout the district.

11. A report prepared by Spiegle Architectural Group, Inc., that can be found on the District's website shows a projection reflecting declining enrollment on page four (4), however, that projection was amended on page five (5) to reflect that the projection has changed to reflect that enrollment at the elementary school is actually increasing. A true and correct copy of the relevant pages of this report is attached hereto and incorporated herein as Exhibit "B."

12. The second paragraph cited in paragraph seven (7) of this Complaint indicates that Everitt has a student capacity of "Regular 525 and Maximum Practical Capacity 521," however, in a report entitled "Amendment to District-Wide Facility Study," dated October 23, 2014 at pages 33-34, it is indicated that the current capacity of Samuel Everitt is only 419 students, which is more than 100 students less than the number set forth in the "Agenda Item." A true and correct copy of this report is attached hereto and incorporated herein as Exhibit "C."

13. Given the current student enrollment of 395 students, Everitt is currently at over ninety-four percent (94%) capacity.

14. The third paragraph cited in paragraph seven (7) of this Complaint indicates that Everitt “requires the most extensive and costly renovations of any other elementary school in the School District...”

15. A “Price Comparison” chart found on the Neshaminy School District’s website identifies costs associated with renovating three elementary schools, Samuel Everitt, Oliver Heckman, and Lower Southampton. A true and correct copy of the Price Comparison is attached hereto and incorporated herein as Exhibit “D.”

16. A plain reading of Exhibit “D” reflects that Samuel Everitt is the least expensive school to renovate, both as an overall cost and cost per square foot. *See* Exhibit “D.”

17. The above-noted statements set forth in the agenda item for the permanent closure of Everitt were either intentionally or recklessly stated and are contradicted by information found on the District’s website.

18. Had the Board and the public been aware that the statements set forth in the agenda item were false, it could have changed the outcome of the vote in favor of closing Everitt or permitted the public to properly object to the Board’s vote to close Everitt.

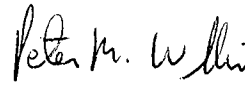
19. Defendant should have been truthful with the information contained within the agenda item, however defendant was not truthful.

20. The Plaintiffs have an interest in this matter as they are parents with children at Everitt and if the school closes, their children will be forced to attend a different elementary school.

21. Plaintiffs have no other adequate remedy at law.

WHEREFORE, Plaintiffs demand judgment in their favor and against Defendant and respectfully request an that this Honorable Court enter an order permitting discovery concerning the closure of Everitt, an evidentiary hearing regarding the closure of Everitt, remanding the question of the permanent closure of Everitt to the Neshaminy School Board for further consideration and public comment, and reasonable attorney fees and costs incurred to challenge the closure of Everitt due to the blatantly false statements contained within the "agenda item."

**THE LAW OFFICE OF  
PETER M. WILLIAMS, LLC**

By:   
Peter M. Williams, Esquire  
Attorney I.D. No. 90485  
1288 Veterans Highway, Suite 1A  
Levittown, PA 19056  
(267) 583-3690

Date: 4-16-15

**VERIFICATION**

I, Natalie G. Chamberlain, am a Plaintiff and I hereby verify that the facts contained in the foregoing pleading are true and correct to the best of my knowledge, information, and belief.

This Verification is made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 4/16/15

NChamberlain  
Natalie G. Chamberlain

**VERIFICATION**

I, Karen A. Sarullo, am a Plaintiff and I hereby verify that the facts contained in the foregoing pleading are true and correct to the best of my knowledge, information, and belief. This Verification is made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 4-16-15

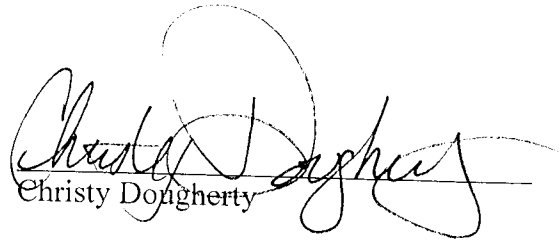
  
Karen A. Sarullo  
Karen A. Sarullo

**VERIFICATION**

I, Christy Dougherty, am a Plaintiff and I hereby verify that the facts contained in the foregoing pleading are true and correct to the best of my knowledge, information, and belief.

This Verification is made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 4/16/15

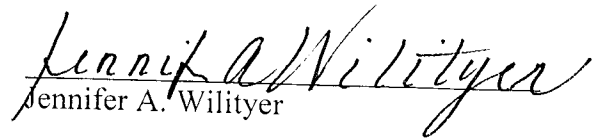
  
Christy Dougherty

**VERIFICATION**

I, Jennifer A. Wilitary, am a Plaintiff and I hereby verify that the facts contained in the foregoing pleading are true and correct to the best of my knowledge, information, and belief.

This Verification is made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 4/10/15

  
Jennifer A. Wilitary

**VERIFICATION**

I, Kimberly Mason, am a Plaintiff and I hereby verify that the facts contained in the foregoing pleading are true and correct to the best of my knowledge, information, and belief.

This Verification is made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 4/16/15

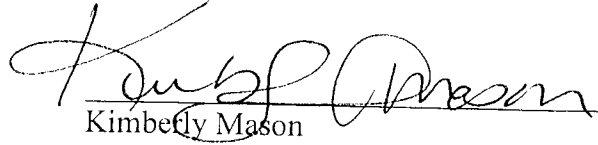
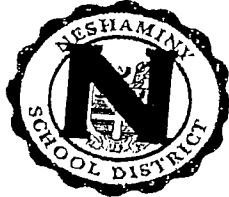
  
Kimberly Mason

EXHIBIT "A"



ESHAMINY SCHOOL DISTRICT  
LANGHORNE, PENNSYLVANIA

**Agenda Item for Presentation at Board Meeting**

TOPIC: Permanent Closure of Samuel Everitt Elementary School

PRESENTED BY: Mr. Anthony Sposato

DATE OF MEETING: March 17, 2015

Motion To Be Presented...

**WHEREAS**, in accordance with the Resolution adopted on November 18, 2014, the process for the permanent closure of Samuel Everitt Elementary School ("School"), pursuant to the Pennsylvania Public School Code of 1949, as amended, was initiated; and

**WHEREAS**, a Public Hearing was held at Maple Point Middle School Auditorium, 2250 Langhorne-Yardley Road, Langhorne, Pennsylvania on December 15, 2014 at 7:00 p.m. upon the question of whether or not to permanently close the Samuel Everitt Elementary School located at Forsythia Drive South, Levittown, Middletown Township, Bucks County, Pennsylvania at the end of the 2014-2015 School Year; and

**WHEREAS**, this action is being taken because of the declining student enrollment at the elementary school level throughout the School District, and the School is situate in an area of student population decline; and

**WHEREAS**, the School, which has a PDE capacity: Regular 525 and Maximum Practical Capacity 521 has an enrollment of only 395 students in grades K-5, which is the second smallest enrollment of an elementary school in the School District; and

**WHEREAS**, the School, constructed in 1954, and last expanded and renovated in 1968, requires the most extensive and costly renovations of any other elementary school in the School District; and

**WHEREAS**, the proximity of the School to other elementary schools minimizes the impact of the closure of the School on the reassignment and transportation of students of the School; and

**WHEREAS**, the School District will realize substantial operating and maintenance costs savings upon the closure of the School.

**NOW, THEREFORE, BE IT RESOLVED**, that the Neshaminy Board of School Directors hereby officially declares that Samuel Everitt Elementary School will permanently close at the end of the 2014-2015 School Year.

Moved by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

Motion Prepared by: Barbara Markowitz

Date Prepared: March 16, 2015

Ayes

Nays

Abstentions

EXHIBIT "B"

**Table 1B: Current Enrollment by Grade & School**

Enrollment (October 1, 2014 figures)								Current Enroll
Elementary Schools								
	KFD	1	2	3	4	5		
Pearl S. Buck	57	65	76	77	78	80		433
Samuel Everitt	64	65	72	67	65	62		395
Joseph E. Ferderbar	88	96	108	101	110	82		585
Oliver Heckman	70	73	75	86	73	80		457
Herbert Hoover	109	113	121	119	111	122		695
Lower Southampton	87	94	72	94	98	68		513
Walter Miller	43	70	73	75	67	87		415
Albert Schweitzer	67	54	69	65	52	67		374
<b>Totals</b>	<b>585</b>	<b>630</b>	<b>688</b>	<b>684</b>	<b>654</b>	<b>648</b>		<b>3867</b>
Middle Schools								
Maple Point				6	7	8		
Poquessing				282	316	337		935
Sandburg				208	197	180		585
<b>Totals</b>				147	161	178		486
				637	674	695		2006
High School								
High School		9	10	11	12			
		654	584	640	662			2540

**Projected Enrollment**

Projected enrollments have been documented in December 10, 2012 District-Wide Facility Study document in Section 5, starting on page 56. Updates to these projections occurred with the preparation of a demographic study by Sundance on March 31, 2014 and provided in Appendix 2 for reference. Projections were further updated in this District-wide Study Amendment document to reflect the modification of the district's educational program to include full-day kindergarten. These latest update figures can be found below.

**Table 2: March 2014 Demographic Study Projection (Appendix 2)**

Year	K	1	2	3	4	5	Total	6	7	8	Total	9	10	11	12	Total	District
2014	454	729	618	675	651	645	3772	644	691	676	2011	700	598	630	641	2569	8352
2015	499	573	683	626	690	655	3728	672	652	692	2016	668	678	600	619	2565	8307
2016	540	630	538	691	640	694	3733	683	681	653	2017	684	647	679	589	2599	8349
2017	471	679	588	542	704	641	3625	721	689	680	2090	643	659	645	664	2611	8326
2018	505	592	634	593	552	705	3581	666	727	688	2081	669	620	657	631	2577	8239

**Projection Modification:**

Since these figures were generated, the district has initiated a full-day kindergarten program. Enrollments in this program significantly exceeded the enrollments projected in the demographic study. As a result, the projected enrollments have been amended for use in this document to: (1) reflect the actual enrollment for kindergarten for the 2014-15 school year (585 students vs 454)

Prepared by Snieszle Architectural Group, Inc.

## Neshaminy School District: District-Wide Facility Study Update

previously projected), and (2) modify the projection to consider this increased cohort size moving forward. Impacted cohorts are adjusted proportionally based on the original projection (grey/highlighted cells below). This amended projection is shown below – these figures are used for projected enrollments in this report:

**Table 2B: AMENDED Enrollment Projections**

Year	K	1	2	3	4	5	Total	6	7	8	Total	9	10	11	12	Total	District
2014	585	729	618	675	651	645	3903	644	691	676	2011	700	598	630	641	2589	8483
2015	643	627	683	626	690	655	3924	672	652	692	2016	668	678	600	619	2565	8505
2016	696	689	625	691	640	694	4035	683	681	653	2017	684	647	679	589	2599	8651
2017	607	746	687	625	704	641	4010	721	689	680	2090	643	659	645	664	2611	8711
2018	651	650	743	687	625	705	4082	666	727	688	2081	669	620	657	631	2577	8720

### School Building Capacity

Building capacities are not absolute figures but instead represent the ability of each school building to support enrollment based on a series of factors and policies. These factors and the calculation methodology used to determine capacity are summarized below and covered in detail in Appendix 1 which includes the “Facility Capacity Assessment” report previously prepared for the district.

### School Building Capacity – Calculation Factors

Calculation of the capacity of each school building considers the following factors:

**Table 3**

Capacity Factor	Value	Basis or Source
<b>Elementary Class Sizes</b>	<b>(students/room)</b>	
K (½ or full day)	22/44 FTE*	District maximum class size
Grade 1	24	District maximum class size
Grade 2	25	District maximum class size
Grade 3	26	District maximum class size
Grade 4	29	District maximum class size
Grade 5	29	District maximum class size
Average Grade 1–5	27	An average of maximum class sizes for grades 1 through 5 (see note 1)
Grade 1–5 Special Ed	12	District maximum class size
<b>Middle School Class Sizes</b>	<b>(students/room)</b>	
General Ed Gr. 6-8	35	District maximum class size

EXHIBIT "C"

AMENDMENT TO DISTRICT-WIDE FACILITY STUDY

FOR

**NESHAMINY SCHOOL DISTRICT**

2001 LINCOLN HIGHWAY  
LANGHORNE, PA 19047



ARCHITECTURAL  
GROUP

OCTOBER 23, 2014 – ORIGINAL ISSUE

- Intermediate Unit (IU) dedicated rooms: Most schools host the IU in various rooms serving a mix of Neshaminy and other district students. These rooms could, if returned to district use, serve to support capacity. A total of 21 elementary and 8 middle school rooms are dedicated to IU use (see Appendix 2).
- Full-day Kindergarten: Currently, the District’s kindergarten program consists of both half-day and full-day classes. Should the district consider implementation of full-day kindergarten at all schools additional space would be required to facilitate the program. Currently 11 classrooms are allocated to half-day kindergarten and 9 to full-day at the various elementary schools. If a full-day program was implemented with class sizes close to the target class size of 22 students/ room, an estimated 9-10 additional rooms may be required depending on enrollment distribution between schools. If these rooms were reallocated from existing rooms, this would reduce overall elementary capacity by approximately 220 seats. Additionally, a full-day program would likely result in additional enrollment which has not been assessed as part of this effort but which could impact this estimate substantially depending on the increased draw from a full-day kindergarten program in the district.

Outside of consideration of the above, each school with identified potential changes is shown in the tables which follow. Figures in shaded boxes represent capacity supporting spaces:

Pearl S. Buck Elementary School (Table 5.1)

Potential Capacity	Clrms	Music	Art	Cmptr	SE*	SCSE	Other**	IU	Current Capacity >>		419
1/2 day K	1								1	44	44
Full-day K	1								1	22	22
Grades 1-5	15				1				16 / 0	27	426
SCSE (1-5)									0 / 0	12	0
Non-Capacity		1	1	1	3		1	5	12	0	

\*SE: pull-out use in full size rooms

\*\*Other: full size spaces which could support capacity

Utilization Rate (Greater of school average or 90%) >> 90.0%

Subtotal >> 492

Total >> **442**

Description of Changes:

1. Subdivide Music room into (2) SE instruction; move music to reg classroom; maintain separate lesson room
2. Current Art room, book room and IU rooms could also be considered

Capacity supporting spaces are shaded >>



Samuel Everitt Elementary School (Table 5.2)

Potential Capacity									Current Capacity >>		
	Clrms	Music	Art	Cmptr	SE*	SCSE	Other**	IU			
1/2 day K	1								1	44	44
Full-day K	1								1	22	22
Grades 1-5	15								15 / 0	27	399
SCSE (1-5)									0 / 0	12	0
Non-Capacity		1	1		3			2	7	0	
									<b>Subtotal &gt;&gt;</b>		<b>465</b>
									Utilization Rate (Greater of school average or 90%) >>		90.0%
<b>Description of Changes:</b>									<b>Total &gt;&gt;</b>		<b>419</b>
1. None											

Joseph Ferderbar Elementary School (Table 5.3)

Potential Capacity									Current Capacity >>		
	Clrms	Music	Art	Cmptr	SE*	SCSE	Other**	IU			
1/2 day K	2								2	44	88
Full-day K	1								1	22	22
Grades 1-5	22								22 / 0	27	585
SCSE (1-5)									0 / 0	12	0
Non-Capacity			1		2				3	0	
									<b>Subtotal &gt;&gt;</b>		<b>695</b>
									Utilization Rate (Greater of school average or 90%) >>		90.0%
<b>Description of Changes:</b>									<b>Total &gt;&gt;</b>		<b>626</b>
1. None											

Oliver Heckman Elementary School (Table 5.4)

Potential Capacity									Current Capacity >>		
	Clrms	Music	Art	Cmptr	SE*	SCSE	Other**	IU			
1/2 day K	2								2	44	88
Full-day K	1								1	22	22
Grades 1-5	17	1			1				19 / 0	27	505
SCSE (1-5)									0 / 0	12	0
Non-Capacity		1	1	1	3				6	0	
									<b>Subtotal &gt;&gt;</b>		<b>615</b>
									Utilization Rate (Greater of school average or 90%) >>		90.0%
<b>Description of Changes:</b>									<b>Total &gt;&gt;</b>		<b>554</b>
1. Allocate one of the current Music rooms to general instruction; compensate with lesson room elsewhere											
2. Re-assign one full-size SE pull-out room to capacity use; subdivide a full size room to compensate											

EXHIBIT "D"

# Price Comparison

Reynolds Conceptual Energy Project Estimate (08/26/2014)	Samuel Everitt ES	Oliver Heckman ES	Lower Southampton ES
Building SF	43,146	54,200	55,596
Architectural Improvements	\$ 1,977,966	\$ 3,367,314	\$ 3,737,507
HVAC Improvements	\$ 1,433,577	\$ 1,609,740	\$ 2,139,056
Plumbing Improvements	\$ 230,076	\$ 289,022	\$ 296,466
Electrical Improvements	\$ 567,909	\$ 1,085,194	\$ 1,033,182
<b>TOTAL Project Cost</b>	<b>\$ 4,209,528</b>	<b>\$ 6,351,269</b>	<b>\$ 7,206,211</b>
Add A/C	\$ 698,965	\$ 878,040	\$ 900,655
<b>Net Project Cost</b>	<b>\$ 4,908,493</b>	<b>\$ 7,229,309</b>	<b>\$ 8,106,866</b>
Cost / SF	\$ 113.76	\$ 133.38	\$ 145.82
<b>CE updated Report 2014</b>	<b>\$ 7,481,499</b>	<b>\$ 14,369,118</b>	<b>\$ 8,521,322</b>

**Reynolds**