

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2872 Session of
1990

INTRODUCED BY PESCI, OCTOBER 1, 1990

REFERRED TO COMMITTEE ON EDUCATION, OCTOBER 1, 1990

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An
2 act relating to the public school system, including certain
3 provisions applicable as well to private and parochial
4 schools; amending, revising, consolidating and changing the
5 laws relating thereto," further providing for the
6 reorganization of certain school districts into smaller
7 school districts.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. Article II of the act of March 10, 1949 (P.L.30,
11 No.14), known as the Public School Code of 1949, is amended by
12 adding a subdivision to read:

13 ARTICLE II.

14 SCHOOL DISTRICTS.

15 * * *

16 (h) Reorganization of School Districts.

17 Section 281. Reorganization into Smaller School Districts.--
18 Any school district larger than three hundred seventy-five (375)
19 square miles, or any three region district located entirely
20 within a county of the second class A and where the school tax

rate levied in each municipality comprising the school district
has not been equal for each municipality for five (5)
consecutive years, may prepare a plan for the reorganization of
that school district into two or more smaller school districts
when the district's board of directors finds that the proposed
reorganization will accelerate the progress of public education.

Section 282. Preparation of Plan for Reorganization.--A plan
for the reorganization of a school district may be prepared by
either the existing district's board of directors or by a group
of residents, known as the Reorganization Panel, of one or more
of the former school districts which were merged into the
existing school district pursuant to subdivision (i) of this
article. The school district shall within thirty (30) days make
available any public information, requested in writing by a
resident or residents, for the preparation of a plan. The costs
of obtaining any copies of the public information shall be borne
by the person requesting the information. Each proposed plan
shall conform to the requirements of section 284 of this act.

Section 283. Reorganization Panel.--(a) A Reorganization
Panel shall be appointed by majority vote of the county
commissioners.

(b) The board shall consist of seven members who are
residents of the existing district as follows:

(1) Two property owners, one of which owns commercial
property within the existing district.

(2) Two members of Parent Teacher Associations within the
district.

(3) Two residents of the district.

(4) One member of the district's current board of directors.

All appointments to the Reorganization Panel shall be made by

1 majority vote of the county commissioners.

2 (c) The plan shall take into account the following factors:

3 (1) Topography.

4 (2) Pupil population.

5 (3) Community characteristics.

6 (4) Transportation of pupils.

7 (5) Use of existing school buildings.

8 (6) Existing administrative units.

9 (7) Projected population changes.

10 (8) The capability of providing a comprehensive program of
11 education.

12 Section 284. Contents of Plan.--(a) The proposed
13 reorganization plan shall include for the present district:

14 (1) The current budget.

15 (2) The current school millage rate and the adjusted millage
16 rate for each attendance area.

17 (3) The district audit report for the previous two (2)
18 years.

19 (4) An explanation of all bonded debts, other debts and
20 rental agreements.

21 (5) The student population by grade and by building for the
22 past three school years.

23 (6) A description of all buildings and other facilities.

24 (7) A map showing the district boundaries and the location
25 of all facilities.

26 (8) A statement of the number of and assignment of employees.

27 (9) A description of all current subsidies.

28 (10) A description of how the district meets the educational
29 needs of its students, including special education and
30 vocational education.

1 (b) The proposed reorganization plan shall include for the
2 proposed new district or districts:

3 (1) The projected millage rate for each new district for the
4 next three (3) years.

5 (2) The projected budget for each new district for the next
6 three (3) years.

7 (3) The projected balance sheet for each new district.

8 (4) An explanation of the apportionment of all bonded debts,
9 other debts and rental agreements to each new district.

10 (5) A three-year projected student population by grade and
11 by building for each new district.

12 (6) A description of all buildings and other facilities in
13 each new district.

14 (7) A map showing the boundaries of each new district and
15 the location of all facilities in each new district.

16 (8) A statement of the number of and assignment of employees
17 in each new district in accordance with existing seniority,
18 tenure and pension rights.

19 (9) A description of all additional facilities and personnel
20 which will be required as a result of the proposed
21 reorganization.

22 (10) The justification for implementation of the
23 reorganization.

24 (11) The proposed schedule for implementation of the
25 reorganization.

26 (12) The projected subsidies under current formula for each
27 new district.

28 (13) Any other information which is deemed pertinent to
29 enable the State Board of Education to act on the proposed
30 reorganization plan.

1 Section 285. Submission to School Board; State Board of
2 Education.--(a) Every plan that is prepared by a reorganization
3 panel must be presented to the board of school directors of the
4 existing school district. The board of school directors then
5 shall have ninety (90) days following submission to take action.

6 (b) The board of school directors shall take action that
7 will recommend approval of the plan as submitted, recommend
8 approval of the plan with proposed modifications or recommend
9 rejection of the plan. The board of school directors shall not
10 change the plan but may make recommendations thereto.

11 (c) Every plan shall on the ninety-first day following
12 submission be transmitted to the State Board of Education by the
13 secretary of the board of school directors along with a
14 certified copy of the transcript which sets forth in detail, the
15 action taken by the board of school directors.

16 (d) The State Board of Education shall, within thirty (30)
17 days of receipt of the proposed plan, fix a day and time within
18 ninety (90) days of receipt of the plan for a hearing within the
19 district at which the State Board of Education may hear and
20 consider testimony from all interested parties. Five or more
21 members of the State Board of Education shall constitute a
22 quorum for the State Board of Education for any hearing held
23 hereunder. A verbatim transcript of the hearing shall be made by
24 the State Board of Education and a copy thereof provided to the
25 school district. Public notice of the hearing shall be given
26 within the district not later than twenty (20) days before the
27 date of the scheduled hearing.

28 (e) The State Board of Education shall prepare a written
29 decision including its finding of facts and conclusions thereon
30 and enter an appropriate order either approving the plan as

1 submitted by the school district, approving a plan modified by
2 the State Board of Education, or disapproving any plan for
3 reorganization into smaller administrative units.

4 (f) The State Board of Education shall not approve any plan
5 where it is determined by the State Board of Education that:

6 (1) The millage differential between the proposed new
7 districts is excessive and the new millage rate is beyond the
8 capacity of the proposed new districts.

9 (2) The plan is racially discriminatory.

10 (3) The plan is an evasion of any desegregation order of the
11 Pennsylvania Human Relations Commission.

12 Section 286. Appeals.--(a) A school district which
13 considers itself aggrieved by a plan of organization of
14 administrative units approved by the State Board of Education
15 under this act shall have the right to appeal therefrom within
16 thirty (30) days after such approval to the Commonwealth Court
17 by petition setting forth that such approval is arbitrary,
18 capricious, an abuse of discretion, or otherwise not in
19 accordance with law, specifying the grounds upon which it
20 relies. The burden of proof shall be on the State Board of
21 Education to show that each modification it approves is in the
22 best interest of the students and taxpayers in each of the
23 affected proposed new districts. The prothonotary shall
24 forthwith transmit a copy of the appeal petition to the State
25 Board of Education which shall, within ten (10) days after
26 receipt thereof, certify to the court its entire record in the
27 matter in which the appeal has been taken.

28 (b) The court, after hearing such additional testimony as
29 the parties may wish to present, and upon consideration of the
30 entire record, shall enter an order either affirming the plan

1 submitted by the school district, the plan as approved by the
2 State Board of Education or, in its discretion, creating a plan
3 consisting of a combination of the elements of both plans that
4 together are in the best interest of the students and taxpayers
5 of the entire undivided larger district. The order of the court
6 shall be a final order.

7 (c) The court may also, in the interim before issuing its
8 final order, direct the affected district and the State Board of
9 Education to attempt to negotiate a settlement of the
10 differences in their respective plans. If a compromise is
11 reached and submitted to the court within forty-five (45) days
12 the former appeal shall be dismissed and the compromise plan
13 submitted to the electorate for its approval.

14 Section 287. Contents of the Order of the State Board of
15 Education.--An order of the State Board of Education approving a
16 plan of reorganization shall set forth all necessary guidelines
17 for the formation of the new districts including a timetable for
18 implementation, including any necessary transition periods
19 wherein certain facilities of the existing district are shared
20 by two or more of the new districts until alternate facilities
21 can be acquired or constructed.

22 Section 288. Allocation of Property and Rights of
23 Creditors.--The plan for division shall include an allocation of
24 the real and personal property of the district to the new school
25 districts. All rights of creditors against the former school
26 district shall be preserved against the new school district. All
27 property theretofore vested in the former school district, and
28 all debts and taxes owing to the former school district,
29 uncollected in the former school district, and all moneys in the
30 treasury of the former school district shall be paid to the

appropriate treasurers of the newly constituted school districts. All real and personal property, indebtedness and rental obligations to an approved building authority or nonprofit corporation, if any, of the former school district shall become the property, indebtedness and rental obligations of the appropriate newly constituted school district.

Section 289. Referendum.--Upon final approval of the plan by the State Board of Education or the Commonwealth Court, the plan shall be certified within five (5) days by the Secretary of the State Board of Education to the county board of elections who shall place the following question on the ballot at the next primary, municipal or general election occurring more than sixty (60) days after such certification:

"Shall the school district be divided in accordance with the reorganization plan as approved by the State Board of Education?"

(1) If a majority of the electors voting thereon within the geographic boundaries of the existing district approve the question, the school district shall be divided in accordance with the resolution.

(2) At least two (2) weeks but not more than six (6) weeks prior to the consideration of the question by the electorate, public notice shall be given of the essential elements of the proposed reorganization plan by publishing notice one in the newspaper of general circulation, as defined in 45 Pa.C.S. § 101 (relating to definitions), which is published and circulated in the school district, or such newspaper of general circulation which has a bona fide paid circulation equal to or greater than any newspaper published in the school district in each of three (3) months immediately preceding the submission of the question

1 to the electorate.

2 (3) In addition, a complete copy of the reorganization plan,
3 shall be available to the general public for inspection or
4 copying during normal business hours in the school district
5 administration building and the main office of each school
6 building in the district during the entire period subsequent to
7 its certification to the county board of elections and prior to
8 the consideration of the question by the electorate, the cost of
9 any copies made shall be borne by the person requesting the
10 same.

11 (4) Any school district that has had a petition for division
12 rejected by the electorate cannot submit another petition for a
13 period of five (5) years.

14 Section 2. Section 308 of the act, amended December 7, 1965
15 (P.L.1034, No.385), is amended to read:

16 Section 308. Elections or Appointments in Newly Formed
17 Districts.--At the first municipal election occurring more than
18 thirty (30) days subsequent to the formation of such new school
19 district, a board of school directors for such district shall be
20 elected or appointed, as provided in this act. Such school
21 directors shall be elected or appointed for such terms that the
22 number and terms of those whose places are to be filled at each
23 succeeding municipal election shall be the same as the number
24 and terms of those whose places are filled at the corresponding
25 election in other school districts of the same class. Incumbent
26 school directors of the former school district who reside in the
27 newly formed district shall be school directors of the newly
28 formed school district for the newly formed district for the
29 remainder of their terms. The offices of school directors not
30 filled by incumbents shall be filled in the manner prescribed

1 for the filling of vacancies.

2 When two or more school districts are combined into a single
3 district as the result of State Board approval, the directors
4 then in office in each component school district shall, until
5 the end of their respective terms, be directors of the newly
6 formed school district. Vacancies occurring in such incumbent
7 positions shall not be filled. At the first municipal election
8 following the date of establishment of the new district and at
9 each subsequent municipal election, three directors shall be
10 elected at large for six year terms. Their term of office shall
11 begin on the first Monday of December following their election.

12 The school directors of the component districts of the new
13 district before the date of establishment or the board of school
14 directors after establishment, may, if they choose, develop a
15 plan to divide the new school district into three or nine
16 regions in the same manner as provided in section 303 of this
17 act.

18 Section 3. This act shall take effect in 60 days.