
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2222 Session of
2003

INTRODUCED BY LYNCH, DECEMBER 8, 2003

REFERRED TO COMMITTEE ON EDUCATION, DECEMBER 8, 2003

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," providing for the establishment of
6 school districts.

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

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

12 Section 242.2. Establishment of a New School District.--(a)
13 A majority of the taxable inhabitants of any contiguous
14 territory, which contains a borough in a county of the sixth
15 class having a county-wide school district, which borough was
16 organized as and operated a school district prior to July 1,
17 1964, may present their petition to the court of common pleas of
18 the county in which the contiguous territory is situated, asking
19 that the territory be established as a separate school district.

1 Such petition shall be signed by a majority of all the taxable
2 inhabitants of the part of the school district which is to be
3 included in the separate district. Such petitions shall set
4 forth a proper description of the boundaries of the territory to
5 be included in such proposed separate district and the reasons
6 of the petitioners for requesting the establishment of a new
7 school district and the name of the district which is proposed
8 to be established.

9 The court shall hold a hearing thereon, of which hearing the
10 school district out of whose territory the proposed separate
11 district is to be taken and legal representatives of the
12 petitioners shall each have ten (10) days' notice. In all cases
13 where a district is proposed for establishment, the merits of
14 the petition for its establishment, from an educational
15 standpoint, shall be passed upon by the Secretary of Education
16 and the petition shall not be granted by the court unless
17 approved by the Secretary of Education. Petitioners shall secure
18 guidance from the Secretary of Education in the matter of
19 criteria that must be met to secure the Secretary of Education's
20 approval. The court of common pleas shall secure the approval
21 from the Secretary of Education upon receipt of the petition
22 properly filed.

23 The court, in its decree establishing such new districts,
24 shall determine the amount, if any, of the indebtedness and
25 obligations of the school district from whose territory the
26 independent district is taken, that such district shall assume
27 and pay, and a statement prorating the State subsidies payable
28 between or among the losing district and the newly established
29 district.

30 In all cases where such proceedings result in the

1 establishment, by decree of the court, of a separate district,
2 the cost and office fees shall be paid by the petitioners or if
3 approved, by the newly established district. The new district
4 shall become an operating school district, subject to the
5 provisions of this act.

6 (b) In the case of districts established after the effective
7 date of this act, the court of common pleas shall notify the
8 intermediate unit board of directors regarding receipt of
9 petition for the establishment and shall direct the board to
10 prepare a statement of acceptance or rejection of the proposed
11 placement of the district in the designated administrative unit
12 of the intermediate unit; the statement shall also be
13 transmitted to the court and to the State Board of Education.

14 Section 2. This act shall take effect in 60 days.