

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 921

Session of
1981

INTRODUCED BY LIVENGOD, D. R. WRIGHT, GANNON, SWIFT, PETERSON,
CLARK, PETRARCA, VAN HORNE, STEIGHNER, BURD, PENDLETON,
A. K. HUTCHINSON AND LETTERMAN, MARCH 17, 1981

REFERRED TO COMMITTEE ON EDUCATION, MARCH 17, 1981

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 division and
6 organization of certain school districts.

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

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

12 ARTICLE II.

13 SCHOOL DISTRICTS.

14 * * *

15 (c) Changes in Districts.

16 Section 223. Reorganization into Smaller School Districts.--

17 (a) Any school district larger than four hundred (400) square
18 miles, or any three region district located entirely within a
19 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 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.

(b) The plan shall take into account the following factors: topography, pupil population, community characteristics, transportation of pupils, use of existing school buildings, existing administrative units, potential population changes, and the capability of providing a comprehensive program of education.

(c) The proposed reorganization plans shall include for the present district:

(1) The current budget.

(2) The current balance sheet.

(3) An explanation of all bonded debts, other debts, and rental agreements.

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

(5) A description of all buildings and other facilities.

(6) A map showing the district boundaries and the location of all facilities.

(7) A statement of the number of and assignment of employees.

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

(d) Each proposed reorganization plan shall include:

(1) The projected budget for each new district.

(2) The projected balance sheet for each new district.

1 (3) An explanation of all bonded debts, other debts, and
2 rental agreements for each new district.

3 (4) The projected student population by grade and by
4 building for each new district.

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

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

9 (7) A statement of the number of and assignment of employees
10 in each new district.

11 (8) A description of how each new district will meet the
12 educational needs of its students, including special education
13 and vocational education.

14 (9) A description of all additional facilities and personnel
15 which will be required as a result of the proposed
16 reorganization.

17 (10) The justification for implementation of the
18 reorganization.

19 (11) The proposed schedule for implementation of the
20 reorganization.

21 (12) Any other information which is deemed pertinent to
22 enable the State Board of Education to act on the proposed
23 reorganization plan.

24 (e) (1) The proposed reorganization plan shall be submitted
25 to the State Board of Education after the adoption of a
26 resolution, summarizing the conditions set forth in subsections
27 (c) and (d), by a majority of the directors. Prior to acting
28 upon the proposed reorganization plan, the State Board of
29 Education shall, within six months upon receipt of the
30 application, fix a day and time for a hearing within the

district at which the State board may hear and consider
testimony from all interested parties as the board may deem
advisable to enable it to make a decision. Five or more members
of the State Board of Education shall constitute the State board
for any hearing held hereunder. A verbatim transcript of the
hearing shall be made by the State Board of Education and a copy
thereof provided to the school district. Public notice of the
hearing shall be given within the district not later than twenty
(20) days before the date of the scheduled hearing.

(2) The State Board of Education shall prepare a written
decision including its finding of facts and conclusions thereon
and enter an appropriate order either approving the plan as
submitted by the school district, approving a plan modified by
the State Board of Education, or disapproving any plan for
reorganization into smaller administrative units.

(f) (1) A school district which considers itself aggrieved
by a plan of organization of administrative units approved by
the State Board of Education under this act shall have the right
to appeal therefrom within thirty (30) days after such approval
to the Commonwealth Court by petition setting forth that such
approval is arbitrary, capricious, an abuse of discretion, or
otherwise not in accordance with law, specifying the grounds
upon which it relies. The burden of proof shall be on the State
Board of Education to show that each modification it approves is
in the best interest of the students and taxpayers in each of
the affected proposed new districts. The prothonotary shall
forthwith transmit a copy of the appeal petition to the State
Board of Education which shall, within ten (10) days after
receipt thereof, certify to the court its entire record in the
matter in which the appeal has been taken.

1 (2) (i) The court, after hearing such additional testimony
2 as the parties may wish to present, and upon a consideration of
3 the entire record, shall enter an order either affirming the
4 plan submitted by the school district, the plan as approved by
5 the State Board of Education or, in its discretion, creating a
6 plan consisting of a combination of the elements of both plans
7 that together are in the best interest of the students and
8 taxpayers of the entire undivided larger district. The order of
9 the court shall be a final order.

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

17 (g) An order of the State Board of Education approving a
18 plan of reorganization shall set forth all necessary guidelines
19 for the formation of the new districts including a timetable for
20 implementation, including any necessary transition periods
21 wherein certain facilities of the existing district are shared
22 by two or more of the new districts until alternate facilities
23 can be acquired or constructed.

24 (h) The plan for division shall include an allocation of the
25 real and personal property of the district to the new school
26 districts. All rights of creditors against the former school
27 district shall be preserved against the new school districts.
28 All property theretofore vested in the former school district,
29 and all debts and taxes owing to the former school district,
30 uncollected in the former school district, and all moneys in the

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.

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

(j) (1) Upon approval of the plan by the State Board of Education or the Commonwealth Court, the plan shall be certified 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 one hundred twenty (120) days after such certification:

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

(2) If a majority of the electors voting thereon within the geographic boundaries of each proposed new district separately approve the question, the school district shall be divided in accordance with the resolution.

(k) (1) At least two weeks but not more than six 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 once in a newspaper of general circulation, as defined by 45 Pa.C. S. § 101 et seq. (relating to legal notices), 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

1 greater than any newspaper published in the school district in
2 each of the three months immediately preceding the submission of
3 the question to the electorate.

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

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

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

29 When two or more school districts are combined into a single
30 district as the result of State Board approval, the directors

1 then in office in each component school district shall, until
2 the end of their respective terms, be directors of the newly
3 formed school district. Vacancies occurring in such incumbent
4 positions shall not be filled. At the first municipal election
5 following the date of establishment of the new district and at
6 each subsequent municipal election, three directors shall be
7 elected at large for six year terms. Their term of office shall
8 begin on the first Monday of December following their election.

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

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