

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2225 Session of
1984

INTRODUCED BY STEVENS, COSLETT, GANNON, PETRARCA, OLASZ, TIGUE,
CLYMER AND DIETZ, JUNE 4, 1984

REFERRED TO COMMITTEE ON EDUCATION, JUNE 4, 1984

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 (j) Reorganization of School Districts.

17 Section 290-A. Reorganization Plan.--Any school district or
18 combination thereof which became or is part of a reorganized
19 district under subdivision (i) of this article may be
20 reorganized into two or more smaller school districts pursuant

1 to the provisions of this subdivision.

2 Section 291-A. Preparation of Plan for Reorganization.--(a)

3 A plan for the reorganization of a school district may be
4 prepared by either the existing district's board of directors or
5 by a resident or a group of residents of one or more of the
6 former school districts which were merged into the existing
7 school district pursuant to subdivision (i) of this article. The
8 school district shall within thirty (30) days make available any
9 information, requested in writing by a resident or residents,
10 for the preparation of a plan. Each proposed plan shall conform
11 to the requirements of subsection (b) and section 292-A.

12 (b) The plan shall take into account the following factors:

13 (1) Topography.

14 (2) Pupil population.

15 (3) Community characteristics.

16 (4) Transportation of pupils.

17 (5) Use of existing school buildings.

18 (6) Existing administrative units.

19 (7) Projected population changes.

20 (8) The capability of providing a comprehensive program of
21 education.

22 (c) Every plan for reorganization prepared by a resident or
23 group of residents shall be accompanied by a petition signed by
24 a majority of the registered electors residing within the
25 boundaries of any one or more of the proposed new school
26 districts. The petition shall be accompanied by a concise
27 summary of the proposal plan highlighting its major provisions.
28 The petition must be signed and completed within forty-five (45)
29 days of its initial circulation. Petitions may be obtained at
30 the county board of elections and shall be certified to and

filed with such county board of elections. Upon obtaining the necessary signatures, the plan and copies of the petition shall be presented to the board of directors of the existing school district.

Section 292-A. Contents of Plan.--(a) The proposed reorganization plan shall include for the present district:

(1) The current budget.

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

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

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

(5) The student population by grade and by building for the past three (3) school years.

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

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

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

(9) A description of all current subsidies.

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

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

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

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

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

(5) A three-year projected student population by grade and

1 by building for each new district.

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

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

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

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

12 (10) The justification for implementation of the
13 reorganization.

14 (11) The proposed schedule for implementation of the
15 reorganization.

16 (12) The projected subsidies under current formula for each
17 new district.

18 Section 293-A. Submission to School Board.--(a) Every plan
19 presented to the board of directors of the existing school
20 district shall be acted on by such board within ninety (90) days
21 following submission.

22 (b) On a plan submitted by the resident or group of
23 residents, the board shall take action that will recommend
24 approval of the plan as submitted, recommend approval of the
25 plan with proposed modification or recommend rejection of the
26 plan. The board shall not change the plan but may make
27 recommendations thereto.

28 Section 294-A. Submission to State Board.--(a) Every plan
29 shall on the ninety-first day following submission be
30 transmitted to the State Board of Education by the secretary of

1 the school board along with a certified copy of the transcript
2 which sets forth, in detail, the action taken by the school
3 board.

4 (b) The State board shall, within thirty (30) days of
5 receipt of the proposed plan, fix a day and time within ninety
6 (90) days of receipt of the plan for a hearing within the
7 district at which the State board may hear and consider
8 testimony from all interested parties. Five or more members of
9 the State board shall constitute a quorum for the State board
10 for any hearing held hereunder. A verbatim transcript of the
11 hearing shall be made by the State board and a copy thereof
12 provided to the school district. Public notice of the hearing
13 shall be given within the district not later than twenty (20)
14 days before the date of the scheduled hearing.

15 (c) The State board shall, within thirty (30) days,
16 subsequent to the public hearing provided for in subsection (b),
17 prepare a written decision including its finding of facts and
18 conclusions thereon and enter an appropriate order either
19 approving the plan as submitted by the school district,
20 approving a plan modified by the State board or disapproving any
21 plan for reorganization into smaller administrative units.

22 (d) The State board shall not approve any plan where it is
23 determined by the State board that:

24 (1) The millage differential between the proposed new
25 districts is excessive and the new millage rate is beyond the
26 capacity of the proposed new districts.

27 (2) The plan is racially discriminatory.

28 (3) The plan is an evasion of any desegregation order of the
29 Human Relations Commission.

30 Section 295-A. Appeals.--(a) A school district or resident

1 or group of residents which is aggrieved by a decision of the
2 State board under this subdivision may take an appeal therefrom
3 in the manner provided in Title 2 of the Pennsylvania
4 Consolidated Statutes (relating to administrative law and
5 procedure).

6 (b) The burden of proof shall be on the appealing party to
7 show that the State board's decision is not in the best interest
8 of the students and taxpayers in each of the affected proposed
9 new districts.

10 (c) The court, after hearing such additional testimony as
11 the parties may wish to present, and upon a consideration of the
12 entire record, shall enter an order either affirming the plan
13 submitted by the school district, the plan as approved by the
14 State board or, in its discretion, creating a plan consisting of
15 a combination of the elements of both plans that together are in
16 the best interest of the students and taxpayers of the entire
17 undivided larger district. The order of the court shall be a
18 final order.

19 Section 296-A. Contents of Order of State Board.--An order
20 of the State board approving a plan of reorganization shall set
21 forth all necessary guidelines for the formation of the new
22 districts including a timetable for implementation, including
23 any necessary transition periods wherein certain facilities of
24 the existing district are shared by two or more of the new
25 districts until alternate facilities can be acquired or
26 constructed.

27 Section 297-A. Allocation of Property and Rights of
28 Creditors.--The plan for division shall include an allocation of
29 the real and personal property of the district to the new school
30 districts. All rights of creditors against the former school

1 district shall be preserved against the new school districts.
2 All property theretofore vested in the former school district,
3 and all debts and taxes owing to the former school district,
4 uncollected in the former school district, and, all moneys,
5 unexpended balances, surpluses and reserves in the treasury of
6 the former school district shall be paid to the appropriate
7 treasurers of the newly constituted school districts.

8 Section 298-A. Referendum.--(a) Upon final approval of the
9 plan by the State board or the court, the plan shall be
10 certified within five (5) days by the Secretary of the State
11 Board of Education to the county board of elections who shall
12 place the following question on the ballot at the next primary,
13 municipal or general election occurring more than sixty (60)
14 days after such certification:

15 Shall the school district be reorganized in accordance
16 with the reorganization plan as approved?

17 (b) If a majority of the electors voting thereon within the
18 geographic boundaries of the existing district approve the
19 question, the school district shall be reorganized in accordance
20 with the resolution.

21 (c) Any school district that has reorganized pursuant to
22 this act shall not be combined with any other school district.

23 Section 299-A. Public Notice and Copies of Plans.--(a) At
24 least two (2) weeks but not more than six (6) weeks prior to the
25 consideration of the question by the electorate, public notice
26 shall be given of the essential elements of the proposed
27 reorganization plan by publishing notice once in a newspaper of
28 general circulation, as defined by 45 Pa.C.S. § 101 et seq.
29 (relating to legal notices), which is published and circulated
30 in the school district, or such newspaper of general circulation

1 which has a bona fide paid circulation equal to or greater than
2 any newspaper published in the school district in each of the
3 three (3) months immediately preceding the submission of the
4 question to the electorate.

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

13 Section 299-A.1. School Directors.--Incumbent school
14 directors of the former school district who reside in the newly
15 formed district shall be school directors of the newly formed
16 school district for the remainder of their terms. The offices of
17 school directors not filled by incumbents shall be filled in the
18 manner prescribed for the filling of vacancies.

19 Section 2. This act shall take effect September 30, 1984.