

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2976 Session of
1990

INTRODUCED BY D. R. WRIGHT, TIGUE, BARLEY, HECKLER, GANNON AND
DIETTERICK, NOVEMBER 12, 1990

REFERRED TO COMMITTEE ON EDUCATION, NOVEMBER 12, 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," 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. 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 223. Reorganization into Smaller School Districts.--

13 (a) Any school district larger than four hundred (400) square
14 miles, or any three region district located entirely within a
15 county of the second class A and where the school tax rate
16 levied in each municipality comprising the school district has
17 not been equal for each municipality for five consecutive years,
18 may prepare a plan for the reorganization of that school
19 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.

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

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

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

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

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

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

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

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

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

17 (12) Any other information which is deemed pertinent to
18 enable the State Board of Education to act on the proposed
19 reorganization plan.

20 (e) (1) The proposed reorganization plan shall be submitted
21 to the State Board of Education after the adoption of a
22 resolution, summarizing the conditions set forth in subsections
23 (c) and (d), by a majority of the directors. Prior to acting
24 upon the proposed reorganization plan, the State Board of
25 Education shall, within six months upon receipt of the
26 application, fix a day and time for a hearing within the
27 district at which the State Board may hear and consider
28 testimony from all interested parties as the board may deem
29 advisable to enable it to make a decision. Five or more members
30 of the State Board of Education shall constitute the State Board

1 for any hearing held hereunder. A verbatim transcript of the
2 hearing shall be made by the State Board of Education and a copy
3 thereof provided to the school district. Public notice of the
4 hearing shall be given within the district not later than twenty
5 (20) days before the date of the scheduled hearing.

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

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

27 (2) (i) The court, after hearing such additional testimony
28 as the parties may wish to present, and upon consideration of
29 the entire record, shall enter an order either affirming the
30 plan submitted by the school district, the plan as approved by

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

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

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

20 (h) The plan for division shall include an allocation of the
21 real and personal property of the district to the new school
22 districts. All rights of creditors against the former school
23 district shall be preserved against the new school districts.
24 All property theretofore vested in the former school district,
25 and all debts and taxes owing to the former school district,
26 uncollected in the former school district, and all moneys in the
27 treasury of the former school district shall be paid to the
28 appropriate treasurers of the newly constituted school
29 districts. All real and personal property, indebtedness and
30 rental obligations of 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 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 the three months immediately preceding the submission of the question to the electorate.

(2) In addition, a complete copy of the reorganization plan

1 shall be available to the general public for inspection or
2 copying during normal business hours in the school district
3 administration building and the main office of each school
4 building in the district during the entire period subsequent to
5 its certification to the county board of elections and prior to
6 the consideration of the question by the electorate. The cost of
7 any copies made shall be borne by the person requesting same.

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

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

25 When two or more school districts are combined into a single
26 district as the result of State Board approval, the directors
27 then in office in each component school district shall, until
28 the end of their respective terms, be directors of the newly
29 formed school district. Vacancies occurring in such incumbent
30 positions shall not be filled. At the first municipal election

1 following the date of establishment of the new district and at
2 each subsequent municipal election, three directors shall be
3 elected at large for six year terms. Their term of office shall
4 begin on the first Monday of December following their election.

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

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