

PROVIDING FOR ADMINISTRATIVE UNITS COMPRISED OF SCHOOL DISTRICTS
Act of Jul. 8, 1968, P.L. 299, No. 150 **Cl. 24**
A SUPPLEMENT

To the act of March 10, 1949 (P.L.30), entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto," providing for the establishment of administrative units comprised of certain school districts.

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

Section 1. Standards for Organization of Administrative Units.--The State Board of Education, within thirty (30) days of the effective date of this act, shall adopt standards for approval of administrative units comprised of those school districts which are not in an administrative unit established as a school district under section 296 of the act of March 10, 1949 (P.L.30), as amended, taking 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.

Section 2. Submission of Plans.--(a) Within ninety (90) days after the effective date of this act, each county board shall prepare a plan of organization of administrative units limited to those school districts in the county which are not in an administrative unit established as a school district under section 296 of the act of March 10, 1949 (P.L.30), as amended. The plan of administrative units shall conform to the standards for approval of administrative units adopted by the State Board of Education and shall be submitted to the board not more than thirty (30) days after it is prepared. In preparing its plan, a county board of school directors shall confer with the board of directors of each school district included therein.

(b) The plan of administrative units may include the placement of one or more such school districts in an administrative unit established as a school district under section 296 of the act of March 10, 1949 (P.L.30), as amended, if the school district established under said act agrees thereto.

Section 3. Consideration of Plans.--The State Board of Education shall review all plans and approve such plans as it deems wise in the best interests of the educational system of the Commonwealth. No plan of organization of administrative units shall be approved in which any proposed school district contains a pupil population of less than four thousand (4,000), unless when factors of 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 are considered by the State Board of Education as requiring the approval of a plan of organization of administrative units in which one or more proposed school districts contains a pupil population of less than four thousand (4,000). Pupil population as used herein shall mean the average daily membership for the school year 1966-1967 including kindergarten or grade one through grade twelve.

The State Board of Education upon petition of any school district which considers itself aggrieved by a plan of organization of administrative units filed within thirty (30) days after submission thereof shall, fix a day and time for a hearing and may hear and consider such testimony as it may deem advisable to enable it to make a decision. Three (3) or more members of the State Board of Education shall constitute the State board for any hearing held hereunder. After reaching its decision, the State Board of Education shall enter such order as appears, either approving the plan in an amended form or in the form as submitted by the county board of school directors.

If no such petition is filed within thirty (30) days, the plan of organization of administrative units submitted by the county board of school directors shall be deemed approved by the State Board of Education without right of appeal as provided for in section 5 hereafter.

Section 4. Department of Public Instruction to Prepare Plans.--In the event that a county board fails to submit a plan of organization of administrative units or to resubmit in accordance with the recommendations of the State Board of Education as herein provided, the Department of Public Instruction shall prepare a plan which, when approved by the State Board of Education, shall be deemed the approved plan of organization of administrative units for the county.

Section 5. Appeals.--(5 repealed Apr. 28, 1978, P.L.202, No.53)

Section 6. Establishment of Reorganized Districts.--On July 1, 1969 all administrative units contained in plans of organization of administrative units approved by the State Board of Education under this act shall constitute and be deemed established as school districts, and shall belong to the class to which they are entitled as provided by law.

Section 7. Number and Election in Districts; Terms of Office.--(a) On and after July 1, 1969, in each school district established hereunder, there shall be a board of nine (9) school directors, who, except as otherwise provided in this act, shall be elected at large for terms of six (6) years. The terms of three (3) of the members shall expire on the first Monday of December of each odd numbered year, as now provided by law. At each municipal election, three (3) school directors, except as otherwise provided in this act, shall be elected at large for terms of six (6) years. Their terms of office shall begin on the first Monday of December following their election.

(b) The interim operating committee or after the date of establishment the board of school directors of a newly established school district, may, if it so chooses, develop a plan to divide the school district into either three (3) or nine (9) regions. The boundaries of the regions shall be fixed and established in such manner that the population of each region shall be as nearly equal as possible and shall be compatible with the boundaries of election districts. Such plan for the division of the school district shall be submitted for approval to the court of quarter sessions. If approved by such court, the clerk thereof shall certify the regional boundaries contained therein to the county board of elections. In the event of any division, redivision, alteration, change or consolidation of election districts which renders regional boundaries incompatible with the boundaries of election districts, a new plan shall be developed and submitted for court approval in like manner. Any proposed change in an approved plan, including abolition of regional representation, shall be submitted for approval to the court of quarter sessions by the board of school

directors. Where a three (3) region plan is approved, three (3) school directors who reside in each region shall be elected or appointed as hereinafter provided by and from each region and at all times each region shall be represented by three (3) directors elected or appointed as hereinafter provided from that region. Where a nine (9) region plan is approved, one (1) school director who resides in each region shall be elected or appointed as hereinafter provided by and from each region and at all times each region shall be represented by a director elected or appointed as hereinafter provided from that region.

(c) In any case where the newly established school district is situated in two (2) or more counties, the plan for regional representation provided for herein shall be submitted for approval to the court of quarter sessions of the county in which the largest part in area of the land affected is situated, which court shall have exclusive jurisdiction over the matter.

Section 8. Incumbent School Directors and Interim Operating Committee.--(a) All school directors of the component school districts forming an administrative unit composed of two (2) or more school districts approved by the State Board of Education to be established as a school district shall serve out the terms of office for which they were elected. No vacancies occurring in such position after the date of establishment shall be filled.

(b) On or before the fifteenth day of February immediately preceding the date of establishment, such incumbent school directors of the component school districts shall be called into convention by the county superintendent of schools and shall select by majority vote an interim operating committee composed of nine (9) incumbent school directors. In selecting the interim operating committee, the incumbent school directors shall take into consideration the principle of proportionate representation according to population. The decision of the convention in selecting the interim operating committee shall be final. Three (3) of the members of the interim operating committee shall be selected for a term expiring on the first Monday of December, 1969, three (3) for a term expiring on the first Monday of December, 1971, and three (3) for a term expiring on the first Monday of December, 1973. In the event an incumbent director is selected for a term on the interim operating committee which would expire later than the term for which he was elected as a school director, he shall serve only until the end of his term for which he was elected as a school director. The school directors elected at the municipal elections held in November, 1969, and thereafter, shall be elected for six (6) year terms and shall take the place of the appointed members of the board of school directors of the newly established school district as their terms expire. The members of the interim operating committee shall become and shall serve as the board of school directors of the school district on and after the date of establishment.

(c) The interim operating committee shall have the power and its duty shall be to meet, prepare and adopt a budget, levy and assess taxes and perform all acts and functions necessary to enable the proposed school district to function properly prior to the date of its establishment. The committee shall have the power to fill vacancies should a deficiency in membership arise due to death, resignation or otherwise: Provided, however, That vacancies shall first be filled by the selection of an incumbent school director, if any.

(d) The incumbent school directors not selected for membership on the interim operating committee shall serve in

an advisory capacity to the interim operating committee and to the board of school directors of the newly established school district. Such incumbent school directors may attend meetings and participate in discussions of the interim operating committee and board of school directors, but shall have no vote.

(e) In the case of a single school district forming an administrative unit approved by the State Board of Education to be established as a school district, the incumbent school directors shall be the school directors of the newly established district and the election of school directors at each municipal election subsequent to the date of establishment shall be as provided in section 7 of this act. In the event the number of incumbent school directors is less than nine (9), the board of school directors on and after the date of establishment shall have the power to raise its membership to nine (9) in the manner now provided by law to fill vacancies on the board.

(f) The interim operating committee or the board of school directors shall also have the power and its duty shall be to propose a name for the school district to be established. The name proposed shall be reported to the Department of Public Instruction which shall review the proposed name and approve it if it is not a duplication of a name previously approved by the Department of Public Instruction. When it approves a name, the Department of Public Instruction shall issue a certificate stating that the approved name has been registered as the official designation of the school district.

(g) In the case of an administrative unit comprised according to section 2(b) of this act, the directors then in office in each component school district shall, until the end of their respective terms, the directors of the newly formed school district. Vacancies occurring in such incumbent positions shall not be filled. At the first municipal election following the date of establishment of the new district and at each subsequent municipal election, three (3) directors shall be elected at large for six (6) year terms. Their term of office shall begin on the first Monday of December following their election.

The school directors of the component districts of the new district before the date of establishment or the board of school directors after establishment, may, if they choose, develop a plan to divide the new school district into three (3) or nine (9) regions in the same manner as provided in section 7 of this act.

Section 9. Obligations of Former School Districts.--All operating obligations of any component former school district contracted for current operating expenses after June 30, 1966, shall continue to be an obligation of the taxable property within such former component school district. In levying and assessing taxes for the first school year of operation, the interim operating committee, and in levying and assessing such taxes for each subsequent school year, the board of school directors of the newly established school district, shall levy and assess, upon the taxable property within such component former school district, a tax in addition to all other school district taxes, in an amount sufficient to discharge the obligation for operating expenses--probably in a period of ten years.

Section 10. All the provisions of the act of March 10, 1949 (P.L.30), known as the "Public School Code of 1949," relating to school districts after they are established shall apply to the administrative units created herein.

Section 11. This act shall take effect immediately.