

THE GENERAL ASSEMBLY OF PENNSYLVANIA

**HOUSE BILL**  
**No. 2315** Session of  
1988

INTRODUCED BY RUDY, APRIL 6, 1988

REFERRED TO COMMITTEE ON EDUCATION, APRIL 6, 1988

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 public information, requested in writing by a resident or  
10 residents, for the preparation of a plan. The costs of obtaining  
11 any copies of the public information shall be borne by the  
12 person requesting the information. Each proposed plan shall  
13 conform to the requirements of subsection (b) and section 292-A.

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

15 (1) Topography.

16 (2) Pupil population.

17 (3) Community characteristics.

18 (4) Transportation of pupils.

19 (5) Use of existing school buildings.

20 (6) Existing administrative units.

21 (7) Projected population changes.

22 (8) The capability of providing a comprehensive program of  
23 education.

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

days of its initial circulation. Petitions may be obtained at 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 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,

1 other debts and rental agreements to each new district.

2 (5) A three-year projected student population by grade and  
3 by building for each new district.

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

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

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

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

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

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

18 (12) The projected subsidies under current formula for each  
19 new district.

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

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

30 Section 294-A. Submission to State Board.--(a) Every plan

1 shall on the ninety-first day following submission be  
2 transmitted to the State Board of Education by the secretary of  
3 the school board along with a certified copy of the transcript  
4 which sets forth, in detail, the action taken by the school  
5 board.

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

17 (c) The State board shall, within ninety (90) days,  
18 subsequent to the public hearing provided for in subsection (b),  
19 prepare a written decision including its finding of facts and  
20 conclusions thereon and enter an appropriate order either  
21 approving the plan as submitted by the school district,  
22 approving a plan modified by the State board, or disapproving  
23 any plan for reorganization into smaller administrative units.

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

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

29 (2) The plan is racially discriminatory.

30 (3) The plan is an evasion of any desegregation order of the

1 Human Relations Commission.

2 Section 295-A. Appeals.--(a) A school district or resident  
3 or group of residents which is aggrieved by a decision of the  
4 State board under this subdivision may take an appeal therefrom  
5 in the manner provided in Title 2 of the Pennsylvania  
6 Consolidated Statutes (relating to administrative law and  
7 procedure).

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

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

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

29 Section 297-A. Allocation of Property and Rights of  
30 Creditors.--The plan for division shall include an allocation of

the real and personal property of the district to the new school districts. All rights of creditors against the former school district shall be preserved against the new school districts. All property theretofore vested in the former school district, and all debts and taxes owing to the former school district, uncollected in the former school district, and all moneys, unexpended balances, surpluses and reserves in the treasury of the former school district shall be paid to the appropriate treasurers of the newly constituted school districts.

Section 298-A. Referendum.--(a) Upon final approval of the plan by the State board or the court, the plan shall be certified within five (5) days by the Secretary of the State Board of Education 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 sixty (60) days after such certification:

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

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

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

Section 299-A. Public Notice and Copies of Plans.--(a) At least two (2) weeks but not more than six (6) 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.

1 (relating to legal notices), which is published and circulated  
2 in the school district, or such newspaper of general circulation  
3 which has a bona fide paid circulation equal to or greater than  
4 any newspaper published in the school district in each of the  
5 three (3) months immediately preceding the submission of the  
6 question to the electorate.

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

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

21 Section 2. This act shall take effect September 30, 1988.