

## CHAPTER 2. SCHOOL DISTRICT ORGANIZATION

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#### Authority

The provisions of this Chapter issued under the Public School Code of 1949 (24 P.S. §§ 1-101—27-2702), unless otherwise noted.

#### Source

The provisions of this Chapter 2 adopted August 14, 2020, effective August 15, 2020, 50 Pa.B. 4131.

#### § 2.1. Statutory references.

The Public School Code (24 P.S. §§ 1-101—27-2702) carries numerous provisions for school district organization and changes in school district boundaries as follows:

- (1) In annexation for school purposes, the Board's responsibilities are found in provisions of Article II, sections 226—229 (24 P.S. §§ 2-226—2-229) and 271—277 (24 P.S. §§ 2-271—2-277).
- (2) School district reorganization authority, as it applies to joint schools, is found in Article XVII of the Public School Code. Section 224 (24 P.S. §§ 2-224) specifically deals with State Board approval of further reorganiza-

tion of administrative units or school districts, or both, reorganized under Act 299 of 1963 (24 P.S. §§ 2-290—2-298) and Act 150 of 1968 (24 P.S. §§ 2-2400—2-2400.10).

(3) To make minor changes in school district boundaries without disturbing municipal boundaries, section 242.1 (24 P.S. § 2-242.1) applies and provides for Board approval.

### § 2.2. General provisions.

(a) All aspects of the changing of school district boundaries must comply with the School Laws of Pennsylvania, the Board regulations, and have prior review and recommendations by the Department. This applies to annexations which alter school district boundaries, combinations of school districts into larger units and creation of independent districts for transfer purposes only.

(b) The Department shall establish procedures, conduct investigations, require forms, data and reports necessary to carry out the previous provisions.

## ANNEXATION FOR SCHOOL PURPOSES

### § 2.21. Conditions for approval of annexations.

(a) Changes in the boundaries of school districts, to coincide with changes in municipal boundaries already made, will be approved by the Council of Basic Education, in original applications, unless:

(1) The change would seriously impair the educational program of either the losing school district or the annexing school district.

(2) The loss to the losing school district in assessed valuation and tax income would impair the ability of the residual area to amortize existing debts or support its educational program.

(3) Approval would impose an undue transportation inconvenience on the pupils of the annexed area.

(b) The Board, when considering an annexation appeal taken from a decision of the Council of Basic Education, may make its determination upon the basis of evidence presented at the hearing before the Council of Basic Education committee and any supplemental briefs or materials it may authorize or require.

(c) The Council of Basic Education and the Board, as the case might be, reserve the discretionary right, prior to any action, to advise all school districts concerned in the annexation, that a just and proper adjustment of property, real and personal, including funds, indebtedness and rental obligations, if any, shall be made to and among the school districts, as prescribed in sections 271—277 of the Public School Code (24 P.S. §§ 2-271—2-277).

**REORGANIZATION OF SCHOOL DISTRICTS****§ 2.31. Methods of unification.**

There are 3 basic methods in the Public School Code of 1949, as amended, for the unification or contracted cooperation of school districts:

- (1) Any 2 or more school districts may sign contractual agreement to form a joint board for the operation of the schools of a joint school system or for the combined operation of departments.
- (2) Any two or more administrative units or resultant school districts may combine to create a larger school district.
- (3) The mandatory combination of school districts within approved county plans of administrative units (Act 299 of 1963 (24 P.S. §§ 2-290—2-298) and Act 150 of 1968 (24 P.S. §§ 2-2400—2-2400.10)).

**§ 2.32. Approval of joint schools or departments.**

Under Article XVII of the Public School Code, the Board provides that:

- (1) The Department may grant approval for the establishment of joint departments to operate special education programs.
- (2) The Department may approve joint vocational-technical boards to operate such schools as are in compliance with the State Board of Career and Technical Education's state plan for career and technical education.
- (3) The Department may grant approval to establish or enlarge a joint board for the operation of a joint school, K—12, only in those situations where application of section 224 of the Public School Code (24 P.S. § 2-224) would result in an undue financial burden on the participating school districts.

**§ 2.33. Combination of administrative units.**

The Board will approve the combination of any two or more contiguous reorganized school districts or approved administrative units if all conditions of section 224 of the Public School Code (24 P.S. § 2-224) have been satisfied and no appeal has been filed or, after an appeal, if such combination is deemed in the best interest of the school system of the State and the locality.

**§ 2.34. Independent districts for transfer.**

In situations where a small area of a school district petitions for transfer from one school district to another, the Board will approve the creation of such independent district for transfer purposes only if the opinion of the Secretary such transfer will be advantageous from an educational point of view.

**§ 2.35. County plans of administrative units.**

- (a) The School District Reorganization Act of 1968, (24 P.S. §§ 2-2400—2-2400.10) (Act 150), approved July 8, 1968 directs the Board within 30 days of the effective date of the act, to 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 Public School Code of 1949 (24 P.S. § 2-296).

(b) The plans of administrative units prepared by county boards of school directors under the provisions of Act 150, shall conform to the following standards and exceptions adopted by the Board on July 11, 1968.

**§ 2.36. Delimitations.**

(a) The plans of administrative units submitted under this act shall be limited to those school districts which are in administrative units that have not established under the provisions of Act 299, the act of August 8, 1963 (24 P.S. §§ 2-290—2-298).

(b) *Exception.* One or more school districts established under the provisions of Act 299, may be included in an administrative unit planned under this act only if the school district established under Act 299 agrees to the assignment.

**§ 2.37. Standards for approval.**

(a) An administrative unit shall be defined as a geographic area under the control of a single board of school directors.

(b) An administrative unit shall be planned as a contiguous geographic area. Exceptions to contiguity may be made only in situations where the administrative unit in whole or in part includes a noncontiguous geographic area which had been previously approved by the Board as an administrative unit or had operated as an administrative unit, a school district or joint school system during the 1967-1968 school year.

(c) An administrative unit shall be planned to offer a full program of instruction, kindergarten or grade one through 12, and provide administrative leadership, supervision and instructions at a reasonable cost consistent with the local taxable wealth and state financial support available per pupil.

(d) An administrative unit shall make available an educational program and educational opportunities to meet the varying needs, aptitudes, abilities and interests of individuals residing in the administrative unit.

(e) An administrative unit shall embrace one or more secondary attendance centers and supporting elementary attendance centers.

(f) An administrative unit shall be planned to include the largest feasible pupil population which assures the maximum efficiency of operation, and which justifies curricular offerings and other essential services not economically possible in smaller administrative units.

(g) An administrative unit meeting or exceeding the mandated 4,000 pupil average daily membership as determined for the 1966-1967 school year and any administrative unit proposing a reduction of the mandated minimum pupil population shall be planned with consideration of, but not limited to, the following factors:

(i) *Topography.* An administrative unit shall be planned so that all parts of the unit are reasonably accessible for efficient operation and supervision.

(ii) *Pupil Population.* Pupil population changes may be considered in the planning of administrative units when the changes are supported by reliable studies of area development showing past pupil population trends and future projections based on recognized statistical methods. Examples of reliable studies of area development are those made by planning commissions, public utility companies and established survey agencies.

(iii) *Community Characteristics.* Consideration should be given to whether a geographic area has developed characteristics of a community. Community, as used here, includes one or more municipalities and the surrounding territory from which people come for business, social, recreational, fraternal or similar reasons. Neither race nor religion shall be a factor in determining administrative unit boundaries and differences in the social and economic level of the population shall not be a basis to determine these boundaries.

(iv) *Transportation of Pupils.* Distances traveled, travel conditions, time consumed, and the safety and general welfare of the pupils should be basic considerations in developing administrative units. Planning of transportation systems should avoid duplication and, insofar as practical, the transportation of pupils through the area of an adjacent administrative unit.

(v) *Use of Existing School Buildings.* An administrative unit shall utilize existing buildings to the maximum extent practical avoiding unnecessary new construction where possible.

(vi) *Existing Administrative Units.* No part of an existing school district may be separated and added to another administrative unit, except as provided in Act 383, approved December 19, 1967 or as provided in the annexation laws. Administrative units already established as school districts under Act 299 (24 P.S. §§ 2-290—2-298) may be included in administrative units planned under this act only if the existing school district so established grants consent.

(vii) *Potential Population Changes.* Population changes may be considered in the planning of administrative units when the changes are supported by reliable studies of area development showing expansion of the area and by growth projections based on recognized statistical methods. Examples of reliable studies of population growth beyond a normal projection are those made by planning commissions, public utility companies and established survey agencies.

(viii) *Capability of Providing a Comprehensive Program of Education.* For purposes of reorganization planning, “capability of providing a comprehensive program of education” shall mean: The ability to educate and train each child within his capacity to the extent demanded by the immediate requirements of his growth and his relationship to the strengthening of this

Commonwealth and nation, and shall include, but not be limited to, wealth per pupil, qualifications of professional staff, enrollment and diversification of curricula.

(h) County plans shall provide for the inclusion of all the area within a county, unorganized as stated previously, into one or more administrative units and, with the concurrence of the county board or boards of school directors of an adjacent county or counties, may include contiguous area across county lines. School districts established under the provisions of Act 299 may be included in a planned administrative unit of the plan if the school district so established grants consent.

### § 2.38. Approvals.

(a) The Board shall review all plans and approve such plans as it deems wise in the best interest of the educational system of the Commonwealth.

(b) *Exception.* If no petition of appeal is filed by a school district, considering itself aggrieved by the plan as submitted by the county board of school directors, within thirty days after submission of the plan, the plan shall be deemed approved by the Board without further right of appeal.

### § 2.39. Procedures.

(a) The county plan of administrative units submitted under Act 150 (24 P.S. §§ 2-2400—2-2400.10) shall be limited to those school districts which are not in an administrative unit that established under Act 299 (24 P.S. §§ 2-290—2-298), the act approved August 8, 1963 except as otherwise provided in this act.

(b) The plan may include one or more school districts established under Act 299 if the school district so established agrees to the placement.

(c) In the event that county boards had previously adopted resolutions transferring a school district or school districts from one county to the educational jurisdiction of another, such resolutions need not be renewed. However, if such transfers are to be rescinded or additional transfers are to be made in the current plan of administrative units, resolutions to this effect shall be adopted by each county board affected and shall accompany the plan to the Board.

(d) The plan of administrative units shall conform to the standards for approval of administrative units adopted by the Board.

(e) In preparing its plan, the county board of school directors shall confer with the school boards of each school district to be assigned to an administrative unit of the plan.

(f) Completed plans shall be submitted to the Board within ninety days of the effective date of this act and not more than thirty days after the plan is adopted by the county board.

**Official Note:** Plans can and should be forwarded to the Board immediately upon adoption by the county board of school directors.

(g) Plans shall be submitted on forms provided by the Board and containing such data and other information as requested thereon.

(h) County boards of school directors shall, immediately upon adoption of the plan, notify the secretary of each school board of the school district's assignment to the plan together with the date of submission of the plan to the Board. It appears advisable that notices should be sent by registered or certified mail.

**§ 2.40. Appeals.**

(a) A school district considering itself aggrieved by the plan of organization of administrative units adopted by the county board of school directors may petition the Board for a hearing setting forth the basis for such appeal.

(b) Appeal petitions shall be filed within thirty days of the date of submission of the plan to the Board by the county board of school directors.

(c) The Board, upon receipt of an appeal petition, shall fix the date, time and place for a hearing.

(d) Three or more members of the Board shall constitute the State Board for hearing purposes.

(e) The Board may hear and consider such testimony as it may deem advisable to enable it to make a decision.

(f) After reaching a decision, the Board shall enter such order as appears, either approving the plan as submitted by the county board or approving the plan in an amended form.

(g) If no appeal petition is filed within thirty days of the date of submission of the plan by the county board of school directors, the plan of administrative units, as submitted, shall be deemed approved by the Board without right of appeal.

(h) A school district considering itself aggrieved by the plan of administrative units approved by the Board, except those plans against which no petitions of appeals had been filed, may, within thirty days of the date of approval by the State Board, appeal to the Court of Common Pleas of the county in which the school district is located.

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