

No. 383

AN ACT

HB 1657

Amending 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," further providing for the establishment of independent school districts for transfer of territory, the placement thereof in another school district and the appointment of directors therefor.

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

Section 1. Sections 242.1, 292.1 and 293.1, act of March 10, 1949 (P. L. 30), known as the "Public School Code of 1949," added June 23, 1965 (P. L. 139), are amended to read:

Section 242.1. Establishment [Hereafter] of Independent Districts for Transfer of Territory to Another School District.—(a) A majority of the taxable inhabitants of any contiguous territory in any school district or school districts, as herein established, may present their petition to the court of common pleas of the county in which each contiguous territory, or a greater part thereof, is situated, asking that the territory be established as an independent district for the sole purpose of transfer to an adjacent school district contiguous thereto. Where the territory described in any such petition is to be taken from two or more school districts, such petition shall be signed by a majority of all the taxable inhabitants of the part of each school district which is to be included in such independent district for transfer. Such petitions shall set forth a proper description of the boundaries of the territory to be included in such proposed independent district, and the reasons of the petitioners for requesting such transfer to another school district and the name of the district into which its territory is proposed to be placed.

The court shall hold hearing thereon, of which hearing the school district or districts out of whose territory such proposed independent district is to be taken and the school district into which the territory is proposed to be assigned, shall each have ten days notice. In all cases

where an independent district is proposed for transfer from one school district to another, the merits of the petition for its creation, from an educational standpoint, shall be passed upon the Superintendent of Public Instruction and the petition shall not be granted by the court unless approved by him. The court of common pleas shall secure the reaction from the Superintendent of Public Instruction upon receipt of the petition properly filed.

The court, in its decree establishing such independent district for transfer purposes, shall also determine the amount, if any, of the indebtedness and obligations of the school district, from whose territory such independent district is taken, that said district shall assume and pay, and, a statement prorating the State subsidies payable between or among the losing district or districts and the receiving district.

In all cases where such proceedings result in the creation and transfer, by decree of the court, of an independent district, the cost and office fees shall be paid by the petitioners or, otherwise, by the receiving district. Such independent districts created under the provisions of this act shall not become an operating school district but will be created for transfer of territory only.

(b) In the case of independent districts established hereafter, the court of common pleas shall notify the county board of school directors regarding receipt of petition for such establishment and shall direct said board to prepare a [recommendation for] statement of acceptance or rejection of the proposed placement of the district in [and] the designated administrative unit of the county plan; such [recommendation] statement to be transmitted to the court and to the State Board of Education.

Section 292.1. Independent Districts.—When an independent district is created by the court of common pleas for purposes of transfer from one school district to another, the [county board of school directors] court shall submit to the State Board of Education [a recommendation as to] its decree creating such district. Such decree shall

be considered an application for the assignment of said district to [an] the designated administrative unit of the approved county plan.

Section 293.1. Independent Districts.—When a [recommendation for placement of an independent district is received from a county board of school directors] court decree is received creating an independent district for transfer purposes, the State Board of Education shall place such item on its agenda and either approve or disapprove the [recommendation] creation and transfer. If approval is given, the board shall direct the Council of Basic Education to make the necessary changes in the county plan. If disapproved, the board shall state its reasons for such disapproval and the independent district shall be provided a hearing if it so desires. [The board may assign the district to such administrative unit as it may determine.]

Section 2. The act is amended by adding after section 311, a new section to read:

Section 311.1. Appointment in Independent Districts for Transfer Purposes ; Terms of Office.—In the case of an independent district established by court for purposes of transfer to another school district subsequent to the passage of this act, the court shall appoint a director or directors, not to exceed three. The term of the directors so appointed shall begin on the date of appointment and shall terminate on the date the transfer to the receiving school district becomes effective. If there reside in the territory of the independent district one or more who are currently serving as school directors, the court shall make its first appointments from that group.

The directors so appointed shall have as their responsibility the right and authority to represent the independent district in all legal activities and conferences to properly effect the transfer of the independent district to the receiving school district.

Section 3. This act shall take effect immediately.

APPROVED—The 19th day of December, A. D. 1967.

RAYMOND P. SHAFER