

COMMONWEALTH OF PENNSYLVANIA
STATE BOARD OF EDUCATION

In re: Application of the Washington Township Independent School District for Transfer from the Dover Area School District to the Northern York County School District

RESOLUTION

WHEREAS, pursuant to section 242.1(a) of the Public School Code of 1949 (School Code), *as amended*, 24 P.S. § 2-242.1(a), a majority of the taxable inhabitants of the now-constituted Washington Township Independent School District (WTISD), constituting a territory located within York County and the Dover Area School District (Dover), presented their petition to the Court of Common Pleas of York County (docketed as 2012-SU-003036-49), asking that the territory be established as an independent school district for the sole purpose of transfer to the Northern York County School District (Northern York); and

WHEREAS, the Secretary of Education, pursuant to section 242.1(a) of the Public School Code, passed approvingly, from an educational standpoint, upon the merits of the petition for the creation and transfer of the independent school district; and

WHEREAS, by decree entered November 10, 2014, pursuant to section 242.1(a) of the School Code, the Court of Common Pleas of York County (1) established WTISD for the sole purpose of its transfer from Dover to Northern York; (2) determined the amount of the indebtedness and obligations of Dover that Northern York must assume and pay and the schedule for remitting payment; and (3) stipulated that the transfer will take effect July 1, 2015, subject to approval of the State Board; and

WHEREAS, the Court of Common Pleas, pursuant to section 292.1 of the School Code, *as amended*, 24 P.S. § 2-292.1, on November 10, 2014, submitted to the State Board a certified copy of its decree creating WTISD; and

WHEREAS, under section 293.1 of the School Code, *as amended*, 24 P.S. § 2-293.1, the State Board is obligated, upon receipt of a court decree creating an independent district for transfer purposes, to place the item on its agenda and either to approve or disapprove the creation and transfer; and

WHEREAS, there are no statutory or regulatory procedures, other than the General Rules of Administrative Practice and Procedure (1 Pa. Code Part II), that govern the manner in or procedure by which the State Board is to carry out its duties under section 293.1 of the School Code; and

WHEREAS, on previous occasions when presented with applications of an independent school district for transfer, the State Board has designated a panel of its members to conduct proceedings and to prepare a report for consideration by the State Board, as approved by the Commonwealth Court of Pennsylvania in *Independent School District v. State Board of Education*, 53 Pa. Commw. 38, 417 A.2d 269 (1980); and

WHEREAS, the State Board, having discretion to supplement the General Rules of Administrative Practice and Procedure in carrying out its obligations under section 293.1 of the School Code finds it desirable and appropriate that a committee of the State Board be created for the purpose of conducting proceedings under 1 Pa. Code Part II, and preparing a report to the State Board;

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

1. The chairperson of the State Board will designate a committee of three (3) members to conduct such proceedings as might be appropriate under the General Rules of Administrative Practice and Procedure, to take any action (except final action) that may or must be taken under the rules by the agency or agency head, and to report to the State Board in accordance with this Resolution. All details of these matters, including the designation of a presiding officer, if appropriate, shall be left to the discretion of the committee.

2. Upon completion of all appropriate proceedings, the committee shall report promptly to the State Board, recommending the proper disposition of the application for transfer.

3. Upon receipt of the report of the committee, the matter shall be placed upon the agenda for action at the next available meeting of the State Board, and the participants shall be so notified.

Given under my hand and our seal
this 14th day of January, 2015

Larry Wittig
Chairperson

Attest:

John H. Jewett
Acting Executive Director