



Commonwealth of Pennsylvania
STATE BOARD OF EDUCATION

September 14, 2017

VIA INTER-OFFICE ENVELOPE

Marc A. Moyer, Hearing Examiner
Pennsylvania Department of State
Hearing Examiner's Office
Penn Center, 2nd Floor
2601 North Third Street
Harrisburg, PA 17110

**RE: Order Certifying Questions to the Agency Head in Re: Application of
Washington Township Independent School District
STBE Docket No. 2017-01**

Dear Mr. Moyer:

At its public meeting on September 13, 2017, the State Board of Education (Board) undertook consideration of the questions certified to the Board for a ruling in your letter dated August 2, 2017. The Board acted to adopt the following resolution in response to those questions:

AND NOW, this 13th Day of September, 2017, the State Board of Education (Board) hereby responds to and disposes of the questions certified by the Presiding Officer in the matter of *In re: Application of Washington Township Independent School District*, No. 2017-01, as follows:

- 1) Upon consideration of the Application of Washington Township Independent School District, the Board considered the impact upon both the Northern York County School District and the Dover Area School District. Pursuant to 24 P.S. § 2-291, the Board and the Presiding Officer must take into account the proposed transfer's impact upon *both* affected School Districts with respect to the factors articulated in the Public School Code of 1949 and the standards articulated below, as set forth in the Board's May 11, 2017 letter communicating the Board's reasons for disapproval.
- 2) Pursuant to the Order of Commonwealth Court, the hearing in this matter is limited to issues articulated by the Board in its initial determination. In its

initial determination, the Board examined the following factors, as well as those articulated in 24 P.S. § 2-291:

- a) Whether the transfer makes available educational programs and educational opportunities to meet the varying needs aptitudes, abilities and interests of individuals residing in the district;
- b) Whether the geographic area (as defined by the re-structured district) has developed the characteristics of a community;
- c) Whether the transfer utilizes existing buildings to the maximum extent practical avoiding unnecessary new construction where possible;
- d) Whether pupil population changes are supported by reliable studies of area development and demonstrate the desirability of the transfer; and
- e) Whether the transfer demonstrates a capability of providing a comprehensive program of education.

See, Hoots v. Pennsylvania, 672 F.2d 1107, 1111 n.3 (3d. Cir., 1982).

Specifically, the hearing officer must determine whether, upon a preponderance of the evidence, the applicant has demonstrated that the enumerated factors weigh in favor of the transfer.

Sincerely,



Karen Molchanow
Executive Director

cc: Thomas P. Howell, Esquire
Daniel M. Fennick, Esquire
Benjamin L. Pratt, Esquire
Robert M. Frankenhouser, Esquire
Joseph Canamucio, Esquire
Rachel Mailey
Stephanie L. Jones