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SCHOOL DISTRICTS - PENNSYLVANIA

In re Independent School Dist. for Property Situate in Jefferson Tp.

Commonwealth Court of Pennsylvania - August 9, 2013 - A.3d - 2013 WL 4033845

Landowners filed petition to establish independent school district for purposes of transferring their 22 contiguous parcels of property to the district. The Court of Common Pleas dismissed petition, concluding that most of those signing it were not eligible to do so. Landowners appealed.

The Commonwealth Court held that landowners were “taxable inhabitants,” and thus eligible to sign petition.

At hearing for petition to establish independent school district for purposes of transferring territory to proposed district, trial court must determine four things: (1) precise boundaries of proposed independent school district; (2) that a majority of “taxable inhabitants” in “contiguous territory” have, in fact, signed petition; (3) that petitioners have listed reasons for transfer; and (4) that petition names school district into which territory is proposed to be transferred.

Under public school code provision stating that in order to establish independent school district, majority of taxable inhabitants of any contiguous territory in any school district may present petition asking that territory be established as independent district, “taxable inhabitants” are those whose names appear on tax assessors’ list as persons who can be lawfully taxed, even though not all landowners were legally domiciled in township in which property was located.

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