
SCHOOL DISTRICTS - PENNSYLVANIA

In re Formation of Independent School District

Supreme Court of Pennsylvania - October 7, 2021 - A.3d - 2021 WL 4618660

Coalition of inhabitants of borough appealed an order of the Court of Common Pleas denying its petition for formation of an independent school district after the Secretary of Education determined the petition had no educational merit.

The Commonwealth Court reversed. Districts sought review.

The Supreme Court held that as a matter of first impression, Secretary of Education could consider financial implications of transfer upon quality of education provided in affected districts.

In considering petition to establish school district independent of existing district for sole purpose of having new district be absorbed into neighboring district, Secretary of Education could consider financial implications of transfer upon quality of education provided in affected districts.

In reviewing for educational merit a petition for establishment of an independent school district for transfer of territory to another district, the Secretary of Education must take a holistic approach, looking not just at the students who would be transferred, but at the students in each of the affected school districts.

In considering petition to establish school district independent of existing district for sole purpose of having new district be absorbed into neighboring district, Secretary of Education could consider audit addressing educational impact of proposed transfer over objection that financial projections in audit were “conjectural,” where audit was entered into evidentiary record by stipulation and opponent agreed that auditor would not be required to offer witness to testify regarding its contents.

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