



Commonwealth of Pennsylvania
STATE BOARD OF EDUCATION

May 11, 2017

Daniel M. Fennick, Attorney at Law
1423 E. Market Street
York, PA 17403

Dear Mr. Fennick:

In its order of January 20, 2017, the Commonwealth Court of Pennsylvania directed this Board to

treat the common pleas court's November 10, 2014 "Order Establishing Independent School District for Purposes of Transfer Pursuant to 24 P.S. [§] 2-242.1" as an application for the assignment of [Washington Township Independent School District] WTISD to Northern York. Section 292.1 of the School Code. The Board shall place this item on the agenda for its next meeting, at which the Board must either vote to approve or disapprove the application. Section 293.1 of the School Code. As noted above, in rendering this preliminary decision, the Board must adhere to the proper scope and standard of review. If approved, the Board must direct the Council to make appropriate revisions to the school district lines. *Id.* If disapproved, the Board must give its reasons for the disapproval. *Id.* Thereafter, if requested by WTISD, the Board [*26] must hold a hearing confined to its reasons for disapproval and thereafter issue an adjudication that comports with the AAL.

Washington Twp. Independent Sch. Dist v. State Board of Education, 153 A.3d 1177 (Pa. Cmwlth. 2017).

In compliance with the Commonwealth Court's order, this Board convened on March 9, 2017, and considered the Application of WTISD. In so doing, this Board heard from members of the public, representatives of the applicant, and representatives of other interested parties. After considering WTISD's application and those comments, this Board determined, by vote of 4 in favor of the application to 14 against the application, that the application would be denied.

In further compliance with the Commonwealth Court's order, this letter provides the reasons for the Board's disapproval, as expressed at the March 9, 2017, meeting.

Initially, the members voting against the application indicated that the application impaired both relevant districts' ability to provide a comprehensive program of education. In this regard, members expressed concerns regarding the financial impact of new students on the Northern York County School District, and of the loss of tax revenues on Dover School District. In addition, members found that the existing educational programs did not impair the districts' abilities to provide a comprehensive program of education. In fact, the application and commentary indicated that Dover School District's program of education was in fact comprehensive and laudable. The members held concerns regarding whether Northern York County School District would remain capable of providing such a comprehensive program of education if the application were approved.

Further, members noted that Northern York County School District would be unlikely or unable to use existing facilities if the transfer were approved. Instead, Northern York County School District is presently at 92% of capacity, while Dover is at approximately 75% of capacity.

Lastly, members expressed concerns regarding the diversification of curriculum as a component of a comprehensive program of education, and noted that the curricula of each district addressed the aptitudes, abilities, and interests of individuals residing in each district. In particular, members noted that the existing schools and programs have become part of the identity of the respective communities and inhabitants. Similarly, members noted that factors relating to community characteristics at most indicated equal characteristics between the districts and did not weigh in favor of the application.

Therefore, for the foregoing reasons, this Board denied the application. This Board is in receipt of WTISD's request for hearing, and will schedule such hearing in the near future.

Sincerely,

A handwritten signature in cursive script, appearing to read "Larry Wittig".

Larry Wittig
Chairman

cc: Benjamin Pratt, Esq.
Robert Frankhouser, Esq.
Meredith Millard, Esq.
Rachel Mailey