

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF EDUCATION  
OFFICE OF THE SECRETARY OF EDUCATION

**IN RE:** Porter Township Initiative  
Petition for Formation of Independent School District  
Seeking Transfer from East Stroudsburg Area School District to  
Wallenpaupack Area School District

**BACKGROUND**

The Public School Code provides a mechanism for the majority of the taxable inhabitants within a geographic territory to transfer from one school district to another adjacent school district which is contiguous thereto. 24 P.S. § 2-242.1; *In Re: Application of Woodward Township Independent School District to Transfer from Williamsport Area School District to the Jersey Shore Area School District*, ISD-01-01 (Pa. State Board of Education 2002) at pp 1-7; *In Re: Application of the East Brady Independent School District to Transfer from Armstrong School District to Karns City Area School District*, ISD-92-1 (Pa. State Board of Education 1993) at pp 2-4. Here, a group of citizens organized under the name Porter Township Initiative (“the Township Initiative”) seeks to transfer the Township of Porter, Pike County, from the East Stroudsburg Area School District (“East Stroudsburg ASD”) to the Wallenpaupack Area School District (“Wallenpaupack ASD”). As required by section 242.1 of the Public School Code of 1949, 24 P.S. § 2-242.1, the Township Initiative filed a petition for transfer with the Pike County Court of Common Pleas. Pursuant to the same statute, the Court of Common Pleas referred the petition for transfer to the Secretary of Education (“Secretary”) for a determination as to whether the proposed transfer had merit from an educational standpoint.

This matter is before the Secretary on the single issue – educational merit. For the reasons described below, I find the petition has merit from an educational standpoint.

## FINDINGS OF FACT

### Procedural History

1. In September 2009, the Township Initiative filed a Petition for Formation of an Independent School District with the Court of Common Pleas of Pike County ("Pike County Court"), docket number 1895-2009. (Sec Rec: 1; Ct Rec: 1)<sup>1</sup>
2. On October 15, 2009, the Township Initiative filed an Amended Petition for Formation of an Independent School District. (Sec Rec: 2; Ct Rec: 3)<sup>2</sup>
3. The Petition seeks to transfer the entire Township of Porter, located in Pike County, Pennsylvania, from the East Stroudsburg ASD to the Wallenpaupack ASD. (Sec Rec: 1 & 2; Ct Rec: 1 & 3)
4. On January 26, 2010, the Pike County Court held a hearing and issued an order finding that the Petition met the requirements of section 242.1 of the Public School Code. (Sec Rec: 3, 4, 5 & 7; Ct Rec: 4, 5, 6 & 7)
5. The Pike County Court's January 26, 2010 order also referred the Petition to the Secretary to determine whether the proposed transfer has merit from an education standpoint. (Sec Rec: 4 & 5; Ct Rec: 6 & 7)
6. By letter dated February 18, 2010, the Secretary forwarded a questionnaire to the Township Initiative, the East Stroudsburg ASD, and the Wallenpaupack ASD (referred to collectively as "the parties") seeking information related to the educational merit of the proposed transfer. (Sec Rec: 6)
7. In regard to the Township Initiative's role in responding to the questionnaire, the Secretary's February 18, 2010, letter explained:

While I am not requiring petitioners to submit written responses, petitioners are invited to submit written responses if they have access to the information

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<sup>1</sup> "Sec Rec: \_\_\_" refers to the indexed documents consisting of the record before the Secretary.

"Ct Rec: \_\_\_" refers to the indexed documents consisting of those portions of the record before the Pike County Court of Common Pleas which were forwarded to the Secretary.

<sup>2</sup> The original Petition and the Amended Petition are collectively referred to throughout as "Petition." The Amended Petition for Formation of an Independent School District differs from the original Petition in one respect – the relief sought. Originally, the Township Initiative sought the Court's approval of the proposed transfer subject to approval of the Department. The Amended Petition seeks an order approving the petition as properly filed. (Sec Rec: 1 & 2; Ct Rec: 1 & 3)

requested in the questionnaire. Generally, petitioners submit written information after reviewing the districts' responses to the questionnaire.

(Sec Rec: 6)

8. The Secretary's February 18, 2010, letter set a timeline for the parties to submit answers to the questionnaire stating: "... written responses should be submitted within 60 days of the date of this letter. ..." and "within 30 days thereafter, the districts and petitioners may submit ... written rebuttal." (Sec Rec: 6)
9. The school district's answers to the questionnaire were received in April 2010. (Sec Rec: 7 & 8)
10. In May 2010, the Township Initiative submitted a response to the school districts' answers. (Sec Rec: 9)
11. Other than the Township Initiative's response to the school districts' answers, no other responses or rebuttals challenged the written information submitted by the school districts. (Sec Rec)

#### **The Porter Township Initiative's Reasons for Seeking Transfer**

12. The Petition filed with the Pike County Court on October 15, 2009 states:

... That Petitioner believes and therefore avers that the transfer from East Stroudsburg ASD to Wallenpaupack ASD will provide the students of Porter Township with:

- i. a superior education,
- ii. a safer environment,
- iii. superior special needs and vocational education,
- iv. better transportation relating to weather,
- v. closer proximity to schools, and
- vi. similar rural characteristics of the Township to that of Wallenpaupack rather than East Stroudsburg.

(Sec Rec: 1; Ct Rec: 1 at ¶ 9, 3 at ¶ 9)

13. The Petition also states:

The transfer of students from Porter Township ... will be in the best interest of the present and future school age children which reside in Porter Township.

(Sec Rec: 1; Ct Rec: 1 at ¶ 10, 3 at ¶ 10)

14. The petition signed by the taxable inhabitants of Porter Township, which was attached to the Petition, identifies the following reasons for seeking transfer:

- i. ... children are not getting the quality education they deserve from our tax dollars
- ii. Wallenpaupack offers a superior education for 47% less tax
- iii. Wallenpaupack offers the following:
  - A superior education;
  - A safer environment;
  - Transportation, relating to weather, is closer to that of Wallenpaupack; and
  - The rural characteristics of Porter Township are closer to that of Wallenpaupack
- iv. ... Porter Township is classified a Low Income/Poverty Level township, in which the majority are retired or without children.
- v. Better schools encourage higher re-sale values
- vi. ... originally Porter Township was in the Wallenpaupack School District

(Sec Rec: 1; Ct Rec: 1 Ex A, 3 Ex A)

15. In regard to the issue of transportation, Petitioners explain:

We have never said "better transportation", but safer transportation relating to weather. Wallenpaupack is 1190 feet above sea level, Porter Township 1700, and the town of East Stroudsburg is 450. The temperature change from East Stroudsburg to Porters can be as much as 8 degrees. That simply means that many times there is snow and ice in Porters and Wallenpaupack, but rain in East Stroudsburg.

(Sec Rec: 9 at p 1)

**Porter Township – Background**

- 16. The East Stroudsburg ASD is located in Pike and Monroe counties and is assigned to IU 19. (Sec Rec: 9 Ex B; Public Rec: 15)<sup>3</sup>
- 17. The Wallenpaupack ASD is located in Pike and Wayne counties and is assigned to IU 20. (Sec Rec: 9 Ex B; Public Rec: 16)
- 18. Porter Township is located in Pike County, Pennsylvania, between the East Stroudsburg ASD and the Wallenpaupack ASD. (Sec Rec: 1; Ct Rec: 1 at ¶ 8, 3 at ¶ 8; Public Rec: 17 & 18)
- 19. The parties indicate that 39 to 48 school aged children reside within Porter Township. (Sec Rec: 1, 7, 8 at p 7, 8 Ex A, & 9)
- 20. The East Stroudsburg ASD indicates that Porter Township is 60.4 square miles and, based on the 2000 census, there are 385 residents. (Sec Rec: 8 p 9)

**General Viewpoints and Opinions of the Districts and Citizens**

- 21. Parents of children residing in Porter Township point to the following additional reasons in support of the proposed transfer:
  - i. The vocational education program is part of the Wallenpaupack High School; and
  - ii. Wallenpaupack students achieve higher scores on the SAT than East Stroudsburg students.

(Sec Rec: 9 Ex A)

- 22. Some parents support and others oppose the proposed transfer. (Sec Rec: 8 p 3, 8 Ex B)

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<sup>3</sup> “Public Rec: \_\_\_” refers to information available to the public, as identified via the attached index entitled “Public Record.”

The Secretary takes official notice of the public information. This is so even though the public information was not introduced into evidence at a hearing or submitted by the parties. *See Commonwealth, Department of State v. Stecher*, 484 A.2d 755, 757 (Pa. 1984) (taking official notice of enactment of legislation providing for supplemental appropriation); *Taylor v. Pennsylvania Board of Probation and Parole*, 569 A.2d 368, 371 (Pa. Cmwlth. 1989) (taking official notice of an official form prepared by a board employee contained in petitioner’s case file); *Falasco v. Pennsylvania Board of Probation and Parole*, 521 A.2d 991, 995 n.6 (Pa. Cmwlth. 1987) (taking official notice of information in the board’s files). An agency may take official notice “of facts which are obvious and notorious to an expert in the agency’s field and those facts contained in reports and records in the agency’s files in addition to those facts which are obvious and notorious to the average person.” *Falasco*, 521 A.2d at 995, n. 6.

23. The East Stroudsburg ASD and the Wallenpaupack ASD do not express an opinion (positive or negative) related to the proposed transfer of territory. (Sec Rec: 7 & 8)
24. The East Stroudsburg ASD indicates that the transfer of students will not significantly impact the racial composition of the District. (Sec Rec: 8 at p 8)
25. In response to the Secretary's questionnaire seeking a list of "the major educational impact statements (positive or negative) ... to either support or reject the proposed change," the East Stroudsburg ASD states, in part:
  - i. "Regarding major educational impacts to East Stroudsburg, a number of transportation positions would be eliminated."
  - ii. "... the district anticipates that no professional employee or support staff positions would be eliminated, although it is difficult to project what effect the projected revenue loss would have in terms of continued staffing, curriculum, etc. at current levels."
  - iii. "Anticipated relief from debt service attributable to Porter Township, as well as reduction in transportation costs, should mitigate loss of revenue from local taxes, federal sources, and Commonwealth sources, somewhat."
  - iv. "Other than the obvious negative effects of transferring schools, the District sees no major educational impact."
  - v. "Each respective district offers a similar course of study."

(Sec Rec: 8 at pp 1-2)

26. In response to the Secretary's questionnaire seeking a list of "the major educational impact statements (positive or negative) ... to either support or reject the proposed change," the Wallenpaupack ASD states, in part:
  - i. "The addition of 39 students to our district will have no major impact to the operation of the school district."
  - ii. "The 39 students are equitably distributed throughout the grade levels."
  - iii. "[T]here will be no impact on facilities, staffing, supplies and educational program offerings."
  - iv. "The Wallenpaupack Area School District has experienced an enrollment decline in the past 2 years."

(Sec Rec: 7 at p 1)

### The School Districts' Educational Programs

27. Based upon information submitted by the parties, the following similarities between the districts' educational programs were identified:

- i. Both school districts provide special education services.
- ii. Both school districts have dual enrollment opportunities.
- iii. Both school districts have full time kindergartens.
- iv. The school districts have similar courses of studies.

(Sec Rec: 7 at p 2, 8 at pp 1-6, 9 at p 1)

28. Based upon information submitted by the parties, the following differences between the districts' educational programs were identified:

i. Graduation Requirements

- The East Stroudsburg ASD requires 28 credits to graduation;
- The Wallenpaupack ASD requires 27 credits.

ii. Vocational Education

- East Stroudsburg ASD students participating in vocational programs attend Monroe Career and Technical Institute where they may choose from one of 25 programs.
- Wallenpaupack ASD provides 5 vocational programs in its comprehensive high school.

(Sec Rec: 7 at p 2, 8 at pp 2-3)

### Student Performance

29. The Adequate Yearly Progress (AYP) of school districts and schools, as part of the federal No Child Left Behind Act (NCLB), measures three student indicators: Academic Performance; Test Participation; and Attendance (for schools without a High School graduating class) or Graduation Rate (for schools with a High School graduating class).

(Pub Rec: 3)

30. The 2010 academic performance targets were as follows:

- 56% of students scoring at Proficient or higher on the mathematics assessment; and
- 63% of students scoring Proficient or higher on the reading assessment.

(Pub Rec: 3)

31. The 2011 academic performance targets are as follows:
- 67% of students scoring Proficient or higher on the mathematics assessment, and
  - 72% of students scoring Proficient or higher on the reading assessment.

(Pub Rec: 3)

32. The East Stroudsburg ASD and the Wallenpaupack ASD have met the school district targets and achieved Adequate Yearly Progress (AYP) for the past three years – 2008 through 2010. (Pub Rec: 1)
33. Both school districts are on track to meet the NCLB goal of all students attaining proficiency in Reading and Math by the year 2014. (Pub Rec: 10 & 13)
34. Since 2005, both the East Stroudsburg ASD and the Wallenpaupack ASD met the school district targets and achieved AYP 5 out of 6 times (2005 – 2010). (Pub Rec: 1)
35. Over the past 5 years, the Wallenpaupack ASD met the school district targets and achieved AYP each year (2006-2010). (Pub Rec: 1)
36. When comparing the percentage of students achieving proficiency or above in Reading and Mathematics in 2010 for all students and at the three reported grade spans (grades 3-5, 6-8, and 9-12) to those achieving proficiency or above in 2009, the data reflects the following:

East Stroudsburg ASD	% Achieving proficiency in 2010	Increase/ Decrease in percentage points from Last Year	% Achieving proficiency in 2010	Increase/ Decrease in percentage points from Last Year
	Reading		Mathematics	
All Students	75.1	3.4	73.6	3.9
Grades 3-5	73.2	3.4	81.3	6.3
Grades 6-8	74.4	.7	70.9	2
Grades 9-12	68	1	56.3	2.6

Wallenpaupack ASD	% Achieving proficiency in 2010	Increase/ Decrease in percentage points from Last Year	% Achieving proficiency in 2010	Increase/ Decrease in percentage points from Last Year
	Reading		Mathematics	
All Students	83.9	5.2	80	-.2
Grades 3-5	78.9	-1.4	87.4	3.6
Grades 6-8	82	1.8	86.2	1.6
Grades 9-12	74.5	7.2	66.9	9.7

- i. There is a performance gap between the East Stroudsburg ASD and the Wallenpaupack ASD. Specifically, the percentage of students achieving proficiency or above in the Wallenpaupack ASD exceeds the percentage of students achieving proficiency or above in the East Stroudsburg ASD for all students and at the three reported grade spans.
- ii. Over the past two years, the East Stroudsburg ASD student performance improved in 8 of 8 areas.
- iii. Over the past two years, the Wallenpaupack ASD student performance improved in 6 of 8 areas and declined in 2 areas.
- iv. In the 2 areas in which the Wallenpaupack ASD declined (mathematics overall and reading in grades 3-5), the percentage of students achieving proficiency still exceeded that of the East Stroudsburg ASD
  - by 6.4 percentage points in mathematics overall; and
  - by 4.67 percentage points in grades 3-5 reading.

(Pub Rec: 4, 6, 9, 12)

37. When comparing the performance gap between the East Stroudsburg ASD and the Wallenpaupack ASD in 2005 to the performance gap between the two districts in 2010 and the intervening years, the data reflects the following:

Year	% Achieving proficiency in Reading			% Achieving proficiency in Mathematics		
	East Stroudsburg ASD	Wallenpaupack ASD	gap	East Stroudsburg ASD	Wallenpaupack ASD	gap
2005	68.1	69.4	1.3	60.3	70.9	10.6
2006	70.9	77.8	6.8	66.8	75.3	8.5
2007	68.8	77.8	9	68.9	76.6	7.7
2008	70.8	79.8	9	70.4	77	6.6
2009	71.7	78.7	7	69.7	80.2	10.5
2010	73.6	80	6.4	75.1	83.9	8.8

- i. A 1.3 percentage point achievement gap in reading increased to a 6.4 percentage point gap in 2010.
- ii. A 10.6 percentage point achievement gap in mathematics decreased to a 8.8 percentage point gap in 2010.

(Pub Rec: 4, 6, 17, 18, 19 & 20)

**SAT Performance Gap**

38. The SAT scores achieved by students in the school districts are as follows:

Year	Verbal		Math			Writing		
	E. Stroudsburg (2 buildings)	Wall	E. Stroudsburg (2 buildings)	Wall	E. Stroudsburg (2 buildings)	Wall		
2001	474	<b>489</b>	468	470	<b>488</b>	463		
2002		484	<b>490</b>		<b>487</b>	480		
2003	454	463	<b>483</b>	454	464	<b>479</b>		
2004	462	484	<b>505</b>	445	474	<b>512</b>		
2005	460	482	<b>508</b>	445	471	<b>513</b>		
2006	436	484	<b>488</b>	435	474	<b>498</b>	424	450
2007	440	472	<b>491</b>	427	476	<b>503</b>	422	454
2008	442	476	<b>489</b>	437	475	<b>504</b>	428	456
2009	454	458	<b>492</b>	450	459	<b>497</b>	445	444
2010	452	478	<b>482</b>	452	473	<b>505</b>	435	461

39. Since 2003, the Wallenpaupack ASD students consistently achieved higher scores on the SAT in every subject (see the bolded/shaded scores in the table below).

(Sec Rec: 9 Ex A; Pub Rec: 14)

**DISCUSSION**

**The Independent School District Process**

As briefly mentioned above, the procedure for creating an independent school district and ultimately transferring territory from one school district to another is a multi-step process involving the County Court of Common Pleas, the Secretary of Education, and the State Board of Education. Initially, the County Court of Common Pleas reviews the petition for creation of an independent school district to determine whether the petition satisfies the requirements of section 242.1 of the Public School Code of 1949, as amended. 24 P.S. § 2-242.1. Generally, the County Court of Common Pleas confirms that the petition was submitted by a majority of the taxable inhabitants within the territory, the petition properly describes the territory, and the petition sets forth the reasons for seeking the transfer. Thereafter, the County Court of Common

Pleas requests that the Secretary determine whether or not the proposed transfer has merit from an educational standpoint.

By statute, the Secretary's role is limited to a single issue, whether or not the proposed transfer of territory from one school district to another has merit from an educational standpoint. 24 P.S. § 2-242.1. A finding by the Secretary that the proposed transfer has educational merit is a pre-condition to the creation of an independent school district. If the Secretary determines that the proposed transfer of territory lacks educational merit, an independent school district cannot be created.<sup>4</sup> Conversely, if the Secretary finds that the proposed transfer has educational merit, the Court of Common Pleas may proceed with the creation of the independent school district. 24 P.S. § 2-242.1; *East Brady* at 4.

After an independent school district is created, the Court of Common Pleas transmits the matter to the State Board of Education, which makes the final decision as to whether the territory is transferred. 24 P.S. § 2-293.1. When making its decision the State Board, which is not bound by the Secretary's determination, considers the educational merit and other matters that it deems relevant.<sup>5</sup>

#### **Factors for Determining Educational Merit**

The phrase "educational merit," which appears in section 242.1 of the Public School Code of 1949, 24 P.S. § 2-242.1, is not defined by statute, regulation, or case law. Historically, the Secretary has examined the educational merit of a proposed transfer by considering the anticipated educational impact upon three groups of students: 1) the students within the territory

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<sup>4</sup> As a general matter, the Secretary's decision on the education merit serves as a mechanism for identifying actions that should be dismissed early in the process.

<sup>5</sup> In *East Brady*, the State Board considered the educational merit and additional matters, such as: Geography, Transportation, Teacher Assignments, Facilities, and Financial Impact.

proposed for transfer; 2) the students remaining in the district which would lose the territory; and 3) the students in the district which would gain the territory (collectively referred to as “the student groups”). When a negative impact upon the education of any of the student groups was anticipated, the proposed transfer was found to lack educational merit.

Prior to the State Board’s 2002 decision in *Woodward*, the Secretary determined that when there was no anticipated negative impact upon the education of any of the student groups, the proposed transfer had merit from an educational standpoint. In *Woodward*, the State Board opined that when two school districts have educational programs that are in general parity it does not necessarily follow that the proposed transfer has educational merit. The State Board provided the following guidance:

- [T]he burden of proof and persuasion rests with the petitioners who wish to change school districts.
- The general policy is to maintain the *status quo* in the face of educational parity primarily because it avoids disruption ... and promotes stability in the school systems by creating reasonable expectations among school officials, employees, students and residents that school district boundaries will remain constant absent compelling reasons to change them.
- Where educational programs are in general parity ... transfer of an independent school district should be disfavored; and the petition for transfer should be denied absent other compelling or unusual reasons for the transfer.
- Unless there are other compelling or unusual reasons to transfer that transcend the quality of educational programs, the transfer between two educationally comparable school districts should not be approved.
- Compelling circumstances transcending two comparable education programs are most likely to be present in cases where both school districts are in agreement that the transfer should be approved. Though the State Board will not automatically approve a transfer favored by both school districts, the agreement of the districts alone suggests that there might be compelling reasons to approve the transfer.

*Woodward*, ISD-01-01 (Pa State Board of Education 2002) at pp 3-4.

Since 2002, the Secretary has applied the factors related to the student groups in conjunction with the State Board's guidance. Generally, if there is a positive educational impact upon at least one group of students and there is no negative impact on any group of students, the proposed transfer is meritorious from an educational standpoint.

#### Application of Educational Merit Factors

The Township Initiative has the burden of establishing that the proposed transfer has merit from an educational standpoint. In support of the Petition, the Township Initiative submitted information related to the achievement of students in both school districts which demonstrates that students in the Wallenpaupack ASD achieved higher SAT scores and that a higher percentage of the Wallenpaupack's students achieved proficiency or above on the PSSA. The information submitted by the school districts and the public information referenced herein is consistent with the Township Initiative's assertions about student performance on the SAT and PSSA. (Findings of Fact 35 through 38). Upon consideration of the information submitted by the parties and the public information, it is clear that the transfer is likely to have a positive impact upon one group of students – the group of students subject to transfer from the East Stroudsburg ASD to the Wallenpaupack ASD.

Turning to the two remaining student groups – the students that would continue to reside in the East Stroudsburg ASD and the students currently residing in the Wallenpaupack ASD – there is no suggestion or assertion by any of the parties that either of the two groups will be negatively impacted from an educational standpoint. When asked to list the major education impact to either support or reject the proposed change neither school district identified a major

negative impact.<sup>6</sup> Moreover, neither school district expressed an opinion (positive or negative) related to the transfer of Porter Township.

In conclusion, I find the following:

1. The Township Initiative met its burden of proof;
2. It is anticipated that the transfer of Porter Township from the East Stroudsburg ASD to the Wallenpaupack ASD will have a positive educational impact upon the group of students subject to the transfer;
3. There is no indication that the transfer of Porter Township from the East Stroudsburg ASD to the Wallenpaupack ASD will have any negative educational impact upon the group of students remaining in the East Stroudsburg ASD;
4. There is no indication that the transfer of Porter Township from the East Stroudsburg ASD to the Wallenpaupack ASD will have any negative educational impact upon the group of students currently residing in the Wallenpaupack ASD;
5. Because the transfer is expected to have a positive educational impact upon at least one group of students – the group subject to the transfer – and there is no negative impact on any group of students, the transfer is meritorious from an educational standpoint.

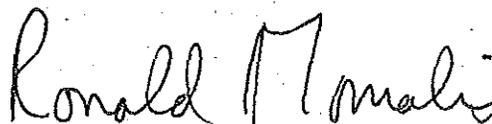
ACCORDINGLY, the following order is entered:

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<sup>6</sup> The East Stroudsburg ASD stated that “[o]ther than the obvious negative effects of transferring schools, the District sees no major educational impact.” (Findings of Fact 25). The districts are urged to consider allowing students that may have difficulty transferring to a new school, such as high school students close to graduation, to continue their education in the East Stroudsburg ASD.

ORDER

AND NOW, this 16th day of March 2011, based upon the foregoing findings of fact and discussion of law, I hereby find the Petition for Formation of Independent School District filed by the Porter Township Initiative for purposes of transferring territory from the East Stroudsburg Area School District to the Wallenpaupack School District is meritorious from an educational standpoint.



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Ronald J. Tomalis  
Acting Secretary of Education

Date Mailed: March 16, 2011

**Record before the Secretary of Education as of January 2008**  
**“Sec Rec”**

1. 9/22/2009 Letter from Anthony J. Magnotta to Secretary Zahorchak enclosing a copy of the Petition for Formation of Independent School District filed with the Pike County Court of Common Pleas (including a box containing copies of signed petitions submitted to Pike County Court of Common Pleas – Exhibit A to Petition for Formation of Independent School District)
2. 10/20/2009 Letter from Anthony J. Magnotta to Thomas Dirvonas and Anthony Waldron enclosing copy of Amended Petition for formation of Independent School District filed with the Pike County Court of Common Pleas
3. 12/14/2009 Letter from Anthony J. Magnotta to Anthony Waldron, Thomas Dirvonas, & Secretary Zahorchak enclosing Affidavit of Service related to publishing notice of hearing scheduled for January 26, 2010
4. 1/26/2010 Letter from President Judge Joseph F. Kameen to Secretary Zahorchak enclosing a copy of the Court’s January 26, 2010 order and referring Petition to Secretary Zahorchak
5. 1/27/2010 Letter from Anthony J. Magnotta to Secretary Zahorchak enclosing copy of the Court’s January 26, 2010 order
6. 2/18/2010 Letter from Secretary Zahorchak to Anthony J. Magnotta, Thomas Dirvonas and Anthony Waldron enclosing questionnaire and seeking information related to educational merit of the proposed transfer of territory
7. 4/15/2010 Letter from Michael R. Silsby, Superintendent of Wallenpaupack Area School District, to M. Patricia Fullerton enclosing answers to questionnaire
8. 4/16/2010 Letter from Christopher S. Brown, counsel for East Stroudsburg Area School District, to M. Patricia Fullerton enclosing answers to questionnaire
9. 5/6/2010 Letter from Anthony J. Magnotta to M. Patricia Fullerton enclosing Porter Township Initiative’s response to school districts’ answers.

**Record before the Pike County Court of Common Pleas  
"Court Rec"**

1. 9/15/2009 Petition for Formation of Independent School District (including a box containing copies of signed petitions submitted to Pike County Court of Common Pleas – Exhibit A to Petition for Formation of Independent School District)
2. 9/17/2009 Rule & Order setting a hearing for October 13, 2009
3. 10/15/2009 Amended Petition for Formation of an Independent School District
4. 10/19/2009 Order setting a hearing for January 26, 2010 and directing publication of notice
5. 12/14/2009 Affidavit of Service related to publishing notice of hearing scheduled for January 26, 2010
6. 1/26/2010 Order finding the Petition for Formation of an Independent School District to be in proper form and requesting Secretary of Education's consideration
7. 1/26/2010 Letter from President Judge Joseph F. Kameen to Secretary Zahorchak enclosing a copy of the Court's January 26, 2010 order and referring Petition to Secretary Zahorchak

**Public Record  
"Pub Rec"**

1. 2003-2009 District AYP Status  
[http://www.portal.state.pa.us/portal/server.pt/document/917633/ayp\\_district\\_2010\\_pdf](http://www.portal.state.pa.us/portal/server.pt/document/917633/ayp_district_2010_pdf)
2. Academic Achievement Overview  
<http://paayp.emetric.net/>
3. About AYP in Pennsylvania  
<http://paayp.emetric.net/Home/About>
4. 2010 overall SD performance (See pages 93 & 121)  
[http://www.portal.state.pa.us/portal/http://www.portal.state.pa.us:80/portal/server.pt/gateway/PTARGS\\_0\\_123031\\_917940\\_0\\_0\\_18/PSSA\\_Results\\_Math\\_and\\_Reading\\_District\\_Totals\\_2010.pdf](http://www.portal.state.pa.us/portal/http://www.portal.state.pa.us:80/portal/server.pt/gateway/PTARGS_0_123031_917940_0_0_18/PSSA_Results_Math_and_Reading_District_Totals_2010.pdf)
5. 2010 SD performance at grade level (See pages 631-633, 713-715)  
[http://www.portal.state.pa.us/portal/server.pt/document/917637/pssa\\_results\\_math\\_and\\_reading\\_district\\_2010\\_pdf](http://www.portal.state.pa.us/portal/server.pt/document/917637/pssa_results_math_and_reading_district_2010_pdf)
6. 2009 overall SD performance (See pages 79 & 103)  
[http://www.portal.state.pa.us/portal/server.pt/gateway/PTARGS\\_0\\_123031\\_862914\\_0\\_0\\_18/PSSA\\_Results\\_Math\\_and\\_Reading\\_District\\_Totals\\_2009.pdf](http://www.portal.state.pa.us/portal/server.pt/gateway/PTARGS_0_123031_862914_0_0_18/PSSA_Results_Math_and_Reading_District_Totals_2009.pdf)
7. 2010 SD performance at grade level (See pages 304-305, 396-397)  
[http://www.portal.state.pa.us/portal/server.pt/gateway/PTARGS\\_0\\_123031\\_862902\\_0\\_0\\_18/PSSA\\_Results\\_Math\\_and\\_Reading\\_District\\_2009.pdf](http://www.portal.state.pa.us/portal/server.pt/gateway/PTARGS_0_123031_862902_0_0_18/PSSA_Results_Math_and_Reading_District_2009.pdf)
8. East Stroudsburg 2010 AYP Overview  
<http://paayp.emetric.net/District/Overview/c45/120452003>
9. East Stroudsburg 2010 AYP Data Table  
<http://paayp.emetric.net/District/DataTable/c45/120452003>
10. East Stroudsburg Area School District 2010 AYP Information for Educators  
<http://paayp.emetric.net/District/Educators/c45/120452003>
11. Wallenpaupack 2010 AYP Overview  
<http://paayp.emetric.net/District/Overview/c64/119648303>
12. Wallenpaupack 2010 AYP Data Table  
<http://paayp.emetric.net/District/DataTable/c64/119648303>
13. Wallenpaupack Area School District 2010 AYP Information for Educators  
<http://paayp.emetric.net/District/Educators/c64/119648303?schoolID>

14. SAT scores  
[http://www.portal.state.pa.us/portal/http://www.portal.state.pa.us:80/portal/server.pt/gateway/PTARGS\\_0\\_123031\\_917973\\_0\\_0\\_18/SAT\\_Scores\\_Public\\_Schools\\_2001-2010.xls](http://www.portal.state.pa.us/portal/http://www.portal.state.pa.us:80/portal/server.pt/gateway/PTARGS_0_123031_917973_0_0_18/SAT_Scores_Public_Schools_2001-2010.xls)
15. Map of Intermediate Unit 19  
[ftp://ftp.dot.state.pa.us/public/pdf/BPR\\_PDF\\_FILES/MAPS/Education/Intermediate\\_Unit\\_Map\\_Region19.pdf](ftp://ftp.dot.state.pa.us/public/pdf/BPR_PDF_FILES/MAPS/Education/Intermediate_Unit_Map_Region19.pdf)
16. Map of Intermediate Unit 20  
[ftp://ftp.dot.state.pa.us/public/pdf/BPR\\_PDF\\_FILES/MAPS/Education/Intermediate\\_Unit\\_Map\\_Region20.pdf](ftp://ftp.dot.state.pa.us/public/pdf/BPR_PDF_FILES/MAPS/Education/Intermediate_Unit_Map_Region20.pdf)
17. 2005 SD performance (pages 31 & 40)  
[http://www.portal.state.pa.us/portal/server.pt/community/school\\_assessments/7442/2004-2005\\_pssa\\_results/507504](http://www.portal.state.pa.us/portal/server.pt/community/school_assessments/7442/2004-2005_pssa_results/507504)
18. 2006 SD performance (page 47 & 62)  
<http://www.portal.state.pa.us/portal/server.pt?open=18&objID=354122&mode=2>
19. 2007 SD performance (pages 68, 88 & 89)  
<http://www.portal.state.pa.us/portal/server.pt?open=18&objID=354154&mode=2>
20. 2008 SD performance (pages 68 & 87)  
<http://www.portal.state.pa.us/portal/server.pt?open=18&objID=354176&mode=2>