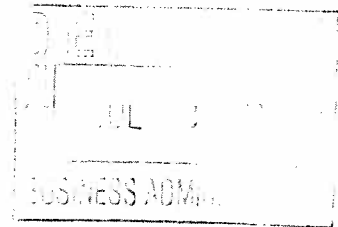




HILL WALLACK LLP
ATTORNEYS AT LAW

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June 29, 2012

JUL 03 2012
Superintendent's Office

Pennsbury School District
Administration Building
134 Yardley Avenue
P.O. Box 338
Fallsington, PA 19058

**Re: Petition of Concerned Residents of Pennsbury ("CROP") for
the Establishment of a New Representation Plan for the
Pennsbury District School Board**

Dear Sir/Madam:

Enclosed please find a copy of Petition of Concerned Residents of Pennsbury (CROP) for the Establishment of a New Representation Plan for the Pennsbury District School Board, the original of which was filed with the Clerk of Courts of the Bucks County Court of Common Pleas.

Very truly yours,

HILL WALLACK LLP



David J. Truelove

DJT:jem
Enclosure

cc: Judith Petrangelo
John McDonnell

IN THE COURT OF COMMON PLEAS OF BUCKS COUNTY

In Re: The Matter Of The
Establishment Of A New Representation Plan
For The Pennsbury District School Board

No:

ORDER FOR HEARING

AND NOW, this day of , 2012, a
hearing on the Petition filed by the Concerned Residents of Pennsbury regarding the
Establishment of a New Representation Plan for the Pennsbury School District School Board is
hereby set for the _____ day of _____, 2012 at ____ A.M./P.M. in Courtroom _____ at the
Bucks County Courthouse.

BY THE COURT:

J.

THE COURT OF COMMON PLEAS OF BUCKS COUNTY

In Re: The Matter Of The
Establishment Of A New Representation Plan
For The Pennsbury District School Board

No:

TO: THE CLERK OF COURTS:

**PETITION OF CONCERNED RESIDENTS OF PENNSBURY (“CROP”)
FOR THE ESTABLISHMENT OF A NEW REPRESENTATION PLAN
FOR THE PENNSBURY DISTRICT SCHOOL BOARD**

AND NOW comes Petitioners, John McDonnell and Judith Petrangeli, by and through their attorneys Hill Wallack LLP, seeking the establishment of a New Representation Plan for the Pennsbury District School Board, and in support thereof assert the following:

1. Petitioners, John McDonnell and Judith Petrangeli, are adult individuals, taxpayers and resident electors in the Pennsbury School District.
2. Petitioners file this Petition on behalf of themselves and on behalf of three thousand eight hundred fifty two (3,852) resident electors of the Pennsbury School District, and as representative members of Concerned Residents of Pennsbury (“CROP”).
3. Concerned Residents of Pennsbury is an Unincorporated Association, and has standing to bring this Petition, by Petitioners on behalf of its individual members.
4. The Pennsbury School District is a Second Class School District under and pursuant to the applicable provisions of the Pennsylvania School Code, 24 P.S. § 101 et. seq.
5. The Public School Code of 1949 as amended, 24 Pa. C. S. A. Section 3-303 (a), provides that:

... In each school district of the second, third and fourth class, there shall be a board of nine (9) school directors, who, except as otherwise provided in this act, shall be elected at large for terms of six (6) years....

Section 3-303 (b) (1), provides that:

... the board of school directors may develop a plan to elect school directors from regions or to elect some school directors at large and some from regions. Such a plan may also be developed by the resident electors of a school district as provided herein and shall have the same effect as one developed by the board of school directors.

Section 3-303 (3), provides that:

... Any proposed change in an approved plan, including abolition of regional representation, shall be submitted for approval to the court of common pleas by the board of school directors, or by a petition of the resident electors within the district. Where a region plan is approved, school directors who reside in each region shall be elected by and from each region. At all times each region shall be represented by directors elected or appointed from that region. Where a combination at large and region plan is approved, all regions shall have an equal number of school directors who reside in each region and who shall be elected or appointed by and from each region. At all times each region shall be represented by a director or directors elected or appointed from that region. All plans shall provide that three school directors shall be elected at each municipal election. In a combination at large and region plan, the number of regions shall be three. In a region plan not combining at large directors, the number of regions shall be three or nine.

6. In the case captioned In Re: The Matter Of The Establishment Of Representation For The Pennsbury School Board, No. 90000879-13-6 (1989), this Honorable Court created the current three regions for the election of nine Pennsbury School Board Directors, per the Order of the Honorable Kenneth G. Biehn.

7. In 1989, when the existing regions were created, the population in each particular region was correctly and properly apportioned so that each region contained approximately one third of the population in the district, therefore each region represented one third of the School Board Directors.

8. Since 1989, the population in the Pennsbury School District has drastically changed so that the current District regions for electing School Board Directors demonstrates a substantial population imbalance.

9. Pennsylvania Public School Code, Section 3-303 (b) (3) provides that "the population of each region shall be as **nearly equal as possible** and shall be compatible with the boundaries of election districts." (Emphasis added).

10. The current three region plan is both unfair and in violation of the Pennsylvania Public School Code, Section 3-303(b)(3) in that the region which includes the Municipalities of Lower Makefield Township and Yardley Borough ("Lower Makefield/Yardley") has undergone

population growth such that this region now contains forty point eight percent (40.8%) of the population for the entire Pennsbury School District.

11. In support of the population figures asserted in the preceding paragraph, Petitioners submit that based upon data from the 2010 census, the current regions contain the following population figures:

Region 1 (Yardley Borough and most of Lower Makefield Township) Population — 29,035 - 40.8% of the total district population of 71,165

Region 2 (Tullytown Borough and most of Falls Township) Population — 19,398 - 27.26% of the total district population of 71,165

Region 3 (Parts of Lower Makefield and Falls Townships) Population — 22,732 - 31.94% of the total district population of 71,165

12. As a result of the aforesated population imbalance in the Pennsbury School District voting regions, Region 1 is underrepresented on the Pennsbury School Board while Region 2 is overrepresented.

13. Because the present regional plan is grossly out of balance it therefore violates Pennsylvania Public School Code, section 3-303 (b) (3), and is further violative of the United States Constitution, Fourteenth Amendment's principle of one man, one vote, and the Constitution of the Commonwealth of Pennsylvania.

14. The Pennsylvania Public School Code, section 3-303 (b) (3) also provides that:

... Any proposed change in an approved plan, including abolition of regional representation, shall be submitted for approval to the court of common pleas by the board of school directors, **or by a petition of the resident electors within the district.** (Emphasis added)

15. In order to obtain the requisite number of electors who must petition the court, the School Code in section 3-303 (b) (2) further provides that:

Electors equal to at least twenty-five (25) per centum of the highest vote cast for any school director in the last municipal election may develop a plan to elect school directors from regions, or to elect some school directors from regions and some from the school district at large. Plans proposed by electors shall be subject to the same requirements as plans proposed by the board of school directors. (Emphasis added)

16. The last municipal election in Bucks County for the Pennsbury School District was in November of 2011. In that election, five board members were elected. Those successful candidates with their election returns are as follows:

<u>Director Elected</u>	<u>Number of Votes</u>
Steve Kosmorsky	3,760
Gary Sanderson	1,770
John Palmer	1,683
Jacqueline Redner	1,624
Chris Cridge	2,652

17. Dr. Steve Kosmorsky received the highest number of votes in the November 2011 election. Therefore, twenty five percent of the highest vote cast for any director would be 940 (3,760 x .25 = 940). Attached hereto and incorporated herein and marked as Exhibit "C" are petitions containing 3,852 signatures of resident electors who approve the following adjustment and/or modification of the current regional boundaries in the Pennsbury School District.

18. The Pennsylvania Public School Code, section 3-303 (b) (3) provides in pertinent part that:
 ... "In a region plan not combining at large directors, the number of regions shall be three or nine."

The proposed change by the resident electors is a redrafting of regional lines from the current three region plan to a nine region plan. In a nine region plan the ideal percentage of the total School District population for each region is 11.11% and the ideal total population for each region is 7,907

19. Pursuant to the Pennsylvania Public School Code, section 3-303 (b) (3) which mandates each voting region shall be as nearly equal in population as possible, the proposed nine region plan known as "Citizen 1" will consist of the following precincts:

Citizen 1

<u>Region 1</u>	<u>Region 2</u>	<u>Region 3</u>
Lower Makefield North 2, 3, 4 Population: 7,941 Percentage: 11.16%	Lower Makefield North 1 Lower Makefield South 1, 5 Yardley Borough Population: 7,982 Percentage: 11.22%	Lower Makefield North 5, 6 Lower Makefield South 9 Population: 8,127 Percentage: 11.42%
<u>Region 4</u>	<u>Region 5</u>	<u>Region 6</u>
Lower Makefield South 4, 7, 8 Falls Township 1-3 Population: 8,032 Percentage: 11.29%	Lower Makefield South 2, 3, 6 Falls Township 1-5 Population: 7,876 Percentage: 11.07%	Falls Township 2-1, 2-2, 3-1, 3-2 Population 7,920 Percentage: 11.13%
<u>Region 7</u>	<u>Region 8</u>	<u>Region 9</u>
Falls Twp. 1-2, 1-4, 1-6, 4-3, 4-6 Population: 7,740 Percentage: 10.88%	Falls Twp. 4-1, 4-2, 4-4, 4-5, 4-7 Population: 8,008 Percentage: 11.25%	Falls Twp. 1-1, 1-7 Tullytown Borough

Population: 7,539
Percentage: 10.59%

20. The precincts included in each proposed region of "Citizen 1", and the percentage of population which each region represents, were listed in a petition circulated for signatures. A copy of the circulated petition is attached hereto and incorporated herein and marked as Exhibit "A".

21. In addition, Petitioners attach hereto a map of the proposed nine regions in "Citizen 1" as Exhibit "B" and incorporate same by reference herein.

22. Further, Petitioners assert that a binder containing original, authentic signatures of the 3,852 resident electors is available for review and will be produced at the hearing, when scheduled by the Court. In lieu of producing said binder with this Petition, Petitioners attach hereto a CD-ROM, as Exhibit "C," which is a true and correct copy of all said signatures, all of which is incorporated by reference herein.

WHEREFORE, Petitioners, on behalf of CROP and the 3,852 resident electors of the Pennsbury School District respectfully request according to the foregoing Petition hereto, and by and through its Petitioners to approve the 9-Region Plan as "Citizen 1" for electing Pennsbury School District Directors, so that the representational requirements set for in the Pennsylvania Public School Code, the Constitution of the Commonwealth of Pennsylvania, and the Constitution of the United States of America shall be satisfied.

Respectfully submitted,

Hill Wallack LLP

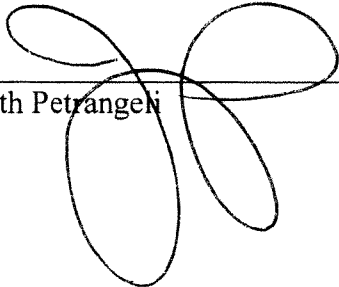
By: 

David J. Truelove
Attorney I.D. 38713
Francis J. Sullivan, Esquire
Attorney I.D. 15911
777 Township Line Road
Suite 250
Yardley, PA 19067
215-579-7700
Attorneys for the Concerned
Residents of Pennsbury

VERIFICATION

I, JUDITH PETRANGELI, verify that the statements made in the foregoing Petition of Concerned Residents of Pennsbury ("CROP") are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. Section 4904, relating to unsworn falsification to authorities.

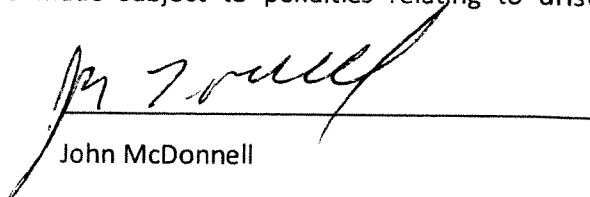
Date: 6/28/12

Judith Petrangeli 

VERIFICATION

JOHN MCDONNELL, deposes and says that he is duly authorized to make this verification and verifies that the statements made in the foregoing PETITION are true and correct to the best of his knowledge, information, and belief.

He understands that false statements herein are made subject to penalties relating to unsworn falsifications to authorities.



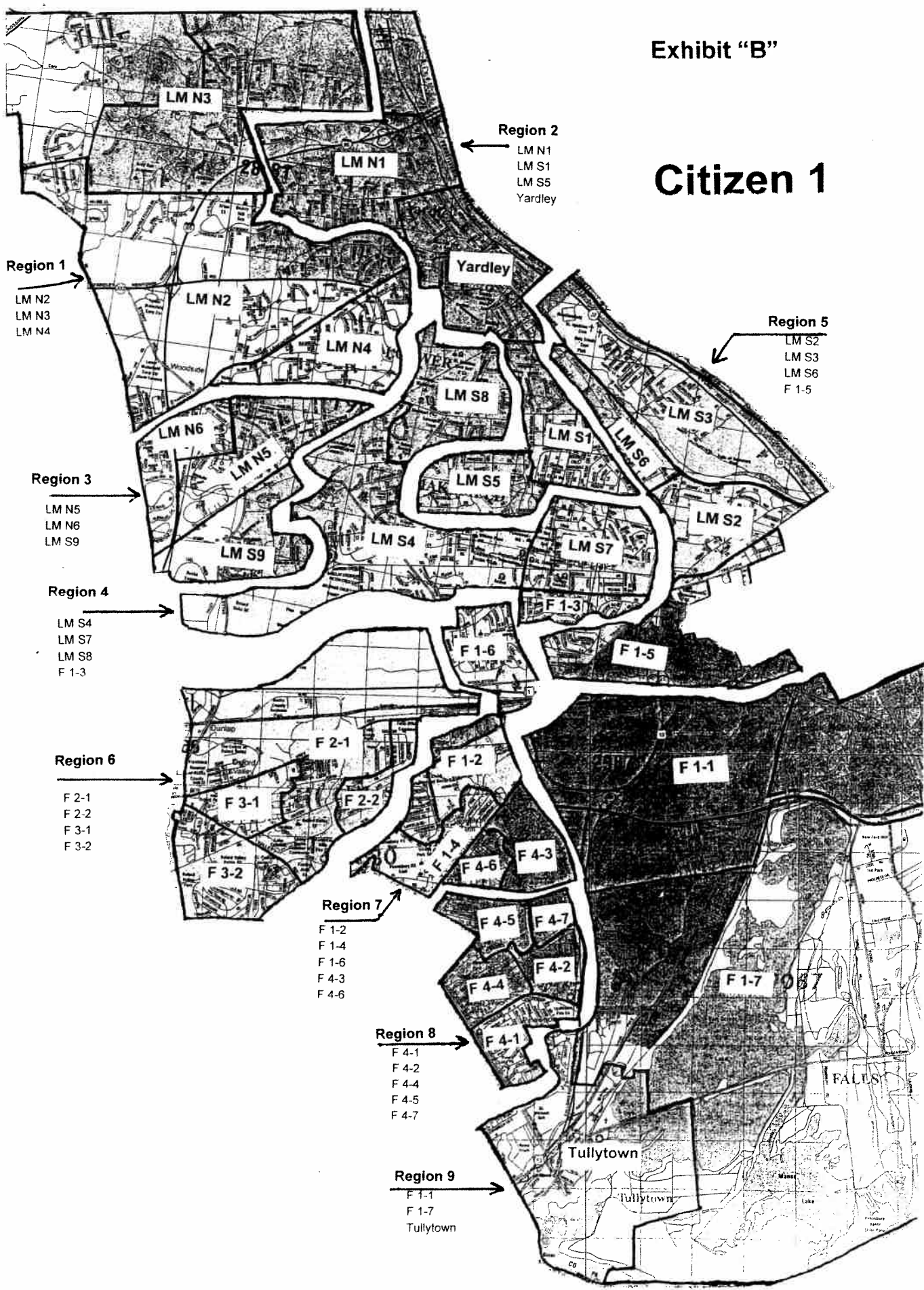
John McDonnell

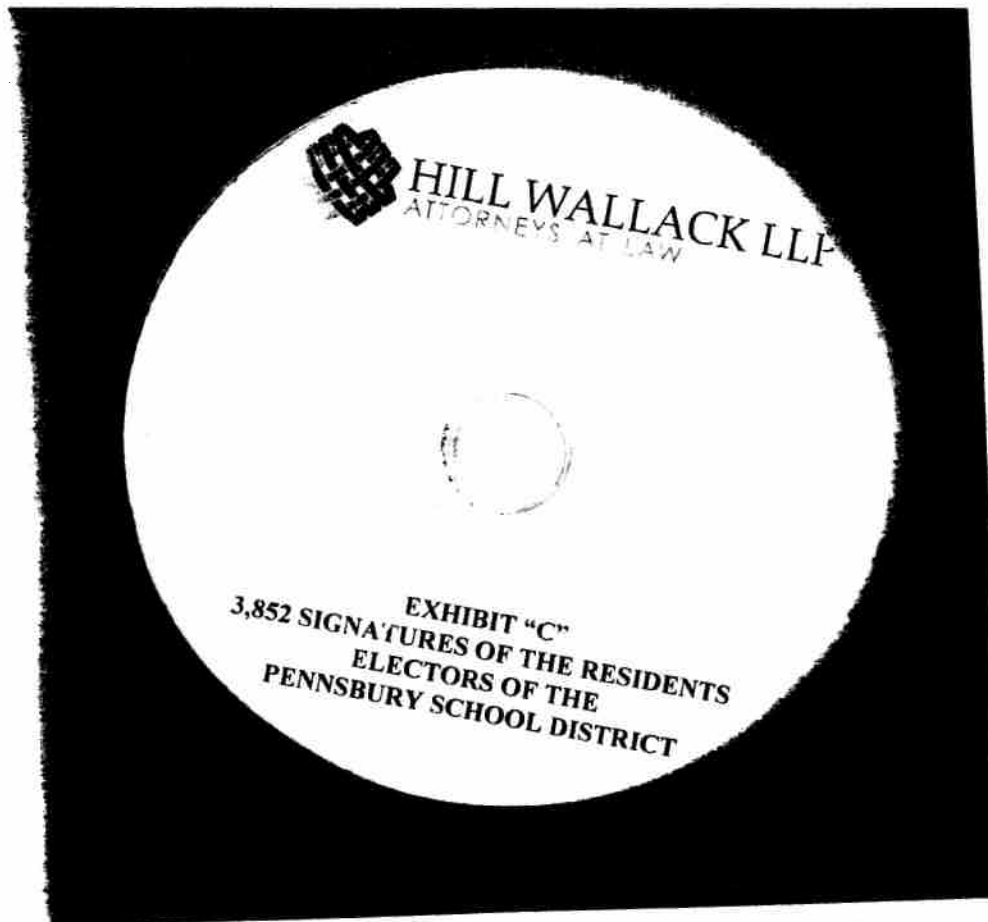
EXHIBIT "A"

EXHIBIT "B"

Exhibit "B"

Citizen 1





**CD-ROM of
3,852 Signatures of the
Resident Electors of the
Pennsbury School District**

EXHIBIT "C"

THE COURT OF COMMON PLEAS OF BUCKS COUNTY

In Re: The Matter Of The
Establishment Of A New Representation Plan
For The Pennsbury District School Board

No:

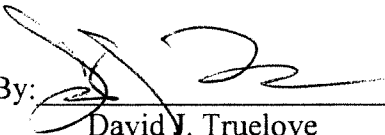
TO: THE CLERK OF COURTS:

CERTIFICATE OF SERVICE

I, David J. Truelove, Esquire, hereby certify that a true and correct copy of Petition of the Concerned Residents of Pennsbury ("CROP") was mailed on the below listed date, via United States regular mail, postage prepaid to the following:

**Pennsbury School District
Administration Building
134 Yardley Avenue, PO Box 338
Fallsington, Pennsylvania 19058**

Hill Wallack LLP

By: 
David J. Truelove
777 Township Line Road
Suite 250
Yardley, PA 19067
215-579-7700

DATE: June 29, 2012