

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

In Re: : **No: 07-2132**
:
PETITION FOR FORMATION :
OF :
INDEPENDENT SCHOOL DISTRICT :

Appeal of Riegelsville Tax & Education Coalition

PROPOSED FINDINGS AND CONCLUSIONS

INTRODUCTION AND EXPLANATION

This document contains proposed post administrative hearing Findings of Fact and Conclusions for use by the Secretary of Education in his determination of whether the Petition has educational merit. It is submitted at the suggestion of Common Pleas Judge Clyde W. Waite who conducted a supplemental administrative hearing in this matter on March 23, 2009 after a remand of the Petition to him by the Commonwealth Court for that purpose.¹

As allowed by law these proposed findings are supported by a separate Memorandum of Law that applies these found facts to the applicable law of the matter at hand, i.e. whether these facts support a finding by the Secretary of Education under 24 P.S. §242.1 that the subject Petition is "meritorious from an educational standpoint".² Legal conclusions are not included in this document.

¹See *Petition for Formation of Independent School District (Riegelsville)*, 962 A.2d 24 (2008). The transcript of that hearing has been forwarded to the Secretary. Because there was some confusion about the exhibit list in the transcript a complete exhibit list with correct references to transcript page numbers, etc., is annexed hereto.

²As to the right to submit a post administrative hearing brief see 2 Pa C.S.A. §506.

The format of these proposed findings sets forth proposed factual finding in serial numerical fashion broken down into eight categories as follows:

- I. PROCEDURAL BACKGROUND
- II. HISTORICAL BACKGROUND
- III. THE ANNEXATION OF 1968
- IV. THE LACK OF ANY "GEOGRAPHIC FIT" OF THE BOROUGH AND THE CITY
- V. COMPARATIVE TRANSPORTATION ROUTES
- VI. STUDENT ENROLMENT AND ABSORPTION BY PSD
- VII. COMPARATIVE STUDENT PERFORMANCE
- VIII. THE LACK OF COMMUNITY BETWEEN THE BOROUGH AND THE CITY

The testimony and or documentation supporting each proposed factual finding is set out below each in *italics*. References are to pages in the transcript of the hearing testimony (e.g. *T-000*) and to the applicable hearing exhibit number or other source of public source documentation.

The conclusions regarding each fact category are set out at the end of the document together with an overall conclusion.

FINDINGS

I. PROCEDURAL BACKGROUND

1. On March 19, 2007, 417 taxable inhabitants of the Borough of Riegelsville in Bucks County (hereafter only "the Borough") under the style of the

"Riegelsville Tax and Education Coalition" presented a Petition to the Common Pleas Court of Bucks County to form an independent school district for purposes of transfer to another school district pursuant to 24 P.S. §242.1.

The Petition is already of record in this Proceeding.

2. The area sought to be formed by way of this Proceeding into an independent school district for purposes of transfer from one school district to another is the entirety of the Borough which is contiguous with PSD.

The Petition is already of record in this Proceeding.

3. The Petition proposed to transfer the territory of the Borough from Easton Area School District in Northampton County (hereafter only "EASD") to Palisades School District in Bucks County (hereafter only "PSD").

The Petition is already of record in this Proceeding.

4. On April 23, 2007 the Common Pleas Court (Judge Waite) held a hearing on the Petition as required by 24 P.S. §242.1 in order to aid him in determining if the Petition has been signed as required by law.

The hearing transcript of the hearing of April 23, 2007 and related exhibits are already of record in this proceeding.

5. On April 24, 2007 the Common Pleas Court (Judge Waite) determined the Petition had been signed by the requisite number of signatories as required by 24 P.S. §2-242.1

This Order is of record in this Proceeding.

6. Thereafter, the Common Pleas Court (Judge Waite) solicited the opinion of the Commonwealth's Secretary of Education as to the merits of the Petition "from an educational standpoint" as required by 24 P.S. §242.1.

This Order is already of record in this Proceeding.

7. Thereafter, the Secretary of Education proffered a Questionnaire with regard to the educational merit of the Petition and solicited answers to the questions posed in the Questionnaire from EASD and PSD and the Petitioners. Each party thereafter submitted answers and replies to those answers to the Secretary

The Secretary's Questionnaire and the parties answers and replies thereto are already of record in this Proceeding.

8. On January 24, 2008 the Secretary of Education concluded - without any explanation - that the Petition lacked merit from an educational standpoint and transmitted his opinion to the Common Pleas Court (Judge Waite).

The Secretary's opinion is already of record.

9. Thereafter, on February 7, 2008 the Common Pleas Court (Judge Waite) denied the Petition as required by 24 P.S. §242.1.

The Order of denial is already of record in this Proceeding.

10. Thereafter, the Petitioners appealed the denial of their Petition to the Commonwealth Court which reversed the Order of denial and remitted the matter to the Common Pleas Court directing that the Secretary render an opinion based on facts, reasons and explanations that could be reviewed by a court if need be.

In re: Petition For Formation of Independent School District
(Riegelsville), 962 A.2d 24 (Pa. Cmwlth, 2008).

11. On January 28, 2009 the Common Pleas Court (Judge Waite) directed that a factual hearing be held in order to supplement the record as to the merit of the Petition from an educational standpoint.

The Order directing the hearing is already of record in this Proceeding.

12. On March 23, 2009 the Common Pleas Court (Judge Waite) conducted a factual hearing in order to supplement the record at which time the Coalition presented 11 witnesses and 32 exhibits in supplementation of the record in favor of the educational merit of the Petition. EASD and PSD presented two witnesses in opposition to the educational merit of the Petition.

The transcript of this factual hearing and the all exhibits have been transmitted by the Common Pleas Court (Judge Waite) to the Secretary.

13. Neither the Secretary nor any representative of the Pennsylvania Department of Education attended or participated in this factual hearing, the Department's counsel having previously advised the Common Pleas Court (Judge Waite) that the Department would not participate.

The Department's declination to participate in the hearing is of record in this Proceeding.

II. HISTORICAL BACKGROUND

14. As far back as 1846 with the advent of compulsory education in the Commonwealth the students from the Riegelsville area of Bucks County attended a one room school house in the center of Riegelsville.

Testimony of Stephen Lance at T-61.

15. Riegelsville was constituted as a Borough in 1916 being set off from Durham Township in Bucks County.

This is a matter of well established public record.

16. As originally established the Borough encompassed about 220 acres - a half mile square

This is a matter of well established public record.

17. Upon its formation IN 1916 the Borough, by law, became its own separate school district with its own board of school directors located in Bucks County.

24 P.S. §2-201.

18. After the formation of the Borough its children attended elementary (Gr 1-8) and highschool (GR 9-12) at a school house located in the center of the Borough on Delaware Avenue which now serves as the Borough's Fire Station.

Testimony of Stephen Lance at T-61ff.

19. In 1932 the Borough school directors and the directors of the school district for the City of Easton in Northampton County entered into a joint contract whereby the City District would accept and educate highschool students from

the Borough as the Borough school house could no longer accommodate their number.

Testimony of Stephen Lance at T-61ff.

20. The decision of the Borough school directors to utilize the Easton schools was one of necessity as the City of Easton's was the closest school system to the Borough offering high school availability. At the time the next nearest school system with highschool availability was Doylestown, Bucks County, about 25 miles away from the Borough.

Testimony of Stephen Lance at T-62,63.

21. In 1958 the Directors of the Borough School District applied to join, and were granted permission to join, the Easton Area Joint School Authority, a joint governmental entity consisting, at that time, of the school districts of the City of Easton, and the Townships of Forks and Palmer, for purposes of jointly administering the affairs of each school district. Riegelsville was given one vote on the joint board of school directors.

Testimony of Stephen Lance at T-62 and records of EASD for 1958.

22. On July 8, 1964, pursuant to Act 299 of 1963 (the School District Reorganization Act of 1963) the State Board of Education approved a plan of school district consolidation for all of Bucks County which included Unit 63-1 consisting of the Bridgeton, Durham, Nockamixon, Springfield and Tinicum Townships that became known as the Palisades School District (PSD) to be governed by its own board of school directors as provided for in Act 299.

Public records of the PA Board of Education at Harrisburg [1964 Volume of the minute Book of the Board of Education for at pp. 5-20 et seq.]

23. On May 9, 1969 pursuant to Act 150 of 1968 (the School District Reorganization Act of 1968) the State Board of Education - over several objections including the Borough's - approved a plan of school district consolidation for the Easton area of Northampton County as Unit 48-05-2 that included the school districts of the City of Easton, the townships of Forks and Palmer, the Lower Mount Bethel Independent School District, and the Riegelsville Borough School District. This administrative unit became known as the Easton Area School District (EASD) to be governed by its own board of school directors as provided for by Act 150.

Testimony of Stephen Lance at T-62. Minutes and public records of the PA Board of Education at Harrisburg [1968-69 Volume of minutes for the Board of Education at pg. 9-176A et seq.] These minutes and other public records of the Board of Education at Harrisburg reveal the objections in some detail. The objections were ultimately rejected by the Board after administrative hearings before a panel of the Board held on February 7, and April 3, 1969. The transcript of those hearings are on file in the records of the Board at Harrisburg. The actual recommendation of the Panel is missing from the Board's records

24. On June 23, 1975 the Board of School Directors of EASD determined to close the school located in the Borough. Thereafter all students from the Borough were educated at the facilities of the EASD in the City of Easton.

Testimony of Stephen Lance at T-62 and Minutes and public records of EASD dated June 23, 1975.

25. Thereafter, the school house in the Borough was closed and conveyed by EASD to the Borough which, in turn, leased it to the Fire Company serving the Borough. The old school house currently serves as the Borough's fire station.

Testimony of Stephen Lance at T-61 and public records and minutes of the directors of EASD for June-23, 1975 and public records and minutes of the Riegelsville Borough Council for July 9, 1975.

26. As it is currently configured no part of EASD is contiguous with the Borough.

Testimony of Stephen Lance at T-65 and Exhibit 6.

27. As currently configured the entire western and southern boundary of the Borough is contiguous with PSD.

Exhibits 4 and 5.

28. The Borough is physically separated from EASD by the entirety of the Wilson School District.

Testimony of Stephen Lance at T-65 and Exhibits 4 and 5.

29. The lands annexed into the Borough in 1968 - a 290 ± acre tract known as the Ceader Farm - is not in EASD. [See details below under "Annexation".]

That section of the Borough, which accounts for about one half its size, is in PSD and the students who reside in that annexed area are serviced by PSD. As a result the Borough is split in half by two separate school districts.

Testimony of Stephen Lance at T-63ff, Exhibits 4 and 5.

30. All Borough students traveling to any of the schools in EASD must pass through the Wilson School District in order to reach any of the schools in EASD by way of Rt. 611.

Testimony of Stephen Lance at T-65 and Exhibit 6 and testimony of Damion Newton at T-97.

31. All Borough students traveling to any of the schools in EASD must use PA St. Rt. 611 north along the Delaware River, commonly known as the "River Road" to reach those schools.

Testimony of T-65 and Exhibit 1 and 2.

III. THE ANNEXATION OF 1968:

32. On December 19, 1968 the Borough annexed to itself 290± acres, known as the Ceader Farm, along its westerly boarder. Before annexation the Ceader Farm had been in the Township of Durham and in PSD in Bucks County

Testimony of Stephen Lance at T-63; public records of the Borough [Ordinance No. 105 of 1968].

33. The annexation virtually doubled the size of the Borough from one half mile square in size to one mile square.

Exhibit 4 and 5.

34. By virtue of the directives contained in the 1949 School Code, in March 1969, the clerk of the Bucks County Quarter Sessions Court (now the Court of Common Pleas), which supervised the annexation, notified the Secretary of Education of the of the annexation for purposes of having the Council of Basic Education consider the expansion of the boundaries of the Borough School District or EASD to include the annexed lands.

24 P.S. §2-227 and Public Records of the Clerk of the Bucks County Quarter Session Court.

35. Neither the Council of Basic Education or the Board of Education took any action with regard to the annexed territory.

The minutes of the Council and the Board for 1968 and 1969 are devoid of any indication of any action or determination by either in this respect.

36. Because neither the Council of Basic Education or the Board of Education took any action with respect to the annexed territory, by law, these lands remained in PSD after the annexation.

24 P.L. §2-201 (last sentence) and In re: Annexation By Borough of Irwin of Lands in North Huntingdon Township, 67 A.2d 765 (Pa Sup., 1949).

37. The annexed lands remain in PSD today.

Testimony of Stephen Lance at T-63. There has never been a dispute at to this fact.

38. The Borough is split virtually asunder by the boundary of EASD and PSD

Exhibit 4, 5 and 8.

39. All of the 290± acres in the annexed territory are currently zoned residential and are capable of being developed with dwellings (single family detached dwellings and cluster subdivisions) at densities varying from 15,000 sq. ft per dwelling unit to 3 acres per dwelling unit.

Testimony of Stephen Lance at T-64 and Exhibit 8 (The Borough Zoning Map) and comments of Judge Waite at T-190,191 and Borough of Riegelsville Zoning Law §§303[B1] and [B2].

40. The annexed lands are currently used primarily for agricultural uses (farming) but do contain three dwellings along the northerly bounds of the Borough of Riegelsville on Spring Hill Road and one dwelling in the center of the Borough at the terminus of Ash Lane. These dwellings currently produce four school age children serviced by PSD.

Testimony of Stephen Lance at T-64 and Exhibit 4.

41. The school age children in the annexed lands are currently bused by PSD by means of a school bus that travels through the center of Riegelsville Borough along the same route that is used by the school buses of EASD - PA St. Rt. 611.

Testimony of Stephen Lance at T-64.

IV. THE LACK OF ANY "GEOGRAPHIC FIT" BETWEEN THE BOROUGH AND THE CITY

42. The Borough is rectangular in shape and approximately 1 square mile in area and, as of 2000, had a population of 863 with a resulting density of 1.3 persons per acre.

Testimony of Todd Meyers at T-73 and Exhibit 4, 5 and 10.

43. The Borough is surrounded by and immediately adjacent to the Townships of Durham in Bucks County on the south and west, Williams in Northampton County on the north, and Holland and Pohatcong in Hunterdon County (NJ) across the Delaware River on the east.

Exhibits 1 (Re: PA) and 2 (Re: PA and NJ).

44. The southerly boundary of the City of Easton lies approximately 5 miles straight line distance and $6.5 \pm$ miles distant by road (Rt. 611) north of the most northerly boundary of the Borough and is separated from the Borough by Williams Township.

Exhibit 1 (scaled at 1" = 3,100').

45. Durham Township is 9.4 square miles in area and, as of 2000, had a population of 1,313 with a resulting density of .22 persons per acre or 1 person per 4.5 acres. By way of illustration an acre is roughly the size of a football field.

Testimony of Todd Meyers at T-74 and, Exhibit 11.

46. Williams Township is 18.4 square miles in area and, as of 2000, had a population of 4,470 with a resulting density of .38 persons per acre or 1 person per 2.6 acres. By way of illustration an acre is roughly the size of a football field.

Testimony of Todd Meyers at T-75 and Exhibit 12.

47. Pohatcong Township (NJ) is 13.6 square miles in area and, as of 2000, had a population of 3,416 with a resulting density of .29 persons per acre or 1 person per 3.4 acres. By way of illustration an acre is roughly the size of a football field.

Testimony of Todd Meyers at T-75,77 and Exhibit 41.

48. Holland Township (NJ) is 24.1 square miles in area and, as of 2000, had a population of 5,124 with a resulting density of .34 persons per acre or 1 person per 2.94 acres. By way of illustration an acre is roughly the size of a football field.

Testimony of Todd Meyers at T-76, 77 and Exhibit 42.

49. The City of Easton is 4 square miles in area and, as of 2000, had a population of 26,209 with a resulting density of 9.6 persons per acre. By way of illustration an acre is roughly the size of a football field.

Testimony of Todd Meyers at T-77 and Exhibit 13.

50. According to the 1990 US Census Bureau Urban-Rural classifications the Borough is classified as rural and the City of Easton, as part of an Urban Area

consisting of the contiguous cities of Allentown, Bethlehem, Easton and Phillipsburgh (NJ), is classified as urban.

Testimony of Todd Meyers at T-82 and Exhibits 38 (Chapter 12), and 1, 2, and 3.

51. According to the National Center for Educational Statistics (US Department of Education) urban-centric classifications the Borough is classified as a "Distant Rural" territory and the City of Easton as a "Midsize City".

Testimony of Todd Meyers at T-84 and 92, 93 and Exhibit 39.

52. The Borough is set off and separated from the City of Easton by five (5) distinct topographical barriers:

- The mountains south of the City consisting of Bougher Hill, Elephant Rock, and Morgan Hill.
- The Delaware River running immediately adjacent to the south mountains.
- The Lehigh River joining the Delaware at Easton
- Interstate I-78 an Interstate highway with very limited crossing availability.
- The Lehigh and Hudson River RR Viaduct

Exhibits 1, 2 and 3 and Testimony of Todd Meyers at T-78-81 and 88.

53. For persons and vehicles traveling north from the Borough to the City there is only one viable route through these topographical barriers being Rt. 611 (known as "the River Road") literally carved out of the mountains, shelf like,

between the easterly wall of the mountains and the westerly edge of the Delaware River (and the adjoining Delaware - Bristol Canal) passing under I-78 at the City's south boundary, and over the 3d Street Bridge across the Lehigh River and under the Lehigh and Hudson RR Viaduct leading to Larry Holmes Drive.

Exhibits 1, 2 and 3.

V. COMPARATIVE TRANSPORTATION ROUTES

I. Number of Students Serviced by EASD

54. There are 62 students from the Borough who attend EASD schools and 23 Borough students who attend private schools all of whom are served by EASD buses. In 2009, the total number of students originating from the Borough is 95.

Testimony of Joseph S. Kish EASD assistant school superintendent in charge of transportation at pg. 107 of the testimony of April 23, 2007 in Common Pleas Court. Kish says the numbers were, at that time, 65 public school and 24 private school students.

A recent Right to Know request (annexed) of EASD reveals the numbers as of 2009 are 62 students attending EASD schools and 23 students attending private schools all served by EASD.

This Right to Know response also details the breakdown of the number of students attending the schools outlined. That information was also testified to but with less clarity by EASD business manager Jeffery Bader at the April 23, 2007 hearing at pg. 113 of the testimony of that hearing.

ii. Number of School Bus Trips by EASD

55. EASD currently runs 7 school buses north from the Borough to and from the City of Easton each school day to its schools in that city to accommodate the 62 children from the Borough who attend EASD schools.

Testimony of Damion Newton at T-107,108.

56. EASD currently runs 2 school bus from Riegelsville south to and from private schools in Nockamixon and Bridgetown Townships to accommodate 23 children from the Borough who attend those private schools and for which EASD is, by law, responsible for transporting. Those private schools to the south are St. John the Baptist in Ottsville, Nockamixon Township and The River Valley School in Upper Black Eddy, Bridgeton Township.

Testimony of Damion Newton at T-108 and John Monteverde at T-159.

See EASD response to Right to Know request annexed as to the names of the southerly private schools.

iii. Length of School Bus Trip to EASD schools - Distance

57. The length of the school bus run from the center of the Borough to the schools in the City of Easton in terms of distance (miles) is as follows:

- *The distance to Cheston Elementary School - the EASD school nearest to the Borough - via Rt. 611 north, and through the city streets of Easton is 9± miles*
- *The distance to Easton Area Middle School and Shawnee Intermediate Middle School - the EASD schools furthest from the Borough - via Rt. 611 north , the 3d Street Bridge and through the city streets of Easton is 11.5± miles*
- *The distance to Easton High School via Rt. 611 north, the 25th Street Bridge and through the city streets of Easton is 10± miles*
- *The distance to Palmer Elementary School via Rt. 611 north, the 3d Street Bridge and through the city streets of Easton is 11 ± miles.*

Testimony of Damion Newton at T-102: Exhibit No. 1 (scaled at 1" = 3,100').

iv. Length of School Bus Trip to EASD schools - Time

58. The travel time from the center of the Borough to the Cheston Elementary School, the school nearest to the Borough, is 25-30 minutes by car which does not account for the time on a school bus consumed in stopping at school bus stops to pick up students.

Testimony of Damion Newton at T-103 and T-113. Victor Egberts, EASD's witness says the actual school bus time is to Cheston Elementary is 25 minutes. Testimony of Victor Egberts at T-186.

59. The travel time from the center of the Borough to the EASD highschool is 38 minutes.

Testimony of Victor Egberts, witness for EASD, at T-186.

60. The travel time from the center of the Borough to the EASD middle school is 32-34 minutes.

Testimony of Victor Egberts, witness for EASD, at T-186,187.

v. Nature of the Transportation Route to EASD Schools

61. The only travel route to the schools in the City of Easton from the Borough in Bucks County is via Rt. 611 north (a/k/a "the River Road") through Northampton County and through the city streets of the City of Easton.

Exhibit 1, 2 and 3.

62. This travel route traverses the breadth of the intervening Wilson School District in Northampton County a distance of about 5 ± miles

Testimony of Damion Newton at T-97 and 110, Exhibit 1 (scaled to 1"=3,100').

63. Rt. 611 north between the Borough and the 3d Street Bridge in Easton is the only route available for north-south commercial traffic between the Borough (and south thereof) and the City and, as a result it is used not only by automobile traffic but by commercial vehicles of all kinds including 18 wheel trailer trucks, large fuel delivery trucks, garbage pick up trucks and trucks of all kinds.

Exhibit 1, 2 and 3, Testimony of Damion Newton at T-100,101.

64. Travel route north along Rt. 611 between the Borough and the 3d Street Bridge across the Lehigh River in the City of Easton - a overall distance of about 7 miles - is tortuous, with many blind turns with very limited site distance and miles of road without pull off or shoulders. Guard rails are literally on the edge of the pavement. It is a road that is constrained by its narrow width of travel (two 10' wide lanes - one north and one south), the very close proximity of the mountain slopes on the west, the Delaware-Bristol Canal and the Delaware River on the east, and the "chute like" effect created by the walls, mountains and barriers along its route that provide no "safe space" for accident avoidance or pull offs for disabled vehicles. It is a "very dangerous road".

Testimony of Damion Newton at T-98-101 and Exhibits 2, 3 and 40.

65. The effect of the narrow, twisting "chute like"³ route of Rt. 611 between the Borough and the Easton City line is to force large vehicles such as 18 wheelers to the center of the road in order to avoid contact with the walls and guard rails located along the very edge of its traveled way creating a very dangerous condition around many or the road's blind curves.

Testimony of Damion Newton at T-98.

66. When Rt. 611 north between the Borough and the City of Easton is closed due to inclement weather or accidents or otherwise, i.e. flooding from the immediately adjacent Delaware River - there are no alterative routes for school

³The transcript of the March 23, 2009 hearing in this regard continually erroneously transcribes this term as "shoot like". It is "chute" and "chute like".

buses to reach the schools in the City of Easton from the Borough. In such situations school buses already en route to or from the Borough must be turned back.

Testimony of Damion Newton at T-105-107 and Exhibit 45 re: the advice of EASD deputy superintendent Joseph Kish in charge of transportation with respect to the accident of January 29, 2009 that closed Rt. 611 north.

67. PA Department of Transportation records indicate that for the years 2003, 4, 5, 6, 7, the "crash" history of reported accidents on Rt. 611 between the Bucks County/Borough line and Larry Holmes Drive in the City of Easton (just over the 3d Street Bridge) averaged 167 reported accidents.

Exhibit 9 together with Exhibit 1 (scaled at 1" = 3,100')

Testimony of Damion Newton at T-108,109.

vi. Length of School Bus Trip to PSD Schools - Distance

68. The length of the school bus run from the center of the Borough to the PSD campus on Church Hill Road and PA Rt. 412 in Durham Township in terms of distance (miles) all via Rt. 611 south and Church Hill Road and Rt. 412 is six miles.

Testimony of Damion Newton at T-172 and Exhibit No. 1 (scaled at 1" = 3,100').

vii. Length of School Bus Trip to PSD Schools - Time

69. The estimated length of the school bus run from the center of the Borough to the PSD campus on Church Hill road and PA Rt. 412 in Durham Township is 10 minutes.

Testimony of Damion Newton at T-103.

viii. Nature of the Transportation Route - to PSD Schools

70. The primary travel route from the Borough to the PSD campus located on Church Hill Road and Rt. 412 is via Rt. 611 south to Church Hill Road to Rt. 412.

Exhibit No. 1 and Testimony of 102.

71. If either Rt. 611 south or Church Hill Road is closed for any reason there are multiple alternative routes to reaching the PSD campus from the Borough, e.g.,

- If Rt. 611 is closed south of Rt. 212: by way of Rt. 212 west to Rt. 412;
- If any part of Church Hill Road is closed: by way of Rt. 611 southwest to Rt. 412;
- If Rt. 611 is closed between the Borough's southerly boundary (at Durham Road) and Rt. 212: by way of
 - (a) Spring Hill Road west to Durham Road to Old Philidelphia Road to Rt. 211 to Rt. 412, or
 - (b) Delaware Avenue west to Sherers Hill Road to Stouts Hill Road to Rattlesnake Road to Rt. 212 to Rt. 412.

Exhibit 1 and testimony of Damion Newton at T-104.

72. As of the date of the administrative hearing (March 23, 2009) Church Hill Road was completely closed because of the ongoing bridge reconstruction at Ferndale across Gallows Run in Durham Township and PSD school buses used the Rt. 611 to Rt. 412 alternative to reach the PSD campus without hindrance or trouble.

Testimony of Damion Newton at T-104.

73. The primary route of travel from the Borough to the PSD campus in Durham Township is divided into geographic three segments: (1) Rt. 611 south from the Borough to Kitnersville, (2) Rt. 611 southwest from Kitnersville to Ferndale, and (3) Church Hill Road west from Ferndale to Rt. 412.

Exhibit 1.

74. Rt. 611 south from the Borough to Kitnersville - a distance of $2.5 \pm$ miles - is wide, level and straight, with ample line of sight and wide shoulders and numerous pull off areas.

Exhibits 1, 2 and 3 and testimony of Damion Newton at T-112.

75. Rt. 611 south and west from Kitnersville to Church Hill Road in Ferndale, the second segment of the this route - a distance of $2 \pm$ miles - is somewhat constrained with mountains and guardrails on either side and a downgrade through the mountains but is straight with ample line of sight and several pull off areas.

Exhibits 1, 2, and 3, Testimony of Damion Newton at T-103.

76. In terms of safety there is no comparison between Rt. 611 south and west between Kitnersville and Ferndale compared to Rt. 611 north between the Borough line and the City of Easton. The former is far shorter, with a much better sight distance, it is straight and has ample pull off areas.

Testimony of Damion Newton at T-103,104, and 112 and Exhibits 1, 2 and 3.

77. Church Hill Road west from Rt. 611 in Ferndale to Rt. 411, the third segment of this route - a distance of 1.5± miles - is straight, wide with ample sight distance and shoulders and pull off areas.

Exhibits 1, 2 and 3.

78. The PA Department of Transportation records indicate that for the years 2003, 4, 5, 6, 7, the "crash" history for reported accidents on Rt. 611 south and west between the Delaware Avenue (in the center of the Borough) and Church Hill Drive in the Town of Durham, Bucks County averaged 56 reported incidents per year - one third less than on the Rt. 611 north between the Borough line and the City of Easton for the same time frame.

Exhibit 9 together with Exhibit 1 (scaled at 1" = 3,100').

Testimony of Damion Newton at T-108.

VI. STUDENT ENROLMENT AND ABSORPTION BY PSD

79. The actual enrollment of PSD over the last several years is

- 2003-2004: 2123
- 2004-2005: 2083

- 2005-2006: 2074
- 2006-2007: 2040
- 2007-2008: 2065

Exhibit 17 Enrollment statistics compiled by the Pennsylvania Department of Education.

80. The projected enrollment for PSD as calculated by the Pennsylvania Department of Education (2007) through the year 2018 continues in a progressively downward trend and is projected to be 1,468 in the year 2017-2018.

Exhibit 17 Enrollment statistics compiled by the Pennsylvania Department of Education.

81. The actual enrollment for EASD over the last several years is

- 2003-2004: 8364
- 2004-2005: 8728
- 2005-2006: 8854
- 2006-2007: 9160
- 2007-2008: 8940

Exhibit 15 Enrollment statistics compiled by the Pennsylvania Department of Education.

82. The projected enrollment for EASD as calculated by the Pennsylvania Department of Education (2007) through the year 2018 continues in a

progressively upward trend and is projected to be 11,942 in the year 2017-2018.

Exhibit 15 Enrollment statistics compiled by the Pennsylvania Department of Education.

83. EASD is currently overcrowded especially in its grammar school programs with staff teaching in the hallways.

Exhibit 43.

84. EASD is currently engaged in a building program designed to meet the current overcrowding and the projected increase in enrollment but must staff this new space.

McKinley testimony at T-57,58.

85. The most logical and proximate location in PSD to receive the elementary school children from the Borough if the proposed transfer is approved is the Durham -Nockamixon Elementary School at the PSD campus on Church Hill Road and Rt. 412 in Durham Township. It is considerably closer to the Borough than the Springfield School in the western section of the District in Springfield Township.

Exhibit No. 1 and Rebuttal of the Petitioner dated July 31, 2007 pg. 2, 3d full paragraph ["RTEC is not aware . . .geographic location."] reflecting conversations the PSD director of transportation confirming this observation.

86. There does not appear to be either a space or staff problem at the Durham-Nockamixon Elementary School at the PSD campus in Durham Township with respect to receiving the elementary school students from the Borough.

Rebuttal of the Petitioner dated July 31, 2007 pg. 2, 3d full paragraph ["RTEC is not aware . . .geographic location."] reflecting conversations with PSD Assistant Superintendent Marilyn Miller and the PSD director of transportation.

87. There does not appear to be either a space of staff problem at the PSD Middle School at the PSD campus in Durham Township with respect to receiving the middle school students from the Borough at those schools.

PSD Answers to the Secretary's questionnaire dated June 29, 2007 at page 1 "Background Information" - ¶1 sentence beginning "The eight students ..."

88. There does not appear to be either a space of staff problem at the PSD High School at the PSD campus in Durham Township with respect to receiving the high school students from the Borough at those schools.

PSD Answers to the Secretary's questionnaire dated June 29, 2007 at page 1 Background Information" - ¶1 sentence beginning "In the highschool . . ." and Rebuttal of the Petitioner dated July 31, 2007 pg. 2, 4th full paragraph ["Another concern . . . English classes"] reflecting that there are only 3 highschool students now in the Borough who would be placed in the referred to English classes.

VII. COMPARATIVE STUDENT PERFORMANCE

89. Using the No Child Left Behind "Report Card" grades for EASD and the comparable Report Card for PSD there is an across the board failure of EASD to compare with PSD in ever measurable category with 11 individual categories at EASD falling below the State average as follows:

	<u>PSD</u>	<u>EASD</u>
• Graduation (HS)	93%	87%
(Overall Categories)		
• Overall proficiency-math	82%	69%
• Overall proficiency-reading	84%	66%
(Individual Categories)		
• Grade 3 math	93%	84%
• Grade 3 reading	88%	73%*
• Grade 4 math	94%	87%
• Grade 4 reading	91%	71%
• Grade 4 science	91%	87%
• Grade 5 math	89%	67%*
• Grade 5 reading	81%	57%*
• Grade 6 math	76%	69%*
• Grade 6 reading	77%	56%*
• Grade 7 math	78%	71%
• Grade 7 reading	76%	71%

• Grade 8 math	69%*	62%*
• Grade 8 reading	94%	75*
• Grade 8 science	63%	45%*
• Grade 11 math	79%	47%*
• Grade 11 reading	86%	52%*
• Grade 11 science	54%	27%*

* Below State average .

Testimony of Kathryn Anderson at T-117-122 and Exhibits 20, 21, 24, and 25.

90. Using the State's AYP (Adequate Yearly Progress) standards All PSD schools have met AYP standards for every year since 2003 while the EASD schools attended by the Borough's students (Cheston Elementary, Shawnee Middle School, Easton Middle School and Easton Area High School) have not with some (Easton Middle School and Easton Area High School) under a corrective action order for multiple years and others on probation. Easton Area High School has never made AYP standards.

Testimony of Kathryn Anderson at T-122-124 and Exhibit 22.

91. With respect to IEP programs (Individual Education Plan - Special Education) students EASD is seriously behind PSD as follows:

	<u>PSD</u>	<u>EASD</u>
• Grade 3-5 reading proficiency	57.6%	14.7%
• Grade 6-8 reading proficiency	60.2%	24.3%
• Grade 3-5 math proficiency	72.4%	31.6%
• Grade 6-8 math proficiency	48.7%	16.8%

Testimony of Kathryn Anderson at T-125-126 and Exhibit 23.

92. According to the statistics prepared by the Department of Education the HS dropout rate for EASD is almost twice as high as that for PSD.

Testimony of Kathryn Anderson at T-126 and Exhibit 27.

93. Three PSD five schools are recipients of the prestigious national "Blue Ribbon School" award evidencing a high degree of performance and excellence.

Testimony of Superintendent Francis Barnes at T-51 and comments of Judge Waite at T-53.

VIII. THE LACK OF COMMUNITY BETWEEN THE BOROUGH AND THE CITY

94. "The primary responsibility for learning rests with the students supported by the community, school, home and family".

PSD Strategic Plan for 2006-2012 (Exhibit 46) and Testimony of Dr. Francis Barnes the immediate past Secretary of Education for the Commonwealth at T-31.

95. Relationship between the community and the student and his family is important in the context of delivering an effective education product to the student.

Testimony of Dr. Francis Barnes the immediate past Secretary of Education for the Commonwealth at T-31.

96. The learning environment for the student in the Borough of Riegelsville is severely undercut and is of a negative quality because of a social disconnect between the Borough and the City of Easton caused by the isolation between the two communities by reason of distance, difficulty and danger in accessing the City schools and, as well the marked difference in the character of the two communities, i.e the lack of a geographic fit between the a very rural community and a highly urban leading to a deleterious sense of isolation and separation between the Borough student and his family and the place where that student actually attends school - the City of Easton. That social disconnect between the Borough and the City eats away at the student's educational environment and puts the Riegelsville student at "a great educational disadvantage".

Testimony of Kathryn Anderson at T-128-131.

97. The following anecdotal testimony of Riegelsville parents highlights that sense of social and community disconnect between the Borough and the schools in the City.

- *Testimony of Kate Budlong at T-144-146 re: her and her son's inability to interact with students and parents except those few from Riegelsville.*
- *Testimony of John Monteverde at T-151-158 re: his daughters's inability to attract any class mates to birthday parties and other social activities - some of whom didn't even know where the Borough was - in Riegelsville and a hostility by after school activity bus drivers who belittled her because of a disdain for the Borough's distant location.*
- *Testimony of Patricia Gangaware at T-160-163 re: her inability to participate in EASD activities e.g PTA meetings because of the long and dangerous ride to and from the schools in Easton and her son's inability to participate in after school activities for the same reason.*
- *Testimony of Kristen DeLorenzo at T-167-170 re: the disconnect caused by the transition of IU services for her daughter from the Bucks County IU to the Northampton County IU. Kristen's daughter had been receiving speech services from the Bucks County IU. Her services have recently been disrupted. When her daughter turned 3, Kristen was told that her daughter must receive services from the IU connected with EASD. Kristen must now begin a new relationship with a different IU, case manager, and service provider. Both Kristen and her husband work full time, and receiving services in their home is not an option. The IU will provide her daughter with services at a daycare center within EASD. Placing her daughter in a daycare program in the Easton area is not*

feasible. Riegelsville is isolated from the rest of EASD and the trip to Easton is long, difficult, and out of the way. Kristen would not be able to get her daughter to or from a daycare center within EASD. As a result of the isolation and distance of Riegelsville from the Easton area, Kristen must deny her daughter the speech services she so desperately needs.

- *Testimony of Damion Newton at T-172 -174 whose son aks why he has to go to Cheston Elementary School in Easton because he doesn't know anybody in his class - other than going to school with them.*

SPECIFIC CONCLUSIONS

CONCLUSION RE: PROCEDURAL BACKGROUND

The Coalition of Riegelsville parents and taxpayers consisting of a great majority of the adult population of Borough, have, upon the remand ordered by the Commonwealth Court in this matter, supplemented the record with significant additional testimony and exhibits that bear directly on the question of whether its petition has merit "from an educational standpoint", or, as the Commonwealth Court put it in its remand to the Secretary, whether or not the proposed transfer will "improve the public education of [the Riegelsville] children".⁴ That is the only question before the Secretary of Education in this matter at this stage of this proceeding. For reasons unknown the Secretary chose not to participate in this supplemental hearing.

⁴962 A.2d at 28.

CONCLUSION RE: HISTORICAL BACKGROUND

The Borough of Riegelsville, located in Bucks County was originally set off from the Township of Durham in Bucks County in 1916. By law it became its own separate school district. It remained so until 1969 when it was "consolidated" into the EASD under the plan of school district consolidation approved by the State Board of Education that year for southeastern section of Northampton County.

Because of overcrowding in the 1930's the Borough School District agreed with the City of Easton School District to educate the Borough's highschool students in the City schools. That decision was reached out of necessity and not out of a desired choice because Easton was the only nearby school district affording high school availability at the time.

The 1969 plan of consolidation approved by the Board of Education resulted in a fractured district that had several non contiguous parts including the Borough of Riegelsville which was separated - by $7 \pm$ miles - from the City of Easton by the Wilson School District and which was entirely in another county, Bucks. This plan also resulted in a Borough that was physically split in half by EASD and PSD with students of this tiny Borough of about 640 acres going to two different school systems in two different counties.

In the 1970's the directors of EASD decided to abandon the school house in the Borough and thereafter all students in the Borough - who did not reside in the lands annexed to the Borough in 1968 - were physically transported by bus across the Wilson School District, a distance of about 7 miles, and educated in the schools in the City of Easton. It has remained so since that time.

CONCLUSIONS REGARDING THE 1968 ANNEXATION OF THE CEADER FARM:

The Borough annexed approximately 290 acres of territory (the Ceader Farm) to itself in 1968. After the 1968 annexation - for reasons unknown - neither the Council for Basic Education nor the Board of Education took any action to enlarge the boundaries of the Borough School District or EASD to incorporate the annexed lands into those districts. As a result, the annexed territory remained, and to this day remains, in PSD where it had originally been located. That official inaction resulted in the Borough being split in half between EASD and PSD.

As a result of this split the students in the Borough are now divided between two different school districts and are transported to two different school systems by two different school districts located in two different Counties using - in large measure - the same central road system, Rt. 611. Although, at the moment, the annexed area is largely vacant and devoted to farming it is capable of being developed by a significant number of dwellings - probably numbering well over one hundred - at full buildout and thereby has the very real potential of producing a correspondingly significant number of school age children which would further exacerbate the division of children in this small Borough attending EASD and PSD.

Currently the PSD section of the Borough has four dwellings located in it and produces four school age children all served by that District.

CONCLUSION RE: THE LACK OF ANY "GEOGRAPHICAL FIT" BETWEEN THE BOROUGH AND THE CITY

The Borough of Riegelsville and its surrounding communities are located in a sparsely populated and very rural territory well south of the City of Easton. On the other hand the City is a highly urbanized community being part of a metropolitan urban area running along an east-west axis consisting of Allentown, Bethlehem, Easton and Phillipsburgh (NJ).

The average density of the Borough and its surrounding communities (Durham and Williams Townships in Pennsylvania and Pohatcong and Holland Townships in New Jersey) is about .5 persons per acre, or, by way of illustration, about one half person per football field of territory. On the other hand, the density of the City is almost 10 persons per acre or, by way of illustration, 10 persons per football field of territory, almost 20 times that of the Borough and its surroundings. The geographic environment of the Borough and its surroundings couldn't be more different than the geographic environment of the City and its surroundings. Geographically and demographically the two areas are as different as night and day.

Adding to and accentuating these starkly differing environments and, perhaps, a contributing reason for this disparity, is the fact that the Borough is cut off and isolated from the City by a series of significant topographical barriers consisting of the mountains to the south of the City, the Delaware River, Interstate Rt. I-78, the Lehigh River and the Lehigh and Hudson River RR viaduct which severely impeded and restrict traffic flow and intercourse between the two areas.

It is obvious that there is no "geographic fit" or "geographic relevance" between the Borough and its surroundings and the City and its surroundings. To the contrary, there is a "geographic isolation" between these two areas which are virtually sealed off from each other by reason these significant topographical barriers. Compounding this isolation is the fact that there is only one viable route through these topographical barriers that being the narrow and twisting Rt. 611 - "the River Road" - north from he Borough along the edge if the Delaware River.

CONCLUSION RE: COMPARATIVE TRANSPORTATION ROUTES

The school bus travel route from the Borough north to the EASD schools in the City is considerable longer than that from the Borough to the PSD campus on Church Hill Road and Rt. 412 in Durham Township. The time to all EASD schools exceeds 30 minutes. EASD school buses using Rt. 611 north - the singular route to the City - must travel through Wilson School District for about 5 miles in order to reach the City. The trip along Rt. 611 - known as "the River Road - north is tortuous, narrow, unsafe, crash prone and hazardous road. This narrow "chute like" road has very limited sight distance and is replete with blind turns, walls and guardrails located on the very edge of its traveled way forcing the driver to shy away from the edge of the road and move to its center. It has long stretches - miles - without shoulders or pull offs to allow space for accident avoidance room to accommodate disabled vehicles exacerbating the danger along the route.

If Rt. 611 north is closed for any reason - foul weather, accident, or flooding from the immediately adjacent and flood prone Delaware River - there is no alternative route for the school buses to reach the EASD schools in the City and any buses en route when a road

closure occurs by reason of an accident or otherwise must turn back. There is simply no other way for the school buses to get through to the City except by way of the tortuous and unsafe River Road route.

Comparing the bus route north along Rt. 611 from the Borough to the City of Easton to the school route south from the Borough to the PSD campus in Durham Township along Rt. 611 and Church Hill Road, that later is considerably shorter. It is estimated at 10+ minutes. The southerly route does not traverse any intervening school districts. That route follows a roadway that is safer, straighter, wider, with ample shoulders and pull offs to afford accident avoidance space and room for disabled vehicles to pull off the road. In terms of safety there is no comparison between the two routes - the southerly route being shorter and safe and the northerly route being longer and very dangerous.

By way of further comparison if any segment of the route south to the PSD campus is shutdown for any reason there are several viable alternative routes that school buses can use to reach the PSD schools. As proof positive of that fact currently a section of this route is closed because of a bridge rebuilding task on Church Hill Road and PSD school buses have no problem in circumventing that closure by way of an alternative route.

In the final analysis there is no comparison between the two routes. In terms of safety the Rt. 611 route north from the Borough is "a very dangerous road" without alterative routes in times of emergency and closure. It is over twice as long in terms of time as the route south from the Borough to the PSD campus. The southerly route to the PSD campus is much safer than the route north to Easton and has alternatives in times of closure of any part of it. By any

measure the route south to the PSD from the Borough must be considered the better route for students riding school buses.

CONCLUSION RE: STUDENT ENROLMENT AND ABSORPTION

The actual enrollment at PSD has been downward over the last several years. The projected enrollment over the next 10 years as calculated by the State Department of Education continues on that downward trend. On the other hand the actual enrollment at EASD has been upward over the last few years. The projected enrollment over the next 10 years as calculated by the State Department of Education continues that upward trend. Notably, EASD grammar school program is currently overcrowded and the District is in a reorganization mode shifting students around the various schools in the District in order to alleviate this current condition of overcrowding. EASD does have a building program underway that address the overcrowding and may - from a standpoint of available space - meet the projected increase in enrollment but that is speculative at the moment. However, it appears without a doubt that EASD will have to significantly increase its staff to accommodate the projected growth in the District over the next few years.

It is safe to conclude that PSD can easily accommodate the projected student load that would occur by reason of the proposed transfer without a need to increase its classroom space.- It also appears that PSD would not have to put on additional staff to accommodate this increased load if the Borough's grammar school students attended at the Nockamixon-Durham Elementary School at the PSD campus on Church Hill Road and Rt. 412 which is the most logical and proximate school for their placement.

On the other hand EASD cannot currently do so because of a present condition of what appears to be severe overcrowding causing teachers and students to be relegated to hallways especially in its grammar schools. It is possible that sometime in the future that EASD could continue to afford classroom space for the Borough's students without overloading its system be reason of its current building program but that program will clearly cause the need for additional staffing which is not the case in PSD.

The conclusion is that PSD can accommodate and absorb the increase student load that would occur by reason of the proposed transfer without overtaxing its space of staff and EASD cannot currently accommodate the Borough's students that are now in its system especially in the grammar school component of that system.

CONCLUSION RE: COMPARATIVE EDUCATIONAL PROGRAMS OF EASD AND PSD

Using standards developed by the Pennsylvania Department Education pursuant to the federal "No Child Left Behind" law as applied to PSD and EASD it is quite clear that PSD offers a better academic program from a standpoint of results than does EASD. PSD is far ahead of EASD in virtually every measurable State category and, as well, in retaining its students until graduation. EASD is below state averages in numerous State reading and math categories - 11 out of 17 categories to be exact. There is no comparison between the academic program offered by PSD and that offered by EASD. The former - exemplified by three of its five schools possessing the prestigious national "Blue Ribbon Schools" award - is far superior to the later which is failing in several critical State categories. Specific concern at the comparison of the students with IEP's evidenced by the vast difference in percentages of students where proficient at basic skills.

To conclude that the academic programs of two school districts are on par with each other would be erroneous. Further, to conclude that EASD offers an acceptable academic program is also erroneous. As demonstrated by State criteria its academic program - exemplified by the fact that two of its key component schools (the Easton Middle School and the Easton Area High School) have been directed for several years to take corrective action - is unacceptable from all know standpoints.

CONCLUSION RE: THE LACK OF COMMUNITY BETWEEN RIEGELSVILLE AND EASTON

It is beyond question that the long and dangerous drive time between the City and the Borough as well as the severe geographic lack of fit between the two area creates a sense of isolation between the student his family and the schools in the City which he attends. This sense of isolation or disconnect eats away at any sense of community between the student and his family and the place where he or she actually attends school. This lack of community, in turn, undercuts the educational environment for the Riegelsville student and takes away from his ability to adapt and progress at school.

On the other hand, the geographic fit and close proximity between the Borough and the PSD schools enhances the sense his or her sense of community that is essential to a health student environment and a better educational product for the Borough student. In short, there would be a healthy element of community support between the PSD schools and the Borough student that is sadly - and markedly - lacking in the relationship of the Borough student to his or her current school in the far distant and disconnected City of Easton.

OVERALL CONCLUSIONS

Because of the following reasons we conclude that the Petition herein is meritorious from an educational standpoint as meant by 24 P.S. §242.1:

- The historical reason for the relationship of EASD and the Riegelsville is rooted in a necessity arising in the early 1930's with respect to the need to find a close by educational system that afforded high school education for the Borough's students. That decision has outlived its usefulness as there is a perfectly adequate school system in nearby Durham Township the Borough's immediate neighbor to the south which is only 6 miles from the center of the Borough. The Petition, advances an option that would put to rest a decision made over 70 years ago that has lost its point and from that standpoint is educationally meritorious.
- The Borough of Riegelsville - tiny by any standard - by reason of the 1968 annexation, is split in half by two different school districts - PSD and EASD - with students residing in each section and being served by each school district. There is no logical reason for this anomaly. It would certainly be educationally meritorious to have the Borough served by a single school district - which is State policy. The Petition presents that option.
- The Borough of Riegelsville is in Bucks County and separated from EASD by Wilson School District in Northampton County. It is not contiguous to EASD and school buses to and from the schools in the City of Easton must travel through the breadth of the Wilson School District in order to reach the EASD schools in the City of Easton. As

such this arrangement violates two of the primary standards adopted by the Board of Education with respect to the consolidation of school districts, i.e. contiguity and avoidance of travel through another school district. Those standards are equally applicable to a transfer of territory from one district to another. It would be educationally meritorious to have the Borough in a contiguous school district in its own county (Bucks) and not have its students travel through the Wilson School District in order to reach a noncontiguous EASD in Northampton County.

- There is no geographic fit or relevance between the Borough and its environs and the City of Easton and its environs, the later being part of a large urban area consisting of Lehigh, Bethlehem, Easton and Phillipsburgh (NJ) and the former being a very rural community set off from the City of Easton by several significant topographical barriers such as the mountains south of the City, I-78, the Lehigh and Delaware rivers and the Lehigh and Hudson River RR viaduct. The two areas could not be different geographically. Comparatively, the area in which PSD is located is very rural and fits well with the geographic nature of the Borough. It would be better from an educational standpoint to have the students of the Borough attend schools in a district that is geographically harmonious with its own environs, i.e. PSD.

- The school bus trip to and from the Borough to the schools in the City of Easton is long - over 30 minutes - and along a very dangerous route, Rt. 611 north, the River Road, for which there is no alternative route in times of inclement weather or emergency that forces a closure of that road. Comparatively, the school bus trip to and from the PSD schools in Durham Township is shorter by at least half and is along a

safer less dangerous trip, i.e. Rt. 611 south and Church Hill Road. It would be better from a standpoint of educational merit to have the students from the Borough travel in school buses on a substantially shorter and safer trip to the PSD schools in Durham Township.

- The ability of the PSD schools - a school system with a marked downward trend in enrollment - to absorb the student load from the Borough (about 65 students) at its campus in Durham Township without the need for additional space or staff seem clear while, on the other hand, the ability of the EASD - a school system with a marked increase in enrollment - to currently accommodate the Riegelsville students seems quite questionable - especially in its elementary school program - because of current conditions of overcrowding that force teachers and students into hallways. From an educational standpoint it is distinctly better to have the students from Riegelsville attend a school system can currently accommodate them and which will likely have surplus classroom space to accommodate them in the future than to continue to have them attend a school system that is currently overcrowded and which will have an increase in school population over the foreseeable future.

- The educational product produced by EASD is not acceptable in numerous State categories developed in accordance with "No Child Left Behind" requirements and is below state averages in 11 out of 17 of those categories. Two of its schools are under continuing directives to undertake corrective action to right these deficiencies. Its IEP program is also very deficient from a perspective of state goals. Conversely, the educational product produced by PSD is exemplarily with all of its schools exceeding

State standards in all categories and with three of its five schools in possession of a prestigious national "Blue Ribbon School" award. In that light the Petition presents an option that has a great deal of educational merit.

- Because of distance and difficult travel there is a real social disconnect and geographic isolation between the student and his family of the students in the Borough of Riegelsville and the place where he or she actually attends school in the City of Easton. That disconnect eviscerates the bond of community between student, parent and school that is critical in structuring an successful educational environment. From an educational standpoint the Petition presents an option that would enhance and foster a strong community bond between the student and his family and the PSD schools in Durham Township. This is a very vital part of education and this Petition advances this result in strong demonstrable ways.

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