

**WARREN COUNTY SCHOOL DISTRICT**

**RESOLUTION REGARDING MANDATE WAIVER**

**OF 24 P.S. 7-707**

**WHEREAS**, the Board of the Warren County School District (“District”) desires to submit a Mandate Waiver Program Application with regard to the requirements contained in Section 707 of the School Code pertaining to the sale of unused and unnecessary lands and buildings.

**WHEREAS**, the Superintendent has presented to the Board a Mandate Waiver Program Application for its review and approval.

**NOW, THEREFORE**, it is hereby RESOLVED by the Board of School Directors of the Warren County School District that:

**SECTION 1:**

The Board of School Directors of the Warren County School District hereby approves the Mandate Waiver Program Application concerning the waiver of Section 707 of the School Code attached hereto as Exhibit A. Exhibit A is incorporated by reference as if set forth in its entirety.

**SECTION 2:**

The Board affirms that this Resolution is adopted at a regular meeting, which meeting has been duly advertised, and a copy of which advertisement is attached hereto as Exhibit B.

**SECTION 3:**

The Superintendent is hereby directed to submit the Mandate Waiver Program Application to the Pennsylvania Department of Education.

**SECTION 4:**

The implementation of the requested waiver shall not occur until after the Pennsylvania Department of Education has approved the request or fails to act upon it within sixty (60) days of receiving the Application.

SECTION 5:

The proper officers and officials of the District are hereby authorized and directed to take action as they deem necessary or desirable to comply with the provisions of this Resolution and requirements of the Pennsylvania Department of Education in the name and on behalf of the District.

SECTION 6:

This Resolution shall take effect immediately.

**ADOPTED** by the Board of School Directors of the Warren County School District in lawful session assembled on October 10, 2005.

ATTEST: (seal)

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Ruth Huck, Board Secretary

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Jacki Nuttall, Board President

COMMONWEALTH OF PENNSYLVANIA :  
: ss.  
COUNTY OF WARREN :

ON THIS, the 10th day of October, 2005, before me, the undersigned officer, personally appeared RUTH HUCK, Secretary of the Warren County Board of School Directors, known to me to be the person whose name is subscribed to the within instrument, and acknowledges that she executed the foregoing Resolution Regarding Mandate Wavier for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and seal.

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NOTARY PUBLIC

COMMONWEALTH OF PENNSYLVANIA :  
: ss.  
COUNTY OF WARREN :

ON THIS, the 10th day of October, 2005, before me, the undersigned officer, personally appeared JACKI NUTTALL, President of the Warren County Board of School Directors, known to me to be the person whose name is subscribed to the within instrument, and acknowledges that he executed the foregoing Resolution Regarding Mandate Wavier for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and seal.

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NOTARY PUBLIC

## **MANDATE WAIVER PROGRAM APPLICATION**

School District/IU/AVTS: Warren County School District

Board Adoption Date: October 10, 2005

Superintendent/Executive Director: John Grant

Contact Person: Dr. J. Hugh Dwyer

President, Board of Directors: Jacki Nuttall  
6900 x 2171

Telephone Number and Fax: (814) 723-

**OR**

fax: (814) 723-7902

Chairperson, Board of Control:

E-mail address: hugh.dwyer@wcsdpa.org

**SECTION 1 - Law/Regulation/Standard to be waived.** Please provide the appropriate legal citation and specify the provision(s) from which relief is sought.

24 P.S. 7-707.

Our Board of School Directors seeks a waiver from this section in order that the Warren County School District ("District") can sell any unused and unnecessary lands and buildings on eBay (an internet auction site).

**SECTION 2 - Specify need for waiver.**

The District recently attempted to sell four schools (Market Street Elementary School, Jefferson Elementary School, Home Street Elementary School, and Pleasant Township Elementary School) that were determined to be surplus properties by the Warren County School District Board of School Directors ("Board"). The District utilized the public bid requirements contained in Section 707(2) in an effort to sell the properties. The District did not receive any bids for three of the four schools, and the Market Street Elementary School only received one bid. Additionally, the District has attempted to sell other properties in accordance with Section 707(2) over the past five years and again encountered difficulty obtaining bids for the properties. Section 707(1) of the School Code allows for the sale of unused and unnecessary lands and buildings by public auction. While the Board regards the sale of unused and unnecessary lands and buildings on eBay to be similar in nature to a public auction, the School Code does not expressly sanction such a sale, and, hence, the waiver is requested.

**SECTION 3 - Explain how the waiver will enable the school district, IU or AVTS to 1) improve its instructional program and/or 2) operate in a more effective, efficient or economical manner.**

A waiver that allows such properties to be listed for sale on eBay would increase the potential number of bidders for properties, create the possibility for higher bids, and allow the District to dispose of unused and unnecessary lands and buildings in a more expeditious manner. As a result, the higher proceeds obtained from the sales and the money saved on utilities, etc. associated with the expedited sale could be utilized to better fund the educational programs within the District. The District's primary goal is to educate, and the waiver would allow the District to devote more money to the education of children, as opposed to devoting educational dollars to utility costs and the costs associated with repeatedly attempting to obtain bids for properties.

**SECTION 4 - Explain benefits to be obtained by the waiver, and supply supporting data and information.**

In recent years, the School District has had experience with the sale of unused and unnecessary school buildings through the public bidding process authorized under School Code Section 707. These experiences reveal that the market for such buildings is poor and that insignificant consideration is typically realized for such facilities. Attached hereto as Exhibit A are the bidding results for the sale of the Market Street Elementary School. Attached hereto as Exhibit B are the bidding results for the sale of the Home Street Elementary School. Attached hereto as Exhibit C are the bidding results for the sale of the Pleasant Township Elementary School.

Attached hereto as Exhibit D are the bidding results for the sale of the Jefferson Elementary School. The District recently solicited bids for all four properties. The Market Street Elementary School was the only property that received any bids, and it received only one bid.

If the same public bidding process continues to be followed by the District and similar bid results are achieved, the resulting sale proceeds will not have a significant impact on the operation or budget of the School District. Additionally, as the properties remain unsold, the District is forced to pay expensive utility costs and other expenses associated with the maintenance of the properties.

The District believes that a waiver would create a higher volume of bidders, increase bidding prices, and expedite the sale of properties that the Board has determined to be surplus properties. As described in the preceding question, this would allow the District to devote more dollars to the funding of important educational programs.

SECTION 5 – If the purpose of the waiver is to improve the instructional program, please explain how the program will operate under the waiver.

The waiver is not expressly designed to improve the instructional program, but the waiver will ultimately benefit the instructional program by allowing more money to be allocated to educational programs as described in the preceding two responses.

SECTION 6 – Describe the evaluation procedure that will be used to determine: 1) the effectiveness of an innovative program; 2) the effectiveness of a revised instructional program, which shall include measures of student performance; and 3) the effectiveness of changes in the operations of the school district, IU or AVTS.

The District will closely monitor all properties that are posted for sale on eBay. The number of bids received, the amount of the bids, the time it takes to sell a property, the money saved on utilities, re-bidding, etc., and any increased funds that such sales allow the District to devote to educational programs are all factors that will be considered by the District in determining the overall effectiveness of the waiver.

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**AFFIRMATION**

We affirm that this application was adopted by the attached resolution of the Board of School Directors/Board of Control at a regularly scheduled meeting of the board. The school board's solicitor has reviewed the application and has determined that in waiving 24 P.S. Section 7-707, the school district, IU or AVTS will not violate any court order, state law or federal law.

We acknowledge that it is the board's responsibility to ensure that implementation of the waiver will be consistent with the terms of any court order, collective bargaining agreement or contract by which the board is bound.

Affirmed this 10th day of October, 2005.

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Superintendent/Executive Director

\_\_\_\_\_  
President, Board of Directors **OR**  
Chairperson, Board of Control

SEAL

Taken, sworn and subscribed before me,

this \_\_\_\_\_ day of

\_\_\_\_\_ A.D. \_\_\_\_\_

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COMMONWEALTH OF PENNSYLVANIA :  
: ss.  
COUNTY OF WARREN :

ON THIS, the 10th day of October, 2005, before me, the undersigned officer, personally appeared JOHN GRANT, Superintendent of the Warren County School District, known to me to be the person whose name is subscribed to the within instrument, and acknowledges that he executed the foregoing Affirmation for Mandate Waiver Program Application for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and seal.

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NOTARY PUBLIC

COMMONWEALTH OF PENNSYLVANIA :  
: ss.  
COUNTY OF WARREN :

ON THIS, the 10<sup>th</sup> day of October, 2005, before me, the undersigned officer, personally appeared JACKI NUTTALL, President of the Warren County Board of School Directors, known to me to be the person whose name is subscribed to the within instrument, and acknowledges that he executed the foregoing Affirmation for Mandate Waiver Program Application for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and seal.

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NOTARY PUBLIC