# Supreme Court of Pennsylvania

## **Court of Common Pleas Civil Cover Sheet**

CHESTER County

For Prothonotary Use Only:	76,
Docket No:	Transport

Commencement of Action:  Complaint Writ of Sum Transfer from Another Jurisdiction	mons		Petition Declaration of Taking				
Lead Plaintiff's Name: Tredyffrin/Easttown School I	District	,	Lead Defendant's Nar	ne:			
Are money damages requested?	Yes No Dollar Amount I (check one						
Is this a Class Action Suit?	☐ Yes	■ No	Is this an ML	OJ Appeal?			
		y: Kenneth A. Roos, Esquire - Wisler Pearlstine, LLP; Edward A. Diasio, Esquire - Wisler Pearlstine, LLP  have no attorney (are a Self-Represented [Pro Se] Litigant)					
	ASE. If y	ou are maki		most accurately describes your pe of claim, check the one that			
TORT (do not include Mass Tort)  Intentional Malicious Prosecution Motor Vehicle Nuisance Premises Liability Product Liability (does not include mass tort) Slander/Libel/ Defamation Other: MASS TORT Asbestos		uyer Plaintiff bebt Collection bebt Collection mployment D biscrimination	n: Credit Card n: Other	CIVIL APPEALS  Administrative Agencies  Board of Assessment  Board of Elections  Dept. of Transportation  Statutory Appeal: Other  Zoning Board  Other:			
☐ Tobacco ☐ Toxic Tort - DES ☐ Toxic Tort - Implant ☐ Toxic Waste ☐ Other: ☐ PROFESSIONAL LIABLITY ☐ Dental ☐ Legal ☐ Medical ☐ Other Professional:	Ej Ej Ei	round Rent andlord/Tenar fortgage Fored fortgage Fored artition uiet Title	in/Condemnation  nt Dispute  closure: Residential  closure: Commercial	MISCELLANEOUS  Common Law/Statutory Arbitration Declaratory Judgment Mandamus Non-Domestic Relations Restraining Order Quo Warranto Replevin Other:			



# Cover Sheet

Docket No:	

COVELSI	
Plaintiff(s): (Name, Address) Tredyffrin/Easttown School District 940 West Valley Road, Suite 1700 Wayne, PA 19087	Plaintiff's/Appellant's Attorney (circle one) (Name, firm, address, telephone and attorney ID#) Kennelh A. Roos / I.D. No. 41508 Edward A. Diasio / I.D. No. 320026 Wisler Pearstine, LLP 460 Norristown Road, Suite 100, Blue Bell, PA 19422 610-825-8400
Defendant(s): (Name, Address)	Are there any related cases? Please provide case nos.
	No
	201
Defendants who are proceeding without counsel are strongly address <u>AND</u> a telephone numb	urged to file with the Prothonotary a written statement of an er at which they can be reached.
If this is an appeal from a Magisterial District Judgment, was app	ellant Plaintiff or Defendant in the original action?
Jury Trial Demanded	I O Yes ⊙ No
Nature of case if not on previous cover s	heet – Please choose the most applicable
Annulment Custody · Conciliation Required Custody · Foreign Order Custody - No Conciliation Required Divorce - Ancillary Relief Request Divorce - No Ancillary Relief Requested Foreign Divorce Foreign Protection from Abuse Paternity Protection from Abuse Standby Guardianship	Writ of Certiorari Injunctive Relief Mechanics Lien Claim Issuance of Foreign Subpoena Name Change Petition for Structured Settlement
Arbitration Cases Only Arbitration Date Arbitration Time Defendants are cautioned that the scheduling of an arbitration date does not alter the duty of the defendant to respond to the complaint and does not prevent summary disposition from occurring prior to the arbitration date. This matter will be heard by a Board of Arbitrators at the time and date specified but, if one or more of the parties is not present at the hearing, the matter may be heard at the same time and date before a judge of the court without the absent party or parties. There is no right to a trial de novo on appeal from a decision entered by a judge.	Notice of Trial Listing Date  Pursuant to C.C.R.C.P. 249.3, if this case is not subject to compulsory arbitration it will be presumed ready for trial twelve (12) months from the date of the initiation of the suit and will be placed on the trial list one (1) year from the date the suit was filed unless otherwise ordered by the Court.  To obtain relief from automatic trial listing a party must proceed pursuant to C.C.R.C.P. 249.3(b), request an administrative conference and obtain a court order deferring the placement of the case on the trial list until a later date.
File with: Chester County Justice Center, Prothonotary Office, 201	W. Market St., Ste. 1425, PO Box 2746, West Chester, PA 19380-0989

These cover sheets must be served upon all other parties to the action immediately after filing.

Submit enough copies for service.

WISLER PEARLSTINE, LLP

By: Kenneth A. Roos (kroos@wispearl.com)

Attorney I.D. No. 41508

By: Edward A. Diasio (ediasio@wispearl.com)

Attorney I.D. No. 320026

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Attorneys for Petitioner,

Tredyffrin/Easttown School District

IN RE: PETITION TO REALIGN

REGIONAL ELECTION DISTRICTS IN TREDYFFRIN/EASTTOWN SCHOOL

DISTRICT

IN THE COURT OF COMMON PLEAS

OF CHESTER COUNTY,

**PENNSYLVANIA** 

NO.

# PETITION TO REALIGN REGIONAL ELECTION DISTRICTS IN TREDYFFRIN/EASTTOWN SCHOOL DISTRICT

Petitioner, Tredyffrin/Easttown School District, by and through its undersigned counsel, respectfully petitions this Honorable Court to grant an Order approving the realignment of its regional election districts and in support thereof, avers as follows:

- 1. The Tredyffrin/Easttown School District (the "District") is a school district of the second class located in Chester County, Pennsylvania, with its administrative offices located at 940 West Valley Road, Suite 1700, Wayne, Pennsylvania 19087.
- 2. The District has an overall population of 39,809 according to the 2010 census, and is comprised of two municipalities with a total of 24 election districts, including Tredyffrin Township (17 election districts) and Easttown Township (7 election districts).
- 3. The District is currently divided into three voting regions whereby three members from each region are elected to the nine-member Board of School Directors of the Tredyffrin/Easttown School District (the "Board").
- 4. The Pennsylvania Public School Code of 1949, § 3-303(b)(3) sets forth that, "[T]he population of each region shall be as nearly equal as possible and shall be compatible with the boundaries of election districts." 24 P.S. § 3-303(b)(3).

- 5. In September, 2015, the Board established a Region Reapportionment Committee (the "Committee) to examine the population of the District's current voting regions and develop recommendations to the Board on possible reapportionment of the regions to address uneven population numbers between regions.
- 6. The current region configuration, with its population deviation, is set forth as follows:

	Population		<b>Voting Precincts</b>	Deviation from Ideal
Region I	10,943	•	Tredyffrin E-1, E-2, E-3, E-	- 2,327
	(27.5% of the total		5, M-1, M-5, M-6	(- 17.5%)
	District population)			
Region II	18,393	•	Tredyffrin E-4, M-2, M-3,	+ 5,123
	(46.2% of the total District population)		M-4, M-7, W-1, W-2, W-3, W-4, W-5	(+ 38.6%)
Region III	10,473	•	Easttown 1, 2, 3, 4, 5, 6, 7	- 2,797
	(26.3% of the total District population)			(= 21.1%)

A map depicting the current configuration of the District's regional election districts is attached hereto as Exhibit "A."

- 7. The present voting region configuration has a substantial disparity in population numbers with Region II comprising of more than 46% of the population and Regions I and III making up only approximately 28% and 26% of the population, respectively.
- 8. Pursuant to the overall District population of 39,809, the ideal population of each voting region in a three-region plan to achieve absolute equality is 13,270.

- 9. Under the current configuration, each voting region has a substantial deviation from the ideal population, with a maximum deviation of 59.7%.<sup>1</sup>
- 10. The population in the District has drastically changed since the creation of the current voting regions, and the Committee, after holding several public meetings, concluded that due to such population changes, the District's current voting regions should be reconfigured.
- During the public Committee meetings from October, 2015 through January 2016, the Committee reviewed population data, received comment from interested members of the public and discussed the viability of numerous options to reconfigure the voting regions.
- 12. Ultimately, the Committee presented a recommendation to the full nine-member Board to adopt a plan, which became known as "Option B", hereinafter the "Proposed Plan," to make the regions more equal in population.

13. The Proposed Plan is set forth as follows:

	<b>Population</b>	Voting Precincts	<b>Deviation from Ideal</b>
Region I	13,386 (33.6% of the total District population)	• Tredyffrin E-2, E-3, E-4, E-5, M-1, M-2, M-5, M-6, W-3, W-4	+ 116 (+ 0.9%)
Region II	13,139 (33.0% of the total District population)	• Tredyffrin M-3, M-4, M-7, W-1, W-2, W-5	- 131 (- 1.0%)
Region III	13,284 (33.4% of the total District population)	<ul><li>Tredyffrin E-1</li><li>Easttown 1, 2, 3, 4, 5, 6, 7</li></ul>	+ 14 (+ 0.1%)

A map depicting the Proposed Plan of the District's regional election districts is attached hereto as Exhibit "B."

<sup>&</sup>lt;sup>1</sup> Maximum deviation is computed by calculating the difference between the largest and smallest region (7,920) divided by the ideal region (13,270).

- 14. The Proposed Plan will remedy the present disparity in population numbers and largely reduce each respective region's deviation from the ideal population.
- 15. The Proposed Plan's realigned voting regions are of nearly equal population, representing 33.6%, 33.0% and 33.4% for Regions I, II and III, respectively.
- 16. Under the Proposed Plan, Regions I, II and III deviate from the ideal population by only 0.9%, 1.0% and 0.1%, respectively.
  - 17. Moreover, the maximum deviation of the Proposed Plan is only 1.9%.<sup>2</sup>
- 18. As such, the Proposed Plan's regional deviations from the ideal population constitute only minor deviations (below 10%).
- 19. The Proposed Plan's maximum population deviation also falls within the category of minor deviations (below 10%).
- 20. The Proposed Plan's regional configuration will be compatible with the existing boundaries of the municipal election districts.
- 21. The nearly equal population of the Proposed Plan's realigned voting regions indicates that each person's vote will be given equal weight in the election of representatives.
- 22. In developing and evaluating the various realignment options, the Committee and the Board engaged in careful consideration of factors such as population data, existing election boundaries and public comment.
  - 23. The Proposed Plan was not the result of arbitrariness or discrimination.
- 24. The Proposed Plan satisfies the requirements of § 3-303(b)(3) of the Public School Code relating to electoral boundaries and population equity.
- 25. The Proposed Plan will rectify the present population imbalance between the voting regions and satisfy the requirements of the Fourteenth Amendment and the Pennsylvania Public School Code of 1949.
- 26. The Board intends for the Proposed Plan to be effective for the 2017 election cycle.

<sup>&</sup>lt;sup>2</sup> The difference between the largest and smallest region (247) divided by the ideal region (13,270).

27. The Proposed Plan's realignment will not disrupt the Board's regional

representation requirements. Any sitting Board member who no longer resides in the voting

region from which he or she was elected after realignment will remain on the Board, as a

representative of his or her prior region, until his or her seat is up for re-election. See Resident

Electors of the Pennsbury School Bd v. Pennsbury School Bd, 572 A.2d 1303 (Pa. Cmwlth.

1990) (Sitting Board Members who no longer lived in regions from which they had been elected

were allowed to retain their seats until they were up for re-election).

28. At the 2017 election and any subsequent election, any Board member whose

residence has been realigned to a different election district will have to seek election from the

voting region that then contains his or her residence to remain on the Board.

29. Pursuant to an April 25<sup>th</sup> Resolution of the Board, the Board has authorized the

filing of this Petition to request approval of the Proposed Plan to realign the District's regional

election districts. A true and correct copy of the Board's Resolution is attached hereto as Exhibit

"C."

WHEREFORE, Tredyffrin/Easttown School District respectfully requests that the Court

grant its Petition to Realign Regional Election Districts and approve the Proposed Plan to be

effective in the 2017 election cycle and thereafter.

Respectfully submitted,

Dated: April 27, 2016

WISLER PEARLSTINE, LLP

Kenneth A. Roos, Esquire Edward A. Diasio, Esquire

Blue Bell Executive Campus

460 Norristown Road, Suite 110

Blue Bell, PA 19422-2326

(610) 825-8400

Attorneys for Petitioner,

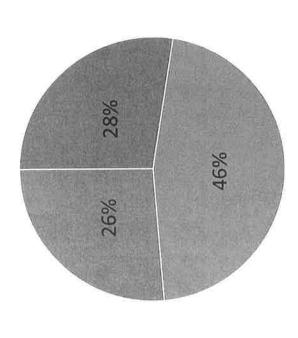
Tredyffrin/Easttown School District

Current

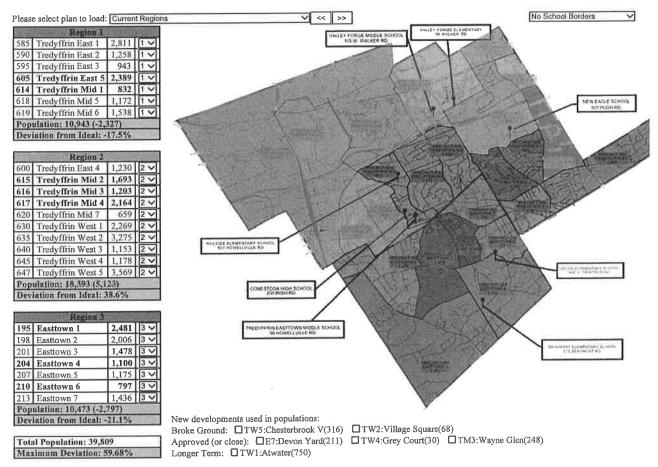
Region 1	Region 2	Region 3	
TREDYFFRIN E-1 2811	TREDYFFRIN E-4 1230	EASTTOWN 1 2481	Region
TREDYFFRIN E-2 1258	TREDYFFRIN M-2 1693	EASTTOWN 2 2006	Region
TREDYFFRIN E-3 943	TREDYFFRIN M-3 1203	EASTTOWN 3 1478	Region
TREDYFFRIN E-5 2389	TREDYFFRIN M-4 2164	EASTTOWN 4 1100	Total:
TREDYFFRIN M-1 832	TREDYFFRIN M-7 659	EASTTOWN 5 1175	Variand
TREDYFFRIN M-5 1172	TREDYFFRIN W-1 2269	EASTTOWN 6 797	
TREDYFFRIN M-6 1538	TREDYFFRIN W-2 3275	EASTTOWN 7 1436	
	TREDYFFRIN W-3 1153		

TREDYFFRIN W-4 1178 TREDYFFRIN W-5 3569

Region 11094327.49%Region 21839346.20%Region 31047326.31%Total:39809100.00%Variance:792019.89%



■ Region 1 ■ Region 2 ■ Region 3



Click on a precinct in the table or on the map to highlight it or unhighlight it if it is already highlighted.

The Generated Plans are all plans that have less than 2% Maximum Deviation with the developments specified in the plan name.

# Current Tredyffrin/Easttown Regions by Population



Precincts = Tredyffrin E-1, E-2, E-3, E-5, M-1, M-5 & M-6

# Population = 10,473 Region 3

Precincts = Easttown 1 through 7

# Population = 18,393 Region 2

Precincts = Tredyffrin E-4, M-2, M-3, M-4, M-7, W-1, W-2,

W-3, W-4 and W-5

Population is based on the 2010 Census

Region 1		Region 2	Region 3
			EASTTOWN 1 2481
TREDYFFRIN E-2 1258	1258		EASTTOWN 2 2006
TREDYFFRIN E-3	943	TREDYFFRIN M-3 1203	EASTTOWN 3 1478
TREDYFFRIN E-5 2389	2389	TREDYFFRIN M-4 2164	EASTTOWN 4 1100
TREDYFFRIN M-1	832	TREDYFFRIN M-7 659	EASTTOWN 5 1175
TREDYFFRIN M-S 1172	1172	TREDYFFRIN W-1 2269	EASTTOWN 6 797
TREDYFFRIN M-6 1538	1538	TREDYFFRIN W-2 3275	EASTTOWN 7 1436
TREDYFFRIN E-4 1230	1230		TREDYFFRIN E-1 2811
TREDYFFRIN W-3 1153	1153		
TREDYFFRIN W-4 1178	1178	TREDYFFRIN W-5 3569	
TREDYFFRIN M-2 1693	1693		

Region 1	13386	33.63%
Region 2	13139	33.01%
Region 3	13284	33.37%
Total:	39809	100.00%
Variance:	247	0.62%

A	4%	
	m	33%
	33%	

Region 1 s Region 2 Region 3

# Proposed Plan for School Board Region Reapportionment

Plan B	
ionment Pt	
Reapportion	
T/E	
load:	
5	l
t plan	
select	
Please select	

	>	*	>	*	-	>	<b>b</b>	-	-	Þ		
		_	-	7	-	-	-	_	_	4		
	1,258	943	1,230	2,389	832	1,693	1,172	1,538	1,153	1,178	0	%6.
Region 1	Tredyffrin East 2	Tredyffrin East 3	Tredyffrin East 4	Tredyffrin East 5	Tredyffrin Mid 1	Tredyffrin Mid 2	Tredyffrin Mid 5	Tredyffrin Mid 6	Tredyffrin West 3	Tredyffrin West 4	Population: 13,386 (116	Deviation from Ideal: 0
	290	595	009	605	614	615	618	619	640	645	Pop	Devi

	Region 2			
919	Tredyffrin Mid 3	1,203	2	-
111	Tredyffrin Mid 4	2,164	7	P-
520	Tredyffrin Mid 7	659	2	₽-
630	Tredyffrin West 1	2,269	2	<b>P</b>
635	Tredyffrin West 2	3,275	2	<b> </b>
647	Tredyffrin West 5	3,569	2	[]≻
Pop	ulation: 13,139 (-13	1)		1
Devi	Deviation from Ideal: -	-1.0%		

1	Region 3		
195	Easttown 1	2,481	<b>⊁</b>
198	Easttown 2	2,006	3
201	Easttown 3	1,478	3
204	Easttown 4	1,100	3
207	Easttown 5	1,175	3
210	Easttown 6	797	8
3	Easttown 7	1,436	» €
585	Tredyffrin East 1	2,811	3 4
Ö.	ulation: 13,284 (14	(	
>	Deviation from Ideal; 0.1%	0.1%	

		n
	A	
		8

Region 1 Population = 13,386

Region 3
Population = 13,284

Precincts = Tredyffrin E-2, E-3, E-4, E-5, M-1, M-2, M-5, M-6, W-3, & W-4

Precincts = Easttown 1-7 and Tredyffrin E-1

Region 2 Population = 13,139 Precincts = Tredyffrin M-3, M-4, M-7, W-1,

W-2 & W-5

### TREDYFFRIN/EASTTOWN SCHOOL DISTRICT CHESTER COUNTY, PENNSYLVANIA

# RESOLUTION NO. N/A

# RESOLUTION AUTHORIZING THE RECONFIGURATION AND REALIGNMENT OF REGIONAL ELECTION DISTRICTS IN THE TREDYFFRIN/EASTTOWN SCHOOL DISTRICT

WHEREAS, in September, 2015 the Board of School Directors of the Tredyffrin/Easttown School District (the "Board") approved and formed a three-member ad hoc committee known as the School Board Region Reapportionment Committee (the "Committee"); and

WHEREAS, the Committee was tasked with examining the population of each of the Tredyffrin/Easttown School District's (the "District") currently established voting regions and developing recommendations to the Board on possible reapportionment of the regions to address any uneven population numbers between regions; and

WHEREAS, the Committee concluded that due to the apparent population disparity in the regions, the District's current regional election plan needs to be revised; and

WHEREAS, the District desires to reconfigure the voting regions to form boundaries such that the population of each region is as nearly equal as possible; and

WHEREAS, in accordance with the Public School Code of 1949, the District must develop a redistricting plan that is in accordance with statutory law; and

**WHEREAS**, the Committee evaluated multiple reapportionment plans, some created internally by the District, and others submitted by community members, and ultimately narrowed its consideration to three viable regional options, which have been referred to as Option "B," Option "X" and Option "Y"; and

WHEREAS, the Committee reviewed relevant information, including population information and public comment before concluding the following:

- 1. A recommendation to change the current District regional voting region boundaries is necessary to address the apparent population disparity between the currently structured regions;
- 2. The current three region structure and three representatives per region election plan, with the population being as nearly equal as possible in each regional election district, remains the preferred alignment; and
- 3. Option "B" would be the plan to recommend to the full nine-member Board as best satisfying the statutory requirements and other criteria established by the Committee; and

WHEREAS, after a series of public committee meetings and discussion at this meeting, the full nine-member Board considered the following:

- 1. The Committee's recommendation that change is necessary to address the apparent population disparity among the currently structured voting regions;
- 2. The current population dispersion within the District boundaries,
- 3. The Committee's recommendation that three region structure with three representatives per region, with the population as nearly equal as possible in each region, remains the preferred alignment;
- 4. The Committee's recommendation to select Option "B"; and

WHEREAS, Option "B" includes the redistricting of the following Voting Precincts:

Tredyffrin E-1 from Region I to Region III; and

Tredyffrin E-4, W-3, W-4, & M-2 from Region II to Region I,

resulting in a more equitable distribution and representation of District population.

**NOW, THEREFORE**, the Board of School Directors of the Tredyffrin/Easttown School District hereby resolves as follows:

- 1. The Board hereby accepts the recommendations of the Committee:
  - a. that change is necessary to address the apparent population disparity among the currently structured voting regions;
  - b. that a three region structure, with three representatives per region, with the population as nearly equal as possible in each region, remains the preferred alignment; and
  - c. that Option "B", which includes the redistricting of Voting Precincts:

Tredyffrin E-1 from Region I to Region III; and

Tredyffrin E-4, W-3, W-4, & M-2 from Region II to Region I

is the preferred alignment.

- 2. The Board hereby authorizes its Solicitor, Wisler Pearlstine, LLP, to prepare a Petition that conforms with the requirements of Section 3-303 of the Public School Code of 1949 and to file the Petition with the Court of Common Pleas of Chester County to have approved a new voting region plan consistent with the recommendation of the Committee to adopt "Option B" to go into effect for the School Board elections in 2017.
- 3. Wisler Pearlstine, LLP will also be authorized to defend against any alternate petitions that are filed with the Court of Common Pleas of Chester County.

- 4. Wisler Pearlstine, LLP is further authorized to not only prepare and file the Petition but also attend any hearing or hearings or defend against any other petitions that may be filed by any citizens' group in conjunction with the Committee's recommendation.
- 5. The officers of the Board of School Directors of the District, the administrative officers of the District and the solicitor of the District are hereby authorized and directed to do such other things on behalf of the District as may be necessary and appropriate to implement the intent and purposes of this Resolution
- 6. This Resolution shall take effect immediately.

**DULY ADOPTED** by the Board of School Directors of the Tredyffrin/Easttown School District, in lawful session duly assembled, this 25<sup>th</sup> day of April, 2016.

ATTEST:

TREDYFFRIN/EASTTOWN SCHOOL DISTRICT

Chester County, Pennsylvania

Bv:

Mr. Doug Carlson, President of the

Board of School Directors

By: Z

Mr. Amur J. McDonnell

Board Secretary

### **VERIFICATION**

I, Wendy Towle, hereby state that the facts set forth in the foregoing Petition to Realign Regional Election Districts in Tredyffrin/Easttown School District are true and correct to the best of my knowledge or information and belief.

I understand that this Verification is made subject to the penalties of 18 Pa. C.S.A. § 4904 relating to unsworn falsification to authorities.

Dated: April 25, 2016

Dr. Wendy Towle

Director of Curriculum, Instruction, Staff Development and Planning Tredyffrin/Easttown School District