

FERNDALE AREA SCHOOL DISTRICT
TAXPAYERS BILL OF RIGHTS DISCLOSURE STATEMENT

Every taxpayer is obligated to pay all taxes levied by the School District to which the taxpayer is subject. When taxes are not paid or a school district has questions about whether a taxpayer has fulfilled all tax obligations, the School district has legal rights to request information and to enforce taxpayer obligations. In conjunction with taxpayer obligations and School District rights, the Commonwealth of Pennsylvania has enacted a Local Taxpayers Bill of Rights which grants legal rights to taxpayers, and creates obligations for school districts. This document is the School District Disclosure Statement required by the Bill of Rights. This document is merely a summary of your rights. For a complete statement of your rights and the obligations of the School District, see 53 Pa. C.S.A. §8421 through 8438.

APPLICABILITY / ELIGIBLE TAXES

This Disclosure Statement applies to eligible taxes (not otherwise excluded) levied by the School District. This Disclosure Statement does not apply to real estate taxes. The specific eligible taxes (not otherwise excluded) levied by the School District are: (1) the realty transfer tax, (2) per capita taxes, and (3) earned income tax. Unless expressly provided in the Local Taxpayer Bill of Rights, the failure of any School District representative to comply with any provision of this Disclosure Statement, related regulations or the Local Taxpayers Bill of Rights will not excuse the taxpayer from paying the taxes owed. (The earned income tax, net profits tax, and per capita tax, are collected by the Ferndale Area Tax Collectors.)

TAXPAYER RIGHTS AND SCHOOL DISTRICT OBLIGATIONS
WHEN THE SCHOOL DISTRICT REQUESTS INFORMATION
OR AUDITS TAXPAYER RECORDS

Minimum Time Period For Taxpayer Response

- The taxpayer has thirty (30) calendar days from the mailing date to respond to the School District requests for tax information.
- Upon written request, the School District will grant responsible time extensions for good cause.
- The School District will notify the taxpayer of the procedures to obtain an extension in its initial request for tax information.

Requests For Prior Year Returns

- An initial School District may cover only taxes required to be paid or tax returns required to be filed no more than three (3) years prior to the mailing date of the request.
- The School District may make a subsequent request relating to other taxes or returns if, after the initial request, the School District determines that the taxpayer failed to file a tax return, underreported income, or failed to pay a tax for one or more of the tax periods covered by the initial request.
- The above limitations do not apply if the School District has sufficient information to indicate that the taxpayer failed to file a required return or pay an eligible tax which was due more than three (3) years prior to the date of the notice.

Use Of Federal Tax Information

- The School District may require a taxpayer to provide copies of federal tax returns if the School District can show that the information is reasonably necessary for enforcement or collection of a tax and the information is not available from the Pennsylvania Department of Revenue or other available sources.

TAX OVERPAYMENT REFUNDS

A taxpayer may file a written request with the School District for a refund or credit. The filing of a written request will not preclude a taxpayer from later filing a tax appeal petition as discussed below. The request must be made within three (3) years of the due date for filing the return or one (1) year after payment of the tax, whichever is later. If no return is required, the request must be made within three (3) years after the payment due date, or within one (1) year after payment, whichever is later. A tax return filed by the taxpayer showing a tax overpayment will be considered a written request for a cash refund unless the return indicates otherwise. If the taxpayer pays a tax as a result of receiving a notice of underpayment, the taxpayer must file a written request for a refund within one (1) year of the payment date. Subject to certain exceptions, the School District will pay interest, at a rate determined pursuant to state law, from the date of overpayment until the date of resolution.

TAX ASSESSMENT / UNDERPAYMENT / REQUIRED NOTICE

The School District must notify the taxpayer in writing of the basis for any underpayment determined by School District.

TAX APPEALS

Tax Appeal Petitions

- To appeal a tax assessment or denial of a refund request, the taxpayer must file a Tax Appeal Petition with the Board Secretary. The petition must be mailed or delivered to the attention of “Business Manager” at the following address:

Ferndale Area School District
ATTN: Business Manager
100 Dartmouth Avenue
Johnstown, Pennsylvania 15905

- Tax Appeal petitions requesting a refund must be filed within the time set forth above under “Tax Overpayment Refunds.”
- Tax Appeal Petitions appealing a tax assessment or notice of underpayment must be filed within ninety (90) days after the date of the tax assessment or underpayment notice.
- Regulations regarding the form and content of petitions, as well as practice and procedure for tax appeals, may be obtained in person, or by mailing a request to the above address, or by calling the School District at 814-535-1507 during the hours of 9:00 a.m. to 3:00 p.m. on normal business days.

School District Decision

- The School District will issue a decision on Tax Appeal Petitions within sixty (60) days after receipt of a complete and accurate petition.
- If the petition was complete and accurate when filed, the School District’s failure to render a decision within sixty (60) days will result in the petition being deemed approved.

Appeals To Court

- Any person aggrieved by a decision of the School District who has direct interest in the decision has the right to appeal to the County Court of Common Pleas.
- Appeals to court must be filed with the court within thirty (30) days after the date of the School District’s adverse decision.

SCHOOL DISTRICT ENFORCEMENT PROCEDURES

Depending on the type of tax involved and the specific circumstances, if a taxpayer has not paid a tax liability determined to be due or which the School District has reason to believe might be due, possible School District enforcement options include:

- Inquiry by School District to taxpayer.
- School District audit of taxpayer records.
- The School District may contact the taxpayer and attempt to resolve the liability through payment in full, an installment payment plan, or compromise.
- The School District may employ private collection agencies to collect the tax.
- The School District may file a lien against the taxpayer, and in some cases, against an employer or other person responsible for payment of the tax.
- The School District may attach or require an employer to make reductions in the wages or earnings of the taxpayer.
- The School District may file suit against the taxpayer before a district justice or in the County Court of Common Pleas.
- The School District may execute and attach taxpayer bank accounts, sell taxpayer vehicles, other personal property or real estate, based on a judgment or lien obtained through legal proceedings.
- The School District may seek criminal prosecution of the taxpayer.

TAX INFORMATION CONFIDENTIALITY

Information gained by the School District as the result of any audit, return, report, investigation, hearing or verification shall be confidential. However, confidentiality will not preclude disclosure for official purposes, whether in connection with legal proceedings or otherwise, and will not preclude disclosure to the extent required by any applicable law.

TAXPAYER COMPLAINTS

If a taxpayer has a complaint about a School District action relating to taxes, the Business Manager may be contacted in writing at 100 Dartmouth Avenue, Johnstown, Pennsylvania, 15905. The Business Manager or another person designated by the

Superintendent of Schools will facilitate resolution of the complaint by working with the appropriate School District personnel.

FERNDALE AREA SCHOOL DISTRICT
INFORMATION REQUEST TIME EXTENSION PROCEDURE NOTICE

Under Pennsylvania Law (53 Pa. C.S.A. §8424, Act 50 of 1998), you have thirty (30) calendar days from the mailing date of this information request to respond by: (1) providing the School District with the required information; or (2) requesting an extension of time in which to provide the requested information. If you need an extension, send a written request, specifying the reasons for the extension and the facts supporting those reasons, to the following address:

Ferndale Area School District
ATTN: Business Manager
100 Dartmouth Avenue
Johnstown, Pennsylvania 15905

Reasonable time extensions will be granted for good cause. The School will notify you in writing of whether a time extension has been granted. If your request is granted, the School District will inform you of the amount of the time extension. If your request is denied, the School District will inform you of the basis for its denial and that you must immediately provide the requested information.

FERNDALE AREA SCHOOL DISTRICT
TAX APPEAL INFORMATION AND REGULATIONS

The Local Taxpayers Bill of Rights requires every school district to adopt regulations concerning the form and content of petitions, as well as practice and procedure for tax appeal petitions. This document contains the regulations required by the Bill of Rights. In addition, the School District has published a Disclosure Statement required by the Bill of Rights.

APPLICABILITY / ELIGIBLE TAXES

These regulations apply to eligible taxes (not otherwise excluded) levied by the School District. These regulations do not apply to real estate taxes. The specific eligible taxes (not otherwise excluded) levied by the School District are: (1) the realty transfer tax, and (2) the occupational privilege tax. (The earned income and net profits tax is administered by the Ferndale Area Tax Collection Bureau. These regulations do not apply to the earned income and net profits tax. Separate regulations relating to the earned income and net profits tax are available from that office.)

TAX APPEALS PETITIONS

Filing

- As explained more fully in the Disclosure, petitions should be filed with the “Business Manager.”
- Petitions must be filed within the time limits explained in the Disclosure Statement. Petitions received by the School Board are considered timely filed if received by the School Board by the required date or if mailed and postmarked by the United States Postal Service on or before the required date. The burden is on the taxpayer to present evidence sufficient to prove the petition was timely filed.

Contents

Petitions must be in writing, signed by the taxpayer (if the taxpayer is an entity, a partner or officer must sign and indicate a title) and must contain:

- Taxpayer’s name, address and telephone number.
- If taxpayer is represented by an attorney, accountant or other qualified individual as explained below, the name, address and telephone number of the representative.
- Designation of the tax to which the petition relates, including the year or other period and tax amount. A copy of any tax bill, refund request denial, or other essential document relating to the petition shall be attached.
- Taxpayer’s license number, account number, employer identification number, social security number, or other appropriate identifying designation.
- A detailed statement in separate numbered paragraphs of the reasons requiring a refund, or the objections to the assessment or notice of underpayment being appealed, and the facts supporting such reasons or objections.
- A statement specifying the relief requested by the taxpayer.
- A statement whether or not a hearing is requested.
- A statement certifying that the facts contained in the petition are true and correct to the taxpayer’s knowledge and belief, and that the petition is not filed for purposes of delay.

Incomplete Petitions

If the petition fails to satisfy the above requirements, the School Board may request the taxpayer to submit the missing information or may make a decision based on the information in the petition. If additional information is requested, the taxpayer's failure to submit the requested additional information within thirty (30) days of the date of the request shall result in dismissal of the petition.

TAX APPEAL PETITION PRACTICE AND PROCEDURE

General

Practice and procedure before the School Board relating to tax appeal petitions is not governed by the Local Agency Law.

Representative

- A taxpayer or an officer or partner of an entity taxpayer may file a petition and appear at any hearing, or may be represented by a person possessing appropriate education, training or experience to represent taxpayers in tax appeals. There is no requirement that a taxpayer be represented by an attorney or certified public accountant. A taxpayer's representative must be authorized in writing to represent the taxpayer. A letter signed by the taxpayer, or a listing as a representative in the petition signed by the taxpayer will be accepted as authorization for representation.
- A notice or other written communication from the School District to the taxpayer may be given to the taxpayer's authorized representative, and any such notice or other communication shall have the same effect as if given to the taxpayer directly. Action taken by the taxpayer's authorized representative shall have the same force and effect as if taken by the taxpayer.

Burden of Proof

The taxpayer has the burden of proof on all issues.

Hearings

- Waiver If a taxpayer does not request a hearing on the petition, the taxpayer will be deemed to have waived any right to a hearing and to have requested that the School Board decide the taxpayer's case solely based on the petition. If the taxpayer does not request a hearing, or the School Board decided the taxpayer has no right to a hearing, the School Board will decide in its discretion whether a hearing is required.

- Notice of Hearing If the School Board schedules a hearing, reasonable notice will be given to the taxpayer in writing specifying the date, time and place.
- Continuances The School Board may grant a reasonable request for continuance of a scheduled hearing. The request shall be made in writing, shall state the reasons for the requested continuance, and shall be received by the School Board at least five (5) days prior to the scheduled hearing.
- Presiding Officer Any School Board member may preside at a hearing.
- Transcripts or Recordings Transcripts or recordings of a hearing are not required, but may be made at the discretion of the presiding officer.
- Authority of Presiding Officers Presiding officers have authority to:
 - Regulate the conduct of hearings, including the scheduling, recessing, reconvening and adjournment of hearings, and all acts proper for the efficient conduct of hearing.
 - Delegate scheduling hearings to any School District employee.
 - Administer oaths and affirmations.
 - Receive evidence.
 - Require production of books, records, documents and other data pertinent to the issues.
- Evidence Hearings need not adhere to the technical rules of evidence. In cases involving issues of fact, oral testimony shall be under oath or affirmation. At the discretion of the School Board, depositions or affidavits may be received in lieu of oral testimony if the actual presence of a witness is not feasible.

Decision The School Board's final decision will be in writing signed by a School Board officer.

FERNDALE AREA SCHOOL DISTRICT'S – TAXPAYER'S BILL OF RIGHTS NOTICE

You are entitled to receive a written explanation of your rights with regard to the audit, appeal, enforcement, refund and collection of local taxes (school district taxes) by calling the School District at 814-535-1507 during the hours of 9:00 a.m. to 3:00 p.m. on normal business days.

The written explanation is entitled "Taxpayer's Bill of Rights Disclosure Statement" and will be provided at no charge. You can pick up a copy at School Offices or a copy will be mailed to you upon written or telephone request. Call the number indicated above or write:

Ferndale Area School District
ATTN: Business Manager
100 Dartmouth Avenue
Johnstown, Pennsylvania 15905