

Conestoga Valley School District Taxpayers' Bill of Rights

[Bill of Rights Notice](#)

Disclosure Statement
Request Time Extension
Tax Overpayment Refund

Tax Appeal Information and Regulations

The Local Taxpayer 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.

Eligible Taxes/Applicability

Eligible taxes include any tax other than the real estate tax. Specific eligible taxes levied by the School District are: (1) the \$5.00 per capita tax under the School Code, §679 and the \$10.00 per capita tax under the Local Tax Enabling Act, Act 511; (2) the earned income tax of 1% which is shared equally with municipalities; (3) the realty transfer tax of 1% which is shared equally with municipalities; (4) the \$10.00 occupation privilege tax; and (5) the 5% admissions tax. These regulations only apply to the per capita taxes, the realty transfer tax, the occupation privilege tax and the admissions tax. The earned income tax is collected and administered by Lancaster County Tax Collection Bureau. These regulations do not apply to the earned income tax. Separate regulations relating to the earned income tax are available from that office.

Tax Appeal Petitions

Filing

•As explained more fully in the Disclosure Statement, a petition concerning the per capita taxes, the realty transfer tax or the occupation privilege tax must be directed to the attention of the Assistant Director of Business Services. A petition concerning the admissions tax must be directed to the attention of the School Board.

•The Director of Administrative and Business Services has been appointed by the School Board as the Hearing Officer to render decisions on petitions concerning the per capita taxes, the realty transfer tax or the occupation privilege tax. The School Board sitting in executive session has been appointed by the School Board to render decisions on petitions concerning the admissions tax.

•Petitions must be filed within the time limits explained in the Disclosure Statement. Petitions received by the School District are considered timely filed if received by the School District 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 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 District 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 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 District relating to tax appeal petitions is not governed by the Local Agency Law.

Representation

- 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 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 District decide the taxpayer's case solely based on the petition. If the taxpayer does not request a hearing, or the School District decides the taxpayer has no right to a hearing, the School District will decide in its discretion whether a hearing is required.

- **Notice of hearing.** If the School District schedules a hearing, reasonable notice will be given to the taxpayer in writing specifying the date, time and place.

- **Continuances.** The School District 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 District at least 5 days prior to the scheduled hearing.

- **Presiding Officer.** The Director of Administrative and Business Services will preside at hearings concerning the per capita taxes, the realty transfer tax or the occupation privilege tax. Any School Board Member may preside at hearings concerning the admissions tax.

- **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 hearings, and all acts proper for the efficient conduct of hearings.

- 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 District, depositions or affidavits may be received in lieu of oral testimony if the actual presence of a witness is not feasible.

Decision. All final decisions of the School District will be in writing. Final decisions on petitions concerning the per capita taxes, the realty transfer tax or the occupation privilege tax will be signed by the Director of Administrative and Business Services. Final decisions on petitions concerning the admissions tax will be signed by a School Board Member.