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EDUCATION LAW REPORT

Published in cooperation with the University of Pittsburgh's Tri-State Area School Study Council

Winter 2026 Edition

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COURT DENIES CIVIL RIGHTS AND SPECIAL EDUCATION CLAIMS ARISING FROM INAPPROPRIATE STUDENT PHOTOGRAPH

K. L. v. Dunmore School District, et. al. No. 3:24-cv-01461, 2025 U.S. Dist. LEXIS 188083 (M.D. Pa. September 24, 2025). District Court for Middle District of Pennsylvania denies federal claims under various civil rights and special education laws arising from a student cellphone photograph inside a school bathroom stall.

BACKGROUND

Maintaining the privacy of students in a school building is a challenge administrators face. This issue is magnified with the misuse of social media, particularly if a special education student is involved. The Federal Court from Middle District of Pennsylvania, however, indicated in a recent decision in *K. L. v. Dunmore School District*, et. al. No. 3:24-cv-01461, 2025 U.S. Dist. LEXIS 188083 (M.D. Pa. September 24, 2025), that there could be limits to this responsibility by schools.

K.L. was a 14-year-old eighth grade student at Dunmore Middle School in the Dunmore School District, Lackawanna County. Another student, J.M., used his cellphone to photograph K.L. inside of a bathroom stall while he was urinating and thereby exposing himself. J.M. shared the photograph with other students via Snapchat, a social media application. Allegedly, the principal spoke with the student who took the photograph about the incident, but no disciplinary action was taken against him, primarily because the school could not track down the photograph shared on Snapchat.

As a result of this incident, K.L. was allegedly bullied by other students and suffered severe and permanent psychological damage, physical harm, and emotional distress, including hospitalization for suicidal ideation. The minor student then brought an action for damages against the district, the middle school principal, and against the mother of the student who took the photograph. Specifically, the student asserted federal civil rights claims under Section 1983, the 14th Amendment's due process and equal protection clauses, IDEA (Individuals with Disabilities Education Act), Section 504, the Americans with Disabilities Act and Title IX, as well as various state law claims. The student claimed the bathroom incident could have been prevented by the exercise of reasonable diligence by the district and the principal, and both failed to take appropriate action to prevent further harm after learning about the photograph. The school district and principal filed motions to dismiss the claims.

DISCUSSION

The court initially addressed counts that the district and principal failed to provide the student with a free appropriate public education ("FAPE"), as required under the IDEA, including the district's defense that the court did not have jurisdiction because the student failed to exhaust administrative remedies available under the IDEA. The court rejected this defense because while exhaustion is typically required for claims seeking IDEA relief, exhaustion was unnecessary here because the student

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sought only monetary damages on its IDEA claims, a remedy unavailable under the IDEA statute itself. But this was a pyrrhic victory for the student because the court dismissed the substantive IDEA and Section 1983 claims, holding that as monetary damages are unavailable under IDEA to begin with, Section 1983 cannot be used as an avenue for monetary damages based on IDEA violations.

Plaintiff's claims for damages under Section 1983 and the due process clause were allegedly based on a violation of the student's right to personal security and bodily integrity. But the court concluded that the due process claim under the 14th Amendment simply failed to provide relief. In the same vein, plaintiff's 14th Amendment substantive due process claims were dismissed because denial of FAPE cannot serve as the basis of a constitutional violation, as education is not one of the rights afforded explicit protection under the constitution. The court understood the student's claim that all individuals have a liberty interest in personal bodily integrity. However, this interest was not implicated here because there was no allegation of an intrusion of the student's bodily integrity. The complaint set forth only that the other student surreptitiously took a photograph of K.L.'s genitalia and later shared it on social media, but there was no physical contact whatsoever.

Continuing on this topic, the court recited that the state has no duty to protect its citizens from private harms, with a major exception: under the "state-created danger doctrine," liability may attach where the state acts to create or enhance a danger that deprives a person of due process rights. The court held the exception, however, did not apply here because to characterize the school and principal's behavior as affirmative exercises of authority would permit the state-created danger exception to swallow the entire rule, and all failures to act would be changed into affirmative exercises of authority.

As to other counts in the complaint, the equal protection claim was rejected because an alleged failure to provide FAPE to a particular student does not automatically trigger a violation of the equal protection clause, especially as it was not alleged that the plaintiff received different treatment than other similarly situated students. The court also rejected claims under the Americans with Disabilities Act or Rehabilitation Act, because for such claims to succeed, intentional discrimination or actions under a deliberate indifference standard must be shown. Here, however, the suit did not allege that policy makers were aware of a pattern of similar prior incidents involving students taking photos of other students in school restrooms. Likewise, the Title IX claim failed because the district learned of the students harassment only after the photograph was taken, and no prior similar incidents involving either child was alleged. The court also dismissed the student's failure to train claim because an underlying constitutional violation did not occur.

Because the court dismissed all the federal claims, it also dismissed the state law claims. However, because it was not clear that amendment of the students claims would be futile, the court dismissed the complaint with leave to amend.

PRACTICAL ADVICE

The court ruled in the school defendants' favor largely because no claims were made that the school and principal purposely acted to harm the student. Also, there was nothing alleged in the complaint showing a history of improper treatment or indifference toward the student by the school. However, it is recommended that policies and practices of the districts are reviewed and enforced to ensure that potential incidents involving students are minimized to preclude the potential of lawsuits.

PENNSYLVANIA SUPREME COURT HOLDS THAT SCHOOL DISTRICTS ARE PERMITTED TO PROVIDE CHARTER SCHOOL STUDENTS WITH ANY MODE OF FREE TRANSPORTATION

In Bell v. Wilkinsburg Sch. Dist., No. 23 WAP 2024, 2026 Pa. LEXIS 92 (Pa. Jan. 21, 2026), the Pennsylvania Supreme Court held that Section 1726-A(a) of the Charter School Law ("CSL"), 24 P.S. § 17-1726-A(a), permits a school district to furnish different modes of free transportation to students enrolled in public charter schools than to students attending traditional public schools.

BACKGROUND

Prior to the 2017-2018 school year, the Wilkinsburg

School District ("District") contracted with an independent bus company to provide transportation for all students residing in the District who attended its schools as well as for those students who attended charter schools located within ten miles of the District's boundaries. Thus, students who attended these charter schools were transported to and from those schools on buses the District provided, pursuant to its bus contract. However, before the 2018-2019 school year, as part of ongoing efforts to safeguard its fiscal stability, the District engaged the services of a consultant from the Pennsylvania Association of School Business Officials to review its overall transportation program. Based on the consultant's review, the District decided that it would no longer provide charter school students with school bus transportation. Instead, it would furnish those students with free passes to use public bus transportation provided by the Allegheny County Port Authority ("PAT"), now Pittsburgh Regional Transit.

On October 12, 2018, Bell and Propel Charter Schools ("Propel") jointly filed a lawsuit against the District, seeking a declaratory judgment that the District's furnishing of bus passes to Propel's students did not constitute the provision of "free transportation" as Section 17-1726-A(a) of the CLS required. The trial court found that the District did not violate either the CSL or the Public School Code. The court reasoned that, although Section 17-1726-A(a) of the CSL requires students to be provided with "free transportation," Section 13-1362 of the Public School Code expressly permits such transportation to be furnished by "common carriers" such as PAT.

Propel appealed to the Commonwealth Court, arguing that the trial court committed legal error by failing to conclude that: 1) Section 1726-A(a) of the CSL required the District to provide the charter school students with the same form of transportation that the District provides to students attending its own schools; 2) the District's use of PAT buses to transport Propel students violated Section 23.2 of the Board's regulations governing pupil transportation because the District did not receive prior approval from the Department of Education; and 3) the District's use of PAT buses to transport Propel students violated Section 13-1362 of the School Code because this resulted in students having to walk long distances over unsafe routes.

Ultimately, a divided *en banc* panel of the Commonwealth Court affirmed the trial court's order. See *Bell v. Wilkinsburg Sch. Dist.*, 313 A.3d 486, 2024 WL 358515 (Pa. Cmwlth. 2024). The Pennsylvania Supreme Court granted Propel's petition for allowance of appeal to consider whether "the Commonwealth Court erred in interpreting 24 P.S. § 17-1726-A to permit unequal treatment of school-aged students in the Commonwealth depending on whether the students are enrolled in a public charter school or in a traditional public school?" The Supreme Court affirmed the Commonwealth Court's opinion.

DISCUSSION

Section 13-1362 of the Pennsylvania School Code defines what constitutes "free transportation" and provides:

> The free transportation of pupils, as required or authorized by this act, or any other act, may be furnished by using either school conveyances, private conveyances, or electric railways, or other common carriers, when the total distance which any pupil must travel by the public highway to or from school, in addition to such transportation, does not exceed one and one-half (1 1/2) miles, and when stations or other proper shelters are provided for the use of such pupils where needed, and when the highway, road, or traffic conditions are not such that walking constitutes a hazard to the safety of the child, as so certified by the Department of Transportation…

24 P.S. § 13-1362.

Section 1726-A(a) of the CSL, in turn, provides that school districts must provide "free transportation" to certain charter school students:

> [1] Students who attend a charter school located in their school district of residence, a regional charter school of which the school district is a part, or a charter school located outside district boundaries at a distance not exceeding ten (10) miles by the nearest public highway shall be provided free transportation to the charter school by their school district of residence on such dates and periods that the charter school is in regular session whether or not transportation is provided on such dates and periods to students attending schools of the district. [2] Transportation is not required for elementary students, including kindergarten students, residing within one and one-half (1.5) miles or for secondary students residing within two (2) miles of the nearest public highway from the charter school in which the students are enrolled unless the road or traffic conditions are such that walking constitutes a hazard to the safety of the students when so certified

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> by the Department of Transportation, except that if the school district provides transportation to the public schools of the school district for elementary students, including kindergarten students, residing within one and one-half (1.5) miles or for secondary students residing within two (2) miles of the nearest public highway under nonhazardous conditions, transportation shall also be provided to charter schools under the same conditions.
>
> 24 P.S. § 17-1726-A(a).

The issue in *Bell* was whether the phrase "under the same conditions" at the end of the second sentence required that the charter school students receive the "same" free transportation as the school district's students.

The Supreme Court explained that the first sentence of Section 1726-A identifies **what** and **when** a school district must provide to charter school students, namely: 1) free transportation; 2) to students attending a charter or regional charter school in their district of residence, or a charter school located outside but within 10 miles of a district by the nearest public highway; 3) on such dates and periods that the charter school is in regular session.

The Court then explained that the second sentence details **who** qualifies for such services, namely: 1) elementary students residing more than one and one-half miles away from the charter school; 2) secondary students residing more than two miles away from the charter school; 3) elementary and secondary students residing within those respective distances if the DOT has certified that walking constitutes a hazard to the safety of the students; and 4) elementary and secondary students residing within those respective distances under nonhazardous conditions if the school district provides transportation to the public schools under the same conditions.

The Court rejected Propel's argument that the "under the same conditions" language requires that the transportation provided to charter school students be identical to the transportation provided to district students because the phrase "under the same conditions" unambiguously applies only to students who reside within a safe, closer distance to the charter school. The Court explained:

> had the General Assembly intended to require identical transportation between charter and public school students, it could have easily said so — and presumably would have done so in the first sentence of the statute, not the second, by simply inserting the word "identical" between "free transportation."

Therefore, the Court held that Section 1726-A(a) entitles charter students to "free transportation" from their school district, but it does not mandate the district afford the same mode of transportation for all students.

PRACTICAL GUIDANCE

This case, which began in 2018 and did not conclude until 2026, has generated numerous decisions that provide useful guidance to school districts that provide transportation to charter school students, including:

1. Section 23.2 of the Board of Education's regulations, 22 Pa.Code § 23.2, does not obligate school districts to seek Department of Education approval prior to amending their transportation plans. Bell v. Wilkinsburg Sch. Dist., 283 A.3d 245 (Pa. 2022).
2. "Free Transportation" under Section 1726-A of the CSL includes all modes of transportation identified in Section 1362 of the School Code, provided that the conditions set forth in Section 1362 (distance, shelters and nonhazardous walking routes) are satisfied. Bell v. Wilkinsburg Sch. Dist., 313 A.3d 486 (Pa. Cmwlth. 2024).
3. Section 1726-A of the CSL does not require identical transportation for school district students and charter school students. Bell v. Wilkinsburg Sch. Dist., 2026 Pa. LEXIS 92 (Pa. Jan. 21, 2026).

Nevertheless, some outstanding issues may remain, including whether providing different transportation to charter school students raises constitutional concerns. These constitutional claims were not at issue in this case, and were only briefly addressed by the Court, but could be asserted in the future. Therefore, school districts should consult with their solicitors when considering changes to their transportation plans.

SUPREME COURT CLARIFIES SUNSHINE ACT

Coleman v. Parkland School District, 346 A.3d 1266 (Pa. 2025) (A divided Pennsylvania Supreme Court reversed the Commonwealth Court's 2023 decision and expanded the ability of agencies to add items to an agenda during a public meeting).

BACKGROUND

At the Parkland School District ("District") School Board's October 26, 2021 meeting, a board member introduced a motion to amend the meeting's agenda to include a vote on whether to approve a collective bargaining agreement (CBA) between the District and the Parkland Education Association. The CBA included a 2.9% annual salary increase for approximately 680 Parkland Education Association members. The board member explained that the CBA had not appeared on the published agenda because the Parkland Education Association had only voted on it earlier that day. The School Board approved the motion, updated the agenda to reflect the addition, and subsequently voted to approve the CBA.

On November 2, 2021, Jarrett Coleman filed suit, arguing that the Board violated the Sunshine Act, contending that the Sunshine Act precluded the addition of items to the previously posted agenda other than those de minimis in nature or for emergencies. The trial court granted summary judgment in favor of the District. On appeal, however, the Commonwealth Court held that the District violated the Sunshine Act by infringing on the 24-hour notice rule established by the Sunshine Act.

DISCUSSION

Amendments to the Sunshine Act, enacted in 2021, mandate that agencies post their agendas on their website 24 hours before the time of the meeting. The amendments further provided that agencies cannot act on any item not included on the posted agenda, with certain exceptions:

> (a) Official action. — Except as provided in subsection (b), (c), (d), or (e) an agency may not take official action on a matter of agency business at a meeting if the matter was not included in the notification required under section 709(c.1) (relating to public notice).
>
> (b) Emergency business. — An agency may take official action at a regularly scheduled meeting or an emergency meeting on a matter of agency business relating to a real or potential emergency involving a clear and present danger to life or property, regardless of whether public notice was given for the meeting.
>
> (c) Business arising within 24 hours before a meeting. — An agency may take official action on a matter of agency business that is not listed on a meeting agenda if:
>
> 1) the matter arises or is brought to the attention of the agency within the 24-hour period prior to the meeting; and
>
> 2) the matter is de minimis in nature and does not involve the expenditure of funds or entering into a contract or agreement by the agency.
>
> (d) Business arising during a meeting. — If, during the conduct of a meeting, a resident or taxpayer brings a matter of agency business that is not listed on the meeting agenda to the attention of the agency, the agency may take official action to refer the matter to staff, if applicable, for the purpose of researching the matter for inclusion on the agenda of a future meeting, or, if the matter is de minimis in nature and does not involve the expenditure of funds or entering into a contract or agreement, the agency may take official action on the matter.
>
> (e) Changes to agenda. —
>
> 1) Upon majority vote of the individuals present and voting during the conduct of a meeting, an agency may add a matter of agency business to the agenda. The reasons for the changes to the agenda shall be announced at the meeting before any vote is conducted to make the changes to the agenda. The agency may subsequently take official action on the matter added to the agenda. The agency shall post the amended agenda on the agency's publicly accessible internet website, if available, and at the agency's principal office location no later than the first business day following the meeting at which the agenda was changed.
>
> 65 Pa.C.S. § 712.1.

Prior to the Commonwealth Court decision, Section 712.1 of the Sunshine Act was broadly interpreted as allowing four exceptions to the 24-hour notice rule: 1) relating to emergency business; 2) relating to business arising within 24 hours before the meeting; 3) relating to business arising during the meeting; and 4) items added at the meeting by majority vote.

However, a divided Commonwealth Court held that Section 712.1 of the Sunshine Act offers only three

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exceptions to the general prohibition disallowing agency action on matters not previously listed in the meeting agenda. The court concluded that interpreting Section 712.1(e) of the Sunshine Act as a fourth exception would allow Section 712.1(e) of the Sunshine Act to swallow the entire rule that the agency shall post the agenda 24 hours in advance of a meeting.

The Commonwealth Court further stated that Section 712.1(e) is merely a procedural mechanism instructing the agency how to go about publicly amending a meeting agenda when one of the three exceptions in Section 712.1 of the Sunshine Act applies.

In November 2025, however, the Pennsylvania Supreme Court reversed the Commonwealth Court's decision. The Supreme Court concluded that the statutory exceptions outlined in Section 712.1 created a fourth exception to the 24-hour notice rule.

PRACTICAL ADVICE

Because of the Supreme Court's ruling, an item may be added to the agenda for discussion or action during meetings of the board of school directors. To add an agenda item, a board must do the following:

1) take a separate vote to amend the agenda to include an item, accompanied by a description of the reason for the amendment prior to the vote;
2) if added to the agenda, take a separate vote on the matter;
3) the public must have an opportunity to comment on the matter before a vote;
4) post the amended agenda with the new item within 24 hours; and
5) set forth the substance of the amendment, the vote on the amendment, and the announced reason for the addition in the meeting minutes.

WHEN PLACEMENT IS NOT CONTROL: FEDERAL COURT DISMISSES STUDENT'S CIVIL-RIGHTS CLAIMS AGAINST PUBLIC DISTRICT FOR PRIVATE ABUSE

Vincent C. v. Pennsbury Sch. Dist., No. 24-06340-PAC, 2025 LX 359449 (E.D. Pa. Sep. 2, 2025)

ABSTRACT

In *Vincent C. v. Pennsbury School District*, the United States District Court for the Eastern District of Pennsylvania dismissed with prejudice a student's federal civil-rights claims arising from sexual abuse perpetrated by a teacher's aide employed by a privately operated special-education school. Despite the undisputed gravity of the misconduct and the student's extreme vulnerability, the court held that the public school district could not be held liable under Title IX, § 1983, Section 504 of the Rehabilitation Act, or the Americans with Disabilities Act where the student could not plead facts supporting actual notice, deliberate indifference, substantial control, or a qualifying municipal policy or custom. The decision underscores the demanding pleading standards governing institutional liability, particularly where abuse is committed by non-district personnel in off-campus or private settings.

BACKGROUND

The plaintiff, a then-14-year-old student with documented disabilities arising from emotional disturbance and a history of significant trauma, was placed by Pennsbury School District at Valley Day School, a privately operated approved special-education placement. During the 2020–2021 school year, a Valley Day School teacher's aide groomed the student through private Zoom conversations on the student's school-issued device, unsupervised walks on campus, and messages on the platform Discord. Over time, the aide's behavior escalated: she began meeting with the child off campus, sexually assaulting him, and exposing him to drugs. Law enforcement began investigating the aide, who confessed and was arrested amid significant media coverage. While released on bail, the aide contacted the student again, culminating in a fatal police encounter in which the aide died by suicide in the student's presence.

Thereafter, the student and his family brought suit against both Valley Day School and Pennsbury School District. The plaintiff's complaint alleged various legal causes of action against the district, including claims for: deliberate indifference under Title IX; municipal liability under § 1983 for alleged violations of Title IX, the Equal Protection Clause, and the ADA (Americans with Disabilities Act); and disability discrimination and denial of benefits under Section 504 and the ADA.

The district moved for dismissal of plaintiff's claims,

alleging that his complaint failed to state a plausible cause of action.

DISCUSSION

The Eastern District Court granted Pennsbury School District's motion to dismiss in its entirety, concluding that the student's complaint failed to state a plausible basis for imposing federal liability on the school district.

First, the court rejected all § 1983 claims, holding that the student failed to plead municipal liability under the *Monell* standard. The court noted that the student's allegations described horrific misconduct by a single individual but did not identify any district "final decisionmaker" responsible for an unconstitutional policy, nor any well-settled custom with the force of law. "At best," the Court held, "Plaintiff's allegations show an individual pattern of harassment committed by one rogue individual." Critically, the complaint alleged no prior similar incidents, no pattern of misconduct, and no facts placing the district on notice that its training or supervisory practices were constitutionally deficient. The court emphasized that § 1983 does not permit liability based on vicarious liability alone.

Next, the court dismissed the student's Title IX claim for failure to allege actual notice and deliberate indifference by an "appropriate person" within the district. While Title IX permits district liability for teacher-on-student sexual harassment, the framework created by the Supreme Court of the United States requires actual, not constructive, knowledge by an official with authority to take corrective action. Allegations that unnamed private-school staff found the aide's conduct "weird," or that district officials should have known of grooming behaviors, were insufficient. Moreover, once the aide was arrested, the court found no plausible allegation that the district exercised substantial control over either the harasser or the context of the subsequent harm, which occurred off campus, outside school programs, and without district involvement. The court rejected the student's argument that by placing him at a private school pursuant to a district-issued IEP (Individualized Education Program), the student remained a student of the district with a non-delegable duty to meet his needs.

The court then dismissed the student's Section 504 and ADA claims. The court held that the district could not be held vicariously liable for the aide's discriminatory conduct at the private school and that compensatory damages under both statutes require intentional discrimination, defined as deliberate indifference. While the student alleged that the district failed to revise his IEP or provide additional disability support services following the aide's arrest, the court found that these allegations comprised, at worst, negligence or "bureaucratic inaction" — not deliberate indifference. Furthermore, the court concluded that the district could not be held vicariously liable under the ADA or Section 504 for actions of its employees or agents.

Ultimately, the court dismissed the student's entire case against the district with prejudice, noting that the plaintiff had already amended the complaint once, had conducted limited discovery, and had not cured the core legal deficiencies. The court held that it would be inequitable to make the district respond to an entirely new set of facts and theories, which would be necessary for the student's case to survive.

PRACTICAL ADVICE

This decision offers several important lessons for public school districts, particularly those placing students in private or approved special-education settings:

1. Agency alone is insufficient for federal damages liability. Districts are not automatically responsible for the misconduct of private-school employees absent facts demonstrating district control, policymaker involvement, or a qualifying policy or custom.

2. Documentation and reporting channels matter. The absence of documented complaints, reports, or escalations was central to the court's analysis. Clear reporting protocols and prompt internal documentation remain critical risk-management tools.

3. Single-incident liability remains rare. Courts continue to require patterns, notice, and predictability before imposing municipal liability for training or supervision failures. Even in cases involving extreme abuse, liability hinges on actual notice to an official with corrective authority and a deliberately indifferent response—not on generalized awareness, hindsight, or public outrage.

4. When faced with a lawsuit, challenge early. The sweeping dismissal of this case was the result of early, aggressive legal challenges brought by the district to the student's complaint. The case is an example that Pennsylvania federal courts closely scrutinize a plaintiff's allegations and are not afraid to take decisive action, even when the result may seem harsh.

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