TUCKER | ARENSBERG Attorneys

EDUCATION LAW REPORT

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

Volume XXVIII Number 1
2017

In This Issue

Tucker Arensberg PC

1500 One PPG Place
Pittsburgh, PA 15222
412.566.1212

2 Lemoyne Drive
Lemoyne, PA 17043

tuckerlaw.com

OFFICE OF OPEN RECORDS HOLDS THAT SCHOOL VIDEOS DEPICTING STUDENT IN AN ALTERCATION IS NOT AN EDUCATIONAL RECORD OF THE STUDENT UNDER FERPA

Hawkins v. Central Dauphin School District, AP 2016-0583, 2016 PA O.O.R.D. LEXIS 760. The Office of Open Records reverses its earlier decision and holds that a video from a school bus video system showing an altercation between an adult and a 17-year-old student is not an educational record of the student under the Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. § 1232g.

SUMMARY AND FACTUAL BACKGROUND

A request ("Request") was submitted to the Central Dauphin School District ("District") pursuant to the Right-to-Know Law ("RTKL"), 65 P.S. §§ 67.101 *et seq.*, seeking a video from a District school bus. The requested video showed an adult grabbing a 17-year-old student by the wrist.

The District denied the Request, stating that disclosure of the video would violate FERPA and would result in the loss of federal funding. 65 P.S. § 67.708(b)(1)(i).

On appeal, the Office of Open Records ("OOR") granted the appeal and held that the video was a public record. In the OOR's view, only records relating to a student's academics are "educational records" under FERPA. In making this determination, the OOR reversed its earlier decision in *Remling v. Bangor Area Sch. Dist.*, OOR Dkt. AP 2011-0021, 2011 PA O.O.R.D. LEXIS 74 which held that such videos are educational records under FERPA and exempt from disclosure under the RTKL.

DISCUSSION

FERPA protects personally identifiable information contained in education records from disclosure and financially penalizes school districts "which [have] a policy or practice of permitting the release of education records…of students without the written consent of their parents." 20 U.S.C. § 1232g(b)(1). FERPA and its implementing regulations define "education records" as those records that are "[d]irectly related to a student" and "[m]aintained by an educational agency or institution or by a party acting for the agency or institution." 20 U.S.C. §1232g(a)(4)(A); 34 C.F.R. 99.3.

The OOR acknowledged that the definition of educational records is broad and that, by its terms "appears to encompass all records held by an educational institution and which relate to a student." Nevertheless, the OOR stated that "the courts interpreting FERPA have made clear that **only** those records relating to student academics" are education records protected by FERPA and held that the video was not an educational record.

Though the language used by the OOR in the *Hawkins* decision suggests that all courts agree with this narrow interpretation, the reality is that the OOR was relying on state and federal decisions from other jurisdictions that have been rejected by other courts for being inconsistent with the plain language of

continued

FERPA. Moreover, the OOR's new position is inconsistent with guidance issued by the Federal Department of Education's Family Compliance Office ("FCO") which oversees compliance with FERPA.

Contrary to the OOR's position on Hawkins, there is a significant body of case law holding that the term "educational records" must be interpreted broadly and include school surveillance videos. In *United States v. Miami University*, 91 F. Supp. 2d 1132 (S.D. Ohio 2000), for example, the court reviewed and rejected many of the cases relied upon by the OOR in *Hawkins*:

> With all due respect to these courts, this Court refuses to adopt such a narrow interpretation of FERPA's definition of "education records." None of the above-cited decisions provided any reasoning for their narrow interpretation of FERPA, and this Court fails to see how such a limited meaning of "education records" can be discerned from the plain language.

Id., at 1149 n. 17. *See also Bryner v. Canyons School District*, 351 P.3d 852, 858 (Utah Ct. App. 2015) (video from a school surveillance camera that showed an altercation between the requester's child and other students outside of a classroom is an educational record); *Medley v. Bd. of Educ.*, 168 S.W.3d 398, 404 (Ky. Ct. App. 2004) (videotapes of teacher's classroom were education records within meaning of FERPA).

Moreover, the OOR's holding in *Hawkins* is inconsistent with guidance issued by the Federal FCO. The FCO, which implements and oversees institutional compliance with FERPA, has issued guidance to school districts stating that school videos of students are educational records of the students. Initially, the FCO advised that "a parent may only inspect a school videotape showing his or her own child engaged in misbehavior if no other students are pictured": *Letter re: Berkeley County Sch. Dist.*, 7 FAB 40 (FCO 2004) (*quoted in Bryner,* 351 P.3d at 858). In other words, any school video depicting a student is an educational record of that student.

The FCO subsequently issued informal guidance that suggests that video recordings may constitute education records only for those students who are "directly related" to the focus or subject of the video. *See, e.g., Opinion of the Texas Attorney General,* OR2006-07701, 2006 Tex. AG Ltr. Rul. LEXIS 7439 (July 18, 2006) ("The [PCO] has, however, determined that the images of the students involved in the altercation do constitute the education records of those students. Thus, FERPA does apply to the students involved in the altercation.") (*quoted in Bryner.*, 351 P.3d at 858). At the very least, guidance issued by the FCO, which has been relied upon by courts, indicates that videos depicting altercations are educational records under FERPA of the students involved in the altercation.

Accordingly, contrary to the OOR's assertion in *Hawkins*, only a small line of cases has interpreted the term educational record narrowly. The stronger argument, based on the text of the statute and regulations and the guidance issued by the federal government, may be that the term should be interpreted broadly and include surveillance videos.

There are no Pennsylvania decisions directly on point, but Pennsylvania courts appear to have adopted the broad definition of educational records. In *Sherry v. Radnor Twp. Sch. Dist.*, 20 A.3d 515, 525 (Pa. Commw. Ct. 2011), the Commonwealth Court held that student disciplinary records are included under FERPA's definition of "education records." In doing so, the court relied on the Sixth Circuits decision which affirmed the above-quoted *Miami University* case, *United States v. Miami University*, 294 F.3d 797 (6th Cir. 2002). Accordingly, Pennsylvania courts may very well hold that school surveillance videos are educational records.

PRACTICAL ADVICE

The *Hawkins* decision was appealed to the Court of Common Pleas of Dauphin County where it is pending. In the meantime, the OOR continues to apply its narrow interpretation of educational records and order the release of videos featuring students. See *Adams v. Parkland School District*, AP 2016-1685.

Because there is uncertainty whether school surveillance videos are educational records under FERPA, school districts should work with their solicitor before relying on the recent OOR decisions and creating a policy or practice of granting RTKL request that seeks school videos depicting students.

MIDDLE SCHOOL GAY-STRAIGHT ALLIANCE ALLOWED TO PURSUE EQUAL ACCESS CLAIMS

Carver Middle Sch. Gay-Straight Alliance v. Sch. Bd. of Lake Cnty. Fla., 842 F.3d 1324 (11 Cir., Dec. 6, 2016): A Federal Appellate Court held that a Florida middle school met the definition of a secondary school under the Equal Access Act, and therefore claims against the school by an extracurricular club, the Gay-Straight Alliance, could go forward.

SUMMARY AND FACTUAL BACKGROUND

Students at Carver Middle School ("Carver") applied for approval of the Carver Middle School Gay-Straight Alliance, an extracurricular student club. The application described the following purposes and goals of the club:

1) to create a safe, supportive environment at school for students to discuss experiences, challenges and successes of LGBT students and their allies

2) to create and execute strategies to confront and work to end bullying, discrimination, and harassment against all students, including LGBT students

3) to promote critical thinking by discussing how to address bullying and other issues confronting students at Carver Middle School.

School District administrators denied the application and in response the Alliance and a student, H.F., filed a complaint against the School Board of Lake County, Florida ("Board") alleging, among other claims, that the Board violated the Federal Equal Access Act.

After a bench trial, the United States District Court for the Middle District of Florida dismissed the Equal Access Act Claim as not ripe, moot and, in the alternative, ruled that the Act did not apply to Carver Middle School because the middle school did not meet the definition of a "secondary school" under the Act. The District Court ruled that, in Florida, a secondary school means a high school. The Alliance and H.F. appealed this dismissal to the U.S. Court of Appeals for the 11th Circuit.

DISCUSSION

The Equal Access Act requires "any public secondary school which receives federal financial assistance" to give extracurricular clubs equal access to school resources. The Act defines a secondary school as "a public school which provides secondary education as determined by state law." (emphasis added). The appeals court explained that the Act applied to any school that provided "secondary education" and was not exclusive to high schools. Carver offered an Algebra I class through which students at the middle school received high school credit. Because it offered a high school-level course, the Court held that Carver Middle School provided *secondary education* under Florida law. Consequently, the middle school was subject to the Equal Access Act and the U.S. Court of Appeals for the 11th Circuit remanded the case back to the District Court to apply the Act.

PRACTICAL ADVICE

Because the case depended on the analysis of Florida law, it is unclear whether a similar result would be obtained in other states. It is also unclear whether a middle school can be considered a secondary school under the Equal Access Act, regardless of whether it offers high school credit. However, school districts should be aware that the Equal Access Act potentially applies to middle schools as well as high schools, requiring equal access for clubs such as the Carver Middle School Gay-Straight Alliance.

COMMONWEALTH COURT ORDERS TEACHER REINSTATED WHEN THE SCHOOL BOARD FAILS TO STRICTLY COMPLY WITH STATUTORY PROCEDURES FOR DISMISSING THE TENURED TEACHER.

Vladimirsky v. School District of Philadelphia, 144 A.3d 986 (Pa. Commw. Ct. 2016). The Commonwealth Court held that a tenured teacher has a constitutionally protected interest in his (or her) employment and can only be terminated in strict accordance with the procedural requirements for dismissal in the School Code. Failure to strictly comply with the termination procedures may result in a violation of the teacher's due process rights and lead to the teacher's reinstatement.

SUMMARY AND FACTUAL BACKGROUND

On September 1, 1997, the School District of Philadelphia ("District") hired Serge Vladimirsky ("Vladimirsky") as a social studies teacher at Overbrook High School

continued

("Overbrook"). In 2011, the District attempted to terminate Vladimirsky's employment based on two incidents that occurred that year. The first incident involved Vladimirsky yelling at Overbrook's principal. The other involved Vladimirsky shouting obscenities at students in his classroom and grabbing another student's arm in an attempt to take his phone.

After an investigatory conference, Vladimirsky received an unsatisfactory rating based on these incidents. After another, second-level conference, the District's Talent Acquisition Office Deputy Chief recommended that Vladimirsky's employment be terminated.

On July 20, 2011, the District mailed Vladimirsky a letter signed by the School Board Chairman and the District Superintendent stating that: 1) they recommend the Board terminate his employment immediately, 2) the District payroll department would make the necessary salary adjustments, and 3) the charges against him constituted just cause under the collective bargaining agreement and violation of the School Laws of the Commonwealth. The letter further informed Vladimirsky that he had a right to a hearing before the Board.

Vladimirsky requested a hearing before the Board. After the hearing, the Hearing Officer recommended that Vladimirsky's employment be terminated for intemperance and willful violation of the School Laws. On March 15, 2012, the Board resolved to adopt the Hearing Officer's recommendations, terminated Vladimirsky and declared that the termination was effective July 20, 2011 — the date of the Board Chairman and the District Superintendent's letter.

Vladimirsky appealed the Board's decision to the Acting Secretary of the Department of Education ("Acting Secretary"), who after a hearing ordered that Vladimirsky be reinstated to his position as a teacher as of July 20, 2011, but upheld the Board's decision to terminate Vladimirsky on March 15, 2012.

Vladimirsky and the District appealed the Acting Secretary's decision to the Commonwealth Court.

DISCUSSION

Section 1127 of the School Code requires that **before** a tenured teacher is dismissed the School Board — not a school administrator — must provide a tenured teacher with a written statement of the charges for his (or her) dismissal and conduct a hearing. The Court interpreted Section 1127 as requiring the Board to determine that evidence exists that, if true, justifies employment termination, before issuing a written statement of charges.

Further, the Court stated that Section 1127 of the School Code requires that a written statement of charges: 1) be signed by the Board President and attested by the Board Secretary; 2) be mailed to the teacher on behalf of the Board by registered mail; and 3) set a time, place and location for a hearing before the Board no later than fifteen days from the date of the written notice.

The Court concluded that the Board Chairman and the District Superintendent's July 20, 2011 letter was not sent on behalf of the Board; therefore, it violated the requirements of Section 1127 of the School Code. Moreover, since Vladimirsky was not paid after the date of the letter, he was essentially terminated without any Board action and prior to a hearing. Therefore, the Court concluded that Vladimirsky's termination by the July 20, 2011 letter was a "dismissal by administrative action" in violation of the School Code.

Dismissals by administrative actions are not permitted under the School Code. Instead, Section 1129 of the School Code requires that for a teacher's dismissal to be effective, the Board must vote by roll-call, and there must be a two-thirds vote in favor of the dismissal. In this case, the Board failed to comply with Section 1129 of the School Code because the Board's March 15, 2012 resolution occurred after Vladimirsky was effectively terminated on July 20, 2011 and because the resolution made Vladimirsky's termination retroactive to July 20, 2011. The Court noted that "in no case can the effective date of the dismissal be earlier than the date of the school board's resolution…a deviation from these procedures constitutes a denial of due process."

The District's failure to strictly comply with Sections 1127 and 1129 of the School Code was a violation of Vladimirsky's due process rights. A tenured teacher has a constitutionally protected interest in his (or her) employment and the procedures set forth in the School Code must be followed. The Court noted that "deviations from the statutory procedures constitute fatal defects

making the school board's dismissal an illegal act." The Court rejected the District's request that the case be remanded, noting that "a remand cannot cure the egregious failure of the District to comply with [the procedural safeguards] in the School Code."

The Court ordered the Board to reinstate Vladimirsky to his position and remanded the case to the Acting Secretary to determine what compensation, if any, the District owed Vladimirsky.

PRACTICAL ADVICE

Because tenured teachers have a constitutionally protected interest in their employment, School Administrators who plan to terminate a tenured teacher should work with their solicitors to ensure that they strictly comply with all the procedures for dismissals, charges, notices, and hearings in Section 1127 of the School Code to avoid violating the teacher's constitutional rights.

As this case illustrates, efforts to fix a defect in a dismissal proceeding may be ineffective because once a procedural requirement for dismissal is missed or ignored, such action (or inaction) is considered a fatal defect.

LATEST LEGAL DEVELOPMENTS ON STUDENT SEARCHES

Highhouse v. Wayne Highlands School District, — F. Supp.3d — 2016 WL 4679012 (M.D. Pa. Sept. 7, 2016): claims relating to unlawful strip search of a student accused of stealing money against individual employees and a school district survive a motion to dismiss; *Sayler v. Holidaysburg Area School District*, 3:16-57 (W.D. Pa. September 26, 2016): claims relating to an unlawful search and seizure of an autistic student accused of possessing a knife against individual employees and a school district survive a motion to dismiss.

DISCUSSION

Highhouse v. Wayne Highlands School District

In *Highhouse v. Wayne Highlands School District*, — F.Supp.3d — 2016 WL 4679012 (M.D. Pa. Sept. 7, 2016), a male high school student ("Plaintiff") was strip searched by two school district employees ("Employees") who believed that the Plaintiff stole $250 from another student during gym class. The Employees ordered the Plaintiff to strip down to his underwear and then pulled on the elastic waistband of the underwear, exposing Plaintiff's private areas.

The Plaintiff filed a complaint against the Employees and the school district ("District") asserting, among other things, that the strip search violated his Fourth Amendment rights against unreasonable searches and seizures.

Generally, a court will apply "a standard of reasonable suspicion to determine the legality of a school administrator's search of a student." However, in *Safford Unified School District #1 v. Redding*, 557 U.S. 364 (2009) ("*Safford*"), the Supreme Court of the United States noted the "categorically extreme intrusiveness" of student strip searches and created a new rule regarding the reasonableness of such searches. To justify this kind of intrusion, school officials must: 1) have some evidence that the item they suspect is being hidden by the student is dangerous in terms of its "power or quantity"; or 2) have some specific reason to suppose that the forbidden item is hidden in a student's underwear.

In *Highhouse*, the court found that, based on the allegations in the complaint, the Employees did not have a valid basis to conduct a strip search. Unlike a weapon or drugs, money is not inherently dangerous. Moreover, the Employees had no reason to believe that the Student hid the money in his underwear. Accordingly, the court found that the Plaintiff adequately stated a claim that the Employees violated his Fourth Amendment rights when they strip searched him.

The Court also found that the District may be liable for the strip search. Generally, school districts can only be liable for the actions of their employees if the school district has an official policy or custom that caused the asserted constitutional deprivation.

However, a policy may be established several different ways, including a school district's failure to train its employees. A plaintiff relying on a "failure to train" theory must show that the failure caused a pattern of violations or that a violation of rights is a highly predictable consequence of the failure to train employees how to handle recurring situations.

continued

The Court found that the Plaintiff made sufficient allegations that the District failed to property train its employees regarding proper detentions and searches of students and denied the District's motion to dismiss.

Sayler v. Holidaysburg Area School District

In *Sayler v. Holidaysburg Area School District*, 3:16-57 (W.D. Pa. September 26, 2016), an autistic student ("Plaintiff") was injured when employees ("Employees") of the school district ("District") were investigating an allegation that the student was in possession of a knife. The complaint alleged that the staff and employees of the District knew that the Plaintiff was autistic and that he experienced extreme fear and agitation when touched by or confined with others.

The Plaintiff was pulled out of class and told that there was a rumor that he was going to bring a knife to school and stab another student. The Plaintiff denied the rumor and Employees said that they believed him, but that they were going to continue the investigation.

The Employees searched the Plaintiff's locker and binder, but did not find a knife or other contraband. While searching, the Employees left the Plaintiff unsupervised, indicating that they did not consider him to be a threat. The Plaintiff also emptied his pockets and lifted his shirt in front of the Employees to show that he did not possess a knife. The Plaintiff asked to call his mother, but the Employees refused. One of the Employees then searched the Plaintiff by touching and grabbing him and eventually slamming him to the ground, fracturing Plaintiff's kneecap and causing other physical and emotional injuries.

The Plaintiff brought claims against the District and the Employees for conducting an illegal search and seizure in violation of his Fourth Amendment rights.

As set forth above, searches conducted in public schools that do not involve strip searches are governed by the reasonableness standard. The measures adopted must be reasonably related to the objectives of the search and not excessively intrusive in light of the characteristics of the student and the nature of the infraction.

The court found that the Plaintiff stated a valid claim against the District and the Employees because Plaintiff alleged that the Employees did not believe he had a knife, had already searched Plaintiff's belongings and pockets, knew that Plaintiff was autistic and became distressed when touched and still proceeded to perform a rough physical search that resulted in a broken kneecap. Accordingly, based on Plaintiff's allegations, the search was not reasonable.

PRACTICAL ADVICE

These cases should remind school districts that they must work with their solicitors to ensure that district officials and employees are properly educated and trained with respect to the proper exercise of disciplinary and investigatory power, including detentions and searches of students, because the failure to do so can result in liability for the employees and the school district.

In order for a student search to be permissible, the school district must have reasonable suspicion of wrongdoing and the resulting search must be reasonably related to the objectives of the search. As indicated in the *Sayler* case, reasonableness will be judged in light of the characteristics of the student and the nature of the infraction.

School districts should be reluctant to have its employees conduct strip searches. As noted by the court in *Highhouse*, student strip searches are "embarrassing, frightening, and humiliating," and constitute "categorically extreme intrusiveness" which suggests that a strip search of a student will almost never be justified. In all but the most extreme circumstances, if there is a suspicion of a serious threat or a violation of the law, a school district should contact the local police department rather than perform an improper search.

FEDERAL JUDGE IN PITTSBURGH RULES THAT EMPLOYERS CANNOT DISCRIMINATE AGAINST EMPLOYEES BASED ON SEXUAL ORIENTATION

EEOC v. Scott Medical Center, 2016 WL 6569233 (W.D. Pa. Nov. 4, 2016). Judge Cathy Bissoon of the U.S. District Court for the Western District of Pennsylvania recently held that Title VII of the Civil Rights Act of 1964 prohibits employers from discriminating against employees based on their sexual orientation.

SUMMARY AND FACTUAL BACKGROUND

On March 1, 2016, the U.S. Equal Employment Opportunity Commission ("EEOC") filed a federal lawsuit in the Western District of Pennsylvania against Scott Medical Health Center, P.C. ("Scott Medical"). The EEOC alleged that Robert McClendon, a supervisor at Scott Medical, repeatedly harassed Dale Baxley, a male employee, because he is gay. Baxley reported Supervisor McClendon's behavior to Scott Medical's President, but the company took no action. Baxley eventually resigned.

In its complaint, the EEOC alleged that Scott Medical violated Title VII of the Civil Rights Act of 1964 ("Title VII"). This law prohibits discrimination by an employer against an employee "because of sex." The EEOC claimed that Scott Medical discriminated against Baxley "because of sex" by mistreating him based on his sexual orientation. According to the EEOC, if Baxley had been a woman — rather than a man — Supervisor McClendon would not have harassed him about his relationship with another man.

On May 9, 2016, Scott Medical sought to dismiss the EEOC's complaint. It asserted that Title VII's ban on discrimination "because of sex" does not cover discrimination based on sexual orientation.

On November 4, 2016, Judge Cathy Bissoon denied Scott Medical's motion to dismiss. She found that Title VII's ban on discrimination "because of sex" also prohibits employers from discriminating against employees based on sexual orientation. She found no meaningful difference between "sexual orientation" discrimination and discrimination "because of sex." In her view, sexual orientation discrimination always involves judgments or stereotypes about how a person should behave based on their sex. Judge Bissoon thus concluded that sexual orientation discrimination inevitably is discrimination "because of sex." She is one of the first federal judges to find that Title VII prohibits sexual orientation discrimination.

DISCUSSION

Title VII has transformed many facets of the employer-employee relationship since President Lyndon Johnson signed it into law on July 2, 1964. Since its enactment, however, federal courts repeatedly have held that Title VII's ban on discrimination "because of sex" does not include sexual orientation discrimination. Some members of Congress repeatedly tried to enact legislation to protect gay and lesbian employees in the workplace, but these bills never became law. This means that no federal law prevents employers from discriminating against employees based on their sexual orientation. Many states — including Pennsylvania — also do not prohibit workplace sexual orientation discrimination, so aggrieved employees often have no legal remedy.

Given that new federal legislation was not forthcoming, the EEOC adopted a unique legal strategy in 2016. Rather than wait for a new law, the agency decided to argue that Title VII *already* bars sexual orientation discrimination by employers. *Scott Medica*l was one of the first cases where the EEOC made this argument.

Judge Bissoon's ruling that Title VII prohibits discrimination by employers based on sexual orientation probably is just an early skirmish in a long legal battle. Her ruling is not binding on other federal courts in Pennsylvania, but it sets up a potential appeal to the Third Circuit. If the Third Circuit eventually affirms her decision, Title VII now would prohibit Pennsylvania employers from discriminating against employees based on their sexual orientation. Other federal courts now are hearing similar cases too. Many observers predict that the U.S. Supreme Court may eventually resolve the issue.

PRACTICAL ADVICE

School districts should watch how this issue continues to develop. Although Judge Bissoon's decision is important, it does not resolve whether Title VII prohibits sexual orientation discrimination once and for all. Future decisions by the Third Circuit or even the U.S. Supreme Court should provide greater clarity. School districts thus should follow these developments to ensure continued compliance with federal law.

TUCKER ARENSBERG Attorneys MUNICIPAL AND SCHOOL LAW GROUP

Matthew M. Hoffman *Co-chair*
412.594.3910
mhoffman@tuckerlaw.com

John T. Vogel *Co-chair*
412.594.5622
jvogel@tuckerlaw.com

Frederick J. Wolfe
412.594.5573
fwolfe@tuckerlaw.com

Robert L. McTiernan
412.594.5528
rmctiernan@tuckerlaw.com

William Campbell Ries
412.594.5646
wries@tuckerlaw.com

Kenneth G. Scholtz
412.594.3903
kscholtz@tuckerlaw.com

Irving S. Firman
412.594.5557
ifirman@tuckerlaw.com

Gavin A. Robb
412.594.5654
grobb@tuckerlaw.com

Edward R. Lawrence, Jr.
412.594.3942
elawrence@tuckerlaw.com

Christopher Voltz
412.594.5580
cvoltz@tuckerlaw.com

Thomas P. Peterson
412.594.3914
tpeterson@tuckerlaw.com

Richard B. Tucker, III
412.594.5562
rtucker@tuckerlaw.com

Steve R. Bovan
412.594.5607
sbovan@tuckerlaw.com

David Mongillo
412.594.5598
dmongillo@tuckerlaw.com

Daniel C. Conlon
412.594.3951
dconlon@tuckerlaw.com

TUCKER ARENSBERG Attorneys

MUNICIPAL AND SCHOOL LAW GROUP

Tucker Arensberg, P.C. 1500 One PPG Place Pittsburgh, PA 15222 412.566.1212

tuckerlaw.com

Tucker Arensberg's Municipal and School Law Group represents local school districts and municipalities in a variety of legal matters. Our attorneys are solicitors or special counsel for several school districts/jointures and municipalities in Western Pennsylvania. In addition, our attorneys serve as special labor counsel to numerous school districts and municipalities in Western Pennsylvania and have held appointments as special counsel to school boards, zoning boards, civil service commissions and other municipal sub-entities.

The range of services called for in our representation of public bodies is quite broad. Included in that range are: public and school financing, including the issuance of bonded indebtedness; labor, employment and personnel issues; public bidding and contracting; school construction and renovation; taxation, including real estate, earned income and Act 511; pupil services and discipline; zoning and land use and litigation and appellate court work.

The Tri-State Area School Study Council at the University of Pittsburgh was established in 1948 as a continuing partnership between school districts and the University. We are the third oldest and second largest Study Council in the country. We seek to work with you to address the issues of practice we all face as we lead educational organizations to improve focus and build organizational capacity. Priorities established by the membership include: 1) timely information dissemination on current research and exemplary practices; 2) research and development technical assistance on projects to meet district needs; 3) professional development programs and workshops on current topics; 4) participation in District clinical experiences to prepare future school leaders and; 5) practitioner participation in academic preparation programs. For more information, please contact Dr. Diane Kirk, Director, 412.648.1716.