

Additional COVID-19 Legislation Impacts Public Schools

PUBLISHED ON
April 21, 2020

A new Pennsylvania law signed Monday will allow school districts to hold public meetings electronically and addresses other specific issues districts are facing during the COVID-19 pandemic.

Act 15 of 2020 authorizes political subdivisions to conduct hearings, meetings, proceedings or other business via remote or electronic means "until the expiration of the COVID-19 disaster emergency." While the definition of "political subdivision" does not include school districts, the new provisions are instructive as to how school districts can conduct virtual meetings. The new provisions confirm that a quorum can be established without the physical presence of the members of the public body. Public notice of each electronic meeting must be posted on the agency's website or in a newspaper of general circulation. That public notice must include the date, time, technology to be used and information as to how the public may participate.

Further addressing public meetings, Act 15 notes:

- Draft minutes of a meeting called under urgent circumstances to address any issue related to COVID-19 must be posted within 20 days.
- Public entities cannot consider any application, plat, plan, submission, appeal or curative amendment unrelated to the COVID-19 disaster declaration at an electronically-conducted meeting unless at least five days prior public notice has been provided, and specific requirements are set out for taking action on any such items.
- Public entities must continue to ensure public participation during electronic meetings, and written comments may be submitted to the entity's physical address via U.S. mail or to an email account designated to receive public comments.

Similar to provisions already enacted for school transportation contractors, Act 15 addresses agreements between school entities and contract service providers. Specifically, school entities may renegotiate a contract for service providers "to ensure contracted personnel and fixed costs, including administrative and equipment, are maintained during the period of school closure." Any renegotiation must require that the contract service provider submit weekly documentation to the school entity demonstrating that its staffing levels remain at or above the level they were on March 13.

Act 15 allows certain taxing districts to take action to provide real property tax relief, but school districts are excluded from the definition of a "taxing district." As such, these provisions do not apply to property taxes levied by school districts. If lawmakers decided to address property taxation by school districts, it is expected they will do so with separate legislation.

Act 15 also extends the deadline for businesses to make contributions to a scholarship organization, pre-kindergarten

scholarship organization, opportunity scholarship organization or educational improvement organization that would qualify as an educational tax credit.

If you can any questions about Act 15 or any other coronavirus-related issues your district is experiencing, please contact any member of the [Barley Snyder Education Practice Group](#).

DISCLAIMER: As we face an unprecedented time of legal and business uncertainty, we are working to provide updates on the status of important legal news related to COVID-19. It is important to note that the situation is changing rapidly and the information provided in our alerts is not intended to create an attorney-client relationship. The information contained in our alerts is for general informational purposes only and should not be construed as legal advice or a substitute for legal counsel. If you have questions about your legal situation or about how to apply information contained in this alert to your situation or about how any other information found on our website may affect your business, you should reach out to one of our attorneys. We assume no responsibility for the accuracy or timeliness of any information provided herein or by any linked site. As information changes rapidly, users are strongly advised to verify any information before relying upon it.