

School Construction Issues Remain Murky

PUBLISHED ON
April 20, 2020

Even with Pennsylvania Gov. Tom Wolf announcing today that construction projects can resume May 8, that's still three weeks away. And school districts across the state have been advised to use their "best judgment" when it comes to continuing construction projects that already had been started or were set to start during this time when schools and businesses are closed.

Consistently evolving guidance has muddled the issue and the answer is not always clear. It is clear, however, that unplanned work stoppages may cause damage, significant delays in project completion, or otherwise cause school entities to incur additional expense.

The Pennsylvania Department of Education [released guidance](#) recently urging districts to "use [their] best judgment" in determining whether to continue "critical" construction projects. The department advised that school district construction decisions should appropriately balance public health and safety, while ensuring safety of critical infrastructure. If school districts continue construction projects, they must ensure that all contractors comply with social distancing and other mitigation efforts. The department also advised that in-person work should be performed on the most limited basis possible.

Numerous issues are likely to arise as school entities decide if and how to move forward with construction projects. Those issues include whether construction projects are "critical" and should continue at this time, whether contractors are willing and able to perform work in accordance with all applicable requirements, the impact of likely delays on project timelines and whether it's necessary to enter into amended agreements.

The education group at Barley Snyder regularly advises public school entities through all aspects of school construction projects. Please reach out to any member of the [Barley Snyder Education Practice Group](#), if you have any questions about continued legal obligations related to coronavirus or any education-related legal question.

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.

WRITTEN BY:



Katelyn E. Rohrbaugh

Associate

Tel: (717) 814-5006

Email: krrohrbaugh@barley.com