

## School Construction Issues Remain Murky

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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.

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