Fox Rothschild LLP
ATTORNEYS AT LAW

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EDUCATION PRACTICE

ALERT

Read My Lips, No Special Legislation Watson

Picture this ... the Pennsylvania legislature says "You! Yes, you!" then, once it has your attention, makes a law that only applies to you. When the 'you' is a county, city, borough, ward or school district, such a law is called "special legislation" which is specifically barred by the PA constitution.

On September 29, the PA Supreme Court had to remind the legislature about that rule. In a matter brought by the school districts that surround Duquesne City School District, those surrounding districts (West Mifflin Area School District, East Allegheny School District and South Allegheny School District) challenged legislation aimed solely at addressing Duquesne's decision to close its high school. The legislation directed what was to be done with the closed school's students and gave preferential hiring status to the laid-off teachers.

Ultimately, the PA Supreme Court stated that although the legislature may have had worthwhile intentions, that this was specifically what the PA Constitution says they are not allowed to do. As a result, it struck down that portion of the legislative act.

If you have any questions about this Alert, please contact Kyle Berman at 610.397.7980 or aberman@foxrothschild.com, or any member of Fox Rothschild's Education Law Group.