POLICY GUIDE CASE INDEX

The purpose of this index is to provide the user with an easily accessible guide to pertinent case law that may be related to these policy guides. The index is organized according to individual policy guide numbers and is cited to volume and issue number of the Pennsylvania School Board Solicitor's Association SCHOOL LAW INFORMATION EXCHANGE. The cases cited encompass, in addition to applicable Pennsylvania law, pertinent decisions from federal and other state courts.

001 Volume 30, No. 80, 1993 — Commonwealth Court held that 24 P.S. Sec. 242.1, which permits creation of an independent transfer district to transfer a geographic portion of one school district to another school district, did not allow the filing of another petition in midstream to transfer to a different school district than the one for which the petition was originally filed.

Volume 32, No. 37, 1995 — Commonwealth of Pennsylvania, Department of Community Affairs - Commonwealth Court held that the Department of Community Affairs was to narrowly review the procedures of school construction project indebtedness under the Local Government Unit Debt Act, 53 P.S. Sec. 6780-401 (a,b). The court found that the agency's review did not include the issue of reviewing petitions of two communities to secede from the school district.

002 Volume XII - No. 56 July 22, 1975 — School District of Philadelphia - Commonwealth Court rules that the President *of* the Philadelphia School Board cannot commit the district to the payment of, legal settlement fees.

Volume XXVI - No. 96 1989 — Comm. of PA., Department of Community - Commonwealth Court held that the school district had authority .to finance a school construction project before actual construction began. The court also held that the project was sufficiently identified to meet the requirements of the Local Government Unit Debt Act, 53 P.S. *Sec.* 6780, and, than an evidentiary hearing was not required in order to establish the legality of the debt service schedule.

Volume 31, No. 11, 1994 — In a defamation action, Commonwealth. Court held that school districts are immune from liability pursuant to the Political Subdivision Tort Claims Act, 42 Pa. C.S.A. Sec. 8541, and are not liable for willful misconduct of its employees-which is a basis for defamation. The court also found that summary judgment with respect to employees should not have been granted because no determination was made as to whether their statements occurred outside their scope of employment. It also held that there is no broad proposition that school superintendents are immune from suit in a defamation action. Finally, the court did not, in the posture of this case, decide the issue of whether the superintendents were immune as high public officials.

Volume 32, No. 5, 1995 — Wilkinsburg School District - The PLRB hearing examiner held that the district committed an unfair practice by communicating directly with its employees concerning using members *of* the bargaining unit to subcontract teaching services to a private contractor.

Volume 32, No. 62, 1995 — Altoona. Metro Transit - In a Final Order, the PLRB held that contract language relating to changing work rules provided a sound, arguable basis for the employer's argument that it was contractually privileged to make the changes.

Volume 32, No. 75, 1995 — Somerset Area School District - Somerset County Court of Common Pleas sustained a demurrer and dismissed a complaint filed by seven candidates for the school board who won the primary election on both ballots. The court found that they failed to establish relief to enjoin the board from renewing the superintendent's contract and various other contracts such as contracts for supplies because the board has not yet acted on these matters; and that the court could not stop the district's building program because plaintiffs had an adequate remedy at law pursuant to Act 34, 24 P.S. 7-701.1 et seq.

Volume 32, No. 90, 1995	Wilkinsburg School District - The Supreme Court of Pennsylvania remanded this case back to the Allegheny County Court of Common Pleas for a hearing on the merits of the question of whether the school district could contract with a private company for the providing of educational services.
Volume 32, No. 98, 1995	Council Rock School District - This case arises out of a lawsuit brought by a superintendent against two school board members who filed affidavits in a lawsuit brought against the superintendent and the school board. The court held that the superintendent did not establish a reputetional injury to establish that he was deprived of a federally secured right and his claim under 42 U.S.C. Sec. 1983 was dismissed. The court allowed the complaint to proceed under Article I, Section 1 *of* the Pennsylvania Constitution only because he only had to allege damage to hie reputation. The court held defendants were not guilty of "abuse of process" for filing the affidavits and the court found them absolutely immune from the claim because the statements in the affidavits were privileged.
004 Volume XII - No. 35 April 11, 1975	Steven E. Schoenstadt - Bucks County Court rules Neshaminy board member ineligible to hold office since he did not establish residence within the school district at least one full year prior to the November 6, 1973 election.
Volume XII - No. 93 December 22, 1975	Ruth Krauss and School District of Palisades School District Bucks County Court rules that a school board member's seat on the board is not vacated by declaring an intention to move from the district.
Volume XII/ - No. 4 February 10, 1976	Attorney General Opinion No. 75-39 - Attorney General Kane issues opinion that a board of School Directors are not entitled to reimbursement for lost wages in instances where they attend educational conventions.
Volume XIV - No. 29 April 13, 1977	Phyllis Helfrich and School District of Palisades - Bucks County Court nullifies the appointment of a board member by the Palisades School Board in order to fill a vacancy left by a resignation.

Volume XV - No. 28 April 4, 1978	Harrisburg School District - Commonwealth Court reverses lower court ruling and finds the Harrisburg School District lacks standing to bring suit against the teachers' union to enjoin the union from picketing the residences of individual school directors. The.court also concludes since the school district claims the union is engaged in an unfair labor practice, the proper recourse is to the Pennsylvania Labor Relations Board.
Volume XVI - No. 17 February 27, 1979	The Clarion County Court dismissed petition to remove four School Directors from the Union School District Board. The Court found that the Board did violate school law by remodeling a building without purchasing some items through bidding procedures and without securing prior approval from the Department *of* Education. Even though the court acknowledged the violations, the court also concluded "(s)ince there is no evidence of bad faith, breach' of trust, personal gain or favoritism alleged nor proven, there seems to be no reason to remove the defendant Directors who have otherwise performed their duties as prescribed by law".
Volume XVII - Nd. 75 November 7, 1980	The County Court of Common Pleas dismissed a complaint filed by the school board seeking to remove a member of the vocational-technical school's joint operating committee prior to the expiration of the member's three-year term.
Volume XVIII - No. 11 March 9, 1981	Central Westmoreland Area School District Vocational-Technical School - Commonwealth Court held that the Secretary of Education had no jurisdiction to review a suspension of a teacher. The court noted that the teacher's recourse was to contest the suspension under the Local Agency Law, The teacher was suspended by the Committee because he *was* a school board member of a constituent district of the Vo-Tech school and this put him in an incompatible position under Sections 322 and 324 of the Public School Code of 1949.

Volume XVIII - No. 14 March 10, 1981	Hanover Area School District - Commonwealth Court held that a school board member's vote to grant himself a salaried position (Treasurer) is a nullity, although his election was not invalid because his vote was not determinative. The court also held that it could find no authority to rewrite board minutes to reflect a history other than that which occurred, as requested by Appellant.
Volume XVIII - No. 47 July 2, 1981	Southwest Butler County School District - County Court of Common Pleas held that, where a school district operates under a regional plan, the residency requirements to be an eligible school board member is congruous within the particular region (1 year)
Volume X - No. 29 May 3, 1983	Cameron County School District - Court held that resident electors can petition to abolish regional representation on a school board, pursuant to Sec. 303 of the School Code. In this case, the Court Court also concluded that disparity of 4 to 1 in the representation of residents was not acceptable and remanded the case to the County Court of Common Pleas to establish a more acceptable representation plan.
Volume XXI - No. 3 January 25, 1985	Supreme Court of Pennsylvania held that the requirements of the Ethics Act that public officials or candidates for public office must file disclosure statements concerning their spouses and/or minor dependent children are unconstitutional. The court was split on the question of this being an invasion of privacy of the family.
Volume XXII - No. 15 May 7, 1986	Williamsport Area School District - The U.S Supreme Court reversed the Third Circuit Court of Appeals and held that an individual school board member lacked standing to appeal a decision that the board chose not to appeal. This decision reinstates the U.S. District Court decision which held that the exclusion of a student prayer group from the use of school facilities violated the Establishment Clause of the U.S. Constitution.
Volume XXIII - No. 16 May 12, 1986	The U.S. Supreme Court held that in a Sec. 1983 civil rights case, 42 U.S.C. Sec. 1983, a judgment against a public servant in his official capacity" imposes liability in the entity that he represents, if the entity receives notice and an opportunity to respond.
Volume XXIII - No. 24 June 6, 1986	City of Cincinnati - The U.S. Supreme Court held that a municipality could be held liable Pursuant to 42 U.S.C. Sec. 1983 for violating the constitutional rights ***of a*** citizen on the basis of a single decision made by an authorized municipal policymaker.
Volume XXIV - No. 10 February 5, 1987	Uniontown Area School District - Fayette County Court of Common Pleas struck down a Petition by residents seeking to elect school directors by region rather than at-large. The court found that the proposed plan did not equalize population as best could be done according to the school code, and, it did not meet the constitutionally required "one man-one vote" principle.
Volume XXIV - No. 37 May 22, 1987	West Branch Area School District - Commonwealth Court held that the county court should have adopted the districts' regional election plan because it violated no election boundaries and distributed the population more equally than another plan. The court also held that the integrity of municipal boundaries is not relevant when reviewing plane to realign voting regions.
Volume XXIV - No. 48 July 28, 1987	Hazleton Area School District - Commonwealth Court held that Section 303 of the School Code 24 P.S. 3-303 which mandated that the regions of a multicounty school district be composed of contiguous election districts prohibiting any break in continuous physical territory, was permissible.
Volume XXV - No. 14 March 9, 1988	Supreme Court of PA - The Supreme Court of PA held that court appointed employes (tipstaffs) of a judge of the Court of Common Pleas who pursued a seat on a school board were involved in partisan political activity in violation of a Supreme Court order.

Volume XXV - No. 17 March 21, 1988	Philadelphia Parking Authority - Commonmonwealth Court dismissed a suit against a parking authority based on tortious interference with lease, and conspiracy. The court noted that the Political Subdivision Tort Claims Act, 42 Pa. C.S.A. Sec. 8541 et seq., immunity applies to any suit involving injury, whether it was physical, mental, reputational or economic, unless it fell within one of the eight exceptions to immunity.
Volume XXV - No. 41 June 10, 1988	Supreme Court of PA - U.S. District Court for the Middle District of PA held that the Pa. Supreme Court's prohibition against political activity by court-appointed employes was a permissible restriction of such employes' First Amendment rights.
Volume XXV - No. 57 August 15, 1988	Comm. of PA - State Ethics Commission Commonwealth Court, in an Ethics Act case, held that a borough councilman violated public policy when he cast the deciding vote for his appointment to a municipal authority. He could not vote in a matter in which he had a personal interest. Thus, his appointment to the authority was invalid. The court then concluded that he violated Sec. 403(a) of the Ethics Act, 65 P.S. Sec. 403(2) by receiving financial compensation for an office he did not hold.
Volume XXVII - No. 27 1990	State Ethics Commission - The Supreme Court of PA held that the State Ethics Commission had no jurisdiction to investigate the appellees in this case because the leadership committee of the Legislature had no authority to extend the life of the commission. The court held that the Sunset Act, 71, P.S. Sec. 1795.4(4) unconstitutionally delegated the authority of the Legislature to the leadership committee. This decision raises serious concerns as to the validity of actions taken by the Ethics Commission or any other body whose life has been improperly extended.
Volume XXVII - No. 22 1990	State Ethics Commission - Chief counsel for the State Ethics Commission issued advice that a township solicitor would not violate the "conflict of interest" provision of Section 3(a) of the new Ethics Act if he treated the supervisors and employes to a Christmas luncheon which costs approximately $100. There would be no violation of Sections 3(b) and (c) assuming there was no understanding that the entertainment was related to his retention as solicitor. 'Chief counsel also noted that the solicitor would also have to file the Financial Interests Statement by May 1.
Volume XXVII - No. 51 1990	Pennsbury School District - Commonwealth Court held that pursuant to Section 303 of the School Code, 24 P.S. 3-303, the county court of common pleas had not erred when it ordered a reapportionment plan for regional election of board members to take effect beginning with a special election in 1990 to correct immediately apparent deficiencies, while maintaining staggered elections for the ,full body of the board.
Volume XXVII - No. 59 1990	State Ethics Commission - The State Ethics Commission opined that school directors and certain employes who get frequent flyer credits or award certificates in connection with official travel paid for by the school district can only use them for official travel and cannot use them for personal travel since such activity would be a private pecuniary benefit obtained through the use of the authority of their office.
Volume XXVII - No. 60 1990	State Ethics Commission - The Chief Counsel for the State Ethics Commission issued an "Advice" as to the rights and liabilities of public officials under the Ethics Act, relating to such issues as being "wined and dined" by vendors, whether such must be reported as gifts, travel to vendor's place of business and the like.
Volume 28, No. 36, 1991	The advice of counsel issued by the State Ethics commission upholds prior decisions that board members who have spouses in bargaining units cannot participate in bargaining but can vote On ratification of an agreement. However, the opinion Also held that such a board member cannot have access to budgetary information

relating to bargaining prior to the proposing budget being made public. Also, such a board member cannot - at any time before or after - receive information relating to the bargaining process.

Volume 28, No. 97, 1991 — Hempfield School District - County Court of Common Pleas refused to grant six candidates who presumably would have won the November school board election an injunction to prevent the "lame duck" school board from hiring a new superintendent. The court concluded that the plaintiffs failed to meet the test for obtaining a preliminary injunction. The court concluded that it could not find any violation of the school code and that a board may bind a succeeding board to a valid employment contract that continues beyond the contracting board's term of office.

Volume 29, No. 10, 1992 — State Ethics Commission - The Supreme Court of Pennsylvania held that the seven-day time limit set by the Election Code for challenging nominating petitions applied to causes of action brought by the State Ethics Commission pursuant to the Ethics Act. The court would not apply the longer time limit in the Ethics Act.

Volume 29, No. 58, 1992 — In a decision involving the law on issuance of preliminary injunctions, Commonwealth Court held that a board member who was voted off the board was entitled to a preliminary injunction ordering his return to the board, where the board failed to follow proper statutory procedures in removing him. He had received a misdemeanor conviction of criminal mischief.

Volume 30, No. 31, 1993 — Wellsboro Area School District - County Court of Common Pleas held that the official acts of one who acts under color of title to an office are to be given the same effect as those of a de jure official. Act of public officers de facto coming by color of title are good so far as respects the public. Quo warranto is a procedure to be used to remove one from office but cannot be used to invalidate actions already taken by a board member. The court refused to invalidate an action taken by the board where it was alleged that one member had moved out of the school district.

Volume 30, No. 74, 1993 — Penncrest School District - The Supreme Court of Pennsylvania held that the failure to timely file a financial disclosure statement in the proper manner with the appropriate local governing authority is a fatal defect, which calls for the striking of the candidates from the ballot, pursuant to the Ethics Act. The court applied the decision prospectively.

Volume 31, No. 91, 1994 — Commonwealth Court decided a residency case for election purposes. The court concluded "inhabitance" is the equivalent of "domicile" which carries with it a component of intent, i.e. where one declares that he intends to remain more or less permanently, and also a component of objective manifestation of such intent. Merely declaring a permanent residence is not enough. Domicile is presumed to continue until another is acquired, and a person can only claim one location at a time as a domicile. Here, the court held that, when a candidate "temporarily" moved to New Jersey, he did not continue his domicile in Pennsylvania.

Volume 32, No. 17, 1995 — Chambersburg Area School District - Commonwealth Court held that a school board could not use a secret ballot to fill a vacancy on the school board. The court found that the Sunshine Law and Section 508 of the School Code (24 P.S. Sec. 5-508) require a vote to be "publicly cast," meaning one that informs the public of a public official's position on a particular matter of business. Also, filling a board vacancy is an "appointment" which must be recorded, showing how each member voted pursuant to Section 508.

Volume 32, No. 18, 1995 — Big Spring School District - Commonwealth Court held that the local teachers• union did not have standing to bring a declaratory judgment action to determine whether several school board members, with a conflict of interest pursuant to Section 1801 of Act 195 (43 P.S. Sec. 1101.1801), could vote on a fact-finder's report. The court did not decide the merits of the case.

Volume 32, No. 34, 1995 — State Ethics Commission - Commonwealth Court held that an Advice of Counsel affirmed by an Opinion of the Ethics Commission was not appealable to the court as there **Win no** justiciable controversy,

especially where there was no prosecution against the person seeking the opinion. He wa■ advised that it.would be an ethical violation for an authority member to receive reimbursement for lost wages from his private employment for time spent on authority business.

Volume 32, No. 65, 1995 — State Ethics Commission - Commonwealth Court held that use of public office for personal gain required action by a public official that in some way facilitated receipt of compensation to which he was not entitled. Here, two officials received excess compensation that was determined prior to the time they became members of an authority board.

Volume 32, No. 66, 1995 — Lower Merion School District - Commonwealth Court held that a candidate for school director who is registered as a member of one political party and who (by law) can cross-file in the primary election, has standing to challenge the candidacy of people registered with that other party who are seeking the same office.

005 XIII - No. 98
September 24, 1976 — Purchase Line School District - Indiana County Court affirms district election of School Board President by majority vote of the board.

Volume XXIV - No..45
June 24, 1987 — Comm. of PA, Public School Employes' Retirement Board - The Supreme Court of Pennsylvania held that a school doctor was an independent contractor and not a "school employe" as defined in 24 Pa. C.S. Sec. 8102, the retirement code.

Volume 28, No. 5, 1991 — State Ethics Commission held that school directors who have members of their immediate families in bargaining units, can vote on the ratification of contracts with such units. However, they are prohibited from participating in the negotiations process.

Volume 32, No. 1, 1995 — Mifflin County School District - Commonwealth Court reversed the County Court of Common Pleas and held that the district solicitor could prosecute an employee dismissal and not act as counsel to the board, without violating an employee's due process rights. The court held that Lyness, 605 A.2d 1204 (1992), was not

applicable to the case at bar because Section 514 of the School Code, 24 P.S. Sec. 5-514, requires that the school board, as employer, dismiss employees and then is required to hear the challenge to the dismissal. Lyness is restricted to the licensing-type situations involved there.

006 Volume XV - No. 51
June 8, 1978 — Kennett Consolidated School District - The Commonwealth Court finds the County court improperly ordered the Plaintiff to post bond in a suit seeking to enjoin the district from construction and renovation of a school building. The court finds that because no preliminary injunction was issued, the district is not prohibited from floating a bond issue to finance the project, even though the court does recognize this litigation will probably make it more difficult to sell the issue.

Volume XVI - No. 58
September 17, 1979 — CommonWealth Court held that Section 687(d) of the School Code authorizes a majority of the board of school directors to transfer unencumbered balances in the school budget during the last nine months of the fiscal year. The appellants argued that the budgetary transfer requires a two-thirds vote of the board's membership.

Volume XVII - No. 11
March 3, 1980 — Commonwealth Court upheld sale of school lands and buildings, despite a higher offer, where circumstances existed which overrode the difference in the offers.

Volume XVII - No. 60
October 28, 1980 — Commonwealth Court held that information appearing in a newspaper story did not constitute public notice under the Sunshine Law. Thus, because no public notice of the meeting was given, the action of the board being challenged in this case was invalidated.

Volume XVIII - N. 49
July 6, 1981 — Greater Nanticoke Area School District - Commonwealth Court held the district's Business Manager was a public official, removable at the will of the school board.

Volume XVIII - No. 73
November 11, 1981 — Armstrong School District - Superior Court held that the school district did not abuse its discretion in voting to finance its building projects, even where the district had not yet received. project approval from the Department of Education.

Volume XXIII - No. 77 November 12, 1986	Mid Valley School District - Commonwealth Court held that there was sufficient evidence to establish that a contract was approved by the school board even though approval ***was*** not recorded by a formal vote in the minutes.
Volume XXIII - No. 93 December 16, 1986	Pleasant Valley School District - Commonwealth Court held that the Department of Community Affairs properly refused to consider allegations of public opposition to a school project financed by general obligation bonds in a complaint filed under the Local Government Unit Debt act.. The court also held that the department had no authority to decide questions over alleged violations of the open meeting law.
Volume XXIV - No. 33 May 18, 1987	Commonwealth Court held that a borough council rule granting discretion to each council committee chairman to close meetings to noncommitee council members did not violate the First or Fourteenth Amendment rights of council members.
Volume XXIV - No. 78 November 23, 1987	Hazleton Area School District - In a narrow holding, the Commonwealth Court excused the district's compliance with the Sunshine Law in regard to a redistricting plan absent allegations that anyone was harmed by a failure to advertise. The court reversed the lower court's order adopting the district's new redistricting plan before giving the citizen group an opportunity to counter the district's evidence and put on its own case. The court concluded this violated due process.
Volume XXV - No. 8 February 12, 1988	Comm. of PA, Dept. of Community Affairs and Annville-Cleona School District - Commonwealth Court upheld a decision of the Department of Community Affairs and held that Section 202 of the Local Government Unit Debt Act, 53 P.S. Sec. 6780-52 and not Section 632 of the School Code, 24 P.S. Sec. 6-632, governs the limits of nonelectoral debt. The court also upheld the procedure used by DCA and its decision that the project's purpose was proper.

Volume XXV - No. 18 March 22, 1988	Commonwealth Court dismissed a suit alleging that the Legislature violated the Sunshine Law, 65 P.S. Sec. 271, when it passed the 1988 state budget. The court concluded that unofficial gatherings of unnamed legislators for whatever purpose do not constitute "meetings" subject to the provisions of the act.
Volume XXV - No. 74 October 19, 1988	St. Clair Area School District - In a memorandum Opinion, later Published, Commonwealth Court held that the school district committed an unfair practice when the school board failed to ratify a tentative contract at a Public board meeting that a majority of the board agreed to at a nonpublic meeting in the county courthouse.
Volume XXV - No. 85 November 18, 1988	Bensalem Township School District - The Supreme Court of PA held that the Commonwealth Court improperly dismissed a lawsuit challenging the constitutionality of the public school funding scheme.
Volume XXV - No. 43 June 23, 1988	Dallas School Board - Luzerne County Court of Common Pleas held that the school district could not hold a "conference" pursuant to the Sunshine *Law,* 65 P.S. Sec. 271 et seq., to discuss and review a report prepared by a consultant which makes recommendations on alleviating overcrowding in the district's schools.
Volume XXVI - No. 54 1989	Clearfield Area School District - In a lawsuit brought to enjoin the awarding of a busing contract under the Sunshine Law, the county court granted the district's motion for summary judgment. The court found no violation where the facts show that the contract was awarded to the lowest bidder at a public meeting and the specific bidder was identified at a later meeting which was an executive session called for purposes of litigation.
Volume XXVI - No. 56	Robinson Township - Commonwealth 1989 Court held that a minority township commissioners' complaint that the majority violated the Sunshine Law, 65 P.S. Sections 272(a) and 278(2)(1) was moot since the board voted on an issue at a public meeting after debating it at that meeting. The appellants alleged the commissioners violated the act when they allegedly promoted two Police officers without a public

	hearing. The court held the complaint was moot because the public had its right-to-know and right to be present protected when the matter was voted upon after a public debate at a Public meeting.
Volume XXVII - No. 20 1990	Upper Mount Bethel Township and Bethel Heights Assoc. - Commonwealth Court held that a conference among the majority of the township board of supervisors (2 of 3) and an employe of a developer, held in order to discuss an amendment to a zoning• ordinance which would be voted on at a later public meeting, was 'agency business" and, since it was a closed meeting, was in violation of the Sunshine Law, P.S. 65 Sec. 273, 274, and 283. The court also held that the discretion given to the courts to invalidate official action at closed meetings did not expressly permit the courts to invalidate official action taken at a public meeting which was held after the private meeting held in violation of the law.
Volume XXVII - No. 21 1990	City of Pittsburgh - Commonwealth Court held that a writ of summons was a "legal challenge" for purposes of challenging a meeting held by the city council, under the Sunshine Law. The act only requires that a legal challenge be filed within 30 days from the date of the alleged unauthorized meeting. 65 P.S. Sec. 283.
Volume XXVII - No. 31 1990	Bradford Area School District - Commonwealth Court held that a lower court did not abuse its discretion in refusing to set aside a school board decision on school district reorganization where the district had held two earlier, nonpublic meetings at which the topic was discussed. The court also held that the appeal was untimely filed as the Sunshine Law requires an appeal to be filed within 30 days of the meeting or 30 days from discovery of any action taken, 65 P.S. Sec. 283. PSBA participated in this case as amicus curiae.
Volume XXVII No. 71 1990	Easton Area Joint Sewer Authority - Commonwealth Court held that the authority violated the Sunshine Law, Sec. 8(a)(1) by holding an executive session to discuss matters pertaining to a consultant. The court held that a consultant is not an "employe or Public officer" as used in the

	act, thus, the personnel exception to public meetings does not apply. The court also held that the lower court order to release a tape recording of the executive session to the media was not in error as the Right-to-Know Law, 65 P.S. Sec. 66.1(2), did not prohibit the release. Such an order was found to be within the court's discretion.
Volume XXVII - No. 72 1990	Commonwealth of PA Board of Pardons - Commonwealth Court held that Article 4, Section 9 of the PA Constitution, which says that the Board of Pardons must take its actions "after full hearing, upon due public notice and in open session...'and the language The Board shall keep records of its actions, which shall at all times be open for public inspection..." mean that board hearings, including voting on matters before the Board, take place at a session open to the public, that Board actions be recorded and available to the public. The board had conducted a public hearing, voted in private, disclosed its action to the public but refused to disclose the individual votes. The court did not address the Sunshine Law or Right-to-Know Law violation allegations.
Volume XXVII - No. 92 1990	Comm. of PA, PA Securities Commission - Commonwealth Court refused to invalidate a settlement agreement approved by the Securities Commission in an executive session, concerning termination of an employe. It found that Section 13 of the Sunshine Law, 65 P.S. Sec. 283, granted courts discretion to invalidate actions taken at an illegally closed meeting. Here, the respondent did not claim any harm because of the violation. The agreement contained a clause indicating it would not disclose information publicly under the Right-to-Know Law, 65 P.S. Secs. 66.1-66.4. This matter was not addressed in the opinion. The court would not grant summary judgment on recission of the agreement.
Volume XXVII - No. 97 1990	Commonwealth Court held that the county could discuss the closing of a nursing home in an executive session under the Sunshine Law because the closing was related to the negotiations that the parties

were engaged in. Thus, the executive session was proper per 65 P.S. Sec. 278(a)(2). The court also held that if a vote was improper in an executive session, it can be cured at a later public meeting. The court said "Otherwise, governmental action in an area would be gridlocked with no possible way of being cured once a Sunshine Act violation was found to have occurred."

Volume 28, No. 39, 1991 — The Supreme Court of PA held that its decision holding that Section 4(4) of the Sunshine Act which allowed a nonlegislative body to keep various boards, commissions and agencies in effect pending the Sunset review was unconstitutional, was to be applied retroactively to the parties before the court and all cases pending at the time of the decision in which the constitutional issue was timely raised and preserved.

Volume 28, No. 45, 1991 — A U.S. District Court in Massachusetts held that an acting chairman of the school committee ***was acting*** in an administrative and not a legislative capacity when he had another **committee** member removed from a meeting by the police and thus was not entitled to absolute immunity in a civil rights claim under 42 U.S.C. Sec. 1983. The court concluded that the case could go to trial because, in a motion for summary judgment, it appeared that the acting chair violated the other committee member's constitutional rights of free speech, to represent his constituents and to be free from unreasonable seizure.

Volume 29, No. 5, 1992 — The U.S. Supreme Court held that state officers could be held personally liable for damages under Section 1983 (42 U.S.C. Sec. 1983) based upon actions taken in their official capacities.

Volume 29, No. 24, 1992 — Benton Area School District - Commonwealth Court held that the newspaper had standing to challenge an alleged Sunshine Law violation by the school board. The case was remanded for a determination as to whether the board violated the Sunshine Law when it interviewed candidates for a board vacancy in private and voted for a replacement by secret ballot.

Volume 29, No. 90, 1992 — The Supreme Court of PA held that, pursuant to Section 274 of the Sunshine Law, 65 P.S. Sec. 274, a quorum of members can consist of members not physically present At a meeting but who nonetheless participate in the meeting. The quorum can take official action, provided that, the absent members are able to hear the comments of and speak to all those present at the meeting and all those present at the meeting ***are*** able to hear the comments of and speak to such absent members contemporaneously.

Volume 30, No. 57, 1993 — Council of the City of Reading - Commonwealth Court held that when a public agency holds an "executive session" pursuant to the Sunshine Law, 65 P.S. Sec. 278, the reasons given for the meeting 'must be specific, indicating a real, discrete matter that is best addressed in private.'

Volume 30, No. 82, 1993 — Township of Raccoon - Commonwealth Court held that a township planning commission violated the Sunshine Law when it met at the home of its chairman. However, the court also held that the violation was cured when it later held an open meeting - at which time citizens could address the issue at hand.

Volume 30, No. 85, 1993 — North Pocono School District - Commonwealth Court refused to uphold a challenge to a school district bond issue and held that the Local Government Unit Debt Act, 53 P.S. Secs. 6780-3, 6780-153(1)(i) did not require a project description to be contained in the project advertisement. The court also held that the board resolution properly reflected cost estimates where it provided that the bonds could fund various projects (or fewer) and the district funded fewer than the number listed in the resolution.

Volume 31, No. 44, 1994 — Reading School District - Commonwealth Court held that the Sunshine Act, 65 P.s. Sec. 283, requires a legal challenge to be brought within 30 days. The court agreed that a school board has the authority to adopt rules designed to obtain order at meetings, however, it reversed the lower court's decision which banned videotaping **of public meetings.**

Volume 31, No. 54, 1994	Southern Lehigh School District - Commonwealth Court held that the board did not violate the Sunshine Law when it met in executive session to reduce the number of candidates for the superintendency. The court held that such a "straw vote" is not official action contemplated by the law that must be taken in public, but is a part of the discussion and deliberation allowed to be conducted at an executive session. The public vote is the one that commits the board to hire a specific person as superintendent.
Volume 31, No. 60, 1994	Carlisle Area School District - Commonwealth Court held that the matter of appointing a person to fill a vacancy on a school board was an "appointment" and that the school board did not violate the Sunshine *Law,* 65 P.S. Secs. 271-286, when it held deliberations pertaining to the process by which the vacancy was filled and the qualifications of the applicants in executive session.
Volume 32, No. 71, 1995	Bangor Area School District - Northampton County Court of Common Pleas held that the district did not violate the Sunshine Law in a student discipline hearing because plaintiffs asked for a private hearing, thus waiving a right to a public hearing. The court noted that they could not complain they were denied a pubic hearing because they did not like the outcome of a private hearing. While not deciding the issue of whether plaintiffs could be present during the board's deliberations, the court noted that plaintiffs had not cited any authority supporting their proposition that students subject to disciplinary deliberations by the board are entitled by law to be present at the deliberations.
Volume 32, No. 73, 1995	Brownsville area School District - Commonwealth Court held that a school district was not required to publish a notice of a meeting to consider a school closing in a local legal newspaper as well as a local newspaper pursuant to the Newspaper Publishing Act, 45 Pa. C.S. 301-310. The court held that there was no conflict between that statute and Section 106 of the

	School Code concerning publication because, when the latter is construed (in this case) with Section 780 of the School Code relating to school closings, in a comprehensive fashion, it falls within the the exception in Section 308 of the Newspaper Publishing Act where the Legislature has "otherwise provided by statute" for notice requirements.
103 Volume XII - No. 29 April 4, 1975	Pennsylvania Interscholastic Athletic Association - Commonwealth Court, with Justice Genevieve Blatt writing the majority opinion, declares invalid the PIRA ruling which prevents girls and boys from participating and practicing on the same athletic teams.
Volume XXVII - No. 91 1990	Marion Center School District - In a suit under Title IX of the Education Amendments of 1972, 20 U.S.C. Sec. 1681, et seq, the Third Circuit Court *of* Appeals upheld the district court finding that a female was dismissed from an honor society because of premarital sexual activity and not because of gender discrimination. The Court remanded the case for purpose of taking testimony of a male member who allegedly fathered a child while a member and unmarried himself. The court said that if liability is found the court should consider the possibility of compensatory damages. In going against other circuit courts, the Third Circuit held that compensatory relief is available for certain Title IX violations.
Volume 29, No. 72, 1992	Delaware County Intermediate Unit - The U.S. District Court for the Eastern District of Pennsylvania dismissed a lawsuit seeking the services of a support dog for *a* handicapped student on the basis that the plaintiffs failed to exhaust their administrative remedies. The plaintiffs did not appeal the decision of a hearing examiner. Thus, should a handicapped student desire to bring a support dog to school, the issue of appropriateness of the support dog in the educational environment is subject to due process.

Volume 30, No. 45, 1993	Indiana University of PA - U. S. District Court for the Western District of Pennsylvania held that the university violated Title IX of the Education Amendments of 1972 when it reduced its athletic programs and failed to provide female students proportionate opportunities to participate in athletics, proportionate to the percentage of female students in the student body.
Volume 30, No. 58, 1993	School District of Bethlehem - The Third Circuit Court of Appeals held that the federal district court should not have granted a summary judgment motion on the question of whether field hockey is a contact sport. The district court had held that boys could play on a girls' field hockey team. The court also vacated a claim under 42 U.S.C. Sec. 1983 because constitutional claims are subsumed under Title IX. The Pennsylvania E.R.A. claim was remanded to the district court for fact finding.
Volume 32, No. 70, 1995	The U.S. Supreme Court, in the Kansas City, MO, desegregation case held, among other points, that the district court could not order an interdistrict remedy for an intradistrict problem by ordering salary increases and continued funding for "quality" educational programs. The court noted that insistence upon academic goals unrelated to the effects of legal segregation unreasonably postponed the schools• release from court supervision.
104 Volume XV - No. 7 January 26, 1978	Hampton Township School District - U.S. District Court dismisses suit filed against the district alleging discrimination because salary scales for men's athletics coaches were higher than those for the women's athletics coaches.
Volume XV - No. 36 May 8, 1978	Wattsburg Area School District - U. S. District Court finds the district is guilty of discrimination in refusing to consider a job applicant because the applicant was female. Therefore, the court awards the applicant back pay and directs the district to hire the applicant as the court determines.

Volume XV - No. 101 November 7, 1978	Hermitage School District - U. S. District Court finds the district is not guilty of discrimination in paying the male maintenance personnel at a higher rate than paid the female custodial staff, since the maintenance positions require more skill and require the assumption of more responsibility.
Volume XV - No. 30 April 6, 1978	Philadelphia School District - The U.S. Appeals Court finds the district did discriminate against a blind teacher by preventing the teacher from taking the district's teacher examination. The court further orders the district to hire the teacher with accrued seniority and other rights dating back to the first date the teacher was eligible for employment.
Volume XVI - No. 41 May 31, 1979	The Pennsylvania Supreme Court'held that an order of the Human Relations Commission that concluded that the district violated the Human Relations Act by paying certain female coaches less than male coaches for performing a substantially similar job was supported by substantial evidence. The court vacated the order of the Commonwealth Court and remanded the case back to it.
Volume XVI - No. 50 June 20, 1979	Erie School District - The U. S. District Court found that the district did not violate Title VII when it failed to ***appoint*** a female teacher to one of three secondary school principal positions that were filled by male teachers because the evidence indicated that the ***male*** appointees were not selected because they were male and the female teacher ***was*** not denied the appointment because she was female.
Volume XVI - No. 55 August 8, 1979	The U.S. Court of Appeals, Third Circuit, held that the federal district court did not err in finding that work of "maintenance ***men***" and "cleaning women" was not equal under the Equal Pay Act, and thus upheld higher wages of men. The court found, however, that two cleaning workers, who for a limited period, filled vacancies in maintenance positions usually held by men, were entitled to wages equal to those that male employes would have received.

Volume XVIII - No. 10
March 4, 1981

EEOC issued final guidelines on discrimination because of national origin. The guidelines became effective on December 29, 1980.

Volume XVIII - No. 75
Part A
November 23, 1981

County of Washington, Oregon - U. S. Supreme Court held that Title VII, which permits gender-based differences in employment compensation if authorized by the Equal Pay Act, made the Equal Pay Act's affirmative defenses applicable to Title VII; but it does not limit Title VII suits to the Equal Pay For Equal Work Standard.

Volume XVIII – No. 78
December 8, 1981

Northwest Airlines, Inc. - The U. S. Supreme Court held that an employer has neither a federal common law right of contribution nor an implied right under the Equal pay Act and Title VII of the 1964 Civil Rights Act against the unions that negotiated the collective bargaining agreements that contained wage differentials between male and female employes that violated the acts.

Volume XIX - No. 56
July 27, 1982

U.S. Supreme Court held that a state court judgment upholding a state agency's rejection of an employment discrimination claim precludes federal action under Title VII of the 1964 Civil Rights Act on the same claim of employment discrimination. The Court held that where state procedures for discrimination satisfy the'Due Process Clause and the state court decision has Res Judicata effect in the state's own courts, such judgments are entitled to full faith and credit in the federal courts.

Volume XIX - No. 83
December 6, 1982

U.S. Supreme Court held that an employer's offer of a previously denied job to a job applicant tolls accrual of back pay liability under Title VII or the 1964 Civil Rights Act, even if the employer's offer does not include seniority retroactive to the date of the alleged discrimination.

Volume XX - No. 20
March 17, 1983

Philadelphia School District - U. S. District Court held that the school district violated the Fourteenth Amendment to the U.S. Constitution and Title VI/ by continuing to use a quota system for teachers after it was found that school faculties had become integrated.

Volume XX - No. 60
August 5, 1983

U.S. Supreme Court held that an employer's health insurance plan that limits benefits for pregnancy-related expenses of spouses of male employee discriminates against male employes in violation of Title VII of the Civil Rights Act of 1964, as amended by P.L. 95-555, the Pregnancy Discrimination Act of 1978.

Volume XX/ - No. 28
June 7, 1984

U.S. Supreme Court held that private employment discrimination actions under Section 504 of the Rehabilitation Act of 1973 can be maintained against recipients of federal funds even though the aid is not for the primary purpose of promoting employment. Section 504 prohibits discrimination against handicapped persons by recipients of federal financial assistance.

Volume XXII No. 43
June 18, 1985

Farrell Area School District - Commonwealth Court dismissed an HRC complaint filed by an unsuccessful white male applicant against a school district and a day care program. The unsuccessful applicant failed to meet his burden of establishing a prima facie case when qualified black female was hired.

Volume XXII - No. 66
December 4, 1985

Governor Mifflin School District - The U.S. District Court dismissed a complaint filed by the EEOC claiming age discrimination in the way the district and the union distributed salaries on the salary schedule in the collective bargaining agreement.

Volume XXIII - No. 46
August 19, 1986

Jackson Board of Education - The U.S. Supreme Court held that a school district violated the constitutional rights of white teachers by adhering to a collective bargaining agreement that required the district to maintain the percentage of minority teachers on the faculty when making layoffs.

Volume XXIII - No. 48
August 21, 1986

Meritor Savings Bank - The U.S. Supreme Court held that a claim of "hostile environment" sexual harassment is a form of sex discrimination that is actionable under Title VII, 42 U.S.C. Sec. 2000e. However, the court also held that employers will not necessarily be held liable in every case in which employes are harassed by their supervisors.

Volume XXIV - No. 4 January 15, 1987	Ansonia Board of Education - The U. S. Supreme Court held that where an employer has reasonably accommodated an employe's religious beliefs under Title VII of the 1964 Civil Rights Act, it has no duty to show that the employe proposed alternative would result in undue hardship. The court found that there were insufficient facts to show whether the board's accommodation was reasonable. It was noted that unpaid leave would not be a reasonable accommodation where paid leave is provided for all purposes except religious ones.
Volume XXIV - No. 8 January 22, 1987	Commonwealth Court vacated an arbitrator's ***award*** that required a state prison to make guard shift assignments without regard to gender *as* the award was not rationally derived from the agreement, which permitted a departure from seniority as a basis for assignment in order to protect the efficiency of the prison's operation.
Volume XXIV - No. 22 April 1, 1987	School Board of ***Nassau*** County, FL - The U.S. Supreme Court held that a person affected with a contagious disease such as tuberculosis may be a "handicapped individual" pursuant to Sec. 504 of the Rehabilitation Act of 1973, 29 U.S.C. *Sec.* 794.
Volume XXIV - No. 29 April 22, 1987	Santa Clara, CA - The U.S. Supreme Court upheld a voluntary affirmative action plan that did not set aside a set number of positions for women but authorized consideration of sex as one factor to be considered when evaluating qualified applicants for jobs in which women have been significantly under represented.
Volume XXIV - No. 44 June 23, 1987	St. Francis College - In two companion cases, the U.S. Supreme Court decided that Arabs and Jews can assert racial discrimination claims under the Civil Rights Act of 1871, Sections 1981 and 1982 respectively, 42 U.S.C. Sec. 1981. et seq.
Volume XXV - No. 61 August 23, 1988	The U.S. Supreme Court held that a state notice-of-claim statute which conflicts both in its purpose and effects with Sec. 1983'e (42 U.S.C. Sec. 1983) remedial objectives as a federal civil rights ***statute,*** is preempted pursuant to the Supremacy Clause of the U.S. Constitution when the Sec. 1983 action is brought in a state court.

Volume XXV - No. 65 August 19, 1988	BLaST Intermediate Unit No. 17 - The Third Circuit Court of appeals held that an intermediate unit, an unincorporated public entity, ***had*** a mandatory duty to pay a judgment rendered against it pursuant to violations of the Equal Pay Act.
Volume XXV - No. 68 September 1, 1988	Fort Worth Bank and Trust - The U.S. Supreme Court held, in a discrimination case under Title VII of the Civil Rights Act of 1964, 42 U.S.C. Sec. 2000e et seq., that the "disparate impact" analysis can be applied to subjective employment criteria. In other words, the analysis can be used to determine a discriminatory practice based on the subjective judgment of supervisors.
Volume XXV - No. 78 November 17, 1988	Commonwealth Court held that under the Human Relations Act, a claimant has the burden or establishing a prima facie case of discrimination. If he does, the burden then shifts to the employer to articulate a legitimate nondiscriminatory motive for its action. If that is done, then the claimant is given the opportunity to demonstrate that those reasons were pretextual. The court also decided several issues on administrative agency evidentiary procedures.
Volume XXVI - No. 44 1989	Ann B. Hopkins - The U.S. Supreme Court held, in a plurality decision, that when a plaintiff in a Title vIT action proves that her gender played a motivating part in an employment decision, the defendant may avoid a finding of liability only by proving by a preponderance of the evidence that it would have made the same decision even if it had not taken the plaintiff's gender into account.
Volume XXVII - No. 24 1990	Philadelphia Board of Education - The U.S. District Court for the Eastern district of PA held that the school district's minority set-aside policy for construction contractors violated the Equal Protection Clause of the U.S. Constitution.
Volume XXVII - No. 52 1990	Rockwood Area School District - The U.S. District Court for the Western District of PA held that the failure to file a timely administrative complaint meant that the court did not have jurisdiction over a Title vIT employment discrimination claim

pursuant to 42 U.S.C.A. Sec 2000e-5(e). The court noted that even if the discovery rule would have applied to her claim, for purposes of determining the timeliness of filing, no reasonable person with a prudent regard for her rights could fail to take steps to become aware of the nature of her employment status for more than one year after her discharge.

Volume 28, No. 40, 1991 — The U.S. Supreme Court held that an employe suing under the Age Discrimination in Employment Act, 29 U.S.D. Sec. 633a, must give the EEOC notice of not less than 30 days of an intent to sue and said notice must be filed within 180 days of the alleged unlawful practice (not notification•of 30 days and not filed within 180 days of the notice as held by the lower courts).

Volume 28, No. 52, 1991 — The U. S. Supreme Court held that a claim under the Age Discrimination in Employment Act of 1967 (ADEA), 29 U.S.C. Sec. 621 et seq. can be subjected to compulsory arbitration (pursuant to an arbitration agreement in a securities registration application). The court specifically did not discuss employment contracts.

Volume 29, No. 53, 1992 — Chester Upland School District - A U.S. District Court dismissed a charge of discrimination under Title VII where a black female, a white female and a black male were appointed to principal positions and plaintiff - a black female - was not appointed. Plaintiff did not, under the facts of this case, meet her burden of proof as to discriminatory conduct on the district's plan.

Volume 29, No. 63, 1992 — Upper Bucks Co. Vo-Tech School - In a lawsuit brought under the Age Discrimination in Employment Act of 1967, 29 U.S.C. Sec. 621, the U. S. District Court for the Eastern District of Pennsylvania held that the plaintiff did not prove a prima facie case that he was furloughed due to age. Plaintiff could not prove that he was laid off from a job for which he was qualified while other unprotected similarly situated employes were treated more favorably.

Volume 32, No. 25, 1995 — Nashville Banner Publishing Company - The U.S. Supreme Court held that, where an employer seeks to rely upon after-acquired evidence of wrongdoing in a lawsuit brought under the Age'Discrimination in Employment Act, 29 U.S.C. Sec. 621, for wrongful dismissal, the employer first must establish the wrongdoing was of such severity that the employee in question would have been terminated on those grounds alone had the employer known of it at the time of discharge.

Volume 32, No. 69, 1995 — In a 42 U.S.C. Sec. 1983 action, the Third Circuit Court of Appeals held that a veteran's absolute privilege under the promotion provisions of the Veterans' Preference Act, 51 Pa. C.S.A. Sec. 1104(b), was unconstitutional as "unreasonable" and "class legislation", under the Pennsylvania Constitution. The municipality had tried to use the act as a reason for not promoting the appellant.

105 Volume XI - No. 14 March 14, 1974 — Kinney Kinmon Lau, a Minor by and through Mrs. Kam Wai Lau, His Guardian ad litem, et al, Petitioners vs. Alan H. Nichols, et al - The U.S. Supreme Court rules that the San Francisco, California school system must make affirmative efforts to provide 1800 Chinese-speaking pupils with special attention because of linguistic difficulties.

106 Volume 31, No. 28, 1994 — Armstrong School District - A PLRB hearing examiner held that the district did not commit an unfair practice where it eliminated a guidance program and assigned work to others, because the union failed to show that a significant portion of the work was performed by unit members. However, he did hold that the district violated its duty to bargain over the impact of the decision.

107 Volume 28, No. 21, 1991 — St. Clair Area School District - Commonwealth Court held that the General Rules of Administrative Procedure, 1 Pa. Code Sec. 31.1-35.251, require a party to appeal an'action of a subordinate officer of an agency to the agency head within•10 days after service of notice of the action. In this case, Joseph Bard, then

		acting chief of the Department of Education's Division of Advisory Services, for some unknown reason, withdrew an approval of the school district's program curtailment.
	Volume 30, No. 19, 1993	Bethlehem Area School District - The Third Circuit Court of Appeals upheld the right of the school district to adopt a high school studies program that included a mandatory community service graduation requirement.
108	Volume XXIV - No. 56 August 26, 1987	The U.S. Supreme Court struck down Louisiana's "Creationism. Act" on the basis that it was facially invalid as violative of the Establishment Clause of the First Amendment because it lacked a clear secular purpose.
	Volume XXIV - No. 69 November 10, 1987	Alabama State Board of Education - The 11th Circuit Court of Appeals reversed a federal district court and held that home economics, social studies and history textbooks used in Alabama do not violate the establishment clause of the First Amendment because they do not endorse secular humanism or any religion and were used for a secular purpose.
	Volume XXIV - No. 70 November 11, 1987	Hawkins County Board of Education - The U.S. Court of Appeals for the Sixth Circuit held that requiring public school students to study a basic reader series chosen by the school district did not create an unconstitutional burden under the Free Exercise of Religion clause of the First Amendment of the U.S. Constitution.
109	Volume XIX - No. 78 November 22, 1982	Island Trees Union Free School District (NY) - The U.S. Supreme Court held that students were entitled to a trial determine whether the school board violated First Amendment free speech rights by removing nine books from the high school library.
	Volume 29, No. 80, 1992	Apollo-Ridge School District - The Armstrong County Court of Common Pleas refused to throw out a book used in the reading curriculum of the school district.

		The court found that the book Dragonwings, was a 'nonreligious' book, used primarily for a secular purpose, did not foster excessive state entanglement with religion, nor singled out any particular religion.
112	Volume XX - No. 53 July 25, 1983	Roman - U.S. District Court for the Eastern District of PA dismissed a Civil Rights action against a school district and a high school guidance counselor. The Court held that the counselor was entitled to the defense of qualified immunity with respect to counseling sessions and immunity under the Child Protective Services Law with respect to referral of a student to the County Children's Services and a recommendation that the student be compelled to undergo psychiatric testing.
113	Volume XVI - No. 40 May 11, 1979	The U.S. District Court ruled that federal courts have jurisdiction only on appeals from decisions rendered at due process hearings under the Education of the Handicapped Act and do not have original subject matter jurisdiction.
	Volume XVII - No. 56 September 19, 1980	U.S. Court of Appeals, Third Circuit, held that the practice of not providing more than 180 calendar days of education for handicapped children violated the Education For All Handicapped Children Act, P.L. 94-142. The court remanded the case to the Federal District Court for further proceedings.
	Volume XIX - No. 75 November 4, 1982	Hendrick Hudson Central School District (NY) - The U.S. Supreme Court held that the Education For All Handicapped Children Act, P.L. 94-142, did not require that servicesto children be sufficient to maximize each child's potential commensurate with the opportunityprovided other children. The court stated that if the I.E.P. is developed in compliance with the procedures of the Act and if the plan is reasonably calculated to enable the child to receive educational benefits, the federal courts can ask no more of the schools.
	Volume XX - No. 82 October 25, 1983	Commonwealth Court held that there is no cause of action for money damages by parents who contended that they suffered a loss as a result of the fact that the district failed to identify their child's

learning disability and follow the statutory mandates with respect to exceptional children. Parents have the right to invoke the procedures specified in state and federal law to ensure appropriate programs.

Volume XXI - No. 39
June 14, 1984

Bermudian Springs School District Commonwealth Court held that the primary responsibility for identifying and developing educational programs for exceptional children is placed on the local school districts. In this case, the court upheld an Intermediate Unit's plan to turn EMR classes over to the local school district.

Volume XXII - No. 5
February 1, 1985

Susquehanna Community School District - The Third Circuit Court of Appeals held that a change in the method of transporting a handicapped child to a special education facility was not a change in "educational placement" in accordance with the "stay put" provision of the Education of all Handicapped Children Act, 20 U.S.C. Sec. 1414 (e) (3).

Volume XXII - No. 41
June 12, 1985

Westmoreland Intermediate Unit - Secretary of Education held: (1) it is not a violation of any special education standard to have a ratio of more than 20 teachers to one supervisor (2) a supervisory certificate in special education qualifies the holder to supervise a gifted program; and (3) the secretary cannot make additional findings of fact even when supported by the evidence of witnesses, or uncontradicted testimony, unless the secretary takes additional testimony.

Volume XXII - No. 48
July 29, 1985

The Supreme Court held that the Education of All Handicapped Children Act, P.L. 94-142, allows the awarding of reimbursement from school districts to parents for their expenditure on private special education for a child if a court ultimately determines that the placement, rather than a proposed IEP, is proper under the act.

Volume XXIII - No. 25
June 9, 1986

Westfield Board of Education - The U.S. Third Circuit Court of Appeals held, in a special education case, that a federal district court properly concluded that the school district made available to the student a program reasonably calculated to enable the child to receive educational benefits. The court also held that the

parents were not entitled to receive reimbursement from the school district for their child's alternative educational placement. Finally, the court also noted that state statutes and standards can be enforced in suits under the EAHCA to the extent they impose higher standards on state or local officials than federal law.

Volume XXIII - No. 94
December 17, 1986

The Woods Schools - Commonwealth Court held that once a school gains status as an approved private school for special education purposes, the school must continue to serve an exceptional child unless or until either the parents or school district determine that the particular program is less than appropriate, and any suggested change in program must be in accord with the beet interest of the child. The best interest of the school, financial or otherwise, is irrelevant.

Volume XXIV - No. 65
October 12, 1987

D. Bay Wright, Acting Secretary of Education and the Pittsburgh School District - The U.S. District Court for the Western District of Pennsylvania held that P.L. 94-142, 20 U.S.C. Sec. 1401 et seq., did nor require the school district to provide extensive health/nursing services to a special education student. The court found that because of the extent of services required they were not "related services" under the act.

Volume XXIV - No. 67
October 14, 1987

School District of Philadelphia - Commonwealth Court upheld the dismissal of a lawsuit premised on the improper placement of a handicapped child. The court noted that the only cause of action could be under the School Code; that the student had no common-law action for educational malpractice; and that the constitution and School Code did not confer upon an individual the right to a particular level or quality of education, rather it is a right to entitlement to a public education.

Volume XXV - No. 12
February 19, 1988

The "stay-put" provisions of. the Education for All Handicapped Children Act, P.L. 94-142, which requires that a disabled child ■hall remain in his current educational placement pending proceedings

to review a proposed change in placement, do not contain any implicit "dangerousness" exceptions to unilaterally exclude the child based on disruptive or dangerous behavior.

Volume XXV - No. 29
April 21, 1988

Curweneville Area School District - U.S. District Court held that even though special education funds go to an intermediate unit, the district could be sued for failing to comply with the Education of the Handicapped Act or Sec. 504 of the Rehabilitation, Act. The court upheld the student's classification as LD and placement in a mixed category LD/EMR class.

Volume XXV - No. 30
May 3, 1988

Central Bucks School District - The Third Circuit Court of Appeals held that Pennsylvania's scheme for providing parents of handicapped children with due process violates federal standards because of the role played by the secretary of education. The court held that the state can be liable under the Education of the Handicapped Act because the act authorizes suits against states in a federal court, thus negating the 11th amendment bar against suits.

Volume XXV - No. 53
July 29, 1988

Philadelphia School District - The U.S. District Court dismissed a lawsuit for failure to state a claim upon which relief could be granted in an action brought by parents of a child seeking damages for physical and emotional distress caused by the district's alleged constitutional violations in failing to provide an individualized education for their child who was having trouble keeping up with the class. The court also noted that state law did not allow a cause of action for damages based on a claim that the student had received an inadequate, deficient or appropriate education.

Volume XXV - No. 92
December 7, 1988

Central Susquehanna Intermediate Unit - The U.S. Third Circuit Court of Appeals held that a school need not maximize disabled students' potential or offer the best education, but the benefits provided must not be trivial. The case was remanded for the lower court to determine whether a child was receiving an appropriate

education rather than a trivial educational benefit. The court noted that a program in which physical therapists never directly work with students but only show regular classroom teachers what to do could violate the act, P.L. 94-142.

Volume XXV - No. 97
December 14, 1988

Central Bucks School Authority - Commonwealth Court held that the fall of a handicapped child was not caused by the condition of the property such that there would be liability under the dangerous condition exception to immunity under the Tort Claims Act.

Volume XXVI - No. 22
1989

The U.S. District Court for the Eastern District of PA dismissed a third-party complaint against a school district because an insurer lacks standing to invoke the Education for All Handicapped Children Act as a basis for a claim against the school district. The requirements of that act are enforceably by and for the benefit of children, not insurance companies. The court also noted that there is nothing in the law that suggests that the insurance company's obligation to provide educational services to the plaintiff under an insurance contract is secondary to the obligation of third parties under P.L. 94-142.

Volume XXVI - No. 62
1989

The U.S. Supreme Court reversed the Third Circuit Court of Appeals and held that the Education of the Handicapped Act, P.L. 94-142, did not abrogate the commonwealth's Eleventh Amendment immunity from lawsuit and the parents could not recover tuition reimbursement from the commonwealth. The net effect is that a school district that follows state and federal law may be liable for damages but the commonwealth would not. The court did not decide the issue reached by the Third Circuit that Pennsylvania.'s "due process" scheme violated federal standards.

Volume XXVI - No. 32
1989

Thomas K. Gilhool - The U.S. District Court held that the secretary of education violated the ERA (P.L. 94-142) and the Rehabilitation Act of 1973 by failing to ensure that handicapped children in the Carbon-Lehigh IU: (1) were provided with adequate classroom space comparable to the twnhAndigApped; (2) that necessary

	special education classes were made available; (3) that CLIU students are not segregated in separate facilities because of the failure of school districts to provide adequate, comparable space; and (4) CLIU classes are not relocated to another site because of the failure of school districts to provide adequate, comparable space.
Volume XXVII - No. 49 A & B, 1990	The new State Hoard of Education regulations on special education as well as the Department of Education standards are reprinted in their entirety in this issue; as published in the Pennsylvania Bulletin, Vol. 20, No. 24, Saturday, June 16, 1990.
Volume XXVII - No. 76 1990	The U.S. Court of Appeals, District of Columbia Circuit, reversed itself and held that the Handicapped Children's Protection Act, 20 U.S.C. Sec. 1415(e) (4)-(f) (1988), authorized an award of attorney fees to parties that prevail in administrative proceedings under the Education for all Handicapped Children's Act.
Volume XXVII - No. 98 1990	Chester Upland School District - Third Circuit Court of Appeals upheld a federal district court decision granting compensatory education to a special education child after he became 21 years of age. The court also held that the child did not have to exhaust his administrative rights before going to court, and, the district did not acquire the Commonwealth's Eleventh Amendment immunity, even in its special education capacity.
Volume 28, No. 13, 1991	Pittsburgh Board of Education - Commonwealth Court held that an exceptional child was entitled to physical and occupational therapy, as well as compensatory therapy for the time period in which his therapy was unilaterally terminated.
Volume 29, No. 7, 1992	Towanda Area School District - The Third Circuit Court of Appeals upheld a district court's denial of attorney fees under the fee shifting provisions of the Education of the Handicapped Act, 20 U.S.C. Sec. 1415, because the parents were not prevailing parties. The case involved the parents demands for a different, more

	qualified sign language interpreter. Because the district's conduct remained constant at all times (searching for an interpreter) and the parents did not present evidence to the contrary, they did not prevail.
Volume 29, No. 64, 1992	PA Department of Education - in a lawsuit brought against the commonwealth due to unreasonable delays in the placement of disabled children in settings outside their school districts, the U.S. District Court for the Middle District of Pennsylvania held that the state was responsible for seeing that the special education system was run properly. The court directed the state, with input from plaintiffs, to come up with a suitable remedial order.
Volume 32, No. 20, 1995	The Eighth Circuit Court of Appeals held that a student held back two years in school due to learning disabilities was not entitled to an injunction restraining an athletic association from enforcing its age limit for sports against him. The court found that he was not a "qualified individual" under Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act or 42 U.S.C. Section 1983.
Volume 32, No. 77, 1995	Carlisle Area School District - in a special education case, the Third Circuit Court of Appeals held: 1) remands by a federal court to special education appeals panel■ do not violate the /DEA's efficiency-oriented finality requirements; 2) an appeals panel's review is plenary except that it is required to defer to the hearing officer•s credibility determinations with limited exceptions. The district court may reach an independent decision but must give the decision of the state agency "due weight." School districts must approve the appropriateness of plans but need not prove the inappropriateness of competing plans; and 3) the district court properly affirmed the appeals panel's reversal of a residential placement order and the Third Circuit reversed the compensatory education award because there was no evidence of a violation during the year allegedly serving as the basis for the award.

Volume 32, No. 97, 1995	Punxsutawney Area School District - Commonwealth Court held that the school district was required to implement the evaluation, notice and other procedural requirements of state and federal special education law after the district was notified of two students' potentially handicapping situations. It was alleged that the students became ill due to the school building. The court also awarded compensatory education in accordance with law.
114 Volume XVI - No. 33 April 26, 1979	The Commonwealth Court ruled that a school district's duty under Section 1372 of the School Code to establish an educational program for the gifted is mandatory and a condition to its right to receive reimbursement from the Commonwealth. The court further found that the district has a remedy to obtain reimbursement for an approved program of special education for gifted children. It is suggested that if the Pennsylvania Department of Education approves the expenses incurred, its failure to pay the amount required is a proper subject for *an* action in Mandamus.
Volume XIX - No. 80 November 30, 1982	Commonwealth Court denied a complaint seeking relief by students not selected for a gifted program. The court noted that education is not a right granted by the Federal Constitution and that the State Constitution does not confer an individual right of each student to a particular level of education, but imposes a Constitutional duty on the Legislature to provide for the maintenance of a thorough and efficient system of public schools
Volume XIV - No. 7 January 28, 1977	West York Area School District - York County Court rules district must provide homebound instruction or some other alternate instruction for an expelled student.
Volume XXIII - No. 70 October 24, 1986	Commonwealth Court held that the district complied with the regulations for gifted students by providing an accelerated math program in junior high school and during his sophomore year even though his proposed IEP did not include a mathematics course.

Volume XXIII - No. 80 November 26, 1986	U.S. District Court for the Eastern District of Pennsylvania held that a refusal to place a student in a gifted program did nor violate the equal protection clause on the student's due process rights.
Volume XXV - No. 34 May 9, 1988	Centennial School District: - The Supreme Court of PA upheld the Commonwealth Court's decision involving a gifted student's educational program. The court seemed to be saying that gifted education must be available in Pennsylvania but there are limits as expressed in Scott S v. Dept. of Education (SLIE Vol. XXIII, No. 70, 1986).
Volume XXVI – No. 90 1989	Gateway School District - Commonwealth Court held that the school district waived the issue of whether it should be required to develop an I.E.P. that included college courses for a gifted student.
Volume 29, No. 31, 1992	Easton Area School District - Commonwealth Court held that a parent of a gifted student could not recover attorney's fees or obtain an independent evaluation of his gifted daughter under the federal Individual■ with Disabilities Education Act (IDEA), 20 U.S.C. Secs. 1400-1454. "Gifted students" are eligible for "special education" under Pennsylvania law but not under federal law.
Volume 29, No. 50, 1992	Conrad Weiser Area School District - Commonwealth Court held that the success of a gifted student in a regular classroom did not preclude him from being classified as an exceptional student with a specific learning disability in the area of written expression.
Volume 30, No. 18, 1993	The U. S. District Court for the Middle District of Pennsylvania issued a remedial order implementing its decision concerning a lawsuit brought about against the commonwealth due to unreasonable delays in the placement of disabled children in settings outside their school district.
Volume 30, No. 48, 1993	Big Beaver Palls Area School District - Commonwealth Court held that the school district improperly suspended a special education student from school for more than 15 days and upheld a Special Education Appeals Review Panel decision to award compensatory education.

Volume 30, No. 52, 1993	William Penn School District - The U.S. District Court for the Eastern District of Pennsylvania dismissed a lawsuit filed under the IDEA and 42 U.S.C. Sec. 1983 on the basis that the parents failed to exhaust their administrative remedies available to them in order to challenge their child's special education plan (I.E.P.).
Volume 30, No. 55, 1993	Clementon School District - The Third Circuit Court of Appeals held that the IDEA'S (20 U.S.C. Secs. 1400-1485) mainstreaming requirement prohibited a school district from placing a child with disabilities outside of a regular classroom if educating the child in the regular classroom, with supplementary aids and support services, can be achieved satisfactorily. Even if the child must be placed outside the regular classroom, schools must make sufficient efforts to include the child in school programs with nondisabled children whenever possible. The court also held that the school district bears the burden of proving compliance with the mainstreaming requirement. The court did not decide a Section 504 issue.
Volume 30, No. 90, 1993	Florence County School District Four - The U.S. Supreme Court held that parents can get reimbursement for their children's special education costs where the parents unilaterally withdraw them from a public school that provides an inappropriate education under the IDEA and place them in a private school that provides a proper education but may not be fully state-approved pursuant to 20 U.S.C. Sec. 1410(a)(18).
volume 30, No. 91, 1993	Lancaster County Children and Youth Social Service Agency - The U.S. District Court for the Eastern District of Pennsylvania decided a host of issues pursuant to 42 U.S.C. Section 1983 (federal civil rights law), arising out of juvenile and custody proceedings as well as special education issues. The charges against school defendants were dismissed as the plaintiff failed to exhaust administrative remedies pursuant to the IDEA.

Volume 31, No. 6, 1994	Delaware County Intermediate Unit - The U.S. District Court for the Eastern District of Pennsylvania decided a host of issues pursuant to the IDEA, 20 U.S.C. Sec. 1400(c), to wit: 1. where mainstreaming is at issue, the burden of proof is on the intermediate unit; 2. the IU's failure to develop a timely IEP violated the Act; 3. evidence of a later placement and progress cannot be used in determining whether a proposed placement was appropriate; 4. the TEACH program offered was not appropriate; 5. schools must mainstream disabled children to the extent possible; 6. where a state administrative body rules that parents may prospectively place their child in private training, they can rely on that ruling unless overturned - and can be reimbursed; and, 7. absence of teacher certification in a program is not a bar to certification.
Volume 31, No. 10, 1994	Carbondale Area School District - The U.S. District Court for the Middle District of Pennsylvania held that the school district's control over a special education student during the school day did not create a "special relationship" which could subject the district to liability pursuant to 42 U.S.C. Sec. 1983. The court also held that the school district did not create a danger by placing the student in detention with nonspecial education students.
Volume 31, No. 67, 1994	The United States Supreme Court struck down a New York state statute that created a special school district for disabled children in the village of Kiryas Joel, which was composed entirely of a conservative sect of sews. The plurality opinion stated that the state went too far to accommodate the interest of one religious group, in violation of the Establishment Clause.
Volume 31, No. 81, 1994	Wilson School District - The U.S. District Court for the Eastern District of Pennsylvania, in a special education appeal, held that: (1) special education challenges must be exhausted first under the IDEA prior to civil litigation; (2) courts must

assess the adequacy of special education programs at the time they are offered; (3) the school district did comply with IDEA requirements; (4) the district did propose an appropriate program. The child allegedly suffered from Attention Deficit Disorder with hyperactivity (ADHD).

Volume 32, No. 36, 1995 — Chester Upland School District - Commonwealth Court held that gifted students were not eligible for tuition reimbursement or transportation expenses for attendance at out-of-state private schools.

115 Volume XXV - No. 37
May 12, 1988 — Greater Nanticoke Area School District - Commonwealth court held that Sec. 850.1 (c) of the School Code, 24 P.S. 18-1850.1 (c) requires an affirmative vote of two-thirds of the participating school districts for approval of a vo- tech's operating budget. In this case, four votes of five school districts were required.

Volume XXVI - No. 70
1989 — Commonwealth Court held that a vocational-technical school could not be held liable for damages caused by a student driving his car from his home high school to the vo-tech school. The court upheld the immunity pursuant to the Tort Claims Act, 42 Pa. C.S.A. Sec. 8542, and also held that the student was not an "employee" pursuant to that act.

Volume 29, No. 25, 1992 — East Allegheny School District - Commonwealth Court held that a school district could not enforce an AVTS attendance policy which required students to maintain a "C" average to be admitted to the AVTS as well as a 90% attendance pattern. In reviewing 22 P.S. Secs. 6.31 and 339.21, and 24 P.S. Secs. 5-502, 18-1847 and 18-1809, the court concluded that it was intended to ensure that all students have access to vocational education. However, where a district has more applicants than positions it can apply some admissions criteria.

Volume 30, No. 87, 1993 — Palisades School District - Commonwealth Court found that where a home school district offered its own vo-tech program and did not agree to pay tuition and transportation costs to send some of its resident

students attending a nonpublic school to another vo-tech school, the home district was not liable for such costs pursuant to 24 P.S. Secs. 18-1809, 18-1847 and 25. 2562.

120 Volume XXIII - No. 51
August 26, 1986 — Memphis Community School District - The U.S. Supreme Court held that damages based on the abstract value or importance of constitutional rights are not a permissible element of compensatory damages in Section 1983 (42 U.S.C. 1983) actions.

Volume XXV - No. 69
September 2, 1988 — The U.S. Supreme Court held that, on its *face*, the Adolescent Family Life Act does not violate the Establishment Clause of the U.S. Constitution because it: 1) has a valid secular purpose; 2) does not have the primary effect of advancing religion; and 3) does nor create an excessive entanglement of church and state. However, the court remanded the case to the federal district court to determine whether the statute, as applied, violated the Establishment Clause.

121 Volume XIV - No. 94
November 18, 1977 — In the office of the Attorney General, Commonwealth of Pennsylvania, Field Trip Transportation for Nonpublic School Pupils Attorney General issues an opinion retracting Attorney General Opinion 76-35 and advising the provision of Act 372 of 1972 which requires school districts to provide free field trip transportation to nonpublic school students is unconstitutional.

122 Volume XVIII - No. 5
February 2, 1981 — Sioux Falls School District - The U.S. Supreme Court denied Certiorari, letting stand a decision of the U.S. State Court of Appeals, Eighth Circuit which held that the policy and rules adopted by the school district permitting observance of holidays having both a religious and a secular basis did not violate the Free Exercise Clause or the First Amendment.

Volume XII - No. 29
April 4, 1975 — Pennsylvania Interscholastic Athletic Association - Commonwealth Court, with Justice Genevieve Blatt writing the majority opinion, declares invalid the PIRA which prevents girls and boys from participating and practicing on the same athletic teams.

Volume XXIII - No. 18 May 14, 1986	Lower Merion School District - U.S. District Court for the Eastern District of Pennsylvania held, upon remand, that this student group was entitled to use the high school gymnasium to hold a public political rally. Under the Equal Access Act, the court held that if one student group could sponsor a noncurricular activity, than any other student group must be allowed to do so as well.
Volume XXVII - No. 48 1990	Westside Community Schools - The U.S. Supreme Court held that the school district violated the Equal Access Act, 20 U.S.C. Secs. 4071-4074, by not allowing a student religious group to meet during noninstructional time on the school premises. The court adopted a limited definition of "curriculum-related" groups by limiting them to a subject matter actually taught or soon to be taught in a regularly offered course; if the subject matter of the group concerns the body of courses as a whole; if participation in the group is required for a particular course; or if participation in the group results in academic credits. In such circumstances, if school districts receiving federal funds allow noncurriculum groups to meet in their secondary schools before or after the instructional day, then they also must allow student-sponsored religious, social or political groups to meet.
Volume XXVII -No. 62 A & B - 1990	Centennial School District - The Third Circuit of Appeals held that the district created an open forum for speech. The court held that the district could not prohibit use of the forum by a religious group when it allowed other religious "discussion" in school facilities. The court applied a strict scrutiny test to find a constitutional violation. The court found, under these facts, that both religious discussion and religious worship were appropriate. The court also prohibited a flat ban on distribution of religious materials after hours since the district had created an open forum.

Volume 29, No. 18, 1992	Montgomery Area School District - The Lycoming County Court of Common Pleas dismissed a multi-count lawsuit filed by a student who was suspended from extracurricular activities for disciplinary reasons. The court reiterated the well-established doctrine that there is no constitutional right to participate in extracurricular activities. Her allegations of a violation of due process, defamation and commission of an intentional tort were dismissed.
Volume 30, No. 11, 1993	School District of Philadelphia - The U.S. District Court for the Eastern District of Pennsylvania held that the gospel choir must comply with school district policies if it wished to continue its activities so as not to violate the Equal Access; Act, 20 U.S.C. Secs. 4071 at seq. The choir had school employes participating in its religious activities and nonschool persons regularly attended "religious meetings", among other impermissible activities.
Volume 31, No. 20, 1994	The U.S. Third Circuit Court of Appeals held that a student Bible club could meet in the high school pursuant to the Equal Access Act because the school district allowed other noncurriculum-related student groups to meet, such as the Key Club.
123 Volume XII - No. 32 April 8, 1975	Cumberland Valley School District. - U.S. District Court rules that the PIAA rule which prohibited a district tuition student from participating in interscholastic swim meets is valid.
Volume XII - No. 53 July 21, 1975	Donegal School District - The U.S. Circuit Court of Appeals upholds district's refusal to allow a student permission to play on the soccer team because of his failure to comply with hair regulations of the school.
Volume XVIII - No. 40 June 29, 1981	School District of Penn Hills - Commonwealth Court affirmed a decision by the PIAA in requiring a school to forfeit three football games for using an ineligible player. In reaching its decision, the Court also held that participation in athletics by students is not a property right.

Volume XIX - No. 87 December 16, 1982	Bethlehem Area School District - U.S. District Court held that a student was unjustifiably denied the right to play football pursuant to Section 504 of the Vocational Rehabilitation Act of 1973. The student had only one kidney. The defendant school district, as a recipient of federal funds, was subject to the requirements of Section 504.
Volume XX - No. 88 December 12, 1983	Greater Johnstown School District - Commonwealth Court held that there is no property right to participate in interscholastic activities. The Court also held that the PIAA did not deny a student athlete equal protection when it declared him ineligible for interscholastic athletics on the basis of its determination that his transfer to another school district was athletically motivated.
Volume XXIII - No. 11 March 25, 1986	Mifflin County School District - Commonwealth Court held that a football coach/father lacked standing to challenge the school district's decision to limit the number of students on its football teams. The court also held that the regulation, supervision and existence of athletics is vested solely in the school board's discretion.
Volume XXIII - No. 69 October 23, 1986	State College Area School District - Commonwealth Court held that participation in interscholastic athletics did not rise to the level of an important government benefit and, therefore, a district requirement that any student who wishes to participate must receive a tetanus immunization did not place an impermissible burden on a student whose religious beliefs opposed the immunization.
Volume XXIV - No. 80 November 24, 1987	P/AA/WPIAL - Westmoreland County Court of Common Pleas upheld the PIAA's "eight semester rule" in a case where a student repeated a grade partly for scholastic reasons, and refused to allow the student to participate in activities. The court reiterated that students do not have a property right to participate in such athletics.

Volume XXVI - No. 38 1989	Midland Area School District - Commonwealth Court held that the school district and a football player who knocked over a spectator as she waited in line at a concession stand near the, locker room were immune from liability pursuant to the Political Subdivision Tort Claims Act, 42 Pa. C.S.A. Sec. 8501 et *seq.*
Volume 28, No. 34, 1991	Commonwealth Court held that a common pleas court can enjoin arbitration when there is no agreement to arbitrate. In this the court found that a soccer coach was not an "employe" who could grieve under the collective bargaining agreement. The court also reiterated its prior opinion that collective bargaining agreements covering professional employes are inapplicable to supplementary contracts covering teachers performing "outside" duties not within the definition of professional employe in Section 1101(1), 24 P.S. 11-1101(1) of the School code.
Volume 29, No. 74, 1992	P.I.A.A. and Jim Thorpe Area School District - Carbon County Court of Common Pleas upheld the PIAA rule prohibiting 19-year old students from participating in interscholastic athletics.
Volume 30, No. 17, 1993	The U.S. District Court for the Eastern District of Pennsylvania dismissed a Section 1983 (42 U.S.C. Sec. 1983) action. The court held that a high school wrestling coach could not violate a student's constitutional rights when he instructed the student to continue a wrestling bout after he had been injured.
Volume 31, No. 5, 1994	Harbor Creek School District - Commonwealth Court held that the school district did not commit an unfair practice by transferring the duties of the athletic director to a nonbargaining unit administrator, without bargaining first with the union. The court held, again, that supplemental activities are not "professional duties" and, therefore, are not covered by the collective birgaining agreement.
Volume 31, No. 33, 1994	Clarion-Limestone Area School District - ThePLAB held that the school district did not commit an unfair practice when it did not vote to rehire a football coach. Even though the district may have discriminated against him in the past, he was

	also rehired one time and, further, had not engaged in protected activity during an intervening time period. There was also a legitimate educational reason for not doing so.
Volume 31, No. 69, 1994	The Ninth Circuit Court of Appeals held that a school district's random urinalysis requirement of students for participation in interscholastic athletics constituted an unconstitutional search.
Volume 32, No. 20, 1995	National Federation of State High School Assn. - The Eighth Circuit Court of Appeals held that a student held back two years in school due to learning disabilities was not entitled to an injunction restraining an athletic association from enforcing its age limit for sports against him. The court found that he was not a "qualified individual" under Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act or 42 U.S.C. Section 1983.
Volume 32, No. 54, 1995	The U.S. Supreme Court upheld the school district's right to have random urinalysis drug testing of students who participated in school athletic programs.
124 Volume XXIV - No. 75 November 23, 1987	Bucks County Public Schools, I.U. 22, et al - Commonwealth Court held that a school district was responsible for the summer school costs for a student who suffered emotional, behavioral and social regression problems during breaks in the educational Program.
126 Volume XX/ - No. 15 March 20, 1984	The Supreme Court of Pennsylvania affirmed a Commonwealth Court decision that the Commonwealth was not required to bargain the workload of social workers.
127 Volume XXVI - No. 31 1989	Commonwealth Court held that the decision of the secretary of education to invalidate TELLS test scores and direct retesting was nor an "adjudication" under the Administrative Agency Law, 2 Pa. C.S. Sec. 101, and therefore was not invalid since no notice, hearing, etc. were ever given prior to the action. The court found that no property rights, privileges or immunities of the districts were affected by the decision.

201 Volume XI - No. 69 August 15, 1974	North Penn School District - Margaret Pasceri (Margaret Maust) - Montgomery County Court rules that a woman in the district *was* "improperly prevented" from enrolling her son *in* first grade after she refused to allow him to repeat kindergarten.
Volume XIV - No. 60 June 15, 1977	North Penn School District - U.S. District Court rules the North Penn School District did not violate the Equal Protection Clause of the 14th Amendment in denying kindergarten admission to a child not meeting the district's age requirement for entrance.
Volume XIV - No. 79 August 29, 1977	Penn Hills School District - Nathan O'Leary, a minor by *James* O'Leary, his guardian - Commonwealth Court rules the Penn Hills School District has not violated Constitutional law, violated Pennsylvania school law or abused its discretion in refusing to admit a transfer kindergarten pupil who does not meet the school district's age requirements.
Volume XX - No. 73 September 26, 1983	Lower Moreland School District - Commonwealth Court held that a student had no protected property interest in admission to kindergarteh and was not deprived of due process in being excluded from kindergarten without a formal hearing.
202 Volume XIII - No. 13 March 12, 1976	West Greene School Board - Greene County. Court rules the West Greene School District must admit group care residents of Youth, Inc., known as Fordyce Ranch.
Volume XIX - No. 49 June 1, 1982	Cheltenham Township School District - County Court of Common Pleas held that a student was required to pay tuition to the district, pursuant to Article 13 of the Public School Code of'1949, because she was not a resident of the district.
Volume XIX - No. 79 November 23, 1982	The U.S. Supreme Court held that *a* Texas statute withholding funds for the education of children not legally admitted into the United States, and which authorizes local school districts to deny enrollment to such children, violated the Equal Protection Clause of the Fourteenth Amendment. HoWever, the Court reaffirmed that public education is not a right granted to individuals by the U.S. Constitution.

Volume XX - No. 37 May 23, 1983	Tuscarora IU - The Supreme Court of PA held that a private Pennsylvania institution must pay the cost of education in a public school for a mentally retarded child residing in the institution, where the parents of the child are residents of the State of New Jersey. The court held that the statutory requirement, Section 1308 of the School Code, is Constitutional and does not violate Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).
Volume XXIV - No. 51 July 31, 1987	The U.S District Court for the Eastern District of Pennsylvania declared that Section 1305(b), of the School Code, 24 P.S. 13-1305(b) is unconstitutional as it relates to attendance of nonresident students placed in foster homes in a school district.
Volume XXV - No. 40 June 9, 1988	Montgomery County Court of Common Pleas held that a child is to be considered a resident of the school district in which its parents reside or the guardians of its person reside. The court also held that a parent's desire to manufacture a residence for a child within a certain school district is an insufficient and improper reason for the appointment of a guardian.
Volume XXVI - No. 2 1989	The U.S. District Court for the Eastern District of PA held that the first sentence of Sec. 1302 of the School Code, 24 P.S. Sec. 13-1302, is null and void with respect to this class of plaintiffs (all school-age youngsters who live in "children's institutions" in PA who, because of the operation of 24 P.S. Secs. 1302 and 1308, are or may be denied free public education by the school districts in which they live) because it violates the Due Process Clause of the 14th Amendment. These students were those whose parents live out-of-state. The court found that the law established an irrebuttable presumption against residency and school districts must give students an opportunity to rebut the presumption of nonresidency.

Volume 28, No. 74, 1991	Richland School District - Commonwealth Court held that a minor has the same residence and domicile as the parent with whom he or she lives. In this case, the child lived with her mother in another district so she could not attend the school district where her father resides without paying tuition.
Volume 31, No. 3, 1994	Stroudsburg Area School District - The PLRB reversed its hearing examiner and held that the school district could not unilaterally terminate a practice of waiving tuition for the children on non-resident bargaining unit members, even though the school board itself had not authorized the practice. Also included is the decision of the Monroe County Court of Common Please affirming the PLRB.
204 Volume VIII - No. March 4, 1971	Garnet Valley School District - Court rules that designation of school bus routes is up to discretion of school boards. Parents may not at their own discretion send pupils to a school in another district (in this case, Rose Tree Media) and receive tuition payment.
Volume X - No. 94 September 11, 1973	School District of Philadelphia - Commonwealth Court upheld an order of the Philadelphia Court of Common Pleas, ruling that it is within the discretion of the school board to determine that unexcused absences or lateness of a student constitute "disobedience or misconduct" calling for suspension or expulsion under the School Code.
Volume XII - No. 18 February 18, 1975	School District of Pittsburgh - Commonwealth Court charges district couple with violation of Compulsory Attendance Law.
Volume XIX - No. 14 March 11, 1982	Crawford County Court of Common Pleas held that it could require a juvenile to attend school beyond the age of 17 when it is in the best interest of the juvenile and the order supersedes the statutory right of a child to withdraw from school pursuant to the Compulsory School Attendance Law (13 P.S. Secs. 13-1326, 1327).

Volume XX - No. 10 February 10. 1983	Commonwealth of Pennsylvania - Superior Court upheld summary conviction of parents pursuant to Sec. 1333 *of* the School Code for taking their children out of school in violation of the district's educational trips policy. The court upheld the district's authority to adopt such a policy, the validity of the policy, and the legal proposition that the courts will not act as "super" school boards.
Volume XX - No. 64 August 16, 1983	Bristol Borough School District - Bucks County Court of Common Pleas dismissed a complaint for damages arising from the fact that the minor Plaintiff's father removed him from school in the face of a court order awarding custody to Plaintiff's mother. The claim was dismissed as it did not fall within the exceptions to immunity pursuant to the Political Subdivision Tort Claims Act.
Volume XXIII - No. 20 May 16, 1986	PA. Department of Education - Commonwealth Court held that the Secretary or Education properly concluded that an in-state private school provided an appropriate program for a special education child and, therefore, the parents were not entitled to reimbursement for an out-of-state placement.
Volume XXIII - No. 29 June 17, 1986	The proposed State Board of Education Regulations on pupil Attendance, 22 Pa. Code Ch. 11.
Volume 28, No. 44, 1991	The Supreme Court of Appeals of West Virginia held that a state statute which conditioned a junior driver's license on continued school attendance between the ages of 16 and 18 was constitutional. However, the court also noted that, when a license is to be revoked, the student must *be* notified of a right to a hearing before the appropriate school official.
206 Volume IX - No. 57 September 15, 1972	School District of Philadelphia, Pittsburgh, Uniontown, New Castle and New Kensington-Arnold - Commonwealth Court rules the Human Relations Commission can order the busing *of* children to eliminate de facto desegregation.

Volume IX - No. 71 December 27, 1972	Northampton Area School District - Northampton County Court dismisses a suit brought by a citizens group to prevent the district from busing children to a kindergarten center.
Volume XI No. 73 August 30, 1974	Milliken, Governor of Michigan, at al - U.S. Supreme Court reverses District Court of Appeals which had ordered a multi-district metropolitan plan to desegregate the Detroit schools.
Volume X// - No. 92 December 22, 1975	Lower Marion School District - Commonwealth Court upholds Montgomery County Court ruling allowing district's transfer *of* students from one elementary school to another elementary school.
Volume XIV - No. 71 August 4, 1977	Michael Marcase et al (Philadelphia School District) - U.S. District Court concludes the district must provide due process notice and hearing to any student involuntarily transferred from one nondisciplinary public school to another for disciplinary reasons.
Volume XVI - No. 69 October 22, 1979	Commonwealth Court ruled that a determination by the Secretary of Education that a child was "mentally retarded" and not "brain injured" was not supported by substantial evidence. The court concluded in a hearing before the Secretary to determine in what educational program a child should be placed, that IQ test results did not in and of themselves constitute substantial evidence upon which to base a finding of mental retardation, absent other evidence.
Volume XXI - No. 68 October 25, 1984	The U.S. Supreme Court held that a school district was required to provide catheterization to student in accordance with The Education Of The Handicapped Act, P.L. 94-142. The court found that where such a service is not a "medical service" it is a related service under the Act and must be provided to the student by the school entity.
VoluMe XXV - No. 47 June 26, 1988	Bethlehem Area School District - U.S. District Court dismissed a case brought by an insurance company which was paying for a child's attendant care during the school

day. The company had alleged that this was a "related service" that the district should have provided. The court dismissed the case because the insurance company had no standing to sue.

Volume 31, No. 77, 1994 — School District of Philadelphia - Commonwealth Court held that Parents United had standing to challenge the school board's policy on condom distribution. The court found that the group had articulated a specific and substantial right to express prior parental consent to the offering of health or medical services.

Volume 32, No. 7, 1995 — School District of Pittsburgh - The U.S. District Court for the Western District of Pennsylvania, in an action filed pursuant to 42 U.S.C. Sec. 1983, held that the school district was under no constitutional obligation to ensure that students were receiving adequate medical care and screening in relation to extracurricular activities. The court also dismissed pendent state claims.

210 Volume XXIV - No. 71
November 12, 1987 — Deer Lake School District - A U.S. District Court dismissed a lawsuit under 42 U.S.C.A. Sec. 1983, finding that the district was not liable for failure to train employes in the treatment of a diabetic student due to a single incident; that the student failed to allege any discrimination thus stating no equal protection claim; and, that Sec. 1983 was not available to redress violations of the Education of the Handicapped Children's Act, P.L. 94-142.

Volume XXVII - No. 40
1990 — Chester County Intermediate Unit - The Third Circuit Court of appeals held that the exclusion provisions of the medical insurance policies held by the parents of special education students meant that Blue Cross/Blue Shield are not liable for the costs of physical therapy provided by the intermediate units to the handicapped children.

213 Volume XIX - No. 26
April 1, 1982 — Philadelphia School District - Commonwealth Court upheld the lower court's dismissal of a suit brought against the school district by a student who failed a health course. The court noted that this is the type ***of*** case where it will not

interfere in the district's action unless it clearly abused its authority. The cause of action in this case was found to be analogous to the "educational malpractice" cases which are appearing around the country.

Volume XXI - No. 73
October 30, 1984 — Cumberland Valley School District - Commonwealth Court held that reducing a student's grade for disciplinary reasons without an optional make up program was improper.

Volume XXI - No. 82
December 10, 1984 — Shenandoah Valley School District - County Court of Common Pleas enjoined enforcement of the district's policy which required a student to have a C average as a condition for involvement in extra-curricular activities. The court found the policy defective because: (1) the regulation did not specify the period of time during which a C average must be maintained; (2) it did not have an objective standard for determining student potential to maintain a C average; and (3) the regulation was not a reasonable rule for determining eligibility for involvement in such activities.

216 Volume XIX - No. 53
June 30, 1982 — Beaver Area School District - County Court of Common Pleas held that a photography studio is entitled to see a list of student names and addresses, pursuant to The Right To Know Act, 65 PA Stat. Ann. Sections 66.1-66.4.

Volume 28, No. 68, 1991 — Williamsport Area School District - Commonwealth Court held that parents were entitled to see a school psychologist's notes of his interviews with their children without violating state or federal law. The opinion contains lengthy discussion of the various issues related to state and federal law and regulations as well as individual rights. The court also decided important procedural issues specifically related to peremptory judgment matters.

217 Volume XX - No. 75
October 3, 1983 — Canon-McMillan School District - Washington County Court of Common Plea denied a student's request to compel the school district to graduate him. He had received a failing grade in physical education.

Volume XX/II - No. 7 February 27, 1986	Mifflin County School District - Commonwealth Court held that a student has no property right to attend commencement ceremony. However, the court invalidated a four-day suspension that followed a three-day one which included graduation day, because the district did not give written notice of an informal hearing, pursuant to 22 Pa. Code Sec. 12.8(c)(2)(i).
Volume XXV - No. 13 March 8, 1988	Cumberland Valley School District - Commonwealth Court held that a student could not be denied a high school diploma where he successfully completed all the course work required for graduation and is expelled after successful completion of his courses.
Volume 29, No. 57, 1992	The United States Supreme Court held that a public school could not have a prayer as part of a graduation ceremony, even where attendance is voluntary.
Volume 30, No. 3, 1993	Clear Creek Independent School District - The U.S. Court of Appeals for the Fifth Circuit, following Lee v. Weisman, upheld a school board policy that permitted high school seniors to choose student volunteers to deliver nonsectarian, nonproselytizing invocations-at their graduation ceremonies. The court held that the resolution passed both the three-pronged Lemon test as well as the Lee v. Weisman coercion test.
Volume 30, No. 64, 1993	Blackhorse Pike Regional - The Third Circuit Court of Appeals enjoined a school district from having a prayer at school-sponsored graduation ceremonies. Graduation was a school-sponsored event even though the school let the graduating class plan one segment of the ceremony.
Volume 31, No. 57, 1994	Clearfield Area School District - The U.S. District Court for the Western District of Pennsylvania upheld a student-delivered "opening statement" and "closing statement" at graduation ceremonies as not being violative of the the U.S. Constitution. The court concluded that they were not prayers. He found it was not a religious exercise and that the Constitution does not mandate the content of graduation speeches.

Volume 32, No. 32, 1995	The U.S. Court of Appeals for the Ninth Circuit held that a student prayer at a high school graduation violated the Establishment Clause of the First Amendment. The court also held that school officials could not avoid their constitutional duty by allowing the graduating class to vote on the prayer and to not require mandatory attendance at the ceremony.
218 Volume IX - No. 69 & 70 December 11, 1972	Northgate School District - Court upholds district's corporal punishment policy, ..except as-to a child whose parents have notified the appropriate authorities that such disciplinary method is prohibited".
Volume X - No. 93 September 11, 1973	Jersey Shore School' District - Commonwealth Court upheld action of a teacher who slapped a student during an effort to expel him from the classroom.
Volume XI - No. 88 December 10, 1974	Babcock School District - Allegheny County Court denies an injunction requested by a high school student of the district who was dismissed from the football team for violation of the team's No Smoking rule.
1 Volume XII - No. 40 April 22, 1975	York County Vocational-Technical School - York County Court rules on companion cases upholding the Vocational-Technical school's expulsion of a student under Section 1318 of the Public School Code and the right of the Central York School District (the school district of residence) to refuse to admit such expelled student to its own high school.
Volume XII - No. 76 September 5, 1975	Quakertown Community School District - Bucks County Court sustains district's suspension of a student who was intoxicated while attending a high school basketball game.
Volume XII - No. 91 December 22, 1975	W. C. Owen, Principal of Gibsonville School, et al - The U.S. Supreme Court affirms the ruling of the U. S. District Court of North Carolina that corporal punishment may be administered in the public schools, even if the student's parents object.
Volume XIV - No. 61-A June 15, 1977	Ingraham, et al vs. Wright, et al - U.S. Supreme Court.rules that use of corporal punishment as a means of discipline in public schools is not unconstitutional.

Volume XIV - No. 83 September 1, 1977	Robert J. Breslin, et al (Southern Lehigh High School) - U.S. District Court refuses to order the district to allow 18 students identified as participants in a "Senior Sneak Day" to participate in graduation ceremonies.
Volume XV - No. 55 June 9, 1978	Easton Area School District - The Northampton County Court upholds the decision of the district to bar a student from riding the school bus for a five-day period because the student had thrown snowballs at the bus and the driver. The court finds the "process due and the plaintiff is commensurate with the nature of the deprivation imposed.. ".
Volume XIX - No. 76 November 5, 1982	Board of Education of Rogers Arkansas - U.S. Supreme Court held that under 42 U.S.C., Sec. 1983 does not grant a right to relitigate in federal court evidentiary questions arising in school disciplinary proceedings or the proper construction of school regulations. Here, the issue involved interpretation of regulations concerning student use of alcoholic beverages under rules concerning "drugs".
Volume XXI - No. 19 March 28, 1984	The State Board of Education adopted amended regulations to Title 22 PA Code, Chapter 12-Students. The regulations were published in the Pennsylvania Bulletin, vol. 14, No. 7, Saturday' February 18, 1984 and vol. 14, No. 8, Saturday, February 25, 1984
Volume XXIII - No. 54 August 29, 1986	Bethel School District - The U.S. Supreme Court upheld the right of public school officials to discipline a student for giving an offensively lewd and indecent speech in a student assembly.
Volume XXV - No. 33 May 6, 1988	Centennial School District - The Third Circuit Court of Appeals upheld the diemissal of a Section 1983 (42 U.S.C. Sec. 1983) lawsuit for all school officials, the school board and its members but not for a teacher accused of using too much force against a student. The court concluded that there were sufficient facts such that a jury could find the teacher subject to liability for crossing the constitutional line separating a common law tort from a deprivation of substantive due process.

Volume 31, No. 31, 1994	New Castle Area School District - The U.S. District Court for the Western District of Pennsylvania held that officials of the school district conducted an illegal strip search of several students. The court found that the factors leading to the searches, including information from an informant, were "insufficient to establish...reasonable grounds for suspecting that any of the searches would turn up evidence that the student violated or was violating state law or the rules of the school." The court decided several other other issues concerning the liability of school boards, school board members and various administrators.
Volume 31, No. 84, 1994	Maine Tim. High School (IL) - The Seventh Circuit Court of Appeals upheld a school district anti-loitering rule. It concluded that the rule was not unconstitutionally vague nor did, it violate the students' First Amendment guarantees of speech and assembly.
218. Volume 32, No. 44, 1995	The U.S. Supreme Court held that the Gun-free School Zone Act, 18 U.S.C. Section 922(q)(1)(A), was unconstitutional as Congress did not have authority to enact it pursuant to the Commerce Clause of the U.S. Constitution.
Volume 32, No. 52, 1995	School District of Philadelphia - Pennsylvania Superior Court held that a search of a student for weapon■ was reasonable under the circumstances where the officials had no individualized suspicion that the student was armed. Here the juvenile had a minimal privacy interest and his expectation of privacy was not subjected to the discretion of the official involved. No violation of Fourth Amendment rights occurred. The court declined to decide a challenge to the Pennsylvania Constitution because he did not brief and analyze factors that case law required to be briefed.
220 **Volume XXV** - No. 5 February 9, 1988	Hazelwood IMO) School District - The U.S. Supreme Court upheld the right of school officials to exercise control over the style and content of student speech in a school-sponsored expressive activity (paper) as long as the reasons were reasonably related to legitimate pedagogical concerns. The court held that student

	First Amendment rights are not automatically coextensive with adults in other settings. A school does not have to tolerate student speech that is inconsistent with the school's basic educational mission.
Volume XXV - No. 7 February 9, 1988	Waynesboro Area School District - A District Court held that the school district did not violate students' religious rights in attempting to control their distribution of a "religious" newspaper. The court also found no violation of "equal access" rights but held that the students can distribute the paper in school subject to content-neutral time, place and manner restrictions on the distribution inside the school.
Volume 28, No. 51, 1991	Interboro School District - The U.S. District Court invalidated, in large part, the school district's policy against student distribution of religious literature in the schools. The court sent the case to trial on the issue of whether the school officials have reason to anticipate substantial interference with work at the high school should distribution of the religious tracts continue at the exit doors before and after school and in the cafeteria at lunchtime.
Volume 29, No. 38, 1992	The U.S. District Court for the Eastern District of Pennsylvania held that the school district did not have a public forum for the purpose of distributing a student survey form or for the giving of oral presentations in the classroom. Accordingly, a student's constitutional rights were not violated when she was prevented from distributing a survey asking students about their views about God and when the teacher required her to give her oral presentation before the teacher rather than in the classroom. The court concluded that the reasons for doing so were reasonably related to legitimate pedagogical concerns.
volume 32, No. 55, 1995	The U. S. Supreme Court held that a college student religious journal was entitled to a subsidy from the university's student activities fund. The court said denying payment was a violation of the

	free speech guarantee of the First Amendment. The court noted that once the university chose to subsidize student speech by distributing such funds to other student organizations, it had to be "viewpoint neutral" and could not deny the funding because the viewpoint was religious in nature.
221 Volume IX - No. 1 January 11, 1972	Blue Ridge School District - A three judge Third Circuit Appellate Court upheld a ruling in favor of the district Drees Code and against a 'long hair" student, handed down by a Middle District Court in November 1970.
volume 32, No. 12, 1995	A U.S. District Court in Massachusetts held that a high school could promulgate a dress code prohibiting students from wearing t-shirts displaying nondisruptive, vulgar messages, even if political. However, the court also held that a provision which prohibited the wearing of clothing that "harasses, threatens, intimidates or demeans" individuals or groups did violate the First Amendment to the extent that it restricted expression which was neither vulgar or disruptive.
226 Volume XXIII - No. 75 November 10, 1986	The Superior Court of Pennsylvania ruled that a high school student has a legitimate expectation of privacy in a school locker and the locker cannot be searched without a reasonable suspicion of wrongdoing. However the court also noted that this expectation is not absolute. The concurring opinion suggests that schools can have rules explicitly making the lockers subject to inspection.
Volume XXVII - No. 64 1990	The U.S. Supreme Court held that the state courts refusal to hear a Sec. 1983 claim (42 U.S.C. Sec., 1983) against a school district when the state courts entertained similar state law actions against state defendants violated the Supremacy Clause. The court also held that a state "sovereign immunity" defense was not available to the school board in a Sec. 1983 action brought in a state court that otherwise had jurisdiction when the defense would not have been available if the action were brought in a federal forum.

	Volume 32, No. 24, 1995	Harbor Creek School District - Erie County Court of Common Pleas held that a sniff dog random search of student lockers was a search and the school district did not restrict its locker privilege in such a way as to eliminate a student's reasonable expectation of privacy within the locker. The court suggests that ordinary searches are justified based on reasonable suspicion. Here, the court found no individualized suspicion, no observation or report that any particular student(e) violated some school regulation. The court suggests school officials must make it absolutely clear that there is no reasonable expectation of privacy in the lockers. (this is a county court decision only binding in Erie County and not elsewhere.)
	Volume 32, No. 91, 1995	In a suppression hearing involving a juvenile, the Superior Court held that, under Pennsylvania law, a canine sniff search constituted a search and that the school officials did not necessarily have reasonable suspicion to conduct the sniff search of the sudent's locker. Under the specific facts of this case, the court concluded that the student had an expectation of privacy in his locker.
227	Volume XI - No. 4 February 12, 1974	Michael Merriken, et al v. Wilmer D. Creasman, at al - The U. S. District Court for the Eastern District of PA ruled against the Norristown School District in its attempt to institute a program to ascertain potential drug users.
	Volume 31, No. 100, 1994	Bangor Area School District - County Court of common pleas invalidated a student expulsion where the student was found with and using caffeine tablets, which was not in violation of the district's drug policy. The court did uphold a 10-day suspension on the grounds that her behavior in accepting other students' money and using money to purchase the pills for them on school premises constituted "misconduct."
	Volume 32, No. 27, 1995	Pittsburgh School District - The Superior Court held that a pat-down search of a student was reasonable when it was done by a school security officer, and that the crack cocaine found on him was admissible in an adjudication of delinquency.

233	Volume X - No. 94 September 11, 1973	School District of Philadelphia - The Commonwealth Court upheld an order of the Philadelphia Court of Common Pleas, ruling that it is within the discretion of the school board to determine that unexcused absences or lateness of a student constitute "disobedience or misconduct" calling for suspension or expulsion under the School Code.
	Volume XII - No. 20 February 18, 1975	Goss, at al vs Lopez, et al - U.S. Supreme Court rules 5-4 that students must be notified of the charges by the disciplinarian prior to suspension.
	Volume XII - No. 26 March 10, 1975	Dallastown Area School District - York County Court directs Dallastown School District to provide homebound instruction for an expelled student or proceed under the Juvenile Act of 1972 to provide a proper education.
	Volume XII - No. 27 March 14, 1975	Wood, at al vs. Strickland, at al - U.S. Supreme Court rules 5-4 that school board members may be sued for damages if they are responsible for violating a student's constitutional rights with malicious intent.
	Volume XIII No. 49 June 9, 1976	Cranberry School District - U.S. District Court rules that the district properly administered a student's due process rights and that the board had ample grounds for the student's suspension.
	Volume XIV - No. 81 August 29, 1977	West Shore School District - Commonwealth Court affirms order of lower court and denies request to reinstate, in accordance with regulations of the State Board of Education, a pupil permanently expelled from the dis rict.
	Volume XV - No. 94 October 20, 1978	U.S. Supreme Court finds that, where proof of actual injury's absent, students are entitled to recover only nominal damages in cases brought against school officials where the students were suspended from school without being afforded proper due process procedures.
	Volume XVII - No. 90 December 23, 1980	Commonwealth Court held that the suspension of two students for 40 days, after their admission at a hearing before the board that they had smoked marijuana on

	the school bus, did not violate due process. The court held that the board had the power to impose sanctions. for improper conduct of students during the time they are in attendance at school, including the time required going to and from their homes.
Volume XIX - No. 65 August 13, 1982	Clairton School District - Commonwealth Court upheld the expulsion of a student from.school. The Court reiterated that it will not, in normal circumstances, substitute its judgment for that of the elected school authorities.
Volume XXI - No. 33 June 11, 1984	Commonwealth Court upheld a student expulsion for 20 days for violating school board policy regarding possession or consumption of alcohol on school property. The Court upheld the use of criminal citation as evidence to determine the guilt of the student.
Volume XXI - No. 34 June 12, 1984	Salisbury Township School District - U.S. District Court upheld student suspensions where the hearing was held one day after student's removal from school in a case involving use or po.... ion of drugs. The Court also held that Constitutionally sound procedures governing suspension are not rendered deficient if they are not published in conjunction with detailed procedural safeguards. This was another 1983 Civil Rights suit.
Volume XXI - No. 92 December 19, 1984	Pleasant Valley School District Commonwealth Court held that a trial court did not abuse its discretion in modifying an expulsion penalty for several students.,
Volume XXII - No. 37 May 24, 1985	Big Spring School District - Commonwealth Court remanded a student expulsion case back to the school board to make written findings of fact and reasons for its adjudication. .Such written findings and reasons are required by the Local Agency Law.
Volume XXIII - No. 96 December 19, 1986	Elizabethtown Area School District - U.S. District Court for the Eastern District of Pennsylvania held that collateral estopped barred a federal court suit as a

	result of proceedings in a state court ' upholding a suspension of a student where the state court concluded that there had been no due process violation.
Volume XXIV - No. 1 January 12, 1987	New Brighton School District - Beaver County Court of Common Pleas held that it did not have jurisdiction to hear an appeal by a Student suspended from school for 1-10 consecutive school days.
Volume XXIV - No. 46 July 16, 1987	Pittsburgh Board of Education - ComMonwealth Court remanded a student expulsion hearing back to the local school board. The court found that the student's due process rights were violated when the prosecutorial and advisory functions were performed by two attorneys from the same legal office of the Board of Education. The court noted that it is its practice to remand such cases to the administrative tribunal because of its belief that the integrity of the administrative process must be upheld.
Volume XXVII - No. 83 1990	Hempfield School District - Lancaster County Court of Common Pleas refused to enjoin the school district from suspending a student from all. extracurricular school activities because of under-age drinking. The drinking occurred during the school year but off school premises. The court found that granting the injunction would undercut and diminish the moral force of the school's substance use policy and mock the efforts of others who have, in good faith, subscribed to the written policy and who are being faithful to its terms and conditions.
Volume 29, No. 93, 1992	Greencastle-Antrim School District - The U.S. District Court for the Middle District of Pennsylvania found that a student's due process rights may have been violated when he was not given a proper suspension hearing. Accordingly, a charge that his due process rights were violated was not dismissed but an equal protection charge vas dismissed. Charges against a school district and superintendent for willful or criminal misconduct were dismissed. However, they were not dismissed for a security officer and a principal where they allegedly used too much force

against the student. A claim for injunctive relief was also dismissed. The court dismissed a punitive damages claim against the school district but not against the individuals, including school board members. The whole case arose out of the conduct of the student at a basketball game and the resultant handling of him by school officials, including the discipline procedures at hi■ home school. Most of his mother'■ constitutional claims were dismissed.

Volume 30, No. 8, 1993 — Hamburg Area School District - Commonwealth Court, in a student expulsion case, remanded a trial court order setting aside a student expulsion and ordered the court to remand the case to the school board for a further hearing. The board, in the penalty phase, had considered evidence of other acts of vandalism for which the student was not charged. The court ordered a new penalty hearing without evidence of other alleged acts of vandalism for which no prior notice had been given or opportunity to defend.

Volume 30, No. 48, 1993 — Big Beaver Falls *Area* School District-Commonwealth Court held that the school district improperly suspended a special education student from school for more than 15 days and upheld a Special Education Appeals Review Panel decision to award compensatory education.

Volume 31, No. 56, 1994 — Annville-Cleona School District - Commonwealth Court reversed the county court of common pleas which had reversed a school board's expulsion of a student. The court reiterated that it/they cannot reverse a local agency unless there was a violation of constitutional rights, an error of law, a violation of agency procedure or a lack of substantial evidence to support key findings of fact. It noted that credibility determinations are binding on appeal. Because it could not conclude that the evidence was insubstantial - even through the court may have decided differently had it been the trier of fact - the common pleas court had to be reversed. PSBA participated in this case as amicus curiae.

Volume 32, No. 95, 1995 — Corry Area School District - The Erie County Court of Common Pleas upheld a student suspension, holding that the district had authority to discipline a student for out-of-school conduct where he participated with other student■ in throwing eggs at a teacher'■ house outside of normal school hours.

234 Volume XI - No. 22
April 5, 1984 — Deputy Attorney General•s Statement on Pregnant and Married High School Students - A statement by Deputy Attorney Jennifer A. Stiller in which she answers a number of questions regarding pregnant and married students.

235 Volume XV - No. 90
October 16, 1978 — Pennsylvania Supreme Court reverses a Commonwealth Court ruling and finds the State Board of Education has the authority to issue regulations governing student rights and responsibilities. The court concludes that the State Board is given broad authority by the Administrative Code over all'educational matters and that student discipline is within the field of education.

Volume XXIII - No. 47
August 20, 1986 — Valley Forge Military Academy - U.S. District Court for the Eastern District of Pennsylvania held that a child whose cause of action accrued during minority and was not time barred when Pennsylvania law was amended to allow minors two years after attaining majority to file actions (42 Pa. C.S.A. Sec. 5333) had an additional two years from the date when he reached 18 years of age to file his action.

248 Volume XXVI - No. 82
1989 — Bradford Area School District - On remand from the U.S. Supreme Court, the Third Circuit Court of Appeals refused to grant qualified immunity to two school administrators and dismissed a third as a defendant, in a lawsuit brought by a student who alleged, among other points, that the defendants condoned the conduct of a teacher who allegedly sexually molested her. The court reiterated its opinion that the student had an established constitutional right to be free from sexual abuse by school staff. The prior Third Circuit decision was reported in the School Law Information Exchange, Vol. 24, No. 81 (1987).

	Volume 29, No. 21, 1992	Gwinnett Co. Public Schools (GA) - The Supreme Court upheld a private cause of action in a Title IX sexual harassment case brought by a student of the school district. She claimed that a teacher had sexually harassed and abused her. More importantly, the court held that damages were available in a Title IX lawsuit.
	Volume 29, No. 71, 1992	Middle Bucks Vocational-Technical School - In a 7-5 decision, the U.S. Third Circuit Court of Appeals upheld it■ prior ruling that a school and its officials were not responsible, as a matter of constitutional law, where students violated the rights of other students. The court held that Pennsylvania's compulsory attendance laws and the disciplinary authority of school officials did not place students in a custodial relationship such that liability would be found. PSBA participated in the case as amicus curiae.
	Volume 32, No. 87, 1995	The Ninth Circuit Court of Appeals held that a school employee, sued pursuant to Title IX for allegedly failing to stop students from sexually harassing another student, could assert a qualified immunity defense. It found at the time the events leading to the suit occurred, the law did not clearly establish that such a duty existed.
302	Volume XXIV - No. 20 March 12, 1987	North Hills School District - Allegheny County Court of Common Pleas upheld the right of the school board to renew the superintendent's contract in accordance with Sec. 1073 of the School Code, 24 P.S. 10-1073.
	Volume XXVI - No. 71 1989	The Bucks County Court of Common Pleas upheld the election of a new superintendent by the school board on October 27, 1987, prior to the election of 5 new board members on November 3, 1987. The court found that: the prior superintendent announced he was retiring; the reference to "year' in Sec. 1073 of the school code, 24 P.S. Sec. 10-1073 meant a year commencing in July and ending in June; the notice provisions of Sec. 1073 (a) were complied

		with as any defects were waived by all members acting collectively as a board; that the board did not commit an abuse of diicretion in electing the superintendent and, the election was binding on the succeeding board.
	Volume 31, NO. 58, 1994	Saucon Valley School District - Northampton County Court of Common Pleas held that a former superintendent did not offer any proof that a board voted publicly to give him additional contractual benefits that he alleged the board owed him. On the other hand, the board offered proof that the original addendum had been rescinded by the board. The court also noted that equitable considerations found in other cases did not apply here because the superintendent already was under contract to the district.
	Volume 32, No. 92, 1995	Saucon Valley School District - Commonwealth Court held that an addendum to a superintendent's contract was'invalid because it was, never publicly voted on at an official, public board meeting. Lack of a vote violated both Section 508 of the School Code 24 P.S. Sec. 5-508 and Sec. 274 of the Sunshine Act, 65 P.S. Sec. 274, and other sections.. The court held that the "lame duck" school board had no authority to bind the successor board to a new contract or a salary increase because the School Code, 24 P.S. Sec. 10-1073, did not allow a rewrite of the contract in mid-term. Additionally, the administration compensation plan which gave the superintendent a pay raise could not be used to give him a raise because, per 24 PA. Sec. 11-1164, such plans do not include superintendents.
303	Volume 28, No. 23, 1991	Criminal History Background Checks - Reprinted in this issue were the regulations for criminal history background checks, adopted August 3, 1990, effective August 4, 1990 and reprinted in 22 Pa. Code Sec. 8.1 et seq.
308	Volume XII - No. 64 August 18, 1975	Sto-Rox School District - Commonwealth Court rules Sto-Rox School District may not dismiss a tenured Elementary Principal.

Volume XVII - No. 72 November 6, 1980	Washington County Court held that the school board validly terminated the Superintendent's contract. The court noted that the question did not have to appear on the board's agenda prior to the meeting at which the action took place, as the defendant had charged.
Volume XX - No. 67 August 22, 1983	Reading School District - Berks County Court of Common Pleas refused to grant a preliminary injunction to enjoin the district from granting the superintendent a leave of absence with full pay for the remainder of his term.
Volume XV - No. 86 September 13, 1978	Jefferson-Morgan School District - Pennsylvania Labor Relations Board finds the district committed an unfair labor practice when an administrator was returned to a teaching position at a salary higher than that provided in the collective bargaining agreement.
Volume XVIII - No. 63 September 25, 1981	Avonworth Board of School Directors - County Court of Common Pleas held that no vacancy in the office of Principal was created when the school district realigned the categories of grade levels from Elementary-Junior High School-Senior High School to Elementary-Middle School-High School. Plaintiff contended he was entitled to the Middle School position because of greater seniority.
Volume XIX - No. 12 February 26, 1982	General Braddock School District - Commonwealth Court held that a principal who was realigned through a suspension (furlough) pursuant to Section 1125.1 of the School Code process was entitled to a hearing before the board and an appeal pursuant to the Local Agency Law, to determine whether there were leas senior employes occupying a position for which he was certificated.
Volume XXI - No. 7 February 9, 1984	Fox Chapel School District - Commonwealth Court upheld a remand by the Secretary of Education of a Section 1151 demotion hearing for a hearing pursuant to Section 1125 of the School Code. Here the district demoted a Principal to a teaching position based on his rating, even though he had seniority over some other Principals.

Volume XXI - No. 30 June 8, 1984	School District of Philadelphia - Commonwealth Court held that a temporary assignment of school administrators to teaching positions during a strike did not constitute a demotion under Section 1151 of the School Code.
Volume XXI - No. 43 June 19, 1984	Mei= Area School District - Commonwealth Court affirmed a Common Plea■ decision that the reassigneent of a principal to an elementary teaching Position was a "realignment" under Section 1125.1 of the School Code and not a "demotion" under Sec. 1151, even though no employee were suspended at the same time.
Volume XXI - No. 98 December 27, 1984	South Williamsport Area School District - Secretary of Education held, in this case, that a Principal transferred from a high school to an elementary school was demoted in status. She also concluded that a demotion by the Superintendent, and not the board, was void.
Volume XXIII - No. 40 July 24, 1986	Abington School District - Commonwealth Court held that a reorganization and consolidation of schools is a realignment pursuant to Sec. 1125.1(c), 24 P.S. 11-1125.1(c) of the School Code. The Court held that an assistant principal demoted to a teaching position could bump a less senior assistant principal in the new building.
Volume XXIII - No. 42 August 13, 1986	Pittsburgh School District - Secretary of education upheld the demotion of a principal to another supervisory position. The secretary noted that the decision to demote can be based on findings of fact which technically differ from the charges received so long as they provide a sufficient opportunity to defend.
Volume XXIV - No. 36 May 21, 1987	Burrell School District - COmmonwealth Court held that a promotion to a position of principal is not a realignment pursuant to Sec. 1125.1(c) of the School Code, 24 P.S. 11-1125.1(c).
Volume XXVI - No. 93 1989	Armstrong School District - Secretary of education upheld the demotion of a principal to the position of classroom teacher based on charges of incompetence, persistent and willful violation of school laws, persistent negligence and immgral*ty.

Volume XXVII - No. 6 1990	Seneca valley SchOol District - Secretary or education decided several issues relating to alleged demotions of a principal, including the following: The secretary has de novo review in demotion cases; a demotion can become consensual if no objection is raised over a period of time, and reassigning an administrator to his regular position from a temporary or "substitute' position was not a demotion.
Volume XXVII - No 89 1990	Millcreek Township School District - Secretary of education held that an assistant high school principal transferred to a position as assistant middle school principal was not demoted.
Volume XXVII.- No. 93 1990	Berwick Area School District - Commonwealth Court.held that a transfer from the position of high school principal to that of district curriculum director was not a demotion.
volume 28, No. 19, 1991	Riverview Intermediate Unit - Secretary of Education remanded a demotion appeal for a hearing as to whether or not a demotion occurred where the parties' pleading indicated that the employe's duties were altered due to a reorganization of the IU structure.
Volume 29, No. 27, 1992	Spring-Ford Area School District - Commonwealth Court held that the reassignment of an elementary school principal to a position in the central administration was a demotion, pursuant to 24 P.S. Sec. 11-1151. The court remanded the case for a hearing before the board of school directors in order to determine the reasons for her demotion.
Volume 30, No. 28, 1993	Dallas School District - The secretary of education upheld a demotion based on a curtailment of the administrative intern and staff development programs. He also held that PDE approval is not required for such a change. The secretary additionally held that the exercise of sabbatical rights only postponed the effects of a demotion decision and did not affect the decision to demote itself.

volume 30, No. 46, 1993	Carbondale Area School District - Commonwealth Court upheld the demotion of a vice principal to classroom teacher due to declining enrollment and reasons of economy. The court held that, where a hearing was rescheduled, it was timely because petitioner agreed to a rescheduling. A hearing held within 15 days of a rescheduled date was timely pursuant to 24 P.S. Sec. 11-1127. In a case of first impression, the court held that the board's use of a "hearing examiner" was proper, where a majority of the board was present at the hearing and all members voted on the natter.
volume 30, No. 60, 1993	School District of Philadelphia - Commonwealth Court upheld the demotion of a principal and held that "just cause* was not applicable to demotions. The court also held that the school 'district's transfer policy-for principals was a legitimate reason for a demotion.
Volume 31, No. 2, 1994	Penn-Delco School District - Secretary of education held that the transfers of the high school principal and assistant principal to the positions of middle school principal and assistant principal, respectively, was a demotion pursuant to 24 P.S. Sec. 11-1151. He also refused to grant the district's application for a supersedeasistay of his Order.
Volume 31, No. 76, 1994	Laurel Highlands School District - In an en blanc decision, Commonwealth Court reversed a panel decision and held that an administrator demoted to a teaching position could only exercise such demotion rights pursuant to 24 P.S. Sec. 11-1151 and not 24 P.S. Sec. 11-1125 and not 24 P.S. Sec. 11-1125.1(c). The court also held that, had the latter section applied, the employee would not prevail because it did not appear that his position was of equal status with the position occupied by another administrator with less seniority and Sec. 1125.1(c) does not deal with a promotion of a professional employee.
310 Volume XIV - No. 20 March 18, 1977	Pittsburgh School District - Commonwealth Court upholds dismissal of an Associate Director of Personnel by the district. The employe Was dismissed.for economy reasons and was not provided a hearing

	under the, Local Agency Law. Since the employe was an untenured nonprofessional employe, the court concludes, "(T)he termination of the appellant's employment for economy reasons was an adjudication within the purview or the Local Agency Law only if he had an enforceable expectation of continued employment which has been guaranteed either by contract or by statute, and we find no such enforceable expectation".
Volume XIV - No. 75 August 4, 1977	Upper Dublin School District - Commonwealth Court upholds lower court decision and affirms the suspensions of both temporary professional and professional employes by the Upper Dublin School District. The court finds there was a sufficient decline in enrollment to justify the suspensions and the suspensions were made in accordance with the School Code.
Volume XVII - No. 85 December 19, 1980	Secretary of Education held that a person with the title of Director of Curriculum and Instruction is a professional employe under Section 1101 of the School Code. He also concluded that, being a professional employe, such a person could not be dismissed merely by abolishing that position.
Volume 28, No. 83, 1991	Eastern Westmoreland AVTS - Secretary of Education transferred the suspension appeal of an assistant director of the votech school under Sec. 1125.1 of the School Code, 24 P.S. Sec. 11-1125.1 to the county court of common pleas pursuant to 42 Pa. C.S. *Sec.* 5103, because he did not have jurisdiction over such suspensions.
Volume 28, No. 84, 1991	Clairton School District - Secretary of Education held that the district improperly terminated a person as acting middle school principal. He found no reasons for the dismissal and no evidence from the board minutes that the original appointment was temporary. The board later said he was furloughed due to declining enrollment and the secretary concluded that he did not have jurisdiction over employe suspensions/furloughs.

311 Volume XII - No. 84 December 22, 1975	Charleroi Area School District - Commonwealth Court rules district must reinstate tenured school psychologist who was dismissed when the position of school psychologist was abolished.
Volume XIV - No. 37 May 2, 1977	School District of Springfield Township Commonwealth Court upholds suspensions due to decreased enrollment of six temporary professional employes and one full-time professional employe by district.
Volume XIV - No. 50 June 8, 1977	Portage Area School District - Commonwealth Court upholds arbitration award in favor of a district teacher. The teacher had been suspended and was not notified of available positions in two adult education cl....
Volume XIV - No. 75 August 4, 1977	Upper Dublin School District - Commonwealth Court upholds lower court decisions and affirms the suspensions of both temporary professional and professional employee by the Upper Dublin School District.
Volume XXII - No. 20 March 12, 1985	Garnet Valley School District - Commonwealth Court held that a demotion from full-time principal to sixth grade teacher and replacement by a part-time principal due to declining enrollment was a realignment under Section 1125.1 (c) of the School Codes. The court ordered the board to conduct a hearing to determine whether his demotion resulted from an improper realignment of professional staff.
Volume XXII - No. 61 October 16, 1985	Johnsonburg Area School District - Secretary of Education upheld a demotion from 12 months to 11 months for a principal, for economic reasons. The secretary held that the realignment and seniority provisions of Section 1125.1 of the School Code do not apply to a demotion not involving a realignment.
Volume XXII - No. 69 December 5, 1985	Reading School District - Secretary of Education found that a school board's action in demoting an administrator to a teaching position was based upon substantial evidence. The demotion occurred for economic reasons.

	Volume XXVI - No. 48 1989	Clairton School District - In a very confusing decision concerning realignment pursuant to Section 1125.1 of the School Code, 24 P.S. 11-1125.1, .the Commonwealth Court held that the district erred in retaining a principal with less seniority than two other administrators. The court remanded the case of the appellant in this matter (Gennacarro) for the district to determine whether two program specialists were actually performing administrative duties of an administrative position for which he could have been assigned.
311	Volume 29, No. 3, 1992	Somerset Area School District - Commonwealth court held that a school district could not "furlough" an assistant principal for economic or nonresident reasons but could only do so for the reasons set forth in Sec. 1124 of the School Code, 24 P.S. Sec. 11-1124. The court would not require a mitigation of damages under the facts of this case where the employe turned down another job offer.
	Volume 31, No. 87, 1994	Baldwin-Whitehall School District - Secretary of education upheld the demotion of a supervisor of secondary curriculum and instruction to vice principal/supervisor of secondary curriculum, with 90% of his time devoted to the former assignment (vice principal). The demotion occurred as a part of restructuring and pursuant to 24 P.S. Sec. 11-1151:
313	Volume XXV - NO. 63 August 25, 1988	Northwest School District - Commonwealth Court held that the alleged wrongful actions of a superintendent, principal and school board involved in the unsatisfactory rating of a nontenured assistant principal were within the scope of their duties and entitled all to plead the immunity defense pursuant to the Tort Claims Act, 42 Pa. C.S.A. Sec. 8541. In the absence of willful misconduct, there would be no liability for these officials. The court affirmed the dismissal against one board member based on the fact that "pure" opinion is not actionable, but did not dismiss the count against another board member because, at this point in the litigation, it could not be concluded that his alleged defamatory statements were "pure" opinion.

316	Volume XI - No. 35 May 15, 1974	Allegheny Intermediate Unit 43 - Commonwealth Court upholds Allegheny County Intermediate Unit's dismissal of an Assistant Director ESEA Title VI, declaring the classification is not a tenured position in accordance with Sections 1101 and 1141 of the School Code.
317	Volume XIV - No. 64 June 23, 1977	Chichester School District - Commonwealth Court affirms Secretary of Education's order which dismisses for lack of jurisdiction the appeal of an employe dismissed by the district.
	Volume 28, No. 43 - 1991	The Superior Court upheld the assault conviction of a school principal who caused extreme pain while administering corporal punishment to a student. The court held that the criminal statute■ of Pennsylvania require that the commonwealth must prove that a teacher or other person entrusted with the care of children caused extreme pain before guilt is found. 18 Pa. C.S. Sec. 509 provides a justification for using force where necessary for, among other reasons, maintaining reasonable discipline and the degree of force would not. be unjustifiable by a parent, and the force used is not designed or known to create a substantial risk of death, seri-. ous injury - extreme pain".
	Volume 28, No. 55, 1991	Millcreek Township School District - The Erie County Court of Common Pleas upheld an adjudication of the school board which. upheld the superintendent's three-day suspension without pay of an assistant principal as a result of an incident involving the body search of a student.
	Volume 30, No. 10, 1993	Board of School Directors of Reading School District - Commonwealth Court upheld the district's dismissal of its business manager pursuant to 24 P.S. Sec. 10-1089(c), due to incompetency, neglect of duty, violation of the school laws and other improper' conduct. The court also held that a "full and complete record" was made before the board pursuant to the Local Agency Law, 2 Pa. C.S. Sec. 754(a).

	Volume 30, No. 78, 1993	Jefferson County-DuBois Area Vocational Technical School - Commonwealth Court reversed a decision of the secretary of education and reinstated the dismissed director of the vo-tech school. The court did not find his conduct to be immorality even though it may have been unbecoming. The court also found that two isolated incident. did not constitute persistence or persistent negligence.
323	Volume XVIII - No. 8 August 12, 1981	Chambersburg Area School District - Commonwealth Court held that the school district's adoption of a smoking ban policy was an inherent managerial policy matter under Section 702 of Act 195 and, therefore, not a mandatory subject of bargaining.
327	Volume XVIII - No. 77 November 25, 1981	North Rills School District - PLRB found that the school district's principals were management level employes and excluded them from a unit of supervisory employes. The principals were management level employe■ because they supervise other staff and responsibly direct the implementation of school policy in many areas.
	Volume XXIV - No. 41 June 4, 1987	United School District - Commonwealth Court held that a superintendent who qualifies for a sabbatical leave could take the leave even though it would occur after his contract was terminated.
	Volume XXV - No. 9 February 16, 1988	Penn-Delco School District - The PLRB dismissed a unit classification petition and held that the district coordinators management level employee who should be excluded from the bargaining unit, because among other reasons, they possess significant involvement in the direction and implementation of educational policy.
	Volume 29, No. 92, 1992	Bedford Area School District - The PLRB concluded that the following employes were "managerial" employes and, therefore, were excluded from the bargaining unit: head teachers, reading coordinator, federal projects coordinator, elementary gifted education coordinator, and secondary gifted education coordinator.

328	Volume XXV - No. 84 November 25, 1988	Jefferson County-DuBois Area Vocational Technical School - Commonwealth Court dismissed a complaint by a school employe seeking a pay increase because he was not entitled to any relief absent a showing that the school violated some constitutional, statutory, contractual or regulatory right. Failure to give a person a pay increase when others got one does not constitute a demotion under section 1151 of the School Code, 24 P.S. 11-1151.
	Volume XXVI - No. 7 1989	Commonwealth Court held that the state properly refused to arbitrate a grievance pursuant to a "memorandum of understanding" with a meet-and-discuss unit of first-level supervisory employes under Sec. 1201 (a)(1), (5) or (9), 43 P.S. Sec. 1101.1201 (a)(1), (5), (9). Since "meet and discuss" does not rise to an enforceable contract, the state had .not violated the act by not living up to the agreement. The duty to meet and discuss is not a duty to bargain or arbitrate pursuant to any such agreement.
	Volume XXVI - No. 79 1989	Commonwealth Court repeated the allowance of the use of the doctrine of "past practice" in PA and held that it did not apply to the duties of the parties with respect to an unexecuted memoranda of understanding. The court also held that a memorandum of understanding between the commonwealth and a "meet and discuss" unit was non-binding and unenforceable.
	Volume 29, No. 83, 1992	Saucon Valley school District - In the case of first impression, the Northampton County Court of Common Pleas held that an action does not lie in mandamus to enforce an 'Act 93' plan entered into between a school board and it■ administrators.
	Volume 31, No. 51, 1994	Greater Johnstown School District - Commonwealth Court held that an administrative compensation plan entered into pursuant to 24 P.S. Sec. 11-1164, was binding on the parties for the period' specified in the agreement. The court stated, in a footnote, that while it was binding for the life of the plan,.it did not mean that it was a contract or a collective bargaining agreement.

349	Volume XXV - No 82 November 23, 1988	Southeastern Greene School District - The Superior Court held that a superintendent was entitled to a retirement incentive per his contract with the board, as the contract evidenced the parties intent that he vas to receive the benefits even though they were specifically enumerated. The agreement had said "other payments granted during the life or terms of this contract".
404	Volume XVII - No. 15 March 7, 1980	Commonwealth Court reversed and remanded a decision of the Secretary of Education which upheld the district's dismissal of a teacher. The court found she had not received a fair and impartial hearing before the board because the Superintendent testified against her and also answered questions for the board during its deliberations.
	Volume XVIII - No. 21 April 27, 1981	Attorney General Opinion - The Attorney General ruled that Sections 1109 and 1202 of the School Code are Constitutional. Permanent certificates may not be granted to anyone who is not a citizen of the United states and no provisional certificate may be granted to anyone who is not a citizen and has not declared in writings to the Department or Education the intention of becoming a citizen. He also concluded that resident aliens certified to teach since issuance of Opinion No. 9 of 1973 should be afforded a period of six years within which to become U.S. citizens.
	Volume XX - No. 91 December 19, 1983	Old Forge School District - Commonwealth Court held that a teacher whose interim certificate expired by its own terms ceased to be a professional employe entitled to the School Code procedural protection (even though she obtained proper certification prior to her hearing).
	Volume XXII - No. 36 May 23, 1985	School District of Lancaster - Commonwealth Court held that the auditor general's citation for improper teacher certification is not an adjudication affecting property rights under the Administrative Agency Law. The court concluded that the Department of Education has the authority to issue a final adjudication.

Volume XXV - No. 24 April 6, 1988	Crestwood School District - Commonwealth Court held that an arbitrator could look for guidance, in interpreting the hiring provisions of the agreement, to a memorandum issued as an advisory'to school administrators even though the agreement did not expressly incorporate the memorandum.
Volume XXV - No. 94 December 9, 1988	Cameron County School District - Commonwealth Court held that a teacher stated a cause of action based on promissory estoppel where the school district assured him that he was qualified as a teacher and promised to prepare and submit the necessary certification application if he accepted the position, and he moved to Pennsylvania and began work based on those assurances. He could not, in fact, get certified by the deadline given him by the district.
Volume XXVI - No 33 1989	Chester-Upland School District - Commonwealth Court held that, under Section 1106 of the School Code, 24 P.S. 11-1106, the prohibition against residency requirements in school districts applied to all employes. The court upheld the constitutionality of the classification of school district in PA and the residency prohibition based on the classification.
Volume 28, No. 10, 1991	Greene County AVTS - Secretary of education upheld the right of the school to terminate an employe for holding an invalid certificate. The secretary also denied her request to supplement the record per 22 Pa. Code Sec. 351.8.
Volume 28, No. 86, 1991	School District of Pittsburgh - Secretary of Education held that (1) He cannot decide the constitutionality of the school code; (2).The school district was not estopped from terminating an employe for not residing in the district for many years as the district had not misled him; (3) The teacher could be dismissed for violation of the school laws because he violated the district's residency policy for employes. (The school code permits Pittsburgh to have a residency policy for employee). Chester

Volume 29, No. 55, 1992	Upland School District - Commonwealth Court held that ordinarily, in a• breach of contract of employment case, one has a duty to mitigate damages. The employes were ordered reinstated after the school district attempted to dismiss them for not complying with a residency requirement. Here, the district had the burden of proving that the employes failed to make reasonable efforts to mitigate damages. That burden was not met.
Volume 32, No. 21, 1995	California Community College - In one of the first decisions interpreting the Religious Freedom Restoration Act, 42 U.S.C.A. Sec. 2000bb-3(a), a U.S. district court in California held that state requirements for a loyalty oath burdened the exercise of religion by adherents to the Jehovah's Witness faith. The court also held that the statute was to be applied retroactively. The act provides that government may substantially burden a person's exercise of religion only if it demonstrates that the burden to the person is in furtherance of a compelling government interest and is the least restrictive means to further that compelling governmental interest.
Volume 32, No. 23, 1995	Spring-Ford Area School District - The Supreme Court of Pennsylvania reversed the Commonwealth Court and held that a veteran is not entitled to a public position under the Veterans' Preference Act, 51 P.S. Sec. 7104 unless he is qualified for the job. The decision allows the employer to set the qualifications for the job. If the veteran is qualified according to the requirements, then he would be entitled to the position. If he does not meet the qualifications, he then is not entitled to the position solely based on his veteran's status.
405 Volume XII - No. 49 August 1, 1975	New Brighton Area School District - Beaver County Court rules that a substitute teacher in the district was not a temporary professional employe and would not be entitled to be rated under the School Code, and since the Plaintiff was not discharged, therefore is not entitled to a hearing under the Local Agency Law.

Volume XII - No. 62 August 29, 1975	David Wood (Moon Area School District) - Allegheny County Court dismisses criminal charges brought against the superintendent of district for replacing striking workers with substitute personnel.
Volume XIII - No. 58 July 1, 1976	Tyrone Area School District - Commonwealth Court maintains distinction between a full-time substitute teacher and a temporary professional employe.declaring that a district teacher hired to fill the position of a professional employe who was to return cannot attain permanent professional employe status and that substitute teacher was the appropriate classification.
Volume XVIII - No. 7 February 4, 1981	Pottsville Area School District - The Commonwealth Court held that a school district could hire a substitute teacher to fill a permanent vacancy until a suitable replacement was found, as long as it follows the guidelines of the Department of Education. The court concluded that Section 1101 of the Public School Code should not be read as a clear mandate that school districts cannot exercise their discretion when faced with an unexpected vacancy.
Volume XIX - No. 13 March 10, 1982	Warrior Run School District - Commonwealth Court held that a professional employe can be hired as a substitute teacher for one on a leave of absence, and is not protect* ed from dismissal without cause and due process.
Volume XX - No 56 July 28, 1983	Phillipi - Commonwealth Court held that a letter to a substitute teacher that she would be placed on the substitute teachers' list for the next school year constituted "reasonable assurance" of returning to work in the next academic term. As a result, she was denied unemployment compensation benefits for the summer months.
Volume XXII - No. 92 December 20, 1985	Wayne Highlands School District - Commonwealth Court upheld an arbitration decision holding a grievance of a substitute teacher to be arbitrable. The court also upheld the arbitrator's decision to give • the grievant a position she sought in accordance with the language of the collective bargaining agreement.

Volume XXII - No. 100 December 31, 1985	Commonwealth Court held that A teacher was eligible for unemployment benefits during the mummer months where she substituted for only two days during the school - year and had an expectation of employment in the. fall when she was offered a full-time position.
Volume XXIV - No. 98 December 29, 1987	Superior Court held that a letter from a high school Principal to a substitute teacher informing the teacher that hie. service■ would no longer be required due to the teacher's failure to follow administrative policies was not actionable libel. The court held that the employer had an absolute privilege to publish defamatory matters in notices of employe termination.
Volume 28, No. 75, 1991	Armstrong School District - Commonwealth Court held that substitute teachers have no entitlement to unemployment compensation during scheduled holidays and vacations even though they do not'work the last day before the break or the first day following the break.
Volume 29, No. 33, 1992	Southern Lehigh School District - Secretary of Education held that he lacked jurisdiction to hear a teacher tenure appeal pursuant to 24 P.S. Sec. 11-1133 where the teacher elected to pursue her remedy through grievance-arbitration.
Volume 29, No. 46, 1992	School District of Philadelphia - Commonwealth Court held that long-term substitute teachers, who were only offered reasonable assurance of per diem substitute work in the next school year, were not entitled to unemployment compensation during the 'summer months. The court also upheld unilateral action of the district as constituting "reasonable assurance". However, such substitutes receiving benefits at the end of the school year could receive them during the summer.
Volume 31, No. 72, 1994	Greater Johnstown School District - Commonwealth Court held that an arbitrator's decision was unenforceable where he ruled that a furloughed/suspended professional employee was entitled to fill day-to-day substitute positions regardless of certification (even where the district had certificated teachers available). .

Volume 32, No. 49, 1995 .	Wyoming Valley West School District - Secretary of education dismissed a teacher's appeal as being untimely where it was filed 17 months after she was not offered a teaching position for a succeeding year.
408 Volume XIII - No. 65 August 11, 1976	Littlestown Area School District - Commonwealth Court upholds an Adams County Court ruling which sustained a district Demurrer to a suit in Mandamus where a temporary professional employe contended that since being employed in the third year (with'unsatisfactory rating), the employe was entitled to professional employe status.
Volume XVI - No. 29 March 29, 1979	The Secretary of Education ruled that when the Appellant, by his own neglect allowed his Instructional One Certificate to lapse, he loit his status as aprofessional employe, and accordingly, the Secretary had no jurisdiction to hear his appeal. The Secretary further held that by allowing his Certificate to expire, he terminated his contractual relationship with the district and his professional contract became a void instrument.
Volume XVI - No. 71 October 23, 1979	Commonwealth Court held that although an individual teacher'■ contract was executed in accordance with the School Code of 1949', as amended, it did not give the teacher the right to sue on that contract to recover interest on wages alleged to have been paid late when there existed a wage provision in the collective bargaining agreement which must be interpreted and enforced in arbitration proceedings. The teacher brought a suit for interest on his wages which he alleged should have been paid at the and of the school year.
Volume XXI - No. 51 July 30, 1984	Bellefonte Area School District - Commonwealth Court held that the school district improperly impaired the terms of an employe's professional contract by forcing him to retire according to a policy changed after his hire. The court also permitted a claim for damages as well as a setoff for unemployment benefits for the district.

Volume XXVII - No. 5 February 10, 1986	Centennial School District - The Pennsylvania Supreme Court held that the School Code provides the exclusive procedure whereby a terminated professional employe can seek judicial review of administrative determinations. The court precluded appellee from making a collateral attack upon an unappealed decision from the secretary of education. The appellee had instituted an assumpsit action.
Volume XXIV - No. 7 January 21, 1987	Commonwealth Court held that a teacher who quit work was no longer an employe and was •available for suitable work," and thus was eligible for benefits during the summer months.
Volume XXIV - No. 95 December 23, 1987	City of Pittsburgh - Commonwealth Court upheld the dismissal, by the city, of a police officer who also was employed as a school teacher where the city charter prohibits dual employment. The court also held that such a position was not violative of the Constitution. The court also re-adopted the test for pretermination due process by noting that all an employe is entitled to at this stage is notice of the charges, an explanation of the employer's evidence and an opportunity to respond and present his side of the story in an informal pretermination hearing.
Volume XXVII - No. 10 1990	Borough of California - Commonwealth Court held that the resignation of a public employe is generally not effective until it has been accepted by the municipal body. The court held that general contract law and municipal law would apply to such iasues, and not unemployment compensation law as the employer had argued.
409 Volume XII - No. 77 September 12, 1975	Marjorie S. Kauffman (Tuscarora School District) - Commonwealth Court rules Tuscarora School District's transfer of a guidance counselor to classroom teacher does not constitute a demotion.
Volume XIII - No. 1 January 16, 1976	Mechanicsburg Area School District Board of School Directors - Secretary of Education upholds Mechanicsburg School District's demotion of Curriculum Coordinator to classroom teacher, stating, "Section

	1151 (of the School Code) does not prohibit a school board from demoting a professional employe, but simply provides that a nonconsensual demotion should be subject to a right to a hearing..."
Volume XIII - No. 99 September 24, 1976	Baldwin-Whitehall. School District - Pennsylvania Labor Relations Board rules Baldwin-Whitehall School District does not have to bargain the transfer of an employe since the transfer of an employe is not a mandatory subject of bargaining.
Volume XV - No. 60 June 14, 1978	Pittsburgh. School District - The Secretary of Education finds the district had sufficient evidence to support the demotion of a professional employe on grounds of insubordination. Evidence included the employe's failure to attend grievance hearings, unjustified withholding of paychecks from Subordinates, refusal to accept a new job description and announced unwillingness to work through the school principal where instructed to do so.
Volume XV - No. 71 June 24, 1978	Pittsburgh School District - The Secretary of Education dismisses appeal of a professional employe. The Secretary finds the employe was not "constructively discharged" when transferred to a job with less responsibility and lower salary, since the term has no bailie in the School Code or in related case law. The Secretary also denies back pay to the employe • for the period between the date of the demotion and the date of the hearing since the employe never served in the position to which demoted.
Volume XV - No. 70 July 24, 1978	Pittsburgh School District - The Secretary of Education reinstates an employe who had been demoted because of declining enrollments and budgetary constraints. The Secretary concludes the demotion was arbitrary since facts indicate the employe,• in monitoring projects, had saved the district more money than the employe was paid. The demotion is also found to *be* arbitrary because the employe had little contact with students; therefore, declining enrollments could not justify the demotion.

Volume XV - No. 72 July 25, 1978	Sharon City School District - The Commonwealth Court finds the district properly demoted a professional employe and, in so finding, the court reverses a Secretary of Education order directing reinstatement of the employe with back pay. On procedural issues, the court finds.that (1) the district solicitor was not actively involved in the questioning of witnesses and did nor act as both judge and prosecutor, so no conflict wa• involved and (2) "while the abolition of a position is effective without the necessity of a hearing, the demotion which accompanies the abolition does not require a hearing.
Volume XV - No. 84 August 17, 1978	Muhlenburg Township School District - The Secretary of Education finds the district acted properly in recovering salary overpayments to an employe and then reducing the employe's annual salary when it was discovered the district Business Office had misplaced the employe on the salary schedule. The Secretary also finds the employe was not demoted by virtue of these salary adjustments.
Volume XV - No. 93 October 20, 1978	Tuscarora Intermediate Unit - The Commonwealth Court upholds the'transfer of a speech therapist by the I.U. from one service area within the unitto another. The court concludes the transfer was not a demotion, either in position or salary.
Volume XVI - No. 11 February 14, 1979	The Commonwealth Court upheld the demotion of a Lincoln Intermediate Unit professional employe. The employe's demotion was based on insubordinate, disruptive and disloyal conduct. The court found the reasons for the demotion to be valid because "clearly a professional employe whose failure to abide by legitimate instructions or to accept the authority of his or her supervisor may subject him to dismissal is certainly subject to the lesser penalty of demotion."
Volume XVI - No. 44 June 4, 1979	Commonwealth Court held that professional employes not granted a proper hearing when demoted are entitled to a reinstatement without loss of pay.

Voldme XVI - No. 78 November 20, 1979	Pennsylvania Superior Court reversed and remanded the case to the Chester County Court of Common Pleas for a jury trial to determine a professional employe's damages, if any, due to an improper demotion under Section 1151 of the Public School Code of 1949, as amended. The court noted that a professional employe is not entitled to damages for injury to his status and reputation when he is illegally demoted under the public School Code.
Volume XVI - No. 96 December 24, 1979	Commonwealth Court upheld the decision of the Secretary of Education that an appeal, from the decision of a Board of education was not timely filed. The court held in part that a Solicitor's letter, stating that it was the position of the school district that a demotion hearing was not required was a "decision", and the time for appeal commenced from actual receipt of the notification.
Volume XVII - No. 29 April 30, 1980	Commonwealth Court upheld the abolition of a nonmandated position of Director of Elementary Education and reassignment of the employe to classroom teaching. The court upheld the demotion and also held that even though the hearing was held beyond the time limit set forth in Section 1127 of the School Code, it was not such a material departure from the required procedures to warrant a reversal of the board's action.
VoldmeXdII - No. 61 October 28, 1980	Commonwealth Court upheld the demotion of a Principal to that of a classroom teacher. The court upheld the opinion of the Secretary of Education that held, in part, that failure to consider seniority in a demotion process is not arbitrary.
Volume XIX - No. 23 March 31, 1982	SchoOl District of Philadelphia - The Supreme Court of PA held that the school district did not have to grant hearings to demoted employes prior to demotions being effective. The court stated that, assuming for the sake of argument, that the law requires a prior hearing, any restriction on the powers of a board must be strictly construed on the basis that the public

	interests predominate and private interests are subordinate thereto. Here, the court concluded that pre-demotion hearings would have unnecessarily circumscribed the discretion of the board in its good faith effort. to discharge its responsibilities.
Volume XIX - No. 62 August 10, 1982	Northwestern Lehigh School District - Commonwealth Court upheld the demotion of a Principal to a position as a classroom teacher. The Court noted that it would not superimpose judicial control upon the exercise of discretion by trained educators.
Volume XXI - No. 45 June 20, 1984	Wilkes-Barre Area Vocational Technical School - Secretary of Education held that financial need is a valid reason to support a demotion and that seniority is not the sole factor to consider in demotions. He also held that he has no jurisdiction to hear realignment issues per Sec. 1125.1 (c) of the School Code.
Volume XXI - No. 47 July 24, 1984	School District of the City of York - Secretary of Education held that a demotion was arbitrary where the Appellant showed that there were no costs savings as alleged by the board in demoting him.
Volume XXI - No. 54 August 1, 1984	School District of Philadelphia - The Secretary of Education upheld demotions based on budgetary reasons. He also decided several procedural issues such as a lack of a quorum at a hearing, and considering testimony when board members were not present.
Volume XXI - No. 69 October 25, 1984	Methacton School District - Commonwealth Court held that a teacher is not entitled to a hearing when he is transferred as a professional employe and does not have a vested right to teach in a certain class or school. The court also held that Section 1125.1(c) of the School Code does not apply where staff i■ realigned but no one is suspended or demoted.
Volume XXI - No. 71 October 26, 1984	North Hills School District - Secretary of Education held that failure to allege a demotion in position for more than four years can be construed as consent to such demotion. He also held that a failure to allege a demotion for six months also constituted consent.

Volume XXI - No. 99 December 27, 1984	Burgettstown Area School District - Secretary of Education upheld a demotion on the basis that an employe was not certificated so fill his position.
Volume XXIII - No. 34 June 24, 1986	Cornwall-Lebanon School District - Secretary of Education held that she lacks jurisdiction to hear an appeal from an alleged demotion when a teacher has pursued the grievance procedure and was not given a demotion hearing by the school board.
Volume XXIII - No. 41 July 25, 1986	Sto-Rox School District - Secretary of education held that an employe allegedly demoted has the burden of informing the board of s lack of consent and request a hearing. The secretary quashed an appeal because the employe never requested a hearing before the local board of school directors.
Volume XXIII - No. 53 August 28, 1986	West Chester Area School District - Commonwealth Court held that an employe who has been allegedly demoted must timely appeal to the secretary of education in order to get any relief. The court found that the administrative remedy afforded in the School Code was adequate. The court also reiterated that the administrative staff in a school district cannot demote a professional employe.
Volume XXIII - No. 81 November 28, 1986	Bethel Park School District - Secretary of education upheld the demotion of an employe from an administrative assistant/ special education to teacher. The secretary also held that where seven board members were present, and three abstained from voting, the resolution carried by three board members voting in support of it and one member voting against it.
Volume XXIV - No. 2 January 13, 1987	Community College of Beaver Co. - Commonwealth Court upheld that portion of an arbitrator's award ordering the college to cease refusing to offer assignments to a teacher. However, the court held that the arbitrator exceeded his authority in awarding damages where the employe did not sustain any financial loss.

Volume XXIV - No. 74 November 20, 1987	Southwest Butler Co. S.D. - Commonwealth Court reversed the Secretary of Education and held that a teacher is entitled to a hearing when he claims that he has been denoted. As to reinstatement and back pay, the court held that such an order in these cases is limited to situations where the status of the employe as not in dispute.
Volume XXIV - No. 82 November 30, 1987	Washington County SD - Secretary of education held that a trensfer from the position of high school guidance counselor to middle school geography teacher was not a demotion.
Volume XXIV - No. 84 December 2, 1987	Cornwall-Lebanon School District - Secretary of education held that a transfer from the position of art teacher at a high school to art teacher at an elementary school was not a demotion.
Volume XXIV - No. 87 December 11, 1987	Hempfield Area School District - Secretary of education held that an emplOye has an absolute right to a hearing before a school board on a demotion claim where the board deducted a salary increment from the employe's pay. The secretary also decided several procedural issues.
Volume XXV - No. 44 June 24, 1988	Commonwealth Court held that a teacher's refusal to accept suitable part-time employment only partially disqualified her from receiving extended benefits.
Volume XXVI - No- 65 1989	Dallas Independent School District - The U.S. Supreme Court held that a municipality may not be held liable for its employe's violation of 42 U.S.C. Sec. 1981 (the 1866 Civil Rights Act) under a theory of respondent superior. Rather an aggrieved person's exclusive federal damages remedy based on Sec. 1981 lies under 42 U.S.C. Sec. 1983. The case was remanded for the appellate court to determine whether a superintendent possessed final policy-making authority under state law in the area of employe transfers such that it became a policy or custom subjecting the district to liability for a transfer based on allegedly racial reasons.

Volume XXVI - No. 61 1989	Punxsutawney Area School District - Secretary of education upheld a back pay award for a teacher for salary and benefits which she would have received as a half-time employe. She had.been a half-time employe and argued that since'there was a full-time position available for which she was certificated, she should receive the pay for that position. He also ordered the district to pay her compound interest at 6% per annum.
Volume XXVII - No. 44 1990	School District of Philadelphia - The secretary of education held that a demoted employe's due process rights were violated when the board's legal adviser and the prosecuting attorney were from the same legal office and the former was the direct supervisor of the prosecuting attorney. The secretary noted that the second hearing did not provide due process either, as the scope of the hearing was limited. The case was remanded for a new hearing. It was noted that two attorneys from the same office who hold equivalent positions could act in such roles if there were no prejudice to the adverse party.
Volume XXVII - No. 99 1990	Chester-Upland School District - Commonwealth Court upheld a decision.by the secretary of education that professional employe■ assigned to a 12-month work year from a 10-month work year, with annual salary increases, even though the per diem pay may have decreased, were not demoted. The court concluded, reading sections such as 1142 and 1121, 24 P.S. 11-1142 and 24 P.S. 11-1121, that "salary" meant annual salary and not a per diem rate calculation. There was no demotion, the board could implement the plan before a hearing occurred.
Volume 28 - No. 31, 1991	Bellefonte Area School District - The secretary of education remanded a demotion appeal back to the school board for a hearing to determine whether realignment was appropriate pursuant to Section 1125.1 of the School Code, 24 P.S. Sec. 11.1125.1.

Volume 28 - No. 65, 1991	East Lycoming County School District - In three companion case■ the Secretary of Education found that two demotions were arbitrary and capricious because the employes established that their demotions would have an impact on students and the district did not prove that the demotions would have the least impact on students. In the third case the Secretary of Education held that the district justified the demotion in the number of the employe's work days, and hence a reduction in salary.
Volume 28 - No. 72, 1991	Allegheny Intermediate Unit - Commonwealth Court held that an arbitration award drew its "essence" from the agreement where he allowed a furloughed teacher to exercise her "bumping" rights and bump a less senior psychologist through a series of bumps, rather than another teacher with less seniority than the psychologist. The court noted that the language of the collective bargaining agreement specifically allowed the bump.
Volume 29 - No. 13, 1992	Commonwealth Court held that a public employe had no right to sue the public employer for breach of collective bargaining agreement in the absence of facts alleging collusion between the employer and the union. His sole remedy is to sue in equity to compel arbitration (and the employer may then'be a necessary party to assure an adequate remedy which will effectuate the collective bargaining agreement).
Volume 29 - No. 32, 1992	Lackawanna County Area Vocational Technical School - Secretary of Education upheld the demotion of a professional employe from full-time to part-time status based on declining enrollment and curtailment of the educational program. The secretary reached this conclusion even with a slight temporary increase in enrollment in the last year at issue.
Volume 29 - No. 47, 1992	Middle Bucks Area Vocational Technical School - Secretary of Education upheld-the demotion of a masonry instructor from full-time to part-time status, pursuant to

	24 P.S. Sec. 11-1151. Be also upheld the right of the school to have a policy that required a minimum enrollment of 22 students to be considered full-time.
Volume 29 - No. 91, 1992	Commonwealth Court reversed an arbitration award where an arbitrator allowed the union to arbitrate an employe assignment five years after the assignment was made. The grievance procedure required grievances to be filed within 15 days from the occurrence giving rise to the grievance.
Volume 29 - No. 78, 1992	Moshannon Valley School District - Secretary of education upheld the demotion of a teacher from full-tine teaching to a . half-time teaching position where the demotion was due to declining enrollment. He upheld the board's decision to reduce the music staff because it would not affect the required curriculum.
Volume 30, No. 7, 1993	Greater Latrobe Area School District - Commonwealth Court upheld an arbitration award holding that the district violated a collective bargaining agreement by refusing a teacher'■ request to transfer to another position and, instead, hiring a person from outside the bargaining unit. The court also upheld the arbitrator'■ authority to.retain jurisdiction to fashion a remedy if the parties could not agree on a way to implement the award.
Volume 30, No. 34, 1993	Millville Area School District - Commonwealth Court upheld a secretary of education decision affirming the demotion (pursuant to 24 P.S. Sec. 11-1151) of a music teacher from full to less than full-time status. It also upheld his decision that he did not have jurisdiction over a claim that the board failed to consider seniority. The court reaffirmed that demotions could be based on declining enrollment.
Volume 30, No. 70, 1993	Carlisle Area 'School District - Commonwealth Court held that a reduction of an employe from full to part-time was a demotion and not a realignment. The court further held that the matter was appealable to the secretary of education and that the county court should have transferred the case there.

Volume 31, No. 22, 1994	St. Clair Area School District - Secretary of education upheld the demotion of a professioMal employee from full-time to part-time due to a decline in enrollment caused by the tuitioning of students to another school district. He also held that he did not have jurisdiction over seniority issues. Finally, the secretary found no due process rights were violated under Lyness because the secretary has de novo review, not appellate review.
Volume 31, No. 23, 1994	Riverview Intermediate Unit - Secretary of education upheld the demotion of a director of special education because he did not cooperate with his supervisor, would not follow the directions of his superior and generally could not function within the administrative structure. The secretary also transferred the case to the county court of common pleas because he had no jurisdiction over a claim that he was improperly returned to a position after a sabbatical leave in violation of 24 P.S. Sec. 11-1168.
Volume 31, No. 24, 1994	Selinsgrove Area School District - Secretary of Education upheld the demotion of head teachers to just classroom teaching positions, based on a reorganization of the elementary school administration.
Volume 31. No. 94, 1994	Pittston Area School District - Commonwealth Court held that the school district properly used teachers who would have been suspended to fill classroom positions in some of the classes the district took over from the intermediate unit. via the "Transfer Between Entities" provision of the School Code, 24 P.S. *Sec.* 11-1113. However, despite an arbitration decision seemingly to the contrary, the court held that the teachers who did transfer from the intermediate unit were entitled to seniority credit for all of their intermediate unit service.
410 Volume XII - No. 84 December 22, 1975	Charleroi Area School District - Commonwealth Court rules district must reinstate a tenured psychologist who was dismissed when the position of school psychologist was abolished.

Volume 31, No. 62, 1994	Harbor Creek School District - The Supreme Court of Pennsylvania held that the union could not arbitrate the issue of assigning the athletic director duties to a principal after it eliminated the athletic director's position. The court concluded that such work was not professional employment covered by the collective bargaining agreement and, consistent with other decisions, was not subject to the grievance procedure in the agreement.
Volume 32, No. 28, 1995	Middle Bucks Area Vocational-Technical School - Commonwealth Court upheld the suspension of a professional employee pursuant to 24 P.S. Sec. 11-1124. The court held that receipt of the department's approval after the first hearing but before the second one was appropriate. The court also held that no due process rights were violated when the board voted to furlough her and then gave her a hearing. The court noted that the board had the authority to curtail programs and that determination was to be approved by the department. Only with such approval could the board fulfill its duty of entertaining the employee's appeal.
411 Volume XII - No. 54 July 22, 1975	Harmony Area School District - Commonwealth Court rules district properly suspended teachers as a result of declining enrollments.
Volume XIV - No. 37 May 2, 1977	Springfield Township School District - Commonwealth Court upholds suspensions due to decreased enrollments of six temporary Professional employes and one full-time professional employe by the district.
Volume XIV - No. 42 May 4, 1977	Portage Area School District - PA Supreme Court overturns decisions of Commonwealth Court and Cambria County Court and rules the submission of (employe) suspensions to arbitration is bargainable under PERA." The court also concludes that provisions of the School Code which govern employe suspensions, do not prohibit submission of such disputes to arbitration.

Volume XIV - No. 50 June 8, 1977	Portage Area School District - Commonwealth Court upholds arbitration award in favor of a district reacher. The teacher had been suspended and was not notified of available positions in two adult education classes.
Volume XIV - No. 75 August 4, 1977	Upper Dublin School District - Commonwealth Court upholds lower court decision and affirms the suspensions of both temporary professional and professional employes of the district. The court finds there was a sufficient decline in enrollment to justify the suspensions and the suspensions were made in accordance with the School Code.
Volume XV - No. 2 January 10, 1978	Riverside School District - Commonwealth Court orders the district to conduct a hearing under the Local Agency Law for a temporary professional employe who was dismissed because of budget reductions. The court also vacates the part of a lower court order which reinstated the employe. A previous ruling by the court held that where a school board takes action on a personnel matter without offering a hearing to the employe, the remedy is remand for a hearing, not reinstatement.
Volume XV - No 97 November 1, 1978	Jersey Shore School District - Pennsylvania Supreme Court reverses a Commonwealth Court ruling and reinstates a district teacher. Contending the teacher was not a professional employe, the district dismissed the employe without a hearing when its federally funded reading program was disbanded.
Volume XV - No. 110 November 29, 1978	Montgomery County Intermediate Unit - Commonwealth Court finds that the Intermediate Unit properly suspended a teacher because of declining pupil enrollment. In computing the teacher's seniority, the board excluded the period of time that the teacher held interim certification because the board found that the certificate was invalidly *awarded.*
Volume XVI - No. 9 February 13, 1979	Middle Bucks Area Vocational-Technical School - Commonwealth.Court found the school did in effect suspend a professional employe when the employee position was abolished; therefore, the employe should have received a hearing under the Local

	Agency Law. The court also ordered the reinstatement of the employe without loss of pay. This ruling comes on the appeal of an opinion by the Secretary of Education (School Law Information Exchange, Vol. XIV, No. 15, March 4, 1977).
Volume XVI - No. 31 March 30, 1979	On remand from the Supreme Court of Penn-Sylvania, the Commonwealth Court upheld the dismissal of a temporary professional employe. Commonwealth Court also held that it was not a denial of due process where the school board Solicitor prosecuted the dismissal before the board, did not participate in the board'■ decision-making process but did prepare the adjudication after the board had decided to dismiss the employe.
Volume XVI - No. 37 May 1, 1979	In a suspension case under Section 1125 of the Public School Code of 1949, as amended, the Commonwealth Court ruled that seniority meant years of service within the school district of current employment, and not service within the Commonwealth.
Volume XVI - No. 68 December 31, 1979	Commonwealth Court denied Petition For Reargument but reversed order reinstating a suspended employe to allow the school to set off compensation received from other employment.
Volume XVII - No. 17 March 10, 1980	Commonwealth Court upheld suspensions based upon declining enrollment. The court agreed that a seven-year decline from 6,053 to 5,266 pupils va■ substantial. The court also held that when seniority was equal, the employes had the same date of hire, and the order in which their names appeared on the official minutes determined seniority, as a matter of law this wa■ not. an arbitrary or capricious action.
Volume XVII - No. 49 *July* 29, 1980	Commonwealth Court upheld the suspension of a professional employe under Section 1124(2) of the School Code based upon the alteration or curtailment of an educational program "to conform with standards of organization...required by law." The court upheld the suspension even though there was no substantial decline in pupil enrollment.

Volume XVIII - No. 67 October 7, 1981	New Castle Area School District - Commonwealth Court upheld the suspension of professional employe due to a decline in student enrollment. The court held that the realignment done by the district was practical under the circumstances and that proposed by the suspended employe was impractical.
Volume XVIII - No. 43 June 30, 1981	Northern Area Special Purpose Schools - Commonwealth Court upheld the suspensions of professional employes following the loss of federal funding. The court found that the elimination of programs employing a guidance counselor was the "curtailment or alteration of an educational program" within the meaning of Section 1124(2) of the Public School Code of 1949, as amended.
Volume XVIII - No. 35 June 3, 1981	Springfield Township School District - Montgomery County Court of Common Pleas found that an "adjudication" as defined in the Local Agency Law" was a letter from the school board notifying petitioner of her suspension, and not a later letter denying a hearing on the grounds of unreasonable delay. The court also found that the petitioner should have filed an appeal within thirty days of the notice of adjudication and the opportunity to request a hearing. The court also said that the petitioner has the burden of requesting a hearing.
Volume XVIII - No. 20 April 27, 1981	Warwick Board of School Directors, Appellant - In equally divided opinion, 3-3, the Supreme Court of Pennsylvania affirmed a decision of the Commonwealth Court which held that the school district could not suspend a professional employe solely for economic reasons.
Volume XVIII - No. 18 March 13, 1981	Bristol Borough School District - Commonwealth Court held that an "Assistant to the Principal, Coordinator of Physical Education, Athletics X-12 and Student Affairs" was improperly dismissed under Section 514 of the School Code. The court concluded that the record did not support the abolition of this nonprofessional employe's position and the action taken was arbitrary.

Volume XVIII - No. 13 March 10, 1981	Greater Latrobe School District - Commonwealth Court held that the school district could not suspend an industrial arts teacher due to the reassignment of another teacher to that department after the latter had himself decertified to teach social studies. The court noted that this was not one of the bases for suspension under Section 1124.of the Public School Code of 1919 as amended.
Volume XIX - No. 2 January 26, 1982	West Allegheny School District - Commonwealth Court upheld employe suspensions due to declining enrollment. The court decided that due process is met when post-suspension hearings are provided, there was a substantial decline in pupil enrollment, and the district did not err in giving seniority credit for leaves of absence occurring prior to Act 97 of 1979. The court also concluded that realignment is not required where it is impractical.
Volume XIX - No. 20 March 30, 1982	Bristol Township School District - Bucks County Court of Common Pleas upheld suspensions (furloughs) under Act 97, Section 1125.1 of the School Code. The Court held that: (a) there was a substantial decline in pupil enrollment; (b) employes were properly suspended pursuant to a loss of federal funds; (c) teachers suspended in the prior year but kept on in temporary positions were properly suspended; (d) the district did not err by granting seniority for leaves taken prior to Act 97; (e) "straight line" bumping where people with dual certification may not have been moved to save someone else's job and was not improper; and (f) suspended teachers who refuse a temporary assignment cannot be removed from the recall list.
Volume XIX - No. 67 August 23, 1982	Penns Valley Area School District - Commonwealth.Court affirmed the lower court on the basis of its opinion that the district did not have to transfer more senior teachers with dual certification to save the job of a furloughed, less senior teacher. The lower court had concluded that seniority did not have to be strictly applied where it was not educationally practical.

Volume XIX - No. 68 August 23, 1982	School District of Pittsburgh - Allegheny County Court of Common Pleas upheld a suspension based on declining enrollment, even though there was not a decline in the program where the teacher taught. Appellant was not entitled to the benefits of Sections 1124 and 1125 of the School Code as she was a temporary professional employe. The court held that appellant, hired on November 6, 1979 and furloughed on July 22, 1981, was still a temporary professional employe as she had not completed two years of service with the district.
Volume XIX - No. 77 November 5, 1982	Sto-Rox School District - Commonwealth Court upheld suspensions due to declining enrollment. The court addressed several issues, holding that: a hearing is not required to be held prior to a valid suspension; the delay from the Board Resolution to Suspend to the adjudication did not violate any due process rights; Act 79 of 1979 did not apply as it was not made retroactively applicable to pre-November 1979 suspensions; and, where the date of suspension and final adjudication are not the same, the date of original suspension controls and not the date of the adjudication.
Volume XX - No. 11 February 21, 1983	Greater Johnstown AVTS - Commonwealth Court upheld an arbitrator's decision as drawing it■ essence from the agreement. The arbitrator concluded that one teacher was "deprived of a professional advantage" by being improperly suspended. He also ruled another was suspended without just cause when the suspension provisions of the Code were not followed properly.
Volume XX - No. 50 July 11, 1983	Hanover Area School District - Secretary of Education held that the district did not err in demoting an administrator on the basis of seniority. He held that seniority and educational soundness of a realignment decision are permissible factors to be considered. He also ruled that issues of seniority calculation are properly appealed to the Court of Common pleas pursuant to the Local Agency Law.

Volume XX - No. 76 October 4, 1983	City of Erie - Erie County Court of Common Pleas held that a furloughed teacher was not entitled to be recalled to fill a vacant administrative position for which he was certificated. It was also held that such an. employe has the right to be recalled to a prior teaching position. However, such an employe seeking a different position must establish that he is the best qualified applicant in order to obtain such an appointment.
Volume XXI - No. 4 February 7, 1984	East Allegheny School District - Commonwealth Court upheld a lower court's reinstatement of an improperly suspended teacher. The lower court had held that another teacher had not been properly decertified in certain areas of certification and that the latter could have been assigned to teach in another area of certification, thus 'retaining appellee's position.
Volume XXI - No. 7 February 9, 1984	Fox Chapel Area School District - Commonwealth Court upheld a remand by the Secretary of Education of a Section 1151 demotion hearing for a hearing pursuant to Section 1125 of the School Code. Here the district demoted a principal to a teaching position based on his rating, even though he had seniority over some other principals.
Volume XXI - No. 57 August 14, 1984	Commonwealth Court held that a tenured' teacher who was furloughed and had his name placed, on a substitute list was ineligible for unemployment compensation.
Volume XXI - No. 84 December 11, 1984	Wellsboro Area School District - Secretary of Education held that a demoted teacher waived a right to claim his salary differential where he arbitrated his demotion and failed to request a hearing pursuant to the School Code. The reaions for the demotion,- declining enrollment, curtailment of programs, reduction of staff, and cost savings - were upheld.
Volume XXI - No. 86 December 12,.1984	West Perry School District - Commonwealth Court held that two vocational agriculture teachers who had their supplemental work years reduced were not entitled to the •

	protection of Section 1151 of the Public School Code. court concluded that they were not professional employes while performing their supplemental duties.
Volume XXII - No. 1 January 28, 1985	School District of the Township of Upper St. Clair - The Supreme Court of Pennsylvania held that a nontenured teacher must work a full two-year period in order to gain tenure. It felt that if a decision not to renew such a teacher (a furlough in this case) is to take effect at any time up to and including the last day of the 'remind year, that employe remains nontenured.
Volume XXII - No. 14 March 5, 1985	Sharon City School District - Commonwealth Court held that suspended professional employes entitled to be recalled to temporary vacancies as professional employes with their concomitant salary and benefits and on the basis of their seniority within the school entity.
Volume XXII - No. 17 March 7, 1985	School District of Philadelphia - Secretary of Education upheld an employe demotion. However, she found that the demotion became effective only after the board vote which occurred four years after the hearing.
Volume XXII - No. 40 June 11, 1985	Secretary of Education held that when employe dismissals are reversed and reinstatement is ordered, they are entitled to an award of back pay from the date of their suspensions without pay.
Volume XXII - No. 42 June 13, 1985	Dunmore School District - Secretary of education held that a question of pay for a furloughed teacher recalled to a temporary position is appealable to the county Court of Common Pleas pursuant to Section 1125.1(1) of the School Code. The opinion does suggest that all such rights under Section 1125.1 can be preempted by a collective bargaining agreement.
Volume XXII - No. 53 August 9, 1985.	School District of Pittsburgh - Secretary of Education held, in an appeal by a teacher demoted from a supervisory position to a teaching position, that a professional employe is entitled to hold only

	those positions for which he or she held certification. This is true even where the employe has held a position for which she did not po.... the appropriate supervisory certificate
Volume XXII -No. 63 October 29, 1985	Montgomery County Intermediate Unit No. 23 - Commonwealth Court held that teacher suspensions were invalid where they were based on an economically motivated curriculum reorganization and approval of the Department of Education was not obtained.
Volume XXII - No. 65 October 30, 1985	Derry Township School District - Commonwealth Court held that a school district was not required to suspend a principal (nontenured) before suspending a more senior teacher. The court felt that such a result would be inconsistent with the statutory provisions requiring a board, to appoint as principal a candidate the board deemed qualified. The court also reiterated the narrow scope of review pursuant to the Local Agency Law, 2 PA CS Sec. 754.
Volume XXII No. 67 December 4, 1985	Commonwealth Court held that the school board could not furlough teachers with more seniority who had taught only in elementary schools, while not furloughing teacher, with less seniority who had taught in the middle school.
VoluMe XXII - No. 70 December 6, 1985	Haverford Township School District - Secretary upheld the demotion of a school psychologist from a 260-day contract year to a 210 working day year due to a decrease in demand for such services.
Volume XV - No. 41 May 23, 1978	Coatesville *Area* School District - Chester County Court affirms an order of the Pennsylvania Labor Relations Board and orders the district to submit an employe's grievance to arbitration. The dispute arose when the employe received an unsatisfactory rating and was•subsequently dismissed. The employe then filed a grievance on the basis of a provision in the employe handbook which permits employes to grieve unsatisfactory ratings. The contract states the employe handbook and the contract are companion documents and must be used together in order to clearly understand the policies of the school district.

Volume XVI - No. 61 September 18, 1979	The Secretary of Education held that inaction by a school board in failing to complete a dismissal hearing for over two years constituted delay which may be reasonably interpreted as action by the board adverse to the professional employe seeking the hearing. Because of the circumstances of this case, including noncompliance with published teacher tenure regulation., the employe was ordered reinstated without loss of pay and granted attorney fees.
Volume XX - No. 76 October 4, 1983	City of Erie - Erie County Court of Common Pleas held that a furloughed teacher was not entitled to be recalled to fill a vacant administrative position for which he was certificated. It was also held that such an employe has the right to be recalled to a prior teaching position. However, such an employe seeking a different position must establish that he is the best qualified applicant in order to obtain such an appointment.
Volume XX - No. 100 December 29, 1983	School District of Philadelphia - Secretary of Education upheld demotions for budgetary reasons. He also held that it was not improper for only two or three board members to attend hearings, for the district to present its side of the case at one time for all employes, as well as other procedural matters.
Volume XVIII - No. 81 December 10, 1981	Shaler Area School District - The Supreme Court of Pennsylvania held that an unsatisfactory rating received by a teacher may have affected a personal or property right, privilege, immunity or obligation of the teacher a■ a professional employe so as to entitle him to a Local Agency Law hearing. The court held that a peremptory judgment in hi■ favor should not have been entered before an Answer was filed by the district and before any factual record was made.
Volume XXIII - No. 10 March 24, 1986	Wyoming Valley West School District - Commonwealth Court upheld an arbitration award which ruled that the district's suspension policy, printed on the back of the collective bargaining agreement, could be considered in interpreting the agreement.

	The court noted that arbitrators can sometimes properly, look to guidance from sources other than the agreement.
Volume XXIII - No. 14 April 23, 1986	Bethel Park School.District - Commonwealth Court upheld the furloughing of two teachers due to substantially decreased, enrollment. The court also held that the two teachers were properly suspended regardless of whether the district experienced a decrease in the programs taught by them.
Volume XXIII - No. 43 August 14, 1986	Hazleton Area School District - Commonwealth Court dismissed a suit seeking reinstatement and back pay where it found a delay of two years, and, that the district was prejudiced because it was forced to pay teachers hired to assume the former teacher's position. The court had found the doctrine of laches to be applicable.
Volume XXIII - No. 44 August 15, 1986	Northeastern Educational IU No. 19 - Commonwealth Court held that the PLRB abused its discretion in refusing to consider exceptions that were filed one day late where the intermediate unit offered a reasonable excuse.
Volume XXIII - No. 52 August 27, 1986	Northeastern Educational /U No. 19 -.Commonwealth.Court held that the Veteran's Preference Act, 51 Pa. C.S. Sec. 7107 applies to public school teachers involved in furlough situations. The act gives service credit for service as a member of the armed force■ of the United States.
Volume XXIII - No. 58 September 17, 1986	Big Beaver Falls Area School District - Commonwealth Court held that seniority credit for military service must be given to a teacher facing a furlough, pursuant to the veterans' Preference Act, 51 Pa. C.S. Sec. 7107. The court also held that, in a realignment situation, that "checkerboard" realignment is not required where the teachers at.issue do not possess the same certification. In such cases, the court en banc held that the board could consider the practicality of such realignment.

Volume XXIII - No. 83 December 2, 1986	Glendale School District - Commonwealth Court held that a school district could suspend a music teacher when it eliminated a nonmandated program, approved by the Department of Education, and the action taken was because of financial reasons.
Volume XXIII - No. 97 December 22, 1986	Western Beaver County School District - Beaver County Court of Common Pleas held that suspended teachers have a right of recall to positions from which someone is absent for an approved leave of absence - which does not include day-to-day sick leave absences or absences brought on through disciplinary proceedings. The court also held that a right to recall can be waived by the employe's actions and/or lack of actions.
Volume XXIV - No. 17 March 2, 1987	Minereville Area School District - Secretary of education held that she did not have jurisdiction to consider an appeal challenging the computation of seniority.
Volume XXIV - No. 26 April 16, 1987	Altoona Area Vocational Technical School - Commonwealth Court held that a teacher became tenured after two years of satisfactory service, althoUgh he lacked certification and had his application pending for such certification. The court also held that elimination of federal funding for a particular program is not a statutory reason for suspending a professional employe. Note: The parties stipulated that the reasons for suspension set forth in Sec. 1124, 24 P.S. 11-1124 did not apply.
Volume XXIV - No. 27 April 20, 1987	Bethel Park School District - In a teacher suspension case the Commonwealth Court held that a letter to a teacher notifying her of her appointment could not change an appointment made by a school board--the minutes of the board constitute the best evidence. The court also held: that a suspension vote must be done in an open meeting; on remand the board does not have to hold a rehearing; that the vote can be a majority of the quorum; and her failure to grieve waived her right to challenge an appointment in court.

Volume XXIV - No. 28 April 21, 1987	Wattsburg Area School District - Commonwealth Court held that a delay of one year in implementing a suspension did not invalidate the suspension under Sec. 1125.1 of the School Code, 24 P.S. 11-1125.1. During the year a teacher would have been suspended, he was assigned to a temporarily vacant position. The court also found that the delay did not prejudice the teacher's hearing rights.
Volume XXIV - No. 83 December 1, 1987	School District of Philadelphia - Secretary of education held that he lacks authority to decide seniority rights per Sec. 1125.1(c) of the School Code, P.S. *Sec.* 11-11256.1(c).
volume XXV - No. 15 March 10, 1988	Big Beaver Falls School District - Commonwealth Court held that an unapproved leave of absence is not per se a break in service per Section 1125.1(a) of the School Code, 24 P.S. 11-1125(a). The court further held that the mchool district was prohibited, on'the basis of equitable estoppel, from asserting that an unapproved absence effected a break in service.
Volume XXV - No. 25 April 7, 1988	Juniata-Mifflin Counties Vocational Technical School - Commonwealth Court held that the school'■ failure to conduct predemotion hearings did not violate the teachers' due process rights. Because of this they were also not entitled to back pay from the demotion to the hearing. The Court also held that the employes could be demoted based on declining enrollment in their respective courses.
Volume XXV - No. 28 April 20, 1988	City of St. Louis - The U.S. Supreme Court held that a city may not be held liable in a Sec. 1983 action, (42 U.S.C. Sec. 1983), for the transfer and eventual layoff of an employe by supervisors who did not possess the final policy-raking authority with respect to challenged employment decisions, but who, at most, possessed only authority to effectuate policy made by their superiors. :The employe alleged the actions • occurred in retaliation for the exercise of First Amendment rights.

Volume XXV - No. 86 November 19, 1988	Glendale School District - Commonwealth Court held that a suspended teacher's claim that the board improperly furloughed him was res judicata as he knew of allegations at the time *of* his original statutory appeal. However, the court also held that if the board did not eliminate the music program as was the basis given by the board, the judgment upholding his suspension was Obtained by fraud and res judicata would not apply. The case was remanded for further proceedings.
Volume XXV - No. 95 December 12, 1988	Northumberland County Area Vo-Tech School - Commonwealth Court upheld an arbitrator's decision that the teachers' recall rights were violated by the district because the contract referenced the School Code which set forth such rights. The contract had a 'just cause' clause in it which said in part that no one shall be deprived of a professional advantage as defined in the Public School Code.
Volume XXVI - No. 6 1989	School District *of* The City of Duquesne - Commonwealth Court held that a professional employe, under the facts of this case, was entitled to full seniority credit for part-time service because he had not consented to any reduction in seniority even though he consented to a reduction in salary. Thus, the court concluded that this person was more senior to another professional employe.
Volume XXVI - No. 10 1989	North Allegheny School District - Commonwealth Court that a professional employe who accepted a nonprofessional position for a temporary period did not terminate his status as a professional for purposes of accruing seniority under the School Code where there was an understanding that he would not lose his professional status and would return to his teaching position at the end of his temporary assignment. The court also held that the teacher hired to fill hie position was a substitute teacher.
Volume XXVI - No. 15 1989	Wattsburg Area School District - Commonwealth Court held, on remand, that the school district improperly furloughed a guidance counselor even though her replacement had more seniority and certification as a counselor. The furloughed

	counselor had nine years' experience as a counselor but could have been assigned to a different position he was qualified to fill.
Volume XXVI - No. 19 1989	School District of Pittsburgh - Secretary of education upheld the demotion of a professional employe from the position of supervisor in fine arts to the position of middle school/senior high school music teacher. The secretary made several evidentiary ruling■ and ultimately held that appellant had not met his burden of proving the demotion was arbitrary, capricious or based on improper motives.
Volume XXVI - No. 25 1989	Greater Johnstown AVTS - The Supreme Court of PA upheld the Commonwealth Court's reversal of an arbitration award which had held that the school had to apply district-wide seniority rather than the contractually negotiated departmental seniority. The court found that the award did not draw its essence from the agreement despite the statutory savings clause because the labor contract specifically provided for layoffs by departmental seniority, which the School Code allowed the parties to bargain.
Volume XXVI - No. 47 1989	Upper Merion Area School District - Commonwealth Court upheld an arbitrator's decision prohibiting the school district from reducing the seniority already granted to *a* teacher during a temporary appointment. The court concluded that his decision that Sec. 1125.1 of the School Code, 24 P.S. 11-1125.1, did not prohibit accrual of seniority was not unreasonable.
Volume XXVI - No. 77 1989	McKeesport Area School District - Commonwealth Court held that the layoff *of* a particular teacher occurred, not because of declining enrollment, but rather because another teacher deleted an area of certification. Accordingly, this suspension *was* invalidated.
Volume XXVI - No. 84 1989	Altoona AVTS - Commonwealth Court held that the doctrine of election of remedies applied to prevent arbitration of a teacher's layoff where he had received a local agency law hearing. The court further

held that Section 1133 of the School Code, 24 P.S. Sec. 11-1133, was violated by the arbitrator's award because it allowed the employe to select two different paths of review. .

Volume XXVI - No. 86 1989

Keyetone School District - Commonwealth Court held that Section 1125.1, 24 P.S. Sec. 11-1125.1, of the School Code did not require the school district to consider a teacher's anticipated certification when it made a layoff decision.

Volume XXVII - No. 15 1990

Governor Mifflin School District - Secretary of education held that a teacher reassigned from the position of Chapter I teacher to that of a regular classroom teacher was entitled to a hearing before the school board, pursuant to Section 1151 of the School Code, 24 P.S. 11-2252, to determine whether or not she was demoted.

Volume XXVII - No. 16 1990

Cornell School District - Secretary of education held that a professional employe was entitled to a demotion hearing pursuant to Section 1151 of the School Code, 24 P.S. 11-1151, where he alleged that his salary was reduced.

Volume XXVII - No 18 1990

Rochester Area School Board - In a case of first impression, the Supreme Court of PA held that Section 1125.1 of the School Code, 24 P.S. Sec. 11-1125.1, does not require a school district to lay off the least senior teacher possible when it is reducing staff. Rather, the district must only allow professional employes to have the opportunity to fill positions for which they are certificated and which are being filled by less senior employes. Thus, the court has not compelled school districts to "checkerboard" in layoff cases.

Volume XXVII - No. 19 1990

Sharon City School District - The Supreme Court of PA reiterated its holding in Duncanand held that where,'in a layoff situation, circumstances admit of more than one possible realignment, the district may consider the impact of each on the educational program to determine which is most sound, so long as within the chosen plan more senior employes have the

opportunity to fill positions for which they are certificated and which are being filled by less senior employes. The court remanded 'the case to the county court rather than ordering reinstatement in order that the lower court could determine who, if anyone, was entitled to any reinstatement and/or back pay.

Volume XXVII - No 42 1990

MarpleNewtownSchool District - Commonwealth Court held that Section 1113 of the School Code, 24 P.S. Sec. 11-1113, did not require a school district to hire a teacher from its vo-tech school when the vo-tech school stopped offering mathematics, the teacher was suspended and the district absorbed its students in its own classes. Even though the district hired another math teacher, the court concluded the act only required the hiring where another class was created. PSBA participated'in this case as amicus curiae.

Volume XXVII - No. 63 1990

Republican Party of Illinois, et al - The . U.S. Supreme Court held that employment promotions, transfers and recall after layoffs based on political affiliation or support are an impermissible infringement on the First Amendment rights of public employes. This case follows Elrod v. Burns and Branti v. Finkel which prohibited government officials from discharging or threatening to discharge public amployessolely for not being supporters of the political party in power, unless such an affiliation was an appropriate requirement for the position involved.

Volume XXVII - No. 94 1990

Greater Johnstown School District - In a very confusing case, the Commonwealth Court held, *among* other procedural points, that a teacher. not involved in a grievance was not bound by the principles of res judicata or collateral estoppel, in challenging his suspension. The court also ruled on the question of the ability of the courts to overrule findings of fact made in a school board hearing.

Volume 28 - No. 15, 1991

Greater Johnstown School District - Commonwealth Court held that the school dip, trict's findings that a teacher was properly furloughed were not supported by the

record. The court also held that the teacher was not bound by an arbitration decision affecting his rights where he was not a party to that proceeding.

Volume 28 - No. 58, 1991 — Twin Valley School District - Commonwealth Court held that the school district acted properly when it terminated two temporary professional employes when they were no longer needed due to staffing changes pursuant to Section 1124 of the School Code, 24 P.S. Sec. 11.1124.

Volume 29 - No 1, 1992 — PennsValley Area School District - Commonwealth Court reversed the Secretary *of* Education and held that a demotion appeal was timely filed. Liberally construing 1 Pa. Code Secs. 31.1-35.251, the court said that the employee appeal to the secretary was timely filed where same document was filed with the secretary within the 30-day period. (Editor's Note: Memorandum Opinions of the Commonwealth Court cannot be cited as precedent in other cases).

Volume 30, No. 14, 1993 — Carbondale Area School District - Lackawanna County Court of Common Pleas upheld the layoffs of several professional employes of the school district. The board originally voted 4-4 on the motion to suspend and later voted 5-4 to suspend. The court held that 42 Pa. C.S.A. Sec. 7541(c) prohibited declaratory relief because the board, when acting, was acting as a "tribunal". It further held that the second vote was proper. The board originally voted to suspend employee, then it voted 4-4 on the appeal per the Local Agency Law. Since it was a tie vote, the status quo of the original motion prevailed until the subsequent 5-4 vote.

Volume 30, No. 42, 1993 — North Hills School District - Commonwealth Court held that school districts, pursuant to the transfer of entities provision - 24 P.S. Sec. 11-1113, must hire suspended intermediate unit employes placed in the "pool" for any vacant position for which they are certified and for which the district does not have a suspended teacher, available with the appropriate certification.

Volume 30, No. 43, 1993 — North Star School District - Commonwealth Court reversed an arbitrator and held that he had no authority to decide the basis for suspension of professional employes pursuant to 24 P.S. 11-1124. Rather, he only had authority to decide whether the appropriate persons were suspended. The arbitrator had held that there was not an appropriate decline in enrollment. The arbitrator's opinion was reprinted in Public Sector Arbitration, Vol. 19, No. 18 (1992).

Volume 30, No. 69, 1993 — Slippery Rock Area School District - Commonwealth Court held that the district did not have to realign a more senior, furloughed teacher into an elementary gifted specialist position occupied by a less senior teacher because the former did not p..... the required program specialist certificate.

Volume 30, No. 73, 1993 — Laurel Highlands School District - Commonwealth Court, in a very confusing opinion, held that 24 P.S. Sec. 11-1124 presents the exclusive list of lawful causes for demotions due to realignments and that, as in suspensions, a school board may not realign its staff so as to demote a professional employe without establishing a Sec. 1124 cause. The school district had demoted the assistant principal for economic reasons--which i■ permitted per 24 P.S. Sec. 11-1151, but the court never considered Section 1151.

Volume 31, No. 7, 1994 — Middle Bucks Area Vocational-Technical School - Commonwealth Court held that the seniority provisions of 24 P.S. Sec. 11-1125.1(c) do not apply where there is a demotion pursuant to 24 P.S. Sec. 11-1151. The seniority provisions only apply where the demotion would be caused by a realignment. Here, the county court did not have jurisdiction because this was not a realignment.

Volume 31, No. 38, 1994 — School District of Philadelphia - Following a reinstatement order, the secretary of education held that: (1) the period *of* back pay stopped on the date the district was ready to reinstate appellant and (2) his back pay should not be set off by

	wages earned while working with the city because the school district did not prove that he could not have held several jobs simultaneously. This was not construed as being a windfall. .
Volume 31, No. 39, 1994	Wissahickon School District - Montgomery County.Court of Common Pleas held that a furloughed, part-time professional employe should be recalled to a full-time professional position for which she is certified.
Volume 31, No. 45, 1994	Duquesne City School District - Commonwealth Court upheld the suspension of a professional employe due to a substantial decrease in pupil enrollment per 24 P.S. Sec. 11-1124. The court held, contrary to the teacher's argument, that she was property furloughed when two improperly suspended teachers were recalled thus necessitating her suspension. The court found that the district was still in the same position as before the furloughs - facing a substantial decrease in pupil enrollment and an oversized staff.
Volume 31, No. 59, 1994	Colonial School District - Commonwealth Court held that, pursuant to Sec. 1125.1 of the School Code, 24 P.S. Sec. 11-1125.1, the school district must recall a suspended professional employe with more seniority to fill a vacancy in that person's area of certification before transferring another active teacher, with less seniority, to that position.
Volume 31, No. 73, 1994	Colonial School District - Commonwealth Court held that the school district failed to justify why it used an 18-year review period to determine staff layoffs pursuant to 24 P.S. Sec. 11-1124 and, thus, invalidated the layoffs. It felt such justification was necessary because the student population increased in the year prior to the suspension in question.
Volume 31, No. 85, 1994	Western Beaver County School District - Secretary of education held that a de novo scope of review applies to demotion appeals. Once the secretary finds the facts he/she must then determine if the employe has met his/her burden of proving whether

	the employer's action was arbitrary, discriminatory or otherwise improper. The secretary held that appellant was not properly demoted because she was not notified that overstaffing was the reason for her demotion but rather was notified that it was due to.a lack of enrollment or student interest and thus economically necessary. The case was remanded back to the school board.
VolUme 31, No. 86, 1994	Warren County school District,- Secretary of education upheld a demotion pursuant to 24 P.S. Sec. 11-1151 where data processing cl.... were curtailed. Be noted that the board need not get approval of a craft committee pursuant to 24 P.S. Sec. 18-1845 before deciding the fate of a program. Be also held that the district had a rational basis for curtailing the program.
VolUme 31, No. 92, 1994	Delaware County Intermediate Unit - The PIMA held that the intermediate unit was not required to bargain over the layoff/ termination of an entire bargaining unit but was required to negotiate over the impact of its.decision.
Volume 32, No. 42, 1995	Juniata-Mifflin Counties.Area Vocational Technical School - Commonwealth Court reversed an arbitrator's award and held that the statutory savings clause did not expressly incorporate the provisions of the School Code into the agreement as it relates to professional employee dismissals. 24 P.S. Sec. 11-1133 is not applicable because there was not a specific contractual provision allowing professional employees to grieve their dismissal. The court also held that one instance of arbitrating a professional employee dispute did not constitute a past practice.
Volume 32, No. 43, 1995	Wissahickon School District - Commonwealth Court held that a furloughed part-time professional employee could exercise recall rights to a full-time vacant position for which she was certified. The court also held that the incumbent employee who might be replaced by such recall was not an "indispensable party" who should be joined in the action. PSBA participated in this case as amicus curiae.

Volume 32, No. 48, 1995	Luzerne Intermediate Unit 18 - Secetary of education upheld the demotion of several instructional advisers based on the reduction of special education funding. The secretary noted that it did not matter whether the cost savings were of benefit to the commonwealth or the intermediate unit.
Volume 32, No. 64, 1995	Lakeland School District - Secretary of education upheld two demotions to less than full-time statue based on declining enrollment - even though enrollment actually increased in the last year.
Volume 32, No. 67, 1995	School District of Philadelphia - Secretary of education upheld demotion by eliminating specialized supervisors in favor of generalist supervisors for economic reasons. He also found that the district had a rational basis for the change in question.
Volume 32, No. 72, 1995	Jersey Shore Area School District - Commonwealth Court held that, to be available for recall pursuant to 24 P.S. 1125.1 of the School Code, a professional employee must annually report his or her availability. The court noted that the failure to do so results in a forfeit of recall and seniority rights, and that a yearly reporting requirement is not an onerous burden to bear for those who desire to avail themselves of the protections granted (seniority and recall rights).
Volume 32, No. 96, 1995	Lakeland School District - Commonwealth Court reversed the school district's decision to suspend a teacher due to declining enrollment pursuant to 24 P.S. Sec. 11-1124. The court held that the board abused its discretion in viewing the decrease in enrollment over a 10-year period, excluding the three years prior to the layoff and failed to provide evidence of a substantial decrease in enrollment over a reasonable, justifiable time. (The student population increased in the year prior to the suspension.)
Volume 32, No. 78, 1995	Lebanon County Vocational Technical School - Commonwealth Court held that a person hired as a "vocational consultant" had no School Code rights when he was allegedly

	furloughed per 24 P.S. Sec. 11-1124 because he was not a certified professional employee. Since he did not possess a certificate in accordance with the School Code, he had no professional employee rights.
Volume 32, No. 81, 1995	Greater Johnstown School District - Secretary of education held that a professional employee was not demoted where the only change he experienced during a reorganization was a change in title from "director of special education" to "supervisor of special education."
Volume 32, No. 79, 1995	School District of Philadelphia - Commonwealth Court held that where a teacher retired, no "resignation" was involved and the professional employee contractual requirements in 24 P.S. Sec. 11-1121 were not involved. Therefore, the statutory requirements did not have to be met. Here, prior to his death the professional employee had submitted a notice of intent to retire and later tried to withdraw that letter of retirement.
412 Volume XX - No. 74 September 26, 1983	Perkiomen Valley School District - Commonwealth Court reversed an arbitrator's award granting a perfect rating score to all teachers. The court noted that such an action would be a violation of statutory and regulatory mandates as they relate to the ratings of employes.
Volume XX/ - No. 53 August 1, 1984	Centennial School District - Commonwealth Court upheld the discharge of a school psychologist on grounds of incompetency. The reader should note that only one unsatisfactory rating was required at the time of her discharge. Now, two unsatisfactory ratings are required in an incompetency case.
Volume XX/// - No. 88 December 9, 1986	Narple-Newtown School District - Secretary of education upheld a teacher discharge based on incompetency with two consecutive unsatisfactory ratings; immorality based on. improper comments, often of a sexual nature; and persistent and willful violations of the school laws for failure to heed the orders of superiors over a period of years.

Volume XXV - No. 31 May 4, 1988	Pennsylvania State University - Commonwealth Court held that reports prepared by peer review committees to aid in determining whether faculty members should be granted tenure are 'performance evaluations" subject to inspection by the employe under the Personnel Files Act, 43 P.S. Sec. 1321.
Volume XXV - No. 45 June 27, 1988	Valley View School District - Secretary of education upheld a dismissal based on incompetency which was supported by two consecutive unsatisfactory ratings and anecdotal records. He also held that evidence not relied on by the board would not be considered inflammatory unless the teacher is able to show positive evidence establishing the board's inability to provide a fair and impartial hearing.
Volume XXVI - No. 1 1989	Mifflin County School District - Commonwealth Court upheld the lower court's decision enjoining a teacher from arbitrating her discharge on the basis that the parties did not agree to arbitrate a dismissal based on ratings. The court noted that the Uniform Arbitration Act, at 42 Pa. C.S. Sec. 7304(b) provides that a court can stay arbitration on a showing that there is no agreement to arbitrate.
Volume XXVI - No. 57 1989	North Montco AVTS - Based on a motion to dismiss, the U.S. District Court for the Eastern District of PA concluded that plaintiff stated a claim for relief under 42 U.S.C. Sec. 1983. The allegations were generally that her superiors created an intolerable teaching environment and that their improper use of the evaluation process constituted official policy of the school. The court also rejected a defense of ¯qualified immunity" on one claim and allowed it on several other claims.
Volume 31, No. 32, 1994	School District of Philadelphia - Commonwealth Court upheld an arbitration award which had upheld the dismissal of a teacher for the reasons set forth in the School Code. The arbitrator upheld the unsatisfactory rating even though the teacher was

	not observed by a district administrator as required by an administrative bulletin. The arbitrator concluded that the teacher's failure to report to work for the rest of the year rade such an observation impossible.
Volume 31, No. 53, 1994	Juniata-Mifflin Counties Area Vocational Technical School - Mifflin County Court of Common Pleas reversed an arbitrator's award that held that the school improperly dismissed a teacher. The court held that the savings clause in the collective bargaining agreement did not incorporate the School Code dismissal provisions into the 'collective bargaining agreement. The court concluded that if the parties intended to incorporate those provisions, they could easily have done so.
Volume 31, No. 88, 1994	Northeast Bradford School District - Secretary of education upheld a teacher dismissal based on grounds of persistent negligence and persistent and willful violation of school laws. He held that the school district has the burden of proving an employe committed an offense under 24 P.S. Sec. 11-1122 (as opposed to the employe having to prove ratings were arbitrary and capricious.) The. incompetency charge was dismissed because there were no numerical scores and the anecdotal record was not adequate.
413 Volume XXII - No. 2 January 29, 1985	North Penn School District - Commonwealth Court held the Pennsylvania Code at 22 PA Code Sec. 351.26 does not require numerical scores on unsatisfactory ratings. The court noted that the more important element is the accompanying anecdotal records. The court upheld a discharge baled on incompetency where two of the unsatisfactory ratings contained anecdotal records, but no numerical scores.
Volume XIII - No. 23 April 20, 1976	Great Valley School District - Commonwealth Court upholds order by Secretary of Education reinstating a teacher in the Great Valley School District without loss of pay since employe was considered tenured under Section 1108 of the Public School'Code at the time of dismissal.

Volume XIII - No. 65 August 11, 1976	Littlestown Area School District - Commonwealth Court upholds an Adams County Court ruling which sustained a Littlestown Area School District demurrer to a suit in mandamus where a temporary professional employe contended that since being employed in the third year (with unsatisfactory rating), the employe was entitled to professional employe status.
Volume XIII - No. 79 September 3, 1976	North East Board of Education - Commonwealth Court reverses decision of Erie County Court which had ruled the North East School District must reinstate a temporary professional employe.
Volume XIII - No. 83 September 15, 1976	Jefferson County - DuBois Area Vocational-Technical School - Pennsylvania Supreme Court reverses two lower court decisions. They conclude a teacher holding an interim certificate and hired to replace a professional employe is a temporary professional employe.
Volume XIII - No. 89 September 15, 1976	Union Area School District - Commonwealth Court upholds lower court decision and orders reinstatement of a Union Area School District temporary professional employe who had been dismissed to open a position for another teacher returning from military service.
Volume XV - No. 25 March 28, 1978	Mifflin County School District - Mifflin County Court orders reinstatement without loss of pay of a temporary professional employe dismissed by the district. The district had hired the employe as a temporary professional, but had stipulated such employment would be terminated after one year. In reinstating the employe, the court finds a temporary professional employe may not be dismissed unless rated unsatisfactory in accordance with the School Code. The court further finds that rights accorded by the Code may not be "contracted *away.*"
Volume XVI - No. 67 October 9, 1979	Commonwealth Court upheld the dismissal of a temporary professional employe at the end of the second year, based on an unsatisfactory rating. The court held, inter. alia, that competent personnel had rated'

	the employe; that authorized raters may base their ratings on the observations of other qualified rater.; and that the employe had received proper notification of his rating.
Volume XVI - No. 85 December 18, 1979	Commonwealth Court held that the teacher was not a professional employe because the board never had a contract with her and never voted to hire her. The board did not have to comply with statutory dismissal procedures because she was not a professional employe. The Superintendent had authorized her to report to work pending the board's acting upon hi■ recommendation to hire her. The court also held that this lack of action was not "adjudication" under the Local Agency Law and she was not entitled to a hearing under that law.
Volume XVII - No. 47 July 28, 1980	Commonwealth Court upheld the dismissal of a temporary professional employe because of an unsatisfactory rating. The court noted that appellant had no right to a voir dire examination of the board member.. The court also held that the Superintendent was not required to provide a copy of the anecdotal records with his final ratings. Appellant was given anecdotal records along with his prior ratings.
Volume *XX* - No. 24 March 26, 1983	Ringgold School District - Commonwealth Court held that a mandamus action will not lie to determine professional employe status. The court, noted that the Secretary of Education has exclusive jurisdiction over such matters.
Volume *XX* - No. 31 May 4, 1983	Port Allegheny School District - After a third appeal, the Commonwealth Court upheld the dismissal of a temporary professional employe based on an unsatisfactory rating. The court noted that school authorities have the burden of establishing the records of the unsatisfactory rating and the persons whose observations were the basis for that rating. Such evidence establishes prima facie the validity of the rating and a discharge based on it. The burden then shifts to the employe to prove it was fraudulent, arbitrary, capricious or contrary to law.

Volume XXI - No. 2 January 24, 1984	Lancaster County Area Vocational-Technical School - On re-argument, Commonwealth Court withdrew its prior opinion and held that a dismissal based on incompetency was justified, an employe did not abandon his contract, and that he was entitled to back pay until his dismissal for incompetency.
Volume XXI - No. 41 June 18, 1984	School District of Pittsburgh - Commonwealth Court held that the question,of attaining tenure statue by temporary professional employes who were furloughed was irrelevant because the parties negotiated a seniority system that did not consider tenure status. The court noted the rights under Section 1125.1 *of* the School Code were properly replaced by a collective bargaining agreement.
Volume XXII - No. 73 December 9, 1985	Austin Area School District - Secretary of Education held that an employe with two part-time jobs in the district, one professional and one clerical, could be tenured where more than 50% of her time as a teacher was spent in direct educational activities. She also noted that a teacher cannot attain tenure simply by monitoring study halls.
Volume XXIII - No. 73 October 29, 1986	Punxsutawney Area School District - Secretary of education held thatan employe can gain tenure with two years *of* satisfactory service and that the years do ,not have to be consecutive or full-time service. The secretary remanded the appeal for a further hearing before the school board to determine the status of this teacher, vie a vie other tenured teachers.
Volume 29, No. 100, 1992	Mechanicsburg Area School District - Commonwealth Court upheld the dismissal of a temporary professional employe. The court held that the district was not required to introduce anecdotal records at the dismissal hearing, especially where the rater testified and explained the rating process and the observations which were the basis of the rating. The court also held that the "notice" requirement of the Local Agency Law, 2 Pa. C.S. Sec. 553, does not require a listing of "charges" because the hearing is focused on the decision made by the district and not any action for which the district has accused the employe.

Volume 31, No. 1, 1994	City of Pittsburgh School District - Commonwealth Court upheld the dismissal of a temporary professional employee based on properly prepared, unsatisfactory ratings. The court also held, that retroactive granting of seniority cannot grant tenure to a temporary professional employe because the school code does not allow the granting of tenure without an employe serving the two-year probationary period.
Volume 32, No. 83, 1995	Bald Eagle Area School District - Secretary of education upheld a school board's decision denying tenure or "professional employee" status to an employee beCause she only served as a substitute teacher for teachers who were on leaves of absence and did not occupy a newly created or vacant position.
414 Volume XXV - No. 4 January 13, 1988	The U.S. Court of Appeals for the District of Columbia Circuit held that it was not unreasonable to require drug testing where an employe's duties involve direct contact with young school children and their physical safety, where the testing is conducted as part of a routine, reasonable required, employment related medical examination, and where there is a clear nexus between the test and the employer's legitimate safety concern.
Volume 28 - No. 54, 1991	Pittsburgh Board of Education - The U.S. District Court for the Western District of PA refused to grant a teacher an injunction to prevent the district from compelling her to get a psychiatric exam. Among other points, the court held that an administrator could order the exam, a board resolution was not necessary before such an exam could be ordered and, pursuant to 24 P.S. Sec. 14-1418(c), a medical exam could be ordered, to be given by a physician who is not of the employe's choosing.
415 Volume XV - No. 120 December 7, 1978	Colonial School District - The Commonwealth Court concludes that the district properly dismissed a teacher due to mental derangement which rendered the employe incompetent as a teacher. This court ruling also affirms a decision of the Secretary of Education.

Volume XVIII - No. 69 October 8, 1981	Berwick Area School District - Secretary of Education held that failure to comply with lawful requests for a disability certificate over a period of time constituted persistent and willful violation of the school laws. The dismissal by the district was upheld by the Secretary.
Volume XXI - No. 80 December 4, 1984	South Allegheny School District - Secretary of Education upheld a teacher dismissal on the grounds of incompetency due to physical incapacity to perform her duties. He also decided the following procedural and evidentiary issues: medical correspondence was inadmissible as a business records hearsay exception; prior history of absences was admissible; denial of a continuance was not arbitrary and certain uncorroborated evidence was admissible in an administrative hearing.
Volume XXI/ - No. 76 December 11, 1985	Downingtown Area School District - Commonwealth Court upheld the Secretary of Education's decision that a teacher's appeal was untimely. She failed to make a timely appeal after the board placed her on retirement status when she took a disability retirement. The court held that she had a duty to appeal from this notice within 30 days, pursuant to Section 1131 of the School Code.
416 Volume XI - No. 35 May 15, 1974	Allegheny IU 43 - Commonwealth Court upholds Allegheny County IU's dismissal of an Assistant Director ESEA Title VI, declaring the classification is not a tenured position in *accordance* with Sections 1101 and 1141 of the School Code.
Volume XVIII No. 17 March 12, 1981	Greater Johnstown Area Vocational-Technical School - Commonwealth Court held that an arbitrator erred in deciding that non-renewal of supplementary contracts was arbitrable. The court found that when teacher. are performing supplementary activities, they are not professional employes covered by the collective bargaining agreement and are thus unable to file a grievance over their non-renewal.

Volume XVIII - No. 29 May 19, 1981	School District of Philadelphia - Commonwealth Court held that Get Set and Head Start programs are not "public school" programs under the school laws and therefore are not subject to the teacher certification requirement■ administered by the Department of Education. The court also held that an agreement between the parties concerning seniority right■ does not violate Section 903 of Act 195.
Volume XIII - No. 83 September 15, 1976	Jefferson County - DuBoi■ Area Vocational-Technical School - Pennsylvania Supreme Court reverses two lower court decisions. They conclude • teacher holding an interim certificate and hired to replace a temporary professional employe is a temporary professional employe.
Volume XX - No. 36 May 23, 1983	Wilkes-Barre AVTS - PLRB concluded, again, that part time adult evening school teachers are casual employes and therefore excluded from the bargaining unit composed of the regular program teachers.
Volume XXI - No. 96 December 26, 1984	Chichester School District - Secretary of Education dismissed an appeal by a "Director of Federal Programs and Personnel" as he wa■ not a professional employe. The Secretary noted that earning a professional certificate will not in and of itself establish professional status, nor does a person carry such status into a nonprofessional position.
Volume XXVII - No. 27 1990	Girard School District - The PLRB held that a computer lab coordinator was not a 'professional employe" as defined in Act 195. This conclusion was reached because the knowledge necessary for the job could be obtained by reading a manual or attending workshops, and was not "knowledge of an advanced nature in the field of science or learning customarily acquired by specialized study in an institute of higher learning" as required by the act. The PLRB found that the fact that she had a teaching certificate was of no moment.
Volume 29, No. 23, 1992	State College Area School District - Commonwealth Court held that the school district was not required to give a baseball coach a hearing under Section 514 of the School Code, 24 P.S. Sec. 5-514, when his contract was not renewed. Section 514 was

not applicable because the coach was not having his contract renewed as opposed to being "removed" from his position pursuant to Section 514.

Volume 29, No. 42, 1992 — Scranton School District - A PLRB hearing examiner held that the school district was not required to bargain over the qualifications for a coaching position as it was a matter of inherent managerial policy pursuant to Section 702 of Act 195, 43 P.S. Sec. 1101.702. He also found that the district did not have to bargain over the weight given to different criteria for ranking applicants. However, the district was compelled to "meet and discuss" with the union over these issues.

Volume 29, No. 81, 1992 — Several employes of an independent contractor filed a federal civil rights lawsuit pursuant to 42 U.S.C. Sec. 1983, *alleging* that they were entitled to all rights and benefits as other intermediate unit employee, with whom their employer contracted (to provide auxiliary services at parochial schools). The court found that there was no "state action" which would subject either the state or the intermediate unit to liability. The plaintiffs were employes of an independent contractor. The court also found that there was no liability under 42 U.S.C. Section 1985. (U.S. District Court for the Eastern District of PA)

Volume 31, No. 17, 1994 — Crestwood School District - A PLRB hearing examiner issued a PDO holding that the school district did not commit an unfair practice when it established some coaches salaries without bargaining with the union because the coaches in question were not members of the bargaining unit. He further held that coach/volunteers were properly hired because they were not hired to perform bargaining unit work.

Volume 31, No. 75, 1994 — School District of Borough of Morrisville - Commonwealth Court reiterated the law that coaching positions were nonprofessional positions and not grievable under the collective bargaining agreement. The grievance arose of the issue of teachers allegedly denied coaching positions in reprisal for their participation in a strike.

Volume 31, No. 93, 1994 — Corry Area School District - Commonwealth Court held that the definition of an "employe" in the Political'Subdivision Tort Claims Act, 42 Pa. C.S.A. Sec. 8501, does not require that an employee be compensated or possess a formal employment contract with the government unit, as long as he is acting in its interests. Here, a 'volunteer" assisting a swimming coach and using the coach's car was involved in an accident with several students while transporting them to a meet. He sought indemnification from the district pursuant to the act.

417 Volume *XI* - No. 64 August 15, 1974 — School District of the Borough of Brentwood - Commonwealth Court sustains diemissal of Curriculum Coordinator for defying the authority of the Superintendent, thus exceeding her authority as "Curriculum Coordinator."

Volume XI// - Ho. 85 September 15, 1976 — Board of School Directors of Delaware Valley School District - Commonwealth Court upholds dismissal of a Delaware Valley School District teacher for persistent and willful violation of school• laws. The teacher had been charged with abusing sick leave and personal leave privileges by using the time for skiing trip.

Volume XV - No. 14 March 6, 1978 — Indiana Area School District – Commonwealth Court upholds dismissal of a teacher on grounds of immorality and cruelty. The charges arose from several incidents where the teacher called a female student a "slut" and implied the girl was a prostitute.

Volume XV – No. 16 March 14, 1978 — South Middleton Township School District - Commonwealth Court affirms order of the Secretary of Education and upholds the dismissal of a teacher for reasons of incompetency. The charge was the result of two unsatisfactory ratings received by the teacher.

Volume XV - No. 45 June 2, 1978 — Clairton School District - Secretary of Education dismisses tenure appeal of professional employe because the employe failed to appear at the scheduled hearing and failed to file a brief as requested. The employe had been dismissed by the district on grounds of persistent negligence.

Volume XV - No. 56
June 12, 1978

Berwick Area School District - The Secretary of Education upholds the dismissal of a teacher on grounds of immorality. The charges were based on the teacher's use of profanity.

Volume XV - No. 62
July 3, 1978

Pittsburgh School district - The Commonwealth Court upholds the dismissal of a professional employe on grounds of persistent negligence. The charge stemmed from an incident where it was discovered that student activity funds entrusted to the employe were unaccounted for. The court finds there was substantial evidence to support the charge and the employe's due process rights were not violated when board members who were not present at the evidentiary hearings did vote on the question of dismissal.

Volume XV - No. 77
August 2, 1978

Penn-Delco School District - The Commonwealth Court reverses the Secretary of Education opinion and finds the district properly dismissed a professional employe under the School Code on grounds of immorality. The dismissal was based on two incidents where the employe made sexual overtones to two female students. Not only does the court find the grounds were supported by substantial evidence, but the court also concludes the district was not in error when, upon dismissal, the employe was not given findings of fact and a statement of reasons in accordance with Local Agency Law. Rather, the district followed the dismissal procedures of the School Code because the employe was die•-missed under the Code.

Volume XV - No. 109
November 29, 1978

Big Springs School District - The Secretary of Education finds the district properly dismissed a teacher on charges of persistent negligence, willful and persistent violation of school laws and intemperance. The charge of intemperance is based on the employe's use of corporal punishment in anger, evidencing a lack of self control. The charges of willful violation of school laws and persistent negligence are sustained by the employe's failure to properly administer reading assessment tests and maintain lesson plane, both in accordance with school policy.

Volume XV - No.118
December 6, 1978

Central York School District - The Commonwealth Court directs the district to reinstate a teacher who had been dismissed for immorality. The charge was the result of an incident where the teacher overheard several student■ using profane language and later questioned the class as to the meanings of the words and expressed disapproval over their use.

Volume XVI - No. 34
April 27, 1979

The Commonwealth Court upheld the decision of the Secretary of Education upholding dismissal of a teacher on charges of persistent negligence. The court ruled also that the Secretary of Education did not abuse her discretion in denying the petitioner's request for a continuance of the scheduled hearing before the Secretary.

Volume XVI - No. 62
September 18, 1979

In upholding a dismissal for reason of immorality, the Secretary of Education found that the infatuation of a 27 year old, single male teacher for a 12 year old female student which led the teacher, over a period of many month■ and despite warnings by the school administration and complaints by parents, to request that the student call, to drive to her home for no school related purpose, to seek her out during the school day for conversation in semi-private, and to declare his love to her, constituted immorality. The Secretary also held that the school board hearing process i■ concluded when the board votes a decimu!.on.

Volume XVI - No. 79
December 5, 1979

U.S. District Court granted defendants' Motion For Summary Judgment in action brought by dismissed professional employe, denying her arguments that her employment was terminated in a Constitutionally deficient manner, because: (A) she offered no reason why the board's pecuniary interest in her employment would impermissibly bias its fact finding; (B) denial of de novo judicial relief 'does not implicate any Constitutional right; (C) her claim that the failure of the School Code to prescribe a code of evidence for the conduct of dismissal hearings lack, standing; and (D) her 14th Amendment challenge to the facial invalidity of the School Code on equal protection grounds because tenured and nontenured teachers are treated differently is without merit.

Volume XVII - No. 24 April 21, 1980	Commonwealth Court upheld dismissal of a teacher on the grounds of cruelty and willful and persistent violation of school laws. The teacher had assaulted several students and paddled students in violation of explicit orders not to do ■o. In upholding the decision of the Secretary of Education, the court noted that its review is limited to a determination of whether the Secretary committed an error of law or a manifest abuse of discretion or whether petitioner's Constitutional rights were violated.
Volume XVII - No. 96 December 29, 1980	Oxford Area School District - Commonwealth Court upheld the dismissal of a professional employe who was dismissed on the grounds of immorality. The dismissal was based upon the employee having been caught in the act of shoplifting.
Volume XIX - No. 40 May 10, 1982	Warren County School District - Commonwealth Court upheld the dismissal of a teacher on the grounds of persistent negligence and willful violation of the school laws, where the teacher openly prayed and read the Bible in his classes. The court opinion discusses Constitutional issues under the First Amendment and petitioner's assertion of rights to academic freedom. It concluded that his failure to follow the Superintendent's directives was a valid cause for termination.
Volume XIX - No. 48 May 17, 1982	South Williamsport Area School District - Third Circuit Court of Appeals held that a grievance arbitration hearing sought by a discharged school district employe satisfied procedural due process. The court also concluded that a discharged employe is not entitled to damages simply because there had not been a hearing before the school board. Section 514 of the School Code state■ that a hearing must be demanded by the employe before the board is under an obligation to provide one.
Volume XIX - No. 61 August 9, 1982	'Bethel Park School District - Commonwealth Court reversed the Secretary of Education and upheld the dismissal of a teacher on immorality charges. She attended a national conference as a school board member and submitted a sick leave certificate for the days she was absent from work.

Volume XXI - No. 63 August 16, 1984	School District of Philadelphia - Secretary of Education held that conviction of federal income tax evasion supports a finding of immorality and persistent and willful violation of the school laws.
Volume XXI - No. 64 August 17, 1984	Blue Mountain School District - Secretary of Education upheld a teacher discharge on the grounds of immorality. Be also held that a board may investigate the circumstance■ prior to a hearing without violating due process. Be also found that the denial of an opportunity to voir dire board member■ WAS not a denial of a fair hearing.
Volume XXI - No. 65 August 20, 1984	Avonworth School District - Secretary of Education upheld a teacher discharge on grounds of immorality where the teacher falsified his residence for the purpose of getting free education for his child in the school district.
Volume XXI - No. 66 August 20, 1984	Great Valley School District - Secretary of Education upheld a teacher discharge for incompetency, persistent negligence and persistent and willful violation of school laws without using evidence prohibited from being used against the teacher by an arbitrator. The Secretary held that there was substantial evidence in the record to support the charges.
Volume XXI - No. 79 December 4, 1984	School District of Philadelphia - Secretary of Education upheld a dismissal on grounds of persistent negligence and persistent and willful violation of the school laws where a teacher refused to report to a new assignment.
Volume XXI - No. 87 December 12, 1984	Commonwealth Court upheld a PLRB decision that the Commonwealth was not required to bargain over the establishment of a code of conduct for Commonwealth employes.
Volume XXII - No. 13 March 4, 1985	West Chester Area School Board - Chester County Court of Common Pleas held that when a professional employe is not dismissed after a hearing, the charges must be expunged from the records per Section 1130 of the School Code, 24 P.S. 11-1130. In this case,.the court found that leaving the factual accounts of the incident in question and of the ensuing meetings was not a violation of Section 1130.

Volume XXII - No. 15 March 6, 1985	Red Lion Area School District - York County Court of Common Pleas dismissed a complaint seeking a court order to compel the school district to dismiss a teacher.
Volume XXII - No. 21 March 25, 1985	Secretary of Education upheld a teacher dismissal for persistent and willful violation of the school laws where the teacher had physical contact with students contrary to administrative directives. She also held that there was no due process violation where the Chairman of the school board signed the charges.
Volume XXII - No. 32 May 13, 1985	The United States Supreme Court held that a public employe, subject to dismissal for cause, is entitled to some kind of predetermination hearing before being dismissed. The court appeared to suggest that an informal hearing is all that is required.
Volume XXII - No. 52 August 8, 1985	The Supreme Court of Pennsylvania reversed the Commonwealth Court and upheld the right of school boards to suspend professional employes without pay for disciplinary reasons. The court also held that an appeal from such an adjudication lies with the appropriate county Court of Common Pleas and not with the Secretary of Education.
Volume XXII - No. 82 December 13, 1985	School District of Philadelphia - Commonwealth Court upheld a teacher discharge for persistent negligence and willful and persistent violation of the school laws for excessive absences and failure to properly report them. The court also held that the board did not violate the law when it voted to refuse, in accordance with its rules, a motion to rescind the resolution dismissing the teacher.
Volume XXII - No. 85 December 17, 1985	Commonwealth Court held that a civil service employe was properly dismissed where it was found that his use of a concealed tape recorder to tape a meeting with his superior constituted criminal conduct, pursuant to the Crimes Code, 18 PA CS Sec. 5703 (1).

Volume XXII - No. 96 December 26, 1985	Keystone School District - Secretary of Education held that no testimony will be taken or hold a hearing until.after a district conducted a hearing on the question of whether or not an employe abandoned his position..
Volume XXIII - No. 6 February 20, 1986	Rockwood Area School District - Commonwealth Court held that a cause of action could be brought against a school district employe for willful tortious conduct, where the employe allegedly pulled a table out from under the person seated on it. However, the court also held that the action against the school district was barred pursuant to the Political Subdivision Tort Claims Act.
Volume XXIII - No. 17 May 13, 1986	In a Section 1983 action, 42 U.S.C. Sec. 1983, the U.S. Supreme Court, in a plurality opinion, held that proof of a single instance of unconstitutional activity is not sufficient to impose civil rights liability on a city unless proof of the incident included proof that it was caused by an existing, unconstitutional municipal policy which can be attributed to a municipal policymaker.
Volume XXIII - No. 37 July 21, 1986	School District of Pittsburgh - The Supreme Court of Pennsylvania, in a reversal of prior law, held that in an appeal by an aggrieved professional employe under Section 1131 of the School Code, 24 P.S. 11-1131, the secretary of education is vested with the authority to conduct de novo review whether he takes additional testimony or merely reviews the official record of the proceedings before the school board.
Volume XXIII - No. 64 October 16, 1986	East Lycoming School District - The secretary of education upheld a teacher dismissal for persistent and willful violation of the school laws, persistent negligence and incompetency. She held that unsatisfactory ratings without numerical scores are valid where supported by anecdotal records and conferences to discuss the ratings. The other charges were based on failure to control her class, use proper English grammar and spelling, failure to provide lesson plane and a failure to use homework effectively.

Volume XXIII - No. 65 October 17, 1986	Bethel Park School District - The secretary of education upheld a dismissal based on persistent negligence and persistent and willful violation of the school laws. The teacher was charged with a pattern of insubordinate, hostile and abusive conduct toward superiors and his colleagues.
Volume XXIII -. No. 72 October 28, 1986	Riverside School District - Commonwealth Court upheld a teacher dismissal on the grounds of immorality and persistent and willful violation of the school laws where the teacher attempted to have a social and emotional relationship with a student. The court also held that a teacher, in an administrative hearing, 'was not entitled to the same due process afforded a mentally incompetent person in criminal hearings.
Volume XXIII - No. 84 December 3, 1986	Morrisville Borough School District - Secretary of education upheld a teacher dismissal for incompetency based on lack of classroom control, poor judgment, lack of leadership and other types of shortcomings.
Volume XXIII - No. 99 December 23, 1986	Commonwealth Court upheld an arbitration decision dismissing an employe where the decision was based on evidence that was ruled inadmissible in a criminal proceeding. The court also held that the dismissed employe was not denied due process of law.
Volume XXIV - No. 35 May 20, 1987	Bensalem Township School District - Commonwealth Court upheld a teacher dismissal for immorality when he was convicted of harassment by communication or address. The court held that due process was provided even though some of the board members were victims of. same activity.
Volume XXIV - No. 68 November 9, 1987	The Supreme Court of Pennsylvania held that adults owe a duty of care to minor guests and breach that duty when they serve alcohol in contravention of the Crimes Code, regardless of the amount served.
Volume XXIV - No. 85 December 3, 1987	School District of Pittsburgh - Secretary of education upheld a teacher dismissal based on persistent and willful violation of the school laws including inter alia,

	failure to follow the directions of superiors. The secretary also decided several procedural issues including adopting the rules used by courts of common pleas in granting continuances; upholding board votes where less than a majority attend the hearing; and what constitutes a 'roll call vote."
Volume XXIV - No. 88 December 14, 1987	School District of Philadelphia - Commonwealth Court upheld a teacher's suspension without pay pending a hearing where the teacher was unable to maintain classroom control. The court also up-held the dismissal on grounds of incompetency. The court also reviewed several procedural problems concerning the ratings themselves.
Volume XXIV - No. 97 December 28, 1987	School District of Philadelphia - Commonwealth Court reversed the secretary of education and held that, despite a long-established policy, the school district could not terminate a teacher who refused to resign or retire because of extended absences as this did not constitute a willful and persistent violation of school lawn.
Volume XXIV - No. 99 December 30, 1987	School District of Philadelphia - Commonwealth Court upheld a teacher dismissal based on persistent and willful violation of the school laws where the employe made personal purchases through the school, using the school's tax exempt number and discount and paying for the purchases with his own money. The court upheld the board's conclusion that this violated school policy.
Volume XXV - No. 3 January 12, 1988	School District of Philadelphia - Commonwealth Court reversed a teacher dismissal pursuant to Sec. 1122 of the School Code, 24 P.S. 11-1122, for persistent and willful violation of the school laws and immorality. The teacher had been injured while on police duty and took a desk job in the police department while on sick leave from the district. The board had recently adopted a sick leave policy prohibiting this. The court concluded that his conduct could not be "willful* because, under the facts of this case, knowledge of the policy could not be imparted to him.

Volume XXV - No. 16 March 11, 1988	North East School District - Commonwealth Court upheld a teacher dismissal on grounds of immorality where he was accused of lying to a supervisor and for writing notes to female students during his teaching career. The court also decided several evidentiary issues as well as the sufficiency of the dismissal notice.
Volume XXV - No. 71 October 17, 1988	Mifflinburg Area School District - Based on the facts of this case, Commonwealth Court upheld an arbitrator's decision that a discharge was arbitrable because the parties bargained for hi■ interpretation, including the issue of arbitrability and the award drew its essence from the agreement. The fact the arbitrator may have failed to properly perceive the question presented or erroneously resolved it did not provide justification for judicial interference. The "just cause" clause did not include dismissal, but in defining just cause, adopted the causes for dismissal from the School Code, therefore, the dismissal was arbitrable, according to the arbitrator.
Volume XXV - No. 81 November 22, 1988	Laurel Highlands School District - Commonwealth Court upheld a teacher dismissal on grounds of persistent and willful violation of the school laws for refusing to obey orders to cease promoting his religious beliefs in the classroom. The court also held that hearings under the School Code or Local Agency Law do not provide for discovery or application of the rules of Civil Procedure and petitioner's rights were not violated when the district did not answer his interrogatories.
Volume XXV - No. 88 December 1, 1988	North East School District - Commonwealth Court held that a grievance was arbitrable even though the agreement did not refer to disciplinary matters - he relied on "implied just cause." The court also held that reducing a suspension from three days to one day for distributing allegedly sexually oriented material was not a manifest disregard of the collective bargaining agreement.

Volume XXV - No. 91 December 6, 1988	Centre County Prison Board - The Supreme Court of PA upheld the Commonwealth Court's reversal of an arbitration award which refused to dismiss prison guards who brutalized a prisoner. The court reiterated that the standard for review is the "essence" test and that the award was not rationally derived from the agreement. The arbitrator exceeded his authority under the contract once he decided to modify the board'■ decision to dismiss the guards.
Volume XXVI - No. 4 1989	Everett Area School District - Commonwealth Court invalidated the 15-day suspensions of two teachers because their conduct of *engaging in* a water fight with students did not amount to "Immorality" per Section 1122 of the School Code, 24 P.S. Sec. 11-1122. The court held this way even though one teacher sprayed students with cleaning solution, resulting in a minor skin irritation.
Volume XXVI t No. 23 1989	The Supreme Court of PA reversed an arbitrator'■ decision and upheld an employe dismissal for misappropriation and mishandling of funds. The court held that once the record reflects that there was "just cause" for the action taken, the inquiry must close and the action of the agency must be accepted. Once just cause is present, any further effort by the arbitrator to disturb the agency'■ action does not flow from the essence of the bargaining agreement nor can it in any rational way be derived from the agreement.
Volume XXV/ - No. 20 1989	School District of Philadelphia - The secretary of education upheld the dismissal of a professional employe for persistent and willful violation of the school laws pursuant to Section 1122 of the School Code, 24 P.S. 11-1122. The district has a policy which considers a person who is absent without approval for five consecutive work days to have abandoned her teaching position. The secretary found that her refusal to disclose her illness and repeated failure to submit absence cards in a timely manner were willful and persistent.

Volume XXVI - No. 59 1989	School District of Pittsburgh - Secretary of education upheld the demotion of an employe from dean at a middle school to one of elementary development adviser. The demotion was supported by evidence in the record of appellant's conduct. The secretary also upheld the board hearing as being proper where not all board members were present at each hearing but had the opportunity to review the record.
Volume XXVI - No. 60 1989	Tuscarora Intermediate Unit - Secretary of education upheld a teacher dismissal based on the grounds of willful and persistent violation of the school laws, immorality and persistent negligence where she took a vacation to Hawaii and tried to call it sick leave. He also found that her due process rights were not violated when the solicitor helped to prepare the charges and then at as counsel to the board.
Volume XXVI - No. 64 1989	Cheltenham Township School District - Secretary of education upheld a teacher dismissal based on intemperance and willful and persistent violation of the school laws where the teacher was continually late to work over a period of years.
Volume XXVI - No. 91 1989	State College Area School District - Secretary of education upheld a teacher dismissal on the grounds of immorality, persistent negligence and violation of the school laws where she, among other allegations, gave bottles of wine to some students and, while chaperoning students at the 1988 winter Olympics in Canada, allowed students to drink wine and go into a liquor store, and drove or permitted a car to be driven in excess of 85 miles per hour.
Volume XXVI - No. 95 1989	Commonwealth Court held that mail fraud is a crime involving moral turpitude, for which a teacher could have his certification revoked by the secretary of education pursuant to 24 P.S. Sec. 1125(j). The court also held that the two-step decertification/reinstatement process constituted a rational way for the Legislature to protect children and to further the state's interest in ensuring that state certified teachers are fit to work with students.

Volume XXVII - No. 13 1990	Forest *Area* School District - Secretary of education ruled, once again, that he does not have jurisdiction to hear appeals from disciplinary suspensions.
Volume XXVII - No. 35 1990	Manheim Central School District - Commonwealth Court reversed an arbitrator's decision and held that once he found "just cause" for a teacher'■ discharge on the grounds of immorality, he lacked any authority to substitute his own punishment for that 'imposed by the district (discharge).
Volume XXVII - No. 53 1990	Bradford Area School District - Commonwealth Court held, once again, that once a school district established an employe discharge for cause, an arbitrator had no authority to change the dismissal to a suspension without pay. PSBA participated in this case as amicus curiae.
Volume XXVII - No. 66 1990	Borough of State College - Commonwealth Court held that an arbitrator properly found "just cause" in dismissing a policeman for being involved in the illegal sale of ammunition. The court concluded that the "manifestly unreasonable" test set forth in Philadelphia Housing Authority, 500 Pa. 213, 455 A.2d 625 (1983) had not been extended to the general rule that arbitration awards are not reviewable to an examination of the arbitrator's findings of fact.
Volume XXVII - No. 70 1990	Hazleton Area School District - Secretary of education upheld *a* teacher dismissal on the grounds of immorality where she pleaded guilty and was convicted of possession of cocaine.
Volume XXVII.- No. 75 1990	Pittsburgh Board of.Bducation - The Third Circuit court of Appeals held that *a* diemissed 'teacher: 1. reserved his federal claims for federal adjudication in accordance with law; 2. could not relitigate his dismissal for cause in federal court; 3. could litigate, on remand, his claim that his First Amendment rights were allegedly violated when he *was* fired for his use and advocacy of "Learnball" and criticism of school officials. He must be

	given an opportunity to establish a prima facie case that protected First Amendment activity was a substantial factor in his dismissal. If he does, the burden shifts to the defendants to show that they would have terminated him in the absence of such protected conduct.
Volume XXVII - No. 87 1990	School District of Philadelphia - Secretary of education upheld a teacher dismissal for intemperance, persistent and willful violation of the school laws and persistent negligence. He also decided several procedural issues related to the school board hearing and the appeal to the secretary.
Volume 28, No. 3, 1991	The Superior Court of Pennsylvania held that a teacher's actions of slamming a 13-year old student against the wall several times, causing bruises and swelling, was not justifiable punishment and met all of the elements for conviction of simple assault.
Volume 28, No. 20, 1991	School District of Pittsburgh - Commonwealth Court upheld the Secretary of Education's decision upholding a teacher dismissal on the grounds of immorality and persistent and willful violation of the school laws based on his carrying on a relationship with a female student and transporting her in violation of school district policy. The court upheld the admissibility of his admission and also held that a violation of the school laws includes a violation of a school district's rules and orders.
Volume 28, No. 53, 1991	Denver (CO) Public School Board - The Tenth Circuit Court of Appeals held that a terminated school employe: 1. could not use 42 U.S.C. Sec. 1983 to assert a violation of rights that were created only by Title VII; and, 2. an alleged stigma from employment termination sufficient to trigger a 'liberty interest" protection only arises where the termination results im an inability to obtain other employment where it ie alleged that the person suffered a loss of reputation and esteem in the community.

Volume 28, No. 59, 1991	West Side WITS - Commonwealth Court upheld the vo-tech school's dismissal of its data processing service manager pursuant .to Sec. 514 of the School Code, 24 P.S. Sec. 5-514. The court found that there was substantial evidence to support the discharge. The court also held that he was not entitled to back pay for the time period between his suspension and dismissal.
Volume 28, No. 64, 1991	Schuylkill intermediate Unit No. 29 - Secretary of Education reversed a teacher dismissal on the grounds of immorality. He concluded that two special education students were competent to testify but were not credible witnesses.
Volume 28, No. 85, 1991	New Hope-Solebury School District - *Secretary* of Education upheld the board's dismissal of a professional employe for incompetency, persistent negligence and willful and persistent violation of the school laws where she had a continuing relationship with a female student after being told repeatedly to cease the relationship.
Volume 29, No. 20, 1992	Best Chester Area Education Association - In a Memorandum Opinion; Commonwealth Court upheld the lower court which concluded that an arbitrator could not substitute his own punishment for that of the district where he essentially found the professional employe guilty of distributing a sheet of paper to other school employes that was demeaning to persons of the black race.
Volume 29, No. 40, 1992	Trinity Area School District - Secretary of Education upheld the dismissal of a professional employe for persistent and willful violation of the school laws as well as immorality. He was found to have violated policy requiring that invoices be handled through the business office and that booster printing be performed after school and in the evenings. He Also was found to have accepted personal payment for printing projects that he did with school district equipment for his own gain.

Volume 29, No. 79, 1992	School District of Philadelphia - Commonwealth Court reversed an arbitrator's award and held that an arbitrator exceeded his authority when he found that an employe was found guilty of improper conduct and than modified the penalty of dismissal imposed by the district, by changing it to a suspension. The court also concluded that physical and verbal sexual harassment of a student was "improper conduct" under Sec. 514 of the School Code, 24 P.S. 5-514.
Volume 30, No. 20, 1993	The U.S. District Court for the Eastern District of Pennsylvania held that a dismissed teacher received due process where he met with the administration after *each* infraction and also arbitrated the propriety of his discharge.
Volume 30, No. 24, 1993	Forest Area School District'- Commonwealth Court held that there was substantial evidence in the record to support a finding of the secretary of education that an incident between a teacher and a student did not occur. However, the court also decided that since the secretary has .de novo review, events occurring procedurally at an earlier stage of a case are irrelevant. It concluded that because of this, the secretary improperly reversed the board as.to another incident. The secretary was required, as ultimate fact-finder, to make findings of fact to determine if the record supported charges against Shoup with respect to the second incident.
Volume 30, No. 84, 1)93	Forest Area School District - On remand, the secretary of education held that a teacher's brief outburst at a student did not constitute immorality even though it may have been unprofessional.
Volume 30, No. 93, 1993	East Pennsboro Area School District - Commonwealth Court reversed the secretary of education and held that, in a tenure dismissal appeal, he must use a de novo standard of review (not an appellate standard) whether or not testimony is presented in a hearing before him. In the case at bar, testimony was presented before the secretary.

Volume 31, No. 13, 1994 '	Pennsylvania State Police - Commonwealth Court held that grievance arbitration decisions rendered in Act III contract grievance arbitrations are subject to the "essence test" scope of review. The court reversed an arbitrator's award that reduced a dismissal for "unbecoming conduct" to a 30-day suspension because it found that the decision was irrational where a trooper exposed himself in front of other troopers but not the general public and other troopers condoned the conduct.
Volume 31, No. 14, 1994	City of Philadelphia - Commonwealth Court reversed an arbitrator who had ordered a policeman to be reinstated. Where the issue presented to the arbitrator was whether the city complied with the appropriate dismissal procedure and he found that the person engaged in conduct' warranting discipline, he had no authority to modify the penalty.
Volume 31, No.15, 1994	Pennsylvania State Police - Commonwealth Court held that an arbitrator did not err in upholding part of a grievance filed by a state trooper where the issue submitted to arbitration was whether there was just cause for a suspension and/or dismissal and whether the remedy imposed was appropriate.
Volume 31, No. 89, 1994	West Chester Area School District - Secretary of education upheld a teacher dismissal on the grounds of persistent and willful violation of school laws, persistent negligence and intemperance. He also held that professional employee dismissals do not require findings of fact and that the board had discretion to grant or deny continuances. Additionally, he ruled on a lengthy list of evidentiary matters. There was detailed evidence presented to document all of the above charges.
VolUme 31, No. 98, 1994	City of Pittsburgh - The Supreme Court of Pennsylvania held that the city had to indemnify a police officer pursuant to the Political Subdivision Tort Claims Act, 42

Pa. C.S.A. *Sec.* 8548(a), 8550, for a judgment rendered against him in a civil action for assault and battery and false imprisonment. The court held that the jury verdict alone was insufficient to establish "willful misconduct" under the Tort Claims Act thus negating the duty to indemnify.

Volume 32, No. 30, 1995 — West York Area School District - Secretary of education upheld a teacher dismissal on the grounds of immorality where the teacher made suggestive comments to female students, touched them inappropriately, asked a student out for a date and other similar kinds of actions. She did, however, dismiss charges of intemperance and cruelty.

Volume 32, No. 33, 1995 — Lehigh County Community College - Where the collective bargaining agreement limits the arbitrator's authority, Commonwealth Court held that the arbitrator exceeded that authority when he found an employee "guilty" but formulated a new remedy different than that imposed by the school. He only had authority to decide if the employee was properly suspended. Once he found that, that was the end of his authority.

Volume 32, No. 50, 1995 — Wilson School District - Secretary of education would not uphold a dismissal based on immorality because she could not find evidence that the conduct violated the moral■ of the community. She also dismissed charges of cruelty for "name-calling" because it did not appear to rise to such a level. Charges of persistent negligence and persistent and willful violation of the school laws also were dismissed. The charge of immorality was based on the teacher asking a student to cash a winning lottery ticket for him.

Volume 32, No. 53, 1995 — Millville Area School District - Commonwealth Court invalidated a teacher dismissal on the basis of persistent negligence pursuant to 24 P.S. Sec. 11-1122 where the court, strangely, found that there was not a requisite continuity *of* the elements constituting the persistent negligence.

Volume 32, No. 56, 1995 — School District of the City of Monessen - Secretary of education upheld a teacher dismissal on the grounds of immorality but not on the grounds of cruelty and/or intemperance. She was terminated for making racially offensive comments to African-American students.

Volume 32, No. 61, 1995 — Pennsylvania State Police - The Supreme Court of Pennsylvanie held that appeals of grievance arbitration awards under Act 111 *of* 1968 (Police and Firemen) are to be decided by a "narrow certiorari" scope of review.

Volume 32, No. 68, 1995 — Delaware County Community College - The Third Circuit Court of Appeals held that a community college professor received appropriate due process in a pre-termination proceeding as mandated by Loudermill, 470 U.S. 532, 105 S.Ct. 1487 (1985) - i.e. he received notice, an explanation of the charges and an opportunity to respond.

Volume 32, No. 82, 1995 — Abington School District - Secretary of education upheld a teacher dismissal on the grounds of immorality where the teacher pled guilty to selling counterfeit watches and other related federal offenses. The employee argued that he was denied due process because of a delay (which has become much too common) in the handling of his appeal. However, this charge was dismissed on the basis that he did not establish any prejudice or harm.

Volume 32, No. 84, 1995 — Salisbury-Elk Lick School District - Secretary of education upheld a professional employee's dismissal on the grounds of persistent negligence and persistent and willful violation of the school laws but not intemperance or-immorality, where the teacher failed to carry out reasonable supervisory directives, behaved unprofessionally towards other teachers and "used" student■ to help make points in petty disagreements with others, among many other allegations.

Volume 32, No. 99, 1995 — East Pennsboro School District - Secretary of education upheld a teacher dismissal on the grounds of persistent and willful violation of school laws, immorality, cruelty and persistent negligence. The secretary held that he was without jurisdiction to

decide issues concerning denial of a sabbatical leave and violation of Sec. 504 of the Rehabilitation Act of 1973. The charges included allegations of use of profanity in the classroom and a demeaning attitude toward students, that he called students various names, and carried out such actions repeatedly over a period of time.

419 Volume XX - No. 39
June 22, 1983

Martinez - The U.S.'Supreme Court upheld the discharge of a public employe as not violative of the First Amendment of the U.S. Constitution. The court noted that speech of a public employe is not protected unlesis characterized as a matter of public concern. Here, the court held that when a public employe speaks not as a citizen upon matters of public concern but instead as an employe upon matters only of personal interest, absent the most unusual circumstances, a federal court is not the appropriate forum in which to review the wisdom of a personnel decision taken by a public agency allegedly in reaction to the employe's behavior.

420 Volume XVI - No. 22
March 9, 1979

The U.S. Supreme Court held that the Firit Amendment to the U.S. Constitution encompasses a teacher's private conversations with the school principal, complaining about employment policies and practices at the school. The teacher conceived the conversations to be racially discriminatory in purpose or effect. The court remanded the case to the Court of Appeals to determine whether petitioner would have been dismissed even in the absence of the protected conduct.

Volume XXI - No. 5
February 8, 1984

The Supreme Court of Pennsylvania held that a public employe could not be dismissed when speaking on a matter of public importance which did not impair the funcLion of the employing agency.

. Volume XXIV - No. 49
July 29, 1987

Board of Airport Commissioners of the City of Los Angeles - The U.S. Supreme Court held that a resolution banning all First Amendment activities at the airport violated the First Amendment and was facially unconstitutional under the First Amendment overbreadth doctrine regardless of whether the forum involved was a public or nonpublic forum.

Volume XXIV - No. 54
August 24, 1987

The U.S. Supreme Court invalidated the dismissal of a clerk in a constable's office who wa■ dismissed after making derogatory statements about President Reagan. The court concluded that the constable did not meet his burden of demonstrating a state interest justifying her discharge that outweighed her First Amendment rights, given the functions of the constable's office, her position therein, and. the nature of her statement.

Volume 28 - No. 69, 1991

Pennsylvania Fish Commission - Commonwealth Court upheld the right of a governmental agency to not grant a promotion to an employe who conceived, wrote and circulated a petition which criticized his supervisors. The court concluded this was an appropriate merit factor to consider as it was not protected speech because his petition did not relate to matters of political or public concerns.

Volume 29, No. 67, 1992

Pittsburgh Board of Public Education - The U.S. Third Circuit Court of Appeals held that a newsletter published by an employe of the school district did not relate to a matter of public concern but rather focused on employe morale, and did not implicate her free speech rights or her free association rights. The court also concluded that she did not have a property interest in a coaching position.

Volume 31, 1994

The U.S. Supreme Court held that under the Free Speech Clause of the First Amendment to the U.S. Constitution, a public employer that reasonably believed a third-party report that an employee engaged in constitutionally unprotected speech could punish that employee in reliance on that report, even if it turned out that the employee's actual remarks were constitutionally protected.

Volume 32, No. 16, 1995

Line Mountain School District - The U.S. District Court for the Middle District of Pennsylvania dismissed most of the counts brought by a teacher pursuant to 42 U.S.C. Sec. 1983, 1985 and 1986, and state law claims for intentional infliction of emo, tional distress relating to alleged free

speech conduct of the plaintiff and alleged disciplinary action and unsatisfactory rating taken by several administrators and the board against him. claims for punitive damages also were dismissed.

423 Volume XVIII - No. 57
August 12, 1981

Chambersburg Area School District - Commonwealth Court held that the school district's adoption of a smoking ban policy was an inherent managerial policy matter under Section 702 of Act 195 and therefore not a mandatory subject of bargaining.

424 Volume XXV - No. 96
December 13, 1988

Lafayette College - CoMmonwealth Court held that a college professor had a right to inspect tenure reports because they were "performance evaluations" subject to his right of inspection under the Personnel Files Act, 43 P.S. Sec. 1324. The court also held that the college could not deny access to the records on the grounds of academic freedom.

Volume XXV/ - No. 99
1989

Red Lion School District - York County Court of Common Pleas held that the school district's personnel files were not public information and were not subject to discovery. The court also held that, under the Sunshine Law, the minutes of a personnel committee meeting were not public information because the meetings were held to gather information during an investigation and were, therefore, not public meetings.

425 Volume XXVII - No. 73
1990

School District of Philadelphia - The Third Circuit Court of Appeals held that the district had not violated Title VII of the Civil Rights Act of 1964, 42 U.S.C. Sec. 2000e et seq in refusing to allow a teacher to wear religious garb to work pursuant to Section 1112 of the School Code, 24 P.S. Sec. 11-1112. The court concluded that if the board had accommodated the teacher's desire to wear such attire, it would have imposed an undue hardship on the board (because of the penalties for failure to enforce the "religious Garb" statute).

428 Volume XV - No. 26
March 30, 1978

Leechburg Area School District - Pennsylvania Supreme Court reverses Commonwealth Court order and reinstates arbitration award. The arbitrator earlier found the district erred in hiring two teachers at a salary less than that provided in the collective.bargaining agreement.

Volume XV/ - No. 70
October 22, 1979

In n divided opinion, the Supreme Court of Pennsylvania upheld a Commonwealth Court opinion that the Public School Employes' Retirement Board acted properly in recalculating the retirement benefits for several annuitants who had been receiving benefits in error. The court, however, had also found that the board may not demand reimbursement from the annuitants for the overpayments. In this case, the board had initially included out-of-state salaries in the calculations for retirement benefits which is in direct conflict with the Public School Employes' Retirement Code.

Volume XVII - No. 50
July 29, 1980

On re-argument, the Supreme Court of Pennsylvania granted relief to only 5 of 41 teachers claiming back pay based on "step of entitlement" under Act 405 (1965) and Act 96 (1968). The court noted that the Code only established minimum salaries and rejected appellants' claim that the district improperly failed to apply the Code'■ revised minimum salary formulas in calculating the district's higher local salaries.

Volume XIX - No. 38
May 4, 1982

Hirborcreek School District - Commonwealth Court upheld an arbitration award that gave a teacher credit for military service on the salary schedule. The court concluded that the arbitrator properly considered past practices in interpreting the agreement.

Volume XXII - No. 34
May 21, 1985

Juniata County School District - Commonwealth Court held that the school district was not required to apply to its local salary schedule the steps mandated in the School Code. However, the court did uphold his right to.recovar the minimum salaries mandated by the Code for the years 1965 to 1971.

Volume XXIII - No. 60 September 18, 1986	Delaware Valley School District - The PLRB upheld a hearing examiner's decision that a school district committed an unfair labor practice by awarding a salary to a new employe higher than that permitted by the collective bargaining agreement.
Volume XXVII - No. 61 1990	Centennial School District - Commonwealth Court upheld an arbitrator's decision which held that the school district had to give credit on the salary schedule to teachers for all of their years of service within the district where the teachers previously worked for the district, resigned, and were later rehired.
Volume XXVII - No. 96 1990	Greater Nanticoke School District - Commonwealth Court upheld an arbitrator's decision which denied pay to teachers for days in which they were engaged in selective strikes. The court held that the arbitrator did not err when he concluded that the selective strikes violated the status quo.
Volume 30, No. 15, 1993	Palmyra Area School District - A PLRB Bearing Examiner held that the school district did not commit an unfair labor practice by unilaterally freezing the pay of nonteacher coaches who were not in the bargaining unit.
Volume 30, No. 32, 1993	Mercer County - A PLRB Hearing Examiner held that the county committed an unfair practice when it granted greater wage increases to nonstriking employes than it did to striking employes. The wage increases for the nonstrikers were made retroactive, those for the strikers were not.
Volume 30, No. 59, 1993	Commonwealth Court held that the Fair Labor Standard■ Act, 29 U.S.C. Secs. 201 et seq., supersedes provisions under Pennsylvania law which preclude payment of wages and salaries to employes in the absence of legitimate appropriations.
Volume 30, No. 92, 1993	Austin Area School District - Commonwealth Court held that an arbitrator's award was manifestly unreasonable and reversed it where the arbitrator found that a "spreadsheet" used to determine salary schedule

	placement was not part of the collective bargaining agreement. This decision, arguably, broadens the scope of review of arbitration awards as the court looked into the reasoning of the arbitrator.
Volume 31, No. 9, 1994	Carlisle School District - The PLRB upheld a PDO that the school district committed an unfair practice by raising new issues eight months after negotiations began. It also held that the district committed an unfair practice when it unilaterally established wages for certain positions. The parties were required to maintain . wages according to the terms of the ex pired agreement until they mutually agreed in writing to change them. The hearing examiner dismissed a charge alleging that the district committed an unfair practice by placing an advertisement in the newspaper. It was found to be an exercise of free speech and not a misrepresentation of bargaining. The PDO and Final Order are included.
Volume 31, No. 37, 1994	Souderton Area School District - Commonwealth Court upheld an arbitration award that decided a salary placement issue involving a teacher hired by a school district from an,intermediate unit via the Transfer Between Entities Act. The arbitrator held that the school district must give the teacher salary schedule placement credit given by the intermediate unit for service prior to intermediate unit employment.
Volume 32, No. 35, 1995	Bethel Park School DiStrict - Commonwealth Court held that school districts hiring teachers from an intermediate unit pursuant to the "Transfer of Entities Act", 24 P.S. 11-1113, must give them salary schedule placement credit given by the intermediate unit.
429 Volume XXIV - No. 52 August 3, 1987	Carbon Lehigh Intermediate Unit - The PLRB held that the union was entitled to bargain immediately over the terms and conditions of employment for substitutes once the clarification petition to include them in a bargaining unit was granted.

432	Volume X/X - No. 85 December 7, 1982	Penncrest School District - A *final* order of the PLRB stated that the district was not required to bargain over the unilateral implementation of a "sign in - sign out" policy for its teachers.
	Volume XIII - No. 85 September 15, 1976	Delaware Valley School District - Commonwealth Court upholds dismissal of a Delaware Valley School District teacher for persistent and willful violation of school laws.
	Volume XXII - No. 88 December 18, 1985	Sayre Area School District - The PLRB reversed a hearing examiner's decision and held that the district was not required to bargain over an increase in the number of daily classroom periods. The board found the impact of the issue to be greater on the district's policy as a whole than on employe interests in wages, hours and working conditions.
	Volume XXII/ - No. 45 August 18, 1986	Unemployment Compensation Board of Review - Commonwealth Court held that where a school board delays the opening of school for reasons other than those related to negotiations, such does not constitute an alteration of the status quo and the resultant work stoppage is a strike and not a lockout.
	Volume XXVI - No. 36 1989	The U.S. Supreme Court held that the State of Illinois violated a person's First Amendment Free Exercise Clause rights by denying him unemployment compensation when he refused to work on Sunday, on the basis of a sincerely held religious belief. The court held that it did not matter whether the refusal to work was in response to a command of a particular religious sect.
	Volume XXVII - No. 9 1990	Chester-Upland School District - The Secretary of education held that an increase in a work year with an increase in compensation (but a reduction in per diem pay) did not constitute a demotion.
	Volume 30, No. 16, 1993	Crawford Central School District - Commonwealth Court reversed the county court of common pleas and held that the school district committed an unfair practice by continuing to assign more than three teaching preparations to some teachers, in violation of a grievance arbitration award.

433	Volume XXIV - No. 21 March 13, 1987	The Pennsylvania Supreme Court held that a teacher dismissed for failure to complete enough credits to maintain her certification was not entitled to unemployment compensation.
	Volume 32, No. 31, 1995	Southeastern Pennsylvania Transportation Authority - Commonwealth Court reversed the PLRB and held that it did not commit an unfair labor practice when it discontinued a tuition refund program. The court found that SEPTA continually expressed that continuation was contingent upon budget limitations and that the program was stopped before. The program did not rise to the level of a past practice and no proof existed to demonstrate a separate, enforceable condition of employment.
434	Volume XII - No., 58 July 23, 1975	Mid-Valley School District - Commonwealth Court affirms the order of the Secretary of Education crediting a Mid- Valley School District teacher with 130 days of unused accumulated sick leave as a result of a 1968 amendment to Section 1154(a) of the School Code.
	Volume XIV - No. 53 June 8, 1977	Baldwin-Whitehall School District - Commonwealth Court rules a provision of a collective bargaining agreement providing for payment to teachers of a retirement allowance computed on the basis of accumulated sick leave does not violate the School Code or Act 195.
	Volume XV - No. 82 August 15, 1978	Lackawanna County Area Vocational-Technical School - The Secretary of Education orders the school to credit a teacher with the total amount of sick leave accumulated while the teacher was employed by the Scranton School District instead of allowing the transfer of only 25 days of sick leave provided when an employe terminates employment in one school district and enter. employment in another. The Secretary finds that since the Vocational-Technical school is a "joint school" and' the Scranton School District is a participant, the teacher is entitled to transfer the ' full amount of sick leave accumulated . while employed by the district.

Volume XVIII - No. 82 December 10, 1981	Ambridge Area School District - Secretary of Education decided the following in a sick leave appeal: (1) part time employes are only entitled to prorated sick leave; (2) there is no statutory time limit for sick leave appeals; (3) an employe shall not be considered to be in regular full time attendance for purposes of computing sick leave entitlement during a sabbatical leave; and (4) school administrators' memorandums have no binding legal effect as they are not promulgated pursuant to the Commonwealth Documents ***Law.***
Volume XXII - **No.** 46 July 17, 1985	Moon Area School District - Commonwealth Court reversed the Secretary of Education's decision holding that a teacher who resigned, did not work for a full year, then went to work in another school, could not transfer sick days that she accumulated in her former district. The court also noted that "PDE memos" cannot be used to attach conditions not. found in statute.
Volume XXIV - No. 76 November 24, 1987	West Chester Area School District - Commonwealth Court upheld the reasonableness of a school district's sick leave policy and permitted the proration of sick leave for a teacher who voluntarily chose not to work after a childbearing disability ended.
Volume XXIV - No. 77 November 25, 1987	Allegheny Valley School District - Commonwealth Court upheld an arbitrator's award which rejected the district's practice of paying full salary of an employe absent due to a work-related injury, not giving sick leave days'and having the employe turn over his workers' compensation check to the district. The court appeared to suggest that the parties could have bargained for a restriction on use of sick leave during a work-related disability period. It was also noted that an employe can receive sick leave pay and workers' compensation.
Volume XXVII - No. 56 1990	The Supreme Court of PA adopted a standard for determining whether psychiatric injuries are or are not compensable injuries under the Workers' Compensation ***Law*** of PA. The court held that a claimant is required to establish that a mental illness was

	caused by abnormal working conditions in order for it to be compensable under the law, i.e. it must be proven to be other than a subjective reaction'to normal working conditions.
Volume XXVII - No. 74 1990	School District of Philadelphia - Commonwealth Court held that a special education teacher' failed to show that her psychiatric condition was caused by abnormal working conditions despite her testimony that she had been transferred'to a more stressful classroom. Her workers' compensation claim was turned down.
Volume XXVII - No 79 1990	Cumberland Valley School District - Secretary of education held that Section 1154(i) of the School Code, 24 P.S. Sec. 11-1154(a), did not entitle a teacher to transfer sick **days** from one school district to another when those days were accrued prior to the change in the statute in 1969.
Volume 31, No. 27, 1994	Riverview School District - Commonwealth Court reversed an arbitrator who held that the school district did not have just cause to dismiss two teachers who took a skip trip under 'sick leave." The court concluded "it is therefore manifestly unreasonable to conclude that the school district could have intended to bargain away its absolute responsibility to injure the integrity of its educational mission by discharging an employe who commits improper conduct."
435 Volume XI - No. 57 August 14, 1974	Pleasant Valley School District - Court of Common Pleas reverses PLRB decision to reinstate Football Assistant with back pay where decision inadequately reflected. pertinent language of Section 1001/1002 of Act 195 and legal effect of teacher's involvement as leader in 'threatened coaches strike."
Volume XII - No. 66 September 9, 1975	Leechburg Area School District - Commonwealth Court rules that Leechburg Area School District's maternity policy which applies only to married female teachers is invalid.

Volume XIV - No. 54 June 8, 1977	Upper Bucks County Area Vocational - Technical School - Commonwealth Court upholds award of the Pennsylvania Human Relations Commission and orders Upper Bucks County AVTS to pay sick leave benefits to a female employe during maternity leave.
Volume XV - No. 102 November 8, 1978	Easton Area School District - The Secretary of Education finds that the district did not err in refusing to grant a demotion hearing to a teacher. The teacher claimed a demotion in salary occurred when the school board, in accordance with school policy, denied the teacher'■ request to return from maternity leave to active teaching service during the course of a school semester. Therefore, the teacher claimed a demotion because of the salary lost between the requested date of return and the actual date of return.
Volume XVI - No. 4 February 7, 1979	The Commonwealth Court held that the school district maternity leave policy requiring a maternity leave for one calendar year, to begin on the first day of such leave, violated Section 955(a) of the Pennsylvania Human Relations Act, 43 P.S. Section 955(a), where the school district had no leave policy for other kinds of disabilities. The court also held that the Human Relations Commission did not exceed its withority by reimbursing the claimant for the cost of insurance premiums as well as in awarding of lost earnings.
Volume XVII - No. 8 February 25, 1980	Pennsylvania Supreme Court held that the school district did not sexually discriminate against a teacher by failing to grant her a discretionary leave of absence to discharge her maternal duty. The court held that her failure to return to work was without legal justification and that her dismissal by the board was for proper cause. The Supreme Court also pointed out that decisions of school boards that are based upon substantial evidence must be sustained.
Volume XXIV - No. 24 April 3, 1987	The United States Supreme Court upheld a state statute requiring employers to provide leave and reinstatement to employes disabled by pregnancy. The court held that the statute was not inconsistent with or preempted by Title VII.

Volume XXIV - No. 58 August 28, 1987	Quakertown Community School District - The Pennsylvania Human Relations Commission held, under the facts of the particular case, that it was discriminatory to deny female teachers seniority credit for the time they were on unpaid, child rearing leaven. As their case had limited applicability, it should be reviewed carefully before determining whether its application is or is not appropriate.
438 Volume XIV - No. 25 March 28, 1977	Central Dauphin School District - Commonwealth Court upholds an arbitration award and orders the Central Dauphin School District to provide the contract's package of fringe benefits to a professional employe on sabbatical leave without cost to the employe.
Volume XV - No. 129 December 26, 1978	Mifflinburg Area School District - The Secretary of'Education concludes that the district acted properly in denying to three teachers the right to accumulate sick leave day. for the time the teachers were on sabbatical leaves. The Secretary finds Section 1170 of the the School Code states that employes on, sabbatical leaves are to be considered regular full time employes only for the purposes of determining length of service and the right to receive increments.*
Volume XVII - No. 54 September 17, 1980	Commonwealth Court upheld judgment rendered against a teacher who resigned after completing a sabbatical leave. He had taught music in elementary school and a junior tigh school prior to the leave and was assigned to teach music in two elementary schools after the leave. The court held that: (1) the parties could waive the requirement to return to the same school in a collective bargaining agreement, and (2) he was offered the same position upon his return - teaching elementary students.
Volume XVII - No. 63 October 30, 1980	Commonwealth Court held that Section 1166 of the Public School Code, allowing a sabbatical leave for a half or full school term or for two half school terms during a period of two years, does not require that the two terms absence be taken consecutively. The court noted that "a period of two years' means a quantity of time,

	not two calendar years. The court also noted that the second request did not have to be made at the same time as the first. The school district filed a Petition For Allowance Of Appeal with the Pennsylvania Supreme Court on September 15, 1980.
Volume XVIII - No. 60 September 21, 1981	Forest Area School District - County Court of Common Pleas held that a Principal had no cause of action against the school district under Sections 1170 and 1152 of the Public School Code of 1949 as amended when he was not granted a pay raise after returning from a sabbatical. The court noted that the district had the discretion to increase salaries for employes beyond the Statutory minimums as a matter of policy, but it is not a vested right.
Volume XVIII - No. 83 December 15, 1981	Spring Grove School District - York County Court of Common Pleas upheld arbitration award granting accrual of sick leave, emergency leave and personal leave to a teacher while on sabbatical.
Volume XVIII - No. 88 December 21, 1981	Centennial School District - Bucks County Court of Common Pleas upheld an arbitration award which stated that the year in which a professional employe worked as a substitute teacher counted as a year of service to be credited toward sabbatical leave.
Volume XVIII - No. 95 December 29, 1981	Canon McMillan School Diattiot - PLRB ruled that school district could establish sabbatical leave regulations without negotiating where the collective bargaining agreement provided that sabbatical leave was governed by the School Code. However, it was also found that the district committed an unfair labor practice by not bargaining the definition of seniority.
Volume XIX - No. 34 April 19, 1982	School District of the Borough of Aliquippa - Commonwealth Court upheld an arbitrator's decision which concluded that the statutory savings clause in the collective bargaining agreement incorporated by reference the sabbatical leave provisions of the Public School Code.

Volume XIX - No. 59 July 29, 1982	Pennsbury School District - Commonwealth Court held that the seven years of mervice required before being eligible for a second sabbatical leave under Section 1166 of the School Code begins only when the prior leave is completed.
Volume XIX - No. 86 December 8, 1982	School District, of the City of Erie - Commonwealth Court upheld an arbitrator's decision which held that the district violated the collective bargaining agreement by unilaterally changing its eabbatical leave policy.
Volume XX - No. 71 September 14, 1983	Bristol Township School District - Commonwealth Court affirmed an arbitration award upholding the arbitrability of a grievance over the assignment of teachers returning from sabbatical leave. The arbitrator upheld the grievance where the teachers were returned to different buildings after completion of their sabbatical leaves.
Volume XXII - No. 24 March 28, 1985	North Hills School District - Commonwealth Court upheld the right of a school district to collect benefits paid to an employe who did not return from sabbatical leave. The 'benefits* included the one-half, salary paid, school district retirement contributions, and the school district premium costs for fringe benefits.
Volume XXII - No. 33 May 20, 1985	State College Area School District - Centre County Court of Common Pleas upheld a school board decision denying a sabbatical leave for a half term because the teacher would only return to work for latif term following the sabbatical. The court concluded that an employe must return to work for a full school term.
Volume XXII - No. 47 July 18, 1985	Western Beaver County School District - Commonwealth Court held that the salary due a teacher on sabbatical vested at the time of application for the sabbatical and was not the salary received at the time of litigation to obtain the sabbatical.
Volume XXII - No. 68 . December 5, 1985	Eastern York School District - Commonwealth Court held that a teacher on sabbatical leave can use,paideick leave which has already accrued. The court did take note that Section 1154(a) of the

	School Code can be used'by a school district to prevent an abuse of sick leave, by requiring certification of an employe's illness from a health practitioner. However, the court also held that sick leave does not accrue during a sabbatical leave.
Volume XXII - No. 71 December 6, 1985	Bristol Township School District - The Supreme Court of Pennsylvania upheld a Commonwealth Court decision and held that granting a sabbatical leave is mandatory once a professional employe qualifies and requests such leave. If the teacher is scheduled to be suspended, the suspension becomes effective at the end of the sabbatical leave.
Volume XXIII - No. 98 December 22, 1986	School District of Philadelphia - Commonwealth Court reversed the secretary of education and held that a program coordinator, reassigned upon return from a sabbatical leave, was not a "professional employe' for purposes of alleging a demotion pursuant to Sec.. 1151 P.S. 11-1151, of the School Code. The court also held that she was not entitled to back pay, since the school board's delay in deciding the case (four years) did not prejudice her rights.
Volume XXV - No. 35 May 10, 1988	Scranton School District - Commonwealth Court held that a teacher who worked as a permanent substitute teacher, working the full school year for regular teachers who had taken leaves of absence, could count those years toward the yeari for sabbatical eligibility because they' constituted years of service as a "professional employe or member of the supervisory, instructional or administrative staff" of the district.
Volume XXVI - No. 50 1989	Richland School District - Commonwealth Court held the school district could be liable for the union's attorney fees pursuant to 42 Pa. C.S.A. Sec. 2503(7) where it vexatiously disobeyed a trial court's order (by denying split sabbatical leaves after the county court upheld a PLRB decision finding an unfair practice for refusing other split sabbatical leaves) even though late compliance prevented the court from making a finding of contempt. However, the court concluded the appeal was not "frivolous" and did not warrant an award for attorney fees.

Volume XXVI - No. 55 1989	Bald Eagle Area School District - County court of common pleas held that a teacher returning from sabbatical leave, pursuant to Section 1168 of the School Code, 24 P.S. 11-1168, is entitled to return to the same "position" which encomp.... the same courses as well as grade level of students. Here, the court found the "predominant focus" of the teacher's assignment was upper level courses, and not the ones she was returned to. This decision was not appealed.
Volume XXVII - No. 5 1990	Reynolds School District - The Mercer County Court of Common Pleas held that teachers were not entitled to sabbatical leaves of absence when they requested the sabbaticals after they were on suspension status. The court noted that it would not be logical for one to assume that the Legislature intended that a suspended teacher could ask for a sabbatical leave at any time after he or she was suspended.
Volume XXVII - No. 23 1990	York County Area Vocational Technical School - Commonwealth Court upheld an arbitrator's award that the school violated existing practice under the labor contract by unilaterally changing its sabbatical leave policy to prohibit split sabbatical leaves for travel.
Volume 28, No. 99, 1991	Mifflin County School District - The PLRB, in what appears to be a new pattern, reversed the hearing examiner and concluded 'Ol: he erred in saying, application of the fithte College test meant that the school diatrict was not required to bargain over the requiring of specific notice for sabbatical leaves commencing on or about September first of the following school year. The hearing examiner had held that the district was required to bargain over the . requests for split sabbaticals to begin at midyear.
Volume 29, No. 8, 1992	Lehigh County Vocational-Technical School - The Lehigh County Court of Common Pleas held that the school could recover from an employe who did not return from sabbitical leave all benefits the employe was entitled to, including those benefits provided by a collective bargaining agreement such as tuition reimbursement. The defendant was a sheet metal teacher at the school.

His position was eliminated and he took a sabbatical leave. He was offered an industrial arts position because he had such certification. He did not take the position. The court concluded that this was a return to the "same position", per section 1168 - he was a teacher at the same school still teaching high school students.

Volume 29, No. 48, 1992 — East Pennsboro Area School District - Commonwealth Court upheld a county court decision that reversed an arbitrator's decision which had held that a teacher, who had been terminated, was entitled to take a sabbatical leave. The court concluded that the award did not draw its essence from the terms of the agreement.

Volume 30, No. 36, 1993 — Bellwood-Antis School District - A PLRB hearing examiner held that while the school district may have been motivated in part by anti-union animus, it was justified in not allowing the union president to coach wrestling during a sabbatical leave. The union president had led a strike, sought a sabbatical leave and wanted to coach while on leave. The district allowed the sabbatical but not the coaching. The hearing examiner dismissed the charges because he found that, even in the absence of protected activity, he would not have been allowed to coach because of his medical excuse which indicated he found himself wanting to vent his frustrations on students and that it was believed his stress could be alleviated during a sabbatical.

Volume 31, No. 95, 1994 — Clarion-Limestone School District - Commonwealth Court held that the school district committed an unfair labor practice when it prevented an employe from taking a split-sabbatical leave for travel pursuant to 24 P.S. Sec. 11-1106. The school district had allowed employee to take the sabbatical in one year or to split it.

439 Volume XVIII - No. 15 March 11, 1981 — Tussey Mountain School District - Commonwealth Court upheld a decision of the Secretary of Education which held that a professional employe on leave of absence from one district and who served in another district during that leave was not entitled to tenure at the second district.

Volume XXVII - No. 67 1990 — Pittsburgh Board of Education - The U.S. Third Circuit Court of Appeals held that a provision in a collective bargaining agreement allowing only female teachers one year's leave without pay for child-rearing violated Title VII of the Civil Rights Act of 1964, 42 U.S.C. Sec. 2000e to 2000e-17. .

446 Volume 30, No. 2, 1993 — Woodland Hills School District - The Allegheny County Court of Common Pleas upheld a PLRB decision that. the school district committed an unfair labor practice by unilaterally implementing a panel of physician■ for employes to use in a workmen.' compensation situation, pursuant to Section 306(f) of the Workmen's Compensation Act, 77 P.S. Sec. 531(1). This section requires that, where a panel is in effect, employes choose a doctor from the panel during the first 14 days after an injury in order to be compensated for medical expenses.

Volume 30, No. 44, 1993 — Commonwealth. Court held that an employe has met the "work and earn wages" requirement for unemployment compensation purposes, pursuant to 43 P.S. Sec. 753(w)(2), where she was ordered reinstated by an arbitrator, received some back pay and was later..suspended without pay pending arbitration of a dismissal. It was found that she was available for work but the district made the choice of not assigning work to her.

Volume 31, No. 90, 1994 — Commonwealth Court held that a teacher was not entitled to workers' compensation because his mental illness did not result from abnormal conditions at work, but rather due to his subjective reaction to a reprimand appropriately given because of his unsatisfactory actions.

448 Volume 30, No. 66, 1993 — Southeast Delco School District - In an action against the school district and school officials under 42 U.S.C. Sec. 1983, based on allegations of sexual abuse of students by school employee, the U.S. District Court for the Eastern District of Pennsylvania refused to grant summary judgment for all but one of the defendants. He refused to dismiss a count alleging that one of the employe's conduct amounted to a custom, practice or policy

of deliberate indifference to his actions and plaintiff's constitutional rights. In a significant decision, the court held that the district has an affirmative duty to protect students from the district's own teachers. The court also refused to grant summary judgment on the claims for qualified immunity. (This decision should be read in conjunction with Vol. 30, No. 67, 1993).

Volume 30, No. 67, 1993 — Southeast Delco School District - The U.S. District Court for the Eastern District of Pennsylvania refused to dismiss another action against the district and some of its employes, brought pursuant to 42 U.S.C. Sec. 1983. The court *allowed* the counts, alleging that the district had a policy, custom or practice of condoning a teacher's sexual abuse of a student, to survive; and, also reiterated that the district had an affirmative duty to protect students from teachers. Additionally, the court would not grant summary judgment on the qualified immunity defense. However, the court would not allow school district liability for out-of-school conduct that occurred in the summer while plaintiff worked for the teacher.

Volume 32, No. 30, 1995 — West York Area School District - Secretary of education upheld a teacher dismissal on the grounds of immorality where the teacher made suggestive comments to female students, touched them inappropriately, asked a student out for a date and other similar kinds of actions. She did, however, dismiss charges of intemperance and cruelty.

volume 32, No. 51, 1995 — Methacton School District - The U.S. District Court for the Eastern District of Pennsylvania held that an alleged cover-up by school officials of alleged sexual abuse by a teacher in his prior school district of employment could be seen as a policy, custom or procedure showing a deliberate indifference to a child sexually abused by the teacher in the subsequent district of employment - despite a 14-year span between events. The court also held that plaintiffs did not plead facts to show abuse of the duty to protect her under the state-created danger doctrine; the Tort Claims Act did not bar the suit against individual district defendants;

and the individual school district defendants did not meet their burden of showing, that they were entitled to qualified immunity. (No mention was made of the statute of limitations problems.)

Volume 32, No. 94, 1995 — The U.S. District Court for the Eastern District of Pennsylvania held that plaintiff's action alleging a hostile work environment based on name-sex sexual harassment was actionable under Title VII of the Civil Rights Act of 1464, 42 U.S.C. See. 2000(e) et seq., and the Pennsylvania Human Relations Act, 43 P.S. Sec. 951 et seq.

449 Volume XXVI - No. 66 1989 — Commonwealth Court held that an employe was limited to purchasing 12 years of out-of-state service even though she relied on statements of the board'■ employes who told her she could purchase 15 years. She argued that the board should be estopped from denying the credit because of the staff statement. However, the court held that error, by administrative agencies cannot change the terms of a statute enacted by the General Assembly.

Volume 32, No. 45, 1995 — Public School Employes' Retirement System - Commonwealth Court agreed with PSHA's argument and held that professional employees who worked less than a full year due to a strike could not receive a full year's service credit for retirement purposes. The court found the PSERS regulation allowing full credit for service of a full-time salaried employee to be given, if the employee worked more than 1,100 hours in a year, to be in violation of the statute which did not allow for this interpretation. Service for full-time salaried employees is to be pro-rated based on the year where less than a full year is worked and full contributions are not made.

451 Volume 28, No. 7, 1991 — A PLRH hearing examiner *held* that the adoption of a drug-testing policy is a mandatory subject for bargaining in the absence of evidence that the employer is experiencing drug abuse problems among its employes. The hearing examiner also concluded that the Drug-Free Workplace Act did not entitle the employer to avoid its duty to bargain.

504	Volume XVIII - No. 6 February 3, 1981	Pennsylvania Superior Court held that Article 1, Section 1 of the Pennsylvania Constitution is violated by a public employer unless it can show that the prior conviction of an appellant for public employment is reasonably related to his fitness to perform a job or to some other legitimate governmental objective.
	Volume 28, No. 78, 1991	The Supreme Court of Pennsylvania reversed the Commonwealth Court and held that a member of a water authority voted to hire his son as one of several summer employes of the authority at speCified hourly rates. His vote was not necessary to establish a quorum nor was it determinative On the question of who would be hired. The Court noted that the "Commission's conception of a violation of the public trust has made a mockery" of the Legislature'i grave concerns for conduct of public officials that undermines the public's faith and confidence in their government.
505	Volume 29, No. 70, 1992	Fort Cherry School District - U.S. District Court for the Western District held that: a) a substitute cook had no entitlement to a job that would implicate a due process claim; b) she could assert a claim of deprivation of liberty without having a corresponding property interest; c) the superintendent's expression of opinion toward her at a public meeting could be actionable; d) the superintendent was not absolutely privileged from defamation liability.
	Volume 31, No. 18, 1994	Albert Gallatin School District - Commonwealth Court held that a per diem substitute custodian was not entitled to unemployment benefits during the summer even though he was already receiving benefits which were based on part-time earnings, as he had reasonable assurance of re-employment as a per diem substitute employee.
509	Volume XIII - No. 99 September 24, 1976	Baldwin-Whitehall School District - Pennsylvania Labor Relations Board rules the district does not have to bargain the transfer of an employe since the transfer of an employe is not a mandatory subject Of bargaining.

Volume XV - No. 52 July 9, 1978	Central Susquehanna Intermediate Unit - Commonwealth Court upholds the dismissal of the teacher tenure appeal of an employe dismissed by the IU. The court'finds the employe, who held the titles of Coordinator.of Nonpublic School Services and Director of Adult Basic Education, did not spend at least 50% of her time in direct educational activities and therefore was not a professional employe.
Volume XV - No. 104 November 16, 1978	Pittsburgh School District - The Commonwealth Court finds the district properly dismissed a nonprofessional employe for economic reasons. The court concludes, "For reasons fully discussed in that opinion (Sergi vs School District of Pittsburgh), nonprofessional employes dismissed for budgetary reasons are not entitled to a hearing under either the Public School Code of 1949 or the Local Agency Law."
Volume XV.- No. 116' December 5, 1978	Mars Area School District - The Pennsylvania Supreme Court finds the district committed an unfair labor practice by dismissing the district's teacher aides and replacing them with unpaid volunteers without having bargained over the matter. The court further ordered the district to rehire the teacher aides. The district had admitted taking the action, .but had 'taken the position-that the action was lawful because it was done for economic reasons and was a matter of inherent managerial policy.
Volume XVII - No. 9 February 26, 1980	Commonwealth Court remanded the case to the school board to hold a hearing to determine whether the employe was a professional employe and whether he held any rights to relief. The court noted that personnel disputes require two inquiries: one to determine whether the employe is a professional or a nonprofessional employe, and one to determine whether the termination of employment is a suspension or a discharge. The court restated the proposition that nonprofessional employes dismissed for budgetary reasons are not entitled to hearings.

	Volume XX - No. 12 February 21, 1983	Cornell - The PLRB held that the district must bargain with a union prior to transferring bargaining unit work to non-unit employes. However, where the employer completely eliminated a service, there was no duty to bargain over the decision to eliminate such services. The impact of such a decision is bargainable. Finally, the district was not required to bargain over layoffs where the work of laid-off employes was transferred to unit members but was required to bargain the effects of the layoffs on the working conditions of the remaining employes.
	Volume XXIII - No. 87 December 8, 1986	Mars Area School District - Secretary *of* education held that a director of supportive services was not a professional employe. As a result the secretary had no jurisdiction to hear the employe's appeal.
	Volume 29, No. 54, 1992	School District of Bristol Township - Commonwealth Court held that an employe "termination" where he lost a job to another employe via a grievance procedure, should be remanded for the purpose of allowing him to join the other employe as an indispensable party.
511	Volume XX - No. 22 March 21, 1983	Stroudsburg School District - County Court of Common Pleas held that a part-time school bus driver is entitled to a hearing upon demand when dismissed for reasons other than economic, pursuant to Section 514 of the School Code. The Court also held that a de novo hearing is not always required of the courts where an original hearing was not transcribed.
	Volume XXI - No. 24 May 18, 1984	South Allegheny School District - Commonwealth Court held that where the school board could not establish that the Manager of Food Services was suspended pursuant to Section 1124 of the School Code, she should be reinstated with back pay for the period of her improper suspension. The question of professional status was not an issue in this case.
	Volume XXII - No. 75 December 10, 1985	Commonwealth Court upheld a dismissal of a custodian pursuant to Section 514 of the School Code for making harassing telephone calls. The court held that this fit the term "improper conduct" listed in Section 514.

515	Volume XIX - No. 33 April 15, 1982	Port Authority of Allegheny County - Commonwealth Court held that an arbitration board exceeded its authority in ordering a disqualified bus driver to be reinstated. The grievance clause in the contract only included being suspended and discharged and not disqualified. The court also held that the interpretation of a managerial policy, specifically reserved by the employer'and not made a part of the collective bargaining agreement, is not rationally derived from the agreement.
	Volume XXIII - No. 62 October 14, 1986	Commonwealth Court upheld the recall of a school bus driver's license based on assumed cardiovascular di....
517	Volume XV - No. 22 March 23, 1978	Wattsburg School District - Commonwealth Court rules the district did not abuse its discretion in dismissing a school bus driver, even though the employe had a safe driving record as a bus driver. The court concludes school district findings, that the employe was involved in two off-duty accidents and had received a speeding violation citation, were sufficient reasons for dismissal.
	Volume XVII - No. 83 December 19, 1980	Commonwealth Court reversed dismissal of a nonprofessional employe by the school district. The court noted that the dismissal provision in Section 514 of the Public School Code is mandatory and failure of the school board to comply with it nullifies the board's action. The court had found that a principal's letter to the employe notifying him of his suspension and a recommendation of dismissal to the board did not constitute notice of school board's action.
	Volume XX - No. 29 March 29, 1983	Philadelphia Housing Authority - The Supreme Court of PA reversed an arbitrator's award which reinstated a security guard who was dismissed for defrauding an elderly housing tenant. The Court noted that while such awards will be upheld if the arbitrator's interpretation of the agreement is reasonable, it could not be upheld here because it was manifestly unreasonable to conclude that the Housing Authority could bargain away its absolute responsibility to discharge a security officer. for such conduct.

Volume XXIII - No. 8 March 3, 1986	School District of Philadelphia - Commonwealth Court upheld the dismissal of a custodian for possession of a controlled substance, pursuant to Sec. 514 of the School Code, 24 P.S. 5-514. The court held that it did not matter whether the improper conduct took place on or off school property or whether affected job performance.
Volume XXIII - No. 19 May 15, 1986	Chester Upland School District - Commonwealth Court held, in an employe dismissal case, that evidence illegally seized in a criminal proceeding could be admissible in an employe dismissal proceeding before a public body.
Volume XXV - No. 38 May 13, 1988	Abington School District - In its final order, the PLRB upheld a hearing examiner's decision which upheld some disciplinary work rules unilaterally adopted by the school district but also held that the district violated its duty to bargain in good faith concerning the unilateral adoption of other work rules.
Volume XXV - No. 56 August 2, 1988	Lebanon School District - The Third Circuit of Appeals affirmed a federal district court decision upholding an employe's dismissal when the school board did not continue his dismissal proceeding pending the outcome of criminal charges. The court noted that he was not entitled to an offer of immunity for testifying as the school district did not compel any testimony by him and his Fifth Amendment privileges were not implicated.
Volume XXV - No. 76 November 15, 1988	Commonwealth of PA, Dept. of Transportation - Commonwealth Court held that the PLRB committed error in concluding that the commonwealth violated its duty to bargain in good faith when it unilaterally implemented revisions in work rules, without reviewing the revisions individually to determine whether any change was a management prerogative, over which the commonwealth was not required to bargain.
Volume XXVI - No. 11	Charleroi Area School District - Commonwealth Court held that a collective bargaining agreement and Act 195 did not give an employe a property interest in his job and he, therefore, did not have a right to

	a predetermination hearing prior to his dismissal. (The board had offered him the right to a local agency hearing but he demanded a hearing too late.)
Volume XXVI - No. 88 1989	Garnet Valley School District - Commonwealth Court reversed an arbitrator's decision and held that the parties negotiated that the dismissal of a bus driver was subject to a hearing before the school board and not an arbitration proceeding. The court held that, because the parties bargained that a dismissal was not arbitrable, the award did not draw its essence from the agreement.
Volume 28, No. 26, 1991	McKeesport Area School District - Commonwealth Court held.that an arbitrator acted properly when he changed a discharge to a suspension because the contract did not define just cause for discipline and it was within his authority to interpret the provision.
Volume 32, No. 6, 1995	Tioga County - Commonwealth Court held that an action brought under the Whistleblower Law, 43 P.S. Sections 1421-1428, must be brought within 180 days after the occurrence of the alleged violation. The court reiterated that public employees are employees at will unless a statute or contract establishes otherwise. Further, the public policy exception to at-will employment "recognize■ a cause of action for wrongful discharge if the employee has been retaliated against for conduct actually required by law or refusing to participate in conduct actually prohibited by law."
Volume 32, No. 10, 1995	Upper St. Clair School District - Commonwealth Court held that an arbitration had authority under the agreement to decide whether a bus driver's actions constituted misconduct or mere negligence. Where he found that a dismissal for willful misconduct was not supported by just cause and the agreement did not prohibit him from modifying the penalty, he could reduce the penalty to a 90-day suspension.

	Volume 32, No. 80, 1995	Norristown Area School District - Commonwealth Court upheld an arbitrator's dismissal of an employee where the arbitrator relied on a contractual provision expressly stating that the alleged misconduct was a basis for dismissal. In such a case, the court noted, extraneous considerations (such as mitigating circumstances) were irrelevant.
528	Volume XI// - No. 116 November 9, 1976	Attorney General Opinion (Minimum Wage Act of 1968 Applicability of Pennsylvania Public Employee) Attorney General issues opinion excluding employes of the state and it■ political subdivisions from the Pennsylvania Minimum Wage Act of 1968.
	Volume 31, No. 70, 1994	The Third Circuit Court of Appeals reversed a federal district court and upheld, for the most part, the application of the Prevailing Wage Act, 43 P.S. Sec. 165-1, at seq., to public construction projects. The district court (whose decision was reprinted in School Law Information Exchange, Vol. 30, No. 71 (1993)) had held that the act violated ERISA.
530	Volume XXIII - No. 22 June 5, 1986	Borough of Schuylkill Haven - Commonwealth Court upheld an arbitrator's award concerning the borough'■ past practice of paying overtime for weekend work. The court applied past practice in this case under the past practice standard of application where there was an enforceable condition of employment provable by extrinsic evidence which could not be derived from the express terms of the agreement.
	Volume XXIV - No. 15 February 26, 1987	FLSA Regulations - The U.S. Department of Labor issued its final regulations applying the Fair Labor Standards Act Minimum Wage and Overtime provisions to state and local government employee. The regulations implement the 1985 amendments and became effective Feb. 17, 1987.
548	Volume 30, No. 12, 1993	Indiana Area School District - The Third Circuit Court of Appeals held that a bus contractor and its employe, who was accused of sexually molesting several students, were not 'state actors', and therefore, were not subject to liability pursuant to 42 U.S.C. Sec. 1983. The court also held that the superintendent was not

		deliberately indifferent to the allegations and he was found not subject to liability either. The court also concluded that no 'special relationship" existed which would place an affirmative duty on the superintendent to protect the students from acts of private violence.
	Volume 30, No. 89, 1993	The United States Supreme Court held that, in a sexual harassment lawsuit pursuant to Title VII of the Civil Right■ Act of 1964, conduct need not seriously affect an employe's psychological well-being to be actionable. Rather, so long as the environment would reasonably be perceived, and is perceived, as hostile or abusive, there is no need for it to also be psychologically injurious. All of the circumstances must be looked at to determine whether an environment is "hostile" or "abusive".
551	Volume 28 - No. 41, 1991	The Cambria County Court of Common Pleas upheld a Final Order of the PLRB that the authority's drug and alcohol policy for bus drivers and maintenance employes was not a mandatory subject for bargaining. However, the authority was required to bargain over aspects of the implementation of the policy.
	Volume 28, No. 94, 1991	School District of Philadelphia - A U.S. District Court held that the school district had "reasonable suspicion" to require a school bus driver to submit to urinalysis drug testing where a student's mother told district officials that the bus had been late and she smelled marijuana when the bus doors were opened. The court also held that the two-year statute of limitations on civil rights actions accrued when he resigned and not when he was suspended for refusing to be tested.
	Volume 29, No. 43, 1992	Southeastern Pennsylvania Transportation Authority - The U.S. Third Circuit Court of Appeals held that SEPTA was not entitled to 11th Amendment immunity. It also held that SEPTA'■ drug testing of the appellant without reasonable suspicion of use was unconstitutional. The court found that this maintenance custodian position was not one that posed a risk to others and, therefore, was not excepted under current constitutional standards. The

court also held that the union's settlement of his agreement by agreeing that he would submit to drug testing operated to cut off his right to damages after the date of settlement, in the absence of a showing that the union breached its duty of fair representation. It was also held that settlement of the grievance did not preclude a constitutional challenge under res judicata or collateral estoppel.

Volume 30, No. 25, 1993

Mifflin County School District - Commonwealth Court upheld the dismissal of a custodian pursuant to 24 P.S. Sec. 5-514 for "improper conduct" based on allegations that he attempted to arrange a drug purchase on school property, that he had done so in the past, and that he casually used marijuana. The district had a policy providing for termination for conviction of drug-related crimes. However, that policy was not to the exclusion of Section 514.

604 Volume XIX - No. 11
February 25, 1982

Shaler Area School District - Commonwealth Court denied an injunction where parents of school-age children sought an order to set aside and declare invalid the school budget which made no provision for the retention of five principal's aides. The Court noted that there was no allegation that the board violated any statute, acted capriciously.or in bad faith, was not properly motivated by budgeting concerns or that conditions which prompted the hiring of the aides would recur in their absence.

605 Volume X - No. 26
April 17, 1973

San Antonio Independent School District - U.S. Supreme Court ruled there is no Constitutional right to education, and left intact the local property tax system as a means of financing school systems.

Volume XI - No. 49
August 7, 1974

Avon Grove School District - Chester County Court of Common Pleas held that the school district is not required to use state aid subsidy of $187,000.00 to reduce the tax millage.

Volume XIII - No. 24
April 20, 1976

Coatesville Area School District - Commonwealth Court upholds the decision of the Chester County Court declaring the occupation tax levied by the district Constitutional and granting Motions For Summary Judgment allowing the district to use its powers to collect delinquent occupation taxes.

Volume XV - No. 87
September 14, 1978

Wilson School Dimitrict - The Commonwealth Court upholds the validity of a mercantile tax imponed by the school district as authorized by the Local Tax Enabling Act. In upholding the Constitutionality of the tax, the court agrees with the Berke County Court adjudication and concludes that the tax meets both the equal protection and uniformity requirements of the Constitution.

Volume XV - No. 112
November 30, 1978

Cedarbrook Realty, Inc. et al - Commonwealth Court finds the sequestration provisions of the Local Tax Collection Law have not been implied as repealed by the Real Estate Tax Sale Law. The court concludes that the two laws are not irreconcilable because they clearly provide two procedures for sequestration of rents in the collection of delinquent taxes. In a Constitutional issue, the court concludes the sequestration procedures of the Local Tax Collection Law do not violate the taxpayer's due process rights because notice and a hearing prior to seizure of the taxpayer's property is not required.

Volume XV - No. 103
November 14, 1978

State Tax Equalization Board (STEB) - The Commonwealth Court finds that no information obtained from the State Tax Equalization Board may be used in a local real property tax assessment appeal, including .....nt data submitted to STEB by the County.

Volume XVI - No. 39
May 10, 1979

The Commonwealth Court held that a non-profit corporation (school) operating residential and day treatment facilities for emotionally disturbed and mentally retarded children and young adults is not a purely public charity subject to a property tax exemption under the Constitution of PA and the General County Assessment Law.

Volume XVI - No. 95 December 24, 1979	Mifflin County Court of Common Pleas sustained Demurrer of school district to a complaint challenging the school district's levying of an occupation tax. The court found, inter alia, that the tax was not invalid because of certain exemptions granted by the school district nor because certain occupations were assessed at "0". The court held the tax to be Constitutional and not arbitrary, capricious or lacking in uniformity.
Volume XVI - No. 97 December 24, 1979	Commonwealth Court affirmed a lower court decision that held that the school district's occupation tax was unconstitutional. The school district lies in two different counties, the occupation tax assessments on like occupations differ, and the tax, therefore, lacked uniformity. The court, however, held that a refund would not be ordered because it was not authorized pursuant to Section 6 of the Local Tax Enabling Act, 53 P.S.A. Sec. 6901, et seq.
Volume XVI - No. 102 December 27, 1979	Luzerne County Court of Common Pleas dismissed suit brought by taxpayers challenging the enactment of a 20-mill increase in property taxes by the district. The court held that the complaint failed to state a cause of action, noting that judicial interference is not warranted unless fraud, official misconduct, bad faith on the part of school directors, or an abuse of official discretion is averred or found.
Volume XIX - No. 64 August 12, 1982	Moon Area School District - Supreme Court of PA upheld the Constitutionality and validity of a parking tax enacted by the district pursuant to the Local Tax Enabling Act, Act 51 of 1965, 53 P.S.A. Sec. 6901, at seq.
Volume XVII - No. 58 October 27, 1980	Commonwealth Court dismissed an appeal in an equity action brought to challenge the validity of the school district's levy of an occupation tax which included persons who have no income-producing employment. The court dismissed the appeal, sua sponte, because the appellants failed to allege that a statutory remedy was unavailable or inadequate or that irreparable harm would result from pursuit of the statutory route.

Volume XVIII - No. 42 June 30, 1981	Conestoga Valley School District - Lancaster County Court of Common Pleas upheld the legality of the amusement tax imposed by the district. Defendants had challenged the legality of the tax, its Constitutionality, due process and various other defenses.
Volume XIX - No. 18 March 29, 1982	The Supreme Court of the United States held that the Principle of Comity bars taxpayers' damages actions brought in federal courts under 420 S.C. Sec. 1983 to redress allegedly unconstitutional administration of a state tax system.
Volume XIX - No. 28 April 2, 1982	Pennsylvania Supreme Court upheld Common Pleas Court's method of calculating the taxing district's "common level" ratio of assessments to fair market value.
Volume XIX - No. 29 April 2, 1982	South Whitehall Township - PA Supreme Court upheld the use of raw sales data submitted to the State Tax Equalization Board as a factor which can be used in the determination of fair market values, for assessment purposes.
Volume XX - No. 4 January 13, 1983	Marple Newtown School District - The Supreme Court of PA held that a residential retirement community which offers no services to residents beyond those which residents demonstrate an ability to afford, was not eligible for tax-exempt status. The Court reached the same conclusion with respect to the "medical center" and some undeveloped land.
Volume XX - No. 65 August 16, 1983	Lower Dauphin School District - Commonwealth Court held that homemakers and retired persons are not subject to an occupation tax because they have no taxable occupation.
Volume XX - No. 97 December 27, 1983	North Pocono School District - Commonwealth Court held that the taxpayers were not entitled to a Writ of Mandamus to have real estate taxes refunded when they failed to use the statutory remedies for such relief. The statutory remedies for refunds are found at 72 P.S. Sec. 5566b and 5566c.

Volume XXII - No. 30 April 9, 1985	U.S. District Court held that adequate state tax challenge procedures existed such that plaintiff is precluded from filing a federal suit challenging the constitutionality of the procedures used to collect the earned income tax.
Volume XXII - No. 59 October 14, 1985	Southern Fulton School District - Commonwealth Court held that a school district must re-enact its occupation tax whenever it effects any change in the rate, including a rate reduction, pursuant to the Local Tax Enabling Act, 53 P.S. Section 6904. Such re-enactment must also involve proper notice. Ultimately, the court held that the original rate was still in effect, but only compelled appellant to pay at the same rate as other taxpayers.
Volume XXII - No. 83 December 16, 1985	Council Rock School District - Commonwealth Court held that a nonprofit organization which built and operated a housing complex for elderly and handicapped persons was not a "purely public charity" so as to qualify for a tax exemption under a residential construction tax.
Volume XXII - No. 86 December 17, 1985	Commonwealth Court held that a reassesment plan covering 90% of county property was a county-wide reassessment such that a tax levy could not be based on the reassessment until it was completed for the entire county.
Volume XXIII - No 21 May 19, 1986	Monroe County Board of A.... ment - Commonwealth Court held that a reassessment, going beyond the mere correction of a clerical or mathematical correction, was improper. Reassessing this one home while others were still .....d using an older rate constituted a selective reassessment in violation of 72 P.S. Sec. 5453.602a.
Volume XXIII - No. 26 June 10, 1986	Commonwealth Court held that the levy of an occupation tax on an attorney who was a resident of the district but who did not practice his occupation within the district (he practiced in New York State) did not violate due process of law.
Volume XXIII - No. 27 June 11, 1986	West Branch Area School District - Commonwealth Court held that the fact that a school district had a surplus of funds did not mean that such a surplus could support

	a claim that the taxes levied were excessive or unreasonable. Appellants had alleged that the district could.not levy additional taxes because of an alleged excessive surplus.
Volume XXIII - No. 30 June 18, 1986	Commonwealth Court held that the use of back trending by a county board of ..... went appeals in determining a uniform assessment ratio was invalid absent showing that all property appreciated at a uniform rate.
Volume XXIV - No. 5 January 19, 1987	The Supreme Court of Pennsylvania invalidated a city business privilege tax on a beer distributor under the doctrine of preemption. The court held that the pervasive state regulation over the alcoholicbeverage industry "preempted the field" to the exclusion of all interference from subordinate legislative bodies.
Volume XXV - No. S2 July 29, 1988	Carbon County Bd. of A.....nt and Revision of Taxes - The Supreme Court of PA' held that the county could not levy an occupational tax, pursuant to 72 Pa. C.S. 5453.101 et seq, against a clergyman because it would violate his First Amendment rights.
Volume XXVI - No. 12 1990	The U.S. Supreme Court held that a practice of taxing recently purchased property on the basis of its recent purchase price when other properties were assessed based on their previous assessments with minor modification violated the taxpayers' rights under the Equal Protection Clause of the U.S. Constitution. The court held that the state could not restrict such a taxpayer.' remedy to the seeking of higher .....nts for undervalued property.
Volume XXVI - No. 27 1989	Pleasant Valley School District - Commonwealth Court dismissed the appeal of a challenge to a school district building program which the taxpayers filed with the Department of Community Affairs. The court decided several issue■ pertaining. to the procedure by and before the administrative agency.
Volume XXVI - No. 40 1989	Commonwealth Court held that an act which began as a bill dealing with payment by farmers of estimated taxes and ended up as a provision applying the Installment Sales

	Act to consumer goods leases violated a state constitutional provision against amending a bill in its passage through either house •o as to change its original purpose, and the constitutional requirement of submission to committee and consideration on three different dates in each house as the subject matter of the statute in its final form was not germane to its original purpose.
Volume XXVI - No. 98 1989	Tulpehocken Area School District - Commonwealth Court held that a school board could appeal a property assessment appeal to the Commonwealth Court even though the district did not intervene before the Court of Common Pleas.
Volume XXVI - No. 100 1989	Borough of West Chester - Commonwealth Court held that the provisions of the Tax Reform Act found in Sec. 533 which stated that political subdivisions could not levy a mercantile or business privilege tax on gross receipts survived the defeat of the referendum on local tax reform. The net effect of the referendum on local tax reform. The net effect of the decision is that such new taxes cannot be levied after Nov. 30, 1988, and the taxes in effect on that date cannot be increased.
Volume XXVII - No. 3 1990	City of Harrisburg - Commonwealth Court held that the Real Estate Licensing and Registration Act did not preempt the real estate field, thus, the city could impose a business privilege and mercantile on real estate operators.
Volume XXVII - No. 32 1990	West Greene School District - Commonwealth Court in a broad-ranging decision, held that: (1) a district's duties with respect to proper calculation of tax ratios did not include determining market values and ratios on the basis of individual challenges; (2) did not include anticipation of possible tax losses; (3) the Local Government Unit Debt Act repealed Section 632 of the School Code, 24 P.S. 6-632 as it relates to nonelectoral debt limits; (4) the court lacked jurisdiction to determine the propriety of a bond issue; (5) the complaint failed to set forth any

	School Code section which the district allegedly violated in allegedly failing to watch over losses in the cafeteria program; and (6) informal discussion *of* the budget would not violate the Sunshine Law.
Volume XXVII - No. 34 1990	Northampton County - The Supreme Court of PA reversed the Commonwealth Court and held that governmental immunity is an absolute defense that cannot be waived or avoided.
Volume XXVII - No. 80 1990	Williamsport Area School District - Commonwealth Court held that attorneys were not immune from paying the school district'■ business privilege tax based on. the PA Supreme Court's preemption of the regulation of attorneys. Appellants relied on Comm. of Pa. v. Wilsbach Distributors, 513 Pa. 215, 519 A.2d 397 (1986), Vol. XXIV, School Law information Exchange, No. 5 (1987), which held that pervasive state regulation over the alcoholic beverage industry "preempted the field" to the exclusion of all interference from subordinate legislative bodies.
Volume XXVII - No. 84 1990	Harbor Creek School District - Commonwealth Court upheld a county court decision enjoining the city from continuing to withhold a 5% commission for all earned income taxes it collected from employers located within the city for taxpayers who lived within the school district. The court, however, also held that one school district was prevented by inches from recovering the collection fees withheld prior to filing suit.
Volume 28 - No. 60, 1991	Bangor Area School District (Northampton Co.) and East Penn School District (Lehigh Co.) - In these two 'companion" county court decisions, the courts allowed the school districts to exceed the 10% limit on real estate tax increases after a reassessment, as set forth in the General County Assessment Law, 72 P.S. Sec. 5020-402(b). In the Bangor case the court limited the increased levy.
Volume 28 - No. 67, 1991	Commonwealth Court held that the 25-mill real estate tax levy limitations set forth in Section 672 of the School Code, 24 P.S. Sec. 6-672, excludes the costs of teaching

	and supervising employe benefits as such costs are considered part of "salary" (which is specifically excluded). The Delaware County Court of Common Pleas had held that "salary" did not exclude the costs of such benefits. Their decision was reprinted in School Law Information Exchange, Vol. 28, No. 11, 1991. PSBA intervened in their case on behalf of the Wallingford-Swarthmore School District.
Volume 28 - No. 93, 1991	Central Dauphin School District - Commonwealth Court refused to grant summary relief to either the Department of Education or the school districts Suing over the Department of Education's interpretation of Act 25 of 1991 as it relates to the question of budget re-opening and local tax relief. The court concluded that neither party showed that it was entitled to relief. At oral argument, the Department conceded that the deadline in subsection 687(g)(2) must be interpreted solely as a tax abatement (reduction) time limit because school districts would be otherwise forced to rebate (return or refund) moneys not yet received.
Volume 29, No. 15, 1992	Central Dauphin School District - In this lawsuit on the 1991-92 budget reopening litigation, Commonwealth Court held that retirement savings need not be rebated; waiver determinations must be made without regard to retirement contribution savings; where refunds are required, they need not be made until the school district actually receives the additional state aid; and, the low expenditure supplements were intended for taxpayei relief rather than for program enhancement.
Volume 29, No. 16, 1992	School District of the City of Erie - Commonwealth Court held that the medical center was not a "charitable institution" and, therefore, not exempt from taxation under Pennsylvania law.
Volume 29, No. 37, 1992	Central Dauphin School District - Commonwealth Court dismissed poet-trial motions of both sides in the continuing litigation of the tax rebate requirements of Act 25* of 1991.

Volume 29, No. 61, 1992	Greater Johnstown School District - Commonwealth Court held that both the school district and the city could impose a business privilege tax at the statutory rate of 1.5 mills, pursuant to the Local Tax Enabling Act, 53 P.S. Secs. 6901-6924.
Volume 29, No. 76, 1992	Burrell School District - Commonwealth Court held that the school district could not levy a mercantile/business privilege tax because such a new tax was prohibited after November 30, 1988, due to a provision in the "tax reform act", 72, P.S. Secs. 4750.533(a,b), 4750.3112 (a).
Volume 29, No. 89, 1992	Newtown Borough - CommonWealth Court held that Section 6 of the Local Tax Enabling Act, 53 P.S. Sec. 6906, does not constitute a statute of limitations for purposes of a declaratory judgment action which seeks to invalidate a local tax.
Volume 29, No. 98, 1992	Philadelphia City - Commonwealth Court held that the mayor and revenue commissioner were high public officials and entitled to immunity when they listed and characterized property owners who were delinquent in paying their real estate taxes. The court found that the comments were within the scope of their duties and authority and were, therefore, absolutely privileged. The court'also held that the willful misconduct provisions of the Political Subdivision Tort Claims Act, 42 Pa. C.S. Sec. 8550, did not abrogate the absolute privilege of high public officials.
Volume 30, No. 1, 1993	Weatherly Area School District - The Supreme Court of Pennsylvania reversed the Commonwealth Court and held that the school district and other taxing bodies could levy an amusement tax on admissions to the whitewater rafting business run by the appellees on the Lehigh River in a state park. The court upheld the tax under the Local Tax Enabling Act and concluded that private action performed on public property did not become government action because it was licensed and closely regulated.

Volume 30, No. 53, 1993	Boyertown Area School District - The Supreme Court of Pennsylvania reversed Commonwealth Court and held that the landfill property owned by the authority was completely immune from taxation. It was found that the school district lacked authority to levy a real estate tax on the authority.
Volume 30, No. 83, 1993	Tredyffrin-Rasttown School District - Commonwealth Court held that the district's selective enforcement of its amusement tax violated the taxpayer's equal protection rights. The court also held that, in challenging a Sunshine Law matter, school board members are necessary parties in a suit brought against the district which challenges school board action. The district is not an "agency" under the Sunshine Law.
Volume 31, No. 19, 1994	County of Berke - The Supreme Court of Pennsylvania held that plaintiffs did not have to exhaust their statutory remedies prior to bringing an action pursuant to 42 U.S.C. Section 1983, challenging the assessment practices in the county. The county allegedly has a practice of reassessing recently purchases realty based on the purchase price while making no modifications in the assessment of comparable property not recently sold.
Volume 31, No. 74, 1994	Hempfield Area School District - Commonwealth Court held that the net profits of a subchapter S corporation which were passed through to the sole shareholder were not subject to earned income tax.
Volume 31, No. 99, 1994	Commonwealth Court held that the district was an "interested party" in a tax assessment case and could participate in all phases of litigation. However, it found the right was waived when the district was properly served and failed to get involved in a settlement and discontinuance. The court also reiterated the "mailbox rule" that proof of mailing raises a rebuttable presumption that the item mailed was received.

Volume 32, No. 4, 1995	Selinsgrove Area School District - Commonwealth Court held that a former minister who was the director of a musical group known as Re-Creation, a nonprofit corporation, not affiliated with any church, whose works and music were primarily secular, was not exempt from the occupation tax as a clergyman.
Volume 32, No. 40, 1995	Lower Marion School District - Commonwealth Court held that when taxpayers failed to file a timely assessment appeal with the Board of A..... nt Appeals, the common pleas court did not err in dismissing their petition for appeal nunc pro tune.
Volume 32, No. 46, 1995	Commonwealth Court held that local municipalities, including school districts, are not proper parties in a lawsuit filed under 42 U.S.C. Sec. 1983, based upon allegedly illegal and unconstitutional assessment practices by a county.
Volume 32, No. 60, 1995	County of Dauphin - The U.S. Third Circuit Court of Appeals held that a federal district court remand under Fair Assessment in Real Estate v. McNary, 454 U.S. 100, 102 S.Ct. 177 (1981) was appropriate as Pennsylvania provides a "plain, adequate and complete" remedy for 42 U.S.C. Sec. 1983 plaintiffs challenging state taxation policies. In this case, the taxpayers brought a Section 1983 lawsuit to challenge the practice of reassessing and taxing a fair market values newly acquired and rehabilitated properties without similarly reassessing longer held, nonrehabilitated properties.
606 Volume XVI - No. 73 October 25, 1979	Commonwealth Court held that the school district did not abuse its discretion in reducing the commission for tax collectors and setting one tax collector's commission lower than that for the others.
Volume XVIII - No. 22 April 28, 1981	Central Dauphin School District - PA Supreme Court reversed a Superior Court decision which upheld the right of a school district to recover from its insurance carrier all monies it had to refund for illegally collected taxes. The court

noted that the public policy of the Commonwealth would be offended by permitting a political subdivision to use public funds to purchase "insurance" against court ordered and statutorily mandated refunding of taxes collected through an.unlawful taxing measure.

Volume XX - No. 25
March 28, 1983

West Chester - Commonwealth Court sustained preliminary objections alleging procedural defects in the implementation of the district's tax and challenging the Constitutionality of the Pennsylvania system of school financing. The Court noted that: (1) failure to receive notice of a tax does not relieve a taxpayer from payment; (2) refusal to accept an offer to pay the tax without the penalty was not improper; and (3) he did not exhaust his administrative remedies which exist for challenging hie assessment.

Volume XX - No. 49
July 7, 1983

Berlin Brothers Valley School District - County Court of Common Pleas held that a tax collection bureau can collect tax revenues for nonmember taxing entities. However, it also held that the bureau could not deduct a fee from the amount collected.

Volume XXI - No. 88
December 13, 1984

Twin Valley School District - Commonwealth Court affirmed a lower court order invalidating a resolution that established an inadequate rate of compensation for tax collectors but also held that the entire resolution was not invalid. The court also found that the resolution was not void as being adopted as part of a plan to assume the tax collectors' duties. The resolution requested tax collectors to deputize a representative of an institution to help collect taxes.

Volume XXII - No. 87
December 18, 1985

Neshaminy School District - Commonwealth Court upheld the school district's right to collect back taxes under the district's Mercantile License Tax, from a portion of a vendor's business involving direct sales to distributors.

Volume XXII - No. 99
December 30, 1985

Chichester School District - Commonwealth Court held that the tax claim bureau was not entitled to a 5% commission for delinquent taxes collected directly by school districts by means of demand letters.

Volume XXIII - No. 23
June 5, 1986

Forest Hills School District - Commonwealth Court upheld the school district's resolution for paying tax collectors a flat rate based on the total assessment of real estate in the taxing district. The court noted that such a resolution must be passed prior to Feb. 15 of the year of the municipal election, although under the resolution the commission could change when the assessment for the taxing district changed.

Volume XXIII - No. 38
July 22, 1986

Penn-Delco School District - Commonwealth Court struck down the lockbox tax collection system used by the school district and also upheld the reinstatement of a prior salary schedule for tax collectors.

Volume XXIII - No. 49
August 22, 1986

Selinsgrove Area School District - Commonwealth Court held that there was no statutory authority for the school district to recover the costs of the delinquent tax collector in an action in assumpsit to collect the per capita taxes.

Volume XXIII - No. 59
September 18, 1986

City of Pittsburgh -.The Supreme Court of Pennsylvania held that the city, pursuant to the Local Tax Enabling Act, could collect a tax upon the privilege of having a place of business in the city, and the measure of that tax ie not to be limited so as to ignore the contribution to out-of-city activities provided by maintaining a base of operations within the city.

Volume XXIII - No. 79
November 25, 1986

West Chester Area School District - Commonwealth Court upheld a lower court's assessment of legal costs against a taxpayer who pursued protracted litigation concerning his taxes.

Volume XXV - No. 26
April 8, 1988

Exeter Township School District - Berke County Court of Common Pleas held that tax collector's first-term surety was not discharged and was responsible for a first-term shortfall where the tax collector used second-term taxes to pay for the first-term shortfalls,

Volume XXV/ - No. 18
1989

Pleasant Valley School District - In a mandamus action, Commonwealth Court held that a township tax collector had a statutory duty to collect occupational and per

	capita taxes levied by the school district. The court noted that the district could use someone other than the elected township tax collector but it was not required to do so.
Volume XXVI - No. 35 1989	Penn Hills School District - Commonwealth Court held that the school district could collect its full share of a levy of a mercantile and license tax under the Local Tax Enabling Act, 53 P.S. Secs. 6901, 6924, since the municipality's tax was enacted pursuant to the Home Rule Law and its Home Rule Charter.
Volume XXVI - No. 46 1989	Fox Chapel School District - The Supreme Court of PA held that Pennsylvania residents were not entitled to a credit against local wage taxes for earned income taxes paid to another country. However, the court also held that their losses in business could be deducted from other earned income in computing the local earned income tax.
Volume XXVI - No. 74 1989	Cumberland Valley School District - Commonwealth Court held that the county court did not abuse its discretion in allowing an expert witness for the school district to testify to comparable sales to which the alleged expert for the taxpayer made unsupported and excessive adjustments.
Volume XXVI - No. 89 1989	Moon Area School District - The Supreme Court of Pennsylvania held that a school district had no authority to impose a duty on the county to collect a parking tax, and that the managing operator of the lot was a servant of the county and not an independent contractor.
Volume 28, No. 92, 1991	Apollo-Ridge School District - Commonwealth Court held that when a taxing district (school district) receives payments of any taxes for which returns have been made to the tax claim bureau, the taxing district is liable to the bureau for commissions and costs. There is no conflict between the Collections Law, 72 P.S. Sec. 5511.21(b) and the Real Estate Tax Sale Law, 72 P.S. Sec. 5860.204.

Volume 29, No. 9, 1992	Lehighton Area School District - A U.S. District Court held that a school district could use the RICO Act (Racketeer influenced and Corrupt Organizations Act, 18 U.S.C. Sec. 1961 et seq.) to prosecute a tax collector who has misappropriated funds, even where restitution has been made.
Volume 31, No. 26, 1994	Williamsport Area School District - Commonwealth Court held that the commonwealth's imposition of a licensing fee and regulation of a nursing home was not so pervasive that it preempted local taxation of the home.
Volume 31, No. 29, 1994	Tyrone Area School District - Commonwealth Court held that the Local Tax Enabling Act did not contain a statute of limitations for the collection of delinquent occupation assessment taxes. The court applied the doctrine of nullum tempus occurrit regi (time does not run against the king) to conclude that there was no time limitation for collection of the back taxes.
Volume 30, No. 86, 1993	Wallingford Swarthmore School District-Commonwealth Court held that the school district could institute an assumpsit action to collect taxes even though it returned the duplicate tax bills to the county tax bureau as being unpaid.
Volume 32, No. 85, 1995	Hollidaysburg Aiea School District - Commonwealth Court held that tax collectors did not establish that the school board was arbitrary and capricious or that it acted in bad faith or without authority, when the board adopted a new rate of compensation for the collectors pursuant to 72 P.S. Secs. 5511.1 - 5511.42.
608 Volume XII/ - No. 33 May 12, 1976	Canon-McMillan School District - Washington County Court dismisses the application for a preliminary injunction against the district. Plaintiff charged the district violated state law in awarding the depository contract to the higher of two bidders.
Volume XVI - No. 51 July 2, 1979	Commonwealth Court invalidated a school board resolution that provided that the district, to the exclusion of the tax collector, will bill for and collect taxes, that a bank to be designated will receive

taxes collected without intervention of the tax collector and that the district will adjust tax duplicates. The court restored the tax collectors' salaries to that established by the school board just prior to the adoption of the resolutions at issue.

609 Volume XX - No. 16
February 22, 1983

Mount Lebanon School District - Commonwealth Court upheld the dismissal of a taxpayers' class action suit for failure to state a cause of action against the district and its treasurer/depository bank. The Court noted, among other points, that when a bank is acting as a depository, it is not prohibited from commingling the district's funds or from making a profit and has no duty to collateralize the district's accounts when deposits in the secondary money market; no authority was shown to establish that the bank could not be both treasurer and depository simultaneously. A treasurer bank had no duty to inform the district as to the bank's terms with other customers.

610 Volume XI - No. 24
April 18, 1974

Sto-Rox School District - The district was upheld by the Allegheny County Court in the purchase of five buses. Plaintiffs contended that the bids accepted for the purchases were not the lowest bids presented to the board.

Volume XIII - No. 33
May 12, 1976

Canon-McMillan School District - Washington County Court dismisses the application for a preliminary injunction against the district. Plaintiff charged the district violated state law in awarding the depository contracts to the higher of two bidders.

Volume XVI - No. 17
February 27, 1979

The Clarion County Court dismissed a petition to remove four School Directors from the Union School District Board. The court found that the board did violate school law by remodeling a building without purchasing some items through bidding procedures and without securing prior approval from the Department of Education. Even though the court acknowledged the violations, the court also concluded "(s)ince there is no evidence of bad

faith, breach of trust, personal gain or favoritism alleged not proven, there seems to be no reason to remove the defendant Directors who have otherwise performed their duties as prescribed by law."

Volume XXII - No. 81
December 13, 1985

Muncy Area School District - Commonwealth Court held that where a bidder tried to resubmit his bid after discovering an error in judgment, the first offer stood and a contract was made, where the first offer was accepted and the bidder had not attempted to withdraw the bid. The district entitled to a forfeiture of his surety bond.

Volume XXII - No. 90
December 19, 1985

Derry Township School District - The Superior Court held that an engineering firm could properly join a contractor as a third party defendant in a school district's action against the engineering firm for damages resulting from the preparation of defective specifications for planned roof repairs.

Volume XXIV - No. 66
October 13, 1987

Saucon Valley School District - County court of common pleas enjoined the granting of contracts to any other bidder than plaintiff who was the lowest bidder. The court found that a rejection of a bid for roof work was an improper exercise of its discretion since the district failed to investigate the significance of an omission of a square footage cost for removal of wet insulation, because the corresponding cost to the taxpayers was high and the burden of absorbing the cost fell completely on the low bidder.

Volume XXV - No. 64
August 26, 1988

City of Philadelphia - In a case involving bids for the purchase of real estate, Commonwealth Court held that, in the context of public bidding, it is the award of the bid which gives rise to a contract. Once the *award* is then made it cannot be recanted. Once the contract was effected, the municipal authority could not impose a subsequent condition upon it.

Volume XXV - No. 79
November 18, 1988

Pittsburgh School District - Commonwealth Court held that the school district was not required to rebid a pro-ject for school building renovations after the board rescinded the contract with the lowest bidder and gave it to the original

	second lowest bidder. Based on this action, taxpayers petitioned the lower court to remove the board members under Sec. 318 of the School Code, 24 P.S. 3-318. The court held that such a petition should not be entertained unless it stated a cause of action as a matter of law - which it did not in this case.
Volume XXVI - No. 16 1989	Commonwealth Court held that, under the Right-to-Know Act 65 P.S. Sec. 66.1, an unsuccessful bidder had a 'right to see a list of those responding to a request for proposals as it was a .public record. However, he was not entitled to see correspondence and memoranda concerning the request for proposals because he failed to show that they formed the basis of the Department of General Services' determination.
Volume XXVI - No. 28 1989	Philadelphia Housing Authority - The U.S. District Court for the Eastern District of PA held that, under Pennsylvania law, the awarding of a bid by a public agency is approval of a contract even if the contract was not executed--in the absence of specific statutory authority to the contrary. The court also held that the contract awards created property interests and entitled the company to a hearing when its contract was cancelled. The court also awarded attorneys' fees and expenses pursuant to 42 U.S.C. Sec. 1988.
Volume XXVI - No. 85 1989	Richland School District - Commonwealth Court held that the school district did not violate the requirement that competitive bidding be conducted openly, fairly and without favoritism, where it rejected the lowest bid and ordered rebidding when one of the unsuccessful bidders claimed to have made an error in the preparation of its bid. The court found that the board's action did not confer a competitive advantage upon any one bidder to the detriment of others.
Volume XXVII - No. 12 1990	City of Philadelphia - Commonwealth Court held that a successful bidder's failure to comply with the deposit requirements of the bid invitation rendered the contract with the city null and void.

Volume XXVII - No. 81 1990	Clearfield Area School District - Commonwealth Court held that there were material issues of fact as to whether the school board complied with the law in awarding bids which should have precluded the lower court from granting summary judgment in the district's favor. Board minutes reflected that the contract would be awarded to the lowest bidder who could submit proof of conformance with bid requirements in five days, there was a question whether there was a public vote on bids, and no announcement of the successful bidder was to be made until the five days were up.
Volume 28, No. 81, 1991	Commonwealth Court held that a citizen was entitled to seek injunctive relief against the county to prevent the county contract. The Court also held, in general, that where a party - a public body - advertises that it was accept the lowest responsible bid (or similar terminology), even where the matter is not required to be bid, the party will be required to accept the lowest responsible bid. Here, appellant proved that meetings were held with some bidders and others were excluded and, under such circumstances, a court could enjoin the awarding of a contract.
Volume 29, No. 56, 1992	Caernarvon Township - Commonwealth Court held that a disappointed bidder did not have standing as a taxpayer to enjoin awarding of a contract to another bidder. Only a taxpayer may have standing to challenge such a bid.
Volume 29, No. 86, 1992	Easton Area School District - The Northampton County Court of Common Pleas upheld the awarding of a bid for roofing work even though the successful bidder did not technically comply with the specifications. The court also reviewed several other issues relating to the bidding process.
Volume 29, No. 95, 1992	Borough of Moosic - Commonwealth Court held that a disappointed bidder had no standing to enjoin the awarding of a public contract. While bidders who are taxpayers may challenge the awarding of public contracts, that right does not necessarily extend to a Pennsylvania taxpayer who paid no taxes in the county where the contract was awarded.

Volume 30, No. 37, 1993	The PLEB held that the county unlawfully subcontracted services because it never informed the union about the specific bide that it received. It ordered the county to rescind the contract, offer reinstatement and back pay and offer to bargain the issue with the union.
Volume 30, No. 77, 1993	Hempfield School District - Lancaster County Court of Common Pleas dismissed a lawsuit challenging the issuance of a construction management contract on the grounds that it was not let in accordance with competitive bidding procedures. The complaint was dismissed on the basis of leaches as the court found that significant costs had been incurred, time was spent and work was performed during the 10 his action plaintiff delayed in bringing his action for injunctive relief..
Volume 31, No. 52, 1994	PA Turnpike Commission - Commonwealth Court upheld an arbitrator's award that the commission had a past practice of subcontracting only certain kinds of "brushing work." The court, among other points, also noted that it is the function of the arbitrator to reach a reasonable interpretation of the agreement and that he did not exceed his authority in awarding pay to the employees who did not get the improperly subcontracted work. He must have latitude and flexibility to fashion a proper remedy.
Volume 32, No. 11, 1995	Bethlehem Area School District - Northampton County Court of Common Pleas refused to enjoin a construction contract awarded to the lowest bidder where the plaintiff had argued that computation of the lowest bid using "unit prices" for conversation of classrooms to science classrooms was improper because the unit prices were not binding. The court did note that there was no impropriety in requesting alternate bids on certain types of construction.

Volume 32, No. 39, 1995	Boyertown Area School District - The Supreme Court of Pennsylvania held that the School Code, specifically Section 24 P.S. Sec. 7-751, did not require school districts to bid personal service contracts. In this case, the court held that the district did not have to bid a construction management contract.
613 Volume 32, NO. 9, 1995	Delaware County Schools Joint Purchasing Board - The U.S. District Court for the Eastern District of Pennsylvania held that a termination of an exclusive contract to supply diesel fuel and gasoline to school districts did not breach any constitutionally protected property right. However, the court found that the complaint did adequately plead a deprivation of a liberty interest protected by the 14th Amendment based on its allegations that it would not be considered to be a responsible'bidder, and motions to dismiss were denied. The court held that the company was entitled to some sort of "predeprivation procedures." The 42 U.S.C. Sec. 1983 complaint against individual defendants was dismissed because they were not parties to the contract. The court also held that the Tort Claims Act, 42 Pa. C.S. 8541 et seq., would not shield certain defendants from liability for fraudulent misrepresentation.
615 Volume XIX - No. 47 May 17, 1982	Penn Delco School District - Commonwealth Court affirmed a decision of the Delaware Court which reversed an arbitrator's decision requiring the district.to deduct dues from a teacher who revoked her dues deduction authorization. The lower court concluded that she properly revoked her dues deduction authorization after the collective bargaining agreement expired, but prior to the execution of a new agreement.
Volume XXV - No. 67 August 31, 1988	Communications Workers of America - The U.S. Supreme Court held that the National Labor Relations Act does not permit a union, over the objections of dues-paying nonmember employes, to expend funds collected from them on activities unrelated to collective bargaining ("fair share" . fee arrangement).

	Volume XXV - No. 89 December 2, 1988	U.S. District Court dissolved a temporary restraining order and upheld the "fair share" fee enacted pursuant to Act No. 84 of 1988, 71 P.S. Secs. 51-732.
	Volume XXVI - No. 49 1989	The Third Circuit Court of Appeals held that the federal district court acted correctly in denying a request for a preliminary injunction to stop the commonwealth from deducting agency shop fees from employe paychecks. The court held that the employes did not suffer "irreparable harm" such as to entitle them to the injunction.
616	Volume 28 - No. 73, 1991	Hopewell *Area* School District - The Heaver County Court of Common Pleas held that it was a matter of discretion for a local school board to choose to refuse payments on a construction contract where the contractor does not use resident workmen pursuant to Section 754 of the School Code, 24 P.S. Sec. 7-754.
618	Volume XXVI - No. 73 1989	Twin Valley School District - In a declaratory judgment action, the perks County Court of Common Pleas held that student activity funds held by the district which were generated by fund-raising activities of the class before graduation and remained unexpended at graduation must be used only for school related purposes of the district, pursuant to Sec. 511 of the School Code, 24 P.S. Sec. 5-511. The court would not apply "equitable estoppel" to the district even though principals in the past let the classes use the funds for five-year reunions and the like. The court finally held that such funds were impressed with a trust for purposes related to the school program.
619	Volume XXI - No. 93 December 20, 1984	Northeastern Educational Intermediate Unit No. 19 - Commonwealth Court held that an appeal from an audit report of the Auditor General was not warranted when an administrative review mechanism was not utilized.
	Volume XXI/ - No. 38 June 7, 1985	Hanover Area School District - Luzerne County Court of Common Pleas upheld the authority of the school district and its auditors to issue subpoenas pursuant to Section 2403 of the School Code when conducting audit hearings.

701	Volume XIV - No. 36 May 2, 1977	School District of Palisades - Commonwealth Court dismisses action taken against the Department of Education in their approval of a construction project of the Palisades School District.
	Volume XIX - No. 9 February 17, 1982	School District of Pittsburgh - Commonwealth Court dismissed school district's petition which sought reimbursement for the construction of an addition to a school building. The district's petition wa■ denied because the district did not comply with the reimbursement provisions of Section 2574 of the School Code which mandates certain prerequisites to approval for reimbursement.
	Volume XXI - No. 78 December 3, 1984	Ridley School District.- Delaware County Court of Common Pleas upheld the sale of real estate by the school district to a private party even though a higher offer was received.
	Volume XXII - No. 28	Commonwealth Court held that a borough's permit and inspection requirements were not preempted by the School Code and other statutes. The court held that the borough was entitled to building permit fees prior to a school building renovation project.
	Volume XXII - No. 91	County Court of Common Pleas refused December 20, 1985 to approve the sale of school district real estate because the district did not consider whether the property was "unused and unnecessary" as required by Section 707 of the School Code.
	Volume XXVI - No. 51 1989	Octorara Area School District - Commonwealth Court upheld the county court's decision that the condemnation of an entire 102-acre farm wa■ not justified by the school district'■ enrollment projections. The court noted a court's limited scope of review in such matters and found that the county court acted properly.
	Volume XXVI - No. 52 1989	School District of Pittsburgh - The Superior Court held that an appeal from the denial of a writ of mandamus to satisfy a judgment against the school district lies with the Commonwealth Court, pursuant to 42 Pa. C.S.A. Sec. 762. The case involved a dispute over renovations to a school building.

Volume XXVI - No. 63 1989	Northwestern Lehigh School District - Commonwealth Court upheld the action of an agricultural lands condemnation board's action denying the school district the right to condemn land within an Agricultural Security Area, pursuant to 3 P.S. 901-915.
Volume XXVI - No. 78 1989	Downingtown Area School District - Commonwealth Court reversed a common pleas court and held that the school district, acting under its powers of eminent domain, did not abuse its discretion in selecting a site for a school building because the site did not meet some of its criteria for such a site. The court also held that the district was not improperly influenced by the township.
Volume XXVII - No. 46 1990	Hempfield School District - Commonwealth' Court held that the county board of elections had no legal authority to place a nonbinding referendum on the primary ballot concerning the question as to whether the voters favored a school board's plan to build a new high school. The court noted that the School Code gives the school board, not the election board, authority to determine how it will seek public input into the question of school construction.
Volume XXVII - No. 57 1990	Lower Merion School District - Commonwealth Court held that neither the Department of Education nor the school district had to consider the dictates of Section 508 of the History Code, 37 Pa. C.S. Sec. 508, when the district sought department approval to demolish and reconstruct portions of an old school building.
Volume 29, No. 30, 1992	Williamsport Area School District - Commonwealth Court held that a failure to install handicapped "curb cute" allegedly in violation of the Physically Handicapped Act of 1965 could constitute a dangerous condition of sidewalks so as to fell within one of the areas of exception to immunity under the Political Subdivision Tort Claims Act, 42 P.S. Sec. 8541.
Volume 29, No. 34, 1992	Upper St. Clair School District - Commonwealth Court held that the school district was not exposed to liability under the Political Subdivision Tort Claims Act, 42

	P.S. 8541 et seq., because the district had no duty to install traffic controls or pedestrian crossings on a state highway where the student crossed to enter the school property through an opening in a fence.
Volume 29, No. 60, 1992	Claysburg-Kimmel School District - Commonwealth Court held that a court of equity had no jurisdiction to enjoin a school construction project where there was an adequate remedy at law. Here, the taxpayers sought relief because the Department Of Education allegedly refused to act on its request. However, PDE did act on the request and denied the required relief. Once PDE acted, such a decision was appealable to Commonwealth Court, not a county court of common pleas.
Volume 31, No. 8, 1994	Colonial School District - In a decision that should be read carefully, Commonwealth Court held that the school board acted improperly in closing a school building pursuant to 24 P.S. Sec. 7-780. The court found that because the public hearing vas held the same night as the board voted to close a building, the three-month waiting period requirement was violated. The court also held that failure to include the name of a specific school in the notice of the meeting rendered the notice insufficient.
Volume 32, No. 3, 1995	Peters Township School District - The Washington County Court of Common Pleas held that the Municipalities Planning Code, 53 P.S. Sec. 10305, required the school district to seek the recommendation from the local planning agency, but permitted the district.to make a final determination as to the location of a school or playground in accordance with 24 P.S. Sections 7-701 and 7-702.
Volume 32, No. 57, 1995	Borough of Brentwood - Commonwealth Court held that the Local Government Unit Debt Act provides the means for.challenging the incurring of bonded indebtedness and that its review by the Department of Community Affairs is limited. The hearing is only appropriate if fraudulent conduct is alleged and supported by specific allegations. Imprecise cost estimates do not constitute fraud.

704 Volume XIX - No. 82
December 1, 1982

Bristol Township School District - Commonwealth Court held that a roofing project which changes or increases the size, type or extent of the roof is repair work. Therefore, it is public work subject to the prevailing minimum wage provisions of the Pennsylvania Prevailing Wage Act. The court reversed prior case law but applied the holding prospectively.

705 Volume XVIII - No. 84
December 16, 1981

School District of Penn Hills - Commonwealth Court upheld dismissal of a trespass action brought by a student alleging that he was seriously injured while engaged in a school activity. The court held that the district was immune from the suit under the Political Subdivision Tort Claims Act.

Volume XIX - No. 70
September 30, 1982

Commonwealth Court held that a Civil Rights action under 42 U.S.C. Sec. 1983 cannot be brought on allegations of negligence. The court also held that a Principal and teacher are immune from suit under the Political Subdivision Tort Claims Act where the parents of a child killed in school bring suit alleging negligence.

Volume XX - No. 55
July 27, 1983

Centennial School District - Bucks County Court of Common Pleas held that a township ordinance requiring smoke detectors in certain buildings could not be applied to educational facilities owned or occupied by the school district or the school authority.

Volume XXII - No. 27
April 3, 1985

Commonwealth Court held that a student injured in gym class could not recover damages from the teacher or the district because the activity was not exempt from the immunity granted under the Political Subdivision Wort Claims Act, 42 PA CSA Section 8542.

Volume XXIV - No. 73
November 18, 1987

Butler Area School District - Commonwealth Court held that the lower court erred when it dismissed the school district from a lawsuit pursuant to the Political Subdivisions Tort Claims Act, 42 Pa. C.S.A. Sec. 8541 et seq., on the theory of immunity. The court held that where a child was injured while crossing a roadway on the high

school property, there existed a genuine factual controversy as to whether a design or maintenance failure created a "dangerous condition" for which the district could be found liable.

Volume XXIV - No. 94
December 22, 1987

Cocalico School District - Commonwealth Court held that a complaint stated a cause of action within the real property exception to governmental immunity under 42 Pa. C.S.A. Sec. 8542(b)(3), where a child climbed onto a heavy trash dumpster and onto a low-hanging roof and then fell through an allegedly defective skylight.

Volume XXV - No. 10
February 17, 1988

Red Hill Borough - Commonwealth Court held that the commonwealth had exclusive authority over a state highway, not the borough; and that the borough had no duty to establish a school zone pursuant to 67 Pa. Code Sec. 201.32.

Volume 28, No. 12, 1991

Woodland Hills School District - Commonwealth Court held that the school district was immune from liability under the Political Subdivision Tort Claims Act, 42 C.S.A. Sec. 8541, for injuries suffered by a spectator at a football game who was injured by an errant football.

Volume 29, No. 22, 1992

City of Harker Heights, TX - The U.S. Supreme Court held that a municipality's alleged failure tm warn its employes about known hazards in the workplace did not violate the Due Process Clause and, hence, there was no remedy pursuant to 42 U.S.C. Sec. 1983. The court refused to find that public employers were guarantors of employes' rights to be free from reasonable risks of harm.

Volume 29 - No. 26, 1992

Ht. Lebanon School District - The Superior Court held that the school district had a duty to provide safe and suitable facilities for its students and, therefore, could rely on the doctrine of "nullum tempus occurrit regi" ("time does not run against the king"), in bringing a lawsuit against contractors after the appropriate statute of limitations may have passed. .

Volume 31, No. 36, 1994

City of Philadelphia - Commonwealth Court held that the city was not liable for failure to paint traffic lanes, pursuant to the Polities' Subdivision Tort Claims

		Act, 42 C.S. Sec. 8541 et seq. However, it could be liable once it exercised its discretion to paint if it failed to paint enough lines. Under the facts of this case, the court also concluded that the city did not have notice of the condition as required by 42 *Pa.* C.S.A. Sec. 8542(b)(4).
707	Volume XX/II - No. 18 May 24, 1986	Lower Merlon School District - U.S. District Court for the Eastern District of Pennsylvania held, upon remand, that this student group was entitled to use the high school gymnasium to hold a public, political rally. Under the Equal Access Act, the court held that if one student group could sponsor a noncurricular activity, then any other student group must be allowed to do so as well.
	Volume XXV/ - No. 68 1989	The U.S. Supreme Court upheld New York City's sound amplification guidelines in a public park an a reasonable regulation under the First Amendment. The court found it to be a reasonable regulation of the place and manner of protected speech, narrowly tailored to serve a government interest, and having left open ample alternative channels of communication.
	Volume 29, No. 2, 1992	Hoard of Education of Pittsburgh City Schools - A U.S. District court granted a preliminary injunction against the school district to allow a nonprofit corporation to sponsor a summer religious program for disadvantaged children on school property. The court found that the district had created a public forum and also concluded that revoking their permits because of the religious content of the corporation's program violated the First Amendment.
	Volume 30, No. 56, 1993	Center Moriches Union Free School, et al. - The U. S. Supreme Court held that the school district violated First Amendment rights by denying the church access to school premises to exhibit a religious-oriented film, when such premises were ac-' cessible to other groups. The court found that allowing the use of the premises would not have been the establishment of religion under the three-prong Lemon test.

	Volume 30, No. 88, 1993	Silver Springs-Martin Luther School, et al. - Commonwealth Court held that the township was not liable for personal injuries and drowning where township was "responsible" for the school district's pool at the- time the accidental drowning occurred. The township was not in "possee-•ion" of the pool at the time and could not be liable for negligent supervision under the Political Subdivision Tort Claims Act, 42 Pa. C.S.A. Secs. 8541 et seq.
710	Volume XX - No. 28 April 28, 1983	Perry Education Association The U.S. Supreme Court held that the First Amendment to the Constitution of the United States is not violated by granting preferential access to an interschool mail system to an incumbent labor union pursuant to a collective bargaining agreement.
	Volume XXV - No. 46 July 25, 1988	University of California - The U.S. Supreme Court held that the university's delivery of a union's unstamped mail through its internal mail system violated the Private Express Statutes which prohibit such service. This decision reversed the labor board decision which held that the employer had to grant the union access to their "means of communication."
	Volume 29 - No. 68, 1992	Dept. of Environmental Resources - The U.S. Third Circuit Court of Appeals held that a public employe was denied an appropriate pretermination hearing because he did not receive such a hearing on each charge forming the basis of his dismissal. The pretermination hearing must be held with a decision-maker, not just a person who investigates charges. A Loudermill (pretermination) hearing must be more or less elaborate in inverse proportion to the adequacy of post-termination proceedings.
713	Volume XXVII - No. 45 1990	The Supreme Court of PA held that a landowner was entitled to immunity under the the Recreation Use of Land and Water Act, 68 P.S. Sec. 477-1, even though it did not invite the public to use its land for recreation.

801 Volume XI - No. 77 September 17, 1974	Washington School District - Washington County Court rules against a fee system instituted by the Washington School District governing access to public records.
Volume XII - No. 4 January 24, 1975	Hopewell Area School District - Commonwealth Court rules citizen has access to payroll registers and attendance records of school employes of the district.
Volume XIX - No. 41 May 10, 1982	Commonwealth Court held that cancelled checks of a township were "public records" under the Right-to-Know Law, 66 P.S. Sec. 66.1.(2). It concluded that the township could be ordered to authorize the bank, which had possession of the checks to make copies of the checks available to the appellees since the township had control of production of the records.
Volume XXIII - No. 31 June 19, 1986	Jackson Township Supervisors - Commonwealth Court held that civil procedure discovery rights are not available in proceedings under the Right-to-Know Act, 65 P.S. 66.1-66.4.
Volume XXIV - No. 14 February 12, 1987	In a final order, the PLRB held that a union was entitled to see information, including evaluation reports of other employes, in the grievint's job classification. The board found that the information was relevant to the union's determination of whether to process a grievance which alleged that the grievant's evaluation report was discriminating.
Volume XXIV - No. 64 October 9, 1987	Commonwealth Court affirmed a decision by the PLRB requiring the employer to provide certain information to the union to enable it to carry out its duties as specified under the collective bargaining agreement. The employer had the obligation to make a diligent effort to obtain presumptively relevant information sought by the union.
Volume XXVI - No. 8 1989	Commonwealth Court held that a "memorandum" written by a lawyer in the Attorney General's office, and not a decision maker, was not a "public record" available to the public under the Right-To-Know Law, 65 P.S. Sec. 66.1.

Volume 28 - No. 28, 1991	Commonwealth Court held that an unclaimed, uncashed check list of the Treasury Department would not be exempt from disclosure under the Right-to-Know Act, 65 P.S. Sec. 66.1-66.4. The court reviewed the exceptions to disclosure and found none of them to be applicable.
Volume 29, No. 51, 1992	Altoona Area School Board - Commonwealth Court held that the school board properly discussed settlement of an employe disciplinary matter in executive'session, voted on the action at a public meeting but did not disclose the basis of suspension, all without violating the Sunshine Law or the Right-to-Know Act. The court noted that the Right-to-Know Act, 65 P.S. Sec. 66.1, excludes from the definition of "public record" those documents which may be harmful to a person's reputation or personal security.
Volume 29, No. 69, 1992	Pennsylvania Superior Court held that information in a prosecution's file was discoverable by the school district in a civil action brought by one seeking damages for the same conduct that was at issue in the criminal trial. The Right-to-Know Law, 65 P.S. Sec. 66.1 et Seq. was not applicable to discovery proceedings under the Rules of Civil Procedure and no other reason was advanced for denying discovery.
Volume 30, No. 62, 1993	*Lower* Saucon Township - Commonwealth Court held that a settlement agreement between the township and a person who alleged his civil rights were violated by the township police, was a public record subject to public inspection and copying pursuant to the Right-to-Know Act, 65 P.S. Secs. 66.1-66.4. The court did not decide whether a settlement agreement entered into by an insurance carrier to cover a claim made under a policy not requiring a governmental agency's consent and to disburse funds, any funds, is a "public record". (This case should be read in conjunction with Vol. 29, No. 51 (1992), where a different result was reached with different facts and a different panel).

Volume 30, No. 63, 1993	Center County Board of Commissioners - Commonwealth Court held that a solicitor's opinion is only "advice" and not an "essential component of an agency's decision" and, therefore, not a public record undek the Right-to-Know Act, 65 P.S. Secs. 66.1-66.4.
Volume 31, No. 55, 1994	Palmyra Area School District - Commonwealth Court remanded a Case for a hearing to determine whether the union violated 22 Pa. Code Sec. 12.31 et seq., pertaining to confidentiality of student records when the union sent its newsletter to the home of students. The court also reversed the county court and held that the issue was not subject to PLRB jurisdiction as an unfair practice charge.
Volume 31, No. 61, 1994	County of Washington - Commonwealth Court held that itemized cellular telephone bills of the county were public information pursuant to the Right-to-Know Law, 65 P.S. Sec. 66.1 et seq. The court held that the privacy exception in the. law did not protect most of the itemizations.
Volume 31, No. 83, 1994	Borough of Stroudsburg - The Third Circuit Court of Appeals held that there was a strong presumption against ordering/allowing settlement agreements to be confidential if it were likely that the information were accessible under a freedom of information (right-to-know) law. The court also held that a motion to intervene was an appropriate way to challenge a confidentiality order.
Volume 32, No. 86, 1995	Pittston Area School District - PLRB hearing examiner held that e school district did not commit an unfair practice when it provided an employee absentee list to a taxpayer's association, pursuant to the Right-to-Know Law, 65 P.S. Sec. 66.1 et seq. The hearing examiner found that the list "does not trample an emplyee's privacy interest or threaten an employee's 'personal security'":
803 Volume XVII - No 37 May 19, 1980	Mount Union Area School District - The Commonwealth Court reversed the decision by President Judge Bowman (now deceased) which held that the school district did not have to make up school days lost due

	to a teachers' strike. The court held that the Legislature intended, as a matter of statewide policy by way of Section 1501 of the School Code, a mandatory minimum number of days on which schools "shall be kept open.' The court ■aid further that this minimum may not be obviated by other than'the impossibility of compliance with the requirement within the terms of the entire School Code.
Volume XXI - No. 18 March 27, 1984	Rant Pennsboro School District - Commonwealth Court held that the district must arbitrate the question of 180 days of pupil instruction, following a strike. The court noted that its role in this process is that of a reviewing body, making sure factual findings are supported by the evidence of the parties' intent. Further, this court can refuse to affirm an award that is illegal.
Volume XXI - No. 37 June 13, 1984	Upper Bucks County Vocational-Technical School - The Supreme Court of PA reversed the Commonwealth Court and held that taxpayers, teachers and their union had no standing to challenge the school's decision on making up days of school lost due to a strike.
Volume XXI - No. 85 December 11, 1984	Upper Merion Area School District - Commonwealth Court reversed an arbitration award on the basis that the arbitrator made an error in law in holding that the Mount Union decision required school district to have 180 days of school for teachers as well as students, where the school year was shortened due to a strike. The court upheld the negotiated 174 work days for teachers, as negotiated by the parties and also noted that its decision in Mount Union required 180 student days, not teacher days as well.
Volume XXIV - No. 42 June 5, 1987	Wilkes-Barre Area School District - Commonwealth Court refused to uphold a strike injunction on the basis that the record did not support a finding of a threat to the health, safety or welfare of the public. The court refused to decide the issue of whether selective strikes are illegal per se under Act 195.

Volume XXV - No. 32 May 5, 1988	Bethel Park School district - Commonwealth Court upheld the lower court's decision not to enjoin a teachers' strike. Based on its narrow scope of review, the court concluded that the strike should not be enjoined on the basis that the trial court did not find that the lose of state subsidies was imminent if the strike was to continue.
Volume XXV - No. 36 May 11, 1988	North Penn School District - Commonwealth Court held that parents have standing under the Declaratory Judgments Act to bring an action against the school district and teachers' union challenging the constitutionality of Act 195, the Public Employe Relations Act and its provisions permitting strikes.
Volume XXV - No. 75 November 14, 1988	Jersey Shore School District - The Supreme Court of PA affirmed a Commonwealth Court decision which upheld a lower court's granting of an injunction against a teachers' strike. The court held that failure to schedule 180 days of instruction alone does not constitute a clear and present danger or threat which must be shown to enjoin a strike, but this factor along with many others shown were sufficient for injunctive relief to be granted.
Volume XXVII - No. 100 1990	New Castle Area School District - In an action brought by the secretary of education seeking to have the Commonwealth Court order the school district to go to court to seek an injunction against a teachers' strike, Commonwealth Court held that such an action could not be taken as such authority rests with the school district and the union. Compelling a public agency to undertake litigation against its will cannot be done through a mandamus action.
Volume 28 - No. 14, 1991	South Butler County School District - The Supreme Court of Pennsylvania reversed the decision of the Butler County Court of Common Pleas which held that the limited right to "strike under Act 195 was unconstitutional. The court concluded that once the lower court found that the parents and students had no standing to seek injunctive relief, the issue of the constitutionality became moot.

Volume 28, No. 35, 1991	Conemaugh Valley School District - Commonwealth Court held that the trial court properly submitted to the jury the factual question of whether a board's duty to provide 180 days of instruction after a strike was modified. The court also held that teachers were entitled to pay during a weather emergency. The court also reversed a non-suit as to some teachers who were not present in the litigation. The strike occurred during the 1976-77 school year.
Volume 31, No. 12,.1994	The PLRB affirmed its hearing examiner and held that the university system was not required to bargain with ite union over the school calendar.
Volume 31, No. 65, 1994	Lackawanna County AVTS - The PLRB held that the school was not required to bargain over the school calendar. Thus, it did not commit an unfair practice when it did not negotiate the make-up of a day lost to a strike. In a precedential move, the PLRB also held that where a strike will prevent the completion of 180 days of school by the specified date per 24 P.S. Sec. 11-1125-A(b), thus necessitating mandatory arbitration, arbitration is mandatory whether or not a strike i■ actually in progress.
806 Volume XIX - No. 74 October 28, 1982	Commonwealth Court held that public school teachers are not covered, as offenders, by the Child Protective Services Law, 11 P.S. Sec. 2201-1114.
Volume XXIII - No. 95 December 18, 1986	Commonwealth Court held that the Department of Public Welfare had the authority to expunge names from a child abuse report when an agency failed to prove a report alleging child abuse was accurate.
Volume XXV - No. 73 October 20, 1988	School District of Philadelphia - Commonwealth Court dismissed state and federal civil rights claims against the district and district officials for sexual assaults committed upon several students by a teacher. The court found: (a) immunity under the Tort Claims Act; (b) there was no liability on a civil rights claim based on policy or custom; (c) not enough facts

	were alleged to show that district officials were directly involved in the harm suffered by the students; and (d) the alleged facts did not support a "special relationship" upon which civil rights liability could be based.
Volume XXVI - No. 21 1989	Winnebago Co. Dept. of Social Services - The U.S. Supreme Court held that the Due Process Clause of the 14th Amendment did not impose a duty on public bodies to guarantee the safety of children, even where danger seem' apparent. Here, a social service agency did not violate a child's due process rights even though its employes knew the father was abusing the plaintiff. The court acknowledged an exception only where a "special relationship" is established, such as where one is imprisoned or institutionalized.
Volume XXVI - No. 82 1989	Bradford Area School District - On remand from the U.S. Supreme Court, the Third Circuit of Appeals refused to grant qualified immunity to two school administrators and dismissed a third as a defendant, in a lawsuit brought by a student who alleged, among other points, that the defendants condoned the conduct of a teacher who allegedly sexually molested her. The court reiterated its opinion that the student had an established constitutional right to be free from sexual abuse by school staff.
Volume XXVII - No. 41 1990	The U.S. Court of Appeals for the 10th Circuit held that a school district was not liable in a Section 1983 action (42 U.S.C. 1983), for a teacher's action of sexually molesting several boys after the school year while he was running a summer basketball program that was not sponsored by the school district. The court also held that the district's established procedure in investigating, hiring and supervising the teacher did not reflect deliberate indifference to or reckless disregard for the rights of the students such that there would be liability under Sec. 1983, even though the teacher had a prior criminal conviction in Texas.

Volume 32, No.. 8, 1995	Lancaster-Lebanon Intermediate Unit - The U.S. District Court for the Eastern District of Pennsylvania granted summary judgment for the school defendants and county social service defendants in a lawsuit filed pursuant to 42 U.S.C. Sec. 1983 based on the intermediate unit's report of child sexual abuse allegations received from an autistic child through a technique known as "facilitated communications" (FC).
Volume 32, No. 88, 1995	The Supreme Court of Pennsylvania, among other holdings, reversed PSEA v. Comm., Department of Public Wel fare, 68 Pa. Cmwlth. 279, 449 A.2d (1992), and held that a teacher could be a "person responsible for the child's welfare" in cases addressing statutory concerns pertaining to child abuse and the reporting of child abuse pursuant to 23 Pa. C.S. Sec. 6303 and 42 Pa. C.S. Sec. 5554(3).
807 Volume XVIII - No. 1 January 26, 1981	The U.S. Supreme Court held that the posting of the Ten Commandments in the Kentucky public schools is unconstitutional. The court noted that even though the Kentucky law in question said it was for a secular purpose and the posting was paid for by private funds, the practice was religious in nature and violated the Establishment Clause of the Constitution. The court granted the Petition for Certiorari and reversed the Supreme Court of Kentucky (599 S.W. 2d 157) without oral argument or briefs on the merits.
Volume XXII - No. 49 August 5, 1985 Part A i B	The United States Supreme Court ruled that a state statute authorizing a peri od of silence in public schools for meditation or voluntary prayer violated the Establishment Clause of the First Amendment to the U.S. Constitution. However, the majority indicated that allowing a moment of silence would not violate the Constitution.
Volume 29 - No. 57, 1992	The United States Supreme Court held that a public school could not have a prayer as part of a graduation ceremony, even where attendance is voluntary.

	Volume 32, No. 32, 1995	The U.S. Court of Appeals for the Ninth Circuit held that a student prayer at a high school graduation violated the Establishment Clause of the First Amendment. The court also held that school officials could not avoid their constitutional duty by allowing the graduating class to vote on the prayer and to not require mandatory attendance at the ceremony.
808	Volume XV - No. 39 May 19, 1978	South Allegheny School District - Although Commonwealth Court denies the district's request for a temporary injunction, the court finds the Department of Education has no legal authority to adopt guidelines governing school district use of school food service management companies, and further, that the department may not enforce the guidelines distributed as Basic Education Circular 12-78.
810	Volume VIII - No. 8 March 4, 1971	Garnet Valley School District - Court rules that designation of school bus route is up to discretion of school boards. Parents may not at their own discretion send pupils to a school in another district (in this case Rose Tree Media) and receive tuition payment.
	Volume IX - No. 71 December 27, 1972	Northampton Area School District - Northampton County Court dismisses a suit brought by a citizens' group to prevent the Northampton School District from busing children to a kindergarten center.
	Volume XI - No. 21 April 5, 1974	Wallingford-Swarthmore School District - Delaware County Court rules that the district does not have to bus its high school pupils.
	Volume XII - No. 38 April 16, 1975	Garnet Valley School District - The Commonwealth Court orders Garnet Valley School District to provide transportation for nonpublic students attending private, schools in the State of Delaware.
	Volume XII - No. 71 August 22, 1975	City of Scranton School District - PA Supreme Court upholds district's bus transportation program. The district decided to eliminate certain transportation for seventh and eighth grade pupils even though a portion of the transportation route was declared hazardous by the Department of Transportation.
	Volume XIII - No. 53 June 18, 1976	North Clarion County School Board - Clarion County Court orders the North Clarion County School District to provide transportation to a district resident attending an experimental school administered by the Clarion State College.
	Volume XIII - No. 54 June 18, 1976	Pennsbury School District - Bucks County Court orders the district under authority of Section 1361 of the Public School Code to provide transportation for a district resident attending an out-of-state private school.
	Volume XIII - No. 91 September 24, 1976	Millcreek Township School District - PLRB dismisses charges of unfair labor practices directed at district. The board declared that the complete and permanent cessation of the school district's bus service was a valid action on the part of the district and did not violate Section 1201 of Act 195 (1970).
	Volume XV/ - No. 30 March 30, 1979	The Pennsylvania Supreme Court upheld the 10-mile-beyond-school-district busing provisions of Adt 372. In summary, the court concluded that "...it is our view that Act 372 requires students attending public and nonpublic schools to be transported to their schools if such schools are within 10 miles of the school district borders; the Act requires public and nonpublic school students to have equal transportation services; the Act does not confer greater benefits upon nonpublic school students than upon those attending public schools; that although students attending church-related schools are the predominant nonpublic beneficiaries of the Act, the transportation provided by the Act is totally unrelated to the religious mission of these schools; the primary, beneficiaries in fact are the students and any remote benefit received by the nonpublic schools is too indirect and incidental to render the Act Constitutionally infirm; and that the Act does not require excessive governmental entanglement with the affairs of the religious school involved.

Volume XVIII - No. 24 May 4, 1981	Wallenpaupack Area School District - Commonwealth court upheld the right of the school district to discontinue school bus service on the private, interior roads of private residential developments.
Volume XIX - No. 35 April 20, 1982	Kennett Consolidated School District - Chester County Court of Common Pleas held that the district was required to bus plaintiff home from a private school even though the school day ended at 5:30 p.m. at the private school and it ended at 2:30 p.m., depending on the grade, in the public school.
Volume XX - No. 80 October 24, 1983	Duquesne - Allegheny County Court of Common Pleas held that where a school district provides emergency transportation for public school students, identical services must be provided to similarly affected nonpublic school students within the 10-mile limit.
Volume XX - No. 85	Babcock School District - The Supreme December 9, 1983 Court of PA held that a school district does not have to bus a resident:student to a public school outside the district boundaries. The Court reversed a Commonwealth Court opinion, reprinted in SLIE, Vol. XX, No. 18, March 14, 1983.
Volume XXII - No. 16 March 6, 1985	Unionville-Chadds Ford School District - Commonwealth Court upheld a mandatory preliminary injunction requiring the school district to bus a student, below the district's age of admission, to a nonpublic school kindergarten.
Volume XXIV - No. 12 February'10, 1987	Woodland Hills School District - Commonwealth Court held that the school district had to furnish either free transportation or board and lodging to nonpublic elementary school students participating in the district's special education program for gifted students.
Volume XXV - No. 51 July 28, 1988	Mars Area School District - Commonwealth Court upheld a PLRB decision that the district did bargain in good faith with the union prior to subcontracting its transportation services. While the association had submitted the lowest proposal, it did not take into account several costs which the district would not incur if it accepted the subcontractor's bid.
Volume XXV - No. 60 August 22, 1988	DiCkinson (ND) Public Schools - The U.S. Supreme Court held that, applying the rational relation test, that a state'■ decision to allow local school boards the option of charging patrons a user fee for bus service is constitutionally permissible. The Constitution does not require that such a service be provided at all, and choosing to offer it does not include a constitutional obligation to offer it for free. The court further held that social and economic legislation like the act in question carries a presumption of constitutionality that can only be overcome by a clear showing of arbitrariness and irrationality.
Volume XXV - No. 90 December 5, 1988	Lower Dauphin School District - In a surprising decision, the PLRB reversed its hearing examiner and held that the district did not bargain with the union in good faith over subcontracting when the district allegedly did not modify its position on cost savings if its bus service was contracted.
Volume XXV - No. 98 December 15, 1988	School District of Philadelphia - Commonwealth Court upheld an order by the Department of Education requiring the district to provide transportation for a child to a learning center providing unigensory training for a child with a progressive hearing loos and also must provide tuition as well.
Volume XXV - No. 99 December 16, 1988	Bangor Area School District - Commonwealth Court held that a parent and his children had not been denied a property right when the school district located a school bus stop in a certain location, hence, no adjudication occurred under the Local Agency Law and the law was not brought into play.

Volume 29 - No. 59, 1992	Abington School District - Commonwealth Court held that the school district was immune from liability under the Tort Claims Act, 42 Pa. C.S.A. Secs. 8541 and 8542(b)(1), where it was alleged that the district's negligence in selecting a bus stop location led to a child's injuries.
Volume 30, No. 51, 1993	School District of Philadelphia - The U.S. District Court for the Eastern District of Pennsylvania dismissed a civil rights lawsuit filed under 42 U.S.C. Sec. 1983 which alleged that the school district and several of its administrators violated a student's constitutional right to be free from injury to his person by their alleged failure to provide a student with bus transportation to and from school. The student was killed by a car while exiting a SEPTA bus taking him to school. The court concluded that there was not a custodial relationship between the school and the student sufficient to trigger an affirmative duty under the U.S. Constitution.to protect him from the acts of third persons.
Volume 31, No. 30, 1994	Bristol Township School District - The PLRB held that the school district was "contractually privileged" from having to further negotiate the subcontracting of its transportation services because of language in the.collective bargaining agreement pertaining to subcontracting.
Volume 31, No. 71, 1994	Lakeland School District - Lackawanna County Court of Common Pleas upheld the district's transporting of a nonpublic school student by common carrier and held that the "identical provision" of the transportation provisions of the School Code, 24 P.S. Sec. 13-1361(1), did not require such students be transported to and from nonpublic schools, to arrive and depart at the exact times as public schools. The court also found the Department of Education guidelines to be very ambiguous and not binding.
Volume 32, No. 63, 1995	The Pennsylvania Superior Court held that a motorist could be convicted of failing to stop for a school bus whose red signal lights were flashing even if the bus driver failed to activate the amber lights no less than 150 feet before the stop.

	Lancaster County Vo-Tech - Lancaster County Court of Common Pleas held that a product liability suit may be maintained where the product is hazardous, even though personal injury or physical damage has not yet occurred. This case involved a law suit arising out of placement of asbestos in school buildings.
Volume XXII - No. 84 December 16, 1985	School District of Philadelphia - Commonwealth Court held that the school district and the city were immune from liability pursuant to the Political Subdivision Tort Claims Act, where a student was shot while entering a school.
Volume XXII - No. 97 December 27, 1985	Commonwealth Court held that an insurance company was liable under its policy with a township, where several township supervisors were surcharged for wrongful acts. The court found that such a policy was consistent with the Political Subdivisions Tort Claims Act.
Volume XIII - No. 67 October 21, 1986	City of Philadelphia - Commonwealth Court held that the provision in the Political Subdivision Tort Claims Act, 42 Pa. C.S. Sec. 8553(d), limiting recovery in damage actions by requiring a deduction of compensation received from insurance companies was not unconstitutional as violative of equal protection.
Volume XXV - No.1 January 8, 1988	Peters Township School District - The Third Circuit Court of Appeals held that school damaged due to mine subsidence was not within the scope of exclusions under an "earth movement" clause in the insurance policy. The court also noted that "all risk" insurance policies afford coverage for all risks which are not excluded.
Volume XXV - No. 27 April 19, 1988	City of Philadelphia - Commonwealth Court held that the city was immune from liability under the Tort Claims Act, 42 Pa. C.S.A. Sec. 8542, for alleged negligence in failing to ensure that scaffolding used by a contractor to erect sludge digester tanks was safe.
Volume XXV - No. 49 July 27, 1988	Bethlehem Area School District - Commonwealth Court held that the school district was immune from liability under the Political Subdivision Tort Claims Act, 42 Pa.,

	C.S.A. *Secs.* 8541-8542, when a student was injured on a chin-up bar. The court held that the real property exception did not apply because the chin-up bar was a fixture and not realty.
Volume XXV - No. 50 July 28, 1988	Abington School District - Commonwealth Court held that the real estate exception to immunity under the Political Subdivision Tort Claims Act, 42 Pa. C.S.A. Sec. 8542 was not applicable where a student's injuries were the results of his own actions.
Volume XXV - No. 54 August 1, 1988	Thornbury Twp. (Chester County) - The Third Circuit Court of Appeals held that a township supervisor was entitled to qualified immunity from liability to a landowner seeking approval of a subdivision, where the landowner did not allege any connection between the supervisor's actions and alleged violations of any clearly established rights. The court noted that the supervisor's opposition to the subdivision plan did not violate due process.
Volume XXV - No. 55 August 1, 1988	Lakeland.School District —Commonwealth Court held that a school district was immune from liability under the Tort Claims Act in a defamation lawsuit. The court also held that where the business manager was acting within the scope of employment and his conduct of stating that an employe was guilty of misconduct did not constitute actual malice or willful misconduct (and was not defamatory), he also was immune from liability.
Volume XXV - No. 87 November 30, 1988	Cheltenham Township School District - In an action brought where a child drowned in a creek in a township park, the Commonwealth Court held that the township was immune from liability under the Recreation Use of Land and Water Act, absent an allegation that the township either acted willfully or maliciously at the time of death. The court held that the act applied to a governmental body even if the real property exception of the Sovereign Immunity Act and the Governmental Immunity Act had been vitiated.

Volume XXVI - No. 24 1989	City of Canton, OH - In a Section 1983'.case, (42 U.S.C. Sec. 1983), the U.S. Supreme Court held that a municipality may, under certain circumstances, be held liable for constitutional violations resulting from its failure to train its employes. The failure to train must amount to deliberate indifference to the constitutional rights of other■ and must reflect a "deliberate" or "conscious" choice by the municipality. The identified deficiency in training must be closely related to the ultimate injury as well. Adopting a lesser rule, said the court, would expose municipalities to unprecedented liability and engage the federal courts in too much second-guessing of municipal training programs.
Volume XXVI - No. 30 1989	Panther Valley School District - County court of common pleas held that the board members, school district and business manager are not liable for the alleged loss of money in a bad investment because they were immune from liability under the Political Subdivision Tort Claims Act, 42 Pa. C.S.A. Sec. 8541, et seq.
Volume XXVII - No. 4 1990	Pottstown School district - Commonwealth Court held that the borough and school district were immune from liability, under the Recreation Use of Land and Water Act (68 P.S. Sec. 477-1) and the Political Subdivision Tort Claims Act (42 Pa. C.S.A. Sec. 8541), for damages sustained by a child in an accident in a storm drain on a playground.
volume 31, No. 97, 1994	City of Chester - The U.S. District Court for the Eastern District of Pennsylvania held that the school district and city were immune from liability under the Political Subdivision Tort Claims Act, 42 Pa. C.S.A. Sec. 8541 et seq., for allegedly failing to supervise a crossing guard because the guard was not a 'traffic control device" under.the act. They were also exempt from liability for willful and wanton misconduct.

813 Volume XIX - No. 16
March 17, 1982

Penn Rills School District - Commonwealth Court held school district was not liable for injuries sustained by a student who was •truck in the eye by a pencil thrown by a classmate. The court upheld the district's immunity from such suits under the Political Subdivision Tort Claims Act.

Volume XXIII - No. 67
October 21, 1986

City of Philadelphia - Commonwealth Court held that the provision in the Political Subdivision Tort Claims Act, 42 Pa. C.S. Sec. 8553(d), limiting recovery in damage actions by requiring a deduction of compensation received from insurance companies was not unconstitutional as violative of equal protection.

Volume XXII - No. 72
December 9, 1985

School District of Philadelphia - Commonwealth Court held that the Political Subdivisions Tort Claims Act, 42 PA CS Sec. 8541, barred a claim against the school district for a wrongful death arising out of a student's drowning in a hotel pool in Virginia while on a school trip.

Volume XXIII - No. 36
June 26, 1986

School District of Philadelphia - The U.S. Third Circuit Court of Appeals held that the school district, under Pennsylvania's third party practice, had an obligation to defend two employes under the Political Subdivision Tort Claims Act, 42 PA. C.S.A. Secs. 8541-64, unless or until there was a judicial determination that the district employes were acting outside the scope of their employment.

Volume XXIII - No. 50
August 25, 1986

Delaware County VTS - Commonwealth Court held that the school and other appellees were immune from tort liability per the Tort Claims Act, 42 Pa. C.S.A. Sec. 8542 (b) when the students took a car that was at the vo-tech to be worked on and went on a joy ride that resulted in the death of a student.

Volume XXIII - No. 90
December 11, 1986

The Supreme Court of Pennsylvania held that the commonwealth was immune from liability with respect to injuries suffered by an individual or property maintained for recreational purposes by the commonwealth, pursuant to the Recreational Use of Land and Water Act, 68 Pa. C.S. Sec. 477-1 et seq.

Volume XXIII - No. 100
December 23, 1986

Woodland Rills School District - Commonwealth Court upheld the right of the school district to collect premiums paid for employe benefits during a strike from the union. The court also held that for purposes of Section 1006 of Act 195, 43 P.S. 1101.1000, prohibiting the payment of compensation during a strike, that fringe benefits constitute compensation.

Volume XXIV - No. 38
June 1, 1987

The Pennsylvania Supreme court held that a township could purchase insurance on itself or its employes to cover liabilities arising from the performance of their duties within the scope of their employment. But, the court held that surcharges arising out of an official's willful or fraudulent misconduct are liabilities which arose outside the scope of employment and, as such, are not insurable.

Volume XXIV - No. 96
December 24, 1987

Commonwealth Court held that it lacked jurisdiction to interpret a contract between the state and an employe's association for the funding of health insurance coverage for state employee. The court held that the matter was a proper one for arbitration but noted that the question of constitutionality was outside the jurisdiction of the arbitrator.

Volume XXV - No. 11
February 18, 1988

Everett Area School District - In a defamatory action, Commonwealth Court held that the district was immune from liability pursuant to the Tort Claims Act, 42 Pa. C.S. Secs. 8541-8564. The court also held that the principal was immune from liability pursuant to 42 Pa. C.S. Sec. 8546(2) because he was required by law to send a notice of student suspension to the student's home and the board secretary per 24 P.S. 13-1318.

Volume XXV - No. 59
August 17, 1988

Clairton City School District - Common-
Court held that, notwithstanding the fact that a bid was awarded, an insurance agent is not liable contractually for the cancellation of insurance coverage by the carrier because *of* the mandatory mutual right *of* cancellation language that must appear in all policies of insurance in Pennsylvania.

Volume XXV - No. 72 October 18, 1988	Middle Atlantic Lumbermens Assoc. - The Superior Court held that., under PA law, where an insured employe is not provided . with the notice of the termination of group coverage and possible conversion rights within 90 days from the termination of group coverage, the insurer remains liable for medical expenses incurred up until the time such notice is given. If notice is given outside the 90-day period, the insured has an additional 90 days to apply for a converted policy of individual insurance. The act, 40 P.S. Sec. 756.2(d) provides a mechanism for the insurer to escape liability by having the policyholder do the notifying.
Volume XXV - No. 77 November 16, 1988	City of Philadelphia - The Supreme Court of PA held that the city was not liable, pursuant to the Tort Claims Act, 42 Pa. C.S.A. 8541, to a woman injured while alighting from a city-owned van, because this did not constitute "operation of a motor vehicle" - for which liability could be imposed.
Volume XXVI - No. 69 1989	Michigan Dept. of State Police - The U.S. Supreme Court held that neither a State nor its officials acting in their official capacities are "persons" subject to damages pursuant to 42 U.S.C. Sec. 1983. However, the court noted that a State official in his/her.official capacity, can be a "person" under Sec. 1983, when sued for injunctive relief because official-capacity actions for prospective relief are not treated as actions against the State.
Volume XXVI - No. 81 1989	Chartiers-Rouston School District - Commonwealth Court held that a claim was stated sufficient to bring it within the real property exception to immunity under the Tort Claims Act, 42 Pa. C.S.A. Sec. 8542, where it was alleged that a wrestler using a hall for running (which was done on a regular basis) had injured his hand when it went through a door window in the hall.
Volume XXVI - No. 94 1989	Canon-McMillan School District - Commonwealth Court held that a heavy wood lathe that was not bolted to the floor of an industrial arts classroom was not realty and, therefore, a student who was injured

	while using the lathe could not bring a lawsuit under the real property exception to immunity pursuant to the Political Subdivision Tort Claims Act, 42 Pa. U.S.C. Sec. 8541.
Volume 28 - No. 12, 1991	Woodland Rills School District - Commonwealth Court held that the school district was immune from liability under the Political Subdivision Tort Claims Act, 42 Pa. C.S.A. Sec. 8541, for injuries suffered by a spectator at a football game who was injured by an errant football.
Volume 28 - No. 25, 1991'	City of Philadelphia - The Supreme Court of Pennsylvania held that the immunity under the Recreation Use of Land Act, 68 P.S. *Sec.* 477-1 at seq., does not apply to improved real estate - in this case a basketball court owned by the city. The court also defined the terms for "permanent loss of bodily function" and "permanent disfigurement" for damages purposes under the political Subdivision Tort Claims Act, 42 Pa. C.S.A. Sec. 8553(c).
Volume 28 - No. 27, 1991	The Superior Court of Pennsylvania held that an insurance company did not have to pay the legal expenses of a board member where he appealed a judgment rendered against the board collectively, not individual board members, and the board decided not to appeal.
Volume 28 - No. 29, 1991	The U.S. Supreme Court held that, in this case, the punitive damages assessed against the petitioner did not violate the Due Process Clause of the 14th Amendment.
Volume 28 - No. 95, 1991	Commonwealth Court held that this case must be remanded to determine whether an engineering firm was an independent contractor or an "employe" for purpose■ of determining governmental immunity pursuant to the Political Subdivision Tort Claims Act, 42 Pa. C.S.A. *Sec.* 8541. If an independent contractor the firm would not be entitled to governmental immunity.
Volume 28 - No. 96, 1991	City of Philadelphia - Commonwealth Court held that the city was not immune from liability under the Recreation Use of Land Act, 68 P.S. Sec. 477-1 to 477-8, where a child was injured when she dove into a

	public outdoor swimming pool. The court also found liability under the Political Subdivision Torts Claims Act, 42 Pa. C.S.A. Sec. 8541, where city employee covered or painted over depth marks and racing stripes on the pool walla.
Volume 28 - No. 100, 1991	Ridgway School District - Commonwealth Court held that a saw in a high school workshop was personalty and, therefore, the real estate exception to immunity under the Political Subdivision Tort Claims Act, 42 Pa. C.S.A. Sec. 8541 et seq., was not applicable. The court concluded that the question of whether it was realty or personalty for purposes of immunity determination was a question of law to be based on the facts as to the district's manifest conduct.
Volume 32, No. 15, 1995	Delaware County /II - The Delaware County Court *of* Common Pleas held that because the contract did not give a widow's deceased husband/bargaining unit member the right to proceed in a court action against the employer, she had no right either. This case involved the question of payment of insurance benefits to the widow of an employee who died while on sabbatical leave. The court noted that the matter should have been dealt with exclusively via the grievance procedure. However, the court did not dismiss the claim against the insurance company as there were material issues of fact for determination at trial.
Volume 32, No. 58, 1995	Palmyra Area School District - In a final Order, the PLRB upheld a hearing examiner's decision that the school district committed an unfair practice by unilaterally adopting self-insurance on its major-medical coverage.
Volume 32, No. 93, 1995	City of Philadelphia - The Supreme Court of Pennsylvania held that the city was immune from liability under the Political Subdivision Tort Claims Act, 42 Pa. C.S.A. Secs. 8541 et seq., in a "slip and fall" case where appellant slipped on oil and grease on a city sidewalk. The case contains an excellent discussion noting that the cloak of immunity is waived where the injury is caused by a defect of the sidewalk itself.

814 Volume XXI - No. 90 December 17, 1984	Guidelines for classroom copying in not-for-profit educational institutions.
818 Volume 29 - No. 65, 1992	Stroudsburg Area School District - The Superior Court.of Pennsylvania held that the school district could assert the doctrine of nullua tempus occurrit regi to defeat the applicable statute of limitations in an action against various architects and contractors based upon poor construction of a school building.
Volume 31, No. 34, 1994	Commonwealth Court held that a subcontractor does not have a cause of action against a municipality pursuant to the Public Works Contractor.' Bond Law, 8 P.S. Sec. 193(a)(2), where a general contractor failed to provide a payment bond and went bankrupt and failed to pay the subcontractor.
Volume 31, No. 25, 1994	School District of Philadelphia - The Third Circuit Court of Appeals held that the secretary of education and the attorney general were not proper parties in an action challenging the requirement to use residents on public construction projects. The school district had filed a third-party compliant against these officials. The school district had the authority and right to enforce the statute.
903 Volume XIV - No. 18 March 18, 1977	City of Madison Joint School District - U.S. Supreme Court overrules the Wisconsin Supreme Court and holds that an elected Board of Education is not required to prohibit teachers, other than union representatives, to speak at an open meeting at which public participation is allowed, even if such speech concerns matters of pending collective bargaining.
Volume. XX - No. 3 February 22, 1983	Commonwealth of PA - Superior Court affirmed a lower court's refusal to approve private prosecution of City Council members for 'official oppression' pursuant to Section 5301 of the Crimes Code. Charges were brought for denying Appellant a right to speak at public meetings. The court acknowledged that an individual has no "right" to speak at public municipal meetings; that no individual has a right to be given unlimited time to speak at public meetings.

907	Volume XXV - No. 100 December 19,.1988	Commonwealth of PA - The Superior Court of PA upheld a criminal conviction of assault by a person upon a student. The court held that the purpose of the aggravated assault statute was to prevent disruption of the scholastic environment and assaults on teachers and students protected students regardless of whether they were employes. (18 Pa. C.S.A. Sec. 2702(a)(5)). This statute also protects school board members.
908	Volume 28 - No. 14, 1991	South Butler County School District - The Supreme Court of Pennsylvania reversed the decision of the Butler County Court of Common Pleas which held that the limited right to strike under Act 195 was unconstitutional. The court concluded that once the lower court found that the parents and students had no standing to seek injunctive relief, the issue of the constitutionality became moot.
909	volume XII - No. 30 April 4, 1975	School District of Washington - Washington County Court dismisses the City of Washington's Petition for an injunction to halt construction of a new educational complex within the district.
	Volume XXVII - No. 28 1990	Commonwealth Court held that the vehicle exception to immunity under the Political Subdivision Tort Claims Act, 42 Pa. C.S.A. Sec. 8542(b)(1), only applied to situations where an employe of the local agency actually operated the vehicle in question. The driver in this case was not an employe of the city but was an employe of the ambulance service.
	Volume XXVII - No. 30 1990	Bristol Borough - Commonwealth court held that a borough'■ immunity under the Recreation Use of Land and Water Act could not be waived. The court relied on the PA Supreme Court's decision in In re Upset Sale of Properties, 522 Pa. 230, 560 A.2d 1388 (1989) which held that a political subdivision could not waive its immunity under the Political Subdivision Tort Claims Act. This decision reversed the Commonwealth Court decision.

	Volume XXVII - No. 43 1990	Commonwealth Court held that under the Donated or Dedicated Property Act, 53 P.S. Sec. 3384, the Orphan's Court Division properly removed a municipal use restriction from a deed which granted land to the municipality. However, the court did hold that the trial court exceeded its authority when it imposed new restrictions on the land.
	VOlume 29 - No. 88, 1992	Manheim Central School District - The Lancaster County Court of Common Pleas remanded the case to a township to hold an evidentiary hearing and to issue a written decision concerning the district's request for a sewage planning module approval related to a school building program. None of the above prerequisites were followed by the township. The court reiterated that a municipality may not,-through land use regulations or zoning ordinances, limit a school district's power to choose the location of school grounds.
	Volume 32, No. 3, 1995	Peters Township School District - The Washington County Court of Common Pleas held that the Municipalities Planning Code, 53 P.S. Sec. 10305, required the school district to seek the recommendation from the local planning agency, but permitted the district to make a final determination as to the location of a school or playground in accordance with 24 P.S. Sections 7-701 and 7-702.
910	Volume XXV - No. 22 March 25, 1988	Benton Borough - Commonwealth Court held that the municipality was protected by immunity under the Recreational Land Act with respect to injuries incurred in the use of the municipal park for recreational purposes because the fee charged by the fire company for bingo was not a "charge" in accordance with the act. (68 P.S. Sec. 477-3).
	Volume XXVII - No. 54 1990	Commonwealth Court held that a school and a township could jointly condemn land for development as a school-public park, where the school' district had authority to condemn land for an elementary school but not for a public park and vice versa for the township. Such cooperation in performing the respective duties of each-political subdivision is permitted by the Act of July 12, 1972, P.L. 762, 53 P.S. *Sec.* 483.

911 Volume 29 - No. 11, 1992	Port Allegany Reporter Argus - The Superior Court of Pennsylvania held that an accurate newspaper report of a discussion at a school board meeting concerning the parents request for reimbursement for the costs of having their allegedly learning disabled child evaluated did not constitute an action of invasion of privacy as the matter was deemed to be "newsworthy".
912 Volume X - No. 70 July 30, 1973	Alton *J.* Lemon, et al vs. Grace Sloan (Treasurer of PA) - U.S. Supreme Court rules invalid Pennsylvania's "Parent Reimbursement Act for Nonpublic Education."
Volume XI - No. 62 August 15, 1974	Wheeler at al vs. Barrera et al - U.S. Supreme Court rules 8-1 that parochial school children receiving federal aid Title I funds are entitled to services comparable to those in public schools. The court declined at this time to determine whether public school teachers can be assigned to teach in church schools during regular working days.
Volume XII - No. 45 June 4, 1975	Sylvia Meek et al vs. John Pittenger et al - The U.S. Supreme Court invalidates Pennsylvania'■ Acts 194 and 195 (1972) which authorized the granting of auxiliary services and instructional materials to nonpublic schools. The Supreme Court upheld that portion of the Acts authorizing the loan of textbooks to nonpublic schools.
Volume XIV - No. 93 November 18, 1977	Wolman et al vs. Walter et al - U.S. Supreme Court finds an Ohio statute providing various forme of aid to nonpublic schools is unconstitutional as far as it concerns loan of instructional material and equipment and provision for field trip transportation. Found permissible are provision of diagnostic services, standardized testing and scoring services, therapeutic, guidance and remedial services and purchase of textbooks.
Volume XIX - No. 45 May 12, 1982	Derry Township School District - Commonwealth Court upheld the State Board of Education's refusal to allow the school district to withdraw as a local sponsor of

	the community college. The Court held that the Community College Act contained specific guidelines that limited the State Boards discretion, and there was no unlawful delegation of power to the Board.
Volume XX - No. *66* August 19, 1983	Allen - The U.S. Supreme Court upheld a Minnesota statute allowing taxpayers to deduct expense■ incurred in providing "tuition, textbooks and transportation" for their children attending an elementary or secondary school. The statute was upheld even though most of the benefit accrued to taxpayers sending their children to church-related schools.
Volume XXVI - No. 67 1989	Midland Borough School District - Commonwealth Court held that when a school district sends its students to another district on a tuition basis it is tantamount to contracting out bargaining unit work and, therefore, must be bargained with the union representing its teacher prior to sending the students to the other school district.
Volume 30, No. 54, 1993	Catalina Foothills School District - The Supreme Court held that the Establishment Clause of the First Amendment does not bar a school district from providing a sign-language interpreter for a student attending a Roman Catholic high school. The student was eligible for special education services under federal and state law.
Volume 30, No. 87, 1993	Palisades School District - Where a home school district offered its own vo-tech program and did not agree to pay tuition and transportation costs to send some of its resident students attending a nonpublic school to another vo-tech school, the home district was not liable for such costs pursuant to 24 P.S. Secs. 18-1809, 18-1847 and 25.2562.
Volume 32, No. 74, 1995	Millville Area School District - Commonwealth Court held that the school district was not required to pay a student's tuition to another school district which he attended to take a vocational program not offered in his home district because the

		latter school district'never made a determination of eligibility under 24 P.S. 18-1809, nor any 1809 admission, and never pursued tuition reimbursement from the other district under 1809(c).
913	Volume 30, No. 35, 1993	The Seventh Circuit Court of Appeals held that the distribution of Gideon Bibles in the school, to fifth grade students, violated the Establishment Clause of the First Amendment of the U.S. Constitution. This decision reversed a U.S. district court decision.
	Volume 32, No. 29, 1995	Reynolds School District - PLRB hearing examiner held that the district did not commit an unfair labor practice when it would not allow the union to display union material at a school district Open House. The hearing examiner found that there was no ongoing labor dispute between the parties, therefore, it was not a protected activity and the district did not have to allow the union to display its "propaganda".
914	Volume XX - No. 84 October 26, 1983	Delaware County Intermediate Unit - Commonwealth Court dismissed exceptions filed by the Department of Education and affirmed an earlier opinion that the Department has an obligation to evaluate special education budgets in light of the plan approved by the Department and may not evaluate the budget with regard to the Department•s internal allocation system for funds.
	Volume XXIII - No. 55 September 3, 1986	Luzerne Intermediate Unit 18 - Commonwealth Court held that to stand for election to an intermediate unit board of directors, per Sec. 960 of the School Code, 24 P.S. 9-960, a director from a member district must first be nominated by a majority vote of the board of directors of the member district.