

SWEET | STEVENS | KATZ | WILLIAMS

Lawyers for education.

THE COLEMAN DECISION: NEW STANDARDS FOR SCHOOL BOARD AGENDAS

On November 24, 2025, the Pennsylvania Supreme Court issued an opinion in the case of *Coleman v. Parkland School District* that affects whether a public agency, including a board of school directors, can take action during a public meeting on an item that did not appear on the published agenda but which the board wishes to add to the agenda.

The Sunshine Law requires public agencies to post agendas at least 24 hours before a public meeting and generally prohibits official action on items not included on the agenda. The Sunshine Law, however, provides exceptions to that prohibition in section 712.1. The issue before the court was whether section 712.1 allows for three or four exceptions based upon the language of the Law.

Under the first three exceptions the board may take official action on a matter of agency business even if the matter was not included on the published agenda if the matter:

1. Relates to a real or potential emergency involving a clear and present danger to life of property
2. Arose or was brought to the attention of the agency within 24 hours of the meeting and the matter is de minimus in nature and does not involve the expenditure of funds or entering into a contract
3. Was brought to the attention of the agency during the meeting by a resident or taxpayer and the board wishes to refer the matter to staff for further research, or if the matter is de minimus and does not involve the expenditure of funds or entering into a contract

Under the fourth exception the board may add a matter of agency business to the agenda provided it meets the following conditions:

1. The reasons for the change to the agenda must be announced before any vote is taken to make the change.
2. A majority vote of those present and voting must authorize the change in the agenda.
3. The agency shall post the amended agenda on the agency's publicly accessible internet website and at the agency's principal office location no later than the first business day following the meeting at which the agenda was changed.
4. The minutes of the meeting shall reflect the substance of the matter added, the vote on the addition and the announced reasons for the addition.

In this case, the dispute was whether this fourth "exception" was simply the procedure by which the other three exceptions would be implemented or whether this exception was a substantive fourth exception. The court concluded that this "exception" was in fact a fourth substantive basis for allowing an agency to add an item to the agenda.

SOUTHEAST REGION

331 East Butler Avenue, New Britain, PA 18901
PHONE 215 345 9111 | FAX 215 348 1147

CENTRAL REGION

P.O. Box 956, Hershey, PA 17033
PHONE 717 641 9025 | FAX 717 641 9026

NORTHEAST REGION

250 Kennedy Boulevard, Suite 1, Pittston, PA 18640
PHONE 570 654 2210 | FAX 570 655 1875

NORTHERN TIER REGION

30 Taylor Street, Suite B, Troy, PA 16947
PHONE 570 512 1440 | FAX 570 512 1442

SWEET | STEVENS | KATZ | WILLIAMS

Lawyers for education.

This ruling provides greater flexibility for a board during its public meetings if it needs to add items to the agenda provided the conditions referenced above are met. However, we have one word of caution.

Under section 710.1 of the Sunshine Law, taxpayers are entitled to a reasonable opportunity to comment on matters which are before the board before official action is taken.

When a matter has been added to the agenda under any of the exceptions allowed for under section 712.1 of the Sunshine Law, it is our opinion that an opportunity for public comment before a vote is taken on the item must be allowed. If the item is added at the beginning of the meeting, the usual public comment period for agenda items will be available for comments on the added item. If, however, an item gets added during the meeting and after the comment period for agenda items has concluded, it is our opinion that a separate comment period needs to be made available for the added item only.

Clients who have questions regarding issues discussed in this article, or any education law matter, should feel free to call us at 215-345-9111.

SOUTHEAST REGION

331 East Butler Avenue, New Britain, PA 18901
PHONE 215 345 9111 | **FAX** 215 348 1147

CENTRAL REGION

P.O. Box 956, Hershey, PA 17033
PHONE 717 641 9025 | **FAX** 717 641 9026

NORTHEAST REGION

250 Kennedy Boulevard, Suite 1, Pittston, PA 18640
PHONE 570 654 2210 | **FAX** 570 655 1875

NORTHERN TIER REGION

30 Taylor Street, Suite B, Troy, PA 16947
PHONE 570 512 1440 | **FAX** 570 512 1442