

# **Bond Case Briefs**

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## **SCHOOLS - PENNSYLVANIA**

### **Save Our Saltsburg Schools v. River Valley School District**

**Commonwealth Court of Pennsylvania - November 7, 2022 - A.3d - 2022 WL 16727334**

Advocacy group representing area students, parents, community members, and business owners filed a complaint against school district and school board members, alleging that the board members improperly decided to close a high school in violation of procedural due process and in breach of their fiduciary duty to the group's members.

The Court of Common Pleas sustained defendants' preliminary objections. Advocacy group appealed.

The Commonwealth Court held that:

- Advocacy group failed to assert an established constitutional right that would support its procedural due process challenge, and
- School district's mission statement and the relationship between the community and elected members of school board did not create a fiduciary duty related to school closures.

Advocacy group failed to assert an established constitutional right that would support its procedural due process challenge to decision by school district and members of school board to close a public high school; section of the Pennsylvania School Code providing procedural rules to govern school officials in the closing of a school did not create any constitutionally-recognized procedural due process rights to participate in the school district's decision.

School district's mission statement and the relationship between the community and elected members of school board did not create a fiduciary duty related to school closures, in action by advocacy group representing area students, parents, community members, and business owners who were opposed to the closing of a high school; the Public School Code limited local school board members' fiduciary status to their capacity to expend taxpayer funds to operate the schools, and gave local school boards significant discretion to close a school after a properly-noticed public hearing regardless of community opposition.

Local school boards must hold a properly noticed public hearing at which the community may voice opposition to a proposed school closure, but regardless of that opposition, boards have significant discretion thereafter to vote for and order a closure so long as the decision is not arbitrary, capricious, or fraudulent.