

New Case Clarifies School District Transportation Obligation for Charter Students



By: Rebecca Hall, Esq.

On January 21, 2026, the Pennsylvania Supreme Court clarified the obligations of public schools to provide transportation services to charter school students. In Bell v. Wilkinsburg School District, a student's grandmother and charter school filed suit against the school district claiming that the school district's decision to discontinue providing school bus transportation for charter students and instead provide students with free bus passes violated the law.

Section 1726-A(a) of the Pennsylvania Public School Code states,

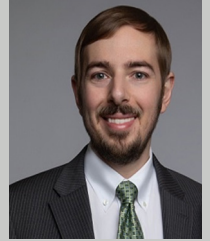
Students who attend a charter school located in their district of residence, a regional charter school of which the school district is a part or a charter school located outside district boundaries at a distance not exceeding ten (10) miles by the nearest public highway shall be provided free transportation to the charter school.... Transportation is not required for elementary students, including kindergarten students, residing within one and one-half (1.5) miles or for secondary students within two (2) miles of the nearest public highway from the charter school...unless the road or traffic conditions are such that walking constitutes a hazard to the safety of students when so certified by the Department of Transportation, except that if the school district provides transportation to the public schools of the school district for elementary students, residing within one and one-half (1.5) miles or for secondary students residing within two (2) miles of the nearest public highway under nonhazardous conditions, transportation shall also be provided to charter schools under the same conditions.

Given the “under the same conditions” language, the charter school reasoned that charter students must be provided transportation identical to what was provided to district students. The school district argued that transportation provided to charter students must only be free, with no requirement that the mode of transportation be identical.

The Pennsylvania Supreme Court found in favor of the school district.

It indicated that “had the General Assembly intended to require identical transportation between charter and public school students, it could have easily said so – and presumably would have done so in the first sentence, not the second, by simply inserting the word “identical” between “free transportation.” Therefore, *continued on next page.*

Multiple lawsuits seek to compel a County-wide tax reassessment in Allegheny County



By: Lee Dellecker, Esq.

Despite being the second largest county in terms of population size, Allegheny County continues to rely on an outdated 2012 base year property tax assessment system to finance local government. In recent years, Allegheny County's commercial tax base has been substantially eroded due to sophisticated commercial property owners taking advantage of a rapidly declining Common Level Ratio (“CLR”). Unfortunately, with Allegheny County's CLR declining to 50.14% for the 2026 tax year, this trend is likely to continue until the base year is updated and a mass reassessment is conducted and implemented by the County's assessment office.

Many taxing authorities have resorted to increasing their millage rates to offset the loss of their commercial bases, which in turn has effectively shifted tax liability away from commercial property owners over to residential property owners. While Allegheny County currently has no plans to voluntarily reform its tax assessment system, multiple lawsuits have been filed to compel a County-wide reassessment.

On April 8, 2024, Pittsburgh Public Schools (PPS) was the first to act, initiating an action challenging Allegheny County's 2012 base year. That lawsuit is currently pending before Commonwealth Court, which must address the issue of whether a taxing authority has standing to unilaterally compel a mass reassessment, or whether such a lawsuit must be initiated by an aggrieved private citizen who owns taxable real estate within the county.

In the first half of 2025, additional lawsuits were filed by Flavia Laun and Leo Quigley, new homeowners who saw their property tax assessments increased due to school district-initiated assessment appeals. The Flavia Laun lawsuit is seeking an immediate County-wide reassessment and is currently awaiting a status conference before the Honorable Kenneth G. Valasek. There is strong possibility this lawsuit will receive an evidentiary hearing in 2026. The Leo Quigley lawsuit requests similar relief but is also asking that the Court require regularly scheduled County-wide reassessments moving forward. It is essentially seeking a long-term solution. School districts should be cautioned *continued on next page.*

Transportation for Charter Students, continued

while public schools must provide transportation services to charter school students, the school can determine the types of transportation that are appropriate and may select a lower cost method. It is not required to provide the same transportation services that are used for public school students.

We encourage you to reach out to your solicitor or the attorneys at Weiss Burkardt Kramer with any transportation questions. ♦

Act 47: New Mandates Regarding Cyber Charter School Enrollment and Attendance



By: Michelle Gannon, Esq.

On January 15, 2026, Act 47 of 2025 went into effect. As part of this legislation, substantial reforms were enacted relating to cyber charter schools. Primarily, students identified as “habitually truant” can no longer be accepted as students at a cyber charter school, absent judicial order permitting the student’s enrollment in the same. School districts, when issuing notifications regarding truancy, are required to inform parents that habitual truancy may bar cyber charter transfers and include resources for remediation.

Parents of cyber charter school students will now be required to validate residency twice annually to both the cyber charter school and the local school district. PDE is working towards developing a form to enable parents to submit this information. These residency validations are due every March 1st and November 1st. By March 11th and November 11th, the local district is required to report residency disputes to both PDE and the cyber charter school to contest residency. The cyber charter school then has an additional ten (10) days to respond. If the cyber charter school agrees that the student is no longer a resident of the local district, the local district may cease paying tuition associated with that student. If the charter school disputes the local district’s residency conclusion, those matters are to be submitted to PDE for an ultimate determination. Pursuant to the statute, tuition payments made by the local district are to continue until such time as the dispute is resolved.

Act 47 also requires charter, regional charter and cyber charter schools to establish attendance policies designed to accurately determine when a child who is enrolled has an excused or unexcused absence or is present for instruction. These policies may differ from the policy of the school district in which the child resides. In addition, cyber charter schools are now required to report unexcused absences and establish policies defining attendance for both synchronous and asynchronous instruction.

Should you have any questions regarding the implementation of Act 47 or school responsibilities, we encourage you to reach out to your solicitor or the attorneys at WBK. ♦

County-wide Tax Reassessment, continued

School districts should be cautioned that the replacement of the 2012 base year system is not imminent. Even if one of these lawsuits results in a favorable ruling in 2026, that ruling is still subject to appeal by Allegheny County. **Additionally, mass reassessments are expensive and time-consuming initiatives that can take multiple years to complete. With that in mind, taxing authorities should operate under the assumption that there will not be a County-wide reassessment in Allegheny County until at least 2030. ♦**

WBK News

- Attorney Lynne Sherry has been named a non-equity partner at WBK effective January 1, 2026.
- Attorneys Ira Weiss and Annemarie Harr will be serving as adjunct professors at Point Park University School of Education, teaching a school law and ethics course to CTE teachers in the Spring 2026 semester.
- Attorneys Harr, Sherry, and Jocelyn Kramer presented at the 2026 ACAPA (Attendance/Child Accounting Professional Association) held on February 9-10, 2026, in Hershey, PA. Attorneys Harr and Kramer spoke on the topics of Gender Identity in Schools - Navigating Legal Responsibilities and Social Media in Education - Legal Risks and Responsibilities, while Attorney Sherry presented on Attendance, Truancy and Residency: What Every School Needs to Know.
- On March 7, 2026, Attorney Weiss will be speaking to the University of Pittsburgh School of Education doctoral class on the topic of Competent Management of Financial Resources.
- On March 25, 2026, Attorneys Harr and Elizabeth Sattler will be presenting at the PASBO Annual Conference on the topic of FMLA and Return to Work.
- Attorney Megan Turnbull will be speaking on the topic of Blight as part of a PBI panel presentation being held on May 14, 2026, via webcast.

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