

NEWS & INSIGHTS

Pennsylvania Supreme Court restores flexibility of Sunshine Act agenda amendments

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On Nov. 25, 2025, the Pennsylvania Supreme Court in [Coleman v. Parkland School District](#) held that the 2021 Sunshine Act amendments allow a school board at the start of a public meeting to add a new action item to a previously published meeting agenda. This decision overruled an earlier Commonwealth Court ruling that substantially restricted the ability to add new agenda items at a public meeting, if they were not previously included in the meeting agenda published at least 24 hours of that meeting.

In 2021, the General Assembly amended the Sunshine Act to require school boards to publicly post agendas at least 24 hours in advance of their scheduled public meetings. These amendments, however, allowed school boards to add items to their published agendas *after* the 24-hour posting period in certain limited instances. Specifically, Section 712.1 stated the following action items could be added to a published meeting agenda after the required posting period: (1) emergency business to respond to a clear and present danger to life or property; (2) de minimis business arising in that last 24 hours that does not involve the expenditure of funds or the entering into a contract; (3) de minimis business raised during the meeting by a resident or taxpayer that does not involve the expenditure of funds or entering into a contract; or (4) the school board by a majority vote adds an item to the published agenda for official action at the beginning of the meeting.

In *Coleman*, the Supreme Court was asked to decide whether Section 712.1 of the Sunshine Act allowed a school board to add the ratification of a teachers' collective bargaining agreement to its published agenda. The school board had not listed the approval of the teachers' contract on its published agenda, because it only learned the teachers voted to ratify the collective bargaining agreement shortly before the start of the meeting. Upon learning of this information, the school board approved a motion at its meeting to add the contract approval to its agenda, and thereafter held a second vote to approve the teachers' contract. A school district resident challenged the lawfulness of the school board's vote arguing the Sunshine Act did not allow the addition of this agenda item. The Common Pleas Court rejected the resident's argument; however, the Commonwealth Court ruled the school board violated the Sunshine Act.

On appeal, the Supreme Court held that Section 712.1's statutory exceptions created an independent fourth exception that authorizes a school board to vote to amend its published agenda to add a new agenda item after the 24-hour posting period. Therefore, a school board can vote to add a new agenda item of any kind at the start of its public meeting.

The Supreme Court's decision in *Coleman* confirms the interpretation long held by many school district solicitors regarding Section 712.1. Districts no longer need to demonstrate that any of the other three exceptions—(1) emergency business involving a clear and present danger; (2) de minimis matters arising within 24 hours that do not involve expenditures or contracts; or (3) de minimis matters raised during the meeting by a resident or taxpayer—are satisfied in order to invoke the fourth exception.

Therefore, school boards can vote to add action items to their published agenda within 24 hours of a meeting for any reason, so long as Section 712.1(e)'s procedural requirements are followed. Specifically, to add an item using Section 712(e), the school board must announce the reasons for adding the item, take a separate vote to amend the agenda, update the agenda online and at the agency office by the next business day, and reflect the addition, reasons, and vote in the meeting minutes. School districts continue to retain discretion to update published agendas to add or remove items at least 24 hours prior to the meeting. However, agenda changes made less than 24 hours before a meeting must be subject to a school board vote as discussed above.

If you have any questions regarding the Sunshine Act, or the [Coleman](#) decision, please feel free to reach out to any of Saxton & Stump's [Education](#) attorneys.

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