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February 2, 2017

SOLICITOR'S OPINION

TO: Superintendent & School Board Members
Gateway School District

FROM: Bruce E. Dice, Esquire, Solicitor

Ladies & Gentlemen:

I have been asked by Board Members and the Superintendent to offer an Opinion concerning the issue of residency.

Recently, an article appeared in the Tribune Review on February 1, 2017 titled: "No Exceptions: Gateway School Board Says First Grader Must Leave the District".

You should be aware that newspapers today are no longer in the business of reporting news; rather, they attempt to make news in order to sell newspapers. This title misleads the public into believing that we required the First Grader to leave the District. What the newspaper fails to report is that the child and parents had already left the District by their own volition. The decision to move to Murrysville was not Gateway's decision. The law in this matter is fairly well settled. Our Supreme Court of Pennsylvania has dealt with this issue in RESIDENCE HEARING BEFORE THE BOARD OF SCHOOL DIRECTORS, CUMBERLAND VALLEY SCHOOL DISTRICT at 744 A.2d 1272.

The term "residency" refers to the place where the custodial parent maintains a residence. Clearly, in the instant case, the mother decided to make her home in Murrysville. That salient point is not in dispute. As such, Pennsylvania statute 24 P.S. §13-1302 applies. See also, Gateway Board Policy No. 202.

You, the Board are required to follow the law no matter how unpopular the outcome may be.

I believe you have received the Superintendent's position on this matter, and it is certainly consistent with this Opinion. If the District was to permit a student, who resides in another Community, to attend Gateway the precedent would be substantial. That

would mean that students living in the surrounding Communities could attend Gateway School District, yet their parents pay nothing towards the taxes that support the District. That is a result that could be problematic.

On a related subject, Superintendent Short informs me that the mother of the child became irate with him and for several minutes during the conversation and threatened to call the media and stated that she would smear his name on social media. I have advised the Superintendent to reduce to writing what he remembers of the conversation for the file. It is unfortunate that social media should be used to extort or blackmail the Superintendent of a School District to achieve a purpose that may violate our policies and law. I point this out to you as a backdrop to what has already found its way onto social media. Superintendent Short followed the law and policies notwithstanding the threats of intimidation; and I again do not believe that should go unnoticed.

Very truly yours,

A handwritten signature in black ink, appearing to read "Bruce E. Dice", is written over the typed name. The signature is fluid and cursive, with a long horizontal stroke extending to the left.

Bruce E. Dice, Esquire