

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

DANIELLE JODUN, et al., : NO. 11 – 00,868
Plaintiff :
 : CIVIL ACTION - LAW
vs. :
 :
 :
JERSEY SHORE AREA SCHOOL DISTRICT, :
Defendant : Motion for Preliminary Injunction

.....

ROBIN REIDELL, et al., : NO. 11 – 00,892
Plaintiff :
 : CIVIL ACTION - LAW
vs. :
 :
 :
JERSEY SHORE AREA SCHOOL DISTRICT, :
Defendant : Motion for Preliminary Injunction

SUPPLEMENTAL OPINION

This opinion is being issued to clarify that the Court’s Order of June 2, 2011, was based on its determination that the School Board does have the authority to impose and enforce the rule at issue here, pursuant to Section 5-511 of the Public School Code, which provides, in relevant part:

§ 5-511. School athletics, publications, and organizations

(a) The board of school directors in every school district shall prescribe, adopt, and enforce such reasonable rules and regulations as it may deem proper, regarding (1) the management, supervision, control, or prohibition of ... other activities related to the school program

24 P.S. Section 5-511. The Court considers the graduation ceremony to be an “other activity related to the school program”.

Accordingly, the issues to be addressed at the hearing currently scheduled for June 14, 2011, are whether the Board committed a gross abuse of discretion in the enforcement of Policy

227, whether its actions in enforcement of the policy were arbitrary or capricious, and whether the Board's findings upon which it based its decision were supported by substantial evidence.

BY THE COURT,

Dudley N. Anderson, Judge

Date: June 10, 2011

cc: Marc Drier, Esq
Joel McDermott, Esq.
J. David Smith, Esq.
Gary Weber, Esq.
Hon. Dudley Anderson