Knox McLaughlin Gornall & Sennett, P.C.
Erie • Pittsburgh • Jamestown, NY
814-459-2800 • www.kmgslaw.com

Sunshine Act Updates: December 2025

Posted on December 18, 2025

On November 24, 2025, the Pennsylvania Supreme Court issued its decision in *Coleman v. Parkland School District*, which addressed Section 712.1 of the Sunshine Act's exceptions to the 24-hour advance agenda notice requirement for public meetings. **Importantly, the decision overturns the Commonwealth Court's 2023 opinion and reinstates subsection (e) to allow for addition of items to the agenda by a majority vote of the agency.**

Under the Sunshine Act, an agency must post a meeting agenda on its website at least twenty-four (24) hours before a meeting (the "24-hour Notice Rule"). The agenda may be changed within 24 hours of the meeting only if one of the following exceptions applies:

- A "matter of agency business relating to a real or potential emergency involving a clear and present danger to life or property." 65 Pa. C.S. § 712.1(b);
- A matter that "arises or is brought to the attention of the agency within the 24-hour period prior to the meeting" and "the matter is de minimis in nature and does not involve the expenditure of funds or entering into a contract or agreement by the agency." 65 Pa. C.S. § 712.1(c);
- A matter brought to the attention of the agency by a "resident or taxpayer" during a meeting. Under this exception, the agency may "take official action to refer the matter to staff, if applicable, for the purpose of researching the matter for inclusion on the agenda of a future meeting, or, if the matter is de minimis in nature and does not involve the expenditure of funds or entering into a contract or agreement, the agency may take official action on the matter." 65 Pa. C.S. § 712.1(d); or
- "Upon majority vote of the individuals present and voting during the conduct of a meeting, an agency may add a matter of agency business to the agenda." 65 Pa.C.S. § 712.1(e).

At issue in the *Coleman* case was whether the last subsection, known as the Majority Vote Clause, operated independently or in conjunction with other exceptions. In 2023, the Commonwealth Court interpreted the Majority Vote Clause as a "mere procedural mechanism" that could only be invoked if one of three other exceptions already applied.

The Pennsylvania Supreme Court has now made it clear that the Majority Vote Clause is a stand-alone exception and can be used as a fourth path to amend the agenda for any other matters of new business. In other words, an agency need not satisfy any of the other three exceptions before invoking the Majority Vote Clause.

To properly invoke the Majority Vote Clause, an agency must use the following procedures:

- Announce the reasons for the proposed agenda change at the meeting;
- Hold a separate vote to add the matter to the agenda before taking action on the item; and
- Post the amended agenda on the agency's website to reflect the change no later than one (1) business day after the meeting. 65 Pa.C.S. § 712.1(e).

When an agenda is amended under any of the four exceptions, the meeting minutes must reflect the substance of the added matter, including the reasons for the addition and the voting results. 65 Pa.C.S. §

712.1(f).

As always, section 710.1 of the Sunshine Act obligates an agency to ensure an opportunity for public comment on “matters of concern, official action or deliberation” before a board takes official action. Although the Sunshine Act and the *Coleman* court did not address the issue of public comment for added agenda items, our recommendation is to allow public comment on an item added to the agenda mid-meeting before voting on that item to ensure full compliance with Sunshine Act requirements.

We are bringing this to your attention as it is an important change to how Act 65 and the Sunshine Law have been interpreted by the Courts.

Should you have any questions, please do not hesitate to reach out to your named solicitor or any attorney in our Government Practices Division at Knox Law, or call us at 814-459-2800.



Rachael Downey Glasoe

As a member of the Governmental Practice Group, Rachael focuses her practice on providing legal services to school districts, municipalities and public authorities. Rachael has 16 years of experience in various county government roles, including in Pennsylvania and Texas.

rglasoe@kmgslaw.com • 814-923-4842

Legal Advice Disclaimer: *The content of this website is provided for general information purposes only. It should not be used as a substitute for consulting an attorney for legal advice regarding the reader's own affairs. Knox McLaughlin Gornall & Sennett, P.C. is not responsible for the content provided on any third-party website which may be accessed via links provided by this site.*

Copyright © Knox McLaughlin Gornall & Sennett, P.C.
Not to be reproduced without permission.