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# SOUTH ALLEGHENY SCHOOL DISTRICT

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## **South Allegheny Press Release – Response to Unilateral Termination of Student Transportation Agreement by David I.L. Sunstein, President and Owner Sun Coach Lines**

The South Allegheny School District was greatly disappointed in the unilateral actions of Sun Coach and its owner, Mr. David Sunstein, in terminating its student transportation agreement with the District with no advance notice. However, the School District has taken action to ensure the continuity of education for all of its students. Until the issues with Sun Coach are resolved, alternative transportation is currently being coordinated for all non-public and special education transportation, and the students and families affected by these services will be notified immediately when the alternative transportation is confirmed. Also, until the issues with Sun Coach are resolved, the students attending the schools of the District have been notified that Monday, February 1, 2021 will be a virtual school day. Families will be notified as soon as new information is available as to how they will receive their education next week. We will take all actions necessary to minimize the negative educational impact of the unilateral actions of Sun Coach in terminating student transportation services with no advance notice.

The self-serving, factually and legally inaccurate representations of Mr. Sunstein and Sun Coach in their January 29, 2021 media advisory will be addressed by the School District's Solicitors through the ongoing litigation. The school community can be assured that efforts were made by the School District immediately after Governor Wolf's school closure orders in the spring of last school year to attempt to resolve the dispute with Sun Coach. In short, the School District believes that the language of the existing contract between the parties entitled the School District to a reduction or elimination of the amount owed to Sun Coach during the time when little or no bus transportation was provided by Sun Coach. Sun Coach agreed to mediate the issues, a mediator had been proposed and a resolution could have occurred during the summer months prior to the 2020-2021 school year. However, on the eve of the new school year, without any warning, Sun Coach refused to participate in the mediation and threatened to discontinue student transportation services. This forced the School District to file litigation and an emergency motion for injunctive relief with the Court of Common Pleas of Allegheny County. Since the filing of that litigation in the beginning of the current school year, Sun Coach has repeatedly represented to the Court that it would not discontinue student transportation services while the matter was being litigated. This unexpected announcement by Sun Coach today is directly contrary to its representations to the Court.

As required by the student transportation agreement, the school district has continued to pay Sun Coach the full amount for student transportation services actually provided during the current school year, approximately \$250,000. However, for those times when the school was completely closed or was providing education virtually which did not require the transportation of students, the School District continued to request mediation of the dispute to determine an appropriate reduction. Within the last month, Sun Coach finally agreed to participate in mediation, and a mediation session was held. The District believes significant progress was made towards resolving the dispute, and a second session was being scheduled when Sun Coach issued its media advisory. While the School District has always remained willing to pay a fair amount to Sun Coach for services actually provided, the District could not justify using taxpayer dollars to pay for services that were not provided. Despite what Sun Coach has represented to the media, COVID-19 funding available through the CARES Act and the ESSER Fund were not earmarked for student transportation services. Those funds could only be used to provide the technology and other resources necessary for school districts to provide continuity of education and obtain necessary supplies to be able to provide a safe learning environment for the students. Student transportation services were simply not an eligible cost for reimbursement from these funding sources.

It is particularly disappointing that Mr. Sunstein chose to terminate Sun Coach's services at 3:00PM on a Friday, shortly before South Allegheny planned to return its Elementary students to in-person instruction on February 1, 2021. This left the District with little time to make alternative arrangements for our students. Due to the deliberate timing of Mr. Sunstein's action, the School District has been forced to delay the return of its Elementary students and once again disrupt the educational course of our Middle School and High School students until alternative transportation services can be secured. Mr. Sunstein's apathy toward the interests of our students is shameful. It is clear that these actions are an attempt to use our students' as leverage in the ongoing dispute with the District.

Our South Allegheny family, including our students, parents, family members, caregivers, guardians, teachers, support staff, and administrators, has been asked to overcome many challenges over the past year. When asked to adapt to remote instruction, they did. When asked to be patient as we dealt with building closures, they did. When asked to comply with social distancing restrictions and masking requirements when we returned in-person, they did, without complaint. Regardless of what the legal outcome is with Mr. Sunstein and Sun Coach, we will continue to work to return our students to the classroom as soon as possible.

The School District Solicitors will be taking immediate action with the Court to address these recent actions of Sun Coach. While waiting for a legal resolution, the School District will take all necessary steps to ensure the continuity of education for its entire student population.