

## **CONNELLY V. STEEL VALLEY SCHOOL DISTRICT 2013 WL 264346 (3<sup>rd</sup> Circuit Court of Appeals – Pennsylvania).**

**January 24, 2013**

### **Summary**

Teacher challenged school's policy of crediting out-of-state teaching experience less than in-state teaching experience for determining a teacher's salary on school's established pay scale. Asserting that the failure to fully credit his out-of-state experience violated his right to interstate travel, the teacher alleged the school violated the Privileges and Immunities and Equal Protection Clauses of the United States Constitution. Analyzing the matter under a rational basis review rather than strict scrutiny, the Federal Appellate Court held the school could permissibly give less credit to out-of-state teaching experience and, accordingly, less salary to teachers who have such out-of-state experience.

### **Background**

Plaintiff was hired by a Pennsylvania school after he had taught for 9 years in Maryland. However, the school credited Plaintiff with only 1 year of teaching experience because of his out-of-state experience, unlike other in-state Pennsylvania teachers who were partially credited for each year of experience acquired in Pennsylvania. The Plaintiff claimed this failure to receive credit for his out-of-state experience equal to that give to his in-state counterparts violated his right to interstate travel and denied him equal protection of the laws.

### **Holding**

At the outset, the Appellate Court needed to choose the appropriate constitutional rights standard to apply to determine whether the out-of-state experience rule was constitutionally appropriate: strict scrutiny ("the law is narrowly tailored to further a compelling government interest") or a "rational relationship" (the rule bears "a rational relationship to some legitimate end"). The Appellate Court determined that since the classification was not based on "duration of stay in Pennsylvania" (*i.e.*, new comer vs. long-time resident), but rather, on the location of the teaching experience, the Plaintiff was treated no differently than lifelong residents of Pennsylvania and the "rational relationship" analysis applied. Accordingly, because the Plaintiff's lack of Pennsylvania teaching experience, not his residency, would adversely affect his starting pay, the school's classification did not create a substantial restraint on the plaintiff's right to travel.

After determining the appropriate standard to apply, the Appellate Court addressed the second part: whether the classification was sufficiently tied to the legitimate state purpose of promoting an efficient and effective public school system.

The Appellate Court found the school's giving more credit to in-state teaching experience than to out-of-state teaching experience did serve the legitimate state purpose of promoting an efficient and effective public school system. First, the Appellate Court deemed it reasonable to assume that teachers who have more experience working within Pennsylvania schools have greater familiarity with state regulations and the goals they are expected to accomplish. Second, the Appellate Court found it reasonable to assume that teachers with more experience working within the system would have a better grasp on what are the most successful methods in achieving the goals the Pennsylvania Department of Education has established. Therefore, the Appellate Court concluded that the school could rationally, and legally, place a premium on teachers who have more experience working within the Pennsylvania school system than those teachers who gained a similar amount of experience outside of Pennsylvania.

**Learning Point:** Schools are continuously under pressure to secure the best and brightest teachers for their schools. This sometimes requires the school to look outside the state for qualified teachers. However, this case supports the proposition that schools still have the ability to determine for themselves the value of the experience brought to the table by the teachers as long as the criteria applied is reasonable.