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<b>First Amendment</b>	Masks	<a href="#">Amalgamated Transit Union Local 85, et al v. Port Authority of Allegheny Co., 2022 WL 2336480 (3d Cir. 2022)</a>	<a href="#">16</a>
	Retaliation	<a href="#">Bartnicki v. Scranton School Dist., et al, 2022 WL 4243953 (3d Cir. 2022)</a>	<a href="#">21</a>
<b>Hostile Work Environment</b>	Title VII / PHRA	<a href="#">Melissa Cherkasky v. Boyertown Area School Dist., 2022 WL 612070 (E.D. Pa. 2022)</a>	<a href="#">6</a>
<b>Race Discrimination</b>	Failure to Hire	<a href="#">Stephanie Goodman v. Norristown Area School Dist., 2021 WL 6063122 (E.D. Pa. 2021)</a>	<a href="#">1</a>
<b>Retaliation</b>	Search of Employee Locker	<a href="#">Canada v. Samuel Grossi &amp; Sons, Inc., 2022 WL 4242827 (3d Cir. 2022)</a>	<a href="#">20</a>
	Title VII / PHRA	<a href="#">Melissa Cherkasky v. Boyertown Area School Dist., 2022 WL 612070 (E.D. Pa. 2022)</a>	<a href="#">6</a>
		<a href="#">Melissa Cherkasky v. Boyertown Area School Dist., 2022 WL 1965899 (E.D. Pa. 2022)</a>	<a href="#">15</a>

## IMMUNITY/SUITS AGAINST LOCAL AGENCIES

<b>High Public Official Immunity</b>	Official Duties	<a href="#">Dr. Kenneth Taylor v. Derry Township School Dist., et al, 2022 WL 80479 (M.D. Pa. 2022)</a>	<a href="#">4</a>
<b>PA Political Subdivision Tort Claims Act</b>	Scope of Office or Duties	<a href="#">Shane McGuire on behalf of Colby Neidig v. City of Pittsburgh, 2022 WL 17170459 (Pa. S.Ct. 2022)</a> <a href="#">Click here for the majority opinion.</a> <a href="#">Click here for the concurring opinion.</a>	<a href="#">24</a>
	Vehicle Exception	<a href="#">Lori Nigro, as parent &amp; guardian of O.S., a minor v. Central Westmoreland Area Vo-Tech, 2021 WL 5604990 (W.D. Pa. 2021)</a>	<a href="#">2</a>
		<a href="#">Michael P., et al v. East Stroudsburg Area S.D., 2022 WL 4357473 (M.D. Pa. 2022)</a>	<a href="#">22</a>

## PENNSYLVANIA PUBLIC SCHOOL CODE

<b>Masks</b>	Board Discretion to Adopt Rules & Regulations	<a href="#">Troy Prozan v. Millcreek Township S.D. Bd of Dirs. &amp; Erin Beckes, et al v. Northeast Dist. Bd of Dirs., No. 10937-2022 &amp; No. 90026 - 2022 (Crt of Comm. Pleas of Erie Co. 2022)</a>	<a href="#">20</a>
<b>Section 3-318</b>	Removal of Board Members	<a href="#">Troy Prozan v. Millcreek Township S.D. Bd of Dirs. &amp; Erin Beckes, et al v. Northeast Dist. Bd of Dirs., No. 10937-2022 &amp; No. 90026 - 2022 (Crt of Comm. Pleas of Erie Co. 2022)</a>	<a href="#">20</a>
<b>Section 5-514</b>	Due Process Rights- Qualified Immunity	<a href="#">Paul Montemuro v. Jim Thorpe Area School Dist., et al, No. 3:20-CV-208 (J.Mariani) (M.D. Pa. 2022)</a>	<a href="#">9</a>
<b>Section 7-708</b>	Public Hearing Prior to Closing Schools	<a href="#">Save Our Saltsburg Schools v. River Valley School Dist., et al, 2022 WL 16727334 (Commw. Ct. 2022)</a>	<a href="#">25</a>

<b>Section 10-1089(c)</b>	Applicability to Business Administrators	<a href="#"><i>Kenneth Medina v. Harrisburg School Dist.</i>, 2022 WL 790494 (Commw. Ct. 2022)</a>	<a href="#"><u>6</u></a>
<b>Section 13-1302</b>	Residency	<a href="#"><i>H.R., a minor, et al v. Shaler Area School Dist.</i>, 2022 WL 38883 (Commw. Ct. 2022)</a>	<a href="#"><u>4</u></a>
<b>Section 13-1308</b>	Educational Services to Delinquent and Dependent Youth	<a href="#"><i>NHS Youth Services, Inc. v. Shamokin Area School Dist., et al</i>, 2022 WL 92848 (Commw. Ct. 2022)</a>	<a href="#"><u>5</u></a>
<b>Section 15-1501</b>	Minimum Number of School Days	<a href="#"><i>Open Schools, et al v. Dep't of Ed. of the Commwlth. of Pa., et al</i>, 2022 WL 1498764 (Cmwlth Ct. 2022)</a> <a href="#">Click here for the majority opinion</a> <a href="#">Click here for the dissenting opinion</a>	<a href="#"><u>10</u></a>
<b>Section 17-1726-A</b>	Protected Property Interest	<a href="#"><i>Jerrell Roheila, et al v. McKeesport Area S.D., et al</i>, 2022 WL 4465773 (W.D. Pa. 2022)</a>	<a href="#"><u>21</u></a>

## PUBLIC EMPLOYEE RELATIONS ACT

<b>Unfair Labor Practices</b>	Discrimination Found	<a href="#"><i>Octorara Area Education Assoc. v. Octorara Area S.D., PERA-C-21-9-E (Pa. Labor Relations Bd. 2/23/2022)</i></a>	<a href="#"><u>13</u></a>
	Retaliation Not Found	<a href="#"><i>Greater Nanticoke Area Educational Support Personnel Assoc. v. Greater Nanticoke Area S.D., PERA-C-19-110-E (Pa. Labor Relations Bd. 5/17/2022)</i></a>	<a href="#"><u>12</u></a>

## PUBLIC OFFICIAL AND PUBLIC EMPLOYEE ETHICS ACT

<b>Conflict of Interest</b>	Use of Authority; Private Pecuniary Benefit	<a href="#"><i>John Sivick v. State Ethics Comm.</i>, 2021 WL 6058721 (Commw. Ct. 2021)</a>	<a href="#"><u>1</u></a>
		<a href="#"><i>In re: Richard Como, File Docket No. 14-074 (State Ethic Comm. 4/21/2022)</i></a>	<a href="#"><u>12</u></a>

## PUBLIC MEETINGS

<b>Sunshine Act</b>	Adding Items to the Agenda	<a href="#"><i>Jarrett Coleman v. Parkland School Dist., No. 2021-C-2666 (Crt of Common Pleas of Lehigh Co. 2022)</i></a>	<a href="#"><u>25</u></a>
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## PUBLIC SCHOOL EMPLOYEES' RETIREMENT SYSTEM (PSERS)

<b>Board Members</b>	Fiduciary Obligations	<a href="#"><i>The Honorable Katie J. Muth v. Public School Employees Retirement Bd., et al</i>, 2022 WL 778872 (Commw. Ct. 2022)</a>	<a href="#"><u>7</u></a>
<b>Retirement Covered Compensation</b>	Settlement Amount Not Retirement Covered Compensation	<a href="#"><i>Whalen v. PSERS</i>, 2021 WL 6063055 (Pa. Supreme. Ct. 2021)</a> <a href="#">Click here for the majority opinion</a> <a href="#">Click here for J. Dougherty's concurring opinion</a>	<a href="#"><u>1</u></a>
<b>Section 8327.1</b>	Withdrawal Liability	<a href="#"><i>Pa. State Education Assoc. v. Public School Employees' Retirement Bd</i>, 2022 WL 2840514 (Commw. Ct. 2022)</a>	<a href="#"><u>15</u></a>

## RIGHT-TO-KNOW LAW; PUBLIC RECORDS

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	Records in Conflict with State or Federal Law	<a href="#"><i>The School District of Phila. v. Jessica Calefati, et al</i>, 2022 WL 108455 (Commw. Ct. 2022)</a>	<a href="#"><u>2</u></a>
		<a href="#"><i>Simon Campbell v. Pa. Interscholastic Athletic Assoc.</i>, 2021 WL 5571177 (Commw. Ct. 2021)</a>	<a href="#"><u>3</u></a>



	Trade Secrets & Confidential Proprietary Information	<a href="#">In the matter of Shannon Grady v. Downingtown Area S.D., Docket No. AP 2022-2026 (Office of Open Records 2022)</a>	<a href="#">24</a>
<b>Pennsylvania Constitution</b>	Information Privacy	<a href="#">Earl J. Markey III v. Treasury Dep't, 2022 WL 1669093 (Commw. Ct 2022)</a>	<a href="#">12</a>
<b>Redaction</b>	Privileged Information	<a href="#">Simon Campbell v. Pa. Interscholastic Athletic Assoc., 2021 WL 5571177 (Commw. Ct 2021)</a>	<a href="#">3</a>
<b>State-Affiliated Entity</b>	Discrimination	<a href="#">Simon Campbell v. Pa. Interscholastic Athletic Assoc., 2021 WL 5571177 (Commw. Ct 2021)</a>	<a href="#">3</a>
<b>Statements of Financial Interest</b>	Redaction of Home Addresses	<a href="#">In the Matter of Carol Colangelo v. Chester Co., Docket No. 2022-0862 (Office of Open Records 2022)</a>	<a href="#">10</a>

## SCHOOL BOARD POLICY

<b>Child Protective Services Law</b>	Negligence <i>Per Se</i>	<a href="#">Jane Doe v. Loyalsock Twp. School Dist., 2022 WL 1110310 (M.D. Pa. 2022)</a>	<a href="#">9</a>
<b>Expenditure of Funds</b>	Fiduciary Relationship	<a href="#">Save Our Saltsburg Schools v. River Valley School Dist., et al, 2022 WL 16727334 (Commw. Ct. 2022)</a>	<a href="#">25</a>
<b>Mask Mandate</b>	Authority of Department of Health	<a href="#">Jacob Doyle Corman, III, et al v. Acting Sec. of the Pa. Dep't of Health, 2021 WL 6071796 (Pa. Supreme Ct. 2021)</a>	<a href="#">1</a>
<b>Policy 904</b>	Ban from School Property & Events	<a href="#">Virgil McNett v. Jefferson-Morgan School Dist., 2021 WL 5505849 (W.D. Pa 2021)</a>	<a href="#">1</a>
<b>Sunshine Act</b>	Public Comment Restrictions	<a href="#">Douglas Marshall, et al v. Peter C. Amuso, et al, 2022 WL 1003903 (E.D. Pa. 2022)</a>	<a href="#">8</a>
<b>Terroristic Threats</b>	Level of Scierter	<a href="#">In the Interest of J.J.M., a Minor, 2021 WL 6056441 (Pa. Supreme Ct. 2021)</a> <a href="#">Click here for the majority opinion</a> <a href="#">Click here for J. Todd's concurring opinion</a> <a href="#">Click here for J. Mundy's concurring and dissenting opinion</a>	<a href="#">2</a>

## SPECIAL EDUCATION; SECTION 504; ADA; GIFTED EDUCATION

<b>Child Find</b>	Section 504	<a href="#">G.S. through her parents Judy S and Geoff S v. West Chester Area S.D., 2022 WL 2233909 (3d Circ. 2022)</a>	<a href="#">15</a>
	Statute of Limitations	<a href="#">M.B., et al v. Chester County Intermediate Unit, 2022 WL 541779 (E.D. Pa. 2022)</a>	<a href="#">7</a>
<b>Discrimination</b>	ADA	<a href="#">Michael P., et al v. East Stroudsburg Area S.D., 2022 WL 4357473 (M.D. Pa. 2022)</a>	<a href="#">22</a>
	Section 504	<a href="#">Michael P., et al v. East Stroudsburg Area S.D., 2022 WL 4357473 (M.D. Pa. 2022)</a>	<a href="#">22</a>
<b>Eligibility</b>	Act 66 of 2021	<a href="#">In the Matter of B.L., ODR File No. 25995-21-22 (Office for Dispute Resolution 2022)</a>	<a href="#">10</a>
<b>Evaluation</b>	Post-COVID-19	<a href="#">Phoenixville Area School Dist., ODR File No. 24767-20-21 (Due Process Hrg. 10/12/2021)</a>	<a href="#">11</a>
		<a href="#">Western Wayne School Dist., ODR File No. 24544-20-21 (Due Process Hrg. 10/06/2021)</a>	<a href="#">11</a>
<b>FAPE</b>	COVID-19	<a href="#">Western Wayne School Dist., ODR File No. 24544-20-21 (Due Process Hrg. 10/06/2021)</a>	<a href="#">11</a>
<b>Fourteenth Amendment</b>	Due Process	<a href="#">Yulia S., et al v. Hatboro-Horsham School Dist., 2021 WL 5298990 (E.D. Pa. 2021)</a>	<a href="#">4</a>
<b>Independent Education Evaluation</b>	Credibility	<a href="#">G.S. through her parents Judy S and Geoff S v. West Chester Area S.D., 2022 WL 2233909 (3d Circ. 2022)</a>	<a href="#">15</a>
<b>Section 504 Plan Implementation</b>	Post-COVID-19	<a href="#">Phoenixville Area School Dist., ODR File No. 24767-20-21 (Due Process Hrg. 10/12/2021)</a>	<a href="#">11</a>

<b>Settlement Agreements</b>	Jurisdiction on Appeal	<a href="#">G.W.; MK. W. v. Ringwood Bd of Education, 2022 WL 792297 (3d Cir. 2022)</a>	<a href="#">7</a>
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## STUDENTS

<b>P.I.A.A.</b>	Arbitrary and Capricious Discrimination	<a href="#">K.H., a minor and Detrell Hutcherson, parent v. Pa. Interscholastic Athletic Assoc., 2022 WL 1182025 (Commw. Ct. 2022)</a>	<a href="#">10</a>
	Athletic Program Sanctions	<a href="#">William Bassett, et al v. Pa. Interscholastic Athletic Assoc., 2022 WL 420594 (W.D. Pa. 2022)</a>	<a href="#">6</a>
<b>Title IX</b>	Student-Student Harassment	<a href="#">Kathleen Kurtz, et al v. Lewisburg School Dist., 2022 WL 414340 (M.D. Pa. 2022)</a>	<a href="#">4</a>
<b>Tort Claims</b>	Emotional Distress	<a href="#">A.J. v. Mastery Charter High School, et al, 2022 WL 4292330 (E.D. Pa. 2022)</a>	<a href="#">22</a>
	Fiduciary Duty	<a href="#">A.J. v. Mastery Charter High School, et al, 2022 WL 4292330 (E.D. Pa. 2022)</a>	<a href="#">22</a>

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## UNEMPLOYMENT COMPENSATION

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		<a href="#">Rose Tree Media School Dist. v. Unemployment Comp. Bd of Review, 2022 WL 3147011 (Commw. Ct. 2022)</a> <a href="#">Click here for the majority opinion.</a> <a href="#">Click here for the dissenting opinion.</a>	<a href="#">17</a>

## WORKERS' COMPENSATION

<b>Reimbursement of Medical Expenses</b>	Medical Marijuana	<a href="#">Joseph Ambrogio v. Pocono Mountain S.D. and Inservco Insurance Serv., Inc., 2022 WL 2339888 (Commw. Ct 2022)</a>	<a href="#">17</a>
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## 2022 INDEX – PUBLIC SECTOR ARBITRATION

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	<a href="#"><i>In the Matter of Arbitration Between Pittsburgh Board of Public Education and Pittsburgh Federation of Teachers</i></a>	<a href="#"><u>15</u></a>
<b>FMLA leave designation by employer contested</b>	<a href="#"><i>In the matter of: Bellefonte Area Education Association and Bellefonte Area School Dist.</i></a>	<a href="#"><u>6</u></a>
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<b>Timeliness</b>	<a href="#"><i>In the Matter of Arbitration Between BLaST Intermediate Unit Education Assoc., PSEA/NEA and BLaST Intermediate Unit 17</i></a>	<a href="#"><u>12</u></a>

## 2022 INDEX - IN OTHER NEWS

SUBJECT MATTER	ISSUE NO.
School Solicitors Monthly Exchange <a href="#">click here</a> to register for any/all of the upcoming sessions	<a href="#">1</a>
Supreme Court blocks vaccine mandate for large businesses but allows it for certain healthcare workers <a href="#">Click here for the opinion (Biden v. Missouri; XB v. Louisiana; January 13, 2022)</a> <a href="#">Click here for the opinion (National Federation of Independent Business et v. Dept of Labor et al; Ohio et al v. Dept of Labor et al)</a>  <a href="#">S.B. 324</a> , addressing students experiencing educational instability, heading to the governor’s desk	<a href="#">2</a>
Pennsylvania Supreme Court grants petition for allowance of appeal <a href="#">Click here for a copy of the order</a>	<a href="#">3</a>
Charter School Regulations: The Pennsylvania Department of Education (PDE) has submitted the charter school regulations in final form to the Independent Regulatory Review Commission (IRRC) for final review. <a href="#">Click here for a copy of the regulations.</a>  The Courts, Community, and Rule of Law Committee of the Judicial Council of the Third Circuit Essay Contest. <a href="#">Click here for the court’s press release.</a> <a href="#">Click here for the Essay Contest flyer.</a>  Legislative Budget and Finance Committee survey assistance request  A message from the 2022 PSBSA President, Rachel K. Lozosky, Esq., Peacock Keller, Washington, PA	<a href="#">4</a>
Litigation filed to remove school board members in the following school districts: <a href="#">West Chester</a> <a href="#">Downingtown</a>  <a href="#">Southern Lehigh School District seeks district solicitor proposals</a>  Legislative Budget and Finance Committee survey assistance request  The Courts, Community, and Rule of Law Committee of the Judicial Council of the Third Circuit Essay Contest  <a href="#">Charter School Regulations - public meeting on March 21, 2022</a>	<a href="#">5</a>
<a href="#">Abington Heights School District v. PLRB – Petition for Allowance of Appeal filed</a>  <a href="#">Solicitor Search – Southern Lehigh School District – deadline April 1, 2022</a>  The Courts, Community, and Rule of Law Committee of the Judicial Council of the Third Circuit Essay Contest  <a href="#">Charter School Regulations - public meeting on March 21, 2022</a>	<a href="#">6</a>

<a href="#">Charter school regulations approved</a> <a href="#">New CDC recommendations and their impact on children with disabilities</a> <a href="#">PA House committee to consider bill on transgender athletes</a> <a href="#">Solicitor Search – Southern Lehigh School District – deadline today! April 1, 2022</a> <a href="#">Solicitor Search – Gettysburg Area School District – deadline April 19, 2022</a>	<u>7</u>
<a href="#">‘Let’s Go Brandon’ message – <u>click here for a copy of the ACLU letter</u></a> <a href="#">Solicitor Search – Gettysburg Area School District – deadline April 19, 2022</a> <a href="#">Solicitor Search – Homer-Center School District – deadline April 28, 2022</a>	<u>8</u>
<a href="#">Solicitor Search – Pennsbury School District - deadline May 17, 2022</a>	<u>9</u>
<a href="#">Revisions to Chapter 49 Certification Regulations Now Final and Effective</a> <a href="#">Solicitor Search – Pennsbury School District - deadline May 17, 2022</a>	<u>10</u>
<a href="#">Due Process Parent Guide</a>	<u>11</u>
<a href="#">FTC policy statement to ed tech companies</a> <a href="#">Final requirements – ARP ESSER Fund</a> <a href="#">Department of Justice oversight of Pennsylvania alternative education programs concludes</a> <a href="#">Jeffrey T. Tucker, Esq., 1950-2022</a>	<u>12</u>
Title IX Proposed Regulations Released <ul style="list-style-type: none"> <li>• <a href="#">Proposed regulations</a></li> <li>• <a href="#">Summary of major provisions</a></li> <li>• <a href="#">Fact sheet</a></li> </ul> <a href="#">U.S. Supreme Court: Perez v. Sturgis Public Schools, et al.</a> <a href="#">Lower Merion School District property tax case update</a>	<u>13</u>
<a href="#">H.B. 972 – Prohibitions in school sports for transgender students on the governor’s desk</a>	<u>14</u>
<a href="#">Appeal of G.S. from the decision of Rose Tree Media School District</a> The Commonwealth Court decision is published in <a href="#">2022 SLE No. 2.</a>  <i>Propel Charter School Cases - <a href="#">Click here</a> and <a href="#">here for a copy of the Orders.</a></i> The Commonwealth Court decisions are published in <a href="#">2022 SLE No. 3.</a>  <a href="#">Federal Judge Blocks Title IX Guidance Documents</a>  Department of Education Issues New Guidance Documents on Discipline of Students with Disabilities	<u>15</u>

<ul style="list-style-type: none"> <li>• <a href="#">Supporting Students with Disabilities and Avoiding Discriminatory Use of Student Discipline</a></li> <li>• <a href="#">Fact Sheet</a></li> <li>• <a href="#">Questions and Answers Addressing the Needs of Children with Disabilities and the IDEA Discipline Provisions</a></li> <li>• <a href="#">Positive, Proactive Approaches to Supporting the Needs of Children with Disabilities: A Guide for Stakeholders</a></li> <li>• <a href="#">Dear Colleague Letter on Implementation of IDEA Discipline Provisions, OSEP DCL 22-01</a></li> </ul>	
n/a	<a href="#">16</a>
n/a	<a href="#">17</a>
<p><b>Office of Open Records issued an advisory opinion</b>  At the request of the Pennsylvania News Media Association, the Office of Open Records issued an advisory opinion on August 24, 2022, regarding an agency creating a policy limiting the number of Right-to-Know Law requests that are made. The advisory opinion can be found <a href="#">here</a>.</p> <p><b>Petition for Allowance of Appeal denied</b>  On August 29, 2022, the Pennsylvania Supreme Court <a href="#">denied</a> the Petition for Allowance of Appeal filed by Kenneth Medina in <i>Medina v. Harrisburg School District</i>. This case addressed the applicability of § 10-1089(c) of the School Code to business administrators. Previous decisions related to this case are published in <a href="#">2021 SLE No. 8</a> and <a href="#">2022 SLE No. 6</a>.</p>	<a href="#">18</a>
n/a	<a href="#">19</a>
<p><b>ACLU letter regarding <i>Shurtleff</i> Supreme Court decision - <a href="#">Click here</a> for a redacted copy of the letter.</b></p> <p>The Council of School Attorneys (COSA) shared information regarding its plans for the future. <a href="#">Click here</a> to read the letter that was sent to colleagues on September 15, 2022.</p> <p>PSBA Chief Legal Officer Stuart Knade has announced his intention to retire from PSBA in February 2023, after nearly 25 years of service leading PSBA’s in-house legal services team. Linda Randby, currently serving as senior director of legal services, will succeed Stuart as chief legal officer. A search for a school law attorney to work with Linda is now underway.</p> <p>PSBSA presents President’s Award for Distinguished Career Achievement in School Law - Jeffrey D. Litts, Esquire, Kegel Kelin Litts &amp; Lord, LLP, Lancaster, PA.</p>	<a href="#">20</a>
<p><a href="#">Perez v. Sturgis Public Schools - Petition for Certiorari granted</a></p> <p><a href="#">U.S. Department of Education releases memo on IDEA Part B, special ed teacher prep. training</a></p> <p><a href="#">COSSBA Court Report, October 3, 2022</a></p>	<a href="#">21</a>
<a href="#">COSSBA Court Report, October 17, 2022</a>	<a href="#">22</a>
<p><b>Petition for allowance of appeal granted</b>  On October 27, 2022, the Pennsylvania Supreme Court granted a petition for allowance of appeal in the <i>Abington Heights School District v. Pa. Labor Relations Board</i>. The Court will consider issues related to Abington Heights’s bargaining obligations and teaching dual enrollment courses. <a href="#">Click here</a> to see the Order granting the petition.</p>	<a href="#">23</a>

**COSSBA Court Report**

[Click here](#) to access the latest edition of the *COSSBA Court Report* that was published on November 7, 2022.

***R.M., et al v. Sec. of the Pa. Dep’t of Ed., et al***

In 2021, then Secretary of the Pennsylvania Department of Education, Noe Ortega, sent an email to school districts informing them of the masking decision issued by the Pennsylvania Supreme Court in the *Corman* case and stating, in pertinent part, “[s]chool entities still possess the authority and are encouraged to require masks in their facilities as recommended by the CDC.” A petition was filed with the Commonwealth Court against seven school districts and the Pennsylvania Department of Education (PDE) seeking a declaratory judgment that the schools lacked the authority to regulate the use of masks in their schools. In addition to the responses filed by the schools and PDE, PSBA filed an [amicus brief](#) supporting the position that the Public School Code vests local school boards with all necessary managerial powers to operate public schools and to determine and implement policies relative to the public schools. On December 1, 2022, the Commonwealth Court issued the following order effectively dismissing the case:

*AND NOW, this 1st day of December, 2022, the jurisdiction-based and mootness-based Preliminary Objections to the Petition for Review filed on behalf of each of the individual Respondents are SUSTAINED. Secretary Ortega's Application for Summary Relief in the Form of a Motion to Dismiss the Petition for Review is GRANTED. Parkland School District's Application for Relief in the Form of a Motion to Dismiss the Petition for Review is GRANTED. Petitioners' Application for Summary Relief is DISMISSED as moot. Petitioners' Petition for Review in the Nature of a Complaint for Declaratory Relief is DISMISSED.*

**Title IX proposed rulemaking: Comments filed by NSBA**

On September 12, 2022, the National School Boards Association (NSBA) filed comments in response to the Title IX notice of proposed rulemaking. NSBA’s comments focused on the definition of sexual harassment, the broadened boundaries for school districts' Title IX responsibilities, the actual knowledge standard, and the IDEA/Section 504 intersection. The comments also encouraged implementation of a simplified procedural process for schools to follow when handling Title IX matters. [Click here for a copy of NSBA’s comments.](#)

**Breach of personal information: Senate Bill 696**

[Senate Bill 696](#) (Sen. Phillips-Hill, R-York), **now Act 151 of 2022**, amends the Breach of Personal Information Notification Act to require any state agency, county, municipality, public school or third-party vendor that conducts business with a state or local agency that experiences a data breach to provide notice of the breach to affected victims within seven business days of determination. A county’s district attorney would be notified within three business days if the breach occurred in a county, school district or municipality. The law is applicable to school districts, charter schools, intermediate units, and career and technical centers.

**Public comment sought on model MOU (safe schools)**

The State Board of Education is seeking public comment on the model Memorandum of Understanding (MOU) contained in the Chapter 10 regulations for schools to use with law enforcement agencies. [Click here to read the Chapter 10 regulations; the model MOU is at end under Appendix A.](#) Schools may use the model or their own. According to a report provided by the PDE Office of Safe Schools, as of November 2022, 99.8% of school entities (779) have their signed MOUs on file with PDE. The model MOU is widely used, and no adjustments to the document were suggested. The office recommends that since the MOUs are submitted by schools biennially, an additional field be added to the front page of the MOU to indicate the two-year period (such as 21/22 & 22/23) to provide clarity and consistency. The committee is inviting stakeholders to provide public comment on the MOU until January 31, 2023. Written comments must be submitted electronically

at [RA-stateboardofed@pa.gov](mailto:RA-stateboardofed@pa.gov) or in hard copy to: State Board of Education, 1st Floor, 333 Market St., Harrisburg, PA 17126.

[Click here to read the report provided by the Office of Safe Schools regarding the MOUs.](#)

**It's the Law**

[Click here](#) to access the November/December 2022 Issue of the *PSBA Bulletin* magazine, noting an article on page 9 about Stuart Knade's career and retirement, in addition to the latest **It's the Law** article written by Mike Levin, PSBA general counsel, titled "Management of Contracts" on page 43. Enjoy!

**Need teachers?**

Statewide, school districts are challenged by staffing shortages. [Click here](#) to read a staffing document from PDE explaining how schools may hire a Public School Employees' Retirement System (PSERS) retiree as a day-to-day substitute if no other appropriate certified teachers or other personnel are available within the required subject or work area.

**COSSBA Court Report**

[Click here](#) to access the latest edition of the *COSSBA Court Report* that was published on November 21, 2022.

**Pennsylvania Human Relations Commission Regulations amended**

Click on these links for a copy of the [revised regulations](#) and the [approval order](#).

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**Phase 2 of OOR E-File Appeal Portal process**

Read more by following this link: [Phase 2 of OOR E-File Appeal Portal Process | Open Records in Pennsylvania \(openrecordspennsylvania.com\)](#)

**Greensburg Salem School Board names meeting room for longtime solicitor**

Greensburg Salem School District had some surprises in store for longtime solicitor John Scales. Link to article: [Greensburg Salem School Board names meeting room for longtime solicitor | TribLIVE.com](#)

**COSSBA Court Report**

[Click here](#) to access the latest edition of the *COSSBA Court Report* that was published on December 6, 2022.