

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

William Penn School District;	:	
Panther Valley School District;	:	
The School District of Lancaster;	:	
Greater Johnstown School District;	:	
Wilkes-Barre Area School District;	:	
Shenandoah Valley School District;	:	
Jamella and Bryant Miller, parents of	:	
K.M., a minor; Sheila Armstrong,	:	
parent of S.A., minor; Barbara Nemeth,	:	
parent of C.M., minor; Tracey Hughes,	:	
parent of P.M.H., minor; Pennsylvania	:	
Association of Rural and Small Schools;	:	
and The National Association for the	:	
Advancement of Colored	:	
People-Pennsylvania State Conference,	:	
Petitioners	:	
	:	
v.	:	No. 587 M.D. 2014
	:	
Pennsylvania Department of Education;	:	
Jake Corman, in his official capacity as	:	
President Pro-Tempore of the	:	
Pennsylvania Senate; Bryan Cutler,	:	
in his official capacity as the	:	
Speaker of the Pennsylvania House of	:	
Representatives; Tom W. Wolf,	:	
in his official capacity as the Governor	:	
of the Commonwealth of Pennsylvania;	:	
Pennsylvania State Board of Education;	:	
and Pedro Rivera, in his official	:	
capacity as the Acting Secretary of	:	
Education,	:	
Respondents	:	

ORDER

NOW, April 1, 2021, upon consideration of the parties' Joint Application to Extend Pre-Trial Schedule and Set Trial Date on or Around September 9, 2021, the Joint Application is **GRANTED** as follows.

The scheduling conference scheduled for May 20, 2021, at 1:30 p.m. via WebEx video conferencing is **CANCELLED**. A pretrial conference is scheduled for June 21, 2021, at 1:30 p.m. via WebEx video conferencing.

No later than noon on June 15, 2021, counsel of record who wish to participate shall email their name, email address, and telephone number to this address: CommCourtRemote@pacourts.us. At least one counsel of record shall participate for each party.

To facilitate participation in the pretrial conference, various WebEx applications are available for download at pacourts.webex.com. Please see the Protocol for WebEx Video Proceedings attached to this Order. The parties are directed to connect to the conference 10 minutes before the starting time. In the event of technical difficulties, please contact the Court's IT staff at 717-255-1626.

As agreed upon by the parties, the deadlines for various pretrial filings have been extended as follows:

1. Petitioners' pretrial statements are due by May 5, 2021, and Respondents' pretrial statements are due by June 4, 2021. The parties shall follow the format set forth in the Court's March 8, 2021 Order.

2. Motions *in limine* along with supporting briefs shall be filed no later than 50 days before trial. Responses and briefs in opposition thereto shall be filed no later than 35 days before trial. In the event any party files a motion *in limine* before July 1, 2021, any responses thereto shall be filed within 20 days thereof. Motions *in limine* will be decided upon the papers filed, unless otherwise ordered.

Before filing a motion *in limine*, counsel shall confer with all other counsel in a good faith effort to reach agreement on the issue to be raised in the motion.

3. Petitioners shall serve and file a list of exhibits intended to be offered at trial no later than 90 days before trial.

4. Respondents shall serve and file a list of exhibits intended to be offered at trial no later than 60 days before trial.

5. Dates for trial in this matter will be set at the pretrial conference. However, for purposes of planning, trial is tentatively scheduled to begin September 9, 2021.



RENÉE COHN JUBELIRER, Judge



Protocol for WebEx Video Proceedings

1. Protocol BEFORE the argument:

- A. The Court shall provide counsel with the information for connecting to the video argument. This invitation will be sent by email.
- B. It is the responsibility of counsel to provide the connection information to their clients.
- C. It is the responsibility of all parties to provide the Court with their contact information. An email address will be required to join the video.
- D. All participants must appear by video connection unless otherwise authorized by the Court.
- E. Email invitations will be promptly sent to participants. If a participant has not received the email invitation from the Court, please check your SPAM or Junk folder before contacting the Court.
- F. All parties must connect to the argument or call into the video system at least 10 minutes before the scheduled start time.

2. Minimum Technology requirements:

- A. All attorneys and pro se parties appearing before the Court must have one of the following:
 - 1. A computer with a functioning web camera, microphone and speakers;
 - 2. A video conferencing system that supports Session Initiation Protocol (SIP) calling;
 - 3. A tablet device that supports Cisco WebEx with a functioning forward facing camera, microphone and speakers; or
 - 4. An alternative device used to connect to Cisco WebEx in the past.

- B. If you experience audio issues with your computer/tablet audio, the Court recommends that you have our system call you by using the option listed in 5.C below.
- C. The Court's IT Department will endeavor to contact counsel and witnesses in advance of the hearing to test their connection to the WebEx platform.

3. Ground Rules and Video Conferencing Etiquette:

- A. When not speaking, please mute your microphone. This helps prevent background noise.
- B. Earbuds or headphones are preferable to avoid feedback.
- C. Be aware of your behavior. Because you are on a video conference, people can see what you are doing at all times and *WebEx video conferences are recorded*. Further, others may view the proceedings via public livestream web link that will be provided to the parties and posted to the Court's website in advance of the proceeding.
- D. If connecting from a laptop, plug in the laptop wall power.
- E. Follow all instructions in the video conference invitation and note important supplemental information, such as a backup phone number in case you are disconnected.
- F. Please be respectful; speak slowly and only one at a time.
- G. Try not to speak over other parties. There is a slight delay when using video technology.
- H. The Court appointed crier will be on the call to open and close court and to swear-in witnesses if needed.

Technical Support

If you have any questions or need technical assistance, contact 717-255-1626.

4. Invitation from the Court:

- A. Prior to your scheduled argument, you will receive an email from the Court with connection instructions. Please make sure to monitor your SPAM or Junk folder so that you receive the message. It should come from @pacourts.us. Here is the information from a sample invitation.

Commonwealth Court Legal Systems invites you to join this Webex meeting.

Meeting number (access code): 613 778 564 ③
Meeting password: Cy54FR39aBE

Wednesday, March 25, 2020
8:00 am | (UTC-04:00) Eastern Time (US & Canada) | 10 mins

[Join meeting](#) ①

Join by phone
Tap to call in from a mobile device (attendees only)
[1-855-244-8681](#) Call-in toll-free number (US/Canada) ②
[1-650-479-3207](#) Call-in toll number (US/Canada)
[Toll-free calling restrictions](#)

Join from a video system or application ④
Dial [613778564@pacourts.webex.com](tel:613778564@pacourts.webex.com)
You can also dial 173.243.2.68 and enter your meeting number.

Join using Microsoft Lync or Microsoft Skype for Business ⑤
Dial [613778564.pacourts@lync.webex.com](tel:613778564.pacourts@lync.webex.com)

- B. In the invitation, there are multiple connection options:
1. WebEx: Click on the Green *Join Meeting* button. ①
 2. Phone: Dial either of the numbers listed under *Join by phone*. ②
When prompted, enter the Meeting number (access code) listed near the top of the invitation. ③
 3. Use the SIP dial in connection number provided for non-WebEx devices such as video conferencing systems. ④
 4. Microsoft Lync/Skype for Business connection information is also provided. ⑤

5. Controls while connected to WebEx:

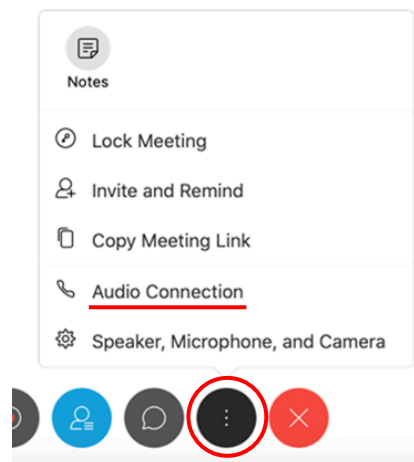
- A. Once connected to a meeting, if you move your mouse, the below control panel should appear. These are the normal controls, but some of them may be disabled which means they will not appear. The icons will be the same.



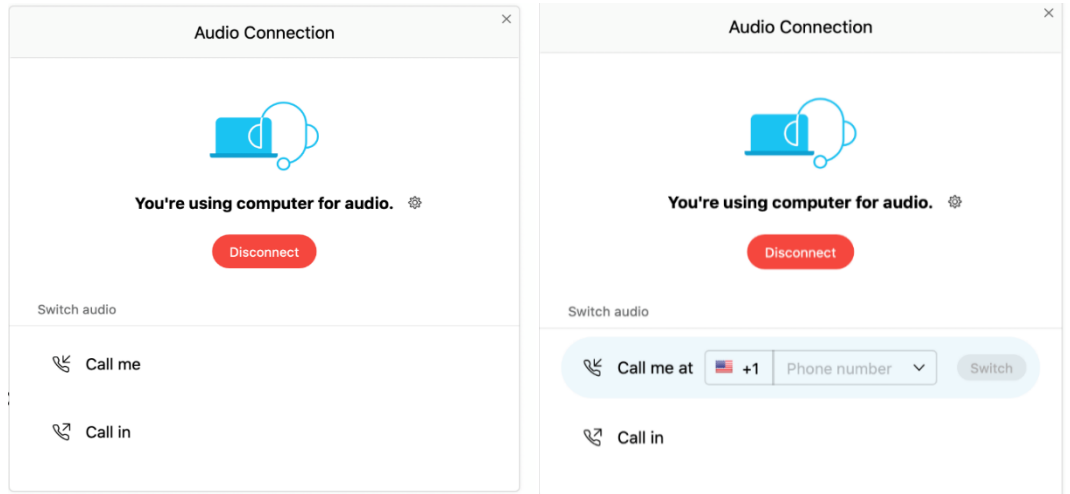
- B. From left to right, the controls are:

1. Mute/unmute microphone
2. Turn on/off camera
3. Share your desktop
4. Recording control (Only available to the Court)
5. Open/Close the participant list
6. Chat windows
7. Options – has more controls available
8. End Meeting

- C. Under the More Options button (7 above, the 3 dots icon). If you are having audio difficulties with your computer audio, you can have the system call you. Click on the 3 dots icon and then choose Audio Connection.



- D. Click on the option “Call Me”. Enter the phone number that the system should call and press the switch button. When the call comes in, you will be prompted to press “1” to connect.



- E. At the end of your call, press the red X to be disconnected.