

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; 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 :

DECORUM ORDER

NOW, November 10, 2021, after consultation with the Capitol Police and the Administrative Office of Pennsylvania Courts (AOPC) regarding trial in the above-captioned matter, which is scheduled to begin on November 12, 2021, in Courtroom

3002 (Courtroom), Third Floor, Pennsylvania Judicial Center (PJC), and to reduce the risk of transmission of the COVID-19 virus, the Court hereby **ORDERS** as follows:

1. Court will convene on November 12, 2021, at 9:30 a.m. for opening statements. Thereafter, Court is scheduled to commence beginning at 9:00 a.m. each day. Any schedule changes will be posted to the Court web site and/or social media as soon as practicable.

2. The seating capacity of the Courtroom is limited to 26 persons. In order to accommodate the number of parties, counsel, and support staff involved and to facilitate seating and allow for adequate social distancing, access to the Courtroom will be limited to counsel of record and associated support personnel, their clients, witnesses identified in the parties' witness lists, and Court personnel.

3. Limited seating for the public and media to observe the trial via a public livestream broadcast will be available in designated space within the PJC (overflow room(s)) on a "first come, first seated" basis, and will comport with relevant social distancing guidelines. The location of the observation room(s) will be posted on the Court's website. Five seats each day will be reserved for properly credentialed members of the media until 10 minutes before the day's proceedings are scheduled to begin. After that time, any remaining reserved seats for properly credentialed members of the media will be released to the public. **The trial may also be viewed via a public livestream web link that will be posted to the Court's website in advance. Broadcasting, televising, recording, and/or photographing of the proceedings, including the public livestream, is prohibited.**

4. Decorum shall be maintained at all times by all persons present in the Courtroom and the overflow room(s).

5. No signs or banners may be brought into PJC. No company or media logos; clothing, buttons, facemasks, or other items with messages; or other material that may be deemed distracting, disruptive, or potentially improperly prejudicial may be brought into, worn, or displayed in the PJC.

6. No electronic devices may be used in either the Courtroom or overflow room(s) except by the Court and by counsel of record. Except for those electronic devices used by the Court and counsel, no electronic devices will be allowed in the Courtroom or overflow room(s), with the exception of cellular or smart phones and watches. Cellular or smart phones and watches may be carried into the Courtroom and overflow room(s), but they must be turned off at all times.

7. The PJC will be open at 8 a.m. for counsel of record and other authorized personnel. The Courtroom will be unlocked and available for counsel of record and other authorized personnel approximately 30 minutes before the opening of Court. Counsel of record who require earlier access must make prior arrangements with the Prothonotary. The Capitol Police will begin screening and admitting members of the media and public approximately 30 minutes before the opening of Court.

8. Counsel shall address the Court and examine witnesses from their places at the counsel tables or podium in the Courtroom. Court personnel shall wipe down the witness stand, chair, and microphone with a disinfecting wipe between each witness.

9. To the extent not inconsistent with anything set forth in this Order, all persons participating in or observing the trial shall adhere to all PJC and Commonwealth Court COVID-19 protocols. These protocols are set forth in the Court's COVID-19 Protocols for In-Person, Single-Judge Proceedings and the

Commonwealth Court October 18-22, 2021 Oral Argument Session To Be Conducted In Person in Harrisburg Notice with Updated COVID-19 Protocols referenced therein, posted on the Court's website September 17, 2021.

10. No person who demonstrates symptoms of respiratory illness or fever, or is currently diagnosed with COVID-19, or has had close contact within 14 days with a person who is currently diagnosed with COVID-19, may attend the trial as counsel, a party, witness, credentialed member of the media, or public observer. In accordance with CDC guidance, an exception may be made if the individual is asymptomatic, fully vaccinated, and tested negative for COVID-19 at least five to seven days after their last exposure to someone suspected or confirmed to have COVID-19.

11. The Court requires that all members of the public, including counsel, wear a facemask in the public areas of the PJC, the Courtroom, and overflow room(s) regardless of vaccination status. Counsel may remove their facemask when they are questioning a witness or addressing the Court. The Judge, who will be physically distanced from others in the Courtroom, may also remove her mask. The Court will make facemasks available at the entrance to the Courtroom.

12. For purposes of COVID-19 contact tracing, all persons entering the Courtroom or overflow room(s) during the trial must sign in and provide their name, mobile telephone number and email address, or other valid contact information. Any person who participates in or observes the trial and subsequently tests positive for COVID-19 within 14 days of attending the trial shall notify the Prothonotary at (717) 255-1661.

13. Following the conclusion of trial each day, all participants and observers must exit the Courtroom, overflow room(s), and the PJC promptly and in a manner that provides for social distancing.

14. Persons who fail to comply with this Order or maintain proper courtroom decorum may be removed by Court personnel or the Capitol Police.

15. AOPC's Director of Communications, Stacey Witalec, is the media liaison. She can be reached at (717) 231-3334 (office) or (717) 877-2997 (cell).



RENÉE COHN JUBELIRER, Judge