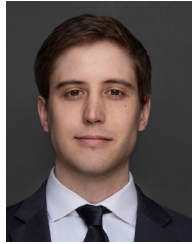


## Updates to the Pennsylvania School Code: Key Changes for Schools

By: Ron Karls, Esq.



Significant updates to the Pennsylvania School Code will take effect in the 2024-2025 school year. Here's a summary of the key changes you need to know regarding school security, advertising practices, personnel certifications, funding, and more.

### Act 55: School Security Enhancements

Act 55 introduces new requirements for school security. Starting in the 2024-2025 school year, all school entities must have at least one full-time security personnel on duty during school hours. These individuals must complete the Basic School Resource Officer Course from the National Association of School Resource Officers (NASRO) or an equivalent program approved by the Pennsylvania Commission on Crime and Delinquency (PCCD).

Additionally, schools are annually required to facilitate annual training opportunities for their threat assessment teams and ensure that students, employees, and parents are informed about the team's existence and purpose.

By June 30, 2025, school safety coordinators must report to their Board of School Directors on the number of security personnel, their assignments, and the training each officer has received.

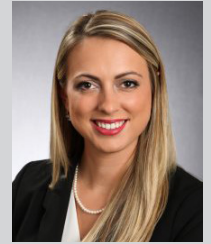
To assist with funding, a restricted account will be established to reimburse school entities up to \$50,000 for security personnel costs. Applications for this reimbursement should be available after July 1, 2025. Furthermore, \$100 million has been allocated for school safety and mental health grants in the upcoming fiscal year, along with an additional \$20.7 million for targeted school safety grants.

### Act 55: Advertising and Sponsorships

Act 55 also revises advertising practices for public school entities, including charter schools. Schools are now prohibited from advertising tuition or other costs as "free." Instead, they must clarify that these expenses are covered by taxpayer dollars. Starting in the 2024-2025 school year, public school entities must disclose their total expenditures for paid media advertising and sponsorships of public events to the Pennsylvania Department of Education by August 1, 2025. The Department will compile these reports for public access.

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## Tatel, et. al. v. Mount Lebanon School District: Balancing Parent Rights and Compelling State Interests



By: Annemarie K. Harr, Esq.

A recent decision was entered by the Western District Court of Pennsylvania in the Tatel, et. al. v. Mount Lebanon School District case, impacting school district opt-out policies and procedures.

By way of background, the Mt. Lebanon School District had an opt out policy that was consistent with Chapter 4 of the Pennsylvania School Code which allowed parents to opt out their students out of curricular material that conflicted with their own religious beliefs. In addition to this written opt out policy, the School District also had a practice of sending notice to allow parents to opt out of other material that would be presented in class. The court pointed to examples that included PG-13 movies, apartheid, Chanukah, Christmas, Kwanzaa, an assembly involving a therapy dog, lunch group meetings with a school counselor, PASS surveys, the Scripps Spelling Bee, animal dissection, and video clips from a TV series that involves a homosexual character. In the case at hand, a teacher in the School District decided to read a book about a child who is transgender to her first-grade students. The teacher planned to provide this lesson, and there was no notice sent home in advance advising parents or allowing them to opt their child out of the lesson. During the reading and the resulting discussion with her class, the teacher told the students, "parents make a guess about their children . . . when their children are born . . . parents make a guess whether they're a boy or girl. Sometimes parents are wrong." According to the Plaintiff Parents, the lesson led to confusion amongst their young students and eventually the lawsuit.

The court in this case found that the "crux of this case is whether the conflicts implicate the Parents' constitutional rights." Here, the court found that due to

*continued on next page.*

## Updates to Pennsylvania School Code, *continued*

### Act 55: Personnel Certifications and Qualifications

Changes to personnel certifications include the expansion of eligibility for teacher certification to those authorized to work in the U.S. The deadline for demonstrating satisfactory achievement on basic skills assessments for entry into baccalaureate teacher programs has been extended to June 30, 2025, after a three-year waiver. Additionally, the Pennsylvania Department of Education can now issue intern certifications to individuals with a bachelor's degree and two years of full-time experience in occupational therapy, reducing the previous requirement of four years.

### Act 55: Funding Modifications

The fair funding formula for Pennsylvania schools has been adjusted to incorporate three-year averages for factors such as poverty, concentrated poverty, and household income. School districts are now required to submit their per-pupil tuition rates and the data used for calculations by November 1, 2024, and annually thereafter.

### Act 25: September 11 Remembrance

Each school entity is now required to observe a moment of silence on September 11 annually, allowing students and faculty to reflect on the anniversary of the terrorist attacks. The Pennsylvania Department of Education will also develop a model curriculum on the significance of this day by June 17, 2025.

### Act 82: Rights for Children of Military Families

Finally, Act 82 changes require that children of National Guard and Reserve members receive the same rights and support as those from active-duty military families. This amendment aims to provide equitable treatment for all students in military families.

**Should you have questions regarding these or other changes affecting school entities, please do not hesitate to reach out to the attorneys at WBK. ♦**

## WBK Happenings

- We are pleased to announce that Weiss Burkardt Kramer has been recognized as a Tier 1 firm in Pittsburgh and as a Best Law Firm in the United States for Education Law in the 2025 Best Law Firms award. Tier 1 recognition is reserved for the highest scoring firms during the annual review process.
- Attorneys Ira Weiss and Jocelyn Kramer have been named as The Best Lawyers in America in the publication's 2025 edition.
- Ronald Karls has joined WBK as a new Associate Attorney. Ron was a former law clerk for the firm and will be assuming the role of our primary Right to Know Law associate in addition to his general education and municipal law practice.
- Attorney Kelly Perkovich was recently named to the position of Secretary for the School and Municipal Law Section of the Allegheny County Bar Association.
- Megan Turnbull was reelected to the Pennsylvania School Boards Association Solicitor Association Board of Directors, representing the W-2 Region.
- Nicole Williams has assumed the role of Managing Attorney.

## Tatel, et. al. v. MTLSD, *continued*

the young age of the children, and the Parents' authority to decide when to discuss transgender topics with their children, the facts of the case do in fact implicate Parents' constitutional rights. As a result, the court used the strict scrutiny test in its review of the case. This means that, in this case and in cases with similar fact patterns, a district must show that its actions were narrowly tailored to serve a compelling governmental interest. In this case, the School District could not show that its action of not providing an opt-out opportunity was related to any compelling governmental interest.

The final order in this matter held that absent a compelling governmental interest, parents have a constitutional right to reasonable and realistic advance notice and the ability to opt their elementary-age children out of noncurricular instruction on transgender topics and to not have requirements for notice and opting out for those topics that are more stringent than those for other sensitive topics.

**Districts are advised to review their current opt out policy as well as any policies relating to review and establishment of curriculum. As always, our office is available to assist in any way relating to this, or any, matter. ♦**

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This issue of In Brief: School Law Update is meant to be informational and does not constitute legal advice. Should districts wish legal advice on any matter, they should contact their legal counsel or request a legal opinion from Weiss Burkardt Kramer LLC.

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