

ADVANCEMENT PROJECT

February 20, 2026

Ira Weiss

Solicitor, Pittsburgh Public Schools

Weiss Burkardt Kramer

445 Fort Pitt Boulevard

Suite 503

Pittsburgh, PA 15219

Via E-Mail

RE: The Motion to Reconsider the School Closure Vote Introduced at the January 28, 2026 Legislative Meeting Is Null and Void

Dear Solicitor Weiss:

Advancement Project writes with concerns about procedural deficiencies in the motion to reconsider item 17.01 from the November 25, 2025 Legislative Meeting for the purpose of future discussion and Board consideration (“the motion” or “the motion to reconsider the school closure vote”) that was made at the January 28, 2026 Legislative Meeting (“January 28 Meeting”) of the Pittsburgh Public Schools Board of Directors (“the Board”).¹ The motion is out of order because it was made by a Director who lacked authority to do so, improperly purported to reopen discussion, and was not added to the agenda in a timely manner. As such, we urge you to communicate to the Board that the motion is null and void, correct the minutes of the January 28 meeting and other relevant public records, and notify the public of this correction.

I. Background

At the Legislative Meeting on November 25, 2025, by a vote of 6-3, the Board voted not to approve a plan to close nine buildings and displace thousands of students (the “school closure plan”).² On December 1, 2025, the terms of Directors Wilson, Udin, and Piotrowski ended and Directors Diodati, Cook Purnell, and Grayson assumed office.³ At the January 28 Meeting,

¹ See Legislative Meeting Wednesday, January 28, 2026, Agenda,

<https://go.boarddocs.com/pa/pghboe/Board.nsf/goto?open&id=AN5NYX5D8569>.

² See Lajja Mistry & Jamie Wiggan, *Update: PPS board rejects school closure, reconfiguration plan after 2 years of work*, PUBLIC SOURCE (Nov. 25, 2025), <https://www.publicsource.org/pittsburgh-public-schools-closure-plan-final-vote/>.

³ See Megan Trotter, *Pittsburgh School Board elects new officers amid financial uncertainties*, TRIBLIVE (Dec. 2, 2025), <https://triblive.com/news/education-classroom/pittsburgh-school-board-elects-new-officers-amid-financial-uncertainties/>.

ADVANCEMENT PROJECT

Director Diodati made a motion to reconsider the school closure vote from the November 25 meeting. Director Cook Purnell seconded the motion.

There appeared to be some confusion amongst the Board about the timeliness and effect of the motion. Specifically, Director Taliaferro stated that “as a Board member I was not aware that [the motion] would be [on the agenda] until it appeared on the agenda last week [at the Agenda Review meeting].”⁴ Solicitor Weiss confirmed that the motion “was on the agenda last week for agenda review.”⁵ Additionally, President Walker stated that if the motion is approved, the November 25, 2025 school closure vote “will go be referred back to Education Committee who will then set up additional public meetings and discussions of the Board to determine what if any changes need to be made to the future ready plan in order for the Board to consider a vote on it in the future.”⁶ However, Board Bylaws do not permit a standing Education Committee.⁷ Nonetheless, the Board unanimously voted to carry the motion.⁸

As explained below, the motion to reconsider the school closure vote was out of order and exceeded the Board’s authority. The Board is legally obligated to follow its Bylaws and act within its authority in a manner that is not arbitrary or unreasonable.⁹ Therefore, the vote at the January 28 Meeting “to reconsider item 17.01 from the November 25, 2025 Legislative Meeting” is null and void.¹⁰

⁴ Pittsburgh Public Schools, Legislative Meeting – January 28, 2026, <https://www.youtube.com/watch?v=xkMEdiRk56s>.

⁵ *Id.*

⁶ *Id.*

⁷ *See, e.g.*, The standing education committee was eliminated from Board Bylaws in 2025. *See* Board Policy 006 Proposed Revisions Revised November 22, 2024, <https://resources.finalsite.net/images/v1736270505/pghschoolsorg/fv1ppuk4kyz52aoihswk/PPS006RedlinedChange.s.pdf>; Board Policy 006, Adopted March 23, 2025, <https://go.boarddocs.com/pa/pghboe/Board.nsf/goto?open&id=AHH6JW152FA5#>. While Board Policy 006 now provides for the formation of “ad hoc committees,” the PPS website indicates that the education committee is not an ad hoc committee. *See* PPS, Board Committees (“Pittsburgh Public Schools Board of Directors meets monthly and typically holds several monthly Committee meetings. Those Committee meetings include: Education, Business and Finance, and Personnel. . . . In addition to the three Committees, Ad Hoc Subcommittees include Board Members and meet as needed.”). Thus, it appears that the Board has a standing education committee, which is contrary to Board Bylaws.

⁸ *Id.*

⁹ *See, e.g.*, *First Philadelphia Charter School for Literacy v. Dudely*, 2011 WL 2518400 (Pa. Com. Pl. May 23, 2011) (citing *Hoke v. Elizabethtown Area School District*, 833 A.2d 304, 313 (Pa. Cmwlth. 2003)) (“In order for the Court to overturn a decision of the board, their actions must be so arbitrary and capricious to be found as a ‘gross abuse of discretion.’”).

¹⁰ *See* Robert’s Rules of Order, Newly Revised (“RONR”) § 23:6–(a), [https://go.boarddocs.com/mi/cohmi/Board.nsf/files/BYLL4Q54BFAC/\\$file/HenryMRRobertIII-Robert'sRulesofOrderNewlyRevised-PublicAffairs2020.pdf](https://go.boarddocs.com/mi/cohmi/Board.nsf/files/BYLL4Q54BFAC/$file/HenryMRRobertIII-Robert'sRulesofOrderNewlyRevised-PublicAffairs2020.pdf) (Where “a main motion has been adopted that conflicts with the bylaws . . . of the . . . assembly” a “point of order can be made at any time during the continuance of the breach.”); RONR § 1:5 (“Aside from rules of parliamentary procedure and the particular rules of an assembly, the actions of any deliberative body are also subject to applicable procedural rules prescribed by local, state, or national law and would be null and void if in violation of such law”); Pittsburgh Public Schools Board Policy 007,

ADVANCEMENT PROJECT

II. The January 28 Motion to Reconsider the School Closure Vote Was Out of Order and Conflicts with Board Bylaws

As explained below, the motion to reconsider the school closure vote conflicts with Board Bylaws and is procedurally out of order according to Robert’s Rules of Order, Newly Revised (“Robert’s Rules”), which are incorporated into the Board’s Bylaws.¹¹

A. The Board Director Who Moved to Reconsider the School Closure Vote Lacked Procedural Authority

Section 37:10(a) of Robert’s Rules states that only “a member who voted with the prevailing side” can make a motion to reconsider.¹² Because they did not assume office until nearly two weeks after the vote on the school closure plan, neither Director Diodati who made the motion, nor Director Cook Purnell who seconded it were a “member who voted with the prevailing side.” As such, they lacked authority to move to reconsider any item that predated their term, including the school closure vote.¹³

B. A Motion to Reconsider is an Improper Vehicle to Reopen Discussion and Consider Potential Changes to the School Closure Plan

A motion to Reconsider “[i]s not amendable,”¹⁴ and “proposes no specific change in a decision but simply that the original question be reopened.”¹⁵ “The purpose of reconsidering a vote is to permit correction of hasty, ill advised, or erroneous action, or to take into account added information or a changed situation that has developed since the taking of the vote.”¹⁶ Indeed, “[t]he effect of the adoption of the motion to Reconsider is *immediately* to place before the assembly again the question on which the vote is to be reconsidered—in the exact position it occupied the moment before it was voted on originally.”¹⁷

<https://go.boarddocs.com/pa/pghboe/Board.nsf/goto?open&id=AHH6JW152FA5#> (“[T]he agenda, together with all relevant reports, shall be provided to each school director at least ten (10) days before the Agenda Review meeting.”).

¹¹ See Pittsburgh Public Schools Local Board Procedures 006, <https://go.boarddocs.com/pa/phsd/Board.nsf/goto?open&id=C6EMTL510AE6> (Roberts Rules of Order, Newly Revised, “govern the Board in its deliberations in all cases in which it is not inconsistent with law, state regulations or Board procedures.”).

¹² See RONR § 37:10 (a) (“The motion to Reconsider can be made only by a member who voted with the prevailing side. In other words, a reconsideration can be moved only by one who voted aye if the motion involved was adopted, or no if the motion was lost.”); see also RONR § 37.8(a) (“*Except in committees*, [a motion to reconsider] can be made only by a member who voted on the prevailing side.”) (emphasis added).

¹³ See, e.g., Megan Trotter, *Pittsburgh School Board elects new officers amid financial uncertainties*, TRIBLIVE (Dec. 2, 2025), <https://triblive.com/news/education-classroom/pittsburgh-school-board-elects-new-officers-amid-financial-uncertainties/>.

¹⁴ RONR § 37:10 (6).

¹⁵ RONR § 37:3.

¹⁶ RONR § 37:1.

¹⁷ RONR § 37:19 (emphasis added) (motion to Reconsider requires immediate re-vote on same item).

ADVANCEMENT PROJECT

At the January 28 meeting, Board President Walker improperly portrayed the motion to Reconsider as an opportunity to reopen a general discussion of school closures, seek community feedback, and revise the school closure plan that was rejected by a majority vote on November 25, 2025. For example, President Walker stated that if the motion is approved, the November 25, 2025 school closure vote “will go be referred back to education committee.” However, the Board eliminated the Education Committee from its Bylaws in 2025,¹⁸ so the referral to and use of a standing Education Committee appears to conflict with Board Bylaws.¹⁹

President Walker also indicated that the Education Committee would “set up additional public meetings and discussions of the Board to determine what if any changes need to be made to the [school closure plan that was rejected by the Board on November 25, 2025] in order for the Board to consider a vote on it in the future.”²⁰ This characterization is contrary to Robert’s Rules, which states that a motion to Reconsider *immediately* places the same question before the Board for discussion and *vote*.²¹ It is out of order to use a motion to Reconsider to set up *future* general discussions on the topic and reopen the community input process for an item that has been considered and voted on by the Board.

C. The Motion Was Not Provided to Each Director Ten Days Prior to the Agenda Review Meeting

Board Policy 007 requires that “the agenda, together with all relevant reports, shall be provided to each school director at least ten (10) days before the Agenda Review meeting.”²² The Agenda Review meeting was held on January 21, 2026.²³ As such, the agenda and all relevant reports should have been provided to Directors by January 11, 2026, at the latest. However, discussion at the January 28 meeting indicates that Directors received no such notice. For example, Director Taliaferro stated, “as a Board member I was not aware that [the motion] would be [on the agenda] until it appeared on the agenda last week,” presumably at the Agenda Review meeting.²⁴ Solicitor Weiss confirmed that the motion “was on the agenda last week for agenda review”²⁵ and did not refute that the motion was not provided to each school director at least ten days in advance of the Agenda Review meeting, as is required by Board Policy 007.

¹⁸ See, e.g., Board Policy 006 Proposed Revisions Revised November 22, 2024, <https://resources.finalsite.net/images/v1736270505/pghschoolsorg/fv1ppuk4kyz52aoihswk/PPS006RedlinedChanges.pdf>; Board Policy 006, Adopted March 23, 2025, <https://go.boarddocs.com/pa/pghboe/Board.nsf/goto?open&id=AHH6JW152FA5#>.

¹⁹ See n. 7, *supra*.

²⁰ *Id.*

²¹ RONR § 37:19.

²² Board Policy 007, <https://go.boarddocs.com/pa/pghboe/Board.nsf/goto?open&id=AHH6JW152FA5#>.

²³ See Pittsburgh Public Schools Agenda Review, Wednesday, January 21, 2026, <https://go.boarddocs.com/pa/pghboe/Board.nsf/Public#807>.

²⁴ Pittsburgh Public Schools, Legislative Meeting – January 28, 2026, <https://www.youtube.com/watch?v=xkMEdiRk56s>.

²⁵ *Id.*

ADVANCEMENT PROJECT

The motion to reconsider the school closure vote appears to have been added to the agenda in violation of Board Policy.

Board Policy 007 requires that “the agenda, together with all relevant reports, shall be provided to each school director at least ten (10) days before the Agenda Review meeting.”²⁶ The Agenda Review meeting was held on January 21, 2026.²⁷ As such, the agenda and all relevant reports should have been provided to Directors by January 11, 2026, at the latest. However, discussion at the January 28 meeting indicates that Directors received no such notice. For example, Director Taliaferro stated, “as a Board member I was not aware that [the motion] would be [on the agenda] until it appeared on the agenda last week,” presumably at the Agenda Review meeting.²⁸ Solicitor Weiss confirmed that the motion “was on the agenda last week for agenda review”²⁹ and did not refute that the motion was not provided to each school director at least ten days in advance of the Agenda Review meeting, as is required by Board Policy 007. The motion to reconsider the school closure vote appears to have been added to the agenda in violation of Board Policy.

III. A Point of Order is Timely and Applicable Because the Board Adopted a Motion that Conflicts with its Bylaws

Robert’s Rules provide that “[i]t is the right of every member who notices a breach of the rules to insist on their enforcement” by “mak[ing] the appropriate Point of Order.”³⁰ “The general rule is that if a question of order is to be raised, it must be raised promptly at the time the breach occurs.”³¹ However, where “a main motion has been adopted that conflicts with the bylaws . . . of the . . . assembly” a “point of order can be made at any time during the continuance of the breach.”³²

In this case, in addition to conflicting with Robert’s Rules, which are incorporated into the Board’s Bylaws, the motion that was adopted also conflicts with the Board’s substantive Bylaws in two respects. First, “the agenda, together with all relevant reports” was not “provided to each school director at least ten (10) days before the Agenda Review meeting,” in conflict with Board Policy 007. Second, the motion that was adopted was referred to the education committee, in conflict with Board Policy 006, which does not provide for a standing education

²⁶ Board Policy 007, <https://go.boarddocs.com/pa/pghboe/Board.nsf/goto?open&id=AHH6JW152FA5#>.

²⁷ See Pittsburgh Public Schools Agenda Review, Wednesday, January 21, 2026, <https://go.boarddocs.com/pa/pghboe/Board.nsf/Public#807>.

²⁸ Pittsburgh Public Schools, Legislative Meeting – January 28, 2026, <https://www.youtube.com/watch?v=xkMEdiRk56s>.

²⁹ *Id.*

³⁰ RONR § 23:3.

³¹ RONR § 23:5.

³² RONR § 23:6–(a).

ADVANCEMENT PROJECT

committee.³³ Therefore, “a point of order can be made at any time . . . that the action has continuing force and effect—regardless of how much time has elapsed.”³⁴

IV. The Board is Legally Obligated to Follow Its Own Bylaws; Failing to Do So is Arbitrary and Unreasonable

The Pennsylvania Education Code empowers boards of school directors to “adopt reasonable rules and regulations for its government and control.”³⁵ The Board’s Bylaws are clear that Roberts Rules “govern the Board in its deliberations in all cases in which it is not inconsistent with law, state regulations or Board procedures.”³⁶ Pennsylvania courts have held board actions to be arbitrary, capricious, or unreasonable where they are inconsistent with a board’s policy.³⁷ The Board’s violation of applicable parliamentary procedures and its own substantive Bylaws are arbitrary and unreasonable and could expose the Board to legal challenges.

³³ See n. 7, *supra*.

³⁴ RONR § 23:6.

³⁵ 24 P.S. § 4-407

³⁶ PPS Local Board Procedures 006, <https://go.boarddocs.com/pa/phsd/Board.nsf/goto?open&id=C6EMTL510AE6>.

³⁷ See, e.g., *First Philadelphia Charter School for Literacy v. Dudely*, 2011 WL 2518400 (Pa. Com. Pl. May 23, 2011) (citing *Hoke v. Elizabethtown Area School District*, 833 A.2d 304, 313 (Pa. Cmwlth. 2003)) (“In order for the Court to overturn a decision of the board, their actions must be so arbitrary and capricious to be found as a ‘gross abuse of discretion.’”).

ADVANCEMENT PROJECT

For all these reasons, the vote to reconsider item 17.01 from the November 25, 2025 Legislative Meeting for the purpose of future discussion and Board consideration is **NULL AND VOID**. We urge you to communicate this clarification to the Board, members of the public, and make any necessary and relevant corrections to Board meeting minutes and other public records. If you disagree with this interpretation, please provide your justification in writing no later than February 27, 2026.

Sincerely,

/s/ Laura Petty
Staff Attorney, Opportunity to Learn Program
Advancement Project

CC: Board of Directors
Pittsburgh Public Schools
341 South Bellefield Avenue
Pittsburgh, PA 15213