



**MEMORANDUM**

**TO:** Secretary of Education Pedro A. Rivera

**FROM:** Noe Ortega, Deputy Secretary, Office of Postsecondary and Higher Education

**CC:** Julie B. Kane, PDE Policy Director  
Robert Tomaine, Office of Chief Counsel, PDE

**DATE:** May 4, 2020

**RE:** Request to Waive of 22 Pa. Code §31.22 Postsecondary Academic Year for 2019-20

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The Office of Postsecondary and Higher Education is requesting authorization to waive 22 Pa. Code §31.22 to allow postsecondary institutions to shorten their 2019-20 academic year to a minimum of 26 weeks, due to the migration to remote learning necessitated by the COVID-19 pandemic.

22 Pa. Code §31.22(a) provides: "An academic year shall consist of instructional sessions for a minimum of 28 weeks exclusive of registration, examinations and holidays." As a result of the COVID-19 pandemic, several colleges and universities extended spring break in March 2020 to migrate in-person instruction to remote delivery and now are unable to meet the 28-week requirement.

Attached are waiver requests that PDE received from the University of Pittsburgh and the Pennsylvania State System of Higher Education.

If approved, PDE will waive 22 Pa. Code §31.22 for these universities and all other postsecondary institutions in Pennsylvania governed by the regulation, if requested.

Attachments

A handwritten signature in black ink, appearing to read "Pedro Rivera", is written over a horizontal line.

Approved  
Pedro A. Rivera

Disapproved  
Pedro A. Rivera