



THE FORUM

University of Pittsburgh

The Tri-State Area School Study Council Newsletter

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Winter

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See related newsletters:

- [Education Law Report](#), prepared by Tucker Arensberg Law Firm
- [Special Education Alert](#), prepared by Andrews & Price, LLC

TRI-STATE AREA SCHOOL STUDY COUNCIL

Seeking ways to increase organizational capacity in schools through problem solving, technical service, and staff development so all students will be better prepared to make contributions to both our democratic society and the world community

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2020 Workshop Calendar

School Board and Distinguished Educator Banquet

March 5, 2020 | 5:00-9:00 p.m.
Edgewood Country Club

PASA & PSBA Workshop

"Windows of Opportunity: Prioritizing Public Education in Harrisburg and Washington"
March 6, 2019 | 8:30-11:30 a.m.
Edgewood Country Club
*free for member district personnel

Dr. Jean E. Winsand Institute for Women in School Leadership

"Powerful Presence for Impactful Leadership"
April 2, 2020 | 8:00 a.m.-2:30 p.m.
Edgewood Country Club

Dr. Samuel Francis School Law Symposium and Special Education Workshop

June 24, 2020 | 8:00 a.m.-2:30 p.m.
Edgewood Country Club

[Check our website for new workshop!](#)

Call for Nominations

We are accepting nominations for the following awards:

[Distinguished Educator Award](#)
[D. Richard Wynn School Board Award](#)

[Jean E. Winsand Distinguished Woman in Education Award](#)
[Jean E. Winsand Emerging Woman in Education Award](#)

Nomination forms are available at <https://tristate.pitt.edu/call-for-nominations/>.

Please check our site for submission deadlines.



Thank you to the law firms who contribute to *The Forum* newsletter each issue:

- **Andrews & Price**, [Special Education Alert](#)
- **Tucker Arensberg Attorneys**, [Education Law Report](#)
- **Weiss Burkardt Kramer LLC**, *In Brief: School Law Update* (Located on pages 6-7 of *The Forum*)

Tri-State Events—Fall 2019

Four Workshops for Educators and Administrators

Tri-State Area School Study Council hosted four professional development workshops aimed at school leaders and administrators. The workshop provided resources and insights to attendees through our expert speakers.

NCAA Update - Supporting Student Athlete Success: College Transition Readiness October 22, 2019

Presented in conjunction with the University of Pittsburgh's Athletics Department and WPIAL, attendees were able to hear about a variety of timely and important information regarding student athletes. Four panelists from the University of Pittsburgh spoke on recruiting from the perspective of university coaches and recruiting staff. A second panel of four focused on college preparedness, including mental health and the current issues high school and college athletes encounter. The session finished with comments from the executives of WPIAL, touching on recent changes and items all athletic directors should be aware of on behalf of their students.

The panels were moderated by Pitt Athletics' Adam Soles, Assistant Athletic Director-Compliance. As always, the NCAA Update provided new information and perspectives for attendees to take back to their districts.



G. Wilbert, E. Boissonneault, D. Headlee, B. Herbster, A. Soles



A. Routt, B. Duerr, D. Gray, L. Skvarla, A. Soles



Jeffrey Coover (left) and Dr. Hillary Magnis

Special Education Workshop - A Comprehensive Effort to Improve Graduation Rates for Students with Disabilities in PA November 6, 2019

Jeffrey Coover and Dr. Hillary Magnis, Educational Consultants at PaTTAN, provided the attendees with information about graduation rates for students with disabilities and how to address these numbers. The speakers expertly covered topics including the transition process, goals to strive for in this process, and practical ways to implement productive processes for students at risk to not graduate. The speakers provided several practical resources for attendees to use in their districts. The valuable handouts can be brought back to districts to use with their students.

This special education workshop has been presented annually on current topics in their field.

Trauma-Informed Practices Workshop - Connections, Compassion, and Classroom Strategies: Trauma-informed Approaches to Education November 7, 2019

Three experts in the field of trauma and school based psychology developed a workshop on trauma-informed approaches to students aimed at school leaders and administrators. Dr. Mary Margaret Kerr, faculty at the University of Pittsburgh, Dr. Melissa Nelson, elementary principal in Mt. Lebanon School District, and Laurel Chiappetta, yoga instructor and owner of Yoga U PGH, developed an in-depth workshop for administrators and educators to work with students in Trauma Informed Situations. Our speakers provided a multitude of resources for participants to utilize in their districts—both in working directly with students and training staff members.



Dr. Mary Margaret Kerr (left) and Dr. Melissa Nelson

(continued on page 4)

Tri-State Events—Fall 2019

(continued from page 3)



Laurel Chiappetta

Laurel Chiappetta, brought practical breathing techniques that can be used by both students and educators as they deal with the ramifications of trauma.

This workshop was a great success, providing important information on a current and relevant topic. Act 44 of 2018 requires that school employees must attend training on school safety and security for a minimum of 3 hours every 5 years. This workshop has worked to fulfill this requirement for the administrators who attended. The state additionally requires districts to post their Title IX coordinator on their site, so be sure that your district is following this requirement.

Since this has been our most attended workshop in 2019-2020 so far, Tri-State is working with these speakers to develop training sessions on trauma-informed practices and school based mental health to be presented in late February 2020. Check our [website](#) for updates on these training sessions.

Title IX Update - Toward a Culture of Safety, Respect, and Equity: Ending Sexual Harassment in Schools **December 10, 2019**

Attorneys Susan Frietsche and Megan Block of the Women's Law Project brought the annual update on Title IX policies to Tri-State members and guests.

Our speakers comprehensively covered current Title IX information including many of the updates to the law and schools' responsibilities surrounding sexual harassment and sexual assault. The attorneys also spoke about very practical measures that schools are able to take in responding to the issues covered under Title IX. The upcoming changes to Title IX legislation under the DeVos administration is particularly important to be aware of as it may change districts implementation of the legislation

Our speakers provided attendees with thorough information and answered their many questions. Tri-State plans to offer a Title IX Update in December 2020.



Susan Frietsche and Megan Block

Principal Leadership Institute Workshop 1 and 2 - **October 10, 2019 and December 5, 2019**

Tri-State's professional development workshop series for principals and assistant principals, the Principal Leadership Institute, held its first two meetings during the fall semester. The cohort-based series includes a wonderful group of 26 administrators from around the region.



Workshop 1 focused on Innovation and Technology—held on October 10 at Elizabeth Forward School District. The participants were able to take a tour of the district's buildings and discuss how best to utilize technology in the classroom. Superintendent Dr. Todd Kerskin and Assistant Superintendent Keith Konyk provided the attendees with valuable information. Building principals for the district rounded out the day with tours of their buildings. This workshop incredibly informative for participants.

Workshop 2, in Upper St. Clair High School, focused on current legal issues that principals are faced with in their buildings and districts. Attorneys from Weiss Burkardt Kramer LLC provided a full day of presentations covering special education laws, teacher misconduct, transgender rights, medical marijuana, confidentiality laws, and enrollment regulations.

Thank you to our presenters: Jocelyn P. Kramer, Esq., Aimee R. Zundel, Esq., Megan Turnbull, Esq., Lisa Colautti, Esq., Annemarie Harr Eagle, Esq., Nicole Williams, Esq., and Lynne Sherry, Esq.



Thank you to all of our speakers for providing quality information to all participants! ▲

Have any ideas for presentations, topics, or speakers? Contact us at tristate@pitt.edu with your suggestions!

Green Building Alliance

Green Building Alliance invites leaders to the School Sustainability Leadership Retreat:

Green Building Alliance is seeking school leaders to participate in their School Sustainability Leadership network. The network will launch with a retreat on March 19-20 at Seven Springs Resort. School leaders, including superintendents, curriculum instructors, and key decision makers are invited to a unique and transformative experience that immerses them in the values of sustainability. Regional experts will be engaged to inspire and motivate school leaders over the course of the two-day retreat. Green Building Alliance is seeking school leaders who are committed to change in their organizational practice. Retreat attendees will be given further support to continue this work through the School Sustainability Leadership network. There is no cost to attend the retreat.

Green Building Alliance's mission is to advance innovation in the built environment by empowering people to create environmentally, economically, and socially vibrant places. Green & Healthy Schools Academy seeks to work toward this larger goal by educating school leaders to understand the power they have in creating high-performance buildings that are healthy, comfortable, and sustainable buildings for their students. Through the School Sustainability Leadership network, our goal is to help school communities understand that they have the potential to affect real change through the building and operation of their school buildings.

GHSA acts as an intermediary and resource to school leaders during this process so they can advocate for energy-efficient and climate-friendly schools.

To learn more and to reserve your spot today, please e-mail Katie Lockley at katiel@gbapgh.org ▲



Study Participation Opportunity

The Pitt Parents Promoting Early Learning (PPEL) project has an exciting research opportunity for parents of young children in elementary schools. PPEL studies are longitudinal, multi-method investigations that examine how the home learning environment supports early childhood learning. The studies include home observations of parent-child interactions, parent interviews and time diaries, and direct assessment of parents and children (2-5 years). Parents are compensated up to \$150 for participating in these projects.

School involvement could include several options:

1. Distributing flyers to parents in elementary schools
2. Allowing our research team to recruit parents at your pre-k classrooms during pick-up/drop-off times, other parent-focused events, and through flyers.



Please contact Dr. Heather Bachman (hbachman@pitt.edu) or the project manager Juliana Kammerzell (juk83@pitt.edu) with any questions or to convey your interest in partnering with us.

More information at: <https://www.lrdc.pitt.edu/ppel>. ▲

Principal Leadership Workshop #2—photos



L. Sherry

A. Zundel

A. Harr Eagle

J. Kramer

L. Colautti and M. Turnbull

N. Williams

Title IX Update

UPDATE: New Title IX Sexual Harassment Regulations To Be Published Soon

In November 2018, U.S. Secretary of Education Betsy DeVos released a 147-page draft of new Title IX regulations that will change schools' responsibilities when responding to reports of sexual harassment and sexual assault. The final regulations are expected to be published any day. Over 100,000 public comment letters were received during the 60-day public notice and comment period last year; by all indications, most of those comments were highly critical of the new regulations for creating confusion for school administrators and for weakening protections for sexual assault victims and survivors. Will the final regulations reflect modifications in response to that tidal wave of criticism? Time will tell.

Here are some of the concerns raised by the new draft regulations.

They would roll back the prior Administration's comparatively robust protections for survivors of sexual harassment and assault. Previously, schools were under far stricter guidelines in responding to sexual harassment and assault. In guidelines issued in 2011 and 2014, the Department of Education's Office for Civil Rights explained how schools should respond to reports of sexual harassment and assault. The guidelines discussed the troubling statistics on sexual violence in colleges and reviewed in detail the obligation of schools to respond to sexual harassment and sexual violence, requiring schools to take affirmative steps to create a harassment-free environment and emphasizing that when a school learns of sexual assault, it must stop the harassment, prevent its recurrence, and remedy its effects on the survivor.

The draft of the new regulations, in contrast, narrowly defines sexual harassment as unwelcome conduct on the basis of sex that is "so pervasive, severe, and objectively offensive that it effectively denies a person equal access" to the educational program. Essentially, the victim must already have experienced the denial of educational opportunity for the conduct to rise to the level of "sexual harassment."

The new draft regulations limit the number of school officials to whom a report of sexual assault can be made; if the victim reports to the wrong person, schools would be free to ignore the report.

The regulations also propose to limit the geographic scope of the school's protection of students. In simpler terms, schools would only be responsible for addressing sexual harassment or assault that occurs on-campus. Such a rule ignores the fact that there are many students who live off-campus and study abroad every year. Sexual harassment can be perpetrated via the internet; the new regulations leave unclear whether schools have any responsibility for addressing online sexual harassment that creates a sexually hostile environment in the classroom.

Institutions of higher education would be required to hold a live evidentiary hearing in every reported case of sexual harassment. Both the accused and the victim/survivor would be permitted to question the other party, and thus, perpetrators of sexual violence would be allowed to cross-examine survivors of sexual assault, a potentially shattering experience for already traumatized victims. This provision is likely to be a disincentive to reporting sexual harassment.

One of the technical but important provisions in the new regulations is the standard of proof that schools would be allowed to apply in disciplinary hearings. Previous guidances instructed schools to apply the normal evidentiary standard used in civil litigation, a standard called "preponderance of the evidence" in determining whether sexual harassment or sexual assault took place. This preponderance standard is often explained as "more likely than not," or anything more than 50% certainty. The new regulations would permit schools to use the much more difficult-to-satisfy standard of "clear and convincing" evidence, thus making it harder to prove sexual harassment than racial harassment, plagiarism, or other disciplinary infractions, and sending the message that sexual harassment complaints are to be treated with special skepticism.

Stay tuned for more updates on the DeVos Title IX Sexual Harassment regulations. ▲



www.womenslawproject.org
infopitt@womenslawproject.org

Emotional Disturbance Eligibility: What are Your School and Community Norms?

by Rebecca Heaton Hall, Esq.

Emotional Disturbance is a complex special education category that is often misunderstood and misapplied. It is one of the only disability categories within the Individuals with Disabilities Education Improvement Act (IDEA) encouraging schools to compare the target student with school and community norms.



Rebecca H. Hall

Typically, when mentioning students within the general education population in special education eligibility meetings, many of us have become accustomed to redirecting the attendees of the meeting by indicating that the team is only here to discuss the target student. It is often countered that “The ‘I’ in IEP stands for ‘Individualized.’” However, when it comes to eligibility decisions for students alleged to exhibit social, emotional, and behavioral needs, the U.S. Department of Education, Office of Special Education Programs, has advised that it is appropriate to consider school and community norms in the eligibility decision. Letter to Anonymous, 213 IDELR 247 (OSEP 1989).

The impact of school and community norms directly influences a multidisciplinary team’s decision regarding whether the behavior is demonstrated to a “marked degree.”

Norms can be actual or perceived. Perceived norms are what are believed to be the norms of a school or community, and actual norms are the reality. What may be typical in one school may be atypical in another. Further, individual classrooms may have norms that differ from the overall school norms (a particular class that deviates from the school norms may suggest strengths or weaknesses in a teacher’s classroom management). It is imperative to gauge eligibility decisions for an emotional disturbance on actual norms rather than perceived.

How can we adequately assess norms? It can be an arduous task to measure school and community norms. One method to review school norms may be to survey your student body and teachers through the school-wide positive behavior support program. To find community norms, a school psychologist evaluating the target student can interview the student’s parent. Additional information on community norms could be obtained by engaging the local parent-teacher association to gather feedback and reviewing any data available on the community produced by the local government. A review of disciplinary referrals by individual teachers, classroom observations, and interviews of students may assist

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Legislature Restores Arrest Powers for School Police Officers

by Aimee R. Zundel, Esq.

On July 2, 2019, with the signature of Act 67 into law, the authority of judges to grant arrest powers to school police officers was eliminated.



Aimee R. Zundel

The removal of such powers came about in a late amendment to the associated Senate Bill (SB 621). Efforts to clarify the power of school police officers have culminated in the passage of House Bill 49, on November 21, 2019. The bill became Act 91 of 2019 with Governor Wolf’s signature on November 27, 2019. Under the new law, school police officers may exercise the power to enforce good order in school buildings, on school buses, and school grounds, and – if authorized by the court – they may issue summary citations or detain individuals who are in school buildings, on school buses, and on school grounds. Officers will also maintain powers co-extensive with police officers of the municipality in which school property is located. Our office is happy to address entity-specific questions you may have regarding this legislation. Further, we recognize that school-based officers frequently navigate the balance between student safety and privacy rights. A helpful resource for school law enforcement officials regarding student confidentiality is available at: https://studentprivacy.ed.gov/sites/default/files/resource_document/file/SRO_FAQs_2-5-19_0.pdf. ♦



Alternative Education for Disruptive Youth (AEDY) Update

by Lynne Sherry, Esq.

The Pennsylvania Department of Education (PDE) recently released the new Basic Education Circular (BEC) to provide updated guidance on AEDY programs following PDE's settlement with the Department of Justice. The BEC can be found here: <https://www.education.pa.gov/Policy-Funding/BECS/Purdons/Pages/Alternative-Education-for-Disruptive-Youth.aspx> ◆



Lynne P. Sherry

Emotional Disturbance Eligibility, *continued*

in developing an understanding of classroom norms. To assess whether the target student deviates from classroom norms, practitioners can use valid assessment tools to compare the target student's behavior with other students in the general education setting.

The legal definition for a student to meet eligibility for an emotional disturbance contains five steps: 1) student exhibits at least one of the five characteristics of emotional disturbance; 2) the characteristic is exhibited over a long period of time; 3) the characteristic is exhibited to a marked degree; 4) there is an adverse effect on educational performance; and 5) the student requires specially designed instruction. 34 CFR § 300.8(c)(4)(i). Each element must be met for a student to qualify under IDEA's emotional disturbance disability category. The impact of school and community norms directly influences a multidisciplinary team's decision regarding whether the behavior is demonstrated to a "marked degree." "Marked degree" prompts a team to find the frequency, intensity, and duration of the student's behavior in comparison to the student's peers, school norms, and community norms.

In partnership with LRP Publications, Jessica Dirsmith, D.Ed., NCSP, and I have written a book, *Assessment and Identification of Students with Emotional Disturbance and Behavioral Needs*, analyzing over ninety special education cases addressing emotional disturbance eligibility and over one hundred research studies and scholarly articles. Among other things, our book addresses school and community norms and takes a comprehensive and novel approach to emotional disturbance eligibility. If your school district is interested, copies can be obtained at shoplrp.com/product_p/300714.htm or by contacting me at rheatonhall@wbklegal.com. ◆

We're Speaking...

- On November 18, 2019 Attorneys Ira Weiss and Annemarie Harr Eagle presented Human Resources Updates to members of PACTA (Pennsylvania Association of Career and Technical Administrators) at the Butler County CTC.
- On December 5, 2019, Attorneys Jocelyn Kramer, Aimee Zundel, Megan Turnbull, Lisa Colautti, Nicole Williams, Annemarie Harr Eagle, and Lynne Sherry presented to school district administrators at a full-day seminar in cooperation with Tri-State Area School Study Council. The range of topics included: special education, employment, transgender rights and Title IX, medical marijuana, confidentiality laws, Right-to-Know, and social media, enrollment, attendance and custody.
- In early December, Attorneys Weiss, Kramer, Williams and Harr Eagle delivered mandatory training to school board directors in conjunction with PSBA.
- Attorney Rebecca Heaton Hall will be presenting on the topic of "Emotional Disturbance: Stay Calm and Break it Down" on January 17, 2020 at LRP's Special Education School Attorneys Conference in New Orleans, Louisiana.
- Attorney Hall will co-present with Dr. Jessica Dirsmith on February 23, 2020 at the (Pennsylvania Association of Student Assistance Professionals) Conference in State College, Pennsylvania. Their presentation will address Adherence to Best Practices & Legal Compliance to Promote School Safety & Emotional Wellness. The two will also co-present on May 6, 2020 on the topic of "Emotional Disturbance: Legally Compliant Intervention, Assessment, and Identification Practices at a half-day workshop through the LPR Institute in New Orleans, Louisiana.
- Attorneys Hall and Harr Eagle will both speak on February 26, 2020 at the National Business Institute's seminar in Canonsburg on Disciplining Students with Behavioral Issues. Attorney Hall will discuss Discipline and Expulsion: A Practical Legal Guide. Attorney Harr Eagle will present an Overview of Applicable Laws.
- On March 18 and 19, 2020, Attorneys Kramer, Harr Eagle, Turnbull and Amanda Jewell will present at the PASBO Conference. Attorneys Kramer and Jewell will present on the topic of Employee Leaves, while Attorneys Harr Eagle and Turnbull will speak on the topics of Contract Language for Act 93 and EEOC/PHRC claims.
- Attorney Zundel will conduct a legal breakout session on the topic of "What's the Takeaway? Legal Cases Involving Students with Dyslexia" for the Pennsylvania Branch of the International Dyslexia Association (PBIDA) conference, on April 25, 2020 at Carlow University.

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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.

PA Education Updates

Education Law Center has released **Making the Grade 2019: How Fair is School Funding in Your State?** This report provides a comprehensive overview of public school funding in US states. Funding level, funding distribution, and funding effort for all states are outlined in this report.

[Visit their site for the full report.](#)

Pennsylvania Department of Education recently announced **changes to certification testing**. These changes effect those seeking certification in Letter of Eligibility and CORE Academic Skills for Educators. [Visit the Department of Education's Certification Testing page for complete information.](#)

Regional Administrator Changes

Congratulations to Carlynton School District's new superintendent,
Dr. John Kreider.

Dr. Kreider is the former principal of North Allegheny Senior High School and graduate of the University of Pittsburgh's School of Education.

Employment Opportunities

Visit Tri-State's job board for current postings.

<https://tristate.pitt.edu/jobs>

If you have any jobs you would like advertised, please email us at tristate@pitt.edu

Upcoming Professional Development Opportunities

Mold in Schools Workshop

Thursday, January 9, 2020
Green Building Alliance
Cost: \$10

Mold is a reality in all buildings in southwestern Pennsylvania—schools included! Whether this is a current reality or a future concern, moisture issues can be controlled to promote the health and well-being of your occupants. Break through the stigma of mold in school buildings to learn from GBA-vetted industry experts about best practices and communication strategies for addressing mold in your buildings.
Registration can be found [here](#).

Saturday Morning STEM Professional Development Series – Pillars of STEM: Inquiry-Based Education

Saturday, February 1, 2020
Carnegie Science Center
Cost: \$25

Take your STEM skills to the next level with this new series of professional development workshops for PreK-12 educators, administrators, homeschool educators, and more! Participants are eligible to receive 3 Act 48 Credits!
More information can be found [here](#).

WWI 360: Teach Like An Ace

Saturday, February 22, 2020
Heinz History Center
Cost: Free

Presented by the National WWI Museum and Memorial and sponsored by the U.S. World War One Centennial Commission, this one-day workshop offers a blend of meaningful content and primary-source focused methods for teaching WWI and its enduring impact.
More information can be found [here](#).

PETE&C 2020

February 23-26, 2020
David L. Lawrence Convention Center
Cost: Varies

Enjoy hundreds of edtech exhibitors, keynote speakers, educational sessions, and more at the PETE&C Expo & Conference
More information can be found [here](#).

The Forum is a publication of the Tri-State Area School Study Council. Your comments and suggestions of topics for future publications are always welcome. You may contact us at:

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