



University of Pittsburgh

THE FORUM

The Tri-State Area School Study Council Newsletter

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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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The Tri-State Area Study Council has experienced much change over the past year. With the retirement of Dr. Diane Kirk, our Executive Director and Assistant Professor at the University of Pittsburgh's School of Education for 16 years, Tri-State and the University are in the process of selecting Dr. Kirk's replacement. Throughout this year, it has been a privilege to serve the region's educational community as Co-Directors during this interim year. We are excited and hopeful that a successor will be identified in the coming month. During this interim year, we are grateful for expertise, leadership and guidance from the Executive Committee of Tri-State.

In December 2022, Tri-State Study Council identified Mr. Nolan Baker as our new Administrative Assistant. Mr. Baker is exceptionally talented and skilled. We look forward to introducing him to each of you at the upcoming events.

The University of Pittsburgh's School of Education personnel have been extremely supportive during this interim year. Dr. Cassie Quigley and Dr. Tom Ralston have been outstanding in assisting us over the past several months. Prior to Mr. Baker being named, Ms. Kelly Runco, Administrative Assistant in the School of Education, provided much support to Tri-State and has assisted Mr. Baker in his transition to his new role. Ms. Runco's organizational skills and willingness to assist us were greatly appreciated.

As we look to the future of Tri-State, we are excited to continue to provide the annual learning events, awards, and services. We are in the process of creating bi-laws for the organization, rebranding our website, and preparing to transition the successful candidate for the role of Tri-State's new Executive Director. Please be sure to join us for the spring learning events and help to celebrate those educational leaders and school boards worthy of recognition.

We hope that you will join us at the upcoming Tri-State learning and networking events. At any time, please don't hesitate to reach out to us so that we can support you, your district, or our region's schools.

Yours in Education,
Dr. Michael Loughead, Dr. Michelle Miller, and Dr. Heidi Ondek

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*)

Regional Superintendent Changes

Congratulations to everyone in new positions and to those who have moved on to new opportunities!

Please reach out to share openings and appointments as changes in leadership occur.

New Appointments

Bald Eagle - Mr. Curt Whitesel
Beaver Area - Dr. Mark Holtzman
Bellwood-Antis - Mr. Ed DiSabato
Clairton - Dr. Tamara Allen-Thomas
Claysburg-Kimmel - Mr. Mark Loucks
Conemaugh Township - Dr. Nicole Dull
Elizabeth Forward - Mr. Keith Konyk
Hopewell Area - Dr. Jeffrey Beltz
Homer-Center - Mr. Ralph Cecere
McKeesport - Dr. Tia Wanzo
Monessen City - Dr. Robert Motte
Northern Cambria - Dr. Laura Fisanick
Portage Area- Dr. Todd Dishong
South Allegheny - Mr. David McDonald, Acting Superintendent
Southmoreland- Dr. Jason Boone, Acting Superintendent
Sto Rox- Ms. Megan Van Fossan
Turkeyfoot Valley - Ms. Nicole Dice
United - Dr. Charles Koren, Acting Superintendent
West Jefferson - Dr. Janet Sardon
Windber Area- Mr. Michael Vuckovich
Yough - Dr. Anthony DeMaro

2023 Upcoming Events

Register Now!

**Distinguished Educator and
School Board Banquet**

Thursday, March 16, 2023

PASA / PSBA Workshop

Friday, March 17, 2023

Save the Date

**Dr. Jean E. Winsand Workshop for
Women in School Leadership**
Thursday, April 13, 2023

**Dr. Samuel Francis School Law
Symposium and
Special Education Workshop**
Wednesday, June 21, 2023

[Check our website for updates and new workshops!](#)

Tri-State Research Brief

English Teachers Receive Automated Feedback on Teacher Talk

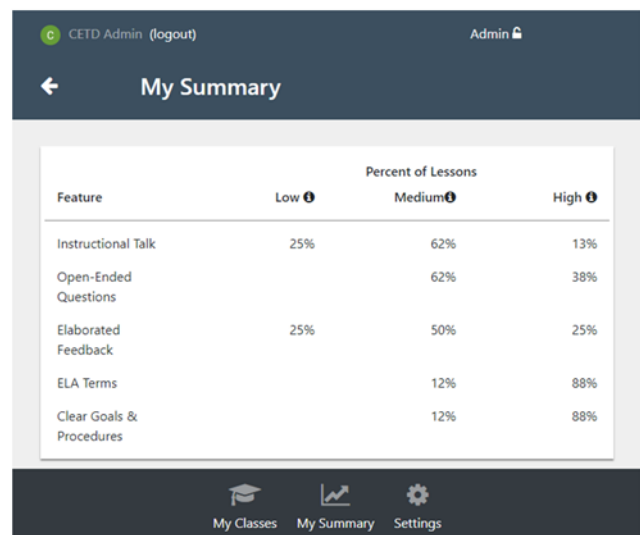
By: Sean Kelly & Gizem Guner (University of Pittsburgh), Nicholas Hunkins & Sidney D’Mello (University of Colorado-Boulder)

Frameworks for teacher observation and improvement in Pennsylvania and beyond stress the importance of quality classroom talk. Do teachers use questions effectively? Are student ideas at the center of instruction? Overall, are teachers effective in “talking to learn?”

Traditional in-person observation provides some insight into these questions, but often leaves us wanting more. Traditional observations are difficult and costly to schedule, often occurring only once or twice a year. They provide only rough categorical overviews of instruction, with the vast majority of teachers rated simply as “proficient.” Research reveals many shortcomings of traditional teacher observation (Kelly et al., 2020 in Education Policy Analysis Archives), but perhaps their most salient feature is how highly evaluative they are—they seek to capture and label a teacher’s overall performance neatly from a single observation.

What if teachers could get reliable feedback on the most important features of classroom talk any time they wanted? Now let’s make that feedback fine-grained, so teachers could see changes in specific features of classroom talk from lesson to lesson. And what if that feedback were non-evaluative, so that users could set their own goals, and choose which features to focus on?

Based on prior research and development in Tri-State districts, our team of educational and computer scientists has developed such a system, one of the first of its kind—the Teacher Talk Tool. Throughout 2020-21, five English and language arts teachers in a Tri-State district used the Teacher Talk Tool, receiving regular feedback on several features of talk: instructional talk, open-ended questions, elaborated feedback, ELA terms, and goal clarity.



From our prior research in Tri-State districts, we knew this system would provide teachers with reliable, accurate feedback on talk. Our goals for this small-scale user study were to see if teachers could reliably use the system, and if that use would help promote teacher reflection and focus attention on teacher talk. We set a high bar for both of these questions. Participating teachers would have to use the system autonomously, with only traditional online-style tech support. And we would provide no coaching, we wanted to see if use of the system alone generated teacher engagement. We evaluated use of the system through a set of repeated surveys and interviews.

We found a high degree of user trust in the system, and that indeed, use of the system focused teachers’ attention on features of their talk. For example, one teacher reported “I definitely think that I have been working toward more open-ended questions and elaborated feedback, probably since using this tool.” We were not surprised to find that our experienced, expert study participants had high self-expectations for their instruction, and an impressive drive for improvement.

Continued on page 4

Tri-State Research Brief Cont.

Continued from page 3

Our participants' use of the Teacher Talk Tool also reinforced what we believe should be basic features of observation systems, and how we have designed our system. Our system gives teachers choice over what talk features to focus on. Participating teachers were eager to exercise that choice; none of the participants in our study focused on all of the reported features. Instead, they focused on the features most important to their lesson goals. Similarly, teachers shouldn't receive an overall lesson "score," because again, lesson content and goals vary. We also learned how to improve the system in some specific ways, so that we can revise the menu of available talk features.

We hope that this study and others like it will help promote the development of new, technology-enabled professional development tools for teachers. We see providing teachers with rich sources of non-evaluative information as one of the keys to professional growth. We should conclude by noting though, that individual use by teachers is not the only use of automated systems of observation, which can also be used to study curriculum and instruction across entire schools and districts.

Resources to learn more

Open access e-journal articles from *EPAA*: (<https://epaa.asu.edu/index.php/epaa>)

Kelly, S. 2023. Agnosticism in instructional observation systems. *Education Policy Analysis Archives*, 30, [number and DOI pending]

Kelly, S., Bringe, R., Aucejo, E., & J. Fruehwirth. 2020. Using global observation protocols to inform research on teaching effectiveness and school improvement: Strengths and emerging limitations. *Education Policy Analysis Archives*, 28(62).

For further information contact Professor Sean Kelly (spkelly@pitt.edu) ▲

Annual NCAA Workshop

Held January 18, 2023

This year, Tri-State and Pitt Athletics collaborated to host our annual NCAA Update Workshop, which was held at the beautiful Campus View Club of the Petersen Events Center. We would like thank our 100+ attendees and the following speakers for their important contributions:

- Tyler Wright, Assistant AD (Pitt)
- Christina L. Lane, Esq., Partner Maiello Brungo & Maiello, LLP
- Barry Duerr, Associate Director, Oafa (Pitt)
- Tilly Sheets, Ed.D., Associate Director, ASSSA (Pitt)
- Penny Semaia, Sr. Associate AD, Student Life (Pitt)

If you were not able to make this year's event, we have a virtual version occurring on February 22nd!

Register with the QR code or here: <https://pitt.zoom.us/j/99770881921>





Online tool helps prospective students vet schools for sexual assault

By: Women's Law Project Staff Attorney Tyler Gillett

Too many prospective college students have concerns about the prevalence of sexual assault on campus. The group End Rape On Campus (EROC) has launched its new Campus Accountability Map & Tool to help college students and prospective college students get the information they need to understand sexual assault policies and statistics at colleges and universities around the country. The tool, available at <https://endrapeoncampus.org/map-and-tool/>, provides students with in-depth information about an institution's investigation policies, high-level statistics, prevention efforts, and survivor support resources. The map even allows users to compare metrics between schools to gain a better understanding of policies and procedures across the nation.

The data includes the number of reported rapes, fondlings, domestic violence, dating violence, and stalking incidents, as each college or university has reported in compliance with the Clery Act, the federal law that requires colleges and universities to report campus crime data. The tool also includes summaries of each college's or university's definitions and policies around consent, sexual assault, and retaliation. It covers their investigation procedures, including whether they have amnesty policies or appeals processes, and what sort of training or programs the institution has in place to prevent sexual violence. Finally, it also includes a summary of the resources available to survivors of sexual assault, including any accommodations that are available, campus resources, and medical services.

The tool is the product of years of work by EROC in an effort to compile this information into a format that is easy to navigate and does not require hours of work by students to dig out of the depths of university websites. The platform was built by students, survivors, and advocates, and is a work in progress, as new institutions are continually being added to the tool. EROC's goal is to give students and their families all the data they need to make informed decisions about what schools to attend and to be able to hold schools accountable. Campus safety should be an important part of every prospective student's college searches.

The tool currently contains data and information on 764 schools across the country, with more to be added over time. The list includes the two largest four-year institutions in each state, all of the Ivy League schools, all fully accredited Tribal Colleges and Universities, all Historically Black Colleges and Universities, and all Hispanic Serving Institutions. Many rural and four-year community colleges are included among these designations.

According to the Association of American Universities Campus Climate Survey, published in 2019, the overall rate of nonconsensual sexual contact was 13%, with the estimate for women undergraduates being nearly double that at 25.9%. Almost 42% of all students reported experiencing at least one incident of sexually harassing behavior since enrolling in college. However, most students who have been victimized do not report the incident to any campus authority to help them; while majorities of students believe that reports of sexual assault will be taken seriously, victims of sexual assault do not believe that *their* reports will be taken seriously. ▲

PIAA Approves NIL Rule for High School Athletes

by Nicole W. Williams, Esq.

On December 7, 2022, the PIAA (Pennsylvania Interscholastic Athletic Association) voted to permit high school athletes to monetize their Name, Image, and Likeness ("NIL"). The move allows high school athletes to earn money through endorsements, advertisements, promotions, and social media activities. There are, however, some limitations on how and what NIL activities an athlete may engage in.

Article II, Section 3, Paragraph J has been added to the 2022-2023 PIAA Constitution and Bylaws. Within 72 hours after entering into any type of NIL agreement, a student or their parents/guardians must notify the Principal or Athletic Director of their school. Athletes are strictly prohibited from engaging in NIL activities involving adult entertainment products and services; alcohol products; casinos and gambling, including sports betting, the lottery, and betting in connection with video games, on-line games and mobile devices; tobacco and electronic smoking products and devices; opioids and prescription pharmaceuticals; controlled dangerous substances; and weapons, firearms and ammunition. Once an agreement has been entered into, an athlete may not engage in NIL pursuits during team and/or school activities. Athletes are also prohibited from wearing any identifying mark, logo, or insignia of an NIL partner during any team and/or school athletic activities, unless part of the standard school uniform for that sport, and from wearing apparel identifying their school when engaging in NIL activities.

The PIAA also sets forth requirements for schools and their employees. First, the PIAA directs that NIL agreements may not be used as an incentive for a decision to enroll in a school or join a team. Furthermore, schools and their employees, booster clubs, coaches, administrators, alumni, and other affiliated individuals from soliciting, arranging, negotiating, or paying for a student's NIL, except when that student is their own child.

As they enter this new territory, it is important that schools are aware of their responsibilities. On January 12, 2023, the PIAA announced that it would partner with the organization, ADVANCE, to educate member schools on NIL. Additionally, the attorneys at WBK are available to advise on issues that may arise under this new rule. ♦



Nicole Williams

Taxes or Fees: Reviewing a Recent Commonwealth Court Decision

by Ira Weiss, Esq.

*On January 4, 2023, the Commonwealth Court of Pennsylvania issued a decision in *The Borough of West Chester v. Pennsylvania State System of Higher Education and West Chester University of Pennsylvania of the State System of Higher Education, No. 260 M.D. 2018*, holding that the Borough of West Chester's charge related to stormwater management ("Charge") provides "benefits that are enjoyed by the general public," such as decreased flooding, erosion and pollution, as opposed to "individualized services provided to particular customers." As a result, the Charge constituted a tax from which the PA State System of Higher Education ("PASSHE") and West Chester University ("University") are immune, rather than a fee for service.*



Ira Weiss

In 2016, the Borough Council enacted code provisions for the Charge to further construct, operate, and maintain its stormwater management facilities. The Charge was imposed on owners of all developed properties benefitted by the Borough's stormwater management system. The amount of the Charge for which the owner was responsible was dependent upon the amount of impervious surface on the property. PASSHE and the University refused to pay invoices for the Charge in 2017,

Many school district properties will generate significant charges because of the impervious surface areas on their properties.

2018, and 2019 based on their belief that the Charge constituted a tax. The Borough filed a petition for declaratory judgment with the Commonwealth Court against PASSHE and the University seeking to establish that the Charge is not a tax, but a fee for service which they are required

to pay. The Borough argued that PASSHE and the University derived a discrete benefit as the owner of a developed property in return for the payment of the Charge, which proved that it constituted a fee for service rather than a tax. PASSHE and the University disputed this and instead argued that the Charge was a tax because the projects it funded were designed to provide a "general benefit" and promote "the welfare of all" (quoting *In re Broad St. in Sewickley Borough*, 30 A. 1007 (Pa. 1895)).

continued on next page

Case Update: Attorneys Fees in Universal Masking Case

by Jocelyn P. Kramer, Esq.

As first reported in our Spring 2022 edition, two masking cases involving local districts were filed in the Western District of Pennsylvania. As a reminder, claims were brought against North Allegheny School District and Upper Saint Clair School District under the Americans with Disabilities Act, as amended, and Section 504 of the Rehabilitation Act.



Jocelyn Kramer

Plaintiffs requested immediate injunctive relief to maintain mandatory universal masking in schools. While one Judge in the Western District Court enjoined North Allegheny from enacting a mask-optional policy, another Judge in the same Court denied the plaintiffs' motion in Upper St. Clair and allowed the mask-optional policy to move forward. Both rulings were appealed but before the Third Circuit could consider either of the appeals on their merits, the Centers for Disease Control and Prevention (CDC) changed the way it determined transmission in communities. As a result, the Third Circuit ruled that the cases were moot and ordered that the appeals and the underlying cases be dismissed. The plaintiffs subsequently filed a request that the school districts pay their attorney fees of over \$100,000. Both Judges in the Western District ruled against the plaintiffs and denied their request for fees. Plaintiffs appealed again to the Third Circuit, and in January 2023, the Third Circuit denied both appeals and ruled in favor of the school districts holding that the plaintiffs were not prevailing parties and were not entitled to recover their fees. Attorney Kramer and Attorney Hall of WBK successfully defended Upper St. Clair School District in this matter. ♦

Taxes or Fees: Reviewing a Recent Decision, *continued*

In determining whether the Borough's Charge constituted a tax or a fee for service, the Court gave weight to the testimony delivered by the Borough's Manager that owners of both developed and undeveloped properties in the Borough receive the same general benefits from projects funded by the Charge and that managing stormwater provides "a general benefit to the [c]ommunity" by, for instance, preventing damage to public infrastructure. The Court further found that the Borough provided no evidence that PASSHE and the University derived a discrete benefit from payment of the Charge. The Court also found that the Charge did not constitute a special assessment subsidizing a particular project of limited duration. As a result, the Commonwealth Court sided with PASSHE and the University and granted judgment as a matter of law.

What does this decision mean for school districts? Under a system like that described in the West Chester case, many school district properties will generate significant charges because of the impervious surface areas on their properties. While unreported and therefore not precedential, the decision is based on long settled legal principles that if a governmental charge benefits the public at large as opposed to the entity paying the fee or charge, it is a tax. Tax exempt entities like school districts would be exempt from these charges. In this time of budget challenges under Act 1 and the assessment situation in Allegheny County, there could be financial relief for districts where charges are determined to be taxes rather than fees. If you have questions on how this case may impact your district, please reach out to WBK or your solicitor. ♦

WBK News

- WBK is pleased to announce that effective October 1, 2022, Annemarie Harr Eagle and Rebecca Heaton Hall were promoted to partners at the firm.
- Attorney Kelly Perkovich has recently rejoined WBK. Attorney Elizabeth Sattler also recently joined the firm.
- Attorney Jocelyn Kramer was appointed as the Sectional Director (W-3) for the Pennsylvania School Board Solicitors Association (PSBSA). She was also appointed to serve on the Local Rules Advisory Committee for the United States District Court in the Western District of Pennsylvania.
- Attorney Megan Turnbull was appointed as the Sectional Director (W-2) for the PSBSA. She will be a panelist at the Allegheny County Bar Association's CLE titled: "What You Need to Know About Allegheny County Tax Assessment Appeals" in March.
- Attorney Annemarie Harr Eagle co-authored a Law Review Article with The Honorable Maureen E. Lally-Green and Dr. Bridget Green titled: *Doing the Right Thing the Right Way the First Time: Decision-making in Public and Private Arenas Regarding the Use of Service Animals*. The Article was published in the 45th volume of the University of Arkansas at Little Rock Law Review.
- Attorney Rebecca Heaton Hall will be speaking with Jessica Dirsmith at LRP Institute in New Orleans on April 19, 2023. Their topic is: *Special Education Strategies to Address Truancy and School Refusal*.

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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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Grants to Improve Schools from the US Department of Education

Coming into 2023, the US Department of Education has released a handful of grants meant to improve the sustainability, health, and safety of school districts across the country, specifically those in high need areas. Green Building Alliance is committed to helping school districts across Western Pa learn about these resources and achieve the funding offered by these grants.



Renew America's Schools is a grant rooted in identifying sustainable solutions in disadvantaged communities by offering \$80 million dollars in grants that range from \$500,000 to \$15 million. Projects were given two different paths to choose from and could even create ideas that included both. The topics were High Impact Energy Efficiency and Health Improvements and Innovation, Energy, and Technology Package. Projects were meant to be creative, collaborative, and impactful, integrating new technologies and updating the existing, creating an overall healthier learning environment for students to learn. While the deadline for this grant was January 26, this was only the first round of \$80 million. \$500 million exists for the entire program.

In conjunction with the previous grant, the US Department of Education also unveiled the Energy Champions Leading the Advancement of Sustainable Schools grant. Rather than focusing on the built environment and the school operating systems, this grant offers districts opportunities to train and hire energy champions. The \$4.5 million grant will support dozens of awards of \$100,000 with the potential for a \$50,000 bonus to any outstanding performing winners. The deadline for this grant is February 28, 2023.

Per the US Department of Energy website, "Both programs will concentrate funds in rural and high-poverty school districts to lower utilities costs, reduce carbon emissions, and build healthier learning environments for students and teachers".

US Department of Energy Bus Electrification

Recognizing the growth in public interest and cost savings of switching to electric vehicles, the US Department of Energy has produced a handful of resources dedicated to teaching school districts about school bus electrification. Through a series of webinars, handouts, and technical assistance resources, the Department of Energy highlights some of the key points of accruing and implementing EV buses:

- Electric Utility Basics
- Vehicle Requirements
- Charging Infrastructure, Planning and Solutions
- Vehicle in Use performance
- Driver and Technician Training
- Cost factors

Locally, there are a number of resources that a school district can use to learn more about electric buses and their benefits. Generation 180, for example, is a Pennsylvania Non-for-profit that is dedicated to implementing EV school buses into every school district across the state. Further, as a part of the Bipartisan Infrastructure Law, the Environmental Protection Agency is about open its second round of grant applications for its 5-year, \$5 billion clean school bus program.

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EPA and the Recycling Grants for Schools

A final grant currently available for schools to vie for is the Consumer Recycling Education and Outreach Grant Program. The Environmental Protection Agency is offering awards of between \$250,000 and \$2 million to community partners (including schools) to build education programs about recycling, increase recycling practices, and diminish the amount of waste that they produce. Like the others, the grant prioritizes disadvantaged communities. The deadline for this grant has been extended to February 15, 2023.

The Growing Desire for Pittsburgh Schools to Make a Change

Every person is affected by the location in which they reside and the buildings in which they live, work, and learn. With over 90% of our time spent indoors, many are realizing the dangers that exist in older buildings that were not designed with sustainability in mind. One of GBA's most successful programs is our 2030 District, a cohort of like-minded business owners and facility directors from businesses across the city that are dedicated to reducing their energy use and improving their indoor environment. In the past few years, GBA has moved its recruiting focus from businesses and begun focusing on school districts in Allegheny and the surrounding counties, and the Intermediate Units on the Western side of the state. We offer resources for schools to improve their buildings, implement innovative ideas into the classroom, and revolutionize the way sustainability is taught in school. GBA's mission is to create a world where every building and community is sustainable so that every person can thrive. As we look towards the future, we hope to work with all the school districts in the region to attain this goal so that our world is filled with healthy, happy, and open-minded learners that will lead the change in this sustainability revolution. If your school needs technical assistance, please contact peyton@gbapgh.org or chrisc@gbapgh.org to set up a consultation.

Resources

[US Department of Education Grants](#)

[Consumer Recycling Education and Outreach](#)

[Electric School Bus Education](#)

[Electric School Bus Initiative](#)

[Pittsburgh 2030 District](#)

[Green School Resources](#) ▲



Tri-State Area School Study Council

Tri-State is governed by an Executive Committee of regional superintendents, intermediate unit executive directors, and career and technical center directors. Collectively, these school leaders have 543 total years in education, with 405 of those years in school leadership.

Officers

President: Michelle Miller, Superintendent, South Fayette Township School District
Vice President: Michael Loughead, Superintendent, Hampton Township School District

Co-Directors

Dr. Michael Loughead
Dr. Michelle Miller
Dr. Heidi Ondek

Executive Committee

Darby Copeland, Parkway West CTC
Matthew Curci, Apollo-Ridge School District
Michael Daniels, Canon-McMillan School District
Timothy Gabauer, Mount Pleasant Area School District
Joseph Guarino, New Brighton Area School District
David Lehman, Forest Hills School District
Janell Logue-Belden, Deer Lakes School District
Michael Lucas, Trinity Area School District
Donald Martin, Intermediate Unit 1
Scott Martin, Bentworth School District
Donna Nugent, Big Beaver Falls Area School District
Heidi Ondek, Western PA School for Blind Children
Gennaro Piraino, Franklin Regional School District
Janet Sardon, West Jefferson Hills School District
Robert Scherrer, Allegheny Intermediate Unit
Brian White, Butler Area School District
Tracy Vitale, Seneca Valley School District

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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