



# THE FORUM

University of Pittsburgh

The Tri-State Area School Study Council Newsletter

Volume 28, Issue 2

Spring 2023

## INSIDE THIS ISSUE

- 1 Welcome!
- 2 Distinguished Educator & School Board Banquet
- 3 Dr. Jean E. Winsand Workshop for Women in Educational Leadership
- 4-5 Green Building Alliance
- 6-7 In Brief: School Law Update (prepared by Weiss Burkardt Kramer, LLC)
- 8 Women's Law Project
- 9 Photos from Spring Events

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*

UNIVERSITY OF PITTSBURGH SCHOOL OF EDUCATION

5151 WW POSVAR HALL  
230 S BOUQUET ST  
PITTSBURGH, PA 15260

TRISTATE@PITT.EDU

## Spring Banquet and Workshops

### 74th Annual School Board and Distinguished Educator Banquet

The Tri-State Area School Study Council's School Board and Distinguished Educator Banquet is an annual opportunity to recognize outstanding achievement in education through the presentation of both the Distinguished Educator Award and the D. Richard Wynn Distinguished School Board Award. In addition, the banquet is a fantastic networking opportunity for district administrators and Board members. This year, the banquet was held on March 16th at the University Club. *See page 2 for more on the banquet and this year's award winners, Distinguished Educator Dr. Todd Keruskin, and Distinguished School Boards Kiski Area School District and Quaker Valley School District.*

### Dr. Jean E. Winsand Workshop for Women in School Leadership

The Jean E. Winsand Workshop for Women in School Leadership is an annual event featuring discussions on pathways to career success and empowering and inspiring women looking to make positive changes in their lives and careers. It is named in memory of Dr. Jean Winsand, a women's rights activist and Professor Emeritus at the University of Pittsburgh.

This year's workshop was held on April 13th at the Edgewood Country Club. Annually, the Dr. Jean E. Winsand Distinguished Woman in Education Award is presented to a woman in education whose achievements are recognized as exemplary. The 2023 award winner was **Dr. Caroline Johns**, Superintendent of Northgate School District. Additionally, the Jean E. Winsand Emerging Woman in Education Award recognizes a woman who has made a significant impact and positive difference through her leadership activities and initiatives early on in their career. This year, **Ms. Quincy Gildea**, Assistant Principal at Seneca Valley School District, was the deserving winner. *See page 3 for more.*

## Upcoming Summer Events

### Annual Dr. Samuel Francis School Law Symposium and Special Education Workshop

Wednesday, June 21, 2023

[Registration and more details can be found here](#)

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*)

## 74th Annual School Board and Distinguished Educator Banquet: In Review

The 74th Annual Distinguished School Board and Educator Banquet was a night to remember as educators and school leaders from the region gathered at the University Club on Thursday, March 16, 2023. The event was a celebration of excellence in education and a chance to recognize outstanding leaders who have made a significant impact in their communities.

The evening kicked off with networking and entertainment provided by the extremely talented Seneca Valley Saxophone Quartet. The awards ceremony began with speeches from Dean Valerie Kinloch, the Renée and Richard Goldman Dean of the University of Pittsburgh School of Education, and Tri-State's Co-Directors, Dr. Michael Loughead, Dr. Heidi Ondek, and Dr. Michelle Miller. Their words emphasized the importance of education and the vital role that educators and school leaders play in shaping the future.



*Quaker Valley School Board*

### **D. Richard Wynn Distinguished School Board Award**

This year, the school boards from Kiski Area and Quaker Valley won the D. Richard Wynn Distinguished School Board Award, which recognizes exemplary practices by school boards in addressing important issues that reflect directly on improved schooling for students over at least a two-year period.

In their nomination, the Quaker Valley School Board earned acclaim for their innovative focus, including their 1:1 technology implementation, their creative vision for a new school, their crucial hirings, and their unrelenting commitment to providing an exceptional learning environment for students.



*Kiski Area School Board*

The Kiski Area School Board was lauded for its unwavering dedication to the well-being of its district and community. They have implemented measures that have brought people together, built a positive school culture, improved communication, and prioritized mental health during a particularly trying era.



*Dr. Todd Keruskin*

### **Distinguished Educator Award**

From a pool of incredible candidates, Dr. Todd Keruskin emerged as this year's worthy recipient of the Distinguished Educator Award. Dr. Keruskin, who currently serves as the Vice President of Professional Services at McGraw Hill and previously held the position of Superintendent at Elizabeth Forward School District, was selected for his dedication to students, visionary leadership, nationally recognized expertise in education, and profound and lasting impact on numerous districts, administrators, educators, and students in the region.

In addition to the two awards, Dr. Diane Kirk was recognized for her exceptional leadership of the Tri-State Area School Study Council. Her unwavering commitment and hard work have been instrumental in advancing the mission of Tri-State and improving educational opportunities for students throughout the region.

The evening was a fitting tribute to the tireless efforts and passion of educators and school leaders who are making a positive impact on the lives of students. Tri-State would like to extend a sincere thank you to everyone who attended and made this night possible!

## Tri-State Celebrates the 20th Annual Jean E. Winsand Workshop for Women in School Leadership

On April 13th, the 20th annual Jean E. Winsand Workshop for Women in School Leadership was held at the Edgewood Country Club. This one-day leadership conference is specifically designed for women leaders in K-12 school districts and educational institutions. More than 150 attendees joined the event to hear from keynote speaker Michelle King and participate in the workshops.



Topics and speakers included the following:

- ◆ **Conspiring Towards Joyful Futures**  
Our keynote address, presented by Michelle King, Learning Instigator and Love Activist
- ◆ **Women at Play: Community Care = Self Care**  
Presented by Michelle King
- ◆ **Thriving with Authenticity: Lead, Communicate, and Relate**  
Presented by Dr. Janet Sardon, Superintendent, West Jefferson School District  
Dr. Melissa McCauley, Assistant Principal, Jefferson Hills Intermediate School  
Ms. Angela Bell, 5th Grade Teacher JHIS, Future Administrative Leader
- ◆ **Why? Because It's Worth It!**  
Presented by Dr. Mary Catherine Reljac, Superintendent, Fox Chapel Area School District  
Dr. Ashley Constantine, Executive Director of Elementary Education and Instruction  
Dr. Laura Miller, Dorseyville Middle School Program Principal

### **Jean E. Winsand Distinguished Woman in Education Award**

Dr. Caroline Johns, Superintendent of Northgate School District, was the 2023 winner of the Jean E. Winsand Distinguished Woman in Education Award. Dr. Johns was commended in her nomination for instilling a forward-thinking, innovation centered mindset throughout her district and for her philosophy of always staying singularly focused on her students.



*Dr. Caroline Johns*

### **Jean E. Winsand Emerging Woman Leader in Education Award**

Ms. Quincy Gildea, an Assistant Principal at Seneca Valley School District, was the 2023 winner of the Jean E. Winsand Emerging Woman Leader in Education Award. Already in her career, Ms. Gildea has been praised as an impactful leader who has earned a reputation as a model educator and an exceptionally high performer. We were incredibly thankful to be able to honor both Ms. Gildea and Dr. Johns in-person this year!



*Ms. Quincy Gildea*

The event also featured a pop-up market held by the Western PA School for Blind Children, showcasing incredible student-made items. Toward the end of the event, Mary Onufer, a representative from STANDING FIRM and the Women's Center & Shelter of Greater Pittsburgh, our 2023 Philanthropic Donation Recipients, gave an extremely informative presentation on their latest efforts in the region.



*Shopping at the student market!*

Tri-State would like to thank all participants, presenters, and students who made this year's event a success! We can't wait to see you again next year!

### **The 2030 District: Reducing Energy Use and Recycling the Savings Back into Your Schools**

Across the globe, buildings provide spaces for people to live, work, and learn. The built environment is responsible for 40% of global carbon emissions and 30% of global energy use. The 2015 Paris Agreement set a goal of keeping our global temperature from rising above 1.5 degrees Celsius in order to avoid the worst impacts of climate change. For buildings, one thing is clear: there needs to be a severe reduction in carbon emissions from energy use. Our greatest resource in Pittsburgh? The 2030 District!



#### **What is the 2030 District?**

The 2030 District Network is an international initiative that works in cities to create a network of sustainably minded facility professionals whose goals are to reduce their individual buildings' impact on the world. The tangible goals of the program are to reduce carbon emissions from energy use in the existing built environment by 50-65% by 2030 (hence the namesake). Further, all future building projects should be constructed with carbon neutrality in mind. In cities like Dallas, Toronto, Seattle, and most importantly, Pittsburgh (currently the largest 2030 District in North America), facility directors, building operators, and business owners across numerous sectors have come together to meet the rigorous, yet attainable, goals of the 2030 Districts Program. Green Building Alliance oversees the Pittsburgh and Erie 2030 Districts. Since 2012, the Pittsburgh 2030 District partners have seen a 38.3% reduction in carbon emissions, a 34.9% reduction in energy use, and a 37.1% reduction in water use below baselines. Certainly, on our way to hitting the goals of 2030, the most impactful data comes from the utility cost savings. In just 10 years, the Pittsburgh 2030 District partners have avoided \$267 million in utility costs

#### **HOW 2030 works and the importance of a network of champions**

Joining the 2030 District opens building operators up to a network of other professionals and resources for improving their buildings. The FREE and VOLUNTARY program allows entities to work at their own pace to reach the goals outlined by the program. Annually, property partners share utility data and meet with GBA to look at their progress. If they have concerns or ideas for future projects, GBA can help by connecting them with other professionals in the network who have done something similar in the past. This community of collaboration allows those who have done well to help those who are looking to do better. The facility director's job is tireless. As constant problems arise in buildings, having fellow professionals to rely on is a resource unique to the 2030 District program.

#### **How do schools fit in?**

Creating sustainable communities is important in every sector, but education is of particular importance. If we want our students to succeed and stay healthy along the way, it is critical that we look at the environments in which they are learning. Through the 2030 District program, schools are able to create sustainable buildings and save money in the process. Reducing environmental impact helps create capital that can be reinvested in the school to better the

*Continued on page 5*



*Continued from page 4*

education that the students receive; whether it be through hiring additional teachers, creating more programs for students, or simply bringing in more resources to support learners at all levels. From an environmental impact, GBA's Pittsburgh 2030 District adds an additional metric apart from energy, water, and carbon: indoor air quality. COVID showed everyone the importance of healthy air and GBA's 2030 District program provides tools for buildings and schools to continually work to improve their indoor environment.

### **If you're already the best, why should you join?**

The fight to save the planet through reducing our buildings' impacts is not a solo mission. GBA offers support to those who need it and celebrates the collective impact of the participants. We love promoting successful partners and projects. We host monthly 2030 District partner meetings that cover any number of topics related to the building industry. Speakers provide innovative ideas for common problems, present case studies of their most recent projects, and share different perspectives for other professionals to learn from. As a sustainability champion, it is your responsibility to not only be role model, but a leader.

GBA connects and inspires a community of sustainability champions. GBA invites school districts to join us in supporting the next generation of sustainability champions: our students. If you have questions, would like further resources, or want to set up a meeting with GBA, email Peyton Stuart at [peytons@gba.org](mailto:peytons@gba.org) and Chris Cieslak at [chrisc@gba.org](mailto:chrisc@gba.org).

### **Free, Upcoming GPRO training for facility professionals**

For those interested in maximizing their potential as a sustainability professional such as a contractor, operator, architect, etc., GPRO is a certificate program dedicated to delivering education regarding high-performance practices. Run through the Urban Green Council, the training benefits anyone who builds, renovates, and maintains buildings. GBA will be offering the training (\$350 value) for free in either the fourth quarter of 2023 or the first quarter of 2024 thanks to a recent grant. If you or anybody in your facilities team are interested in becoming a GPRO certified, sustainably informed building professional, contact Leslie Montgomery at [lesliem@gba.org](mailto:lesliem@gba.org) for updates regarding the training.

### **Resources**

[Green Building Alliance](#)

[The Pittsburgh 2030 District](#)

[Pittsburgh's 2021 Annual Progress Report](#)

[Green School Resources](#)

[GPRO](#) ▲



## Special Education Case Update: *Perez v. Sturgis Public Schools et al.*

by Danielle Guarascio, Esq.

*In a unanimous ruling issued on March 21, 2023, the United States Supreme Court decided *Perez v. Sturgis Public Schools et al* and held that the Individuals with Disabilities Education Act's (IDEA) exhaustion requirement, 20 U.S.C. § 1415(l), did not preclude an Americans with Disabilities Act (ADA) lawsuit where the relief sought is not something the IDEA can provide.*

The case was based on the experiences of, now 27-year-old, Miguel Luna Perez (Perez), who was a deaf student that enrolled in Michigan's Sturgis Public Schools (SPS) after moving to the United States from Mexico. The Perez family filed an administrative due process complaint claiming that Perez was denied a Free Appropriate Public Education (FAPE), as required by the IDEA, 20 U.S.C. § 1415, from ages 9 through 20 while attending SPS. Perez and his family alleged that the school district failed to provide him with appropriate educational services and supports, such as a proper classroom aide for instruction in sign language. The Perez family also alleged that SPS inflated his grades and misrepresented his academic progress to his parents by placing him on the honor roll every semester and passing him from grade to grade. Accordingly, Perez and his parents believed that he was on track to graduate; however, as graduation approached, SPS informed Perez and his family that he would only be eligible for a certificate of completion and would not be awarded a diploma. The parties ultimately settled the due process complaint outside of court. SPS agreed to provide Mr. Perez all the equitable relief he sought, including additional schooling at the Michigan School for the Deaf. The Perez family accepted this immediate relief.

After settling his administrative due process complaint, Perez filed a lawsuit in federal district court under the ADA seeking backward-looking relief in the form of compensatory damages. SPS argued that a provision in the IDEA, 20 U. S. C. §1415(l), barred Perez from bringing an ADA claim without first exhausting the IDEA's administrative dispute resolution

*continued on next page*



Danielle Guarascio

**SPS agreed to provide Mr. Perez all the equitable relief he sought, including additional schooling.**

## Informal Removals: New Guidance from OSEP

by Kelly B. Perkovich, Esq.

*In July 2022, the Office of Special Education Programs ("OSEP") released a comprehensive guidance document titled "Questions and Answers: Addressing the Needs of Children with Disabilities and IDEA's Discipline Provisions (July 19, 2022)," which replaced the previous guidance issued in June 2009.*

Most notably, this guidance defines "informal removals," a previously unnamed practice wherein children are removed from school for a partial day. Because the removal was below the one-day suspension threshold which triggered a district requirement to report the incident, these removals previously went uncounted. Now, OSEP defines an informal removal as an "action taken by school personnel in response to a child's behavior that excludes the child for part or all of the school day, or even an indefinite period of time. These exclusions

are considered informal because the school removes the child with a disability from class or school without invoking IDEA's disciplinary procedures. Informal removals are subject to IDEA's requirements to the same extent as disciplinary removals by school personnel using the school's disciplinary procedures. Informal removals include administratively shortened school days when a child's school day is reduced by school personnel, outside of the IEP Team and placement process, in response to the child's behavior" ensuring that the Individuals with Disabilities Education Act's (IDEA) discipline protections are implemented.

Districts should be aware that frequent use of informal removals may indicate that a child's Individual Education Plan ("IEP") does not appropriately address their behavioral needs, which may result in a denial of a Free Appropriate Public Education ("FAPE"). IEP teams should consider that repeated informal removals, i.e. approaching ten (10) school days, may trigger the need for the IEP team to meet. Under 34 C.F.R. § 300.324(b), IEP reviews and revisions are appropriate to address the

*continued on next page*



Kelly Perkovich





## Special Education Case Update, *continued*

procedures. The district court dismissed the lawsuit. The Sixth Circuit Court of Appeals affirmed the district's court decision finding that the settlement of a FAPE claim did not satisfy the IDEA's exhaustion requirement under 20 U.S.C. § 1415(l).

The case was appealed to the United States Supreme Court. The Supreme Court reversed the decision of the Sixth Circuit Court of Appeals and found that because the IDEA does not provide compensatory damages (i.e. monetary damages) as a form of relief, the administrative exhaustion requirements under 20 U.S.C. § 1415(l) did not foreclose Perez's ADA disability discrimination claim. The Court explained that 20 U.S.C. § 1415(l) has two features: 1) there is a general rule that allows individuals to make claims under other federal laws, and 2) there is an exception preventing civil actions under other federal laws when the relief is available under the IDEA. The Supreme Court ruled that the exception requiring the use of all administrative remedies under 20 U.S.C. § 1415(l) of the IDEA did not apply to claims for relief that were unavailable under the IDEA but available under other federal laws like the ADA, such as Perez's claim for compensatory damages. Alternatively, if Perez's ADA claim included a type of relief available under the IDEA, then he would have had to exhaust the IDEA's administrative procedures first.

The Supreme Court's decision underscores the extent to which a student must exhaust the administrative requirements under IDEA before seeking relief under another federal statute, such as the ADA. The impact of the decision in *Perez* is not yet clear, though it could lead to a rise in federal special education litigation, since the decision opens the door for parents to bypass the need to exhaust administrative remedies under the IDEA when they are seeking monetary damages under the ADA.

*Our office will continue to monitor the impact of the Supreme Court's decision in *Perez* and how it is impacting special education litigation. If you have questions on how this case may impact your district, please reach out to WBK. ♦*

## We're Speaking

- On March 23, 2023, Attorney Megan Turnbull presented a Continuing Legal Education seminar on "What You Need to Know About Allegheny County Property Tax Appeals" for the School and Municipal Law Section of the Allegheny County Bar Association.
- Attorney Megan Turnbull will be presenting on the topic of Solicitor Ethics at the PBI Municipal Law Colloquium on June 16, 2023.
- Attorney Lee Dellecker presented on the impact of the Common Level Ratio on real estate assessment litigation at a PASBO event held on May 5, 2023.
- Several WBK attorneys will be presenting at the annual Dr. Samuel Francis School Law Symposium & Special Education Workshop being held in June. More information can be found by visiting Tri-State's website.

## Informal Removals: New Guidance from OSEP, *continued*

behaviors that led to the short-term repeated disciplinary removals including the impact on the child's learning.

Districts should also be mindful that informal removals count as a school day when calculating a disciplinary change in placement. The IDEA defines a school day as a day that children attend school for instructional purposes, including partial days. Therefore, the use of informal removals as a method of discipline throughout the school year could trigger the discipline procedure in 34 C.F.R. §§ 300.530 through 300.536, unless the following factors are met: 1) the child is afforded the opportunity to continue to appropriately participate in the general curriculum; 2) the child continues to receive the services specified on the child's IEP; and 3) the child continues to participate with nondisabled children to the extent they would have in their current placement. 71 Fed. Reg. 46715 (Aug. 14, 2006).

The OSEP guidance formalizes the procedures that many districts had already been following with respect to partial day removals and reinforces that districts have been correct in their approach. The guidance document provides proactive and preventative strategies that may be used to prevent the use of disciplinary removals, including informal removals. Such strategies include but are not limited to utilizing universal and academic behavioral supports, offering targeted supports, and offering individualized intensive supports. To learn more about these options, please visit <https://sites.ed.gov/idea/idea-files/guide-positive-proactive-approaches-to-supporting-children-with-disabilities/>.

*If you have questions regarding the guidance or how to ensure that your district is appropriately handling partial day removals, we encourage you to contact your solicitor or the special education team of attorneys at WBK. ♦*

## Weiss Burkardt Kramer LLC

445 Fort Pitt Boulevard Suite 503 Pittsburgh, PA 15219  
[www.wbklegal.com](http://www.wbklegal.com)

Phone: (412) 391-9890 Fax: (412) 391-9685

Ira Weiss	<a href="mailto:iweiss@wbklegal.com">iweiss@wbklegal.com</a>
Jocelyn Kramer	<a href="mailto:jkramer@wbklegal.com">jkramer@wbklegal.com</a>
Megan Turnbull	<a href="mailto:mturnbull@wbklegal.com">mturnbull@wbklegal.com</a>
Rebecca Heaton Hall	<a href="mailto:rheatonhall@wbklegal.com">rheatonhall@wbklegal.com</a>
Annemarie Harr Eagle	<a href="mailto:aharr@wbklegal.com">aharr@wbklegal.com</a>

*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.*



## U.S. Department of Education Proposes Rule Prohibiting Bans on Transgender Athletes

By: Women's Law Project Senior Staff Attorney Sue Frietsche

Responding to recent state legislative efforts to exclude transgender students from participation in school sports, on April 6, 2023, the U.S. Department of Education issued proposed rules protecting these students' rights. The rules clarify that Title IX's prohibition against sex discrimination prohibits the categorical exclusion of transgender students from athletic opportunities in schools receiving federal funding. [FACT SHEET: U.S. Department of Education's Proposed Change to its Title IX Regulations on Students' Eligibility for Athletic Teams | U.S. Department of Education.](#)

Transgender, nonbinary, and intersex athletes are like all athletes. Sometimes they win their competitions, and sometimes they do not. They, like cisgender athletes, are different sizes, strengths, and abilities, and they deserve an equal opportunity to play sports with their peers. The proposed rule's ban on blanket exclusions of transgender, nonbinary, and intersex students from participating in athletic teams consistent with their gender identity sends an important message at a critical time when an increasing number of states are attacking the rights of students whose gender does not align with stereotypical categories of "male" or "female."

In its current form, however, the proposed rule would still permit schools to create policies that treat transgender students disadvantageously. The proposed rule has an exception that would allow a school to develop team eligibility criteria that serve "important educational objectives, such as ensuring fairness in competition or preventing sports-related injury." This exception promotes stereotypes about transgender students, such as the myths that transgender women are inherently more likely to win competitions against cisgender women or that they pose a safety risk because of a general belief that they are bigger and stronger than cisgender women.

The reality is that there is wide variation in the "biology" of people, regardless of their assigned sex at birth or their gender identity. Generalized assumptions about biological differences between "males" and "females" mean nothing about an individual athlete.

The public comment period on these rules closed on May 15, 2023, and the Department is expected to issue its final version of the rules after reviewing and considering the public comments. The Women's Law Project submitted comments urging the Department to amend the proposed rule to make clear that student athletes should be allowed to join a team consistent with their gender identity, without exceptions for generalized assumptions about trans athletes disguised as the neutral-sounding criteria of "injury prevention" or "fairness in competition."

Once finally adopted by the Department of Education, this rule will apply to public K-12 schools, as well as colleges, universities, and other educational institutions that receive any federal funding. ▲





## More photos from the Distinguished Educator Banquet and the PASA/PSBA Update



*From top left to right: Dean Valerie Kinloch with Tri-State Co-Directors Dr. Loughead, Dr. Miller, and Dr. Ondek; previous Distinguished Educator Award winners; Dr. Miller presenting Dr. Keruskin with the Distinguished Educator Award; the Seneca Valley Saxophone Quartet; Dr. Brian White making introduction at the PASA/PBSA Update*

**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:

Tri-State Area School Study Council  
University of Pittsburgh  
5151 Wesley W. Posvar Hall  
230 South Bouquet Street  
Pittsburgh, PA 15260

Email: [tristate@pitt.edu](mailto:tristate@pitt.edu)  
Administrative Assistant: Nolan Baker

*The information in **The Forum** is for the general knowledge of the reader.  
For more specific information, rely on the advice of your solicitor.*