



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

UNIVERSITY OF PITTSBURGH
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2023-2024 Workshop Calendar

All events will be held at the University Club, unless otherwise noted.
New events may be added to this calendar throughout the year!

Annual Holiday Luncheon

Wednesday, December 6, 2023

School Board and Distinguished Educator Banquet

Thursday, March 21, 2024

PASA/PSBA Workshop

Friday, March 22, 2024

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

Thursday, April 11, 2024

Dr. Samuel Francis School Law Symposium and Special Education Workshop

Thursday, June 20, 2024

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

If you have suggestions for workshops, please feel free to contact us with your ideas!



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*)

2023 NCAA Update Workshop: In Review

This year's annual NCAA Update was again held at the beautiful Campus View Club of the Petersen Events Center. For the second year in a row, we welcomed well over 100 attendees from dozens of regional districts to hear from our incredibly knowledgeable presenters.

After breakfast and a welcome from our President, Dr. Loughead, and our Director, Dr. Rocco, Chris Hoppe, Pitt's Deputy Director of Athletics, set the stage for the upcoming presentations. First, our friend Christina Lane of Maiello Brugo and Maiello, LLP gave an update on high school NIL policies. Next, Steven Zyra, the Assistant Director of OAFA, Tilly Sheets, the Associate Director of ASSSA, and Matt Reinsel, the Assistant Director of Compliance, informed the audience about academic considerations for prospective student-athletes, and NCAA policies on eligibility. Finally, Ryan Mitchell, the Associate AD for Administration, addressed some NCAA hot topics that had been requested by the audience beforehand.

Altogether, audience members left with a better understanding of both high school and college NIL issues and the admissions process. We are incredibly thankful to both Pitt Athletics and Christina Lane for volunteering their valuable time and lending their expertise to this event.

If you are interested in accessing the content that was presented, it will be available for a limited time [at this link](#).

We are looking forward to seeing everyone again next October!



Clockwise: Dr. Bart Rocco, Dr. Michael Loughead, Christina Lane, and the audience

Green Building Alliance



2023-2024 GPRO Training Available (free for schools in Energy Justice areas, <https://energyjustice.egs.anl.gov/>)

Green Building Alliance has received support from the Grable Foundation to fund a 2023-2024 GPRO: Operations and Maintenance training course which offers valuable information for facilities teams within K-12 schools. This two-day course is aimed at any **building management staff** who are interested in effectively improving their indoor spaces and building operations. This two-day course provides participants with the proper knowledge to monitor their building's energy use and improve their indoor ecosystems through understanding preventative sustainability measures. These trainings will be offered in three separate date ranges for the year.

December 7-8, 2023, from 9 am – 1:30 pm via Zoom, [Register Here](#)
April 18-19, 2024, from 9 am – 3 pm in person at GBA's office, [Register Here](#)

August 7-8, 2024, from 9 am – 3 pm in person at GBA's office, [Register Here](#)

GBA is offering scholarships and travel stipends for school districts located in **Energy Justice** areas (see map: <https://energyjustice.egs.anl.gov/>). Please contact chrisc@gbapgh.org at 412-720-0602 to find out if your school qualifies, or if you have any other questions!

Leading the Way Forward Through the Power of Hope: In Review

On Thursday, October 26th, Tri-State welcomed over 75 attendees to the University Club for a wonderful workshop featuring the incredible Jamie Meade, VP of Battelle for Kids.

The attendees were a diverse and talented group made up of superintendents, curriculum directors, principals, deans, teachers, students in leadership programs, social workers, and more. During the workshop, educators were able to have meaningful discussions with each other about the importance of hope and how they were deploying hope-based strategies in their own districts.

The presentation covered an introduction to the science of hope, strategies for cultivating it, and periods for reflection and discussion of the leadership implications of the material covered. Attendees left with concrete steps for carrying what they learned in this session back into their work.

Tri-State would like to thank both Jamie Meade and Dr. Michael Duncan, President of Battelle for Kids, for making the trip to Pittsburgh and sharing their work. Additionally, we would like to express our appreciation to Project SEEKS SES Coordinator Shannon Fagan, Communications Specialist Jeremy Tepper, Dr. Tom Ralston, and everyone who made this workshop possible!



Clockwise: Dr. Bart Rocco welcoming attendees, Jamie Meade presenting to the group

A Remarkable Milestone for Attorney Ira Weiss

Weiss Education Fund Established

In a remarkable milestone, Ira Weiss, WBK's founder and a revered leader in the legal community, is commemorating 50 years of dedicated service in the field of education and municipal law. With unparalleled expertise, unwavering commitment, and an illustrious career spanning half a century, Ira has become a beacon of inspiration, shaping the future of education and municipal law in Pennsylvania. Ira's contributions have not only transformed the lives of students, educators, and institutions but have also set a standard of excellence that has earned him widespread respect and admiration.

Ira's commitment to our community and clients has left an indelible mark on the legal landscape. His profound impact extends far beyond the boardroom and courtroom, shaping policies, influencing legislation, and educating young lawyers and professional educators in our region.

Ira Weiss is a trailblazer, mentor, and true advocate for educational and municipal excellence. To honor this monumental achievement, Ira's colleagues at WBK, in partnership with The Pittsburgh Foundation, have established the Ira Weiss Education Fund to celebrate Ira's extraordinary legacy and to continue to give back to the educational community in our area. Look for more information regarding the Ira Weiss Education Fund on our website in November.

Happy 50th Anniversary Ira!



Change in Age of Eligibility for Free and Appropriate Public Education: What's the Latest?

by Rebecca Hall, Esq.

On August 30, 2023, the Pennsylvania Department of Education (PDE) issued a memorandum titled "Change in Age of Eligibility for Free and Appropriate Public Education." PDE's memorandum and Frequently Asked Questions indicates that special education students who have not met graduation criteria may remain in school until they reach age 22. This is a change from the previous PDE policy and Section 1301 of the Pennsylvania School Code which provides the right to remain in school until the student meets graduation criteria or at the end of the school year which they turned 21.



Lynne Sherry

The directive from PDE ordered this change to be implemented by September 5, 2023, and was the result of an apparent settlement of a lawsuit filed by the Public Interest Law Center on July 11, 2023. Although a Complaint was filed, there were no other pleadings issued, and the case was settled within a month-and-a-half with a 65-page settlement agreement.

Many school districts disagreed with PDE's new age-out policy. To challenge the new policy, on September 11, 2023, various school districts in cooperation with PSBA filed a Petition for Review in the Pennsylvania Commonwealth Court. The Petition for Review alleges that PDE committed violations of Section 1301 of the School Code (24 P.S. §13-1301), regulations of the State Board of Education (22 Pa. Code §11.12), Commonwealth Documents Law, and Regulatory Review Act. The Petition argues that PDE was not permitted to amend, modify, or repeal Pennsylvania statutes and regulations through a Penn-Link or other administrative processes. They argue that the new PDE policy will cause the limited resources already granted to schools to be exhausted even more, especially when the court had recently concluded that the school funding system in Pennsylvania was unconstitutional.

In response, on September 29, 2023, PDE filed Preliminary Objections claiming a lack of subject matter jurisdiction, failure to plead a ripe claim, and lack of case or controversy. Responses to the Preliminary Objection are not yet due to be filed.

On October 4, 2023, PSBA filed an Application for Special Relief seeking among other things, that the Age-Out Rule

Addressing Substitute Shortages

by Nicole Williams, Esq.

In December of 2021 and in response to the substitute teacher shortage which was worsened by the Covid-19 pandemic, the Pennsylvania State Legislature passed Act 91 into law. The Act expanded the pool of potential substitute teachers and began a classroom monitor program to help with classroom coverage needs in the 2021-22 and 2022-23 school years.

Some provisions of the Act were permanent, including the expansion of:



Nicole Williams

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Substitute Shortages, *continued*

- the number of days certified educators assigned to substitute in a position outside their area of certification can serve
- the number of days teachers with inactive certificates can work as substitutes
- the number of days individuals with a bachelor's degree can serve as day-to-day substitute teachers

Other sections of the Act, like the classroom monitor program mentioned above, were only instituted for the 2021-2022 and 2022-2023 school years. Those sections included permitting individuals who were currently or recently enrolled in approved PA teacher preparation programs to serve as substitute teachers under a temporary certificate and permitting annuitants, or retired educators, to be hired, without the requirement that the school employer first attempt to hire a non-retired candidate, if, in the judgment of a school employer, an emergency or shortage of day-to-day substitute teachers exists. In this case, the retired educator would not lose their annuity or distributions, provided that the annuitant meets certain conditions as outlined in 24 PA.C.S. § 8346(b).

Now that some of the provisions expired at the end of the 2022-2023 school year, school employers are left with fewer options to fill teacher shortages that are still plaguing schools. The good news for school employers is that state legislators are working to reinstate the recently expired provisions of Act 91. In July of 2023, the Pennsylvania State House approved legislation that would continue allowing school employers to hire retired educators as substitute teachers without impact on their pension. This legislation is now part of the Omnibus School Code Amendments that are pending a vote by the State Senate which reconvenes this month. The amendments to the School Code, if passed, would permanently allow both retired educators and recent college graduates who completed an approved teacher preparation program to fill teacher vacancies on an emergency basis. The proposed amendments would also allow eligible college students to serve as substitute teachers through the 2025-2026 school year for 10 days and would extend the classroom monitor program through June 30, 2026.

While the School Code amendments are still awaiting a vote by the State Senate, we remain hopeful that the bill will be passed with additional tools for school entities to utilize when addressing substitute teacher shortages. Be on the lookout for updates from our office regarding the Omnibus School Code Amendments, when passed. ♦

Change in Age of Eligibility, *continued*

should be rescinded and declared null and information reflecting the rescission is disseminated to schools, families, and Pennsylvania hearing officers. A response has not yet been filed.

As this matter moves forward, our office will continue to inform our clients of important developments in the case. If you would like additional information, the case is filed under the caption, *Pennsylvania School Boards Association, et al. v. Dr. Khalid N. Mumin, Secretary of the Pennsylvania Department of Education, et al.*, 409 MD 2023 (Pa. Commw. Ct.). ♦

Weiss Burkardt Kramer is Now Offering Mediation Services

We are excited to announce that WBK now offers mediation services. Attorneys Megan Turnbull and Jocelyn Kramer are available to provide mediation services to help clients reach an amicable resolution to disputes and avoid time-consuming and costly litigation. In addition to our new mediation services, our office continues to offer specialized investigation services for school entities, including the investigation of Title IX, discrimination, and bullying/harassment complaints. WBK attorneys also offer training and professional development to help you fulfill your school's legal training requirements. Contact WBK for more information. ♦

We're Speaking

- Attorney Annemarie Harr Eagle is partnering with the Duquesne University School of Education to offer a Special Education Learning Series at the Allegheny Intermediate Unit (AIU). The first two sessions were offered on September 14 and September 26, 2023, with future dates of: November 1, 2023, January 30, 2024, February 29, 2024, and March 7, 2024.
- On October 18, 2023, Attorney Harr Eagle spoke to the Pennsylvania Association of Career and Technical Administrators (PACTA) on the topic of Right to Know Law Updates for Business Managers.
- Attorney Harr Eagle and Attorney Nicole Williams will also present Right to Know Law Updates to the PASBO Southwest Human Resource Organization (SWHRO) at the SWHRO meeting on November 17, 2023.

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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.



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.

Below is the 2023-2024 Executive Committee membership.

Director

Bart Rocco, University of Pittsburgh

Officers

President: Michael Loughhead, Superintendent, Hampton Township School District

Vice President: Joseph Guarino, New Brighton Area School District

Past President: Michelle Miller, South Fayette School District

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Tracy Vitale, Seneca Valley School District

Brian White, Butler Area 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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