



# THE FORUM

University of Pittsburgh

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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## 2024 Workshop Calendar

All events will be held at the University Club

### 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!

## 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](#)

*All nominations are due by January 19th!*



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*)

## Recent Tri-State Events

Tri-State would like to thank all of our members for your incredible support! It was an honor to see so many of you at our slate of five fall events. We hope you gained valuable information and found our programming to be beneficial in your day-to-day work. If you have any suggestions for next year's programs, please let us know!

### Averting Targeted Violence in Schools Workshop

On November 9th, Tri-State welcomed nearly 100 attendees via Zoom and in-person at the William Pitt Union to our Averting Targeted Violence in Schools Workshop, done in partnership with the Southwestern PA Threat Assessment Hub.

After some fantastic opening remarks from Fox Chapel Area School District Superintendent Dr. Mary Catherine Reljac, we heard from Dr. Jack Rozel, the Director of the Southwestern PA Threat Assessment Hub, who gave an overview of building partnerships for effective threat management programs and explored how those partnerships extend our ability to identify and manage risk factors for violence. Next, Dr. Melissa Nelson provided an incredibly informative presentation on school-based behavioral threat assessment and management.

We then heard a compelling presentation from Dr. John Cencich on threat assessment through the lens of victimology. After lunch, we closed with Aaron Skrbini, who provided a fantastic recap and framework for next steps.

We extend our deep gratitude to all the subject matter experts whose contributions enriched this crucial workshop. Lastly, a heartfelt thank you to all the attendees for your active participation and commitment to this important cause. Together, we continue to work towards creating safer learning environments for all.



### 2024 Holiday Luncheon

On December 6th, we hosted our annual Holiday Luncheon at the University Club. We were honored to see over 45 members come to celebrate the season with colleagues and friends!

We are also thankful for all of those who presented. Dr. Tom Ralston and Dr. Tinukwa Boulder began the afternoon by speaking about the K-12 Principal Certification Program and TLL collaborative opportunities.

The highlight of the event were the speeches from Dr. Tracy Vitale and Dr. Anthony Mooney, who provided both personal and touching anecdotes, as well as advice for heading into a new year.

We are looking forward to seeing everyone back on campus soon! ▲



# Green Building Alliance

## Estimations Lead to Results: Advice for Schools in need of Funding

Green Building Alliance acknowledges the challenges faced by schools transitioning to zero fossil fuel dependence monitoring energy consumption overall. To make these serious changes, these goals require serious funding. Unfortunately, there are still many hardworking schools out there who need funding. Last year, the Department of Energy's "Renew America's Schools Program" selected multiple schools to receive funding for facility upgrades. Only one Pennsylvania school was successful (William Penn). GBA aims to change that and stands ready to assist western PA schools. The first step towards achieving this funding starts with listing all desired changes or renovations while taking note of how much energy is currently being used within your school on a regular basis.

Are you considering the cost of LED lighting or motion sensor installations, solar roofing upgrades, or HVAC replacements? Including this information is crucial towards selection. Whether you plan to make these changes without any previous arrangements or not, addressing every need is important.

The parameters of selection for funding can seem hard to achieve but with careful planning and stating what needs to be replaced and specifying what goals will be met once those modifications are made, the application process will seem less difficult if you follow a simple data-based structure related to your school's needs. Whether it is starting with replacing the boiler or installing a heat pump system, these desired changes need to be specifically stated along with the amount of estimated funding required for your space.

The Department of Energy's funding not only supports these actions but also wants to know what specific community-based benefits will come from the changes made and how they will influence other parts of the surrounding area to become involved with the school's sustainability efforts. What integrations can be made with other local industries? Will this offer learning opportunities for students along with career aligned paths for them to take in the future? This collaborative effort will greatly improve your chances of selection for funding when kept in mind.

With the necessary number of specifications, chances of selection will grow significantly. To recap, it starts with observing your current energy consumption, listing all desired and active renovations, and specifying how much funding your school needs to set these plans in motion.

For more information visit [www.gba.org](http://www.gba.org) or reach out to Christopher Tate, [christophert@gba.org](mailto:christophert@gba.org) to set up a consultation. ▲



## Fall Workshop Photos



## Custody Orders: What Schools Need to Know

by Michelle Gannon, Esq.

*Frequently, when parents are divorcing, separating, or have never lived together, they seek court intervention to assist them in determining who their child/children will live with and who gets to decide important matters regarding their child/children. Custody orders are court orders which identify who has care and control over a child/children and who is entitled to make decisions on their behalf. Situations involving custody arrangements can be difficult for schools to navigate.*



Michelle Gannon

Physical custody identifies where the child/children spends time. Sole physical custody means that one parent has the child/children 100% of the time while the other parent has no time with the child/children. Primary physical custody means that one (1) parent has more than fifty percent of time with the child/children, meaning the other parent then has partial physical custody, or custody less than half of the time. The last kind of physical custody is shared physical custody. This means that, in a two-week period, both parents have seven (7) overnights with the child/children. Schools should be made aware of a family's physical custody arrangements, which will identify who is able to pick the child/children up from school. The family can always deviate from the schedule in the custody order, but schools should confirm any alleged deviation with both parents before releasing a student to the non-custodial parent.

Legal custody is the right to make major decisions affecting a child/children's best interests, including educational decisions. Most parents share legal custody, meaning they must agree on educational decisions affecting a student. In the event there is disagreement between the parents, this means that the current status quo prevails. If there is no order regarding custody, both parents are naturally vested with shared legal custody. If one parent has sole legal custody, this parent has the final decision-making authority. Although one parent may have sole legal custody, the other parent still has the right to access educational information regarding the student. Lastly, there are some situations where a child has been removed from his/her parents' care and is in foster care. Through those proceedings, educational decision-making authority is often vested in either a foster parent or an attorney. In the event you need to schedule a meeting to discuss a student, the parents will still need to be invited, but the decision-making authority is vested in that third party.

Anytime an issue arises involving child custody arrangements, we encourage you to reach out to your solicitor for direction. ♦

## Hearings Follow the Commonwealth Court Ruling that Pennsylvania's Funding System is Unconstitutional

by Kelly Perkovich, Esq.



Kelly Perkovich

*On February 7, 2023, the Commonwealth Court ruled in William Penn School District et al. v. Pennsylvania Department of Education et al., that Pennsylvania's school funding system is unconstitutional and must be reformed. Specifically, in the near 800-page opinion, the court found that The Education Clause, article III, section 14 of the Pennsylvania Constitution, requires that every student receive a meaningful opportunity to succeed academically, socially, and civically, which requires that all students have access to a comprehensive, effective, and contemporary system of public education and that education is a fundamental right guaranteed by the Constitution to all school-age children residing in the Commonwealth.*

Following the decision, the 15-member bi-partisan Basic Education Funding Commission (the "Commission") gathered to hear testimony across the Commonwealth and gather input from school districts, Pennsylvania educational organizations and associations, and charter schools, on how to make school funding more equitable. The 11th and final hearing was held on November 16, 2023, and the Commission is now tasked with completing a report and presenting it to the General Assembly no later than Jan. 11, 2024. A key takeaway from the hearings was that the funding shortfall is about \$6.2 billion, or about 20% of what the state currently spends each year, according to Matthew Kelly, a Penn State professor who analyzed the state's school funding system who also testified during the trial. Notably, this estimate does not include the cost to repair infrastructure including facilities costs to manage environmental hazards, like asbestos and broken or inadequate air conditioning, that many districts are facing, and that force school closures during extreme heat. While Kelly did not offer a number on the

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## Ongoing Property Assessment Litigation Leads to Uncertainty for Budgets

by Lee Dellecker, Esq.

*Recent developments in the field of assessment litigation could lead to all Allegheny County taxing bodies paying significant tax refunds over the course of 2024.*



Lee Dellecker

On September 1, 2022, Judge Alan D. Hertzberg issued an Order of Court retroactively reducing Allegheny County's Common Level Ratio ("CLR") for the 2022 tax year. The CLR is an annually published ratio that measures appreciation in the real estate market. In assessment appeals, the CLR is applied to a property's fair market value to offset any appreciation that may have occurred since the last County-wide reassessment. If, for example, a property has a fair market value of \$100,000 and the CLR is 70%, the property's assessment will be \$70,000.

As a result of this litigation, Allegheny County's CLR underwent a staggering and unprecedented reduction from 81.1% to 63.5%. Allegheny County Council additionally passed legislation reopening the 2022 assessment appeal to file retroactive appeals a year late. Although touted as a win for modest homeowners, the data shows that the expanded appeal window and slashed CLR largely served high-end commercial owners who rushed to take advantage of the opportunity.

Commercial values are affected by various market conditions. The COVID-19 pandemic, the rise of online shopping, the transition to hybrid and remote work models, and the rise of interest rates have all resulted in a general decline in commercial property values. Despite the fact many office buildings and retail storefronts are now worth the same or less than what they were worth during the 2012 County-wide reassessment, commercial property owners still have a right to claim the application of the CLR to their properties under state law.

On January 1, 2024, the CLR is scheduled to drop again, falling to 54.5%. Due to unfavorable market conditions and the significant decline in the CLR, it is anticipated that many commercial properties could see assessment reductions of up to 50%. This could result in a shrinking of the commercial tax base, leading to significant refunds and less tax revenue moving forward without a millage rate adjustment.

Additionally, it is worth noting that property owners are currently challenging both the 2023 and 2024 CLR's in the case of *Gioffre et al. v. County of Allegheny* (No. GD 23-4044). If they are successful, the 2023 and 2024 CLR's could drop even lower, and property owners might once again be permitted to file retroactive assessment appeals by Allegheny County Council. This latest challenge is still in its early stages, so WBK is not in a position to comment on its chances of success at this time.

In light of this uncertainty, school districts and municipalities are advised to act cautiously and conservatively when planning their budgets. Those with large commercial tax bases will be the most negatively impacted by these events. It is recommended that you plan to have a cushion in your budget to account for significant, unplanned for commercial tax refunds. Our team is available to help assess risks and related strategies as we move into the new year. ♦

## Pennsylvania's Funding System, *continued*

cost of updating the infrastructure in our region or across the Commonwealth, he did estimate that the cost of modernizing and repairing the School District of Philadelphia's infrastructure would cost \$7.9 billion alone. As it stands currently, Pennsylvania ranks 45th among states in the proportion of state versus local funding, providing only 38% of the total, compared to the national average of 47%. We look forward to sharing the recommendations by the Commission to remedy the school funding system, once they issue the report. ♦

## We're Speaking

- Attorneys Jocelyn Kramer and Megan Turnbull are presenting the school law portion of the PSBA new school director trainings in December 2023.
- On December 2, 2023, Attorney Turnbull assisted as a small-group facilitator for the Local Government Academy's (LGA) Newly Elected Official's (LGA) Opening Day program.
- Attorney Turnbull will also be speaking about the Ethics Act and the Sunshine Law for the LGA on January 27, 2024.
- Attorney Turnbull will be presenting on the legal implications of AI to SHASDA at the organization's meeting on February 1, 2024.

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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.*

# Women's Law Project

## New Research Shows Pennsylvania Students Need Better Access to Lactation Policies

*Author: Nymisha Desai*

It may no longer be common, or legal, to push pregnant or parenting students out of school, but these students still face significant barriers to educational success. It's urgent that Pennsylvania ensures students have access to both pregnancy and lactation policies to promote maternal and infant health while protecting access to education.

It is also, in many cases, already federal law.

If legislation currently under consideration in the Pennsylvania Legislature (House Bill 994) passes into law, every school subject to the public school code in Pennsylvania will soon be required to implement and post pregnancy and lactation policies on their school website.

According to our new research, Pennsylvania schools are currently failing to make these policies accessible to students—especially lactation policies.

The Coalition for Lactation-Friendly Schools (CLFS) is a Pennsylvania-based advocacy group championing the rights of parenting students to achieve their lactation goals. In summer 2023, with support from the Women's Law Project (WLP), a state-based public interest legal organization that works to advance gender justice, CLFS conducted a website survey of school websites across the state.

CLFS with support from WLP surveyed the websites of 656 educational institutions across 66 of 67 counties in Pennsylvania, including 248 public high schools, 160 charter high schools, 150 school districts, 71 trade/apprenticeship schools, and 27 intermediate units (regional areas). Surveyors tracked, among other metrics, anti-discrimination statements related to pregnancy; policies regarding pregnancy and lactation; and accommodations, meaning specific modifications to implement the policy, such as the location of lactation rooms and breaktime to express milk.

We found Pennsylvania schools do a much better job at signaling anti-discrimination intent via broad statements than providing specific policies, and Pennsylvania students have far more access to policies regarding pregnancy than lactation.

The latter finding is alarming. While school administrators may perceive pregnancy and lactation in schools as discrete situations, students experience these needs on a predictable continuum—if they seek pregnancy accommodations, they may also need lactation accommodations after giving birth.

A pregnant student unaware of their school's lactation policy may unnecessarily delay or decline returning to school to prioritize their breastfeeding goals or be forced to stop breastfeeding due to the inability to access accommodations to express milk at school. Pregnancy and lactation policies work in tandem to ensure continuity of support, yet we found in many cases, failure to post any lactation policy at all.

As historically gender-segregated institutions, it is unsurprising that trade/apprenticeship students have the least (25.4%) access to pregnancy anti-discrimination statements, lactation policies (2.8%) and accommodations (0%). Public schools do a much better job posting pregnancy anti-discrimination statements (85.3%) but are severely deficient in posting lactation policies and accommodations (0.8%).

In other words, Pennsylvania schools are almost universally failing to publish policies that effectuate anti-discrimination statements and provide accommodations for lactating new parents.

We believe the high frequency of anti-discrimination statements in public schools reflects a good-faith desire to improve gender equity in education by supporting pregnant and parenting students. However, specific pregnancy and lactation policies should also be published on school websites where students are likely to look for this information.

If HB994 passes, this best practice will soon be the law in Pennsylvania.

To learn more about the findings or get involved with efforts to support pregnant and lactating students in Pennsylvania, contact the Coalition for Lactation-Friendly Schools ([coa.lac.schools@gmail.com](mailto:coa.lac.schools@gmail.com)) or Women's Law Project ([info@womenslawproject.org](mailto:info@womenslawproject.org)). ▲



[www.womenslawproject.org](http://www.womenslawproject.org)  
[info@womenslawproject.org](mailto:info@womenslawproject.org)

## Happy Holidays!

The holiday season is a time of year to celebrate with family and friends, and as the new year approaches, it is a time to reflect on the past year.

It has been a very busy fall at Tri-State, and we offered programming to our member schools and educators in the region to help them learn and grow in their field.

Our annual NCAA Update was an opportunity to visit the Peterson Events Center and learn about the changing landscape of college athletics. The program offered guidance to athletic directors, counselors, and school administrators on preparing prospective college athletes.

We offered a program on Averting Targeted Violence in Schools by some of the top experts in the country. We would like to thank Dr. Melissa Nelson, Dr. Jack Rozel, Dr. John Cencich, and Mr. Aaron Skrbín for their presentation. The program gave excellent examples of what school leaders can do to keep their students and staff safe.

Tri-State was also honored to welcome Dr. Jaime Meade to the University of Pittsburgh Campus to present a program on the Power of Hope. Her research and work on this topic left all in attendance wanting to learn more about how hope can impact the learning of our students.

Finally, we ended this year with a Holiday Luncheon to thank our members for their continued support this past year.

In 2024, we will continue to offer programming to support our educators in the region. Please plan on attending some of the upcoming events and network with your colleagues.

On behalf of the Executive Committee, we wish you all a Happy Holiday and all the best to you and your families in 2024.

Regards,



Dr. Bart Rocco  
Executive Director

*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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