



University of Pittsburgh

THE FORUM

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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 SCHOOL OF EDUCATION

4302 WW POSVAR HALL
230 S BOUQUET ST
PITTSBURGH, PA 15260

PHONE - 412.648.7175
PHONE - 412.648.3907
FAX - 412.648.7185

TRISTATE@PITT.EDU

Tri-State Workshops

18th Annual Dr. Samuel Francis School Law Symposium and Special Education Workshop Recap

Tri-State, in cooperation with the University of Pittsburgh School of Law, hosted another successful Samuel Francis workshop on June 17. New and veteran presenters shared a wealth of important information with the attendees. The school law section featured six presentations by area experts. Carl Beard (Andrews & Beard, Altoona) gave a general case law update to open the program. Next, Matt Hoffman (Tucker Arensburg) presented an in depth look at transgender students and Federal Discrimination Statutes. Ira Weiss and Jocelyn Kramer (Weiss Burkardt Kramer, LLC), focused on mandatory reporting and recent changes to clearance requirements. After lunch, Patrick Fanelli (Fanelli Willett Law Offices) gave a talk on contract negotiation and Sara Rose (ACLU Pittsburgh) discussed student's rights. Professor Robert Harper (Emeritus, Pitt Law) concluded the school law session with an ethics presentation.

The special education opening speaker, Jean Inskip (Bureau of Special Education, PDE), discussed changes at the Bureau under Governor Wolfe and new Secretary of Education Rivera. Attorneys Jocelyn Kramer and Aimee Zundel (Weiss Burkardt Kramer, LLC) presented a talk on tactics for resolving special education disputes. Next, the **2015 Distinguished Achievement in Law recipient, Patricia Andrews** (Andrews & Price), gave a talk focused on common legal mistakes and monetary damages under the Rehabilitation Act. Following lunch, Judy Pamer (Achieva) spoke on lifelong community inclusion. The final session in the special education tract was a panel put together by the Education Law Center featuring Jeni Hergenreder (Disability Rights Network of PA), Jennifer Staley McCrady (KidsVoice), and Chery Kleiman (Education Law Center).



L-R: Rob Wible, Pitt Law; Tim Beltz, Pitt Athletics; Patricia Andrews (awardee); Dr. Diane Kirk, Tri-State; Dean Alan Lesgold, School of Education

During the luncheon portion of the program, Tri-State celebrated the accomplishments of Patricia R. Andrews. Ms. Andrews is a partner with the Law Firm of Andrews & Price, working primarily in the School Law Section. She represents the firm's school clients and acts as special counsel to a number of school districts in Right to Education of Exceptional Children special education due process hearings and has done extensive work under the Individuals with Disabilities Education Act (IDEA). In addition to her work in special education, Ms. Andrews provides general solicitorship services to the firm's school clients. She advises districts in the area of students' rights, including residency issues, confidentiality of student records and First Amendment rights.

Ms. Andrews coordinates the firm's publication of the *Special Education Alert* newsletter published through the Tri-State School Study Council and the University of Pittsburgh. She also provides pro bono legal guidance to the Homeless Children Family Emergency Fund and has worked with school districts on the McKinney Act, a federal statute protecting the educational rights of homeless children.

The 19th Annual Dr. Samuel Francis workshop has been scheduled for **June 15, 2016**. Look for more information in Spring 2016. ♦

Tri-State & Local Education News

Executive Committee Update

Tri-State is pleased to welcome a new member to our Executive Committee for the 2015-2016 school year: Dr. Tracy Vitale, Superintendent of the Seneca Valley School District. Our Executive Committee will also have new leadership in place for the coming school year—Dr. Janet Sardon, Yough Superintendent, will be taking over the role of President as Dr. Pat O'Toole, Upper St. Clair Superintendent, completes his term.

2015-2016 Tri-State Executive Committee

Officers:

President: Janet Sardon, Yough SD

Vice President: *TBD at September 2015 meeting*

Committee:

Alfonso Angelucci, Slippery Rock Area SD

Darby Copeland, Parkway West CTC

Michael Daniels, Canon-McMillan SD

Timothy Gabauer, Mt. Pleasant Area SD

Joseph Guarino, New Brighton Area SD

Jill Jacoby, Fort Cherry SD

Michael Latusek, Diocese of Pittsburgh

David Lehman, Conemaugh Valley SD

Michelle Miller, Wilmington Area SD

Donna Nugent, Big Beaver Falls Area SD

Patrick O'Toole, Upper St. Clair SD

Thomas Ralston, Avonworth SD

Nancy Aloï Rose, Bethel Park SD

Philip Savini, Brownsville Area SD

Tracy Vitale, Seneca Valley SD

Intermediate Unit Representatives:

Charles Mahoney, IU 1

Linda Hippet, IU 3

Ex Officio Members:

Alan Lesgold, Dean, School of Education

Mary Margaret Kerr, Chair, APS

Charlene Trovato, Associate Chair, APS

Diane Kirk, Director & Associate Professor, APS



Regional Chief Administrator Changes

New Administrators

It was once again a year of change for administrators in Western Pennsylvania. According to the Pennsylvania Association of School Administrators, Pennsylvania has had a 49.7% turnover rate for the past 4 years. Congratulations to the following new and new-to-district superintendents and directors over the past year:

Allegheny Valley: Patrick Graczyk, Superintendent (August 1)

Altoona Area: John Kopicki, Superintendent

Armstrong: Chris DeVivo, Superintendent

Avella Area: Cyril Walther, Superintendent

Burgettstown Area: Dr. James Walsh, Superintendent

Deer Lakes: Dr. Janell Logue-Belden, Superintendent

East Allegheny: Don MacFann, Superintendent

Hamburg Area: Dr. Richard Mextorf, Superintendent

Intermediate Unit 8: Dr. Shawn Kovac, Assistant Executive Director

Freeport Area: Larry Robb, Substitute Superintendent

Mars Area: Dr. Wes Shipley, Superintendent

Montour: Dr. Michael Ghilani, Superintendent

North Star: Dr. B. Christopher Cooper, Superintendent

Northern Cambria: Joseph Kimmell, Superintendent

Penn Hills: Dr. Nancy Hines, Superintendent

Westmoreland IU 8: Dr. Jason Conway, Executive Director

Wilkesburg: Dr. Joseph Petrella, Superintendent

Urban Pathways Charter School: Kimberly Fitzgerald and Kathleen Garland, Acting CAOs & Principals

Retired Administrators

We congratulate the following administrators for their years of service to the students of Western Pennsylvania:

Allegheny Valley: Dr. Cheryl Griffith, Superintendent (August 1)

Altoona Area: Dr. Thomas Otto, Superintendent

East Allegheny: Roger D'Emidio, Superintendent

Keystone Oaks: Kathy Foster, Assistant Superintendent

Wishing you a restful and reflective summer!

Tri-State, like the University, is open year round. If you have any questions, concerns, comments, or if we can be of any help to you, please do not hesitate to contact us.

Green & Healthy Schools Update

The School Sustainability Culture Program: a Transformational Experience for Educators & Administrators

The Green & Healthy Schools Academy (GHSA) is pleased to be recruiting new school and district participants in the next cohort of our School Sustainability Culture Program, which will run from Fall 2016 through Spring 2018. The program provides innovative and experiential professional development, in a way that embraces each school's unique place, culture and values, so that all schools, students, and educators can thrive now and in the future. We believe that sustainability – environmental impact, social equity and health, and economic vitality – are integral to achieving this vision within each school. The Culture Program inspires schools to explore this vision holistically, and discover how sustainability directly impacts their place, institution, and community with optimal outcomes of student and teacher health and well-being, improved academic performance, reduced operating costs, and increased engagement.



This innovative and unique program includes workshops where we facilitate exploration of big concepts such as **vision, purpose, systems thinking, health and well-being, community, and collaboration**. The goal of the program is to influence culture, values, and mindsets in each school to embrace sustainability as being central to 21st century schools, learners and citizens. The program is collaborative in nature, where we bring together teams from six to eight schools and districts, with each team made up of people from different roles: teachers, principals, facilities managers, administrators, food service directors, and others.



The participants have had overwhelmingly positive experiences. They are more inspired and engaged in their work, they have a broader perspective and vision of what is possible in education, and they feel empowered to start making changes, small and big: in their classroom, in their lunch room, in their individual interactions with students and co-workers, or by cultivating a shared sustainability vision across the district. We are currently halfway through our second cohort of the program; here are a few quotes from current participants:

"The program is a reminder about what school can and should be like."

"It has been life-changing to be re-inspired once a month to focus my mindset on where it needed to be for the kids. At its core, this program is about inspiring better people, not just developing better students."

"Education, environment, and social justice are really all connected. That's what the Green & Healthy Schools Academy's Culture Program is about; an educational journey that celebrates not only healthy learners but healthy teachers."

"It gives me the hope, positivity and belief that it is possible to shift culture and the paradigm of education. It's the only professional development that I can't wait to get to, and everyone else wants to be there, too."

If you are interested in taking your school or district to the next level, we hope you will consider contacting us to learn more about the School Sustainability Culture Program. We would love to work with you! Contact Jenna Cramer (jennac@gbapgh.org, 412.638.5689) or Andrew Ellsworth (andrew@gbapgh.org, 412.414.9293) to learn more or set up a meeting. •

The 2015 Green Apple Day of Service is Your Gateway to Service Learning Projects

GHSA recently kicked off the 2015 Green Apple Day of Service with a special event, the Green Apple Day of Service Idea Exchange (GADSIX!). If you haven't heard of it, The Day of Service is an international events that gives schools and communities a chance to make schools healthier and higher-performing places of learning. We organized the GADSIX! event to make it easy for schools to find short service-learning projects for next school year, as a way to engage students in improving their school or community. The event featured over a dozen non-profit organizations from around the region, each with a different project for which schools could sign up. Project ideas include conducting an energy audit, planting a fruit tree orchard, creating asthma-safe schools, and cleaning up regional waterways and trails.

We believe service learning is the nexus of learning, experiencing, and creating impact, and gives students a meaningful connection to something in their community that they might otherwise disregard or take for granted. Plus, service learning, which is a subset of project-based learning, is a far more effective teaching tool than traditional classroom learning in terms of knowledge retention. Plus, it gives students a taste of civic engagement, allows them to take pride and ownership in some part of their community, and lays the groundwork for future civic engagement.

Even if you couldn't attend the Idea Exchange, you can still sign up for projects! We hope every school will consider implementing one or more service learning projects next year. Visit our website, <http://go-gba.org/GADSIX> to see the list of project ideas and find out how you can get involved. •

Local and State Education News

Nominations Sought for Superintendent of the Year

PASA and the American Association of School Administrators (AASA) are now seeking nominations for 2016 Pennsylvania Superintendent of the Year. The program is co-sponsored by Aramark Education, VALIC and AASA.

To be considered for National Superintendent of the Year, a Pennsylvania applicant must first be selected as a PA Superintendent of the Year by PASA. Widely recognized as the highest honor for a school leader, the program is dedicated to the potential and promise of education in a democracy -- that every child deserves to benefit equally from the rich advantages of a quality public education. School system leaders deserve acclaim and the public's recognition. By participating in this program, nominees help illuminate the accomplishments of the entire profession.

Any superintendent, chancellor or top leader of a school system who plans to continue in the profession may be nominated. The program is designed to recognize the outstanding leadership of active, front-line superintendents. It is not recognition of service at retirement or a program to reward current state or national leaders.

The 2015 PA Superintendent of the year was Dr. James Capolupo, Springfield School District.

All nominations must be made online and are due no later than August 1, 2015. More information can be found on [PASA's website](#). ♦

PASA-PASBO School Budget Survey (PDF) Survey Information (PDF)

The findings revealed in the latest school budget survey by PASBO and PASA represent the most current, comprehensive financial picture for Pennsylvania's school districts. The survey finds:

- More than 70 percent of districts plan to raise local property taxes, and nearly 80 percent of these indicate that the increases will hit or exceed the Act 1 index.
- Forty-one percent of districts will reduce staffing.
- Nearly one-quarter of all districts, and 29 percent of the poorest districts, will reduce or eliminate valuable programs.

Jay Himes, PASBO executive director, reacted to survey results stating, "Until school districts are provided some margin of relief from externally driven, mandated costs and provided increased investments in state funding, we will continue to see more program and personnel cuts and higher property taxes. We can't continue the failed strategy of cutting our way to success."

Jim Buckheit, PASA executive director, added, "Survey findings reveal that the vast disparities in resources available to poorer districts that rely most heavily on state funding and well-off districts that rely more heavily on local property taxpayers to support their schools continues to widen. This has created a public education system that provides students, depending on where they live and go to school, widely different and unequal, educational opportunities." ♦

Fall 2015 Workshop Preview

Annual NCAA Update

Fall 2015, Petersen Events Center

Join Tri-State, Pitt Athletics, and WPIAL for updates on NCAA rules for initial eligibility, NCAA Eligibility Center requirements, non-traditional coursework, recruiting, and other hot topics. Network with Pitt coaches and Athletic Director Steve Pederson over breakfast.

Legal & Policy Issues

Fall 2015, Westminster College

Join Dr. Joseph Dimperio, JD, Dr. Chester Kent, JD, Dr. Lawrence Korchnak, & Ira Weiss, Esq., for presentations of and discussions on important legal issues.

More information, including dates and times, will be available in August. Email tristate@pitt.edu with any questions. See page 5 for a full listing of workshop dates and locations.

TRI-STATE 2015-2016 CALENDAR OF EVENTS

**Annual NCAA Update
Fall 2015, Petersen Events Center**

**Legal & Policy Issues Facing School Administrators
Fall 2015, Westminster College**

**School Board and Distinguished Educator Banquet
March 2016, Edgewood Country Club**

**Enhancing School Governance and Management
March 2016, Edgewood Country Club**

**Dr. Jean E. Winsand Institute for Women in School Leadership
April 6, 2016, Edgewood Country Club**

**Dr. Samuel Francis School Law Symposium and Special Education Workshop
June 15, 2016, The University Club**

EXECUTIVE COMMITTEE MEETINGS ***Edgewood CC, Noon-2pm***

September 16, 2015 December 9, 2015 March 9, 2016 June 22, 2016

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
4302 Wesley W. Posvar Hall
230 South Bouquet Street
Pittsburgh, PA 15260

Phone: (412) 648-3907
Phone: (412) 648-7175
Fax: (412) 648-7185
Email: tristate@pitt.edu

Director: Dr. Diane L. Kirk

Phone: (412) 648-1716

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

Right-to-Know Law Update

By Nicole Wingard Williams, Esq.

Board members, administrators and other district leaders should be aware of the following court decisions which reflect changes to Pennsylvania's Right to Know Law.



Nicole Wingard Williams

Response Time

Donahue v. Office of the Governor – The Pennsylvania Supreme Court affirmed the Commonwealth Court of Pennsylvania's decision which held that the five business-day period for a response under the RTKL begins to run once the open-records office actually receives the request, not when any individual at the agency receives the request.

Validity of Request

Pennsylvania Gaming Control Board v. Office of Open Records – The Pennsylvania Supreme Court held that in order for a request to be considered a valid, written Right-to-Know request, the open-records officer must be addressed in some "meaningful" way. Therefore, requests for information that do not indicate that the open-records officer is the intended recipient, even if the request is characterized as a RTK request, may be considered as general requests for information that do not afford a requestor all of the rights and remedies provided by the RTKL. This includes the right to appeal a deemed denial if a response is not received within the statutory time frame.

Home Address Requests

Pennsylvania State Education Association ex rel. Wilson v. Commonwealth Dept. of Community and Economic Development – The Commonwealth Court has once again put in place a preliminary injunction that prohibits the disclosure of school district records that contain the home addresses of school employees.

On February 17, the Commonwealth Court held that the Office of Open Records may not order and public school districts may not, pursuant to

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Prevention Could Ensure Professional Use of Technology

by Aimee Rankin Zundel, Esq. and Jocelyn P. Kramer, Esq.

Technology and social media – Facebook, Twitter, Instagram, SnapChat, etc. – are everywhere and at our fingertips. Students do the majority of their socializing through social media. But it is not just the students. More and more adults, including professional educators, school employees and volunteers are active users of social media. Social media platforms are also becoming a fixture in classrooms for educational purposes. Walking the line between appropriate personal and educational use of social media is absolutely essential. Crossing the line ruins lives and careers.



Aimee Rankin Zundel



Jocelyn P. Kramer

You must help your employees learn and implement appropriate separation between their personal and professional use of technology. Prevention is essential and emerges from effective staff training and appropriate policies. Whether you are considering updating existing policies or creating your district's first guidelines, you must balance the rights of your employees and students with the purpose of maintaining the safety of your students. It is also helpful to remember that technology and social media is constantly evolving, so your policies should be flexible enough to remain applicable as devices and social media platforms change.

Weiss Burkardt Kramer attorneys are engaged in ongoing research and policy development to help our clients prevent inappropriate relationships between students and district employees, including those that can grow online. We are including electronic communication prohibitions in existing conduct/disciplinary policies and freedom of speech in non-school setting policies. We are also developing individualized policies specifically addressing social media concerns.

Several avenues exist for regulating the use of social media when it involves students. We are always aware of individual freedom of expression rights, but we balance these with reasonable restrictions that can lawfully apply to interactions with students. For example, districts may want to consider policies that clarify expectations for professional employee behavior outside of school.

We believe education and professional development are critical to eliminating the problem of inappropriate staff-student communications.

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Professional Use of Technology, *continued*

Districts will want to consider developing clear guidelines that advise employees to maintain appropriate, professional relationships with students. Social media guidelines may include the following types of restrictions:

- Reject any invitation to connect with a student on a social media platform;
- Refrain from posting comments or pictures of students on social media and other websites;
- Do not send staff or students sexual or explicit messages or photos;
- Avoid sending messages that could be interpreted as condoning illegal behaviors such as underage drinking and drug use;
- State clearly that your actions and comments are personal and not those of the school or district when expressing opinions online;
- Copy a parent or guardian when emailing an individual student;
- Follow the moral basics: while online do not gossip, lie or threaten people.

More guidelines and policy assistance are available by contacting Weiss Burkardt Kramer. When creating policies to address employee communications with students, districts have to balance the rights of the employee against the district's interests in maintaining a safe school culture. Be mindful of each employee's rights of freedom of speech and association under the U.S. and Pennsylvania constitutions and consult with WBK or your solicitor prior to implementing any policy restricting these rights.

We believe education and professional development are critical to eliminating the problem of inappropriate staff-student communications. The Pennsylvania legislature has clearly agreed, and has required schools to include maintenance of appropriate professional relationships with students as a part of their mandatory child abuse training.

The attorneys at WBK are available to conduct legal trainings for staff, including professional responsibility training. Also, the Pennsylvania School Boards Association (PSBA) recently announced it will host a workshop, "Crossing the Line: Setting Boundaries for Student/Adult Relationships," in an effort to explicitly address appropriate and inappropriate adult-student relationships. This workshop, which will be held at PSBA's School Leadership Conference in October, will offer practical suggestions on preventing and responding to inappropriate relationships between students and educational staff and volunteers. ♦

Right-to-Know Law Update, *continued*

a RTK request, disclose records maintained by the public school districts that contain the home addresses of public school employees until the affected employees have been given written notice and a meaningful opportunity to object to the request. The Court also provided rights on appeal to employees who objected to the disclosure of their home address. On February 20, a notice of appeal was filed with the Pennsylvania Supreme Court. In response, the Commonwealth Court temporarily restored its injunction and will continue to block the release of home addresses pending a decision by the Supreme Court. We will keep you up to date on developments in this case. ♦

Helpful "Social" Rules for Educators

- You are the educator and the adult.
- DO NOT communicate electronically with students on an individual basis (cc a parent).
- DO NOT give students your personal email, cellphone, Twitter, Facebook, etc.
- Your name is Mr. Johnston, Ms. Campbell or Dr. Davis, NOT Jimmy, Skip or Mary.
- Be approachable but not chummy.
- Remember, nothing good happens when you text a student, exchange photos or "share."
- Follow the Child Abuse Reporting Rules:
 - > Teachers are mandated reporters who are required to report abuse directly.
 - > You should notify the Superintendent or Building Principal, but you cannot pass the reporting responsibility. ♦



Weiss Burkardt Kramer, LLC

445 Fort Pitt Boulevard Suite 503 Pittsburgh, PA 15219
www.wbklegal.com

Phone: (412) 391-9890

Fax: (412) 391-9685

Ira Weiss

iraweiss@wbklegal.com

M. Janet Burkardt

jburkardt@wbklegal.com

Jocelyn Kramer

jkramer@wbklegal.com

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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