



University of Pittsburgh

THE FORUM

Volume 20, Issue 2

Winter 2014

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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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Tri-State News & Workshops

Nominations Open for Tri-State Banquet Awards

Tri-State annually celebrates the accomplishments of deserving member district boards and educators at the School Board and Distinguished Educator Banquet. The upcoming 67th annual celebration will be held at the Edgewood Country Club on Thursday, March 26, 2015. It is a wonderful event, and a great time to celebrate and network with colleagues and past award winners. Pre-dinner entertainment will be provided by the Avonworth School District band.

Application materials for the awards are [available online now](#), and completed applications must be returned via mail to Tri-State no later than **February 9, 2015**. You can learn more about the history of the awards and view a list of previous winners at the links above. ♦

Sociology for Social Studies Fall Workshop—Presentations Available Online



The Sociology for Social Studies Fall Workshop, hosted at the University of Pittsburgh on October 20 and 21, was a great success. The goal of the free, limited seat professional development event was to promote the incorporation of sociological concepts and skills into the secondary social studies curriculum.

Day One of the workshop offered presentations by nationally recognized sociologists on core ideas in the discipline and opportunities for engaging classroom projects in sociology. On Day Two of the workshop, participating teachers shared existing lesson plans and units, and received hands-on training in how to incorporate sociological concepts, methods, and data into their curriculum.

All workshop activities were presented with a clear focus on the new C3 Framework Sociology Standards for High School developed by the American Sociological Association and the National Council for the Social Studies. Please [visit our website](#) to view and download workshop presentations and handouts. ♦

Title IX Update

Should You Review Your School's Sexual Harassment Policy?

Women's Law Project

We often think of Title IX as the law that helps increase girls' participation in sports. But Title IX goes beyond the athletics world, banning discrimination on the basis of sex in any program of any educational institution receiving federal funding. It is a crucial piece of legislation that requires schools to provide a safe learning environment for students, including by protecting them from sexual harassment or sexual assault.

In September, the Women's Law Project and the private law firm Bondurant Mixson & Elmore filed an amicus curiae brief to the U.S. Court of Appeals for the 11th Circuit in *Hill v. Madison School Board*. The amicus brief is on behalf of 33 organizations supporting the appeal of a middle school student who was raped in a school bathroom after the school used her as "bait" in a scheme to catch a sexual harasser pursuant to a policy that required harassers to be "caught in the act." This case challenges an Alabama middle school's failure to respond to and stop persistent sexual harassment of which it was aware.

This highly disturbing school response is in direct violation of Title IX's guarantee of a learning environment safe from sexual harassment and assault for all students. Unfortunately, the data show that sexual harassment in schools is pervasive and harmful. A survey on sexual victimization in secondary schools conducted by the American Association of University Women (AAUW) found that nearly half of all students in grades 7-12 reported having experienced unwanted sexual behavior in the past year, including sexual harassment in person as well as through texting, email, Facebook, or other electronic means.

In 1997, the Office for Civil Rights in the U.S. Department of Education (OCR) published sexual harassment guidelines reiterating that Title IX protects against peer-on-peer sexual harassment that limits a student's ability to participate in or benefit from an educational program. Given the impact that sexual harassment has on a student's ability to obtain an education, OCR requires schools to respond promptly, effectively, and impartially to such harassment. Accordingly, schools should have sexual harassment policies and procedures that are up to date and incorporate all the best practices set forth by OCR. Updated guidelines and guidances extensively addressing this topic (including an April 2011 Dear Colleague letter) are available on OCR's website (www2.ed.gov/ocr).

From the Locker Room to the Classroom: Gender Issues for Educators—[Presentation Available](#)

On November 18, Tri-State hosted three attorneys from Weiss Burkardt Kramer LLC to share important information about Title IX and recent PIAA amendments to mixed gender participation rules.

Ira Weiss, Jocelyn Kramer, and Aimee Zundel also presented information on LGBT student rights and gender related bullying and harassment. Their presentation can be downloaded from the [workshop page](#) on our website. ♦

When an official school policy increases the risk of harassment, it is a violation of Title IX. This school's policy of not disciplining students unless they are "caught in the act" of sexual harassment allowed a male student to repeatedly harass his female victims without fear of discipline as long as he kept his actions hidden from teachers and administrators. Policies should make sure all complaints of sexual harassment are thoroughly and vigorously investigated and remedied. And policies should not focus on the victim's behavior – this is tantamount to victim-blaming, which excuses sexual violence.

School sexual harassment policies should be taken seriously, and school staff and administrators should be trained on school policy. They should also know who to contact with questions, concerns, or problems. Make sure this information is clearly stated in your policy.

All students have the right to an education free from sexual harassment and sexual violence. This is a sensitive topic, but crucially important to ensure that students feel welcome in the classroom and the hallways. Take a look at your school's sexual harassment policy and evaluate it honestly in light of this information. Does it promote a welcoming environment for all students? Does it ensure that allegations of sexual harassment are promptly and thoroughly investigated? If not, it may be time to update to your policy. And once you have, make sure you implement it appropriately. ♦

Women's Law Project

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New Cohort of School Sustainability Culture Program

Green Building Alliance's Green & Healthy Schools Academy has launched the second cohort of its flagship School Sustainability Culture Program. This newest learning community includes Chatham University, Community Day School, Environmental Charter School, Glen Montessori School, Hill House Passport Charter School, Marshall County Schools (WV), and Winchester Thurston School. Schools have started developing interdisciplinary teams and have collectively learned about and explored topics such as compassionate sustainability, thriving schools, blue mind (aka, our neurological predisposition towards water), and systems thinking. The participating schools will explore these and other topics over the course of the school year and will use the program as a launch point for creating inspiring, engaging, healthy and high-performing schools. Stay tuned to find out more about their journeys.

Green & Healthy Schools Workshop Series

The Green & Healthy Schools Workshop Series is underway! So far, attendees have heard from Barton Kirk of Kirk Consulting regarding simple and no-cost changes they can make to reduce energy consumption and how to get started tracking their progress. Others learned from the Academy's Andrew Ellsworth about the importance of green cleaning to student and staff health, from Paul Bertenthal of D.H. Bertenthal & Sons on how high-performing cleaning equipment can provide a cleaner school at a lower cost, and from Tom Meeder of Pittsburgh Public Schools on how PPS has implemented green and high-performing cleaning over the last 15 years. We are holding several more workshops in the coming months, which we hope you can attend.

- **January 22, 2015:** Effective & Low-Cost Indoor Air Quality Management Strategies – Achieving healthy indoor air doesn't have to cost a fortune and doesn't require expensive air testing, either.
- **February 2015:** Healthy HVAC Practices – Healthy learning environments need good ventilation; make sure your equipment is maintained correctly and operating effectively. (Exact date TBD.)
- **March 17, 2015:** Healthy Landscaping – Learn tips and tricks on keeping your grounds looking beautiful without toxic pesticides.
- **Late Spring 2015:** Designing Schools for Health – Make sure your future improvements provide as healthy a learning environment as possible, but still within the limits of your budget.

Visit the [Events and Trainings page](#) at the [Green and Healthy Schools Academy](#) site to learn more and register!

Success Story: Rachel's Neighborhood Garden at Allegheny Valley School District



Allegheny Valley's Springdale Junior/Senior High School was constructed with a lovely courtyard and greenhouse. Until recently, however, the courtyard was mostly used as a shortcut between parts of the building and the greenhouse was used for instructional storage. But thanks to an AIU-facilitated STEAM grant from the Grable and Benedum Foundations and the teamwork of several AVSD teachers and staff, the courtyard and greenhouse have been transformed into a glimpse of what a sustainable future might look

like: Rachel's Neighborhood Garden. The name, lest we forget, is a nod to Springdale native Rachel Carson.

Above all else, the space is intended as an experiential learning environment. The greenhouse has been renovated and equipped with automatic controls for heat, windows, fans, and curtains, and will be used for exploring growing solutions such as hydroponics, aeroponics and living walls. The courtyard features raised bed planters, a pond, bird nesting boxes, rain barrels, a composter, a 600-watt wind turbine, a 300-watt photovoltaic solar panel array, and student-made sculptures and art. Rachel's Neighborhood Garden provides an opportunity for students to find something they enjoy, either during one of the several classes that regularly use the space or outside of school hours when they tend to the garden and track energy production from on-site renewable sources. By encouraging students to grow food, they are provided with a reason to try foods that might normally be outside their diet.

"Rachel's Neighborhood Garden has helped students build their communication skills and increased staff collaboration, while still meeting Pennsylvania's core curricular standards," says Dr. Cheryl Griffith, AVSD superintendent.

"Our students are especially proud of what they have accomplished; it's been a win for everyone." Dr. Griffith notes that projects such as this can help schools think differently about the assets they already have and how they can be more fully utilized.

Find out more about Rachel's Neighborhood Garden on their Twitter feed, <https://twitter.com/avphysed>. Keep up the great work, AVSD!

Do you want your school's program or initiative to be highlighted? We would love to hear about it! Please contact us so we can share your story by emailing schools@gbapgh.org. ♦

Education News Round-Up

New Center Aims to Better Aid States on Special Education *from Education Week*

“For decades, states seeking help on special education issues—including management of federal funds, ways to reduce the overidentification of minority students with disabilities, and understanding the latest mandates from Washington—could rely on one of [six regional resource centers](#).

“Starting in 2015, however, that old system will be gone. In its place will be the [Center for Systemic Improvement](#), which at \$8.7 million over five years is the recipient of the largest single technical-assistance investment ever made by the U.S. Department of Education’s office of special education and rehabilitative services.

“Instead of being linked by geography when it comes to getting technical help, as states are now, they will be connected by shared concerns.”

Parental Involvement Still Essential in Secondary School

“Although students become more independent as they rise through grade levels and parent-teacher interactions typically lessen as students age, parental involvement in a child’s education during the secondary school years plays an essential role in developing positive academic, behavioral, and emotional outcomes. Relations between parents and teachers are among the factors that can affect a student’s success and well-being.

“Our research has found that quality parental involvement is not as simple as more is better or less is more at any one point in a child’s life. It is far more complex than that, and there are many variables that go into how parents interact with their children over time,” said Wang, an associate professor of psychology in education in Pitt’s School of Education. “The key findings here are that parents should always be involved, but they need to give great thought as to how they are involved and the manner in which they stay involved as the child ages.”

Full article in *Child Development*: [Parental Involvement and African American and European American Adolescents’ Academic, Behavioral, and Emotional Development in Secondary School](#)

Ed. Dept. Puts Spotlight on Principals’ Central Role *from Education Week*

“In the second term of the Obama administration, the U.S. Department of Education, under Secretary Arne Duncan, has trained its efforts on principals by rolling out a series of initiatives that build on the growing body of research underscoring the role they play in schools’ success.”

Tri-State Workshops

Enhancing School Governance and Management—March 27

The Enhancing School Governance and Management workshop will be hosted at the Edgewood Country Club on March 27, 2015. Jim Buckheit, [Pennsylvania Association of School Administrators](#) Executive Director, and Nathan Mains, [Pennsylvania School Board Association](#) Executive Director, will present important information and address concerns of superintendents and other school leaders at a time of turnover for Superintendents and School Board Members in our region. This free workshop is open to member district personnel only. Look for registration materials in your email in the new year. ♦

Institute for Women in School Leadership—April 8

Recognizing your value & influence as a leader

The 13th Annual Dr. Jean E. Winsand Institute for Women in School Leadership is scheduled for **April 8, 2015**, at the Edgewood Country Club. The topic of the workshop is “Recognizing your value and influence as a leader”, with a focus on negotiation. Negotiation plays a dual role in this – with salaries/contracts and creating a work-life balance. The ability to successfully negotiate is an essential skill to have, both because women are still on average paid less than men for the same positions and creating a positive work-life balance can be a tenuous pursuit.

The planning committee, made up of current and former area administrators, is hard at work securing speakers and panelists with the goal of creating a beneficial and enlightening workshop. A preview of the workshop, including the list of speakers and information about the Distinguished Female Educator Award, will be available [on our website](#) in early 2015. ♦

School Law Symposium and Special Education Workshop—June 17

The 18th Annual Dr. Samuel Francis School Law Symposium and Special Education Workshop is scheduled for **June 17, 2015** at the University Club in the heart of Pitt’s Oakland campus. Tri-State is pleased to present this informative and important workshop with the assistance of the University of Pittsburgh School of Law.

The conference will feature eleven concurrent presentations focused on general education law and special education hot topics presented by well respected experts in their field. A preview of the workshop, including a list of speakers and their topics will be available [on our website](#) by April 2015. ♦



Season's
Greetings

Tri-State Area School
Study Council wishes you
a warm and wonderful
holiday season and
wondrous New Year.

2015

Changes Are Coming for Administrator Evaluations

by Lisa M. Colautti, Esq.

The format of administrators' evaluations changed at the beginning of the 2014-2015 school year, as a result of the State Legislature's Act 82 amendment of Section 1123 of the School Code. The modifications come a year after teachers' evaluations went through similar changes. And although the Pennsylvania Department of Education published information on this matter, some questions still surround the new evaluations.



Lisa M. Colautti

The new requirements for these evaluations apply to professional employees and temporary professional employees, including principals, assistant principals, vice principals or directors of vocational education (from here referred to as principals). Starting in 2014-2015, principals must be evaluated using a combination of traditional observation data, building-level data and student data. The statute requires principals be reviewed based on five categories: Planning and Preparation; School Environment; Delivery of Service; Professional Development; and Student Performance. The more traditional portion, which makes up 50% of principals' evaluations and is rated on a 0-3 scale, is referred to as the Leadership, Observation and Practice portion. For principals, the Student Data portion of the evaluation comprises 20%, the Building Data portion of the evaluation comprises 15% and the Elective Data portion makes up the final 20%. The Chief School Administrator or designee, such as an Assistant Superintendent, must perform principals' evaluations.

Like the teachers' evaluations that are already in place, principals' evaluations will be available in electronic format. Principals will receive ratings of distinguished, proficient, needs improvement or failing. A needs improvement rating is initially deemed satisfactory, but a second such rating issued by the same employer within 10 years is deemed an unsatisfactory rating. Principals who receive either a needs improvement or a failing rating shall be required to participate in an improvement plan.

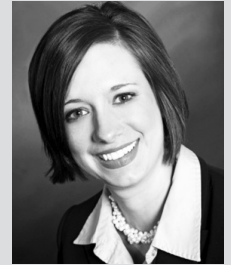
As of June 30, 2014, the PDE published in the PA Bulletin the rating tool for principals for 2014-2015. The PA Bulletin and additional PDE guidelines are found at: <http://www.pabulletin.com/secure/data/vol44/44-24/1244.html>

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Following Progressive Discipline, Teacher Dismissal Upheld

by Nicole Wingard Williams, Esq.

Recently, Weiss Burkardt Kramer attorneys Ira Weiss, Lisa Colautti and Christian Bareford successfully argued to an arbitrator to uphold a school district's dismissal of a professional employee for making inappropriate and insensitive remarks to a teacher and several students.



Nicole Wingard Williams

Beginning in 2010 and continuing through 2012, the teacher received a verbal warning, a written reprimand and a one-day suspension without pay. Due to the nature of the teacher's remarks, the district's first instinct was to impose longer suspensions for the incidents; however, after consultation with the attorneys at WBK, shorter but escalating discipline was imposed.

In 2012, the teacher was given a 10-day suspension without pay for making particularly egregious remarks to and about students, but the suspension was later reduced to seven days without pay. Although there was a strong desire from the district to proceed with dismissal after this incident, attorneys at WBK advised to impose a long suspension and further position the case for dismissal, as it was believed this course of conduct by the teacher would continue. The teacher received an unsatisfactory rating for the 2011-2012 school year and was placed on an improvement plan for the first semester of the following year.

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Starting in 2014-2015, principals must be evaluated using a combination of traditional evaluation data, building-level data and student data.

Administrator Evaluations, *continued*

However, questions remain, such as those concerning Administrative Compensation Plans, or Act 93 Agreements, which govern the terms of most principals and assistant principals' employment throughout the Commonwealth. Although Act 82 allowed teachers to use the old evaluation format if their current Collective Bargaining Agreements provided for a specific form, the same does not appear to be true for principals' evaluations. Courts have addressed the question and decided that Act 93 Plans are not contracts in the same way as Collective Bargaining Agreements. Therefore, the same holdover protection for principal evaluations under an existing Act 93 Plan does not appear to apply to principals, even if their Act 93 plan has an evaluation tool that differs from what is now required by the School Code. That does not prevent a group of affected principals who disagree with this interpretation from contesting the use of the new rating tool prior to the end of their Act 93 Plan.

The PDE will likely refine the tool, answer specific questions and publish additional regulations through the year; therefore, districts should be aware of developments. Stakeholders should also consult with their Solicitor on matters specific to their district. ♦

Reminder: Child Protective Services Law Changes

by Aimee Rankin Zundel, Esq.



Aimee Rankin Zundel

As of December 31, 2014, significant changes to the Child Protective Services Law ("CPSL") will come into effect. As a result, districts will likely need to update definitions and reporting procedures in suspected child abuse policies and make changes to clearance and background check requirements. The changes in the law will require changes to your policies. Weiss

Burkardt Kramer, LLC, can assist with your policy revisions and provide compliance training by the end of the year.

Progressive Discipline, *continued*

The plan was successfully completed and she received a satisfactory evaluation.

Problems resurfaced during the second semester of the 2012-2013 school year, when the district became aware of allegations against the employee for once again making inappropriate comments to students. Following an investigation, the district once again issued an unsatisfactory rating to the teacher and subsequently recommended that the teacher be dismissed for the pattern of unprofessional behavior.

The employee filed grievances over both the dismissal and the unsatisfactory rating for 2012-2013 school year. Ultimately, the arbitrator upheld both the unsatisfactory rating and the dismissal of the employee based on just cause. The district provided evidence and testimony of several students, parents, administrators and support staff which demonstrated that the unsatisfactory rating was appropriate based on the teacher's planning and preparation, classroom environment and professionalism. The arbitrator was offended by the repeated comments to students which were demeaning to them by virtue of their race, gender and intellectual abilities and was convinced by the weight of the students' testimony, which provided corroboration of multiple instances of inappropriate behavior in multiple class periods. Additionally, the district was able to demonstrate that progressive discipline had been implemented over the course of several years and for multiple instances of misconduct.

The lesson to be learned from this case is that the progressive nature of discipline in cases not involving student abuse or criminal conduct will be a strong argument to most arbitrators. Although there is often an urge to enact swift discipline, it is important to make sure the proper disciplinary actions are taken. Discipline, like revenge, is a dish best served cold! ♦

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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 Calendar of Events

67th Annual School Board and Distinguished Educator Banquet
March 26, 2015, Edgewood Country Club

Enhancing School Governance and Management
March 27, 2015, Edgewood Country Club

13th Annual Dr. Jean E. Winsand School Leadership Institute for Women in School Leadership
April 8, 2015, Edgewood Country Club

18th Annual Dr. Samuel Francis School Law Symposium and Special Education Workshop
June 17, 2015, The University Club

Executive Committee Meetings

Edgewood Country Club, Noon-2pm

December 10, 2014
March 11, 2015
June 24, 2015



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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.

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