



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*

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## Thank YOU!

The end of the year is a wonderful time to stop and reflect on the challenges and triumphs we've encountered. This year has been especially difficult for our state and our schools, operating for more than five months without a state budget and desperately needed funding. We would like to thank all of YOU, the dedicated individuals who have worked tirelessly to ensure school is in session and students are supported and learning.

We **thank you** for your continued membership and hope you have a wonderful, relaxing winter recess and a Happy New Year.

## We're Here for YOU!

Tri-State remains available to work with your school district on strategic planning, developing a high school/middle school improvement program, working on a curriculum project, distributing job postings, or any particular initiative that requires our support to achieve your goals.

Dr. Diane L. Kirk, Director,  
Tri-State Consultants, &  
Amanda Mitchell, Administrator

## **Tri-State Workshops**

### **Call For Nominations: 2016 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 68<sup>th</sup> annual celebration will be held at the Edgewood Country Club on Thursday, March 17, 2016. It is a wonderful event, and a great time to celebrate and network with colleagues and past award winners.

Application materials for the awards are [available online now](#), and completed applications must be returned via mail to Tri-State no later than **February 1**. You can learn more about the history of the awards and view a list of previous winners at the links above. ♦

### **Principal Leadership Institute Workshops 1 + 2**

Tri-State's newest professional development workshop series, the Principal Leadership Institute, held its first two meetings during the fall semester. The cohort-based series includes a wonderful group of 32 principals, assistant principals, and central office staff from all around the region.

Workshop 1, focused on Innovative Technology, was held on October 29 at South Fayette Intermediate School. **Dr. Bille Rondinelli** and **Dr. Michael Loughead**, Superintendent and Assistant Superintendent of South Fayette Township, presented "Connectivity and Transformation" which discussed their district's operational theme and how they seek to best utilize important technologies in the classroom.

Director of Innovation from the Montor School District, **Justin Aglio**, presented an absorbing talk on "Accelerating Innovation in K-12 Education."

Rounding out the day was an informative discussion from **Dr. Todd Kersukin**, Assistant Superintendent of Elizabeth Forward, on how to successfully find and apply for funding and grants to make innovation possible.

The second workshop was held at Parkway West CTC on December 3rd. Parkway West Director, **Dr. Darby Copeland**, opened the day with a look at technical and career schools and the importance of innovative training for student success in the new economy.

The day's theme (Inspiring Leadership) presentation was led by **Nancy Alderson McDonnell** and **Barbara Yogan**. The goal of their "Value of the Person" workshop is to bring to workshop participants real life experiences of the commitment it takes to implement the principles of Love, Dignity and Respect as a way of leading people and building a successful organization.

Two sessions remain for the first cohort—Legal Issues in March and Instruction and Learning in May. If you are interested in participating in the 2016-2017 cohort, please send an email to [tristate@pitt.edu](mailto:tristate@pitt.edu). ♦

*The Tri-State office will be closed during the University of Pittsburgh's winter break, beginning on December 23<sup>rd</sup>. We will return on Monday, January 4, 2016.*

## Education News Round-Up

### Homeless Children's Education Fund

The Hope Through Learning Award is a \$2,500 scholarship available to youth age 24 and under residing in Allegheny County who are experiencing or have experienced homelessness during their school attendance years, and who are going on to a higher education or career training program for the first time. Homelessness is defined as lacking a fixed, regular, and adequate night-time residence, and includes students living in a shelter, car, motel, doubled-up situation, or places not meant for human habitation. See [Program Factsheet](#) for more information.

**How to Apply:** [Applications](#) are due May 31st, 2016. Contact Carrie Pavlik at [cpavlik@homelessfund.org](mailto:cpavlik@homelessfund.org) with any questions.

The graphic features a large "\$2,500" at the top. Below it is a blue banner with white text: "SUPPORT FOR COLLEGE OR CAREER TRAINING HOPE THROUGH LEARNING AWARD". Underneath is the text "HAVE YOU EVER..." followed by four checkboxes with handwritten-style text: "been 'couch-surfing' or had to stay with family or friends?", "lived in motels, campgrounds, shelters, or other temporary places?", "wondered what to list as your address?", and "experienced homelessness?". Below this is "TELL US YOUR STORY." and a blue box with "to apply, visit WWW.HOMELESSFUND.ORG/HOPE" and "must be age 24 or younger". At the bottom left is a cartoon character and the text "HOMELESS CHILDREN'S EDUCATION FUND". At the bottom right is "APPLICATION DEADLINE: MAY 31, 2016".

### Every Student Succeeds Act

[Every Student Succeeds Act ed.gov Website](#)

*Includes a number of helpful resources*

[White House Press Release](#) (12/3)

[US House of Representative's Conference Report](#) (PDF)

[The Every Student Succeeds Act vs. No Child Left Behind: What's changed?](#) (USA Today)

[After ESSA, more hard work](#) (Politico)

[A Tale of 2 States: Lessons to Be Learned](#) (U.S. News & World Report) "*Washington, D.C., and Hawaii provide a disparate but complementary pair of models for how to improve K-12 education.*"

### Budget Update

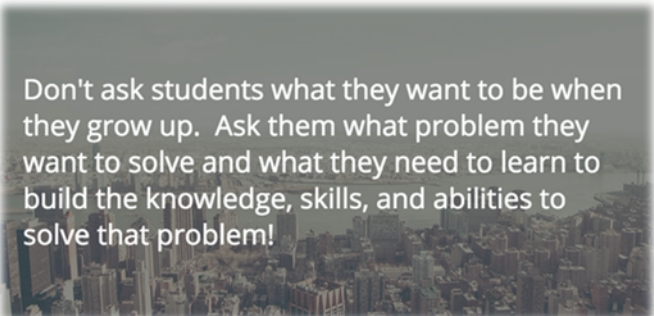
[PASA's Comprehensive Budget website](#)

[Pennsylvania School District Ratings Based On State Aid Intercept Removed From Watch Neg And Withdrawn](#) (Standard & Poor's Rating Service)

[Fate of Pa. budget now rests with House](#) (Philly.com)

### Election 2016

[Ballotpedia](#) and [On The Issues](#) are great web resources for finding out where the 2016 presidential candidates stand on education policy and funding. Both are non-partisan, non-profit sites.



Don't ask students what they want to be when they grow up. Ask them what problem they want to solve and what they need to learn to build the knowledge, skills, and abilities to solve that problem!

*[Jaime Casap, Google Education Senior Evangelist](#)*



## GREEN & HEALTHY SCHOOLS ACADEMY

An Initiative of Green Building Alliance

### Green Schools Conference & Expo: Pittsburgh, PA, March 31-April 1, 2016

We are thrilled to announce that the 2016 Green Schools Conference & Expo will be held in Pittsburgh from March 31 – April 1, 2016!

This event, the only national-scale conference of its kind, is being presented by the U.S. Green Building Council and Green Schools National Network. The Green & Healthy Schools Academy at the Green Building Alliance will serve as the host committee and point of contact for local partners, schools, and communities. The full conference lineup is still being finalized, but will feature breakout sessions on a variety of topics from the tactical to the transformative and include a student summit aimed at engaging and empowering youth and pre-workshop experiences at various partner locations around the region.

We sincerely hope that schools and communities in our region will make this opportunity available to their staff and students so we can collaboratively advance a future for our educational system that integrates sustainability values and concepts.

You can find more details at <http://greenschoolsconference.org/> and stay tuned for the full schedule when it's announced in late December.

### Eighth Grade Students' Reflections on the Women's Leadership Luncheon with Arlene Blum

Arlene Blum, an acclaimed chemist, mountaineer, and advocate for children's health, came to Pittsburgh in September to give the keynote lecture at a women's leadership luncheon as part of the International Living Future Institute's Living Product Expo and the Green Building Alliance's Inspire Speakers Series. The luncheon,

held in partnership with Chatham University's Women's Institute, included women leaders from the education and nonprofit sectors, Chatham University students and alumni, and several eighth grade students from the Environmental Charter School. Blum's talk, "Mountains and Molecules," highlighted her life's work battling preconceived notions about health, science, and gender roles. Her inspirational message truly resonated with the young women in attendance, especially the teenagers. Their takeaways touched us so much that we had to share them with you!

*"I liked how Arlene was so descriptive about her life and big events, how comfortable she was sharing about her friend's death, and how determined she was to stop that chemical in pajamas. I also liked that she still stays connected to her mountain-climbing buddies. I was surprised to learn that the chemical [chlorinated tris] was in most pajamas and that Colgate can cause cancer. I was also surprised that just because she loves climbing, she still does things to help give back to the environment. She inspired me to step out of my comfort zone and look beyond what I see. Also, that just because I'm good at one thing, that doesn't mean I can't do more." -- Layla*

*"I liked how inspiring Arlene was and all the things she did to get there. I think that women are told that they can't do things just because they're women; but Arlene proved that she could do anything any man can do. I learned that when in doubt, take a hike. Arlene climbed mountains and did research that changed America, but she is still this down-to-earth woman. Arlene has taught me to watch out for everyday things in life because they could be harmful. But mostly, she inspired me and made me think I could do anything." -- Amari*

*"I thought that it was really fun. It taught me a lot about why women's leadership is important. It really made me think about what we put in our products and how they affect us. Something that really surprised me was the amount of chemicals we put in our bodies without knowing. It's crazy that we don't even know about half the chemicals in our life. Arlene inspired me to go after my dreams. She's done so much and she's amazing. She's a real role model. She's done amazing research and it's helped a lot of people." -- Lucy*

*"I enjoyed the luncheon a lot. The speaker was interesting and her accomplishments really impressed me. In her speech, she told us that having role models inspired her success and I think she is passing that on to us, while being a role model for us. This inspired me to be a role model for people younger than me when I'm older and even now. Right now, it's hard to imagine doing such great things, but it's possible. This story can relate to all women trying to succeed today because there will always be things that get in our way, but we can climb mountains, if necessary, to get there." -- G.*

These topics originally appeared on the Green & Healthy Schools Academy blog. Visit our website to learn more or to sign up for our bi-monthly newsletter!

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## Tri-State Area School Study Council Calendar of Events

**Principal Leadership Institute:  
Workshop 3**  
March 3, 2016

**67<sup>th</sup> Annual School Board and  
Distinguished Educator Banquet**  
March 17, 2016, Edgewood Country Club

**Enhancing School Governance and  
Management with PASA and PSBA**  
March 18, 2016, Edgewood Country Club

**13<sup>th</sup> Annual Dr. Jean E. Winsand School  
Leadership Institute for Women in  
School Leadership**  
April 6, 2016, Edgewood Country Club

**Principal Leadership Institute:  
Workshop 4**  
May 5, 2016

**18<sup>th</sup> Annual Dr. Samuel Francis School  
Law Symposium and Special Education  
Workshop**  
June 15, 2016, The University Club

**Executive Committee Meetings**  
March 9, 2016  
June 22, 2016



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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.*

## **G.L. v. Ligonier Valley School District: What the Decision Means for School Districts**

By Annemarie K. Harr, Esq.

*A recent Third Circuit Court Decision may have a far reaching impact on a school district's liability when the court finds that a free and appropriate education has been denied.*

In 2004, amendments were passed that modified the statute of limitation period under the IDEA. Specifically, Congress made clear that "a parent or agency shall request an impartial due process hearing within 2 years of the date the parent or agency knew or should have known about the alleged action that forms the basis of the complaint." 20 U.S.C.A. § 1415 (f)(3)(C). Except for two exceptions to the IDEA's statute of limitations, the generally accepted rule used by Hearing Officers was that the parent was entitled to look back two years prior to the date the complaint was filed; and if the district was liable, recover compensatory education for that time period.

Recently, in **G.L. v. Ligonier Valley Sch. Dist. Auth.** the Third Circuit interpreted the statute of limitations under the IDEA and reached two specific holdings: first, that parents of a child identified as having special education needs have two years from the date they knew or should have known about a school's failure to provide FAPE to request a hearing; and second, if liability is proven the child is entitled to compensatory education for a period of time equal to the period of deprivation. 802 F.3d 601 (3d Cir. 2015). This means that, under the court's decision in G.L., as long as a parent or agency timely files their complaint, the recovery period is limitless. The court in G.L. reasoned that the under the IDEA, the "child is entitled to be made whole with nothing less than a 'complete remedy'." In order to be "made whole" the court found that "compensatory education is crucial to achieve that goal, and the courts, in the exercise of their broad discretion, may award it to whatever extent necessary to make up for the child's lost progress and to restore the child to the educational path he or she would have traveled but for the deprivation." In reaching its decision, the Third Circuit not only overturned the generally accepted practice of allowing a recovery period for two years prior to the filing date of a due process complaint, it also overturned the district court's determination that parents could recover for two years prior to the date an agency knew or should have known, which potentially allowed for four years of recovery by a parent. The end result is one that is even more favorable to parents. One positive note for school districts, however, is that the Third Circuit did acknowledge that parents or agencies could not veil

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## **Rights of Transgender Students**

By Lisa M. Colautti, Esq.

*The Pallatine, Illinois Township High School District 211 was recently presented with an ultimatum from the U.S. Department of Education, Office of Civil Rights—permit a transgender student to use the girls' locker room without restriction or face enforcement proceedings including possible loss of Title IX funding.*

In late 2013, a transgender student who identifies as a girl, who participates on a girls' sports team and who wishes to use the girls' locker room to change and shower filed a complaint against the School District with the Office of Civil Rights (OCR). Though the School District accommodated the needs of this student by referring to her by her preferred name and gender, permitting her to participate on girls' sports teams, and allowing her to use the girls' restroom where there are private stalls available, it required her to change behind a privacy screen or use a private shower when using the girls' locker room. It is this differential treatment that the OCR and the student are protesting as discriminatory because other girls are not required to use privacy screens or private showers when using the girls' locker room.

OCR sent the School District a letter in early November, 2015 stating that requiring a transgender student to use private locker room and shower facilities when it did not require other students to do so was a violation of that student's rights under Title IX, a federal law that bans discrimination based on sex. OCR directed that the transgender student should be given unrestricted access to shower and locker room facilities. In a New York Times article from November 2, 2015 describing this case, the student in question is quoted as saying she probably would use the curtain in the locker room to change, but that she should be allowed to make that decision voluntarily and not be forced to do so by the School District.

The School District's position, as described in the New York Times and on its website, is one of tolerance for all students, including transgender students. The School District emphasizes that it has provided this, and other, transgender students access to sports teams for the gender in which they identify, restroom access, appropriate name and pronoun usage consistent with the student's gender identity, but it is attempting to protect the privacy interests of all students in those areas where changing and showering take place. The School District's position is that it intends to

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## **G.L. v. Ligonier Valley**, *continued*

untimely claims under a separate, timely, claim in order to access relief on both the untimely and the timely claim.

The effect of the decision could result in the need for testimony from a first grade report card despite the fact that the student is now in the tenth grade, if the parent claims that the deprivation extends that far back. Because of this, school districts should ensure that record keeping and retention practices and policies are up-to-date and strictly followed by administration and staff. Accurate and detailed record keeping is even more essential for school districts than ever before, as these records may be the only proof of progress of the student or services provided that the school district can offer as a defense. ♦

## **2015 National Blue Ribbon Schools**

WBK acknowledges all of the local schools which were named 2015 National Blue Ribbon Schools. 335 public and private schools across the country, including 13 public schools from Pennsylvania, were awarded this very prestigious and elite honor. WBK is proud to work with the Bentworth School District, the Canon-McMillan School District and the Moon Area School District, each of which had schools recognized for excellence. Congratulations on this much-deserved award!

## **Welcome New Associates:**

### **Annemarie K. Harr, Esq. and Joseph D. Shaulis, Esq.**



*Annemarie K. Harr*

Annemarie K. Harr's education law practice focus is special education and student services and is part of the firm's dedicated special education team led by partner Jocelyn P. Kramer. Annemarie assists school districts in preparing for due process hearings, including exhibit and witness preparation and representation at informal hearings. She

also assists clients with access to public documents in accordance with the Right to Know Law, including requests made in conjunction with complex litigation.



*Joseph D. Shaulis*

Joseph D. Shaulis advises and represents school districts and other public entities in labor and employment matters, as well as in general education and municipal matters. He's experienced as an advocate for labor unions and employees throughout Pennsylvania, in both the public and private sectors. Prior to his former public sector experience at

a Pittsburgh law firm, Joe was a journalist and editor of a metropolitan newspaper. ♦

## **Rights of Transgender Students**, *continued*

keep the privacy curtain in place and is continuing to negotiate with OCR, the student and family, while possibly facing financial and other penalties, as well as risk of liability from a discrimination claim in federal court. OCR is clearly pushing this issue, although the final ruling has not been issued.

What does this mean for transgender students in your school district? There are a few general considerations to keep in mind. Gender, gender identity and gender expression remain protected categories under federal law, so that students may not be discriminated against, harassed or bullied based on gender, sexual preference or gender identity. A transgender student may qualify for additional protections and services if he/she is diagnosed with a condition such as gender dysphoria, which adolescents coming out as transgender sometimes experience.

There are also several practical considerations. Once a transgender student discloses they wish to identify as the opposite gender, the district and school should honor that wish. School administration and all teachers should refer to the student by their preferred name and pronoun. Unofficial school records should be changed. While there is currently not a process in place to change a student's name or gender within PDE/PIMS without an official name change, nothing prohibits internal, unofficial school records from reflecting such a change. The transgender student and their parents should meet with the building principal and guidance counselor to determine what restroom and gym facilities the student is most comfortable using. That team should meet periodically to see how things are going and what issues, if any, need to be addressed. If other students sharing facilities with the transgender student express discomfort or anxiety, the district has a responsibility to discuss the matter or provide other options to those students, to try to make them comfortable with what may be a new situation. What is clear from the cases decided so far and the recent Pallatine, Illinois decision is that transgender students have the right to enjoy the same educational opportunities and facilities as other students.

**As always, you are encouraged to consult with attorneys at WBK or your Solicitor to discuss questions about transgender students that may arise in your school district. ♦**

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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.*