



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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2022 Workshop Calendar

Add these dates to your calendar now. We will announce the location of the event, in-person or virtual, at least one month before each event.

Distinguished School Board and Distinguished Educator Banquet

Held at the Edgewood Country Club
Thursday, March 3, 2022
Award Nominations now open

PASA/PSBA Workshop

Held at the Edgewood Country Club
Friday, March 4, 2022
Free for Member Districts

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

Held Virtually or In-Person
Venue will be determined closer to event
Thursday, April 7, 2022

Dr. Samuel Francis School Law Symposium and Special Education Workshop

Venue will be determined closer to event
Thursday, June 23, 2022

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

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

Thank you to the law firms who contribute to *The Forum* newsletter each issue:

- **Andrews & Price**, *Special Education Alert*
- **Tucker Arensberg Attorneys**, *Education Law Report*
- **Weiss Burkardt Kramer LLC**, *In Brief: School Law Update* (Located on pages 6-7 of *The Forum*)

Tri-State Mental Health Series 2021

Burnout, Loss, and Anger: Strategies for managing students and self-care during turmoil and uncertainty

Tri-State Area School Study Council is hosting the third set of workshops based on school based mental health and trauma related work. The effects of the COVID-19 pandemic continues to impact students, staff, and administrators in K12 schools in many ways. This seminar series is developed to provide resources and techniques to successfully navigate some of the issues related to loss, burnout, anger, and crisis that educators are currently facing with themselves and their students.



Members are welcome to join this program. The four asynchronous webinars focused on mental health in staff and students in K-12 Schools. All staff in your district will be able to access the webinars when you register for only \$500.

All sessions will be available until February 28, 2022 and registration closes February 14, 2022 at 5:00 p.m.

Register Today!

Session Descriptions:

Session 1

“Help! The year has just begun, and I’m already feeling burned out.” - Presented by Dr. Mary Margaret Kerr
This session gives you proven strategies to protect yourself from becoming overwhelmed and risking burnout. You’ll have easy-to-implement tools and techniques to help ensure you feel better and perform at your best, throughout your daily routine. The engaging format also lets you analyze realistic vignettes of teachers coping with burnout, to spot the symptoms and see how to respond to them in a healthy, proactive way. You’ll leave the webinar with expert tips and practical resources designed to enhance your school year for the benefit of both you and your students.

Session 2

“Why I am so upset!?”: How teachers can better understand, manage, and resolve their anger and frustration. - Presented by Dr. Mark Lepore
During this session, educators will gain a deeper understanding of the root causes of their potential feelings of anger and frustration. Although these emotions are viewed as negative, you’ll learn how to strategically leverage them in positive ways to help you solve problems and achieve better outcomes in the classroom and beyond. To make this session more interesting and engaging, you’ll also analyze real-world scenarios of teachers using techniques to cope with anger and frustration. You’ll come away better prepared to recognize and manage such feelings and empower your success, despite challenging circumstances.

Session 3

“My students are in crisis mode, what am I supposed to do?” Expert tips and insights to help teachers support students with mental health needs. - Presented by Dr. Melissa Nelson
Especially in the pandemic era, educators face unprecedented challenges. They often find themselves struggling to help students in the classroom who show signs of stress, anxiety, depression, and trauma. However, most teachers have been given very little formal and appropriate training to address those critical needs of students experiencing emotional crisis. Not to worry – help is here. This session was specifically designed to provide educators with expert insights, useful tools, and actionable techniques that will empower them to support and assist those students.

Session 4

“My students are coping with loss, and I want to help. But I may need support, too.” - Presented by Dr. Toya Jones
Educators face unpredictable, difficult challenges during these unprecedented times. The loss of loved ones due to COVID-19 has caused great hardship for both teachers and their students. While educators are looked upon to provide emotional support in the classroom to students experiencing grief, those teachers often need similar assistance for themselves. You’ll gain expert insights, helpful tips and strategies, and practical tools you can begin to utilize right away to help process grief in a healthy, effective way.

Annual School Board and Distinguished Educator Banquet

Nominations Open for Distinguished School Board and Educator Awards

must be submitted in full by 5:00 p.m. EST, January 14, 2022 for consideration

The past two years have been some of the most challenging for districts and educators to navigate. However, there are incredible examples of the outstanding work that is being done by leaders in education. Tri-State's Annual Distinguished School Board and Distinguished Educator Awards will resume after a year of hiatus to celebrate these outstanding individuals and boards. We look forward to celebrating educators and boards whose community believes they have gone above and beyond in the last year.

These awards were created to acknowledge excellent leaders in the field of education. This year, we are asking for nominations of those boards and educators that have been exemplary, beyond the management of Covid. All of us in education have strived to help students and communities more than ever in this difficult time, and we are looking for nominations of those who go above and beyond that of those around them.

If you have an educator or a school board that you are interested in nominating, please visit <https://tristate.pitt.edu/distinguished-educator-banquet-2022/> for complete nomination instructions. Please note that nominees must be available to accept the award if they are chosen for this award the Banquet on Thursday, March 3, 2022

All nominating materials must be submitted in full by 5:00 p.m. EST, January 14, 2022 for consideration. Email us at tristate@pitt.edu for any questions about the nomination process or the status of your submission.



About the Awards

D. Richard Wynn Distinguished School Board Award

The D. Richard Wynn Award was commissioned by the Executive Committee during the 1988-1989 school year to symbolize the contributions of Dr. D. Richard Wynn. Dr. Wynn was the Executive Secretary of Tri-State from 1974 to 1980, and during his tenure, he promoted the idea that decision making by the School Board and administrators should move from conflict to compromise. His idea was frequently referred to as the "win-win" process as he believed that students would be the true beneficiaries of this tactic.

In order to be considered for the award, school organizations must demonstrate exemplary practices by school boards and school district personnel in addressing important issues—issues that reflect directly on improved schooling for students—over at least a two-year period. Please note that the issues faced by the organization need not be conflict-free, rather the issues should indicate effective problem-solving processes.

Distinguished Educator Award

The Executive Committee established the Distinguished Educator Award in 1981 to acknowledge exceptional leadership by practicing administrators, retired educators, and university faculty who have proven a commitment to the mission of Tri-State. Nominees should have made contributions to education in one or more of the following ways: by contributing to Tri-State's goals and objectives; by providing leadership to professional organizations, school, and community activities; and/or by making contributions to educational research or publications. ▲

Green Building Alliance

Green Building Alliance (GBA) is a Pittsburgh based organization that focuses on building and creating environmentally friendly environments and buildings in a way that benefits those that use the spaces. GBA provides resources for schools including [Green Building Resources](#).

The [Green and Health Schools Academy](#) is particularly helpful for schools. This program features:

- **Green Cleaning Technical Assistance**, for schools interested assessment, recommendations, staff training, and resources for a greener district
- **K-12 Capital Project Technical Assistance**, for schools that are exploring renovations or new construction project
- **School Sustainability Project Technical Assistance**, for school looking to start sustainability and facility projects



You can visit their website at: <https://www.go-gba.org/> or [subscribe to their newsletter](#) to get updates about current opportunities and resources for your school and your staff.

Employment Opportunities

Visit Tri-State's job board for current postings.

<https://tristate.pitt.edu/jobs>

If you have any jobs you would like advertised, please email us.

Current Administrative Openings:

- Director of Pupil Services,
Fort Cherry School District, closes 1/7/22
- Elementary Principal, *Mt. Lebanon School District*
- Director of Transportation, *Seneca Valley School District*
- Middle School Assistant Principal,
North Hills School District
- Elementary Assistant Principal,
Environmental Charter School
- Director for the Campus Laboratory School Extended Day
Program, *Campus Laboratory School of Carlow University*
- Superintendent, *Hopewell Area School District*

Tri-State News

Tri-State Area School Study Council has moved to our new, permanent office space:

5151 Wesley W. Posvar Hall

If you have sent us anything by mail with our old office number, it will still get to us.

Tri-State offices will be closed from **December 17-January 3** in observance of the holidays.

We wish you and yours a happy holiday season and a very wonderful new year.

We look forward to seeing you again in the new year!



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

Free Speech at Public Board Meetings

by Jocelyn P. Kramer, Esq.

On November 17th, the U.S. District Court for the Eastern District of Pennsylvania issued a preliminary injunction in the free speech lawsuit filed by residents of the Pennsbury School District. The residents complained that Board Policy 903, Public Participation in Board Meetings, and Policy 922, Civility, violate their right to free speech.



Jocelyn Kramer

The injunction prohibits the school board from enforcing certain parts of school board policies that restrict free speech at public meetings. The injunction prohibits the district from enforcing those policies' prohibitions of speech deemed "personally directed," "abusive," "irrelevant," "offensive," "otherwise inappropriate," or "personal attacks." The court did not remove the prohibition of "obscene" comments, the "reasonable decorum" requirement, or the requirement to notify law enforcement of threats. However, the court also enjoined the district from enforcing Policy 903's requirement that speakers announce their address prior to speaking.

The court determined that Policies 903 and 922 were likely to be found subjective because what is abusive, offensive, irrelevant, or inappropriate varies from speaker to speaker and listener to listener and held that the policies would likely be deemed vague and overbroad because they overly restrict expression that is protected by the Constitution. While the school board raised an argument that this policy was justified due to the potential for minor students being in the audience, the court held that boards may not hide behind the presence of children at meetings to justify an unconstitutional policy.

Finally, the court held that the district could not require speakers to state their address prior to speaking. In holding this, the court found that the right to free speech also encompasses the right to refrain from speaking and enforcing such a provision is invalid because of "its chilling effect on protected speech." While the court did not take issue with limiting the right to speak at school board meetings to students, employees, and residents within the district, it did hold that requiring the speaker to announce their specific home address is an unreasonable restriction. Of note, the school district did not argue in support of the address announcement requirement, and evidence was submitted that the school district accepted the speakers simply providing their township when speaking in order to comply with the residency requirement for speaking.

Pending any further court action, we recommend that school entities discuss this ruling with their solicitor and consider suspending implementation of any policy provisions that conflict with this ruling. If you should have any questions regarding this case and how it affects your current policies, please do not hesitate to contact the attorneys at Weiss Burkardt Kramer. ♦

Commonwealth Court Rules Annual Salary is Measure for Demotion Under Section 1151 of the School Code

by Ira Weiss, Esq.



Ira Weiss

In a recent case, the Commonwealth Court of Pennsylvania ultimately upheld the decision of the Pittsburgh Board of Education and found that a decrease in annual salary, not a per diem amount, is the measure for a demotion case.

In Askin et al vs School District of Pittsburgh, thirty-six assistant principals claimed a demotion under Section 1151 of the Pennsylvania School Code. 1047 C.D. 2020 11/19/21 (Unreported). The basis of the claim was an increased work year with no increase in annual salary, the elimination of summer and additional work due to the increased work year, and a reduction in the value of their unused sick and vacation per diem rates due to the increased work year. The annual salaries of the assistant principals were not reduced.

The Board of Public Education held a bifurcated hearing and ruled there was no demotion. That decision was affirmed by the Pennsylvania Secretary of Education.

In a 2-1 decision the Commonwealth Court affirmed the decision of the Secretary holding that the annual salary is the measure for demotion claims and not per diem amounts. The Court relied on Ahern vs Chester Upland School District, 582 A2d 741 (Pa .Cmwltth.

continued on next page

Commonwealth Court holds that District May Supplement Multiple Charter School Application

by Annemarie Harr Eagle, Esq.



Annemarie Harr Eagle

Our office successfully represented the School District of Pittsburgh in an appeal by Propel Charter Schools. On November 19, 2021, the Commonwealth Court of Pennsylvania found in favor of the School District of Pittsburgh and found that the Charter Appeal Board (“CAB”) properly denied Propel Charter School’s Multiple Charter School Organization (“MCSO”) Application.

By way of background, a Multiple Charter School Organization acts to consolidate existing charter schools when one of the existing charter schools has reached certain high performing criteria including student performance profiles in the top quartile of all charter schools during the previous two-year period.

In the case before the court, Propel sought to consolidate its eight existing charter schools when one of said schools performed in the top quartile in the 2015-2016 school year. However, by the time the application came before the Charter Appeal Board in 2019, Propel no longer met that criteria as the 2017-2018 data indicated that none of the eight charter schools performed in the top quartile according to their school performance profile scores. Propel argued that it was irrelevant that the application did not meet that standard as of the date of review because it met the standard as of the date of application, and as a result the School District should not be permitted to supplement the record. The Charter Appeal Board disagreed with Propel and allowed the School District of Pittsburgh to supplement the record with the updated information showing that Propel did not meet the criteria to apply for a MCSO. As a result, the Charter Appeal Board denied Propel Charter Schools MCSO Application because, among other things, the application did not meet the criteria set forth in the Charter School Law.

Propel appealed that decision to the Commonwealth Court of Pennsylvania which again found in favor of the School District of Pittsburgh and held that “the approval of a noncompliant applicant’s MCSO application would undermine ‘the core purpose of the CSL which is to improve students’ education.’” As a result of this decision, Propel is not permitted to form a MCSO by consolidating its eight existing charter schools with one overarching charter. As of the date of this article, Propel has filed an Application for Reconsideration of the Commonwealth Court’s Decision. Our office will continue to keep you updated as the litigation on this unfolds. ♦

Annual Salary Ruling, *continued*

1990), as the controlling case. Importantly, the Commonwealth Court also held the freeze in salaries did not violate Section 1142 of the School Code since the statutory minimum salaries had been met. [Commonwealth Assn of School Administrators vs Board of Education of the School District of Philadelphia](#), 740 A2d 1225 (Pa. Cwlth 1999).

While the opinion of the Commonwealth Court is unreported, the analysis is noteworthy and the discussion of freezes and Section 1142 may be useful in collective bargaining discussions with teachers in situations where districts propose salary freezes. ♦

We’re Speaking...

- Attorney Annemarie Harr recently presented at the Pennsylvania Association of Career and Technical Administrators (PACTA) Fall Workshop held at The Penn Stater Conference Center and Hotel in State College, Pennsylvania on October 21 and 22, 2021. Attorney Harr gave both a Title IX update as well as COVID-19 update.
- Attorney Ira Weiss and Attorney Harr gave legal updates on the topics of transgender student rights, McKinney-Vento and Trauma-Informed Approach at the National Association of Pupil Service Administrators on October 26, 2021.
- On November 19, 2021, Attorney Harr presented on the topic of Leaves of Absence for PASBO on 11/19.
- Attorney Jocelyn Kramer and Attorney Harr will be presenting to SHASDA on Title IX, Transgender Student Rights, and Staff Free Speech Rights on December 16, 2021.

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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.