



University of Pittsburgh

THE FORUM

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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A Message From Dr. Rocco

Dear Member Districts of the Tri-State Area School Study Council,

Welcome back to the 2024-25 school year! We hope you had a relaxing and enjoyable summer. Last year, the Tri-State Area School Study Council conducted programming that brought over 1,000 participants to the University of Pittsburgh campus.

For the upcoming school year, we have planned several activities that we are confident you will want to attend. The NCAA Update will be held at the Petersen Events Center on October 10th. We are also partnering with AASA and several other organizations, including the Cook Foundation and Mind Up for Life, to host the Mental Health & Social and Emotional Learning Summit from October 22-24. Please see the flyer in the newsletter for more details. Additionally, Tri-State will be hosting a Science of Reading Seminar on November 12th—more information on this event will be forthcoming.

In the spring of 2025, we will host the Annual Distinguished Educator Banquet, the Dr. Jean E. Winsand Women's Leadership Conference, and the Dr. Samuel Francis School Law Symposium and Special Education Symposium.

Remember too, Tri-State provides a communication network that can assist your school district in advertising job openings and upcoming events.

We are always eager to offer programming and services that meet your needs. If you have ideas for programs or initiatives that could help build learning in your districts, please let us know, and we will do our best to accommodate your requests.

The beginning of a school year has always been an exciting time for me as an educator. The hope and excitement in the eyes of the students would inspire me to work hard to meet the challenges and goals of the upcoming year. The Tri-State Area School Study Council is here to support you in any way we can, and we look forward to working with you this school year.

If you have any questions, suggestions, or thoughts, please do not hesitate to reach out to me at brocco@pitt.edu.

Have a great school year!

Regards,

Bart Rocco, Ed.D.

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 4-5 of *The Forum*)

Dr. Samuel Francis School Law Symposium & Special Education Workshop: In Review

June 20, 2024 | University Club

The 2024 Dr. Samuel Francis School Law Symposium and Special Education Workshop was a fantastic day of learning on the University of Pittsburgh's campus. Over 120 attendees joined us both in-person and via Zoom for an incredible slate of presentations. The topics covered were extremely timely and useful to our diverse audience.

We would like to send a huge thank you to our incredible slate of presenters:

School Law

- "School Law Update 2024: What's New From Last Year and What Will Impact Us This Year" Presented by Carl Beard
- "Back to Basics: School Employee Discipline" Presented by Jocelyn Kramer
- "Discrimination: When School Policy Becomes Hostile" Presented by Richard Ting
- "Here We Go Again: Time to Revise Your Title IX Sexual Harassment and Discrimination Policies" Presented by Matthew Hoffman and Chris Voltz
- "Reframing Our Lens on Tax Revenue to Better Understand Challenges, Opportunities and Winning Strategies" Presented by Megan Turnbull and Lee Dellecker
- "What Did You Just Say? Constitutional Limits on Government Officials' Responses to Unwanted Comments on Social Media" Presented by Patrick Fanelli
- "Restraints and Seclusions: Proper Recognition and Response" Presented by David Mongillo

Special Education

- "Independent Educational Evaluations & Policy Considerations" Presented by Christina Lane
- "Section 504 Compliance and Discipline Rules" Presented by Patricia Andrews
- "Making Connections Across the State Performance Plan Indicators, Equity in IDEA, Public Reporting Requirements of IDEA, and Bureau of Special Education Updates" Presented by Sandy Zeleznik and Barbara Mozina
- "Guide to Gifted: A Roadmap to Compliance with Gifted Education" Presented by Lynne Sherry and Annemarie Harr Eagle

Ethics

- "Ethics: Rules of Professional Conduct for Lawyers - 2024 " Presented by Joseph Dimperio

The School Board Leadership Collective: In Review

April 11, 2024 | Regional Learning Alliance

The first gathering of The School Board Leadership Collective took place on April 11th at the Regional Learning Alliance in Cranberry, PA. The event was a fantastic opportunity for Superintendents and their School Board Members to learn from each other, connect with their peers, and hear from incredible presenters.

The event started with a welcome address from the tremendous Ms. Barbara Bolas, a former School Board member at Upper St. Clair, followed by an informative legal update from Christina Lane and Krisha DiMascio of Maiello Brugno & Maiello.



Dr. Lee Pritzl



Superintendent Roundtable discussion

The highlight of the event was tremendous keynote address from Dr. Lee Pritzl. Dr. Pritzl, an accomplished teacher and administrator and author of *The School Board Playbook*, gave attendees a fun and information-packed presentation that spotlighted strategies for Boards and Administrators to use in their work together to ensure a positive and productive school atmosphere.

The event concluded with Superintendent Round-table Discussions led by Dr Amy Burch, Dr. Randal Lutz, Dr. Caroline Johns, Dr. Gennaro Piraino, and Dr. Mary Catherine Reljac. We are grateful that this distinguished group of leaders shared their knowledge and expertise with our group!

Tri-State ASSC is grateful to everyone who participated, and we are looking forward to the next meeting!

Green Building Alliance



GBA Update

Author: Karma Lisa Edwards

Governor Shapiro Energy Legislation Includes Solar for Schools

Governor Josh Shapiro has signed two key bills into law. The first, HB 1032, launches the Solar for Schools program, which helps Pennsylvania schools install solar panels to cut energy bills and reduce carbon emissions while improving educational resources. The second bill, SB 831, sets up new rules for carbon capture and supports clean energy projects and job creation. Together, these measures mark a significant step forward in building a more sustainable and economically vibrant future for the state.

School Districts can access the Solar for Schools Toolkit: A Guide to Help Pennsylvania Schools Go Solar and Save, which is available online. This comprehensive guide provides practical insights and strategies for Pennsylvania schools to implement solar energy projects and achieve cost savings. By going solar, schools can cut operating costs and free up funds for educational programs.

Empowering Communities for Environmental Change

EPA's Community Change Grant program offers awards that range from \$10 to \$20 million to support projects that promote climate action and reduce pollution in disadvantaged communities. According to the FAQs, school districts are considered eligible applicants, as local governments, and individual schools are considered Collaborating Entities, eligible to receive subawards. This initiative is part of the EPA's commitment to environmental and climate justice and is funded through the Inflation Reduction Act (IRA).

The deadline for grant submissions is November 21, 2024, and more information can be found at: EPA Community Change Grant Program Information. Dedicated support is being offered to assist school districts and other entities in navigating the Community Change Grant application process. Technical assistance requests will be accepted until 11:59 P.M. on August 16, 2024, and require completion of the following online form: <https://communitychangeta.org/request-technical-assistance>

GBA aims to engage and support Western PA K12 school administrators to position their districts to capture federal and state resources. Our work includes educating stakeholders about the importance of green, healthy, and high-performance building practices; assessing and developing building improvement project scopes of work; engaging service providers; identifying and applying for funding resources and writing letters of support. If your school needs technical assistance, please contact Karma Lisa Edwards at: karmae@gba.org to set up a consultation.

Reminders for Serving Students with Disabilities

by Lynne Sherry, Esq.

As school districts prepare to open the doors to students this year, there are a few reminders that will help districts ensure that they are prepared to meet student needs and remain compliant with the Individuals with Disabilities in Education Act (IDEA) and Section 504 of the Rehabilitation Act.

Child Find – Red Flags:

Both the IDEA and Section 504 have a Child Find mandate, which requires districts to affirmatively “identify, locate and evaluate all children with disabilities residing within the jurisdiction who are in need of special education and related services.” 34 CFR 300.111 (c). In addition to districts’ obligations to post “general public notice obligations” regarding Child Find, there are several areas of Child Find liability most frequently litigated. Some of these areas include excessive absences/truancy related to disability; multiple hospitalizations; an ineffective 504 plan to address student needs; severe or persistent behavioral struggles without response to interventions (and involving out of school discipline).

Truancy Related to Disability:

As the school year begins, districts should carefully assess any trends in individual student attendance and determine whether students with disabilities are absent for reasons related to the disability. Districts are encouraged to be proactive in convening IEP/504 teams to discuss chronic absenteeism or truancy and incorporate potential strategies and plans for improved attendance within a Student’s IEP or 504 Plan. Districts should document all efforts to address truancy within a Student’s IEP or 504 Plan. This may include evaluations to analyze or assess a student’s issues with school avoidance. Districts are also cautioned against filing truancy citations or sending truancy notices where the IEP/504 team has not yet convened to address the issues underlying a student’s chronic absenteeism, where a Student Attendance Improvement Conference (SAIC) has not been convened to include all necessary team members, and in cases where the IEP/504 team has convened and has agreed upon a divergence from the attendance policy. See *M.L. v. West Chester Area School District*, 27929-22-23 (SEA PA 7.14.2023) (Gerl, J.) (finding that a district-initiated truancy process, following notice that student’s absences resulted from disability-related school avoidance anxiety, was inappropriate). ♦

IEPs and 504 Plans must be in effect at the beginning of each school year, and the failure to have an appropriate IEP or 504 Plan in effect on the first day of school could result in a denial of FAPE.



Board Members Have a Property Interest in Their Positions

by Rebecca Hall, Esq.

On May 1, 2024, the Third Circuit Court of Appeals found that a school board president may not be removed from their position unless they are provided with notice and a hearing under 24 P.S. § 514. In the case of *Montemuro v. Jim Thorpe Area Sch. Dist.*, 99 F.4th 639 (3d Cir. 2024), the Board elected Montemuro as president of the school board. For unknown reasons, a week later the board voted Montemuro out of the position and appointed a new board president. Montemuro then sued the board members who voted him out of his position claiming he had a property interest in his board position under the Fourteenth Amendment requiring due process of law (notice and hearing).

Section 514 of the Pennsylvania School Code requires that,

The board of school directors in any school district, except as herein otherwise provided, shall after due notice, giving the reasons therefor, and after hearing if demanded, have the right at any time to remove any of its officers, employees, or appointees for incompetency, intemperance, neglect of duty, violation of any of the school laws of this Commonwealth, or other improper conduct.

A school board president is considered an “officer” under Pennsylvania case law. *Buell v. Union Twp. Sch. Dist.*, 395 Pa. 567, 569 (1959). Therefore, the Third Circuit found that under the plain language of Section 514, an “officer” may only be removed for the reasons listed within the School Code: incompetency, intemperance, neglect of duty, violation of any of the school laws of this Commonwealth, or other improper conduct. Establishing grounds for removal from office requires that the board president receives proper notice of the allegations and the opportunity for a hearing. It is important to remember that board members are elected officials. Even if a board properly removes a board president from his or her position as an officer, the individual will remain on the

continued on next page



Allegheny County Assessment Updates and a Wider Perspective

by Elizabeth Sattler, Esq. & Megan Turnbull, Esq.



Although observers of Pennsylvania tax assessment litigation often describe it as a slow replay of "Groundhog Day," there are some notable updates to share:

Allegheny County Appeal Deadline Changes

Beginning this fall, Allegheny County joins many other counties of the Commonwealth as it adjusts the tax assessment appeal process to a prospective basis. The appeal window for 2025 assessment appeals is open August 1, 2024, through October 1, 2024. Taxing bodies wishing to initiate appeals should be analyzing available 2024 sales data now to meet the earlier deadline.

If appeals are quickly scheduled and heard by the Board of Property Assessment Appeals and Review ("BPAAR"), many taxing bodies will be in a better position to project revenue and refunds moving into the 2025 budgeting process.

PPS Reassessment Litigation

As previously reported, Pittsburgh Public Schools ("PPS") initiated a lawsuit in Spring 2024 against Allegheny County and County Executive Sara Innamorato seeking to compel a County-wide reassessment on the legal basis that the current system fails to guaranty the constitutional right to uniformity in taxation. The County recently filed preliminary objections to the lawsuit. A hearing on those objections will take place in late August.

The Need for a Statewide Legislative Solution

On July 15, 2024, the Democratic Senate Policy Committee convened a hearing titled, The Cost of Inaction-Property Reassessments. The hearing was sponsored by Senator Wayne Fontana (42nd Dist.) and Senator Katie Muth (44th Dist.) concerning how the absence of predictable and professional reassessments adversely impact local government, real estate markets and property owners in Allegheny county and beyond. Senator Lindsey Williams (38th Dist.) and Senator Jay Costa (43rd Dist.) also attended.

continued

WBK Happenings

- Attorney Ira Weiss has been named one of *The Best Lawyers in America* in the publication's 2025 edition.
- On July 15, 2024, Attorney Weiss provided testimony at the Senate Democratic Policy Committee hearing regarding property reassessments in Pennsylvania.
- Over the course of the summer, Attorney Annemarie Harr Eagle has been providing training to school districts and educational organizations on the updated Title IX regulations, as required by the regulations. Should your district or organization need to fulfill its requirement, please contact Attorney Harr Eagle or your solicitor for the necessary training.

Board Members, *continued*

board because they are an elected official. Board members hold their offices on the condition that they "behave themselves well while in office," and that they shall (not may) be removed "on conviction of misbehavior in office or of any infamous crime." *Burger v. Sch. Bd. of McGuffey Sch. Dist.*, 592 Pa. 194, 206 (2007).

Should you have any questions on the Montemuro case generally or how it may apply to a situation arising in your school district, we encourage you to contact your solicitor or the attorneys at WBK. ♦

Allegheny County Assessments, *continued*

WBK Founder Ira Weiss testified of the challenges facing school districts in the current system and called for legislative reforms to create a statewide assessment system creating stability and fairness in taxation. Dr. Melissa Friez, Mt. Lebanon School District Superintendent, offered testimony regarding local impacts to budgets, operations and financial forecasting. Interestingly, representatives from each relevant affected sector identified the same solution: regular, triannual reassessment of all Commonwealth real estate by a competent Commonwealth agency. The Senators were attentive and engaged. Future hearings will likely be scheduled.

The hearing is available to be viewed at: <https://www.senatorfontana.com/policy-committee-hearing-the-cost-of-inaction-property-reassessments> The attorneys at WBK stand ready to answer questions regarding tax assessment appeals and related issues. ♦

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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 want legal advice on any matter, they should contact their legal counsel or request a legal opinion from Weiss Burkardt Kramer LLC.

Photos from Recent Events



From top left: A roundtable discussion at the School Board Leadership Collective, Dr. Rocco addressing attendees at the 2024 Dr. Samuel Francis School Law Symposium and Special Education Workshop, Dr. Lee Pritzl delivering his keynote address, Dr. Pritzl alongside Dr. Tom Ralston, Dr. Bille Rondinelli, and Dr. Bart Rocco.

Mental Health & Social and Emotional Learning Summit

October 22—24, 2024 | \$400-\$100 for Tri-State Members

Join Tri-State, AASA, the Cook Center for Human Connection, MindUp for Life, The Jed Foundation, and Ripple Effects for a fantastic three-day event in October! This summit will bring district leaders across the country together to explore the latest data, research and trends around SEL and the mental health needs of students and school communities at-large.

Attendees will have an opportunity to:

- Build a network of support in advancing your district's mental health and SEL initiatives
- Explore new tools, case studies and actionable strategies to bring to your district
- Discover the power of robust mental health and SEL support in improving academic performance, increasing graduation rates and more



Click [here](#) to learn more

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.