



University of Pittsburgh

THE FORUM

The Tri-State Area School Study Council Newsletter

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Spring 2021

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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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2021 Workshop Calendar

The two scheduled events will be held virtually via Zoom. Any event scheduled to be held in-person may be changed to a virtual program closer to the event date.

School Leaders Discuss Social Justice

Held virtually

May 27, 2021 | 9:30-2:30

Join Tri-State Area School Study Council of the University of Pittsburgh for a discussion of current practices and goals of Diversity, Equity, Inclusion, and Justice in regional school districts. School leaders of the Western PA region will share their experiences and goals within their districts and professional sphere. Access recordings on our [event page](#).

Dr. Samuel Francis School Law Symposium and Special Education Workshop

Held virtually

June 23-June 24, 2021

8:00-4:40 both days

*CLE credits will be available for attorneys.

The Dr. Samuel Francis School Law Symposium and Special Education workshop is an annual event for superintendents, central office staff, building level administrators, board members, solicitors, school attorneys, school leaders, and business managers. Attorneys will present virtually on timely matters in school and special education law during both days. If you are interested but unable to attend the live program, please register to receive a link to the recordings after the event.

[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](#), *Education Law Report*
- [Weiss Burkardt Kramer LLC](#), *In Brief: School Law Update* (Located on pages 6-7 of *The Forum*)

2021 Jean Winsand Workshop

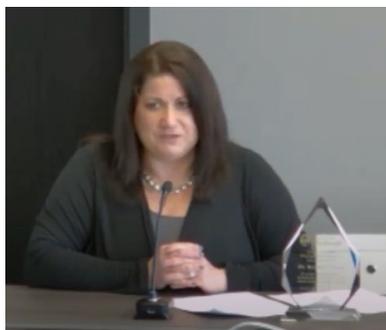
2021 Dr. Jean E. Winsand Workshop for Women in School Leadership

This year, Tri-State Area School Study Council presented the Dr. Jean E. Winsand Workshop for Women in School Leadership virtually for the first time ever. Though there were some networking opportunities that were lost due to the limitations of the format, we were able to connect to other professionals in a new format.

Our speakers presented on topics including self-care for yourself and your staff, strategies for addressing mental health in communities, and perspectives of the past year from superintendents, principals, and teachers. Our speakers included:

- **Dr. Kelly Beck**, PhD, LPC, CRC, Assistant Professor, University of Pittsburgh
- **Kylee Babish Crawshaw**, Associate High School Principal, Montour High School, Montour Area School District
- **Susan Custer**, High School English Teacher, Butler High School, Butler Area School District
- **Paris Gesinski**, Guidance Counselor, Heritage Elementary School, Franklin Regional School District
- **Dr. Lyndsey Gianella**, PhD, PA Certified School Psychologist, Western PA School for Blind Children
- **Dr. Linda B. Hippert**, Assistant Professor, Point Park University, School of Education, Retired Superintendent and IU Executive Director
- **Pharlan Ives**, Assistant Principal, Avonworth Elementary School and Primary Center, Avonworth School District
- **Dr. Heidi Ondek**, Executive Director and Superintendent, Western PA School for Blind Children
- **Dr. Michelle Miller**, Superintendent, Hopewell Area School District
- **Dr. Kelly Pascarella**, 6th Grade Language Arts Teacher, Boyce Middle School, Upper St. Clair School District
- **Amy Pfender**, Assistant to the Superintendent, Upper St. Clair School District
- **Dr. Mary Catherine Reljac**, Superintendent, Fox Chapel Area School District
- **Dr. Janet Sardon**, Superintendent, Yough Area School District
- **Dr. Sarah Shaw**, Middle School Principal, Jefferson Middle School, Mt. Lebanon School District

We were also able to celebrate the wonderful women that were recognized for the two annual Winsand Awards in 2020. We were unfortunately unable to present them in the year they were awarded due to the start of the pandemic.



Dr. Michelle Miller

Dr. Michelle Miller, Superintendent, Hopewell Area School District, was presented the 2020 Jean E. Winsand Distinguished Woman in Education Award. Dr. Heidi Ondek, Executive Director and Superintendent, Western PA School for Blind Children provided comments during her award presentation.



Amy Pfender

Amy Pfender, Assistant to the Superintendent, Upper St. Clair School District, was presented the 2020 Jean E. Winsand Emerging Woman in Education Award. Both Dr. John Rozzo, Superintendent, Upper St. Clair School District and Dr. Sharon Suritsky, Assistant Superintendent/Deputy Superintendent, Upper St. Clair School District provided comments on her behalf. ▲

University of Pittsburgh Opportunities

Workshop Opportunity—CUESEF 2021

CUESEF 2021: "Forging Futures Through Black Educational Histories"

Wednesday, June 16 - Saturday, June 19, 2021

[>> REGISTER HERE](#)

Free

Conference Description

Co-sponsored by the Heinz Endowments, in CUESEF 2021, we aspire to publicly study these important questions: What can we learn from histories of Black knowledge traditions and educational movements in the U.S.? How do Black communal responses to schools and schooling reflect struggle toward justice and freedom? How do these histories inform and shift our current educational commitments and practices? The Akan people of what is now known as Ghana and the Ivory Coast define Sankofa as a return to the past to move forward. Our theme invites historians to join us in exploring Black educational imaginations over time as essential to forging futures of self-determination, collective responsibility, and freedom. This year's focus on Black education traditions assumes Blackness as expansive and not a category exclusive of ethnic and cultural realities. Participants will engage in dynamic historian dialogues, study groups, and webinars to foster thinking about the reparative practices and systems that rectify ongoing educational injustice and inequity and build futures.

Workshop Opportunity—Summer Institute for Global Educators

Summer Institute for Global Educators

July 26—July 30, 2021

[>> REGISTER HERE](#)

Free

Workshop Description

High school in-service and pre-service educators in all subject areas are invited to apply for the online Summer Institute for Global Educators (July 26-30), sponsored by the University Center for International Studies, the College in High School program, and the International Institute for Studies in Education at the University of Pittsburgh; the Longview Foundation; and the National Resource Centers of the Department of Education.

Participants will receive a variety of in-print and online resources and learn about both high-tech and low-tech resources they can implement in their classrooms. Asynchronous and synchronous sessions will include the use of film and media, simulations, games, and technology to enhance global learning and teaching.

This opportunity is open to high school educators in any subject area; educators from Title I schools are especially encouraged to apply.



Women's Law Project

Education Interrupted: Survey Shows Schools Are Failing Many Student Survivors Who Report Sexual Violence

Know Your IX ("KYIX"), a project of the nonprofit Advocates for Youth, recently released an eye-opening survey of the experiences of more than 100 college and high school student survivors who had reported sexual violence to their schools. The report, "*The Cost of Reporting: Perpetrator Retaliation, Institutional Betrayal, and Student Survivor Pushout*," [Know-Your-IX-2021-Report-Final-Copy.pdf \(knowyourix.org\)](#) ("KYIX report"), paints a devastating picture of what happens when students report sexual assault to their school. For many students, reporting an assault brings not safety and justice, but a different kind of trouble.

"Honestly, what the school did to me was worse than what my rapist did to me." –*from the KYIX report.*

According to the survey, nearly 40% of survivors who reported sexual violence to their school had their education substantially disrupted, sometimes in more than one way:

27% took a leave of absence, often at their school's urging

20% transferred to a different school

Nearly 10% dropped out of school entirely.

"[T]he Title IX coordinators constantly fed me misinformation, 'accidentally forgot' to include evidence, never responded to me, refused to move the hearing date to accommodate one of my witnesses because they had already ordered the catering..." –*from the KYIX report.*

The survivors described a laundry list of problems with schools' responses: failure to facilitate reporting, explicit victim-blaming, dropping the ball on investigations, subjecting the victim to punishment for trivial rules violations.

One survivor's Title IX office never returned her call regarding how to file a report. Another was barred from opening a case because the dean of students argued their rapist was leaving anyway.

Fifteen percent of surveyed survivors who reported to their schools faced or were threatened with punishment. For example, high schools have punished survivors for "engaging in sexual contact" on school grounds, the "sexual contact" being their assault or rape. Some students faced punishment for using fake IDs at the time of their assault.

Survivors were punished not only by their schools but also by their perpetrators. Nearly 10% of survivors had a retaliatory complaint cross-filed against them. This tactic forced survivors to interact with their perpetrators through the disciplinary process, prolonged the process, and drained them of their time and resources. 23% of those surveyed reported that their perpetrator or the perpetrator's attorney threatened to sue them for defamation, and 19% of survivors were warned by their school of the possibility of a defamation suit.

"If you come after me, I'll come after you." –*a perpetrator to his victim, from the KYIX report*



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Women's Law Project

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Survey participants recounted that their school did not offer or provide reasonable accommodations such as changes in scheduling or housing assignments, counseling resources, or tutoring that could have eased survivors' recovery and kept them in school. These accommodations are critically important, as more than 40% of surveyed survivors disclosed that they suffered from post-traumatic stress disorder, more than a third reported experiencing anxiety, and more than a quarter discussed becoming depressed. Tragically, nearly 15% reported panic attacks or panic disorders and roughly the same percentage mentioned suicide attempts or suicidal ideation.

Given that federally funded educational programs are obligated to ensure survivors' safety and equal educational opportunity under Title IX, the experiences of the surveyed students are cause for concern.

And they are a call to action.

Know Your IX recommends robust procedural rights for both parties. To rectify the issue of punishment against survivors, Know Your IX recommends that schools and the Department of Education review disciplinary action taken against student survivors, increase survivor access to trauma-informed trained advocates, prohibit schools from punishing students in relation to their report of sexual violence, and limit the involvement of campus police or school resource officers in sexual misconduct investigations.

They also suggest solutions to the adverse financial impacts students face as a result of their violence. These include allowing students to retake courses without financial penalty, allowing student survivors to break residential leases without penalty, extending student loan grace periods for student survivors, and waiving scholarship requirements for student survivors.

Know Your IX also recommends climate surveys of campus communities once every two years, and that all K-12 schools offer student survivors supportive measures without requiring a formal complaint of sexual misconduct and the removal of police from sexual misconduct investigations. ▲

DEI Resources from PDE

- Pennsylvania Department of Education's [Equitable Practices Hub](#) last fall that provides guidance and resources for districts to implement these practices in their buildings.
- The [Pennsylvania Equity and Inclusion Toolkit](#) from the Pennsylvania Department of Education is designed to assist all school entities in their efforts to prevent and address bias and discrimination

Tri-State Membership 2021-22

Tri-State Area School Study Council would like to thank our membership for your continued support of our organization. We would not be able to put on the workshops, conferences, and networking events without your help and support.

We hope that you will be able to renew your membership for the 2021-2022 membership year. Invoices for renewal will go out soon if they have not reached you yet. We will honor your membership until September 1, 2020 if you were registered this past year, even if you do not plan to renew. We know that the past year in the pandemic has been difficult for everyone and will see the effects in many ways going forward.

We plan on continuing presenting some workshops virtually, but hope to move back to some in-person events as circumstances allow. We miss seeing everyone and hope to provide networking opportunities again soon.

We encourage you to join in order to access our timely workshops and trainings as you move into the new school year. Do not hesitate to contact us at tristate@pitt.edu if you have any questions. We look forward to having you as a member for years to come!



Education Through a Trauma-Informed Lens

By Lynne Sherry, Esq.



Lynne Sherry

Pennsylvania has increasingly recognized the role that trauma¹ plays in school communities and the critical importance of a “trauma-informed” approach to education, defined as “a school-wide approach to education and a classroom-based approach to student learning that recognizes the signs and symptoms of trauma and responds by fully integrating knowledge about trauma into policies, professional learning, procedures and practices for the purposes of recognizing the presence and onset of trauma, resisting the reoccurrence of trauma and promoting resiliency tailored to a school entity’s culture, climate and demographics and the community as a whole.” 24 P.S. § 1-102.

Act 18 of 2019 revised the PA School Code to formally recognize the importance of professional development and trauma training for school districts. It established requirements for schools to recognize signs of trauma and provide supports needed to address trauma through threefold training mandates: it requires a one-hour minimum of training to school board directors on trauma-informed approaches to education (for both newly elected and new school board directors); it requires that the professional education plan for each school entity includes at least one hour of training in trauma-informed approaches, and it requires PA School Leadership Standards to include information on trauma-informed approaches.

Schools across the Commonwealth and beyond have risen to the occasion, and are implementing creative, research-based trauma-informed approaches from the macro level to the micro level.

Trauma intersects with some of the highest areas of legal liability for school districts – from school discipline and alternative education (AEDY) placements to school avoidance, school phobia and school anxiety issues – some of the most difficult cases to grapple with both within classrooms and in the courtroom. COVID-19 has changed the way trauma is experienced within school communities, because it is a collective trauma. School districts are now faced with the effects COVID-19 has had on learning, with an emphasis on social and emotional learning, which makes the focus on trauma-informed responses at this particular time even more critical.

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¹ The Pennsylvania School Code defines trauma as the effects of an event, series of events or set of circumstances that is experienced by an individual as physically or emotionally harmful or threatening and that has lasting adverse effects on the individual’s cognitive functioning and physical, social, emotional or spiritual well-being. 24 P.S. § 1-102.

Extended School Year Reminders and Considerations

By Annemarie Harr Eagle, Esq.



Annemarie Harr Eagle

As summer is quickly approaching, it is a good time to ensure that your Extended School Year (“ESY”) process is up to date and consistent with the applicable laws to avoid unnecessary due process complaints. As a general reminder, all districts must ensure that ESY services are available as necessary to provide a Free and Appropriate Public Education (FAPE). In order to make this determination, the IEP team must convene and determine, on an individual basis, what services are necessary for the student to receive FAPE.

School districts are prohibited from limiting ESY services to a particular category of disability or unilaterally limit the type, amount, or duration of those services. Once the IEP team determines that a student is in need of ESY services, the IEP must be developed to reflect those specific needs. This is an IEP team decision that the parent must be a part of.

In Pennsylvania, there are seven factors that the IEP team must consider in order to determine if a student is eligible for ESY services. No one factor by itself can be used to determine eligibility –

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Education through a Trauma-Informed Lens, *continued*

The PA School Board Association (PSBA) has proposed a new, optional Board policy addressing the impact that trauma has on educational communities and promulgating ways in which districts can develop and implement plans for infusing trauma-informed approaches into all facets of education. It incorporates sections of the School Code which required the State's School Safety and Security Committee to develop a model trauma-informed approach plan that must be used where school entities seek School Safety and Security grant funding related to trauma-informed approaches. For schools seeking funding, the policy incorporates components of PA's model trauma-informed approach plan: [Model Trauma-Informed Approach Plan – Guidelines for School Entities.pdf \(pa.gov\)](#).

Schools across the Commonwealth and beyond have risen to the occasion, and are implementing creative, research-based trauma-informed approaches from the macro level (district wide) to the micro level (individual classrooms). This topic will be presented in further detail at Tri-State's Sam Francis School Law Symposium & Special Education Workshop. Additionally, attorneys at WBK are available to consult with school districts on issues surrounding trauma training, trauma policy and trauma-informed practices. ♦

We're Speaking...

- Several WBK attorneys will be presenting at Tri-State's Dr. Samuel Francis School Law Symposium and Special Education Workshop being held virtually on June 23, 2021.
 - Attorneys Ira Weiss and Megan Turnbull will be speaking on the topic of, "Legal Intersections: Employee Speech, Social Media and Schools After *Carr v. PennDOT*."
 - Attorneys Jocelyn Kramer and Annemarie Harr will be presenting, "Disciplining Off-Campus Student Conduct: The Evolution of School Authority."
 - Attorney Harr will also be giving a presentation entitled, "Can't We Just Give Them a 504 Plan?"
 - Attorney Lynne Sherry will be presenting, "Education Through a Trauma-Informed Lens: Legal and Practical Implications."
- Attorney Harr will be giving a legal update at the annual Pennsylvania Association of Career and Technical Administrators (PACTA) Summer Leadership Conference held at The Penn Stater Conference Center and Hotel in State College, Pennsylvania on July 27-29, 2021.
- Attorney Aimee Zundel will be a co-planner and presenter at the PBI Snapshots of Special Education Law session, which is being scheduled tentatively for August 3, 2021.

Extended School Year, *continued*

that is to say, that the child may be eligible by meeting only one of the criteria, but all seven factors must be considered. The seven factors are: regression; recoupment; regression/recoupment; mastery; self-sufficiency and independence; successive interruptions; severity of the disability.

While ESY services will not take the place of COVID Compensatory Services, the determination of whether or not a student requires ESY may look different this year due to the COVID programming that has been in effect in your district. IEP teams are urged to make careful considerations when assessing what ESY services, if any, a student should receive in light of their disability and the seven aforementioned factors.

Finally, the Pennsylvania Department of Education (PDE) requires that an ESY determination for students who are in the "Armstrong Target Group" be made according to an official timeline. The Armstrong Target Group includes students with severe disabilities such as autism, serious emotional disturbance, severe intellectual disabilities, degenerative impairments with mental involvement, and severe multiple disabilities. Students in this group must have an IEP team review ESY qualification no later than February 28th of a given year, and districts must ensure that a NOREP for that student is issued no later than March 31st of that same year. While this strict timeline only applies to individuals within the target group, ESY determinations in general must be made in a timely fashion so that parents are afforded an opportunity to review the programming offered. Hearing Officers in Pennsylvania have utilized the Armstrong Target Group timeline as an acceptable timeline to ensure that the timeliness provision has been met. If your district has not finalized ESY determinations, it is recommended that this be completed as soon as possible to avoid procedural missteps.

Should you have any questions regarding ESY determinations, special education attorneys at WBK are available to consult generally and in situations involving individual students. ♦

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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.

Regional Changes

Several area districts have had recent changes in their administrative teams over the past year. Congratulations to everyone in new positions and to those who have moved on to new opportunities!

New Appointments

Dr. David Anney, Interim Superintendent, Freedom Area School District

Dr. Melissa Friez, Superintendent (Start July 1), North Allegheny School District

Dr. Jill Jacoby, Assistant Executive Director for Teaching and Learning, Allegheny Intermediate Unit

Mr. Donald MacFann, Superintendent (Start July 1), Bethlehem-Center School District

Mr. Stephan Puskar, Superintendent, Burgettstown Area School District

Dr. Christopher Sefcheck, Superintendent (Start July 1), New Kensington-Arnold School District

Dr. James Walsh, Superintendent, Bethel Park School District

If you know of any additional changes, please let us know at tristate@pitt.edu

2021 Sam Francis Law Symposium

Members can register for free at <https://tristate.pitt.edu/sam-francis-law-symposium-2021/>

Speakers will include:

Patricia Andrews, Esq., Andrews and Price LLC
Carl Beard, Esq., Beard Legal Group
Carol Clancy, Director of the Bureau of Special Education
Dr. Joseph Dimperio, Esq.
Patrick Fanelli, Esq., Fanelli Willett Law Offices
Annemarie Harr-Eagle, Esq., Weiss Burkardt Kramer LLC
Matthew Hoffman, Esq., Tucker Arnesberg, P.C.
John Paul Jones, Esq., Pennsylvania State Education Association
Jocelyn Kramer, Esq., Weiss Burkardt Kramer LLC
Christina Lane, Esq., Maiello Brungo & Maiello LLP
Rachel Lozosky, Esq., Peacock Keller
Barbara Mozina, State Performance Plan/Annual Performance Report State Lead
Sara Rose, Esq., ACLU of Pennsylvania
Lynne Sherry, Esq., Weiss Burkardt Kramer LLC
Megan Turnbull, Esq., Weiss Burkardt Kramer LLC
Christopher Voltz, Esq., Tucker Arnesberg
Ira Weiss, Esq., Weiss Burkardt Kramer LLC

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.

Western PA Superintendent Forum

Congratulations to Dr. Thomas Ralston!

Dr. Ralston has been named the next Director of the Forum for Western Pennsylvania School Superintendents. He has most recently been at Avonworth School District in the Pittsburgh area, where he has served as a Superintendent since 2012 and has shown his ability to advocate for children, families, and communities through his work in the region.

Tri-State and The Forum operate from the same department within Pitt's School of Education and have many overlapping members. We look forward to seeing the great advancements Dr. Ralston will achieve in this position.

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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