

## Education Through a Trauma-Informed Lens

By Lynne Sherry, Esq.



Lynne Sherry

Pennsylvania has increasingly recognized the role that trauma<sup>1</sup> 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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<sup>1</sup> 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 – 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

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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.

### Extended School Year, *continued*

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 28<sup>th</sup> of a given year, and districts must ensure that a NOREP for that student is issued no later than March 31<sup>st</sup> 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.*

## 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.

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