

problems originated in the room and then came to the office. Some students left school permanently as a result. Others were referred to the psychologist; detentions were given; parents were called - but many, many problems originated there."

In submitting his recommendation to the Superintendent that the Appellant be given an unsatisfactory rating for the 1971-72 school year, Dr. Ottey wrote:

"I cannot at this time recommend that he be offered a contract for the coming year. Mr. McDowell has been unable to assert the leadership necessary in a classroom to teach effectively. The students act as they please, many refusing to cooperate and making his efforts to teach them fruitless, and preventing the remaining students from learning. The condition of his classroom is deplorable and continues to deteriorate. Numerous discipline problems have been spawned in his room. For these reasons I must make my unsatisfactory rating."

We have given great weight to Dr. Ottey's testimony; the opinion of a school principal as to the competence of a teacher under his supervision has the status of expert testimony and, therefore, has probative value when based on personal observation, even though the evidence as to the basis of the opinion is not as detailed as desirable, Appeal of Kiebler, 30 D.& C. 620 (1938). In this case, the evidence is very detailed.

We are also impressed by the conscientious manner in which Dr. Ottey conducted his evaluations; he made many visits at different periods of the day; he checked the classroom before and after other teachers used it to see if they were responsible for the damage; he checked other teachers to see if they had the same type of problems with the Appellant's students as the Appellant was having. It is obvious that before rating the Appellant unsatisfactory, Dr. Ottey devoted considerable thought to the matter to make certain he was making the right conclusions.

Accordingly, we make the following

#### ORDER

AND NOW, this 7th day of April, 1975, it is hereby Ordered and Decreed that the decision of the Board of School Directors of the Oxford Area School District dismissing Miller G. McDowell on the grounds of incompetency be sustained.

\* \* \* \*

Appeal of Orville Harris, a Professional Employee, from a decision of the Board of Education of the Philadelphia City School District, Philadelphia County, Pennsylvania

In the Office of the Secretary of Education,  
Commonwealth of Pennsylvania, at  
Harrisburg, Pennsylvania

No. 219

#### OPINION

John C. Pittenger  
*Secretary of Education*

Orville Harris, appellant herein, has appealed from a decision of the Board of Education of the School District of Philadelphia terminating his contract and dismissing him as a professional employe.

## FINDINGS OF FACT

1. Orville Harris began employment with the Philadelphia School District in September 1965 as an elementary teacher. With the exception of a leave of absence for illness, beginning in October 1968 and lasting through the 1969 Spring semester, Mr. Harris was employed thereafter by the School District until September 1971 when he was suspended without pay, for disciplinary reasons.
2. Mr. Harris was issued a professional employe's contract on September 11, 1968 and is a professional employe.
3. Mr. Harris was transferred to Stanton School from Childs School in September 1967 because of numerous incidents in which Mr. Harris administered corporal punishment on students in violation of the Philadelphia Board of Education policy.
4. During the Fall of 1970 there were two serious incidents where Mr. Harris administered corporal punishment on students. Because of these incidents, Mr. Harris was given an administrative transfer with prejudice from Stanton School following a December 9, 1970 conference with school district officials.
5. Mr. Harris began work at McKinley School on September 7, 1971 and worked there for less than two weeks, until September 17, 1971 when he was suspended without pay because of two incidents.
6. In the first incident, Mr. Harris administered corporal punishment on a student on September 15, 1971, shortly after receiving a written statement from the principal that corporal punishment was not allowed. When the child's father came to the school to discuss the incident, Mr. Harris called the police and attempted to have the parent arrested.
7. On September 16, 1971 Mr. Harris was involved in an altercation with another teacher over Mr. Harris's isolating students in a storage room as punishment. At a conference held later that day with Carl A. Walz, the principal, Mr. Harris behaved in an unprofessional manner.
8. By memorandum dated September 17, 1971, District Superintendent Richard D. Hanusey informed Mr. Harris that he was suspended, effective immediately upon receipt of the memorandum, because he administered corporal punishment on a student on September 15, 1971. Mr. Hanusey offered to meet with Mr. Harris, but the offer was not accepted.
9. Mr. Matthew Costanzo, Superintendent of Field Operations, by letter dated October 12, 1971, informed Mr. Harris that a conference concerning the September 15, 1971 incident at McKinley School would be held in his offices on October 9, 1971. The record is not clear whether or not Mr. Harris attended this conference.
10. In a letter to Mr. Harris dated October 20, 1971, Mr. Murray Bookbinder, Executive Director of Personnel for the school district, confirmed Mr. Hanusey's memorandum of September 17, 1971 stating that Mr. Harris was being suspended without pay, and stated that Mr. Harris could request, within ten days after receipt of the letter, a hearing before the Board of Education. The record is not clear whether or not Mr. Harris ever made such a request.
11. On February 29, 1972, Mr. Harris filed a Complaint in Mandamus against the School District of Philadelphia requesting the Court of Common Pleas to order his reinstatement to his former position with the district.
12. At its Board Conference of March 3, 1972, the Philadelphia Board of Education agreed to enter into dismissal proceedings against Mr. Harris.
13. By letter dated March 21, 1972, signed by Mr. William Ross, President of the Board of Education, attested to by the Assistant Secretary, Mr. Harris was informed that a hearing on the recommendation for his dismissal as a professional employe on the grounds of incompetency would be held on April 4, 1972 before the Board of Education. The letter stated that:

"These charges are based upon your repeated administering of corporal punishment to students at Childs, Stanton and McKinley Schools, despite explicit directions from superiors not to do so. In addition, at each school you were insulting and uncooperative with members of the staff, students and community. Enclosed is a detailed statement of the charges against you."

The detailed statement of charges reads as follows:

"Following an incident involving the striking of a pupil in 1965, you were transferred from the Kirkbride School to the Childs School. While you were at Childs School, there were at least four reports of your administering corporal punishment to students. As a result of these and other incidents of striking students, numerous parents wrote to the principal to complain. In addition, reports by staff members and your written communications with the administration, indicated a deprecating and negative attitude toward the students, which seriously detracted from your performance as a teacher.

Following these complaints concerning your conduct at Childs School, on September 7, 1967 you were transferred to the Stanton School. In September 1970, a report of unsatisfactory service was prepared concerning an incident of your striking Gregory Davis, a student. You at first refused to talk with the complaining parent and were extremely antagonistic in the ensuing conference attended by the parent and principal. On October 26, 1970 another report was filed concerning your administering corporal punishment on Derrick Burnside, a student. The reports also described your continued insults to parents and pupils, referring to them as 'vipers,' 'animals,' 'punks,' and 'liars,' and your continued poor relations with the administrative staff.

Conferences were held on November 9 and December 9, 1970 concerning your role in these incidents. The conferences established that you had persisted in striking pupils despite explicit directions from school administrators not to do so. Following the December 9 conference you were given an administrative transfer with prejudice to McKinley School. At that time, there was an understanding of record that any repetition of corporal punishment against the students would result in dismissal proceedings.

On September 15, 1971, you were specifically advised by the principal of McKinley School that corporal punishment was not to be administered by staff members. Later that same day a parent reported that you had struck his son several times with a ruler. When the parent came to discuss the situation, you called the police to have him arrested. In a discussion between you, the parent and the principal, you again displayed an uncooperative and insulting attitude, unjustly accused the parent of threatening you, and generally criticized school administration instead of discussing the case at hand.

On September 16, 1971, you were involved in an altercation with a fellow teacher concerning your locking students in a storage room as a means of punishment. At a conference following this incident, your conduct was extremely unprofessional including such racial comments as referring to the fellow teacher as a 'black savage.'

As a result of these incidents you were suspended without pay, effective September 17, 1971.

Your continued violation of school policy against the administration of corporal punishment by teachers constitutes insubordination. This, in addition to your consistently uncooperative and insolent attitude toward parents and staff personnel, and your extremely demeaning treatment of students, makes you incompetent to teach in The School District of Philadelphia."

14. The Philadelphia School Board of Education held hearings on April 4, 1972, April 12, 1972, May 17, 1972, May 24, 1972 and June 27, 1972. Of the nine members of the Board, five attended each hearing, one attended four hearings, one attended two hearings, two did not attend any hearings.

15. On September 11, 1972, the Board of Education voted unanimously to uphold the charges against Mr. Harris and to dismiss him on the grounds of incompetency.

16. Mr. Harris was informed of the Board's decision by letter, dated October 13, 1972, postmarked October 17, 1972.

17. On November 15, 1972 Mr. Harris's petition of appeal from the Board of Education's decision was received in the Office of the Secretary of Education.

18. A hearing before the Secretary of Education was scheduled for December 21, 1972. At the request of counsel, the hearing was continued. It was held on January 9, 1973.

### TESTIMONY

Relevant testimony as submitted by the parties in interest at the hearings before the School Board was substantially as follows:

For the School District:

Edward E. Itzenson, principal at Childs Community School when Mr. Harris taught there in 1966 and 1967, testified that Mr. Harris was given an administrative transfer to Childs School effective March 7, 1966; that on May 22, 1967 he filed an unsatisfactory anecdotal report against Mr. Harris recommending that Mr. Harris not be allowed to remain in the Philadelphia School System, primarily because of his negative attitude towards all who are in authority.

Mr. Itzenson further testified to receiving letters from parents, in which they complained about Mr. Harris striking their children. Mr. Itzenson stated that he would transfer children from Mr. Harris's class because of such complaints. Mr. Itzenson read from a "Report on Serious Incident," dated June 16, 1967, which he prepared concerning an incident which occurred on June 8, 1967. On that date the mother of a student contacted Mr. Itzenson to complain about Mr. Harris slapping her daughter's face earlier that day. Mr. Itzenson read from the report: "I informed [Mr. Harris] of the accusations made against him. He said that he only tapped her on the face to get her attention." The report further stated that on June 13, 1967 the child's mother called Mr. Itzenson to tell him she was keeping her daughter home that afternoon because Mr. Harris had slapped her again and pushed her against the wall.

Mr. Itzenson testified about Mr. Harris's unsatisfactory relations with parents and teachers.

Mr. Richard B. Hanusey, who was District Superintendent and Director of Elementary School Administration when Mr. Harris taught at Childs School, testified that he examined three serious incident reports concerning occasions where Mr. Harris administered corporal punishment on students, including the incident referred to in the summation of Mr. Itzenson's testimony. He evaluated Mr. Harris's teaching performance and found it to be satisfactory.

William F. Duckrey was Mr. Harris's principal at the M. Hall Stanton School beginning in May 1969, at which time Mr. Harris taught Grade 4. Mr. Duckrey testified that he filed an unsatisfactory service report against Mr. Harris dated September 28, 1970. On that date, the mother of one of Mr. Harris's pupils came to school to register a complaint that her son had been corporally punished by Mr. Harris a few days earlier, causing her son to suffer pains in his shoulder for which she had taken him to a doctor for treatment. At her request, Mr. Duckrey transferred her son out of Mr. Harris's class.

The report continued with an incident occurring the following day when the child's father appeared at the school, complaining about the incident of the previous day and the manner in which Mr. Harris received his wife. At a conference between the father, Mr. Harris and the principal, Mr. Harris launched into what Mr. Duckrey described as "a vituperative tirade" against the father. After attempting to get Mr. Harris to discuss the matter calmly, Mr. Duckrey asked Mr. Harris to withdraw from the conference, which request Mr. Harris ignored for several more minutes, after which he left. Shortly after the father left, Mr. Harris returned. As stated in Mr. Duckrey's report: "During the next five minutes the principal restated the central issue in the . . . case, reminded the teacher of Board and school policy re corporal punishment. He stated that he just 'flipped the boy,' and he did not regard it as corporal punishment if a child disobeyed rules." As a result of the incident, Mr. Duckrey urgently recommended that Mr. Harris be removed from Stanton School.

On October 26, 1970, Mr. Duckrey filed another unsatisfactory service report against Mr. Harris concerning the administering of corporal punishment on a child. The child, a student in Grade 6, reported that Mr. Harris had slapped and punched him during a fire drill. Mr. Harris stated that the child was misbehaving during the drill by sliding down the railing, and when the child finally got off the railing, he made what Mr. Harris interpreted as an aggressive movement; whereupon Mr. Harris used his hand to forestall attack. As a result of the incident, the child's mother came to see Mr. Duckrey. Mr. Duckrey's report indicated that the child was a discipline problem, but was not vicious--only spoiled. He noted, however, that Mr. Harris was well warned of the possible consequences of running afoul of definite regulations concerning corporal punishment.

Mr. Duckrey further testified to an incident in September 1969 when a student complained that Mr. Harris struck him with a stick. The child was transferred to another class.

Mr. Duckrey testified to another incident occurring on September 17, 1969 when the mother of one of Mr. Harris's students, the woman's son, and an unidentified man came into his office. The unidentified man stated that he had just slapped Mr. Harris because the teacher had slapped his boy on a previous day. He stated that he wished to be arrested so the matter would come out into the open. Mr. Harris did not file charges against the man.

Robert Finarelli, Executive Assistant, Office for Field Operations, testified that he participated in two conferences with Mr. Harris, held in November and December of 1970, concerning Mr. Harris's status with the school district because of the incidents at Childs and Stanton Schools where corporal punishment was administered. At the December meeting it was decided that Mr. Harris was to be given an administrative transfer with prejudice, which meant he would not carry seniority rights with him to his new assignment. Mr. Harris was warned that if there was a repetition of his administering corporal punishment, dismissal proceedings would be instituted against him.

Carl A. Walz was Mr. Harris's principal at McKinley School. He testified that Mr. Harris began employment at the school as a teacher on September 7, 1971. On September 8, 1971 Mr. Harris approached him and started to explain what the situation was at Stanton School. Mr. Walz was unaware at that time that Mr. Harris had been given an administrative transfer and had no knowledge of his past experience. The question of discipline came up and Mr. Walz informed Mr. Harris that corporal punishment was not the policy in the McKinley School. On September 10, 1971 Mr. Harris arrived at school late. Mr. Walz mentioned this to Mr. Harris who then became very defensive, stating he lived a long distance from school. He was told to be on time in the future. Later that day, a group of teachers from the house to which Mr. Harris was assigned -- McKinley School is divided into clusters of houses, using a team teaching concept with a group of teachers in each house -- came to Mr. Walz complaining that Mr. Harris would not cooperate with the team members during a meeting to discuss the discipline procedures within the house. Mr. Walz said he would attend their next team planning meeting to be held the following week.

On September 14, 1971 Mr. Walz stated to Mr. Harris's team that corporal punishment of any kind was not permitted in the McKinley School. Mr. Harris requested him to put his statement in writing.

On September 15, 1971, at 8:45 a.m., Mr. Harris received the following written statement:

"Pursuant to your request of 9-14-71, please be advised that it has been and will continue to be the policy of the McKinley School that corporal punishment of any kind administered to pupils by staff members other than the principal is expressly prohibited."

Mr. Walz, reading at times from an anecdotal report he had prepared testified that at approximately 10:30 a.m. on September 15, 1971 the Spanish speaking father of one of Mr. Harris's students entered the school office requesting a conference with the principal. Mr. Walz had a teacher act as an interpreter. The father complained that Mr. Harris had struck his son several times on the arm and side with a ruler during that morning's reading lesson. The father, who lived near the school, learned of this when his son left school and went home. The father came to the school to discuss the incident with Mr. Harris. Mr. Harris refused to discuss the matter and called the police instead. The parent was very upset -- he was aware that a policeman was in the building in response to Mr. Harris's call -- and expected to be arrested at any moment. The principal calmed the parent and said he would take care of the matter.

After the parent left, Mr. Walz spoke with Mr. Harris. Mr. Harris said he called the police because the principal did not abide by the contract inasmuch as he would not discipline children and support teachers and because the principal was not for law and order. He denied that he struck the child. He claimed that he merely pushed the child. The anecdotal report states: "At no time during the morning of this incident did Mr. Harris request help from the principal in disciplining [the child]." Mr. Walz investigated the incident. Children in Mr. Harris's reading group said that they saw Mr. Harris strike the child. As a result of the incident, Mr. Walz recommended the immediate removal of Mr. Harris from the school and the commencement of dismissal proceedings.

Mr. Walz testified that on the following day, September 16, 1971, Mr. Harris was involved in an altercation with Mrs. Clemons, a teacher on Mr. Harris's team. Mrs. Clemons had discovered in a storage room some children who had been put there by Mr. Harris for disciplinary reasons. The teachers on the team had previously decided that the storage room was not to be used for that purpose. Mrs. Clemons complained to Mr. Harris about his action. Both teachers attempted to leave the storage room at the same time, resulting in a bumping incident at the doorway which left Mrs. Clemons very upset. Mr. Harris admitted to Mr. Walz that he put the children in the storage room. He referred to Mrs. Clemons in an unprofessional manner.

Mr. Hanusey was recalled to testify about Mr. Harris's suspension beginning September 17, 1971 and the offers by the administration to meet with him to discuss that suspension.

For Mr. Harris:

Palmer E. Robbins, a teacher and building representative at McKinley School, testified that a student came up to him on September 16, 1971 and said that Mrs. Clemons had struck Mr. Harris on the back. He attended the conference between Mr. Harris and the principal.

Orville Harris testified on his own behalf. He was the only witness at the last two hearings held before the Board of Education and testified for approximately four and a half hours. There was no cross-examination. Mr. Harris denied administering corporal punishment in some of the incidents cited by the school district's witnesses. In other incidents, he said he merely tapped the children to get their attention.

Mr. Harris testified that he is one of the best teachers in Philadelphia because of his scores at the top percentiles on such tests as the National Teachers' Examination and the Miller's analogy test, and because he is in a doctorate program at Lehigh. He had been teaching school since 1931. He came to the Philadelphia School System in 1965 as a recruit by the American Federation of Teachers. He used to be a professional labor union organizer in his younger days and worked organizing teachers after being hired by the Philadelphia School District. He state he was transferred from Kirkbride School because he filed a grievance against the principal.

He testified that he did not like to administer corporal punishment in a mixed racial situation because he has a southern accent and consequently he has steered away from corporal punishment.

He stated that he did not strike the child at the McKinley School, but merely took from the child a metallic pencil which the boy was banging against the leg of his desk, thereby causing a disturbance.

## DISCUSSION

Section 1122 of the School Code of 1949 provides that the only valid causes for terminating a professional employe's contract are immorality, incompetency, intemperance, cruelty, persistent negligence, mental derangement, advocacy of or participating in un-American or subversive doctrines, persistent and wilful violation of the school laws of this Commonwealth on the part of the professional employe.

The Board of Education of the Philadelphia School District dismissed Orville Harris on the grounds of incompetency. It is clear from the charges filed against Mr. Harris that the Board used the term "incompetency" to refer to Mr. Harris's uncooperative and insolent attitude toward staff and parents and his demeaning treatment of students and to his persistent refusal to comply with school policy forbidding the administration of corporal punishment.

"Incompetency", as one of the valid causes for dismissal of a professional employe found in Section 1122 of the Public School Code of 1949, embraces those elements of the charges against Mr. Harris concerned with his improper attitude. Refusal to comply with school board regulations does not fall within the term "incompetency" as that term is understood within the context of the School Code. Such refusal falls, instead, within the category of "persistent and wilful violation of the school laws", which is also one of the causes for dismissing a professional employe.

The distinction between what constitutes wilful violation of the school laws and incompetency is important. Section 1123 of the School Code provides that in dismissing a professional employe for incompetency, the employe must be rated by an approved rating system, which shall give due consideration to personality, preparation, technique, and pupil reaction. In the **Appeal of Sullivan County Joint School Board**, 189 A. 2d 249, 410 Pa. 222 (1963), it was held that two preliminary unsatisfactory ratings must be made before an employe could be dismissed for incompetency; the first serving as notice that improvement is needed. The Supreme Court of Pennsylvania did not discuss the purpose of the second rating, but it is obvious that a second rating is necessary to determine, after a reasonable time, whether the employe has improved. If the second rating is unsatisfactory because improvement has not occurred, the school district can issue a final rating of unsatisfactory and take action to dismiss the employe. That final unsatisfactory rating is not valid unless approved by the district superintendent. If these procedures are not followed, the employe cannot be dismissed for incompetency.

A review of the record in this case indicates that Mr. Harris was not given a final rating of unsatisfactory during the last years of his employment for what the Philadelphia Board of Education charged was his uncooperative and insolent attitude. A number of unsatisfactory service reports were issued against Mr. Harris which could be construed to constitute unsatisfactory preliminary ratings, but there was no formal determination that Mr. Harris should be given a final rating of unsatisfactory. Instead of making such a rating, the school officials transferred Mr. Harris from one school to another. The failure to make a final unsatisfactory rating happened, it seems, because Mr. Harris was removed from his last teaching assignments prior to the completion of the semester; the time when school officials would normally make a determination on whether a final unsatisfactory rating was appropriate. The principals of the schools from which Mr. Harris had been removed apparently did not consider it necessary to pursue the matter since Mr. Harris was no longer their responsibility.

The school district's failure to give Mr. Harris a final unsatisfactory rating on his attitude means that the charge of incompetency for his uncooperative and insolent attitude must be dismissed.

However, where the charges against the employe are for causes stated in Section 1122 of the School Code other than incompetency, compliance with the rating requirements of Section

1123 is not necessary. A professional employe may be incompetent to teach because of mental derangement. But that does not mean that the employe cannot be dismissed until given two preliminary unsatisfactory ratings. Evidence of mental derangement is all that is required.

The charges against Mr. Harris for insubordination because of his continued refusal to comply with Board of Education policy against corporal punishment constitute persistent and wilful violation of the school laws. We find that the evidence presented by the school district is more than sufficient to support these charges.

We note in particular the testimony of Mr. Carl Walz, Mr. Harris's principal at McKinley School, concerning the events of September 15, 1971. Less than two hours after Mr. Walz gave Mr. Harris written notification that the administration of corporal punishment in any form was not permitted, the parent of one of Mr. Harris's students came to school to complain that Mr. Harris struck his son earlier that day -- the type of complaint that far too many parents have made against Mr. Harris. Other students in the class confirmed the incident to Mr. Walz. Mr. Harris even admitted that he pushed the child.

Because of the reasons for his transfer to McKinley School, Mr. Harris should have exercised great care to avoid becoming involved in any incident that could be viewed as unauthorized administration of corporal punishment. His failure to exercise such care at McKinley School, and during the course of his employment, indicates, at the very least, that he is guilty of such persistent negligence as to make him unfit to teach the very young. The evidence of his becoming involved in such an incident less than two hours after being given a written directive that corporal punishment was not allowed, coupled with his past history, was sufficient for the Board of Education to determine that he was guilty of persistent and wilful violation of the school laws.

In his appeal from the Board's decision, Mr. Harris took exception to the vote of the Board of Education dismissing him. That vote was unanimous. However, some of the Board members did not attend any hearings, and one only attended two hearings. Section 1129 of the School Code provides:

"After fully hearing the charges or complaints and hearing all witnesses produced by the board and the person against whom the charges are pending, and after full, impartial and unbiased consideration thereof, the board of school directors shall by a two-thirds vote of all the members thereof, to be recorded by roll call, determine whether such charges or complaints have been sustained and whether the evidence substantiates such charges and complaints, and if so determined shall discharge such professional employe."

It is our understanding that this section requires the Board member to be present at the hearing in order for his vote to be valid. It is obvious when the hearing is held on five separate dates that it is extremely difficult for all nine Board members to be present at each hearing. In such a circumstance the failure of a Board member to attend one of the five hearings is not sufficient in our opinion to disqualify that member's vote on dismissal. Attendance at four of the five sessions is sufficient for the Board member to assess fairly the credibility of the witnesses for both sides, and, after an opportunity to review the transcript of the session missed, to determine whether the charges are supported by the evidence.

The votes of the two Board members who failed to attend any hearings and the member who attended only two sessions are disqualified. The vote of the member who attended four of the five sessions is held to be valid. Accordingly, the vote for dismissal is held to be 6 to 0, which meets the two-thirds vote required by Section 1129 of the School Code for sustaining the charges against the employe.

In accordance with the foregoing, we make the following

## ORDER

AND NOW, to wit, this 31st day of December, 1973, the Appeal of Orville Harris from the decision of the Board of Education of the Philadelphia School District be and is hereby dismissed, and the action of the Board of Education dismissing him as a professional employe is hereby sustained on the ground of persistent and wilful violation of the School Laws.

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Appeal of Neal B. Weidman, a Professional Employee, from a decision of the Board of School Directors of the Schuylkill Haven School District, Schuylkill County, Pennsylvania

In the Office of the Secretary of Education, Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania

No. 220

## OPINION

John C. Pittenger  
*Secretary of Education*

Neal B. Weidman, Appellant herein, has appealed from the decision of the Board of School Directors of the Schuylkill Haven School District terminating his contract and dismissing him as a professional employee.

## FINDINGS OF FACT

1. Neal B. Weidman, Appellant, began his employment in the Schuylkill Haven School District as a substitute, high school English teacher in September, 1964.
2. The Appellant is a professional employee. He has worked as a high school English teacher in the District from his initial employment until his dismissal.
3. The Appellant was rated unsatisfactory for the 1970-71 school year by his principal, Mr. Carlton Tucker. The Appellant was rated unsatisfactory for the 1971-72 school year by Mr. William O. Frear, who succeeded Mr. Tucker as principal. Both unsatisfactory ratings were accompanied by detailed anecdotal records explaining the reasons for the ratings. Both ratings were approved by the District Superintendent, Dr. Eugene Surmacz.
4. On June 15, 1972, the Schuylkill Haven Board of School Directors voted to bring charges against the Appellant for the termination of his employment, and to give him the opportunity for a hearing on the charges if he requested one.
5. In a letter dated June 20, 1972, Dr. Surmacz notified the Appellant that his contract was terminated because of incompetency, persistent negligence, and immorality. The letter stated that the Appellant was being notified in accordance with Section 1121 of the School Code and that the Appellant would be given an opportunity to be heard if he presented a written request for a hearing within ten days after receipt of the letter.
6. The Schuylkill Haven Board of School Directors sent the Appellant a "Notice of Hearing," dated August 15, 1972, which stated that a hearing would be held on August 29, 1972" ... for the purpose of determining whether [the Appellant] should be dismissed as a professional employee\*\*\*." The Notice listed four general charges against the Appellant as reasons for his dismissal. These charges were incompetency, persistent negligence, persistent and wilful violation of the School Laws, and immorality. Each charge was followed by a list of reasons for the charge. The Notice was signed by the School Board's president and its secretary.
7. The scheduled hearing was continued until October 10, 1972. Testifying for the School District at the hearing were Dr. Surmacz, Mr. Tucker and Mr. Frear. The Appellant did not testify and did not present any evidence in his defense.
8. On October 17, 1972, the Schuylkill Haven Board of School Directors voted seven to nothing, by roll call vote, to discharge the Appellant. Notice of that decision was sent to the Appellant by letter dated October 18, 1972 from Dr. Surmacz.