

**IN THE OFFICE OF THE SECRETARY OF EDUCATION
COMMONWEALTH OF PENNSYLVANIA**

A. BRADLEY FLICKINGER	:	
Appellant	:	
	:	
v	:	TTA No. 02-05
	:	
LEBANON SCHOOL DISTRICT	:	
Appellee	:	
	:	

OPINION AND ORDER

A. Bradley Flickinger (“Mr. Flickinger”) appeals to the Secretary of Education from the decision of the Lebanon School District (“District”) dismissing him from his position with the District as a professional employee.

FINDINGS OF FACT

1. The District hired Mr. Flickinger in March 2003 for the position of middle school principal. (N.T., 4/20/05, p. 106¹; Flickinger Exh. 1).²
2. In addition to Mr. Flickinger as principal, the middle school had an assistant principal, Barbara Rothermel (“Ms. Rothermel”), and an assistant principal/assessment coordinator, Mary Garrett (“Ms. Garrett”). (N.T. 4/20/05, p. 108).
3. For disciplinary purposes, the normal chain of command in the middle school is principal, assistant principals, guidance counselors, team leaders, and teachers. (N.T. 4/20/05, pp. 109-10; Flickinger Exh. 7).
4. Exceptions to the normal chain of command include situations when a weapon is involved and Mr. Flickinger conveyed to the staff that when there was a weapon involved a

¹ N.T. refers to the hearing held before the Lebanon School District Board of Directors.

² Exh. refers to exhibits admitted into evidence at the hearing before the Lebanon School District Board of Directors.

principal would respond and be the first responder. (N.T. 4/20/05, pp. 112-13; Flickinger Exh. 7).

5. Mr. Flickinger received training at other school districts specifically on how to respond to reports of weapons and the training manual that was used was prepared by the National Crisis Prevention Institute (“NCPI Manual”). (N.T. 4/20/05, pp. 114-15).

6. According to the NCPI Manual, the team leader should not be restricted to senior ranking staff and one of the best team leaders in a crisis is the individual who arrives first on the scene. (N.T. 4/290/05, p. 116; Flickinger Exh. 29).

7. The NCPI Manual, on which Mr. Flickinger was trained, also says that it is always advisable to intervene as a team of two or more in crisis situations and Mr. Flickinger agreed team intervention is a good thing. (N.T. 4/20/05, pp. 206-07; Exh. A-19).

8. Sometime prior to September 17, 2004, Mr. Flickinger had been given a note from the physical education teacher that stated that V.B.’s mother had threatened the teacher both verbally and in writing. (N.T. 4/20/05, pp. 130-32; Flickinger Exh. 8).

9. On September 17, 2004, at approximately 12:00 p.m., Ms. Garrett’s secretary informed her there had been a fight and a female student was bloody and in the nurse’s office. (N.T. 4/12/05, p. 56).

10. Ms. Garrett went to the nurse’s office, saw the student V. B. and calmed her down. (N.T. 4/12/05, pp. 56-57).

11. At approximately 12:05 p.m., Ms. Garrett left the nurse’s office, returned to the main office and acknowledged to Mr. Flickinger, who had the other student in his office, that she would contact V.B.’s mother. (N.T. 4/12/05, p. 57).

12. After contacting V.B.'s mother, Ms. Garrett proceeded to make general rounds of the building since there was nothing left to do regarding the fight. (N.T. 4/12/05, pp. 57-58).

13. After making her rounds of the building, Ms. Garrett returned to the main office at approximately 1:00 p.m. (N.T. 4/12/05, p. 59).

14. A security desk is located inside the main entrance to the middle school with the nurse's office to the right and the main office to the left. (N.T. 4/12/05, p. 87).

15. When visitors come to the middle school, if they are going to leave the front desk area they must sign a sign-in/sign-out sheet and get a tag. (N.T. 4/12/05, p. 88; Exh. A-2).

16. On September 17, 2004, Ashley Martin ("Ms. Martin"), a sister of V. B., signed into the middle school at 12:10 p.m. (N.T. 4/12/05, pp. 89, 92; Exh. A-2).

17. At about the same time Ms. Martin went to the nurse's office, Mr. Flickinger went to the nurse's office and spoke to V.B. and Ms. Martin for about fifteen minutes. (Flickinger Exh. 39).

18. When Mr. Flickinger left the nurse's office he was confronted by R. K.'s mother, Crystal Herr ("Ms. Herr"), in the lobby. (N.T. 4/20/05, pp. 148-49).

19. R.K. was the girl involved in the fight with V.B. and Mr. Flickinger believed this could be a potentially bad thing because R.K. had told him she had a past history with V.B. and he knew that a teacher had reported to him that V.B.'s mother had threatened the teacher. (N.T. 4/20/05, pp. 143-44).

20. Ms. Herr entered the middle school at 12:25 when Linda Loeper ("Ms. Loeper") was working at the security desk and V.B. and Ms. Martin were in the nurse's office. (N.T. 4/12/05, pp. 91, 93; Exh. A-2).

21. Ms. Loeper was working at the security desk when V.B.'s mother came into the building with another of V.B.'s sister at the same time V.B. and Ms. Martin came out of the nurse's office. (N.T. 4/12/05, pp. 89-90, 92).

22. When V.B.'s mother saw V.B. she was upset, she swore a few times and said someone would pay for this but did not make a big commotion. (N.T. 4/12/05, pp. 90, 99: Flickinger Exhs. 38, 39).

23. The school nurse, Susanne Kilmoyer ("Ms. Kilmoyer"), was in the lobby when V.B.'s mother came in and she told a secretary, Sue Barlet ("Ms. Barlet"), that V.B.'s mother was being loud and Ms. Barlet informed Mr. Flickinger. Mr. Flickinger did not go to the lobby while V.B.'s mother was at the security desk. (Flickinger Exhs. 38, 39).

24. Within two to three minutes of entering the building V.B.'s mother left with V.B. and her two sisters and Ms. Loeper entered the sign-out time for Ms. Martin at 12:30 p.m. (N.T. 4/12/05, p. 90, 93; Exh. A-2).

25. Ms. Herr had gone to the main office and was not in the lobby area at the same time as V.B. and her family. (N.T. 4/12/05, p. 91; Flickinger Exh. 38).

26. For approximately forty minutes, Mr. Flickinger was dealing with Ms. Herr and her daughter in his office. (N.T. 4/20/05, pp. 221-22).

27. Ms. Herr signed out of the building at 1:06 p.m. (Exh. A-2).

28. Later in the day, Mr. Flickinger told Ms. Kilmoyer that he was dealing with the other student involved in the fight and could not come to the lobby when V.B.'s mother was there. (Flickinger Exh. 39).

29. On September 17, 2004, at approximately 12:00 p.m., a teacher brought a student who had almost been in a fight in the cafeteria to Ms. Rothermel. (N.T. 4/12/05, p. 13).

30. Ms. Rothermel took the student, L.M., into her office because he was upset, crying and pulling his shirt over the top of his head. (N.T. 4/12/05, p. 15).

31. Until approximately 12:30 p.m., L.M. would not speak to Ms. Rothermel about the incident but then L.M. told Ms. Rothermel what had happened, including that other students had said they saw a new student named N. with a gun. (N.T. 4/12/05, pp. 16-17).

32. Ms. Rothermel learned N.A.'s last name, checked his schedule for the class he was currently in and the next class to which he would be going because classes were to change at 12:50 p.m. (N.T. 4/12/05, pp. 17-18, 20)

33. It was approximately 12:45 by the time Ms. Rothermel obtained this information about N.A. and determined where he was in the building and she then immediately told Mr. Flickinger that she needed his help because they might have a student on the third floor with a gun and she did not feel comfortable handling it. (N.T. 4/12/05, pp. 17-18; 4/20/05, p. 146).

34. Ms. Rothermel gave Mr. Flickinger the information about the reported gun because he was the principal, he was the first other administrator she saw, she felt it was urgent and in her past experiences with searches at least two administrators would go together to the student's room. (N.T. 4/12/05, pp. 19-20, 62, 77).

35. In response, Mr. Flickinger asked Ms. Rothermel if she knew R.K. and then asked Ms. Rothermel to give him a couple minutes. (N.T. 4/12/05, p. 19).

36. Over a period of about fifteen minutes, Ms. Rothermel asked Mr. Flickinger at least three times if he was ready to go to handle the gun report and each time Mr. Flickinger signaled to give him a few more minutes. (N.T. 4/12/05, pp. 21-23).

37. At approximately 1:00 p.m., when Mr. Flickinger again signaled to give him more time, Ms. Rothermel made a big sigh and Ms. Garrett, who had returned to her office, asked Ms. Rothermel what was going on. (N.T. 4/12/05, pp. 24, 59).

38. Ms. Rothermel told Ms. Garrett about the report of a gun and Ms. Garrett said let's go and, as they left the office, they noticed Mr. Flickinger's door was shut. (N.T. 4/12/05, pp. 24, 60).

39. Ms. Garrett got N.A. out of his classroom and when N.A. said he had a knife in his left pocket, Ms. Rothermel put her hand in his pocket and first pulled out a gun and then a knife. (N.T. 4/12/05, pp. 25-26, 62-63).

40. During the time Ms. Garrett and Ms. Rothermel had N.A. in the hallway, Ms. Lamoureux, a guidance counselor, came into the hallway and Ms. Garrett told her to call the secretary to issue a code red, find Mr. Flickinger, and call the police. (N.T. 4/12/05, pp. 26-27, 63).

41. Ms. Garrett asked N.A. where his locker was located and as she was trying to open the combination lock when Mr. Flickinger walked up and used his key to open the locker. (N.T. 4/12/05, pp. 27, 64).

42. N.A. was then escorted to the main office with Mr. Flickinger in front, Ms. Garrett and N.A. behind him and Ms. Rothermel last. (N.T. 4/12/05, pp. 28, 64-65).

43. When they got to the main office, the police were there and Ms. Garrett, Ms. Rothermel and N.A. went with the police to Ms. Garrett's office and Mr. Flickinger went to his office. (N.T. 4/12/05, pp. 29, 65-66).

44. After the police left with N.A., Mr. Flickinger came to Ms. Garrett's office to ask if she had contacted the central office. (N.T. 4/12/05, p. 66).

45. When Dr. Bartley and Dr. Dolan arrived from the central office, Mr. Flickinger told them he had been handling the fight between the two girls. (N.T. 4/12/05, pp. 67-68).

46. Mr. Flickinger never indicated to Ms. Rothermel that he would not be able to assist her with the gun report and Ms. Rothermel thought he was going to help her but he kept putting her off by signaling for her to wait a minute. (N.T. 4/12/05, pp. 23-24).

47. After Ms. Rothermel asked Mr. Flickinger for his assistance in responding to the report of a gun in the building, Mr. Flickinger did not have any conversation with her about the report and did not give her any instructions. (N.T. 4/12/05, pp. 22; N.T. 4/20/05, p. 205).

48. Mr. Flickinger believed that responding to the report of a bloody child who had been struck in the nose and was being cared for by the school nurse had equal priority to responding to the report of a gun in the school building. (N.T. 4/20/05, pp. 212-13).

DISCUSSION

Mr. Flickinger's dismissal was pursuant to Section 1122 of the Public School Code, *as amended*, 24 P.S. §11-1122, which provides in pertinent part:

[the] only valid causes for termination of a contract heretofore or hereafter entered into with a professional employee shall be immorality; incompetency; . . . intemperance; cruelty; persistent negligence in the performance of duties; willful neglect of duties; . . . persistent and willful violation of or failure to comply with school laws of this Commonwealth (including official directives and established policy of the board of directors); on the part of the professional employe . . .

A tenured professional employee, such as Mr. Flickinger, may only be dismissed for the reasons set forth in Section 1122 of the Public School Code. *Foderaro v. School District of Philadelphia*, 109 Pa. Cmwlth. 491, 494, 531 A.2d 570, 571 (1987). "It is thus apparent that the legislature intended to protect tenure except for the serious charges listed." *Lauer v. Millville Area School District*, 657 A.2d 119, 121 (Pa. Cmwlth 1995). In order to uphold Mr. Flickinger's dismissal, only one of these charges must be established. *Horton v. Jefferson County-DuBois*

Area Vocational Technical School, 157 Pa. Cmwlth. 424, 429, 630 A.2d 481, 483 (1993). After a thorough review of the extensive record in this case, the Secretary finds that there is sufficient competent evidence to sustain the District's dismissal of Mr. Flickinger.

Willful Neglect of Duties

Willful neglect of duties is a proper reason to dismiss a professional employee. 24 P.S. §11-1122. Willful neglect is not defined in the Public School Code and there are few cases that have provided a definition. *See, Williams v. Clearfield County Vocational-Technical School*, TTA No. 4-99. "Wilfulness requires the presence of intention and at least some power of choice." *Horton*, 157 Pa. Cmwlth. at 431, 630 A.2d at 484. Neglect is defined as ignoring, disregarding, failing to care for or give proper attention to something, or failing to do or carry out, as through oversight or carelessness. *Webster's II New College Dictionary 1995*. Neglect may also mean an omission to do or perform some work, duty or act. *Black's Law Dictionary, (Sixth Ed. 1990)*.

The District hired Mr. Flickinger in March 2003 for the position of middle school principal. (N.T. 4/20/05, p. 106; Flickinger Exh. 1). Mr. Flickinger had an assistant principal, Ms. Rothermel, and an assistant principal/assessment coordinator, Ms. Garrett. (N.T. 4/20/05, p. 108).

On September 17, 2004, at approximately 12:00 p.m., Ms. Garrett's secretary informed her there had been a fight and that a female student was bloody and in the nurse's office. (N.T. 4/12/05, p. 56). Ms. Garrett went to the nurse's office and saw the student, V.B. and calmed her down. (N.T. 4/12/05, pp. 56-57). Ms. Garrett returned to the main office about 12:05 and acknowledged to Mr. Flickinger, who had the other girl from the fight in his office, that she would contact V.B.'s mother. (N.T. 4/12/05, p. 57). Ms. Garrett then proceeded to make general

rounds of the building since there was nothing more to do regarding the fight. (N.T. 4/12/05, pp. 57-58).

At 12:10 p.m. on September 17, 2004, V.B.'s sister, Ms. Martin, signed into the middle school at the security desk. (N.T. 4/12/05, pp. 89, 92; Exh. A-2). At about that same time, Mr. Flickinger went to the nurse's office to see V.B. and spoke to V.B. and Ms. Martin for approximately fifteen minutes. (Flickinger Exh. 39). When Mr. Flickinger was returning to his office, he was confronted by R.K.'s mother, Ms. Herr, in the lobby. (N.T. 4/20/05, pp. 148-49). R.K. had been in the fight with V.B. and Mr. Flickinger believed this could be a potentially bad situation because of the apparent past history between R.K. and V.B. and his knowledge that V.B.'s mother had previously threatened a teacher. (N.T. 4/20/05, pp. 143-44). Ms. Loeper was working at the security desk when Ms. Herr signed into the middle school at 12:25 p.m. and then went to the main office. (N.T. 4/12/05, pp. 91, 93; Exh. A-2).

A few minutes before 12:30 p.m., V.B.'s mother and another sister entered the building and were at the security desk when V.B. and Ms. Martin came out of the nurse's office. (N.T. 4/12/05, pp. 89-90, 92). V.B.'s mother was upset when she saw her daughter, swore a couple of times and said someone would pay for this but did not make a big commotion. (N.T. 4/12/05, p. 90, 99; Flickinger Exhs. 38, 39). Ms. Kilmoyer, the school nurse, was in the lobby when V.B.'s mother came in and she told a secretary, Ms. Barlet, that V.B.'s mother was being loud and Ms. Barlet conveyed this to Mr. Flickinger. Mr. Flickinger did not come to the lobby at that time. (Flickinger Exhs. 38, 39). Within two to three minutes of entering the building, V.B.'s mother left with V.B. and her sisters and Ms. Loeper entered the sign-out time for Ms. Martin at 12:30 p.m. (N.T. 4/12/05, pp. 90, 93; Exh. A-2). Neither V.B.'s mother or other sister signed in at the

security desk because they never left that area. (N.T. 4/12/05, p. 93). None of V.B.'s family members were in the lobby area the same time as Ms. Herr. (N.T. 4/12/05, p. 91; Exh. 38).

Mr. Flickinger dealt with Ms. Herr and R.K. in his office for approximately forty minutes. (N.T. 4/20/05, pp. 221-22). Ms. Herr signed out of the building at 1:06 p.m. (Exh. A-2). Later in the day Mr. Flickinger told Ms. Kilmoyer that he had not come to the lobby when V.B.'s mother was there because he was dealing with the other student who had been in the fight. (Flickinger Exh. 39).

At about 12:00 p.m. on September 17, 2004, a teacher brought a student, L.M., to Ms. Rothermel because he had nearly been in a fight in the cafeteria. (N.T. 4/12/05, p. 13). The student was upset, crying and pulling his shirt over his head, so Ms. Rothermel took him to her office. (N.T. 4/12/05, p. 15). Over the next thirty minutes, Ms. Rothermel tried to get L.M. to tell her about the incident but it wasn't until about 12:30 that he would talk to her. He then told her, among other things, that other students had said they saw a new student named N. with a gun. (N.T. 4/12/05, pp. 16-17). Ms. Rothermel learned N.A.'s last name, checked his schedule for the class he was currently in and the next class he would be going to because classes were to change at 12:50 p.m. (N.T. 4/12/05, pp. 17-18, 20). After obtaining this information, Ms. Rothermel told Mr. Flickinger, at approximately 12:45 p.m., that she needed his help because they might have a student with a gun on the third floor and she did not feel comfortable handling it. (N.T. 4/12/05, pp. 17-18; 4/20/05, p. 146).

Mr. Flickinger responded to this information by asking Ms. Rothermel if she knew R.K. (N.T. 4/12/05, p. 19). Over a period of about fifteen minutes, Ms. Rothermel asked Mr. Flickinger at least three times if he was ready to handle the gun report and each time Mr. Flickinger signaled for Ms. Rothermel to give him a few more minutes. (N.T. 4/12/05, pp. 21-

23). Mr. Flickinger never indicated to Ms. Rothermel that he would not be able to assist her with the gun report and she thought he was going to help her but he just kept putting her off by signaling for her to wait a minute. (N.T. 4/12/05, pp. 23-24). During this time, Mr. Flickinger did not have any conversation with Ms. Rothermel about the gun report and did not give her any instructions. (N.T. 4/12/05, pp. 22; N.T. 4/20/05, p. 205).

At approximately 1:00 p.m. Ms. Garrett returned to her office from her rounds. (N.T. 4/12/05, p. 59). Also at approximately 1:00 p.m., when Mr. Flickinger again signaled for Ms. Rothermel to give him more time, Ms. Rothermel made a big sigh and Ms. Garrett, who was now in her office, asked Ms. Rothermel what was going on. (N.T. 4/12/05, pp. 24, 59). Ms. Rothermel told Ms. Garrett of the report of a gun and Ms. Garrett said let's go and, as they left the office, they noticed Mr. Flickinger's door was shut. (N.T. 4/12/05, pp. 24, 60).

Ms. Garrett got N.A out of his classroom and Ms. Rothermel searched him and found a gun and knife in his pocket. (N.T. 4/12/05, pp. 25-26, 62-63). When N.A. was in the hallway, a guidance counselor, Ms. Lamoureux came into the hallway and Ms. Garrett told her to call the secretary to issue a code red, find Mr. Flickinger and call the police. (N.T. 4/12/05, pp. 26-27, 63). Then when Ms. Garrett was trying to open the combination lock on N.A.'s locker, Mr. Flickinger came up the hallway and used his key to open the locker. (N.T. 4/12/05, pp. 27, 64). N.A. was then escorted to the office and when they got there the police were there. Ms. Garrett, Ms. Rothermel and N.A. went with the police into Ms. Garrett's office and Mr. Flickinger went to his office. (N.T. 4/12/05, pp. 29, 65-66).

After the police left with N.A., Mr. Flickinger came to Ms. Garrett and asked if she had contacted the central office, which she was doing. (N.T. 4/12/05, p. 66). When Dr. Bartley and Dr. Dolan arrived from the central office, Mr. Flickinger told them he had been handling the

fight between the girls. (N.T. 4/12/05, pp. 67-68). Mr. Flickinger believed that responding to the report of a bloody child who had been struck in the nose and was being cared for by the school nurse had equal priority to responding to the report of a gun in the school building. (N.T. 4/20/05, pp. 212-13).

Testimony in the record and the sign-in/sign-out sheet at the security desk chronicles the time line of events on September 17, 2004. The fight between R.K. and V.B. was over by at least 12:05 because Ms. Garrett had been informed of the fight by her secretary, had been in the nurse's office to see V.B. and had returned to the main office by that time. V.B.'s sister, Ms. Martin, signed into the building at 12:10 and was in the nurse's office when Mr. Flickinger went to the nurse's office to see V.B. Ms. Kilmoyer estimated that Mr. Flickinger was in the nurse's office for about fifteen minutes, which coincides with Mr. Flickinger's testimony that when he left the nurse's office to return to the main office he was confronted by Ms. Herr. Ms. Herr signed in at the security desk at 12:25. Thus, Mr. Flickinger had to have gone to the nurse's office to see V.B. sometime between 12:10 and 12:25.

V.B.'s mother and another sister arrived at the security desk a few minutes before 12:30 and left with V.B. and Ms. Martin, who signed out at 12:30. During the few minutes that V.B.'s mother was at the security desk, Ms. Kilmoyer told Ms. Barlet that V.B.'s mother was being loud and Ms. Barlet conveyed this to Mr. Flickinger. Mr. Flickinger did not go out to see V.B.'s mother at this time and did not attempt to locate V.B.'s mother until after N.A. was brought to the office, which was after Ms. Herr signed out at 1:06. (N.T. 4/20/05, p. 161).

Ms. Rothermel told Mr. Flickinger about the report of a gun in the building and asked for his assistance at approximately 12:45. Ms. Rothermel continued to ask for Mr. Flickinger's help in responding to the gun report at least three times within the next fifteen minutes. During that

time, Mr. Flickinger had R.K. and her mother in his office and he assumed V.B. and her mother were in the nurse's office because that is where he went to see V.B.'s mother after N.A. was brought to the office. (N.T. 4/20/05, pp. 161-62). In addition, Mr. Flickinger testified that he was not aware of V.B.'s family in the building until after Ms. Garrett went upstairs, which was about 1:00. (N.T. 4/20/05, p. 222). Thus, Mr. Flickinger's testimony that he was trying to keep the families apart is not convincing. The families were never in the same area and Mr. Flickinger testified he wasn't aware of V.B.'s family being in the building until after Ms. Garrett went upstairs to respond to the gun report with Ms. Rothermel. So when Ms. Rothermel told him about the gun report and asked for assistance, Mr. Flickinger could have simply closed his office door and asked Ms. Herr and R.K. to wait there for a few minutes and he could have responded to the report of the gun with Ms. Rothermel.

Mr. Flickinger testified that after Ms. Rothermel told him about the reported gun and asked for his assistance he asked her to give him a minute and then went to the nurse's office to see V.B. (N.T. 4/20/05, pp. 145-46). However, this cannot be accurate because Ms. Rothermel did not tell Mr. Flickinger about the reported gun until 12:45 and V.B. and her family left the building at 12:30. He further testified that on his way back to the office he was confronted by Ms. Herr. Ms. Herr signed into the building at 12:25 so when she confronted Mr. Flickinger on his way back to the office Ms. Rothermel would not yet have told him about the gun report. In addition, Mr. Flickinger testified that he was with R.K. and her mother for approximately forty minutes, which would be from the time Ms. Herr signed in at 12:25 until she signed out at 1:06. He did not testify that he left to go see V.B. in the nurse's office anytime after Ms. Herr arrived and before she left.

Between 12:45, when Mr. Flickinger was first told of a report of a gun in the building, and 1:06, when he escorted Ms. Herr out of the main office, V.B. and her mother and R.K. and her mother were not in the same part of the building. At 12:45, Mr. Flickinger had already been meeting with Ms. Herr and R.K. for fifteen to twenty minutes and was having a disciplinary report typed to give to R.K. and her mother. As stated previously, there was no reason Mr. Flickinger could not have shut his office door, told R.K. and her mother that he would be right back and assisted Ms. Rothermel to investigate the reported gun. Or he could have immediately told Ms. Rothermel that he could not assist her and had her contact Ms. Garrett, who could have been contacted by walkie-talkie or cell phone. (N.T. 4/12/05, p. 58). However, Mr. Flickinger basically ignored Ms. Rothermel's repeated requests for assistance with the gun report because he was dealing with the aftermath of a fight. Mr. Flickinger's testimony that a bloody student who is being cared for by the nurse warrants the same attention as the report of a gun in the building is very troubling. It would be more understandable if Mr. Flickinger had been in the process of actually breaking up a fight between students at the time of the gun report. But the fight was over and even though Mr. Flickinger testified that he was trying to keep the families apart because of fear of a potential problem, the report of a gun in the building should not have been ignored for at least fifteen minutes.

In defending his actions, Mr. Flickinger seemed to put a lot of emphasis on the "first responder" approach to crisis situations. However, the critical issue in this case is not who was the first responder and who was responsible for following through as the first responder. The critical issue is why Mr. Flickinger did not immediately take some action when Ms. Rothermel told him of the report of a gun and asked for his assistance, particularly when in the training of August 2003 it was made clear that weapons would have the utmost priority. (N.T. 4/20/05, p.

214). In addition, Mr. Flickinger acknowledged that it is better to have two people responding as a team to crisis situations. (N.T. 4/20/05, pp. 206-07). Even if he did not believe it was the past practice at the middle school or that it was necessary to have two administrators respond to a crisis, Ms. Rothermel specifically asked for his assistance and his actions lead her to believe he would assist her. Mr. Flickinger had the power to choose if and how he was going to respond to Mr. Rothermel's report of a gun and her request for assistance. Mr. Flickinger chose to delay the response to the report of a gun and failed to give proper attention to the report of the gun and to Ms. Rothermel's request for assistance. This constitutes a willful neglect of duties.

Accordingly the following Order is entered:

**IN THE OFFICE OF THE SECRETARY OF EDUCATION
COMMONWEALTH OF PENNSYLVANIA**

A. BRADLEY FLICKINGER	:	
Appellant	:	
	:	
v	:	TTA No. 02-05
	:	
LEBANON SCHOOL DISTRICT	:	
Appellee	:	
	:	

ORDER

AND NOW, this 12th day of October, 2005, it is hereby ordered and decreed that the appeal of A. Bradley Flickinger is denied and the decision of the Lebanon School District to dismiss A. Bradley Flickinger from employment with the Lebanon School District is affirmed.

_____/s/_____
Gerald L. Zahorchak, D.Ed.
Acting Secretary of Education

Date Mailed: October 12, 2005