Appeal of Mary D. Stroman, a Professional Employe, from a decision of the Board of School Directors of the Harrisburg City School District, Dauphin County, Pennsylvania

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

No. 207

OPINION

John C. Pittenger
Secretary of Education

Mary D. Stroman, Appellant herein, has appealed from a decision of the Board of School Directors of the Harrisburg School District, Dauphin County, Pennsylvania, terminating her contract and dismissing her as a professional employe.

FINDINGS OF FACT

1. Appellant has been employed by the Harrisburg School District since September 1967, as a temporary employe.
2. In September 1969, she became entitled to a tenure contract, and continued her employment thereunder as a teacher of English until December 10, 1971, her date of suspension.
3. On December 11, 1971, the Appellant was notified of charges preferred against her by the Superintendent and, pursuant to said notice, a hearing was scheduled for December 23, 1971.
4. Following said hearing, the Board of School Directors voted to sustain the charges and dismissed the Appellant as a professional employe of the Harrisburg School District on December 29, 1971, and due notice thereof was mailed to the Appellant.
5. Said cause for dismissal was the charges of persistent negligence and persistent and wilful violation of the School Laws.
6. On January 10, 1972, the Appellant filed her appeal with the Secretary of Education.
7. Pursuant to notice, the hearing on the appeal was scheduled for January 26, 1972 and, upon request of counsel, was continued until March 7, 1972 and hearing was held on said date.

TESTIMONY

The testimony presented at the School Board hearing on December 23, 1971 was substantially as follows:

Dr. David H. Porter, Superintendent of the Harrisburg School District, testified that a letter preferring the charges against Mary D. Stroman was sent by him to the President of the School Board.

Samuel A. Evans, Secretary of the School Board and Superintendent for Business Services, stated that he had mailed the notice of this hearing to Mrs. Stroman.

Dr. Hyman Haffner, Deputy Superintendent for Program Implementation, testified substantially as follows: He supervises all employes. Mrs. Stroman reported for work on September 7, 1971 and then remained absent from September 8, 1971 to October 5, 1971, inclusive. He was advised by Mr. Meehan, Principal of William Penn High School, and Mr. Mitchell, Assistant Principal, that she did not report for work on September 8, 1971 because she was not satisfied with her assignment. On October 7, 1971, he met with her and discussed her dissatisfaction with her assignment. He promised her a transfer when the opportunity arose. On October 26, 1971, he again met with her to discuss the reports he had received about her one month absence and the problems in her class. He met with her again on December 6, 1971, and ordered her to report back for work.

Donald Meehan, Principal of Harrisburg High School, and who also has supervision of the William Penn Campus where Mrs. Stroman is assigned, testified as follows: He heard numerous

reports from other administrators about her requests for transfer of students and calls from parents. He observed her class on October 19, 1971 and noted a lack of motivation, low voice volume, agitation and negative reactions by students. He spoke to her after class. He enumerated, in writing, recommendations for her consideration. He drew attention to her permitting students to sit in class with their backs to the teacher. He questioned her approach to teaching, and stated that her planning was sketchy. Anytime he was in the building he could anticipate requests by Mrs. Stroman to come to her classroom and help resolve tension situations. On one occasion she came into his office, raised her voice to Mr. Mitchell and said "I refuse to teach these students. They are not students. I simply go to the classroom and record their obnoxious behavior and provide you running documents on it. I cannot teach those who cannot be taught." On November 29, 1971, he spent all or parts of three consecutive periods in her classroom. He made notations and gave her a written copy of the serious concerns that he had. He observed loud, inconsiderate behavior. Students were permitted to rest their feet on the backs of new seats, without correction by the teacher. Her desk was disorganized. The students would giggle, play games, kid one another, talk loudly and push books back and forth, while she was attempting to teach. One student was sound asleep. Her vocabulary was not understood by the class. When she asked a question and if there was no response, she would move on. The over-all reaction was one of boredom to outright resistance. Similar instances, plus some others, occurred in each class. Mrs. Stroman developed a pattern of arriving late. He wrote her a memorandum regarding same, and threatened to have a deduction made from her salary check. Frequently students stopped him in the hall and asked for transfer out of her class. He discussed this with her, and she always said that she couldn't teach this type of student, and if she couldn't teach them, she wouldn't tolerate their insolence and she would order them out of the room, without instruction as to where to go. The book provided by the Board to each teacher for attendance and grading was not maintained by Mrs. Stroman. She only prepared and filed two lesson plans, although this was required as a weekly assignment.

Howard Minnich, Jr., Ninth Grade Counselor, which included all the classes taught by Mrs. Stroman, testified as follows: He was visited by many of her students complaining about her and her treatment of them. He spoke to her about the many complaints and she replied that the students did not want to learn and she was not going to change her tone of voice to come down to their level. It was their obligation to come up to her level. On another occasion when he visited her classroom, she "made the statement that things better straighten out or she was going to hurt or maim someone of her students." He received phone calls from five or six parents concerned about the lack of learning in her class, and that the classroom was noisy and chaotic.

Paul E. Porter, Assistant for School Services, testified that efforts were made by the administrative staff to help her improve her methods of instruction. She had indicated to him that she could not work with the kind of exceptional children assigned to her, this being the position for which she had been hired; that she was interested in another assignment. She was transferred to teach eleventh grade English to the end of her first year. The following year all teachers were reassigned because of a new staff structure. Mrs. Stroman felt that she had been given unfair consideration in her assignment to teach ninth grade.

Joseph Calhoun Brown, Assistant Principal at the William Penn Campus, testified that he was concerned about the truancy of a certain student and when he inquired of Mrs. Stroman about the absences, she was unable to find any record. Mrs. Stroman had more disciplinary problems than most of the teachers.

Alice Hepler, teacher of English and Department Chairman of Communicative Arts, testified that Mrs. Stroman did not follow the rules or the program outlined by the staff. Each teacher is given an orientation booklet which is designed for use. It outlines the responsibilities and they are told what they must do. Lesson plans are a weekly obligation and are to be submitted to the department chairman each Monday by 10:00 a.m. (now changed to Friday p.m.). It should also include seating chart, classroom roll, etc. Mrs. Stroman failed to cooperate. Only two lesson plans were filed. She has no rapport with her students.

Victor Jones, Assistant Principal at William Penn Campus, testified that he observed Mrs. Stroman's class on various occasions and noted disrespect and complaints by her students. She

was upset and told him that the pupils were only in her class to disturb and disrupt. He had meetings with her on various occasions and tried to set up a means of communication between them and the students.

J. Krecsky, Assistant to the Principal at the William Penn Campus, testified that he has been a teacher for fourteen years. He didn't think Mrs. Stroman should be a teacher in city schools and didn't feel she could succeed. Many students came to his office with complaints against Mrs. Stroman. They seemed personal in nature. Because of her absences, many substitutes were teaching her classes and there wasn't one case of misbehavior sent to his office by an substitute.

George Mitchell, Assistant Principal at the William Penn Campus, testified that he had direct supervision over Mrs. Stroman and visited her class a number of times. He received many complaints from her students and other teachers. He has tried to aid her and advise her in every way. She would occasionally arrive late for class. He instructed her never to leave her class unattended.

Mary D. Stroman, Appellant, testified that she came into the Harrisburg School System in 1969. She worked in special education for nineteen days and then applied for a vacancy in the twelfth grade level, and she was accordingly assigned to this position. She has eighteen years experience as a teacher in English, social studies and special education. The students resented her because she tried to teach them literature. She did not get the support that she should have had to support her classroom. With her experience, she didn't need to be "dictated" to what to teach her class. There is no written guide to say what she must do. She is entitled to her own opinion. She does not think there are any rules or regulations by the School Board that she has to keep the little black book of her official record or report, but she maintained records of each student. Her main problem was lack of administrative backing. She admitted that she only filed two lesson plans. There was no definite policy as far as English classes were concerned and it gives her the prerogative to teach what she feels should be taught. She was dissatisfied with her ninth grade assignment.

DISCUSSION

This appeal is from a dismissal of the Appellant, a professional employe, by the Harrisburg School Board on the charges of persistent negligence and persistent and wilful violation of the School Laws.

The operation of a school district is under the authority of the school board and school policy is administered by the Superintendent on behalf of the board. The Appellant was compelled to abide by the same rules and regulations that were imposed upon all the other professional personnel.

In **Smith vs. Philadelphia School District**, 334 Pa. 197, the Court held:

> "These bylaws and regulations as well as all the provisions of the School Code became a part of the contract between the appellant and the appellee."

The Appellant has, in her testimony, denied the propriety or reasonableness of the statements made by the principals and assistant principals of the Board hearing, but the testimony of the principals has the status of expert testimony and therefore has probative value if based on their personal observation. **Kiebler's Appeal**, 30 D. & C. 620

Instances of the above and her failure of control in the classroom are noted in the testimony of all of the witnesses for the administration.

Donald Meehan, Principal of the Harrisburg High School and supervisor of the William Penn Campus, in his testimony, detailed his visits to her classroom and his observations resulting therefrom. He noted not only a lack of motivation, but also agitation and negative reaction of students, and her failure to maintain decorum in her classroom and sketchy planning. The over-all reaction was one of boredom to outright resistance. She ignored their insolence. The attendance

and grading book provided to each teacher was not maintained by her and she only filed two lesson plans despite the requirement that this was a weekly assignment. In defense, the Appellant denied any requirement to maintain student records in the book received by her from the administration and she had her own method of keeping student records.

Alice Hepler, teacher of English and Department Chairman of Communicative Arts, testified that the Appellant didn't follow the rules and the program as outlined by the staff. An orientation booklet, given annually to all teachers, outlines the responsibilities and what the teachers must do. Weekly lesson plans were required, but the Appellant only filed two of them. She does not have a rapport with her students.

The testimony of J. Krecsky, Assistant to the Principal at the William Penn Campus, was noted by his opinion, based on fourteen years experience as a teacher, that the Appellant should not be a teacher in city schools, that she couldn't succeed.

All of the prior witnesses made reference to the numerous complaints by students and parents and the problems with the students. Mr. Krecsky stated, however, that because of the Appellant's absences many substitutes were needed to teach her classes, and that during the substitute teaching periods there was not one case of misbehavior sent to his office.

All of the witnesses spoke of the efforts made by the administrative staff to help her improve her methods of instruction.

Mrs. Stroman, the Appellant, in her testimony, stated that she did not have administrative support or cooperation; that it was not her obligation to patrol the class but only to teach them; that her students have the ability to learn and this was her concern. With her eighteen years of experience background she didn't "need to be dictated to what to teach my class or what to teach them"; that she was entitled to her own opinion and didn't think there were any rules and regulations requiring her to use the black book for her records or reports. There was no written law that says she has to. She admitted that she did not always follow the curriculum guide. A new guide was being developed and, with the current guide being twenty years old, she believed that she had the prerogative to teach what she felt should be taught. She was dissatisfied with her ninth grade assignment.

Although her scholastic ability was not impugned, the basic question, as we analyze the testimony and the legal arguments presented, is to first determine the degree of responsibility of a teacher in fulfilling her assignment as a teacher. What is her status as a teacher and what is the purpose of her assignment. Is it merely to teach a specific subject and impart the knowledge thereof to a class, or should it also include an effort to inculcate in the student a desire to learn, a development of a thinking process, and an aspiration for continued intellectual attainment. There may be several schools of thought, but, regardless of what concept is accepted, at least fundamentally nothing can be accomplished unless there is communication between the teacher and the student. And there is no communication when students are bored, inattentive and resistant. There must be an atmosphere of learning present in the classroom and this is the responsibility of the teacher. She must enforce discipline and not by sending every pupil to an administrator for reprimand. The fact that a number of students complained to the administrators and asked for transfers is evidence that they were willing and desirous of learning, but the teacher wasn't "coming through ". Within the classroom, the teacher is the "king of the realm". Her complaint about the lack of cooperation by the administrators is not, in our judgment, a valid excuse, as we read in the testimony of the many instances when administrators tried to ease the burden she created by her failure of control and leadership. Apparently, she has not updated her teaching methods to meet the demands of today's youth.

In addition to the evidence of her disobedience of reasonable orders of the Board, we have her own acknowledgment of her refusal to comply and her claim that she was entitled to her own opinion.

Our primary concern is to secure the greatest educational opportunities possible for the children of the Commonwealth. In this appeal, we find that during the term of her teaching experience in the Harrisburg School District such opportunity was minimal.

We call attention to the writings of William Lyon Phelps, a distinguished educator, whose book *"Teaching in School and College"* is most apropos today, and relevant to the matter at issue. We cite the following quotations from this volume, wherein he said:

"The truly productive work on the part of the teacher is the work that produces results in the mind and in the character of his pupils, and they remember the personal contact, the timely hint, the friendly attitude long after they have forgotten the answers they studied for the examination."

"The actual teaching in a school is the least of the teacher's difficulties. Children must be led, must be controlled, order and discipline must somehow be maintained or the teacher must seek another situation."

"The real test of a teacher is not his success with pupils who are clever and eager to learn...His test comes with the indifferent majority, with those who don't care, with those who don't want to learn."

"The average group of students do not troop into the classroom eager to learn...A teacher is an advocate. He is like a lawyer before the jury - if he doesn't interest his audience, he has lost his case."

"The teacher must work with the class, as well as manage it. He should not only be a master, but a comrade."

In *"The Excitement of Teaching"* he wrote:

"Education and not instruction is the true aim."

"The successful teacher loves what he teachers and whom he teaches. In the schoolroom, he is in absolute command, although in one sense he is as lonely as a captain on a battleship. He may receive good advice from his principal and his colleagues; but when he enters his classroom, shuts the door, and looks into the faces of the boys and girls, no one can help him except himself. His teaching and his discipline depend solely on his mind and his personality. This is a tragedy if he is incompetent, but what splendid excitement if he is equal to the situation."

Despite the varied and diverse concepts prevalent in modern education, the thoughts of Professor Phelps, as expressed in his writings, and as above quoted, are as basic and solid as the "Rock of Gibraltar" and no innovation in teaching methods can override his insight and understanding of a teacher's problems. It is the only foundation on which a successful teaching career can be established.

We also call attention to the contents of the pamphlet entitled *"Educational Quality Assessment, Phase II Findings"*, Section 1, issued by the Pennsylvania Department of Education in 1970, wherein reference is made to the "Ten Goals of Quality Education", of which paragraphs III and IV are pertinent to the matter at issue:

"III. Quality education should help every child acquire to the fullest extent possible for him, mastery of the basic skills in the use of words and numbers."

"IV. Quality education should help every child acquire a positive attitude toward the learning process."

In **Ambridge Borough School District vs. Snyder**, 346 Pa. 103, citing **Ganaposki's Appeal**, 332 Pa. 550, the court held that:

> "Disobedience of reasonable orders of the Board of Education is an act of negligence...Such conduct may also be classed as persistent and wilful violation of the school laws."

Also **Johnson vs. United School District**, 201 Pa. Sup. 375.

We are bound by the Board's conclusions unless we find them to be manifestly erroneous, arbitrary or capricious.

Comm. ex rel. Harvey vs. Eastridge, 374 Pa. 172

Wilbert vs. Pittsburgh Con. Coal Co., 385 Pa. 149

As we study the testimony in this Appeal, and analyze the within quotes of Professor Phelps and the pamphlet issued by the Department of Education, the basis for the School Board's decision becomes clear, logical and reasonable.

In view of the foregoing, we find that the decision of discharge of the Appellant was reasonably and logically based on the evidence submitted and we, therefore, make the following

ORDER

AND NOW, to wit, this 2nd day of June, 1972, the Appeal of Mary D. Stroman from her dismissal as a professional employe in the Harrisburg School District is hereby dismissed, and the said dismissal of Mary D. Stroman by the Ha risburg School Board on charges of persistent negligence and persistent and wilful violation of the School Laws of the Commonwealth is hereby sustained.

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Appeal of John M. Fino, a professional Employe, from a decision of the Board of School Directors of the Colonial School District, Montgomery County, Pennsylvania

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

No. 208

OPINION

John C. Pittenger
Secretary of Education

John M. Fino, Appellant herein, has appealed from a decision of the Board of School Directors of the Colonial School District, Montgomery County, Pennsylvania, terminating a yearly contract as Chairman of the Music Department in the Whitemarsh Junior High School. Appellant further avers that the action of the School Board constituted an improper demotion in position and salary.

FINDINGS OF FACT

1. John M. Fino, Appellant, is a professional employe and is employed as a teacher of music in the Whitemarsh Junior High School of the Colonial School District.
2. In September, 1969, in addition to his teaching position, he was appointed for a one year term as Chairman of the Music Department of said School at a salary of $300.00 per year, payable semiannually.
3. By reason of said appointment, he was also assigned extra work for a two week period, for which he would receive payment based on a percentage of his teaching salary.