Appeal of Barbara K. Wirth, from the Decision of the Board of School Directors of the North Allegheny School District, Allegheny County, Pennsylvania

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

No. 241

OPINION

John C. Pittenger
Secretary of Education

Barbara Wirth, Appellant herein, has appealed from the action of the Board of School Directors of the North Allegheny School District terminating her contract as the Food Service Director.

FINDINGS OF FACT

1. The Appellant was employed by the Board of School Directors of the North Allegheny School District as a Food Service Director, on a ten month annual basis, beginning in September, 1970. She served in this capacity until June, 1973.
2. The Appellant requested a leave of absence, for reasons of health, from June 1, 1973 to June 1, 1974. This leave of absence was granted by the Board of School Directors, with the express stipulation that the Board could not grant her employment when the leave ended.
3. Beginning in January, 1974, Appellant requested that she be returned to her position. This request was denied by the Board of School Directors, which voted on April 16, 1974 not to rehire or reinstate the Appellant following the expiration of her leave on June 1, 1974.
4. Since June, 1973 a Mrs. Robertson has been employed in the position which Appellant formerly held.
5. The Appellant's duties were to supervise the entire food service department of the Appellee School District which was responsible for the preparation and serving of over 6,000 lunches daily. These duties included planning the budget; hiring the employees under her supervision, training employees; conducting workshops; purchasing food and equipment; preparing monthly profit and loss statements; inventories, and the payroll; and approving all bills of vendor. The staff under her supervision included more than sixty people. In fulfilling these duties, the Appellant did not assist teachers in the preparation or presentation of courses regarding proper nutrition.
6. In May, 1974, the Appellant applied for a Nutrition Program Specialist Certificate. In June, 1974, the Pennsylvania Department of Education issued that certificate to the Appellant. The Appellant did not possess a certificate of any type during the period she was employed by the North Allegheny School District.
7. It is not necessary to hold the certificate of Nutrition Program Specialist to serve as a Food Service Director. The Nutrition Program Specialist certificate was designed for educators who would work with teachers as resource specialists in the area of food nutrition.
8. On May 10, 1974, the Appellant filed an appeal in the Office of the Secretary of Education. An evidentiary hearing was held on the appeal on July 2, 1974. The Appellant, Dr. William Charlesworth, and Dr. Carl A. Newman, Superintendent of Schools for the North Allegheny School District, testified at that hearing.

DISCUSSION

The Appellant contends that her employment with the North Allegheny School District was improperly terminated. She contends that she was not given proper notice of termination, or a hearing. Appellant requests reinstatement to her former position as Food Service Director.

The threshold question on this appeal is jurisdiction. The Public School Code, 24 P.S. Sec. 11-1131 gives the Secretary of Education the power to hear appeals from professional employees.

As the Appellant is not a professional employee, the Secretary of Education has no jurisdiction over this appeal.

Accordingly, we make the following

ORDER

AND NOW, this 18th day of March, 1975, it is Ordered and Decreed that the Appeal of Barbara K. Wirth be dismissed for lack of jurisdiction.

* * * *

Appeal of Eugene Pasekoff, a Professional Employee, from a decision of the Board of School Directors of the Clairton School District, Allegheny County, Pennsylvania

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

No. 242

OPINION

John C. Pittenger
Secretary of Education

Eugene Pasekoff, Appellant herein, has appealed from the decision of the Board of School Directors of the Clairton School District assigning him to the position of Coordinator of Curriculum and Instructional Services from that of Principal of the Middle School, which action, he alleges, constitutes an improper demotion in status.

FINDINGS OF FACT

1. The Appellant is a professional employee. On August 20, 1973, the Board of School Directors of Clairton School District appointed the Appellant to the position of Principal of the Clairton Middle School at an annual salary of $15,100.00. Prior to that assignment, the Appellant had been serving as an assistant principal.
2. On December 11, 1973, the Appellant was rated unsatisfactory by the District Superintendent, Dr. Hyman Haffner. At his request, this rating was done on the Department of Education's rating form, DEBE-333(5-72). The Appellant was rated unsatisfactory in judgment, dependability, planning and organization, and school generalship. Dr. Haffner discussed this rating with the Appellant and supplied him with anecdotal notes supporting that rating.
3. On December 12, 1973, Dr. Haffner informed the Appellant he was recommending to the School Board that it create the new position of Coordinator of Curriculum and Instructional Services, and that it assign the Appellant to this position.
4. At its December 17, 1973 meeting, the School Board approved the creation of the position of Coordinator of Curriculum and Instructional Services and approved Dr. Haffner's recommendation that the Appellant be assigned to the position at no loss in salary.
5. The job description for the position of Coordinator of Curriculum and Instructional Services, dated December 17, 1973, provides that the major duties of the Coordinator are to: provide leadership in curriculum development for the district; implement results of curriculum planning in the district; and, supervise and evaluate educational programs. The major responsibilities of the Coordinator are to: assemble and direct district-wide task forces for curriculum planning processes; develop strategies for implementation of task force work; provide in-service training; continuously evaluate curriculum and instruction; and, perform other tasks as required, assigned and directed by the Superintendent of Schools.
6. On January 14, 1974, a hearing was held before the Board of School Directors of the Clairton School District. The Appellant had previously requested such a hearing on the basis that he was