IN THE OFFICE OF THE SECRETARY OF EDUCATION
COMMONWEALTH OF PENNSYLVANIA

TRACEY R. WELLER,	:	
Appellant	:	
	:	
v.	:	**Teacher Tenure Appeal**
	:	**No. 03-18**
	:	
WILLIAMS VALLEY SCHOOL DISTRICT,	:	
Appellee	:	

OPINION AND ORDER

Tracey R. Weller ("Appellant") appeals to the Secretary of Education ("Secretary") from the decision of the Williams Valley School District ("District") Board of Directors ("Board") dismissing her from the position of Williams Valley High School Principal.

Findings of Fact

1. On February 19 and 20, 2018, District officials were notified that serious threats of gun violence against the District had been posted on social media. (5/2/18 N.T.[1] at 18-19, 24). One of these social media threats included an image of a masked young person with a gun along with text that indicated: "I hate everyone at WV. Like why can't they all just disappear." (Exhibit A-1; 5/2/18 N.T. at 25-26).

2. On February 19, 2018, school was not in session due to the President's Day holiday. On that date, District Superintendent Diane Niederriter contacted the Pennsylvania State Police ("State Police" or "PSP") and deliberated with other District officials to determine the District's proper, coordinated response to the social media threats. (5/2/18 N.T. at 19-22).

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[1] "N.T." refers to the Notes of Testimony transcribed at the hearings in this matter.

3. When school opened on February 20, 2018, PSP Troopers were present at the District's high school to monitor the students as they entered the buildings. (5/2/18 N.T. at 19-20).

4. On February 20, 2018, the social media threats were shared with the State Police. (5/2/18 N.T. at 25).

5. At approximately 2:30 p.m. on February 20, 2018, Superintendent Niederriter held a staff meeting in the District's high school at which she indicated to all high school staff (including all professional, support and custodial staff) that the investigation of the social media threats was in the hands of the State Police and outside the jurisdiction of District officials. (5/2/18 N.T. at 35-37).

6. On February 20, 2018, the State Police conducted witness interviews in the high school throughout the day. Some State Police witness interviews took place in the office of Appellant, the high school principal. (5/2/18 N.T. at 26-27, 40-42).

7. On the morning of February 21, 2018, the State Police remained onsite at the District. (5/2/18 N.T. at 35-37).

8. Appellant alerted Superintendent Niederriter that PSP Troopers were doing security checks on February 21, 2018, at the high school. (5/2/18 N.T. at 35-37).

9. Appellant did not alert the superintendent to the fact that she had a lead on a suspect that same day, February 21, 2018. Specifically, Appellant obtained verbal statements from E.H. and B.W., two student witnesses, that identified student Z.R. as the person that they both believed had made the social media threats. (Exhibit A-5).

10. Rather than informing the superintendent of the information she obtained regarding the social media threats in accordance with District Policy, Appellant unilaterally decided to

interview Z.R. in the presence of his two accusers, E.H. and B.W., without the superintendent's knowledge. She interviewed the students with PSP Trooper Blystone who was at the high school that day to do security checks but was not an investigator on the case. (5/2/18 N.T. 47-50; Exhibit A-3).

11. District Policy 218.2 required that, when a building principal receives information that a serious threat of violence or terroristic act against students or staff has occurred: "The building principal shall immediately inform the superintendent after receiving a report of such a threat or act." (Exhibit A-7).

12. The District's Memorandum of Understanding ("MOU") with law enforcement and District Policy 805.1 required Appellant to report the allegations she received from student witnesses, E.H. and B.W. through her chain-of-command to the police. (Exhibits A-2 and A-8).

13. Appellant broke her chain-of-command by unilaterally deciding without any consultation with the superintendent to lead an interview of the three students Z.R., E.H., and B.W., after receiving the above-referenced allegations from the two student witnesses. (5/2/18 N.T. 47-50; Exhibits A-2, A-3 and A-8).

14. Appellant is familiar with District Policy including the MOU. As a member of the District's policy committee, Appellant was charged with disseminating (and did in fact share) policies among staff. (Exhibit A-8). A couple of weeks prior to the incidents in question, she had requested and received the MOU from the State Police. (Exhibit A-2).

15. Throughout Appellant's interview with the three students, the students were in the room at the same time. Appellant had Z.R sit in between E.H. and B.W., while Z.R. was accused of making the social media threats. Z.R. confessed to making the threats during the interview. (*Id.*).

16. During the interview, Appellant advised Z.R. not to be angry with E.H. and B.W. for doing the "right thing." (5/22/18 N.T. at 117; 7/18/18 N.T. at 30).

17. After the interview was finished, the Appellant first contacted Superintendent Niederriter regarding Z.R. via e-mail and advised her that Z.R. had made the social media threats. (5/2/18 N.T. 47-50; Exhibit A-5).

18. At no time prior to the above-referenced email had Appellant notified the superintendent that she was conducting interviews of students or that she had a lead on a student suspect. (5/2/18 N.T. at 48).

19. As soon as she was notified, Superintendent Niederriter went directly to Appellant's office. (5/2/18 N.T. at 47-48).

20. At that time, Superintendent Niederriter asked Appellant how she first connected Z.R.'s name to the social media threats. (5/2/18 N.T. at 47-48). Appellant did not answer the superintendent's questions. (5/2/18 N.T. at 49).

21. Appellant then wrote a statement at the request of the State Police regarding what had occurred during her interview of Z.R., E.H. and B.W. (5/2/18 N.T. at 50, Exhibit A-5).

22. Immediately thereafter, Z.R. was taken into police custody and transported from the premises. (5/2/18 N.T. at 50).

23. After Z.R. was taken into custody and the PSP Troopers had departed from the high school, Superintendent Niederriter asked Appellant a second time how she was able to identify Z.R. and obtain his confession. Again, Appellant did not answer the superintendent's questions. (5/2/18 N.T. at 50-51).

24. On February 22, 2018, after reading Appellant's written statement (Exhibit A-5), Superintendent Niederriter approached Appellant for the third time to ask her questions about her

procedures of getting Z.R. to admit to the social media threats. Again, Appellant did not provide any explanation. (5/2/18 N.T. at 69-70).

25. The superintendent's inquiry that morning arose amid growing concerns that Appellant's conduct of her interview with Z.R. in the presence of E.H. and B.W. had placed the two accusers in harm's way. According to a parent complaint received that morning, Z.R.'s adult brother had sent threatening messages after school on February 21, 2018 to both E.H. and B.W. (5/2/18 N.T. at 69-70).

26. After reviewing Appellant's written statement (Exhibit A-5), Superintendent Niederriter concluded that Appellant's interview of the three students on February 21, 2018, put the student accusers, E.H. and B.W., in jeopardy by having them identified to Z.R., who was now in police custody for making most serious threat of gun violence the school had ever encountered. (5/2/18 N.T. at 66-69).

27. Appellant's interview violated her duty to protect students under the Code of Professional Practice and Conduct for Educators which provides that "Professional educators shall exert reasonable effort to protect the student from conditions which interfere with learning or are harmful to the student's health and safety." 22 Pa. Code § 235.4(b)(1).

Procedural History

28. On February 23, 2018, the District conducted a pre-deprivation interview (or *Loudermill* hearing) regarding Appellant's alleged misconduct. Both Superintendent Niederriter and Appellant were present. (Exhibit A-9; 5/2/18 N.T. at 83-84).

29. At the *Loudermill* hearing, Appellant was verbally advised of the allegations against her and offered an opportunity to respond to those allegations. (5/2/18 N.T. at 83-84; 7/18/18 N.T. at 59-63).

30. Appellant did not offer a valid explanation of her actions during the *Loudermill* hearing or at any time. (5/2/18 N.T. at 83-84; 7/18/18 N.T. at 59-63).

31. After the *Loudermill* hearing, Appellant was placed on suspension with pay pending investigation. (Exhibit A-10).

32. By letter dated March 13, 2018, Appellant was issued a written Statement of Charges. (*Id.*).

33. The Statement of Charges indicates that Appellant was charged with (1) willful neglect of duty, (2) persistent and willful violation of or failure to comply with school laws of this Commonwealth (including supervisor's directives and established policy of the Board), and (3) incompetency. (Exhibit A-10).

34. Evidentiary Hearings in this matter were held on May 2, May 22, June 12, and July 18, 2018 before the Board's appointed hearing officer, Nicholas Quinn, Esquire.

35. Following these hearings, the Board issued an adjudication which ordered that Appellant's employment be terminated. The Board voted 6-0 in favor of termination. One Board member abstained, and two were absent.

36. Appellant filed a timely appeal of her termination with the Secretary of Education, and on November 20, 2018, an appeal hearing in this matter was held before the Secretary's appointed hearing officer, Robert Tomaine, Esquire.

Discussion

I. The District did not violate Appellant's due process rights.

In the present appeal, Appellant argues that her due process rights were violated, and the District's procedures were not in accord with the United States Supreme Court decision in *Cleveland Bd. of Educ. v. Loudermill*, 470 U.S. 532 (1985). (Appellant's Brief at 10-11). I

disagree. The pre-disciplinary process provided Appellant constitutionally adequate notice of the allegations being lodged against her and an opportunity to present her side of the story. Notice need only contain enough specificity to make the nature of the employee's conduct clear. *Id.* at 599-600.

Consistent with *Loudermill* and its progeny, the pre-termination proceedings afforded to Appellant served as an adequate "check" against erroneous decision-making and allowed the District to ensure that it had reasonable grounds for discipline. For purposes of constitutional due process, advance notice is not required. To the contrary, the Third Circuit has opined that notice is sufficient if it "apprises the individual of the substance of the matter at hand and permits adequate time to present any counter information and response." *McDaniels v. Flick*, 59 F.3d 446, 454-57 (3d Cir. 1995).

Here, Appellant argues that it was unlawful for the District to not provide the Appellant with a written statement of the allegations against her until after the *Loudermill* hearing. (*See* Petition for Appeal at 11). Appellant's arguments misstate the law. The Courts of this jurisdiction have never held that an employee is entitled to receive written charges at an initial pre-disciplinary conference for it to be valid under *Loudermill*. *See Copeland v. Phila. Police Dep't*, 840 F.2d 1139 (3d Cir. 1988) (holding that employee's due process rights were not violated even if the employer "did not prepare the formal, written charges against him until after he had been dismissed"). In *Copeland,* the Third Circuit held that the involved employee was afforded due process where the employer advised him that he tested positive for illegal drugs, allowed him to respond, and then advised him that he was suspended with intent to dismiss, all in the course of a single interview. *Id.*

The pre-disciplinary process in the present matter was similar to that afforded to the employee in *Copeland.* In both instances, the employer acted properly under the circumstances by (1) verbally advising the employee of the allegations and (2) allowing the employee to respond before any separation from employment occurred. In the present matter, Appellant does not contest that she verbally was advised at a pre-deprivation interview that she was being charged with conducting a student interview in violation of her chain-of-command which created an unsafe situation for the accusers. (7/18/18 N.T. 59-63). Appellant testified that she was denied the opportunity to respond to the allegations against her during the *Loudermill* hearing. (6/12/18 N.T. at 50-55. However, I do not find Appellant's testimony to be credible.

In contrast, Superintendent Niederriter credibly testified that the District suspended Appellant after she was given a chance to present her own side of the story after being verbally advised of the allegations against her. (5/2/18 N.T. 83-84). Given the credible testimony of the superintendent, I conclude that the pre-disciplinary process undertaken by the District was entirely appropriate. Appellant's claim that she was not given a valid *Loudermill* hearing finds no credible support in the evidentiary record.

II. **The District established multiple grounds for termination.**

A tenured professional employee such as Appellant may only be terminated from employment for the reasons set forth in Section 1122 of the School Code. *Foderaro v. Sch. Dist. of Philadelphia,* 531 A.2d 570, 571 (Pa. Cmwlth. 1987). Section 1122 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.
>
> 24 P.S. § 11-1122.

In the present matter, the District terminated Appellant from employment based upon the following grounds: (1) willful neglect of duty, (2) persistent and willful violation of or failure to comply with school laws of this Commonwealth (including supervisor's directives and established policy of the Board), and (3) incompetency. (Exhibit A-10). Appellant argues that the District lacked evidentiary support for her termination. (Appellant's Brief at 2, 7-11). Again, I disagree. In my opinion, the District presented credible testimony and documentary evidence establishing that Appellant (1) willfully neglected her duties and (2) persistently and willfully violated school laws (including supervisor's directives and established policy). Therefore, I find that the District properly terminated Appellant. *See Horton v. Jefferson County-DuBois Area Vocational Technical School*, 630 A.2d 481, 483 (Pa. Cmwlth. 1993) ("This court need only find one of the grounds for the dismissal valid in order to affirm the Secretary's dismissal of the appeal of a professional employee.").

A. Willful neglect of duties

Commonwealth Court has explained what is necessary to substantiate a "willful neglect of duties" charge as follows:

> The charge of willful neglect of duties as a valid cause for termination of a professional employee's contract was added by the 1996 amendment to Section 1122 of the Code. While there is a dearth of appellate case law interpreting this violation, the nature of this conduct is easily understood. In the context of a charge of persistent and willful violation of school laws, for example, this court has already explained that, pursuant to Section 1122, a willful violation requires "the presence of intention, and at least some power of choice." Moreover, "neglect" has been defined as "1: to give little attention or respect to: DISREGARD 2: to leave undone or unattended to esp. through carelessness [.]" MERRIAM-WEBSTER'S COLLEGIATE DICTIONARY 775 (10th ed. 2001). Consequently, a willful neglect of duties by a professional employee may also be defined as an intentional disregard of duties by that employee.

Flickinger v. Lebanon Sch. Dist., 898 A.2d 62, 67 (Pa. Cmwlth. 2006) (internal citation omitted).

1. Appellant's duty pursuant to District protocol

Here, Appellant had knowledge of her duties under District protocol. Superintendent Niederriter credibly testified that she informed all staff members including Appellant of the protocol they must follow; specifically, she advised all staff that the investigation of the social media threats was outside the jurisdiction of District officials and in the hands of the State Police. (5/2/18 N.T. at 35-37). The superintendent made it clear to all staff that the investigation was for the State Police to handle. (*Id.*).

Furthermore, Appellant knew that the State Police had commenced an investigation of the social media threats at the superintendent's direction. As the high school building principal, she knew that the State Police investigator had begun conducting witness interviews at the high school, some of which took place in her office. (5/2/18 N.T. at 26-27, 40-42). She also knew that police officers were present at the high school to monitor the students as they entered the buildings and to conduct security checks. (*Id.*). The superintendent had every right to implement these protocols in accordance with District Policy. Appellant violated these protocols by conducting her own investigative activities as explained further below.

2. Appellant's duty pursuant to District Policy

Appellant also had knowledge of her duty under District Policy. As a member of the District's policy committee, Appellant was charged with disseminating (and did in fact share) policies among staff. As such, Appellant had to have known that it was her duty pursuant to District Policy to advise the superintendent of any information she had regarding the social media threats. (*See* Exhibit A-8). Specifically, District Policy 218.2 required that, when a building principal receives information that a student has made a serious threat of violence or engaged in a terroristic act: "The building principal shall immediately inform the superintendent after receiving

a report of such a threat or act." (Exhibit A-7). The District's Memorandum of Understanding ("MOU") with law enforcement and District Policy 805.1 required that the information be reported through the principal's chain-of-command to the police. (Exhibits A-2 and A-8).[2] Appellant violated policy by failing to alert the superintendent that she had obtained verbal statements from two student witnesses that named Z.R., the individual who they believed made the social media threats (Exhibit A-5). Rather than alerting the superintendent that she had a lead on a suspect, Appellant took the evidence she obtained and unilaterally decided to interview students without the superintendent's knowledge. (5/2/18 N.T. 47-48; Exhibit A-3). Instead of apprising the superintendent of the evidence she had in her possession as required, Appellant went behind the superintendent's back to conduct her own witness interviews.

3. Appellant's duty pursuant to the Code of Conduct

In addition to Appellant's breaches of protocol and policy referenced above, Appellant violated her duty to protect students under the Code of Professional Practice and Conduct for Educators ("Code Conduct"). The Code of Conduct provides that "Professional educators shall exert reasonable effort to protect the student from conditions which interfere with learning or are harmful to the student's health and safety." 22 Pa. Code § 235.4(b)(1).

Appellant acted contrary to her duty under the Code of Conduct. Specifically, she unilaterally decided to interview the three students while they were together in the same room. (5/2/18 N.T. at 27-50; Exhibit A-5). During the interview, she even had Z.R. sit between E.H. and B.W., his two accusers, as the interrogation proceeded. (*Id.*). Not only did these actions violate policy and protocol, but they also put the two student accusers at risk of retaliation by the student

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[2] The Appellant had knowledge of the MOU as well. She requested (and received) it from the State Police approximately one week before the District became aware of the social media threats at issue. (Exhibit A-2).

suspect in violation of the Code of Conduct. 22 Pa. Code § 235.4(b)(1). The District's concern that Appellant had placed E.H. and B.W. in danger grew upon receipt of a parent complaint the next day. The parent who complained to the District via telephone was concerned about the negative impact that Appellant's interview (of the three students together) had upon the safety of E.H. and B.W. According to the parent, threatening messages had been sent to E.H. and B.W. by Z.R.'s adult brother after school. (5/2/18 N.T. at 66-69). The parent questioned the practice of interviewing Z.R. in the same room with E.H. and B.W. and "making it easy for the suspect" to identify his two accusers. (5/2/18 N.T. at 68-69).

The testimony presented at the hearing demonstrated that even Appellant recognized that what she had done was wrong. Specifically, she knew she should not have placed two innocent accusers in harm's way by identifying them to the suspect. Based upon Appellant's own statements, as PSP Trooper Blystone credibly relayed them at the hearing,[3] Appellant found it necessary to advise the suspect not to be angry with the two accusers who had just sat next to him in the interview during which Z.R. was confronted with their serious allegations. (5/22/18 N.T. at 117). Appellant's statements demonstrate her recognition that she had placed innocent, student whistleblowers in jeopardy. Appellant's empty admonition to the suspect obviously was inadequate to protect his two accusers. The fact that she felt the need to make it supports a conclusion that even Appellant recognized that she failed to protect the two accusers. It is reasonable to conclude that Appellant's misconduct was potentially harmful to the two accusers. Specifically, her careless behavior exposed the two students to a risk of retribution from an

[3] On cross examination, Appellant admitted that Trooper Blystone had accurately testified at the hearing regarding her statements to the suspect during the interview of the three students. Specifically, Appellant admitted that she indicated to the suspect in the interview "do not be mad at these two girls" for doing the "right thing." (7/18/18 N.T. at 30).

individual who had just made the most serious threat of gun violence in school history.[4] Appellant's conduct demonstrated a failure on her part to exert reasonable efforts to protect the two accusers from harm in violation of the Code of Conduct.

Appellant argues that exigent circumstances required her actions in the present matter. (11/20/18 N.T. at 12-13). This argument is meritless. Appellant was not prevented or inhibited in any way from advising the superintendent that she had a lead on a suspect based upon the allegations of E.H. and B.W. (*See* Exhibit A-5). The District had not placed Appellant in a "Catch 22" situation, as Appellant argues. (11/20/18 N.T. at 12-13). She absolutely had a lawful course of action and elected not to follow it. Specifically, Appellant had every opportunity to advise the superintendent regarding the information she had regarding Z.R. and that she was about to interview the three students together. Instead, she intentionally kept the superintendent in the dark. There is no evidence in the record to support a conclusion that the investigation would have been detrimentally impacted if the Appellant followed school policy and taken a moment to telephone or send an e-mail or text message to the superintendent. Instead of communicating with the superintendent as required, Appellant purposefully continued the interviews without the superintendent's knowledge or permission.

I certainly am not suggesting Appellant should have done nothing after she heard the allegations from E.H. and B.W. that Z.R. had made the social media threats. To the contrary, I conclude that Appellant had an affirmative duty to act. Specifically, she needed to immediately inform Superintendent Niederriter of the information she had in her possession regarding the social media threats. I see no legitimate justification for Appellant's failure to keep the superintendent

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[4] Appellant repeatedly points out the undisputed fact that the present matter involved "the most serious threat of gun violence the school had ever encountered." (11/20/18 N.T. at 7, 37; *see also*, Appellant's Brief at 4, 17).

apprised. I specifically reject any attempt to excuse Appellant's misconduct because she was the first to identify Z.R. as the student who had made the social media threats. The end result Appellant obtained does not justify the means she used to obtain it. There simply is no basis to conclude that the State Police would not have reached the same outcome if policy and protocol had been followed.

For these reasons, Appellant's termination on the basis of willful neglect of duty must be affirmed.

B. Persistent and willful violation of or failure to comply with school laws, including official, supervisory directives or established policy of the Board

The following three elements must be met to determine that a persistent and willful violation of school laws (including official, supervisory directives or established policy) has occurred: persistency, willfulness, and a violation of school laws, directives or policies. Persistency occurs either as a series of individual incidents or one incident carried on for a substantial period of time. *Gobla v. Board of School Directors of Crestwood School District*, 414 A.2d 772 (Pa. Cmwlth. 1980). Willfulness requires the presence of intention and some power of choice. *Horton*, 630 A.2d at 484. A violation of school laws includes a violation of a school district's rules, orders or directives. *Sertik v. School District of Pittsburgh,* 584 A.2d 390 (Pa. Cmwlth. 1990), *appeal denied* 593 A.2d 428 (Pa. 1991). Failing to comply with the directives of a supervisor may constitute misconduct in violation of the school laws of the Commonwealth, and even simple requests of supervisors, if reasonable, are considered to be school laws/directives for dismissal purposes. *Harris v. Secretary of Education*, 372 A.2d 953 (Pa. Cmwlth. 1977); *Spano v. School District of Brentwood*, 316 A.2d 1652 (Pa. Cmwlth. 1974); *Johnson v. United School District,* 191 A.2d 897 (Pa. Super. 1963); *Lenker v. East Pennsboro School District*, TTA 10-90

(1995). The District has demonstrated numerous instances where the Appellant failed to comply with the superintendent's directive, District Policy and/or Code of Conduct requirements.

First, Appellant knew that her interview of Z.R. on February 21, 2018 violated the superintendent's instructions to all staff that any investigation of the social media threats was outside the jurisdiction of District officials and should be handled by the State Police. (5/2/18 N.T. 35-37; Exhibit A-5). Appellant fully understood that her conduct contradicted the protocol that the superintendent had put in place. She simply chose to ignore that protocol and conduct her own investigation. (*Id.*). She knew what the superintendent's expectations were regarding the investigation, and she intentionally failed to meet them.

Second, Appellant knew that District Policy required her to immediately inform the superintendent of the information she had in her possession regarding the social media threats prior to interviewing Z.R. on February 21, 2018. Specifically, she knew that District Policy 218.2 required her as building principal to immediately—and before she interviewed any suspects—inform the superintendent upon receiving the report from E.H. and B.W. that Z.R. had made terroristic threats against students and staff (Exhibit A-7). Then, the report needed to be relayed to law enforcement through Appellant's chain of command pursuant to District's MOU with law enforcement and District Policy 805.1. (Exhibits A-2 and A-8). Appellant disregarded these policies by interviewing Z.R. without the superintendent's knowledge that Appellant had received a report threats against the school community.[5]

[5] As discussed, in section II(A)(3). *supra* Appellant's conduct in interviewing Z.R., B.W., and E.H. in the same room and identifying the accusers to the suspect not only violated policy and protocol, but also violated the Code of Conduct's requirements to exert reasonable effort to protect students. 22 Pa. Code § 235.4(b)(1).

Third, Appellant's refusal to comply with directives did not end with her interview of Z.R. on February 21. Appellant did not comply with the superintendent's request for information multiple times over the course of two days. (5/2/18 N.T. at 47-51). Appellant's persistent refusal to work together within her chain-of-command is especially troubling.

On February 21, 2018, shortly after receiving her first email from Appellant, the superintendent asked Appellant how she obtained Z.R.'s name but Appellant was unresponsive to her request. (5/2/18 N.T. at 49). Later, after Appellant had written her statement as requested by Trooper Blystone (Exhibit A-5) and the police officers had left for the day, the superintendent again approached Appellant to inquire how she was able to identify the suspect and get him to admit to posting the social media threats. Again, Appellant did not respond to the superintendent's inquiries. (5/2/18 N.T. at 49).

On February 22, 2018, Appellant's lack of cooperation with the superintendent and refusal to explain her conduct continued. After reading Appellant's statement (Exhibit A-5) that day, Superintendent Niederriter approached Appellant for the third time to ask her questions about her procedures of getting Z.R. to admit to the social media threats. For the third time, Appellant did not provide any explanation. (5/2/18 N.T. at 69-70).

School administrators must work together in situations like these where the District faces a threat from someone who might cause harm to students and staff. Appellant's actions on February 21 and 22, 2018, demonstrate a disturbing unwillingness to cooperate within her chain-of-command. Appellant must be held accountable for her violations of policy and—perhaps even more problematic—her refusal to cooperate with Superintendent Niederriter's requests for information over the course of these two days. (5/2/18 N.T. at 47-51; Exhibit A-4). When a District faces an emergency like the one it encountered last February, superintendents must be able

to trust that their principals will follow their instructions, comply with District policies, and keep them fully informed. Appellant's multiple violations of that trust cannot be condoned.

For these reasons, Appellant's termination on the grounds of persistent and willful violation of or failure to comply with school laws (including official, supervisory directives) also must be affirmed.

IN THE OFFICE OF THE SECRETARY OF EDUCATION
COMMONWEALTH OF PENNSYLVANIA

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Appellant	:	
	:	
v.	:	**Teacher Tenure Appeal**
	:	**No. 03-18**
	:	
WILLIAMS VALLEY SCHOOL DISTRICT,	:	
Appellee	:	

ORDER

AND NOW, this 10th day of January 2019, the dismissal of Tracey R. Weller is hereby affirmed.

Pedro A. Rivera
Secretary of Education

Date Mailed: January 10, 2019