

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

DAVID HEINEMAN,	:	
Appellant,	:	
	:	
v.	:	Teacher Tenure Appeal
	:	No. 06-25
	:	
CENTRAL BUCKS	:	
SCHOOL DISTRICT,	:	
Appellee.	:	

OPINION AND ORDER

David Heineman (“Heineman” and/or “Appellant”) appeals to the Secretary of Education (“Secretary”) from the action of the Board of School Directors (“Board”) of the Central Bucks School District (“District” and/or “Appellee”), terminating his employment.

FINDINGS OF FACT

1. Heineman was employed with the District for approximately twenty-six years. (N.T. Heineman Day 2¹ at 6).
2. During his employment with the District, Heineman held the positions of sixth grade teacher, Assistant Principal, and, most recently, Principal. *Id.*
3. Heineman became Principal at Jamison Elementary School (“Jamison Elementary”) in September of 2024. *Id.*
4. As a “school employee,” Heineman is a mandated reporter under the laws of the Commonwealth of Pennsylvania, 23 Pa.C.S. §6311(a)(4).

¹ Hereinafter, “N.T.” references testimony from the joint hearing held before the Board on August 19, and 20, 2025.

5. Under the Child Protective Services Law (“CPSL”), Heineman’s legal responsibilities as a mandated reporter require him to immediately report any allegations of child abuse to ChildLine. 23 Pa.C.S. §6313.

6. Appellant’s essential duties as Principal included responsibility for the successful implementation of school board policies and regulations. (Position Description for Elementary Principal).

7. Heineman’s duties as Principal also required him to, “[p]rovide leadership and direction to achieve the elementary instructional program with the framework of district policy and regulations” *Id.*

8. Jackie Narzisi (“Narzisi”), a Speech Pathologist, worked with students in an Autism Support classroom at Jamison Elementary. (N.T. Day 1, at 140).

9. Narzisi testified that while discussing ChildLine reporting procedures during a faculty meeting, Heineman directed staff members to notify him before reporting child abuse to ChildLine. *Id.* at 154.

10. On November 15, 2024, Appellant participated in a meeting with the Human Resources Director, Robert Freiling, Human Resources Manager, Christine Trawinski (“Trawinski”), Assistant Superintendent of Elementary Schools, Dr. Nadine Garvin, and Supervisor of Special Education, Katie Veisz (“Veisz”), to discuss the treatment of students in the Autism Support classroom at Jamison Elementary. (N.T. Yanni Day 2 at 23).

11. On November 16, 2024, Heineman received an email from Trawinski with a written summary of allegations of abuse and neglect of students in the Jamison Elementary Autism Support classroom. (SD Ex. 8).

12. The email received by Heineman on November 16, 2024 (“November 16, 2024 email”), contained the following allegations concerning Student 1.

“[Student 1]” was allowed to:

“Sit naked on the rug in the classroom.”

“Self-stim in his workstation, sometimes using his spit on his genitals.”

“Go to the bathroom to disrobe and masturbate sometimes 3-4 times a day.”

“Walk naked from his workstation to the bathroom to be redressed.”

“[Student 1] has stood naked at the window in the classroom.”

“[Student 1] is restricted from having water . . .”

“[Student 1] gagged himself at his workstation and spread his spit over himself and the table.

He was made to sit in the spit for 30 minutes while he finished his lesson.” (SD Ex. 8, November 16, 2024, email).

13. Appellant reviewed the November 16, 2024, email containing the aforementioned allegations. (N.T. Heineman Day 2 at 20).

14. Appellant did not report the abuse allegations in the November 16, 2024, email to ChildLine.

15. On February 10, 2025, the Bureau of Special Education (“BSE”) of the Pennsylvania Department of Education (“PDE”) issued a Restraint Information System Collection (“RISC”) Investigation Report regarding alleged incidents that took place in the Jamison Elementary Autism Support classroom. (SD Ex. 12 at 5).

16. BSE concluded in the RISC Investigation Report that the District improperly used aversive techniques on children in the Jamison Elementary classroom when District staff used desks to restrain students, failed to report restraints that occurred in the Jamison Elementary classroom,

failed to conduct an IEP meeting within ten days of restraining students, failed to ensure that a student's IEP was revised, and failed to implement Positive Behavior Supports in a student's IEP. *Id.*

17. As a result of the issuance of the RISC Investigation Report, Appellant was required to attend the Principals Understanding How to Lead Special Education (PULSE) Program. *Id.*

18. Four months after the release of the RISC Investigation Report, on March 7, 2025, another incident involving the use of restraints occurred on a Jamison Elementary bus. (SD Ex. 15, March 7, 2025, Emails).

19. Heineman sent an e-mail to several district employees including Veisz and former Director of Pupil Services, Alyssa Wright, informing them of the incident that had occurred on March 7, 2025, on a Jamison Elementary bus involving the injury of a student. *Id.* at 5.

20. Veisz replied to Heineman's e-mail and suggested that Heineman should obtain and review the video footage from the incident to determine whether a restraint occurred. Heineman replied that he would take steps to retrieve the video footage. *Id.* at 4.

21. On March 18, 2025, Veisz sent an e-mail to Heineman requesting a "follow-up about the situation that occurred on March 7th." Specifically, Veisz asked Heineman to "share the findings from reviewing the bus video." *Id.* at 3.

22. Heineman admitted to his failure to follow through on obtaining the video footage of the March 7, 2024, incident stating, "it was an oversight" and a "mistake" on his part. *Id.* at 1; (SD Ex. 16, at 1).

23. Veisz emailed Heineman stating, "[t]he concern here is the amount of time that has passed from the date of the incident. If a restraint did occur, the 10th school day is March 20th. We will be out of compliance with regulations for informing parents of the restraint, reporting the restraint,

and holding an IEP meeting, which is required since this student does not have an PSBP.” (SD Ex. 15, 1).

24. Due to the delay in obtaining the video footage, an IEP meeting was not held with the parents of the student within 10 days of the use of restraints. Additionally, an IEP meeting waiver was never obtained from the parents of the restrained student involved in the March 7, 2025, incident. *Id.* at 1.

25. Appellant was represented by counsel at a joint hearing to consider the possible termination of Heineman and Gianni (“joint hearing”) that occurred on August 19 and 20, 2025.

26. On October 16, 2025, after the joint hearing, the Board terminated Appellant’s employment.

27. A Petition for Appeal of Appellant’s termination dated October 29, 2025, sent FedEx Next Day Delivery, was stamped as received by the Secretary’s Office on November 3, 2025.

28. On November 20, 2025, at approximately 1:00 p.m., a hearing was held before appointed Hearing Examiner, Sean A. Fields, Esq., at which counsel for both parties presented arguments in the matter before this Secretary. (Hearing Transcript).

DISCUSSION

Regarding the procedure to be followed for dismissing a professional employee, the Public School Code provides as follows:

Before any professional employe having attained a status of permanent tenure is dismissed by the board of school directors, such board of school directors shall furnish such professional employe with a detailed written statement of the charges upon which his or her proposed dismissal is based and shall conduct a hearing. A written notice signed by the president and attested by the secretary of the board of school directors shall be forwarded by registered mail to the professional employe setting forth the time and place when and where such professional employe will be given an opportunity to be heard either in person or by counsel, or both, before the board of school directors and setting forth a detailed statement of the charges.

24 P.S. § 11-1127.

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. If less than two-thirds of all of the members of the board vote in favor of discharge, the professional employe shall be retained and the complaint shall be dismissed.

24 P.S. § 11-1129.

Appellant's employment with the District was terminated for a variety of reasons including "willful neglect of duties" under Section 1122 of the School Code. 24. P.S. §11-1122. A willful neglect of duties by a professional employee may be defined as an intentional disregard of duties by that employee. *Flickinger v. Leb. Sch. Dist.*, 898 A.2d 62, 67 (Pa. Cmwlth. 2006). Unlike the charge of persistent and willful violation of school laws, there is no requirement of a continuous course of conduct to sustain a charge of willful neglect of duties. *Id.* The issue before this Secretary is whether there is sufficient evidence to show that Heineman disregarded his duties as Principal at Jamison Elementary.

I. Appellant Received Due Process Prior to the Termination of His Employment.

Appellant asserts that he was denied due process under the School Code because the Board hearing to consider whether his employment would be terminated was held as a joint hearing where evidence was presented regarding the possible termination of Dr. Steven Yanni, District Superintendent. However, despite being represented by counsel, there is no objection to a joint hearing in the record for this case. This Secretary also notes that Appellant does not articulate a rationale for why the joint hearing would constitute the denial of due process under the School Code.

Appellant also argues that the Board was biased prior to rendering a decision. Despite Appellant's concerns about the bias of the Board, this Secretary has reviewed this case based on the evidence in the record. Additionally, under the Secretary of Education's *de novo* review, the Secretary acts as the impartial factfinder rather than the school board. Therefore, Appellant has been provided with the opportunity to defend himself before a fair and impartial tribunal through the procedure implemented under the School Code. *Katruska v. Bethlehem Ctr. Sch. Dist.*, 564 Pa. 276, 285, 767 A.2d 1051, 1056 (Pa. 2001). This Secretary concludes that Appellant was provided with due process under the School Code.

II. Appellant Made False Statements Regarding the Reporting Requirement of the CPSL to School Employees Under His Supervision.

The CPSL requires mandated reporters, such as school employees, to report instances of suspected child abuse to the Pennsylvania Department of Human Services. 23 Pa.C.S. §6311(a)(4).

The CPSL provides, in pertinent part, that:

- (1) A mandated reporter shall immediately make an oral report of suspected child abuse to the department via the Statewide toll-free telephone number under section 6332 (relating to establishment of Statewide toll-free telephone number) or a written report using electronic technologies under section 6305 (relating to electronic reporting).
- (2) A mandated reporter making an oral report under paragraph (1) of suspected child abuse shall also make a written report, which may be submitted electronically, within 48 hours to the department or county agency assigned to the case in a manner and format prescribed by the department.

23 Pa.C.S. §6313(a)(1), (2).

Appellant, as Principal at Jamison Elementary, had supervisory authority over school employees working within his school. With that authority, Heineman had the obligation to communicate factually accurate information to those school employees about critically important issues such as the mandatory reporting of child abuse under the CPSL. In this case, Heineman communicated a

false statement that employees should notify him before reporting suspected child abuse to ChildLine. In fact, the statement was antithetical to the statutory requirement that a mandated reporter is required to make such a report immediately. Therefore, the uncontroverted evidence in this case demonstrates that Appellant clearly misstated requirements of the CPSL to school staff. Based on the evidence, I conclude the false statement about CPSL reporting requirements constituted a willful neglect of Appellant's duties as Principal at Jamison Elementary.

III. Appellant Failed to File a Report of Suspected Child Abuse as Required by the CPSL.

Heineman had full knowledge of abuse allegations in a Jamison Elementary Autism Support Classroom no later than November 16, 2024. Despite that notification, Appellant never reported those allegations to ChildLine, despite having a legal duty to do so. Because every school employee has an independent obligation to report suspected abuse, Appellant's failure to report child abuse constituted a violation of the CPSL despite a later report to ChildLine by Superintendent Yanni on November 20, 2024. Previously, the Secretary found that failure to report abuse under the CPSL was grounds for termination under Section 1122 of the Public School Code, 24 P.S. §11-1122. *Kostoff v. Delaware Cnty. Intermediate Unit*, TTA-02-22. More recently, the Secretary upheld the termination of a high school principal for failing to report suspected abuse rejecting the principal's assertion that it was reasonable for him to believe that a teacher would report the abuse since he directed the teacher to do so. *McCall v. McKeesport Area School District*, TTA-03-25. Because McCall's obligation to report was immediate, the Secretary rejected that argument as irrelevant.

As a school building principal, Appellant had professional responsibility for the health, safety, and welfare of students within Jamison Elementary including those receiving services under IDEA and Section 504 of the Rehabilitation Act of 1973. Heineman was specifically informed

that abuse had occurred in the Jamison Elementary classroom no later than November 16, 2024, and had a legal duty to report that abuse without excuse or delay under the CPSL. Appellant's failure to report suspected child abuse constituted willful neglect of his duties as a professional employee under the School Code.

IV. Appellant Failed to Take Appropriate Measures to Ensure the Use of Student Restraints Was in Accordance With The Law.

“Restraint” as defined under Pennsylvania’s Chapter 14 regulations is, “[t]he application of physical force, with or without the use of any device, for the purpose of restraining the free movement of a student’s or eligible young child’s body.” 22 Pa. Code §14.133(b)(i). Restraints to control acute or episodic aggressive or self-injurious behavior may be used only when the student is acting in a manner as to be a clear and present danger to himself, to other students, or to employees, and only when less restrictive measures and techniques have proven to be or are less effective. 22 Pa. Code §14.133(c). Additionally, school entities shall maintain and report data on the use of restraints as prescribed by the Secretary. 22 Pa. Code §14.133(c)(5).

The conclusions in the February 10, 2025, RISC Investigation Report confirmed that the District improperly used aversive techniques on children in the Jamison Elementary Autism Support classroom when District staff used desks to restrain students and failed to report restraints that occurred in the classroom. The same report required Appellant to attend the Principals Understanding How to Lead Special Education (PULSE) Program. Despite the issues that had transpired involving the use of improper restraints at Jamison Elementary in prior months, Appellant failed to timely retrieve the video footage of the March 7, 2025, bus incident involving the restraint of a student with an IEP and included a serious injury to another student. Previously, the PDE RISC Investigation Report listed in its findings that staff at Jamison Elementary failed to

report the restraints that occurred as required by 22 Pa. Code §14.33(c)(5) and failed to conduct an IEP meeting within 10 school days of the restraint or obtaining parents' waiver of their rights to an IEP meeting upon the use of restraints. (SD Ex. 12, PDE RISC Investigation Report).

Due to the delay in obtaining the video footage, Heineman failed to report the restraint within 10 school days as required under IDEA regulations and District Policy 113.2. Therefore, Heineman's willful neglect of duty undermined the District's ability to comply with the requirements of IDEA. Based on the evidence of record, I conclude that Appellant willfully neglected his duties as Principal by failing to take timely action to retrieve video footage of the March 7, 2025, bus incident involving the restraint of a student.

CONCLUSION

For the foregoing reasons, I conclude that the District has satisfied the legal standards to support the termination of Appellant under Section 1122.

Accordingly, the following Order is entered.

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AND NOW, this 26th day of May 2026, the Secretary upholds the Central Bucks School District’s decision to dismiss Heineman, a tenured professional employee, in accordance with the foregoing opinion.

Date mailed: May 26, 2026

BY ORDER:



Carrie Rowe, Ed.D.
Secretary of Education