IN THE OFFICE OF THE SECRETARY OF EDUCATION
COMMONWEALTH OF PENNSYLVANIA

DALE McCALL,	:	
Appellant,	:	
	:	
v.	:	**Teacher Tenure Appeal**
	:	**No. 03-25**
McKEESPORT AREA	:	
SCHOOL DISTRICT,	:	
Appellee.	:	

OPINION AND ORDER

Dale McCall ("McCall" and/or "Appellant") appeals to the Acting Secretary of Education ("Acting Secretary") from the action of the Board of School Directors ("Board") of the McKeesport Area School District ("District" and/or "Appellee"), terminating his employment.

FINDINGS OF FACT

1. McCall has been continuously employed by the District for the past twenty (20) years, first as a teacher, and since the 2015-2016 school year, in various administrative positions. (Hearing Tr. 9/24/24, at p. 81-82).[1]

2. McCall served as the McKeesport Area High School principal since February of 2019. *Id.*

3. As a "school employee," McCall is a mandated reporter under the laws of the Commonwealth of Pennsylvania, 23 Pa.C.S. §6311(a)(4). As a mandated reporter, McCall is required to immediately report any allegations of child abuse to ChildLine. 23 Pa.C.S. §6313.

[1] Hearing Tr. 9/24/24 refers to the Transcript from the September 24, 2024 Board Hearing which is also in the Record as Exhibit J.

4. McCall received training as a mandated reporter and is aware of the requirement to report child abuse allegations immediately. (Hearing Tr. 9/24/24, at p. 110-112).

5. District Policy #806 requires school employees to "immediately make a written report of suspected child abuse using electronic technologies or an oral report via the statewide toll-free telephone number." (McCall Exhibit 2).[2] Additionally, District Policy #806 provides, "An individual otherwise required to make a report who is aware that an initial report has already been made . . . is not required to make an additional report." *Id.*

6. On Friday, October 27, 2023, while serving as the McKeesport Area High School principal, McCall was approached in his office by a teacher, Jennifer Knight ("Knight"). (Hearing Tr. 9/24/24, at p. 86-87).

7. Knight told McCall that a student had just informed her that there were rumors of a school security guard having sex with a District student. *Id*.

8. At this time, McCall was aware that Knight had not filed a ChildLine report prior to informing McCall of the child abuse allegations. (*Id*., at p. 89).

9. Knight and McCall texted then Superintendent of McKeesport Area School District Superintendent, Tia Wanzo ("Wanzo"), who was away at a conference. (*Id*., at p. 90-91).

10. Approximately ten (10) minutes later, Wanzo called McCall in response to the text message. *Id*.

11. McCall, Knight, and Wanzo then discussed the rumors of a sexual relationship between the security guard and the student. (*Id*., at p. 91-92).

12. During the call, it was agreed that a ChildLine report had to be submitted immediately. (*Id*., at p. 92-94).

[2] McCall Exhibit 2 refers to the exhibit entered into evidence during the September 24, 2024 Board Hearing. (Hearing Tr. 9/24/24, at p. 100).

13. Wanzo and McCall then directed Knight to file the ChildLine report because she was the individual who had first been informed of the alleged child abuse. *Id*.

14. Knight immediately and expressly agreed to file the Childline report. *Id*.

15. Knight did not file the Childline report until five (5) days later, on Wednesday, November 2, 2023. (*Id*., at 97).

16. In December of 2023, District Solicitor Gary Matta, investigated the facts set forth above. (Joint Stipulations, ⁋ 3; Exhibit K).

17. On or about April 11, 2024, the District hired the law firm of Dillon McCandless King Coulter & Graham, L.L.P. to conduct another investigation into the facts set forth above. (Joint Stipulations, ⁋ 3; Exhibit L).

18. On or about June 26, 2024, as a part of the investigation, Attorney King of Dillon McCandless King Coulter & Graham, L.L.P., interviewed McCall. (Joint Stipulations, ⁋ 3; Exhibit F).

19. On August 15, 2024, the District sent McCall a Notice of Charges and *Loudermill* Hearing which alleged that McCall "failed to immediately report . . . a credible allegation of child abuse against a student in violation of Pennsylvania Law and Board policy." (Joint Stipulations, ⁋ 3; Exhibit G).

20. The *Loudermill* Hearing took place on August 23, 2024. (Joint Stipulations, ⁋ 3; Exhibit H).

21. Following the *Loudermill* Hearing, on September 10, 2024, the District sent McCall a Statement of Charges and Notice of Hearing which alleged that McCall "failed to immediately report . . . a credible allegation of child abuse against a student in violation of Pennsylvania Law and Board policy." (Joint Stipulations, ⁋ 3; Exhibit I).

22. On September 24, 2024, the Board held a hearing regarding the disciplinary charge of Immorality issued against McCall. (Joint Stipulations, ¶ 3; Exhibit J).

23. Following the testimony and evidence presented at the hearing, the Board held a public meeting on February 6, 2025. By a unanimous vote of 8-0, the Board approved the termination and discharge of McCall from employment with the District. (Joint Stipulations, ¶ 3; Exhibit C).

24. On February 14, 2025, the District sent McCall a Notice of Termination. (Petition for Appeal Exhibit B).

25. On February 25, 2025, McCall appealed his termination to the Acting Secretary of Education. (Petition for Appeal).[3]

26. By letter dated March 11, 2025, the Acting Secretary scheduled an administrative hearing regarding the termination of McCall's employment with the District and appointed Sean Fields, Esquire, as Hearing Officer. (Notice of Hearing Letter).

27. On March 13, 2025, the District filed its Response to the Petition for Appeal. (Response to Petition for Appeal).

28. The District's Brief was received on February 18, 2025. (Appellee's Brief).

29. On March 31, 2025, an administrative hearing was held regarding the termination of McCall's employment with the District. (Notes of Testimony).[4]

DISCUSSION

This appeal of the termination of McCall's employment with the District comes before the Secretary pursuant to 22 Pa. Code §351.5. This case presents a threshold due process question of

[3] The Petition for Appeal also serves as Appellant's Brief.
[4] Hereinafter, references to testimony from the March 31, 2025 hearing before the Department of Education Hearing Officer will be denoted as "N.T. __."

whether the Board committed a fatal error by conducting a collective voice vote recorded as a roll call vote to terminate McCall's employment.

I. The Recorded Roll Call Vote by the District's Board of School Directors Complies with Section 1129 of the School Code.

Appellant contends that the District committed a reversible error by failing to conduct a proper roll call vote in voting to terminate McCall's employment. (Petition for Appeal at p. 21). Citing to *In re Swink*, 132 Pa. Super. 107, 200 A. 200 (Pa. Super. Ct. 1938), Appellant further contends that the requirement to conduct a roll call vote is mandatory under Section 1129 of the School Code. (*Id*., at p. 21-23). Appellant relies on *S.D. of Philadelphia v. Jones,* 139 A.3d 358, 369 (Pa. Cmwlth. 2016) to conclude that when a school district discharges a professional employee without full compliance with the School Code, the employee is entitled to reinstatement. (*Id*., at p. 21-23) Finally, Appellant claims that the Commonwealth Court has previously recognized that a school district's failure to take a roll call vote is a violation of mandatory termination procedures under Section 1129 of the School Code. *See Vladimirskiy v. SD. of Philadelphia,* 144 A.3d 986, 995 n.13 (Pa. Cmwlth. 2016) (*Id*., at p. 23).

As Appellant acknowledges and emphasizes with bolding and underscoring, Section 1129 of the School Code states ". . . 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." 24 P.S. §11-1129 (emphasis added). Section 1129 of the School Code, contrary to Appellant's assertion, does not require a board of school directors to conduct a roll call voice vote when voting to terminate a professional employee.

It is only mandatory that the vote be ***recorded***[5] by roll call. 24 P.S. §11-1129. Further, *In re Swink* does not provide that it is mandatory to conduct a roll call vote, but rather that "a two-thirds vote of all the members of the board of school directors, **to be recorded**[6] by roll call, shall be required to discharge a teacher or any other professional employee after hearing." *In re Swink*, 132 Pa. Super. 107, 114, 200 A. 200, 204 (Pa. Super. Ct. 1938). Moreover, in *Vladimirsky*, the Commonwealth Court did not hold that the failure to take a roll call vote is a violation of Section 1129. *See Vladimirsky v. SD. of Philadelphia,* 144 A.3d 986, 995 n.13 (Pa. Cmwlth. 2016). Rather, the court found that "there [was] no evidence that the March 15, 2012 vote was **recorded**[7] by roll call . . . Based upon this record, it appear[ed] the District may have violated Section 1129 of the School Code." *Id*.

The School Code, along with the available case law, clearly indicates that the board of school directors' votes to terminate a professional employee must be **recorded** by roll call rather than conducted by roll call. In fact, the relevant case law draws a clear distinction between votes ***conducted*** by roll call and the requirement that the votes be ***recorded*** by roll call. "'To be recorded by roll call' means that the minutes of the board must show how each member voted." *In re Swink*, 132 Pa. Super. 107, 114, 200 A. 200, 204 (Pa. Super. Ct. 1938).

Having determined that the School Code requires the Board's vote to be recorded by roll call rather than conducted by roll call, the question becomes whether the Board's vote to terminate McCall's employment was recorded by roll call. The Board minutes from the February 16, 2025 meeting clearly indicate how each Board member voted in the unanimous decision to terminate

[5] Emphasis added.
[6] Emphasis added.
[7] Emphasis added.

McCall's employment. (Joint Stipulations, ¶ 3; Exhibit C). Therefore, the Board's vote was recorded by roll call and the requirement under the School Code has been satisfied.

II. Appellant Violated the Reporting Requirement of the Child Protective Services Law.

The next issue is whether McCall violated the reporting requirement of the Child Protective Services Law ("CPSL"). Appellant asserts that he did not violate the CPSL because he did not willfully fail to file a Childline report. (Petition for Appeal at p. 10-13). Appellant argues that it was reasonable to believe that Knight would immediately file the report because McCall and Wanzo directed Knight to file the report and she expressly agreed to do so. *Id*. In turn, Appellant asserts that he was relieved of the reporting responsibility he would otherwise have, because the CPSL does not require mandated reporters to file duplicative reports. *Id*.

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).

Additionally, the Child Abuse Reporting Statute provides that "[a] person or official required by this chapter to report a case of suspected child abuse. . . to the appropriate authorities commits an offense if the person willfully fails to do so." 23 Pa. C.S. §6319.

The CPSL is clear that school employees, such as McCall, are mandated reporters who must immediately report suspected child abuse. 23 Pa.C.S. §6311(a)(4). The facts of this case are also clear that McCall received a report of suspected child abuse from Knight, yet McCall, of his own free will, did not immediately report the suspected child abuse to ChildLine. (Hearing Tr. 9/24/24, at p. 86-97). Rather, McCall and Wanzo directed Knight to file the report which Knight did not file until five days later. (*Id*., at 92-94, 97). These facts alone are enough to establish McCall's violation of the CPSL.

Duplicative Reports and Delegation

As Appellant notes, "[t]here is no question that the facts in this case required that a report be filed immediately by some mandated reporter." (Petition for Appeal at p. 11). However, Appellant argues that he was not the mandated reporter responsible for filing the ChildLine report because he reasonably believed that Knight was filing a report. *Id*. Appellant reasons that he was not required to file what he thought would be a duplicative ChildLine report because "[n]owhere in the [CPSL] does any language appear that states that there must be multiple duplicative reports made by multiple mandated reporters for the same incident." *Id*. Appellant further argues that directing Knight to file the ChildLine report was not delegation of his responsibility because McCall was directing Knight to fulfil her own obligation under the CPSL. *Id*.

Appellant's reasoning is not grounded in logic and if accepted, would undermine the legislative intent of the CPSL. While it is true that Knight had her own obligation to file a ChildLine report, the facts of this case make it clear that she did not fulfil that obligation prior to

informing McCall of the suspected child abuse on October 27, 2023. (Hearing Tr. 9/24/24, at p. 89). Further, the record shows that McCall knew that Knight had not yet filed a ChildLine report before he directed her to do so. (*Id*., at 89, 92-94, 105). Under these facts, McCall's obligation to file a ChildLine report was triggered the moment Knight informed him of the suspected child abuse. Therefore, instead of directing Knight to file the ChildLine report, McCall, as a mandated reporter, should have immediately filed the report himself.

To be abundantly clear, McCall's obligation to file a ChildLine report was **independent**[8] and immediate upon learning about the suspected child abuse. Therefore, McCall directing Knight to file a ChildLine report falls squarely within the ordinary usage of the word *delegation*.[9] Further still, because McCall's obligation was immediate, any belief he may have formed after directing Knight to file a report – such as assuming that his own report would be duplicative – is entirely irrelevant.

For the reasons stated above, I find that McCall violated the Reporting Requirement of the CPSL.

III. Appellant Violated District Policy #806.

District Policy #806 requires school employees to "immediately make a written report of suspected child abuse using electronic technologies or an oral report via the statewide toll-free telephone number." (McCall Exhibit 2). Additionally, District Policy #806 provides, "An individual otherwise required to make a report who is aware that an initial report has already been made . . . is not required to make an additional report." *Id.*

[8] Emphasis added.
[9] According to Merriam-Webster's online dictionary, the word *delegation* means: "the act of empowering to act for another." https://www.merriam-webster.com/dictionary/delegation.

McCall admits that at the time he became aware of the suspected child abuse, he knew that an initial report had not yet been filed. (Hearing Tr. 9/24/24, at p. 105). Still, Appellant argues that under District Policy #806, he should not be expected to file a ChildLine Report because he "reasonably believed that Knight *would* file the ChildLine report immediately, as she had been directed to do; and as she had expressly agreed to do." (Petition for Appeal at p. 20). However, District Policy #806 only relieves an otherwise mandated reporter of their responsibility to file a report when they are "aware that an initial report has already been made," not when the individual believes that a report *would* be made. (McCall Exhibit 2). Nevertheless, Appellant submits that this language should be applied to him in this case, arguing that it would be unreasonable for the District to expect him to file a report even though he believed it would be duplicative because such an expectation would require McCall to assume that Knight would not immediately file the report. (Petition for Appeal at p. 21). However, as previously explained, any belief McCall may have formed after directing Knight to file a report – such as assuming that his own report would be duplicative – is entirely irrelevant because upon learning about the suspected child abuse while also knowing that a report had not yet been filed, McCall had an independent and immediate obligation to file the ChildLine report himself.

For the reasons stated above, I find that McCall violated District Policy #806.

IV. Appellant Engaged in Immoral Conduct Within the Meaning of the School Code.

A tenured professional employee may only be dismissed for the reasons set forth in Section 1122 of the Public School Code. *Foderaro v. Sch. Distr. Of Philadelphia*, 531 A.2d 570, 571 (Pa. Cmwlth. 1987). Section 1122 provides in relevant part:

> The only valid causes for termination of a contract heretofore or hereafter entered into with a professional employe shall be immorality; incompetency; unsatisfactory teaching performance based on two (2) consecutive ratings of the employe's

> teaching performance that are to include classroom observations, not less than four (4) months apart, in which the employe's teaching performance is rated as unsatisfactory; intemperance; cruelty; persistent negligence in the performance of duties; wilful neglect of duties; physical or mental disability as documented by competent medical evidence, which after reasonable accommodation of such disability as required by law substantially interferes with the employe's ability to perform the essential functions of his employment; advocation of or participating in un-American or subversive doctrines; conviction of a felony or acceptance of a guilty plea or nolo contendere therefor; persistent and wilful 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.

Immorality is defined as "a course of conduct that offends the morals of a community and is a bad example to the youth whose ideals a professional educator is supposed to foster and elevate." *Horasko v. Sch. Dist. of Mount Pleasant Township*, 6 A.2d 866, 868 (Pa. 1939). The District bears the burden of proving that: (1) the conduct actually occurred; (2) such conduct offends the morals of the community; and (3) the conduct is a bad example to the youth whose ideals the educator is supposed to foster and elevate. *Palmer v. Wilson Area Sch. District*. TTA No. 5-94.

Appellant's Conduct Occurred and Constitutes Immorality.

Starting with whether the alleged immoral conduct actually occurred, it has already been determined that McCall had an obligation to immediately file a ChildLine report upon learning about the suspected child abuse. McCall willfully chose not to immediately file a ChildLine report, in direct violation of the CPSL, and instead directed Knight to file the report. Therefore, the first element of Immorality has been satisfied.

Appellant's Conduct Offends the Morals of the Community.

The next question is whether McCall's conduct offends the morals of the community. In its effort to establish that McCall's conduct offends the morals of the community, the District offered witness testimony from a lifelong resident of the McKeesport Area School District. (Hearing Tr. 9/24/24, at p. 57). The District's witness credibly testified that he is part of a mentoring group and is involved in church organizations within the McKeesport Area School District. (*Id*., at 66). The District's witness also credibly testified that McCall's alleged conduct would not only offend the morals of the community within the McKeesport Area School District but would also be likely to offend the morals of any community throughout the Commonwealth. (*Id*., at 65). Based on the facts and evidence, including the District's witness testimony, the District has satisfied the second element of Immorality.

Appellant's Conduct Sets a Bad Example for the Youth Whose Ideals He is Supposed to Foster and Elevate.

The third and final question is whether McCall's conduct is a bad example to the youth whose ideals he is supposed to foster and elevate. As previously explained, by failing to report suspected child abuse, McCall violated the CPSL. Pennsylvania courts have held that violations of the law constitute immorality and set a bad example to students. *See Zelno v. Lincoln Intermediate Unit No. 12 Bd. of Dirs.*, 786 A.2d 1022 (Pa. Cmwlth. 2001), in which the court upheld a teacher's dismissal for immorality and determined that her conduct set a bad example for students where she violated Section 3731(e) of the Vehicle Code by driving under the influence; s*ee also*, *Leslie v. Oxford Area Sch. Dist.,* 420 A.2d 764 (Pa. Cmwlth. 1980), in which the court upheld a teacher's dismissal for immorality and determined that her conduct set a bad example for students where she violated a criminal statute by shoplifting.

Here, McCall violated the CPSL by willfully failing to report suspected child abuse. While the issue of criminal liability is not before the Secretary in this case, it is important to note that the CPSL prescribes criminal penalties for a violation of the reporting requirements. The facts of this case are clear that McCall had a legal and ethical obligation to report suspected child abuse. Instead, he willfully abdicated that responsibility by directing Knight to file the report, creating an unacceptable risk that the report would be delayed and potentially allowing the suspected abuse to continue unchecked. There is no doubt that McCall's blatant violation of the CPSL sets a bad example for the youth whose ideals he is supposed to foster and elevate. Therefore, the third element of Immorality has been satisfied.

For the reasons set forth above, I find that the District met its burden of proving that McCall's conduct constitutes Immorality under the School Code.

This Office Has Previously Upheld Termination of Professional Employees for Failure to Report Instances of Abuse.

Previously, the Secretary found that failure to report abuse was grounds for termination under Section 1122 of the Public School Code, 24 P.S. § 11-1122. In *Kostoff v. Delaware Cnty. Intermediate Unit*, TTA-02-22, Appellant Kostoff was notified by a subordinate of an incident where two adult male students with significant intellectual disabilities were found in a bathroom stall with their pants down. Despite being a mandated reporter, who received training on child abuse and mandated reporting, Kostoff failed to report the incident to Adult Protective Services. When questioned about her failure to report, Kostoff attempted to explain why she had not fulfilled her legal obligation by stating she was unaware of the abuse allegations and that she was "confused" by her subordinate's report. The Secretary was unpersuaded by Kostoff's attempts to "explain away" her failure to act and upheld the Delaware County Intermediate Unit Board's

decision to terminate Kostoff's professional employment under the relevant provisions of the School Code.

Here, Appellant's attempts to explain away his failure to act are equally if not more unpersuasive. There is no question that McCall was aware of the abuse allegations and, he does not claim to be confused by Knight's report. Rather, Appellant's argument essentially admits that he violated the CPSL but attempts to place the blame solely on Knight. While the facts of the case might indicate that Knight violated her obligation to file a ChildLine report, Appellant cannot explain away his own failure to act by claiming he reasonably believed Knight would file the report. When McCall became aware of the suspected child abuse, he was also aware that a report had not yet been filed. Based on this timeline, McCall had an independent and immediate obligation to file a ChildLine report which he willfully and admittedly did not fulfill.

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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Appellant,	:	
	:	
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	:	**No. 03-25**
McKEESPORT AREA	:	
SCHOOL DISTRICT,	:	
Appellee.	:	

AND NOW, this 9th day of October, 2025, the Acting Secretary upholds the McKeesport Area School District's decision to dismiss Dale McCall, a tenured professional employee, in accordance with the foregoing opinion.

Date mailed: October 15, 2025

BY ORDER:

C. Rowe

Carrie Rowe, Ed.D.
Acting Secretary of Education