

**STATEMENT OF THE HIGHLANDS SCHOOL DISTRICT REGARDING THE  
OFFICE OF OPEN RECORDS (OOR) APPEAL**

**Rittmeyer (Tribune-Review) v. Highlands School District (OOR Dkt. AP 2019-0503)**

DATE: 5/24/19

The Highlands School District Board of School Directors authorized its Solicitor to file an appeal of the decision of the Office of Open Records (OOR), which requires the School District to disclose the name of an employee who was suspended without pay pending a dismissal hearing. The employee had been identified by an employee identification number, rather than the employee's name, on the public meeting agenda, in order to preserve confidentiality pending a final employment decision as to employment status.

Dismissal of school employees is subject to the requirements of the Public School Code and interpreting case law. A June 2016 case, *School District of Philadelphia v. Jones*, 139 A.3d 358 (Pa. Cmwlth. 2016), requires the School Board to approve the statement of charges against an employee by resolution or motion on a public agenda. This motion is commonly referred to as a "Jones Resolution." A detailed written statement of charges must then be issued to the employee, signed by the Board president. Prior to *Jones*, charges and suspensions could be handled through school district administration.

The Board believes that fundamental fairness dictates that the right of employees to confidentiality during the discipline process before a final decision is made. Employees are entitled to confidentiality until such time as the process is over. Therefore, the public agenda should not include the name of the employee at issue until a final disposition is proposed.

The District has instructed its Solicitor to appeal to the Allegheny County Court of Common Pleas in a timely manner. It should be noted that the Association has communicated intent to be involved and further advance a position that is protective of the employee's identity until a final disposition.

The Highlands School District values its employees and will continue to take necessary steps to protect their rights. This commitment extends beyond the employee affected by this matter to any employee who may be affected in the future by the OOR's Decision.