

No.20-6241

IN THE

**Supreme Court of the United States**

Lisa Marie Smith      Petitioner

v.

School District of Philadelphia Kelly Services Inc. Respondent(s)

On Petition for writ of Certiorari to the United States Court of Appeals for the Third Circuit

Petition For Rehearing

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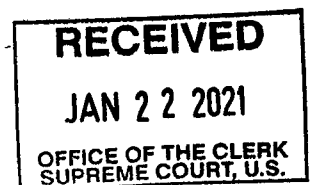
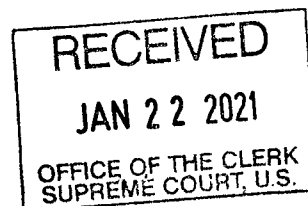


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## PETITION FOR REHEARING

Pursuant to Supreme Court Rule 44.1, I Lisa Smith respectfully petitions for rehearing of the Court's per curiam decision issued on December 14, 2020.- (1) Granting rehearing, (2) vacating the court's December 14, 2020 denying Certiorari and (3) re-disposing of this case by granting the petition for writ of Certiorari, (4) vacating the Judgment and remanding to the third circuit for further consideration of state law and the rights of educators, the duty of school districts to protect third party employees from retaliation, harassment, and discrimination in light of *Thompson v. North American Steel, LP* 131 S.Ct.863 (2011) **This petition has not been filed for the purpose of delay, but has been filed in accordance with rule 44.1 of the United States Supreme Court.**

Constitutionally, the petitioner ask this court to interpret who has the right to establish the constitution for Pennsylvania Kelly services or the state of Pennsylvania ? Since the passage Pennsylvania state laws governing school discipline by teachers and Principals this Court has never issued a per curiam opinion, without briefing or argument, reversing a lower appellate court's affirmation on two constitutional issues whether third party discrimination, retaliation, and protected activity in the workplace is protected under the constitutional laws of the state of Pennsylvania. The petitioner invokes this court to interpret Pennsylvania school laws of discipline as it pertains to the petitioner, an Educator, and third party harassment, retaliation, and discrimination under the constitution as it pertains to the petitioner. **The Petitioner Lisa Smith seeks Certiorari on the constitutional rights of Educators in their classrooms when substantial control, and intervening circumstances occur that ultimately leads to an unexpected controlling effect that has a detrimental effect on the Petitioners inability to fulfill a contract by the employer due to the above circumstances.**

And on the issues of state law and school discipline. Does the Petitioner who is required to be licensed to teach , and follow all Pennsylvania state law guild lines to acquire qualifications to teach in a classroom to which the Petitioner Lisa Smith had to abide by to meet the qualifications to teach in the state of Pennsylvania or company policies not legally governed by the state.?

Moreover, every court that petitioner, Lisa Smith has appealed to has upheld company laws instead of state laws pertaining to school discipline. The petitioner believes this move by the District, and Appellate court is erroneously basised because these courts were willing to upheld state and city laws on behalf of the respondents, but rejected the petitioners arguments on Pennsylvania state and federal laws of school discipline. As a result, this move by the District and Appellate court had a detrimental effect on her case. The Petitioner seeks a rehearing on this aspect not raised in her petition constitutionally. In addition, while this court has not addressed workplace polices verses state laws the granting of the petition for writ of certiorari constitutes intervening circumstances of a substantial or controlling effect and other substantial grounds not previously presented constitutionally by the petitioner.

## CONCLUSION

For the forgoing reasons, Petitioner Lisa Marie Smith prays that this court (1) grant rehearing of the order denying her petition for writ of certiorari in this case, (2) vacate the court's December 14, 2020, order denying certiorari and (3) grant the petition for a writ of certiorari, vacate the judgment and remand to the third circuit for further consideration in of *Thompson v. North American Steel, LP* 131 *S.Ct.*863 (2011) for the purpose of determining constitutionally whether state laws should prevail over company policies constitutionally,