

hearing before a single hearing officer. Twelve days of hearings were held beginning in October 2015 and continuing through June 2016. On April 24, 2017, the hearing officer issued a proposed report, in which she found Respondent guilty of immorality, negligence, and intemperance and recommended the revocation of Respondent's certificate and employment eligibility.

On July 24, 2017, Respondent timely filed objections to the proposed report. By Order dated March 8, 2018, the Commission postponed consideration of Respondent's exceptions and reopened the record pursuant to 1 Pa. Code § 35.23. The Commission's Order further directed the Department to produce an unredacted copy of the educator misconduct complaint filed against Respondent and gave Respondent thirty (30) days from the date of service of the unredacted complaint to request a hearing limited to her statute of limitations defense. On April 27, 2018, Respondent requested a hearing pursuant to the March 8, 2018 Order. By Order dated May 17, 2018, the Commission granted Respondent's request for a hearing and remanded the case to the hearing officer with the direction to hold a consolidated hearing limited to the statute of limitations issue and to certify the record to the Commission without a proposed report. The consolidated hearing took place on October 30, 2018. The hearing officer certified the record to the Commission for adjudication on January 25, 2019. Following the filing of post-hearing briefs, the Commission heard oral argument on the statute of limitations issue at its May 13, 2019 meeting. After hearing oral argument, the Commission voted to deny Respondent's exceptions to the hearing officer's proposed report. On September 5, 2019, the Commission issued a

Memorandum and Order accepting the hearing officer's proposed report with modifications and directing the Department to revoke Respondent's certificate and employment eligibility.

On October 2, 2019, Respondent filed a Petition for Review with the Commonwealth Court, seeking review of the Commission's September 5, 2019 Memorandum and Order. Pursuant to section 15 of the Educator Discipline Act ("Act"), the revocation of Respondent's certificate and employment eligibility was stayed until the resolution of the appeal. Subsequently, the parties engaged in settlement negotiations, which resulted in a January 5, 2021 Joint Application for Remand to the Commonwealth Court. In the Joint Application, the parties requested that the matter be remanded to the Commission for consideration of the parties' settlement agreement. By Order dated January 10, 2021, the Commonwealth Court granted the Joint Application for Remand and the matter was presented to the Commission at its January 11, 2021 meeting.

SETTLEMENT AGREEMENT

Section 12 of the Act authorizes the Department to enter into a written settlement agreement with an educator to resolve a charge of misconduct. 24 P.S. § 2070.12 (relating to department action after investigation). When approved by the Commission, a settlement agreement has the same effect as an order issued following an administrative adjudication. See Kenney v. Bureau of Prof'l & Occupational Affairs, 203 A.2d 421 (Pa. Cmwlth. 2019). The parties have entered into a written Settlement Agreement, whereby they agree to resolve all matters contained in the Notice of

Charges with a suspension of Respondent's certificate and employment eligibility beginning on January 12, 2021 and ending on January 12, 2023. The parties also agree that Respondent is permanently banned from participating in, proctoring, monitoring, and/or overseeing PSSA administration, and that Respondent's failure to abide by the conditions set forth in the settlement agreement will result in the indefinite suspension of Respondent's certificate and employment eligibility. After careful consideration, the Commission enters the following:

ORDER

AND NOW, this 12th day of February 2021, upon consideration of the Motion for Entry of Order filed by the Department of Education requesting approval of the parties' Settlement Agreement, it is hereby Ordered:

1. The Motion for Entry of Order is Granted, and the Settlement Agreement is approved.
2. The Commission incorporates the terms of the Settlement Agreement into this Order.
3. Consistent with the terms of the Settlement Agreement, the Department is directed to suspend Respondent's certificate and employment eligibility beginning on January 12, 2021 and ending on January 12, 2023.
4. Respondent is not eligible to be employed in a school entity in a position requiring certification or as a charter or cyber charter school staff member or contracted educational provider staff member, or eligible for any certificate until the suspension is lifted.

5. Respondent is permanently banned from participating in, proctoring, monitoring, and/or overseeing PSSA administration.
6. Violation of any of the conditions set forth in the Settlement Agreement, including the condition that Respondent not participate in, proctor, monitor, and/or oversee PSSA administration, will result in the indefinite suspension of Respondent's certificate and employment eligibility.
7. The Notice of Charges filed against Respondent is resolved.

PROFESSIONAL STANDARDS AND
PRACTICES COMMISSION

By: 

Myron Yoder
Chairperson Pro Tempore



Attest:

Shane F. Crosby
Executive Director

Date Mailed: February 12, 2021