

**COMMONWEALTH OF PENNSYLVANIA  
PROFESSIONAL STANDARDS AND PRACTICES COMMISSION**

**DEPARTMENT OF EDUCATION,  
Petitioner,**

**v.**

**JANELLE M. BREWER,  
Respondent.**

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**PSPC DOCKET NO. DI-20-006**

**ORDER APPROVING SETTLEMENT AGREEMENT**

This matter is before the Professional Standards and Practices Commission (“Commission”) on the Department of Education’s (“Department”) Motion for Entry of Order filed on January 24, 2020. The Motion requests that the Commission issue an order approving the parties’ Settlement Agreement and directing the Department to suspend the certificate and employment eligibility of Janelle M. Brewer (“Respondent”) in settlement of an educator misconduct complaint filed against her.

**BACKGROUND**

Respondent holds an Instructional I certificate in the area of Mathematics 7-12. At all relevant times, Respondent was employed by New Directions as a secondary math teacher.

On or about June 17, 2016, an educator misconduct complaint was filed with the Department alleging that Respondent engaged in inappropriate communication and conduct with students. As required by the Educator Discipline Act (“Act”), the Department provided written notice to Respondent of the legal sufficiency of the complaint and of its determination that there was probable cause to believe that grounds for discipline existed. 24 P.S. § 2070.9(e).

## SETTLEMENT AGREEMENT

A teaching certificate is a constitutionally protected property right entitled to due process protection. Bowalick v. Dep't of Educ., 840 A.2d 519, 522 (Pa. Cmwlth. 2003). Generally, an accused educator is entitled to a full evidentiary hearing conducted in accordance with the Act and the Administrative Agency Law. 24 P.S. §§ 2070.13 (relating to hearing) and 2070.18(a) (relating to commission proceedings and procedures). In place of a hearing, a charge of misconduct can be resolved in a written settlement agreement. 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 complaint with the suspension of Respondent's certificate and employment eligibility. At its regularly scheduled meeting on May 11, 2020, the Commission heard comments on the proposed Settlement Agreement from the Department's counsel. Respondent was not present. After careful consideration, the Commission finds that the agreement is fair, reasonable, and in the best interests of the parties and the public and enters the following:

### ORDER

AND NOW, this 22<sup>nd</sup> day of June 2020, upon consideration of the Motion for Entry of Order filed by the Department of Education requesting approval of the parties' Settlement Agreement in lieu of further disciplinary proceedings, 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 Instructional I certificate and eligibility to be employed as a charter or cyber charter school staff member or contracted educational provider staff member effective on the date of this Order.
4. To have the suspension lifted, Respondent must apply to the Commission for an order lifting the suspension pursuant to 24 P.S. § 2070.16.
5. 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 her certificate or employment eligibility is reinstated in accordance with the Act.
6. The educator misconduct complaint filed against Respondent is resolved.

PROFESSIONAL STANDARDS AND  
PRACTICES COMMISSION

By: 

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Myron Yoder  
Chairperson Pro Tempore

Attest: 

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Shane F. Crosby  
Executive Director

Date Mailed: June 22, 2020