COMMONWEALTH OF PENNSYLVANIA PROFESSIONAL STANDARDS AND PRACTICES COMMISSION

DEPARTMENT OF EDUCATION, : Petitioner, :

:

v. : PSPC DOCKET NO. DI-20-081

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STEVEN PERSING, :

Respondent.

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 8, 2021. The Motion requests that the Commission issue an order approving the parties' Settlement Agreement and directing the Department to issue a public reprimand to Steven Persing ("Respondent") in settlement of a Notice of Charges filed against him.

<u>BACKGROUND</u>

Respondent holds an Instructional II certificate in the areas of Health & Physical Educ PK-12 and Safety Ed/Driver Ed 7-12. At all relevant times, Respondent was employed by the North Clarion County School District. He retired on August 26, 2016. On September 22, 2020, the Department filed a Notice of Charges alleging that Respondent permitted a student to participate in a physical education activity without proper equipment resulting in injury to the student.

SETTLEMENT AGREEMENT

A teaching certificate is a constitutionally protected property right entitled to due process protection. <u>Bowalick v. Dep't of Educ.</u>, 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 Notice of Charges with the issuance of a public reprimand. At its regularly scheduled meeting on January 11, 2021, the Commission heard comments on the proposed Settlement Agreement from counsel representing Respondent and the Department. 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:

<u>ORDER</u>

AND NOW, this 27th day of January 2021, 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:

 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.
- Consistent with the terms of the Settlement Agreement, the Department is directed to issue a public reprimand to Respondent effective on the date of this Order.
- 4. The Notice of Charges filed against Respondent is resolved.

PROFESSIONAL STANDARDS AND PRACTICES COMMISSION

Ву:

Myron Yoder

Chairperson Pro Tempore

Attest:

Shane F. Crosby

Executive Director

Date Mailed: January 27, 2021