



November 6, 2020, the Commission appointed Michael T. Foerster, Esquire to act as hearing officer. The parties subsequently engaged in settlement negotiations.

### 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 Notice of Charges with the imposition of a public supplemental sanction consisting of Respondent's completion, at his own expense, of an online course addressing professional boundaries, ethics, and professionalism in education. The Settlement Agreement was presented to the Commission for approval at its regularly scheduled meeting on March 15, 2021. 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 March 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:

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 impose a public supplemental sanction against Respondent effective on the date of this Order.
4. No later than June 24, 2021, Respondent shall provide the Department with valid proof of his successful completion of all required coursework.
5. Respondent's failure to comply with the terms of the Settlement Agreement will result in the indefinite suspension of his certificates and employment eligibility upon motion of the Department.
6. The Notice of Charges 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: March 22, 2021