COMMONWEALTH OF PENNSYLVANIA PROFESSIONAL STANDARDS AND PRACTICES COMMISSION

DEPARTMENT OF EDUCATION,

Petitioner,

:

v. : PSPC DOCKET NO. DI-20-085

:

TYLER J. DEGIACOMO,

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 February 26, 2021. The Motion requests that the Commission issue an order approving the parties' Settlement Agreement and directing the Department to issue a public supplemental sanction to Tyler J. DeGiacomo ("Respondent") in settlement of a Notice of Charges filed against him.

BACKGROUND

Respondent was issued Day-to-Day Substitute Emergency Permits in the area of All Instructional Areas PK-12 on August 1, 2018 and September 1, 2018. At all relevant times, Respondent was working as a substitute teacher and volunteer for the middle school theater production in the School District of Springfield Township. The Department initiated disciplinary charges against Respondent with the filing of a Notice of Charges on October 1, 2020. The Notice of Charges alleges that Respondent exhibited unprofessional behavior during an afterschool program. Respondent timely filed a response to the Notice of Charges and requested a hearing. By letter dated

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:

<u>ORDER</u>

AND NOW, this 22nd 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:

- The Motion for Entry of Order is Granted, and the Settlement Agreement is approved.
- 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 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.
- 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:

Myron Yoder Chairperson Pro Tempore

879

Attest:

Shane F. Crosby Executive Director

Date Mailed: March 22, 2021