

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

**DEPARTMENT OF EDUCATION,
Petitioner,**

v.

**PAUL ARIGO,
Respondent.**

:
:
:
:
:
:
:
:
:
:
:

PSPC DOCKET NO. DI-20-114

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 December 17, 2020. The Motion requests that the Commission issue an order approving the parties’ Settlement Agreement and directing the Department to issue a public reprimand to Paul Arigo (“Respondent”) in settlement of an educator misconduct complaint filed against him.

BACKGROUND

Respondent holds an Instructional II certificate in the area of Social Studies 7-12. At all relevant times, Respondent was employed by the Red Lion Area School District. On November 26, 2019, an educator misconduct complaint was filed with the Department alleging that Respondent has driven under the influence of alcohol on more than one occasion. 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 issuance of a public reprimand to Respondent. The Settlement Agreement was presented to the Commission for consideration at its regularly scheduled meeting on January 11, 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 17th 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 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 issue a public reprimand to Respondent.
4. The educator misconduct complaint 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 21, 2021