

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

<b>DEPARTMENT OF EDUCATION,</b>	:	
<b>Petitioner,</b>	:	
	:	
v.	:	<b>PSPC DOCKET NO. DI-21-077</b>
	:	
	:	
<b>AENOUR E. ELARBI,</b>	:	
<b>Respondent.</b>	:	

**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 March 3, 2022. 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 Aenour E. Elarbi (“Respondent”) in settlement of a Notice of Charges filed against her.

**BACKGROUND**

Respondent holds an Instructional I certificate in the area of Grades PK-4. The Department initiated disciplinary proceedings against Respondent with the filing of a Notice of Charges on July 30, 2021. The Notice of Charges alleges that Respondent was convicted in 2017 of one count of Simple Assault and three counts of DUI: General Impairment/Incapable of Driving Safely related to three instances of driving while impaired. Respondent filed an answer to the Notice of Charges and requested a hearing. The Commission appointed a hearing officer, and a hearing was scheduled for March 3, 2022. The parties subsequently engaged in settlement negotiations, and the

hearing was continued generally pending consideration by the Commission of the parties' agreement.

### 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 indefinite suspension of Respondent's certificate and employment eligibility effective November 1, 2021. The Settlement Agreement was presented to the Commission for approval at its regularly scheduled meeting on March 21, 2022. 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 1<sup>st</sup> day of April 2022, upon consideration of the Department's Motion for Entry of Order 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 certificate and her eligibility to be employed as a charter or cyber charter school staff member or contracted educational provider staff member effective on November 1, 2021.
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 and employment eligibility are reinstated in accordance with the Act.
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: April 1, 2022