COMMONWEALTH OF PENNSYLVANIA PROFESSIONAL STANDARDS AND PRACTICES COMMISSION

DEPARTMENT OF EDUCATION,

Petitioner,

:

v. : PSPC DOCKET NO. DI-22-019

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BRIAN QUERRY,

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 28, 2022. 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 Brian Querry ("Respondent") in settlement of an educator misconduct complaint filed against him.

BACKGROUND

Respondent holds an Instructional II certificate in the area of Music PK-12. At all relevant times, Respondent was employed by the Burrell School District as a teacher.

On October 31, 2019, an educator misconduct complaint was filed with the Department alleging that Respondent engaged in improper interactions with students.

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 Educator Discipline Act ("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 imposition of a public supplemental sanction consisting of Respondent's completion, at his own expense, of the course entitled "Professional Boundaries, Ethics, and Professionalism in Education (TE-16)" offered by PBI Education. 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:

<u>ORDER</u>

AND NOW, this 1st 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:

 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 impose a public supplemental sanction against Respondent effective on the date of this Order.
- 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: April 1, 2022