

occasions, and, on another occasion, a video was posted publicly to social media in which Respondent appeared intoxicated behind the wheel of a vehicle.

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 indefinite suspension of Respondent's certificate and employment eligibility. The Settlement Agreement was presented to the Commission for approval at its regularly scheduled meeting on July 18, 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 1st day of August 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 his eligibility to be employed as a charter or cyber charter school staff member or contracted educational provider staff member effective on the date of this Order.
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 his certificate and employment eligibility are reinstated in accordance with the Act.
6. 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: August 1, 2022