



Code<sup>1</sup>, the Department filed a Motion for More Specific Pleading on June 2, 2000, asking the appointed Hearing Officer to require the Respondent to provide specific admissions or denials to the allegations in the Notice of Charges. By order dated August 15, 2000, the Hearing Officer granted the Department's Motion and ordered the Respondent to file a more specific answer within 15 days of the Order.

Respondent failed to file a response as instructed in the Hearing Officer's August 15, 2000, Order. Accordingly, the Department has filed the instant Motion, requesting that the relevant factual allegations in the Notice of Charges be deemed admitted and that revocation of Respondent's professional educator certificate be ordered pursuant to 1 Pa. Code §35.37.

In accordance with the Commission's bylaws, a professional educator who fails to respond adequately to the Notice of Charges is in default as provided for in section 35.37 of the General Rules of Administrative Practice and Procedure. 22 Pa. Code §233.13(e)(1)(iii); 1 Pa. Code §35.37. Thus, all relevant facts stated in the Notice of Charges will be deemed admitted. Accordingly, the Commission finds that Respondent, while engaged as a teacher at the Green Tree School in Philadelphia, did engage in a romantic and sexual relationship with a 16-year-old female student. The Respondent's

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<sup>1</sup> Section 35.37 provides that:

the answer shall be drawn so as specifically to admit or deny the allegations or charges which may be made in the order, set forth the facts upon which respondent relies and state concisely the matters of law relied upon. Mere general denials of the allegations of an order to show cause which general denials are unsupported by specific facts upon which respondent relies, will not be considered as complying with this section and may be deemed a basis for entry of a final order....

1 Pa. Code §35.37.

relationship with the female student involved smoking marijuana on several occasions with the student, writing inappropriate letters to the student, expressing his love for her and his disdain for her mother, and writing inappropriate letters to the student's mother.

The Commission finds that Respondent's conduct constitutes immorality<sup>2</sup> and warrants revocation of his teaching certificate.

Accordingly, we enter the following:

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<sup>2</sup> Immorality is defined as "conduct which offends the morals of a community and is a bad example to the youth whose ideals a professional educator has a duty to foster and elevate." 22 Pa. Code §237.3.

**ORDER**

AND NOW, this 4th day of April, 2001, upon consideration of the Motion for Judgment on Default filed by the Department of Education and the failure of Respondent to respond thereto, it is hereby ORDERED that the professional certificate issued to Respondent Lee E. Franczyk shall be REVOKED. In addition, the Commission finds that Respondent is deemed to have admitted that he is a danger to the health, safety and welfare of the students of this Commonwealth. Thus, the revocation shall be effective IMMEDIATELY.

PROFESSIONAL STANDARDS AND  
PRACTICES COMMISSION

BY: \_\_\_\_\_  
Richard D. Hupper  
Chairperson

ATTEST: \_\_\_\_\_  
Carolyn Angelo  
Executive Director

Date Mailed: