

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

DEPARTMENT OF EDUCATION,	:	
Petitioner,	:	
	:	
	:	
v.	:	PSPC DOCKET NO. DI-00-19
	:	
	:	
JEFFREY SIMS,	:	
Respondent.	:	

MEMORANDUM AND ORDER

This matter is before the Professional Standards and Practices Commission (“Commission”) upon the Department of Education’s (“Department”) Motion for Entry of Order, which seeks implementation of the Settlement Agreement entered into by the Department and the Respondent.

The Department initiated disciplinary proceedings against Respondent with the filing of a Notice of Charges on or about July 27, 2000. In the Notice of Charges, the Department sought professional discipline against Respondent, who holds an Instructional II teaching certificate endorsed in the area of Music. Specifically, the Department alleged that the Respondent accessed numerous pornographic and sexually explicit web sites on a district computer in violation of the Internet policy of his employer, the Eastern York School District.

Subsequent to Respondent’s Answer to the Notice of Charges, the parties entered into a Settlement Agreement whereby Respondent acknowledged that he had accessed some pornographic web sites intentionally while using a school computer.

Both the Respondent and the Department agree that the access did not occur in the presence of any students. While the District suspended Respondent for five days without pay, Respondent elected to resign the following school year. Respondent has been diagnosed as suffering from Obsessive/Compulsive Disorder and is currently under treatment from a therapist, who has opined that Respondent's conduct is related to his mental health disorder. The therapist further has asserted that Respondent does not pose a threat to children. Finally, Respondent's current employer, the West Perry School District, is aware of the circumstances related to Respondent's previous resignation and his current therapy, and supports his continued employment.

The Department urges the Commission to accept the Settlement Agreement, by which Respondent agrees to a suspension of his certificate from June 30 through August 10, 2001, to continue outpatient therapy and treatment, and to submit annual reports to the Department from his therapist for the next two years. Finally, Respondent agrees to advise any prospective employer for the next five years of his prior inappropriate use of the school computer. In addition, the hearing officer has reviewed the settlement agreement and recommends that the Commission grant the Motion for Entry of Order.

After careful consideration of the record, including the Department's Motion for Entry of Order and the Settlement Agreement, the Commission has decided to grant the Motion and, accordingly, enters the following:

ORDER

AND NOW, this 30th day of July, 2001, upon consideration of the Motion for Entry of Order filed by the Department of Education, it is hereby ORDERED that the Motion for Entry of Order is GRANTED and that the teaching certificate of Respondent Jeffrey Sims be SUSPENDED from June 30, 2001, through August 10, 2001. Further the Respondent is ORDERED to comply with the terms of the Settlement Agreement, which is incorporated in this Order by reference, with the additional proviso that the annual report be submitted by a licensed therapist.

PROFESSIONAL STANDARDS AND
PRACTICES COMMISSION

By: _____
Richard D. Hupper
Chairperson

Attest: _____
Carolyn Angelo
Executive Director

Date Mailed: