

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

DEPARTMENT OF EDUCATION,	:	
Petitioner,	:	
	:	
	:	
v.	:	DOCKET NO. DI-15-54
	:	
	:	
PALMER F. SABATINE,	:	
Respondent.	:	

MEMORANDUM AND ORDER

On June 9, 2015, the Department of Education (“Department”) filed a Notice of Charges against Palmer F. Sabatine (“Respondent”) seeking the immediate suspension of his Pennsylvania teaching certification¹ and employment eligibility pursuant to section 2070.9b(a)(1) of the Educator Discipline Act. Under section 2070.9b(a)(1), the Commission may direct the Department to suspend immediately the certificate and employment eligibility of an educator indicted for a crime set forth in section 111(e)(1) through (3) of the Public School Code of 1949 if the Commission determines that the educator poses a threat to the health, safety or welfare of students or other persons in the schools of this Commonwealth. Suspension may occur only after the educator has received notice of the charges and request for immediate discipline and has an opportunity to be heard at a hearing if so requested. 24 P.S. § 2070.9b(a)(1); 24 P.S. § 1-111(e)(1)-(3).

In the instant case, the Department served the Notice of Charges on Respondent by certified and first class mail. Respondent filed a Response to Notice of

1. Respondent holds an Instructional II Pennsylvania teaching certificate in the area of Elementary K-6.

Charges and Request for Hearing (“Response”) on June 25, 2015.² In his Response, Respondent admitted that he has been charged with Manufacture, Delivery or Possession with Intent to Manufacture or Deliver a Controlled Substance (35 Pa. C.S. § 780-113(a)(30))³. Respondent denied, however, that he is guilty of the crime or that he poses a threat to the health, safety or welfare of a student or other individual in a school.

Section 111(e)(2) of the Public School Code of 1949 includes an offense designated as a felony under the act of April 14, 1972 (P.L. 233, No. 64), known as “The Controlled Substance, Drug, Device and Cosmetic Act.” 24 P.S. § 1-111(e)(2). Manufacture, Delivery or Possession with Intent to Manufacture or Deliver a Controlled Substance is such a crime. Thus, the Commission must now determine whether Respondent poses the requisite threat based upon the allegations underlying the criminal charges. Those allegations, as detailed in the Affidavit of Probable Cause attached to the Department’s Notice of Charges, are that Respondent engaged in a prescription drug ring and received more prescription pills than prescribed and provided those pills back to the prescribing physician.

An educator stands as a fiduciary to students and thus has a duty to protect them from conditions that are harmful. The Commission has previously recognized the danger that a teacher’s involvement in illegal drugs, particularly in the manufacture or distribution thereof, poses to students. See Department of Education v. Vangilder,

2. Respondent subsequently withdrew his request for an evidentiary hearing.

3. Respondent has also been charged with Insurance Fraud and Acquire or Obtain Possession of a Controlled Substance by Misrepresentation.

PSPC Docket No. DI-14-91. As ensuring the safety and welfare of students in our schools is the foremost obligation of the Commission, the Commission finds that Respondent's alleged conduct poses the threat contemplated by section 2070.9b(1) of the Act. At this time, Respondent has proffered no evidence to rebut the Commission's conclusion that he poses the requisite threat⁴. Accordingly, the Commission finds that Respondent's professional educator certification and employment eligibility should be suspended immediately pursuant to 24 P.S. § 2070.9b(a)(1) and enters the following Order:⁵

4. Respondent elected not to present any evidence. He did request, however, that the Commission consider accepting an affidavit attesting that he would not be in direct contact with children or students during the pendency of the criminal case, but the Commission declined to accept the affidavit in lieu of immediate suspension.

5. The Commission's decision in this matter is based upon the nature and seriousness of the charges lodged against Respondent, the district court's finding that probable cause exists to believe that Respondent committed the acts charged, and Respondent's failure to provide evidence to rebut the Commission's reasonable belief that the health, safety or welfare of students or others would be jeopardized by the retention of his certification and employment eligibility during the pendency of the criminal proceedings. However, the Commission makes no findings herein regarding the truth of the factual allegations underlying the criminal charges filed against Respondent. Moreover, should the criminal charges be dismissed or otherwise removed, Respondent's teaching certification and employment eligibility will be immediately reinstated pursuant to section 2070.9b(a)(1)(iii) upon receipt of the appropriate documentation.

ORDER

AND NOW, this 20th day of July, 2015, upon consideration of the Department of Education's Notice of Charges requesting immediate suspension, it is hereby ORDERED that the teaching certification and eligibility to be employed as a charter or cyber charter school staff member or contracted educational provider staff member of PALMER F. SABATINE shall be SUSPENDED IMMEDIATELY pursuant to 24 P.S. § 2070.9b(a)(1).

PROFESSIONAL STANDARDS AND
PRACTICES COMMISSION

BY: _____
Gilbert R. Griffiths
Chairperson

ATTEST: _____
Shane F. Crosby
Executive Director

Date Mailed: July 20, 2015

