

admitted and the imposition of discipline without a hearing, Respondent declined to file an answer or to request a hearing. In accordance with the Commission's bylaws, an educator who fails to respond 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 § 233.115(c)(1); 1 Pa. Code § 35.37. Thus, all relevant facts stated in the Notice of Charges will be deemed admitted.

Accordingly, the Commission makes the following findings of fact: Respondent holds an Instructional I Pennsylvania teaching certificate in the areas of Social Studies 7-12 and English 7-12. Respondent has been criminally charged in the Westmoreland County Court of Common Pleas with Sexual Abuse of Children (18 Pa. C.S. § 6312(d)), Unlawful Contact with a Minor (18 Pa. C.S. § 6318(a)(5)) and Corruption of Minors (18 Pa. C.S. § 6301(a)(1)(i)), which are crimes set forth in section 1-111(e)(1) of the Public School Code of 1949.¹ The criminal charges stem from allegations that Respondent engaged in sexually explicit communications with a minor female student via Facebook and email and that he requested and received nude photos from the minor female student.

Based on these facts, the Commission finds that the Department has presented sufficient evidence to support its claim that Respondent's alleged misconduct poses a threat to the health, safety or welfare of students or other persons in the schools of this Commonwealth. The burden then shifts to Respondent to rebut the evidence presented by the Department that he was indicted for the particular crimes and/or that

1. Respondent has also been charged with Criminal Use of a Communication Facility (18 Pa. C.S. § 7512(a)).

he poses the requisite threat. Respondent has forfeited the rebuttal opportunity.²

Accordingly, the Commission finds that Respondent's teaching certification and employment eligibility should be suspended immediately pursuant to 24 P.S. § 2070.9b(a)(1) and enters the following:

² The Commission's decision in this matter is based upon the nature and seriousness of the charges lodged against Respondent, Respondent's acknowledgment, via his waiver of a preliminary hearing and consent to be bound over to court, that sufficient evidence exists to make out a *prima facie* criminal case against him, 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 14th day of October, 2015, upon consideration of the Notice of Charges requesting immediate suspension filed by the Department of Education, 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 JAMISON GEIBEL 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: October 14, 2015