

Deliver a Controlled Substance, a felony under “The Controlled Substance, Drug, Device and Cosmetic Act”, but denied that she poses a threat to the health, safety or welfare of students or other persons in the schools of this Commonwealth. Respondent also requested a hearing.¹ A meeting was held on October 29, 2015 to consider the Department’s request for immediate suspension.

It is undisputed that Respondent, while employed by the Norwin School District as a health and physical education teacher, was charged with Manufacture, Delivery or Possession with Intent to Manufacture or Deliver a Controlled Substance. As Respondent has been charged with a crime set forth in section 111(e)(2) of the Public School Code of 1949, the Commission must determine whether Respondent poses a threat to the health, safety or welfare of students or other persons in a school. The Department bears the initial burden of presenting sufficient facts to support such a finding. In this case, the Department has submitted certified court documents evidencing Respondent’s arrest and the allegations underlying the criminal charges. Those allegations are that Respondent engaged in the sale of heroin and that she had several bags of heroin in her car and on her person. The court documents also reflect that Respondent waived the charges for court. 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, PSPC Docket No. DI-14-91. Thus, the Commission finds that the

1. Respondent’s counsel subsequently advised the Commission that Respondent did not wish to have a formal evidentiary hearing, but requested the opportunity to address the Commission when it convened to consider the request for immediate suspension.

Department has presented sufficient evidence to support its claim that Respondent poses a threat to the health, safety or welfare of students or other persons in a school.

The burden then shifts to Respondent to rebut the evidence presented by the Department that she poses the requisite threat. At the meeting, Respondent advanced several arguments to support her contention that she does not pose a threat. The Commission was not persuaded by her arguments. Respondent also requested that the Commission consider accepting an affidavit in lieu of suspending her certification and employment eligibility as contemplated by section 9b(a)(1)(ii). Section 9b(a)(1)(ii) provides that the Commission may elect not to suspend the certificate of an educator indicted for a crime if the educator files an affidavit attesting that, during the pendency of the criminal charges, the educator will not be employed in a position that requires professional certification or involves direct contact with children. Ensuring the safety and welfare of students in our schools is the foremost obligation of the Commission. Given the seriousness of the charges against Respondent in this case, the Commission does not believe that an affidavit provides sufficient protection for students during the pendency of the criminal charges. Therefore, we decline to accept Respondent's proposed affidavit in lieu of immediate suspension.²

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 her 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 her, 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 her 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.

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

ORDER

AND NOW, this 4th day of November, 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 LISA M. RODNICKI 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: November 4, 2015