

COMMONWEALTH OF PENNSYLVANIA
PROFESSIONAL STANDARDS AND PRACTICES COMMISSION

In Re: Clyde Caliguiri

PSPC Docket No. DI-92-19

MEMORANDUM AND ORDER

On July 17, 1992, the Department of Education (Department), through its Office of Postsecondary and Higher Education, filed a Notice of Charges with the Professional Standards and Practices Commission (Commission), pursuant to section 13(a) of the Teacher Certification Law (Law), as amended, 24 P.S. §12-1263(a). In its notice of charges, the Department alleged that the respondent, Clyde Caliguiri, holds a permanent certificate endorsed in music, issued by the Department in February 1972. On September 5, 1991, according to the Department, the Department's Bureau of Teacher Preparation and Certification (Bureau) received notice from the South Park School District (South Park) that the respondent had been arrested and had pled guilty to charges of sexual misconduct. Then, on September 16, 1991, the Bureau received from South Park an "Educator Misconduct Complaint Form," which reflected that the respondent, who had resigned his teaching position on August 29, 1991, had been accused of indecent assault, indecent exposure, sexual abuse of a child,

endangerment of a child and corruption of the morals of a minor involving his daughter. The complaint further stated that the respondent had ordered his daughter to disrobe, to come into his bed and to permit him to place his hand upon her sexual organ and, further, that the respondent had "exposed his sexual organ to his daughter in a manner which was intended to gratify and/or sexually arouse him and her."

According to the notice of charges, the Bureau on May 12, 1992 received a certified copy of the Charges and Sentence from the Court of Common Pleas of Allegheny County, Criminal Division. The charges and sentence, certified by the Clerk of Courts of Allegheny County, reflected that the respondent had been placed on probation for a period of five years for the crimes of indecent assault, corruption of minors, and endangering the welfare of children.

The Department avers in its notice of charges that the crimes of indecent assault, corruption of minors and endangering the welfare of children are crimes involving moral turpitude and that, therefore, under section 5(a)(11) of the Law, as amended, 24 P.S. §12-1255(a)(11), the Commission must direct the Department to revoke the professional teaching certificate held by the respondent. In addition, the Department averred that the facts underlying the criminal convictions constitute immorality for which discipline might be imposed under section 5(a)(11) of

the Law. In addition, the Department averred that the respondent is a danger to the health, safety and welfare of students in the schools of this Commonwealth.

On August 25, 1992, the Department filed a Motion for Judgment on Default. In its motion, the Department avers that the respondent received a copy of the notice of charges by certified mail on July 21, 1992 and that, under section 13(a) of the Law, as reflected in the notice of charges itself, the respondent was required to file an answer to the notice of charges and to request a hearing no later than August 20, 1992. Because the respondent did not file an answer or request a hearing, the Department contends that, under 1 Pa. Code §35.37, the respondent is in default and the facts as stated in the notice of charges should be deemed admitted pursuant to §35.37 and the Commission's by-laws (22 Pa. Code §233.13(e)(iii)).

By letter dated August 28, 1992, the Commission notified the respondent and the Department that the Commission would hold a closed meeting to consider whether, under section 5(a)(11) of the Law, the Commission should direct the Department to revoke the respondent's professional teaching certificate. The Commission informed the respondent and the Department that the meeting would occur on September 10, 1992 at 2:30 P.M. in the Heritage Room B at 333 Market Street in Harrisburg, Pennsylvania.

The respondent did not file an answer to the Department's motion

for judgment on default and did not appear before the Commission at its closed meeting on September 10.

After due consideration of the Department's motion for judgment on default, and upon majority vote of its members, the Commission has determined that the respondent's professional teaching certificate must be revoked. Therefore, the following order will be entered:

ORDER

AND NOW, this 10th day of September, 1992, upon consideration of the Department's Motion for Judgment on Default filed in the above-captioned matter, it is hereby ORDERED that the motion is GRANTED. It is further ORDERED that the Department of Education shall REVOKE the professional teaching certificate of the respondent, Clyde Caliguiri, and that the revocation shall occur immediately since the respondent is deemed to have admitted that he is a danger to the health, safety and welfare of the students of this Commonwealth. The Department shall notify the appropriate school officials and entities pursuant to 22 Pa. Code §49.64f.

PROFESSIONAL STANDARDS AND
PRACTICES COMMISSION

By: Howard R. Selekman
Howard R. Selekman
Chairperson

Attest: Warren D. Evans
Warren D. Evans
Executive Director