MEMORANDUM AND ORDER

This matter is before the Commission on the Department’s Motion for Judgment on Default filed on January 29, 2015. Initially, on December 23, 2014, the Department issued an Order to Show Cause why reciprocal discipline should not be imposed against Respondent’s educator certification and employment eligibility pursuant to section 2070.9e of the Educator Discipline Act. 24 P.S. § 2070.9e. Attached to the Department’s Order to Show Cause was a certified copy of an adjudication from the California Commission on Teacher Credentialing revoking Respondent’s California teaching credentials. In its Motion for Judgment on Default, the Department requests that the Commission impose identical or comparable discipline against Respondent’s Pennsylvania educator certification and employment eligibility.

In accordance with section 2070.9e of the Educator Discipline Act, when the Department receives from the licensing authority of another state, territory or nation a certified copy of an adjudication imposing discipline against an educator who holds a Pennsylvania certificate for misconduct that would be actionable under the Educator...
Discipline Act, it may issue an order directing the educator to show cause why the imposition of identical or comparable discipline in this Commonwealth would be unwarranted. The Commission may direct the Department to impose comparable or identical discipline against the educator’s Pennsylvania certification and employment eligibility unless the educator can establish:

(i) the discipline would result in a grave injustice;
(ii) the discipline is substantially different from what would have been imposed for similar conduct in this Commonwealth; or
(iii) the procedure used in the other jurisdiction did not provide due process.

The adjudication of another licensing jurisdiction is conclusive as to the misconduct of the educator. 24 P.S. § 2070.9e.

The significance of Pennsylvania’s reciprocal discipline process is to allow the Commission to review Pennsylvania educator certificate holders, who have been disciplined for professional misconduct in another jurisdiction, to determine whether their Pennsylvania certification should be similarly disciplined. This system ensures that such educators are held to the same high standards as educators practicing in Pennsylvania and that school entities make employment decisions with full knowledge of an applicant’s discipline history.

In the instant case, the Department served the Order to Show Cause on Respondent by certified and first class mail. Respondent signed for the certified mail

1 Respondent holds an Instructional I Pennsylvania teaching certificate in the area of Communications 7-12.
on January 17, 2015. Notwithstanding the language in the Order to Show Cause cautioning Respondent that failure to respond could result in the factual assertions being deemed admitted, the absence of any precluding criteria confirmed and the imposition of discipline without a hearing, Respondent declined to file an answer or otherwise respond to the Order to Show Cause. Accordingly, the Department has filed the instant Motion, requesting that the factual allegations in the Order to Show Cause be deemed admitted and that reciprocal discipline against Respondent’s educator certification and employment eligibility be ordered pursuant to section 2070.9e of the Educator Discipline Act.

In accordance with the Commission’s bylaws and the General Rules of Administrative Practice and Procedure, the Commission finds Respondent to be in default and deems all relevant facts in the Order to Show Cause admitted. 22 Pa. Code § 233.115(c)(1); 1 Pa. Code § 35.37. Accordingly, the Commission makes the following findings of fact: Respondent held educator certification issued by the California Commission on Teacher Credentialing. Respondent was employed by the California Department of Corrections and Rehabilitation as an educator at Pine Grove Youth Conservation Camp. On or about April 15, 2013, the California Commission on Teacher Credentialing was notified that Respondent was terminated. On December 30, 2013, the Committee of Credentials recommended the revocation of Respondent’s teaching credentials based upon findings that Respondent: divulged too much personal information to wards/students at Pine Grove Youth Conservation Camp, including information about her non-existent sex life with her husband and her treatment for alcoholism; engaged in sexual misconduct with a ward/student, “M.S.”, at the Pine
As the final adjudication of the California Commission on Teacher Credentialing is conclusive as to Respondent’s misconduct, the Commission’s remaining inquiry is two-fold: (1) whether Respondent’s misconduct in California is comparable to grounds for discipline in Pennsylvania; and (2) whether Respondent has demonstrated any one of the statutory justifications for precluding the imposition of reciprocal discipline. 24 P.S. § 2070.9e. The foremost duty of an educator is to ensure the safety and welfare of students. There can be no greater breach of that duty than to enter into an inappropriate relationship with a student. Such misconduct is certainly actionable under Pennsylvania’s educator discipline system. Moreover, the Commission has previously imposed professional discipline against educators who have engaged in inappropriate communications with students and who have operated a motor vehicle under the influence of alcohol or drugs. Thus, in light of Respondent’s failure to respond to the Order to Show Cause and to establish any reasons for forestalling comparable
discipline, the Commission will revoke Respondent’s Pennsylvania educator
certification and employment eligibility in accordance with section 2070.9e of the
Educator Discipline Act and the California adjudication.

Accordingly, we enter the following:
ORDER

AND NOW, this_____ day of April, 2015, it is hereby ORDERED that the Department of Education’s Motion for Judgment on Default is GRANTED and the educator certification and the eligibility to be employed as a charter or cyber charter school staff member or a contracted educational provider staff member of Respondent TAMIE LEAHY shall be REVOKED by the Department.

PROFESSIONAL STANDARDS AND PRACTICES COMMISSION

By: __________________________
Gilbert R. Griffiths
Chairperson

Attest: __________________________
Shane F. Crosby
Executive Director

Date Mailed: