MEMORANDUM AND ORDER

This matter is before the Commission on the Department’s Motion for Judgment on Default filed on April 8, 2015. Initially, on February 19, 2015, the Department issued to Respondent an Order to Show Cause why reciprocal discipline should not be imposed against Respondent’s Pennsylvania 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 Public Letter of Admonishment issued to Respondent by the State Superintendent of Public Instruction on behalf of the Ohio State Board of Education. 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

1. Respondent holds an Instructional I Pennsylvania teaching certificate in the areas of Elementary K-6 and Special Education PK-12.
Respondent by certified and first class mail. 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 finds that Respondent held educator certification issued by the state of Ohio. At all times relevant, Respondent was employed by the Beaver Local School District as an intervention specialist. On or about March 11, 2014, a student approached Respondent and said that her mother had slammed her head against a table the previous night. That same day, Respondent emailed the school’s guidance counselor, who told Respondent to call children services immediately and to let her know when she had reported the incident. Following this exchange, Respondent was absent from work for several days for health reasons. Respondent waited until March 18, 2014 to call children services to report the incident. Respondent also failed to inform the guidance counselor or the principal that a report had been made. The children services report was finalized as, “Does not meet
agency criteria for service.” During the school district’s investigation, Respondent said she did not immediately report the incident because of her absences and because a group of more experienced teachers told her it was not a good idea to make a report unless she was certain that abuse had occurred. On September 4, 2014, the Superintendent of Public Instruction, on behalf of the State Board of Education, issued to Respondent a public Letter of Admonishment for her failure to promptly report possible child abuse to children services. On September 17, 2014, Respondent signed a letter accepting the Letter of Admonishment and waiving her rights to a hearing and to appeal. The September 4, 2014 public Letter of Admonishment is a final adjudication of the professional educator licensing authority of Ohio.

As the final adjudication of Ohio is conclusive as to Respondent’s misconduct, the Commission’s remaining inquiry is two-fold: (1) whether Respondent’s misconduct in Ohio 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 Commission has previously held that failure to immediately report child abuse is actionable under Pennsylvania’s Educator Discipline Act. Department v. Person, PSPC Docket No. DI-13-39; Department v. Joyce, PSPC Docket No. DI-14-57. 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 direct the Department to issue Respondent a Public Reprimand in accordance with section 2070.9e of the Educator Discipline Act and the Ohio adjudication.

Accordingly, we enter the following:
ORDER

AND NOW, this 29th day of May, 2015, it is hereby ORDERED that the Department of Education’s Motion for Judgment on Default is GRANTED and the Department is directed to issue a PUBLIC REPRIMAND to Respondent KATHLEEN M. CHIANESE.

PROFESSIONAL STANDARDS AND PRACTICES COMMISSION

By: __________________________
    Gilbert R. Griffiths
    Chairperson

Attest: __________________________
    Shane F. Crosby
    Executive Director

Date Mailed: May 29, 2015