

**COMMONWEALTH OF PENNSYLVANIA  
PROFESSIONAL STANDARDS AND PRACTICES COMMISSION**

<b>DEPARTMENT OF EDUCATION,</b>	:	
<b>Petitioner,</b>	:	
	:	
	:	
<b>v.</b>	:	<b>DOCKET NO. DI-23-093</b>
	:	
<b>COREY CURTIS,</b>	:	
<b>Respondent.</b>	:	

**ORDER GRANTING MOTION FOR SUMMARY JUDGMENT**

This matter is before the Professional Standards and Practices Commission (Commission) on a Notice of Charges and Motion for Summary Judgment filed by the Department of Education (Department). After consideration of the record in this matter and the applicable law, the Commission finds that summary judgment in favor of the Department is appropriate and enters this Order as follows:

Background

Corey Curtis (Respondent) was issued Long-Term Substitute Emergency Permits with No Educational Obligation in the areas of Health & Physical Educ PK-12 and Grades 4-8 (All Subjects 4-6, Science 7-8). Most recently, Respondent was employed by the People for People Charter School as a teacher. The Department initiated disciplinary proceedings against Respondent with the filing of a Notice of Charges on September 28, 2023. The Notice of Charges alleges that Respondent was criminally convicted of Aggravated Assault. Certified copies of the pertinent court documents are attached to the Notice of Charges. Simultaneous with the filing of the Notice of Charges, the Department filed a Motion for Summary Judgment requesting that the Commission enter summary judgment in its favor and revoke Respondent's

certificates and employment eligibility based upon his conviction.

In response, the Commission received from Respondent a hand-written letter, which reads in its entirety as follows: “I would like to request a hearing to further discuss this matter. Thanks.”

The Commission heard oral argument at its regularly scheduled meeting on January 22, 2024. Respondent appeared by telephone and made a brief statement.<sup>1</sup>

### Summary Judgment Standard

Summary Judgment is appropriate only when, after examining the whole record in the light most favorable to the non-moving party, there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law. Snyder v. Department of Environmental Resources, 588 A.2d 1001 (Pa. Cmwlth. 1991).

### Material Facts

The material facts are not in dispute.<sup>2</sup> On July 20, 2023, Respondent was

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1. Respondent’s conviction stems from allegations he shot another individual in the neck and back while the victim was seated in a vehicle. During oral argument, Respondent claimed that he was licensed to carry a firearm and that he was attacked before firing his weapon. Even if true, because of the automatic revocation provision of section 9b(a)(2) of the Educator Discipline Act, 24 P.S. § 2070.9b(a)(2), the Commission is precluded from inquiring further, *i.e.*, into mitigating circumstances.

2. Nowhere in his letter does Respondent specifically admit or deny the allegations in the Notice of Charges or set forth the facts and matters of law relied upon as required by 1 Pa. Code § 35.37. Accordingly, the only facts considered by the Commission are those alleged in the Department’s Notice of Charges, which are deemed admitted and incorporated herein by reference. See 22 Pa. Code § 233.115(c)(1); 1 Pa. Code § 35.37; See also Kinniry v. Professional Standards and Practices Commission, 678 A.2d 1230 (Pa. Cmwlth. 1996). Moreover, while section 504 of the Administrative Agency Law mandates that a party receive an opportunity to be heard, that opportunity does not require the equivalent of an evidentiary hearing. Where no factual issues are in dispute, no evidentiary hearing is required under 2 Pa.C.S. § 504. Where there are no disputed facts, the motion proceedings, including briefs and arguments by both parties, provide ample opportunity for the parties to be heard and the Administrative Agency Law requires no more. United Healthcare Benefits Trust v. Insurance Comm’r of Pa., 620 A.2d 81, 83 (Pa. Cmwlth. 1993). Here, the only question before the Commission is whether Respondent has been convicted of a crime enumerated in section 111(e)(1) through (3) of the Public School Code of 1949 and/or a crime involving moral turpitude, a fact not in dispute. Therefore, no hearing is required.

convicted in Philadelphia County, Pennsylvania of Aggravated Assault, 18 Pa.C.S. § 2702(a)(1).

### Discussion

The Department seeks the revocation of Respondent's certificates and employment eligibility pursuant to section 9b(a)(2) of the Educator Discipline Act (Act). 24 P.S. § 2070.9b(a)(2). That section mandates that the Commission shall direct the Department to revoke the certificate and employment eligibility of an educator convicted of a crime set forth in section 111(e)(1) through (3) of the Public School Code of 1949, a crime involving moral turpitude, or the attempt, solicitation or conspiracy to commit such a crime upon the filing of a certified copy of the verdict, judgment or sentence of the court with the Commission. Id.<sup>3</sup>

Here, the Department has presented the Commission with certified court records of Respondent's conviction for Aggravated Assault, which is a crime set forth in section 111(e)(1) of the Public School Code of 1949 and a crime involving moral turpitude *per se*. 24 P.S. § 1-111(e)(1); 22 Pa. Code § 237.9(c)(1). Therefore, the Commission must direct the Department to revoke Respondent's certificates and employment eligibility.<sup>4</sup> 24 P.S. § 2070.9b(a)(2); See *also* Bowalick v. Dep't of Educ., 840 A.2d 519, 522 (Pa. Cmwlth. 2004) (revocation of a teaching certificate on summary judgment is appropriate upon proof of a conviction of a crime of moral turpitude); *citing* Kinniry v. Professional Stds. & Practices Comm'n, 678 A.2d 1230, 1234 (Pa. Cmwlth. 1996).

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3. The term 'conviction' includes a plea of guilty or nolo contendere. 24 P.S. § 2070.9b(a)(2).

4. An appeal shall not operate as a stay if the discipline is imposed under section 9b. 24 P.S. § 2070.15. Therefore, the revocation of Respondent's certificates and employment eligibility will be effective immediately.

Order

AND NOW, this 14<sup>th</sup> day of February 2024, upon consideration of the Department's Motion for Summary Judgment, it is hereby ORDERED:

1. The Motion is granted.
2. Pursuant to 24 P.S. § 2070.9b(a)(2), the Department is directed to revoke Respondent's certificates and eligibility to be employed as a charter or cyber charter school staff member or a contracted educational provider staff member effective on the date of this Order.
3. Respondent is not eligible to be employed in a school entity in a position requiring certification or as a charter or cyber charter school staff member or contracted educational provider staff member, or eligible for any certificate.
4. Pursuant to 24 P.S. § 2070.16(c), the Commission shall not reinstate Respondent's certificates or employment eligibility for the period set forth in 24 P.S. § 1-111(e).

PROFESSIONAL STANDARDS AND  
PRACTICES COMMISSION

By:



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Myron Yoder  
Chairperson Pro Tempore



Attest:

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Shane F. Crosby  
Executive Director

Date Mailed: February 14, 2024