

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

**DEPARTMENT OF EDUCATION,  
Petitioner,**

v.

**MEREDITH DONAHUE,  
Respondent.**

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**DOCKET NO. DI-19-129**

**MEMORANDUM AND ORDER**

This matter is before the Professional Standards and Practices Commission (“Commission”) upon the Department of Education’s (“Department”) Motion for Judgment on Default. For the reasons set forth below, the Motion is granted.

On July 9, 2019, the Department filed with the Commission a Notice of Charges alleging that Respondent engaged in conduct constituting immorality, intemperance, and negligence and requesting that the Commission enter an order directing the Department to suspend indefinitely Respondent’s educator certification and employment eligibility. The Department served the Notice of Charges on Respondent by certified and first-class mail at her last-known address. The first-class mail was not returned, and the certified mail was returned to the Department marked “unclaimed.” Depositing in the post office of a properly addressed letter with prepaid postage raises a natural presumption that the letter reached its destination by due course of mail. In re Rural Route Neighbors, 960 A.2d 856, 861 (Pa. Cmwlth. 2008).

Under 22 Pa. Code § 233.115, a Notice of Charges is to be treated as an order to show cause under 1 Pa. Code § 35.14. If the educator fails to timely respond to the Notice of Charges, the educator is deemed to have defaulted under 1 Pa. Code § 35.37,

and the Commission may deem admitted the relevant facts stated in the Notice of Charges and proceed to consideration of discipline based upon the admitted facts and exhibits to the Notice of Charges. 22 Pa. Code § 233.115(c)(1);<sup>1</sup> Kinniry v. Professional Stds. & Practices Comm'n, 678 A.2d 1230 (Pa. Cmwlth. 1995). Here, despite the language in the Notice of Charges cautioning Respondent that failure to respond could result in the factual assertions being deemed admitted and the imposition of discipline without a hearing, Respondent declined to file an answer or otherwise respond to the Notice of Charges. Thus, all relevant facts stated in the Notice of Charges will be deemed admitted.

Accordingly, the Commission makes the following findings of fact: Respondent holds an Instructional II Pennsylvania teaching certificate in the area of Music PK-12. Respondent was most recently employed by the Philadelphia City School District as an elementary music teacher until her resignation on March 5, 2014. Her resignation followed an Unsatisfactory Incident Conference involving her failure to account for missing musical instruments valued at \$1350.00. On January 8, 2016, Respondent

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1. The Commission's bylaws provide the following with respect to an educator's failure to timely respond to a notice of charges:

(c) *Failure to respond.*

(1) If the educator fails to timely respond to the notice of charges, the educator is deemed in default under 1 Pa. Code § 35.37 (relating to answers to orders to show cause), and the Commission may, upon motion of any party, deem admitted the relevant facts stated in the notice of charges and proceed to consideration of discipline based upon the admitted facts and exhibits, if any, to the notice of charges.

(2) The Commission will not in these cases appoint a hearing officer or hold a hearing unless the Commission determines that the appointment of a hearing officer is necessary for the Commission to decide the matter. In these cases, the Commission will determine the scope of the hearing officer's authority.

22 Pa. Code § 233.115(c)(1).

pleaded guilty to Possession of a Controlled Substance by a Person Not Registered after being found to be in possession of heroin and crack cocaine on November 9, 2015. On May 2, 2016, Respondent pleaded guilty to Retail Theft and Possession of a Controlled Substance by a Person Not Registered after attempting to leave a Lord & Taylor department store with concealed merchandise valued at \$731.50. When police arrived, Respondent was found to be in possession of eight bags of heroin and two glass pipes.

The Commission has defined immorality as “conduct which offends the morals of the Commonwealth and is a bad example to the youth whose ideals a professional educator has a duty to foster and elevate.” 22 Pa. Code § 237.3. The crime of Retail Theft falls squarely within the definition of immorality. See Lesley v. Oxford Area School Dist., 420 A.2d 764, 766 (Pa. Cmwlth. 1980).<sup>2</sup> In addition, Respondent’s possession of heroin and crack cocaine clearly offends the Commonwealth’s morals and sets a bad example for students. Therefore, the Commission has no difficulty concluding that Respondent is guilty of immorality.

Loss of self-control or self-restraint is the main element of intemperance.<sup>3</sup> A single episode can be sufficient to establish intemperance. Gow v. Department of Education, 763 A.2d 528 (Pa. Cmwlth. 2000). Respondent’s conduct unquestionably

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2. Conduct constituting “immorality” is cause for termination of a tenured professional employee under the Public School Code of 1949. Immorality has been defined by courts as a course of conduct that offends the morals of the community and is a bad example to the youth whose ideals a teacher is supposed to foster and elevate. Id. at 766. While not binding on the Commission, the court’s decision in Lesley may be regarded as persuasive authority. See 22 Pa. Code § 237.1.

3. Intemperance is a loss of self-control or self-restraint, which may result from excessive conduct. 22 Pa. Code § 237.5.

exhibits a loss of self-control and self-restraint. Therefore, we find that Respondent is guilty of intemperance.<sup>4</sup>

Educators have a duty to act as role models for children. This requires them to exhibit a degree of self-restraint and controlled behavior rarely requisite to other types of employment. Respondent's actions are clearly inconsistent with her responsibilities as a role model and cannot be countenanced by this Commission. The Department requests that the Commission enter an order directing the Department to suspend indefinitely Respondent's educator certification and employment eligibility. By defaulting, Respondent has forfeited the opportunity to mitigate the sanction. Therefore, we agree with the Department that an indefinite suspension is the appropriate sanction for Respondent's misconduct and accordingly enter the following:

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4. Having found Respondent guilty of immorality and intemperance, we need not determine whether Respondent's conduct also constitutes negligence as alleged by the Department.

**ORDER**

AND NOW, this 31<sup>st</sup> day of January 2020, upon consideration of the Motion for Judgment on Default filed by the Department of Education, it is hereby ORDERED that the Motion is GRANTED and the Department is directed to SUSPEND the educator certification and eligibility to be employed as a charter or cyber charter school staff member or a contracted educational provider staff member of MEREDITH A. DONAHUE in accordance with the foregoing Memorandum. To have the suspension of her educator certification and employment eligibility lifted, Respondent must apply to the Commission for an order lifting the suspension pursuant to 24 P.S. § 2070.16. This order shall be effective upon the conclusion of any appeal from this order or, if no appeal is timely taken, the expiration of the time prescribed for appeal.

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: January 31, 2020