

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

**DEPARTMENT OF EDUCATION,
Petitioner,**

v.

**MEGHAN L. DETTLING,
Respondent.**

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DOCKET NO. DI-20-095

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.

BACKGROUND AND PROCEDURAL HISTORY

The Department initiated disciplinary proceedings against Meghan L. Dettling (“Respondent”) with the filing of a Notice of Charges on October 22, 2020. The Notice of Charges alleges that Respondent engaged in conduct resulting in criminal convictions for Driving Under the Influence of Alcohol and Recklessly Endangering Another Person. The Notice of Charges also alleges that Respondent fell asleep in her classroom and left school upon being woken up by a colleague, and that she failed to report her November 19, 2019 arrest for Driving Under the Influence of Alcohol to her employer within 72 hours as required by law. The Department has charged Respondent with immorality, intemperance, and negligence under the Educator Discipline Act (“Act”) and the Commission’s regulations and requests the suspension of Respondent’s certificate and employment eligibility.

Respondent’s response to the Notice of Charges was due on or before

November 23, 2020. When no response was filed, on December 3, 2020, the Department filed a Motion for Judgment on Default, requesting that the Commission find Respondent in default and issue an order directing the Department to suspend her certificate and employment eligibility. The Commission considered the Motion at its January 11, 2021 meeting. Respondent, though properly notified in advance of the date and time of the meeting, did not appear.

FINDINGS OF FACT

1. Respondent holds an Instructional II certificate in the area of Elementary K-6.
2. At all relevant times, Respondent was employed by the Carlynton School District as a teacher until her resignation effective February 11, 2020.
3. On or about June 22, 2015, Respondent engaged in professional misconduct when she drove her vehicle under the influence of alcohol. Specifically, Respondent was observed driving off the road and crashing her vehicle into a utility pole, breaking the pole into multiple pieces. At the time of the crash, Respondent's two young children (aged 3-years-old and 5-years-old) were passengers in her vehicle.
4. When Respondent was questioned about the accident by law enforcement, she exhibited slurred speech and glassy eyes. Following the administration of field sobriety tests and chemical tests of blood, Respondent's BAC was determined to be .193%.
5. As a result of Respondent's conduct, she was convicted of DUI: Highest Rate of Alcohol (BAC .16+) – 1st Offense (M1), 75 Pa.C.S. § 3802(c), DUI: General Impairment/Incapable of Driving Safely – 1st Offense (M), 75 Pa.C.S. § 3802(a)(1),

and Recklessly Endangering Another Person (M2), 18 Pa.C.S. § 2705, on January 19, 2016.

6. On October 8, 2018, Respondent engaged in professional misconduct when she fell asleep in her classroom during instructional time. Specifically, Respondent fell asleep at her desk while showing a movie to students. At the end of the class period students were unable to wake Respondent, so they notified another teacher about the situation. Upon being woken up by her colleague, Respondent left the school building for the day without telling anyone or securing a substitute teacher for the remainder of the day.
7. On November 21, 2019, Respondent engaged in professional misconduct when she again drove her vehicle under the influence of alcohol. Specifically, Respondent was observed driving erratically and speeding on a flat tire until she wrecked her vehicle in an individual's front yard. When law enforcement arrived on scene, the officer smelled an overwhelming odor of an alcoholic beverage emanating from the vehicle and on Respondent's breath and person.
8. When questioned about whether she consumed alcohol that day, Respondent admitted to her alcohol consumption, telling the officer "yes, I have been drinking all day and I'm drunk." Respondent also had an open bottle of wine on the passenger seat. Respondent was subsequently placed under arrest on suspicion of DUI and taken to the hospital, where she refused blood/chemical testing.
9. Respondent engaged in further professional misconduct when she failed to comply with 24 P.S. § 1-111(j)(4), known as Act 24 of 2011, requiring Respondent to report her November 21, 2019 arrest to her employer, the Carlynton School District.

10. As a result of Respondent's conduct, she was convicted of DUI: General Impairment/Incapable of Driving Safely – 2nd Offense (M), 75 Pa.C.S. § 3802(a)(1), on July 22, 2020.

11. Respondent received the Notice of Charges and all other notices in this matter.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction in this matter.
2. Respondent is in default under 1 Pa. Code § 35.37. 22 Pa. Code § 233.115(c)(1).
3. 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); Kinniry v. Professional Stds. & Practices Comm'n, 678 A.2d 1230 (Pa. Cmwlth. 1995).
4. Immorality is conduct which offends the morals of the Commonwealth and is a bad example to the youth whose ideals a professional educator or charter school staff member has a duty to foster and elevate. 22 Pa. Code § 237.3.
5. Respondent is guilty of Immorality.
6. Intemperance is a loss of self-control or self-restraint, which may result from excessive conduct. 22 Pa. Code § 237.5.
7. Respondent is guilty of Intemperance.
8. Negligence is a continuing or persistent action or omission in violation of a duty. 22 Pa. Code § 237.8(a).
9. A duty may be established by law, by promulgated school rules, policies or

procedures, by express direction from superiors or by duties of professional responsibility, including duties prescribed by Chapter 235 (relating to Code of Professional Practice and Conduct for Educators). 22 Pa. Code § 237.8(b).

10. Respondent is guilty of Negligence.

11. Respondent is subject to discipline under the Act. 24 P.S. § 2070.9c(a)(1), (3), and (5).

DISCUSSION

Under 22 Pa. Code § 233.115(a), a Notice of Charges is to be treated as an order to show cause under 1 Pa. Code § 35.14. If the educator timely responds in writing to the Notice of Charges, setting forth the facts upon which he or she is relying and stating concisely the matters of law relied upon, in compliance with 1 Pa. Code 35.37, the Commission will appoint a hearing officer to conduct an evidentiary hearing on the matter. 22 Pa. Code § 233.115(d). If, however, 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); Kinniry v. Professional Stds. & Practices Comm'n, 678 A.2d 1230 (Pa. Cmwlth. 1995).

Here, the Department mailed a copy of the Notice of Charges to Respondent by first class mail on October 22, 2020. The first-class mail was not returned. 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). After laying out the charges

against Respondent and calling for the suspension of her certificate and employment eligibility, the Notice of Charges stated:

If you contest any factual assertion made in this Notice, you have a right to request, in writing, a hearing. The proceedings shall be in the nature of a formal hearing conducted in accordance with the procedures described in 24 P.S. § 2070.13. Your response and request for a hearing must include specific admissions and denials of the factual assertions, as well as a concise reference to the facts and matters of law relied upon.

YOUR RESPONSE MUST BE RECEIVED BY THE COMMISSION WITHIN THIRTY (30) DAYS AFTER THE DATE OF SERVICE. IF YOU FAIL TO FILE A RESPONSE TO THIS NOTICE OR TO REQUEST A HEARING WITHIN THIRTY (30) DAYS AFTER SERVICE, ALL OF THE FACTUAL ASSERTIONS STATED IN THE ABOVE NOTICE MAY BE CONSIDERED ADMITTED AND DISCIPLINE MAY BE IMPOSED WITHOUT A HEARING. ADDITIONALLY, IF YOU FAIL TO RESPOND AND/OR MAINTAIN A CURRENT ADDRESS WITH THE DEPARTMENT AND COMMISSION, DISCIPLINE MAY BE IMPOSED BY THE PROFESSIONAL STANDARDS AND PRACTICES COMMISSION WITHOUT FURTHER NOTICE TO YOU AND WITHOUT THE NEED FOR YOUR PRESENCE.

Notice of Charges, pages 4-5.

Respondent's response to the Notice of Charges was due on or before November 23, 2020. Despite the clear directive in the Notice of Charges, Respondent did not file a response. Therefore, Respondent is in default 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 without scheduling an evidentiary hearing.

The Act empowers the Commission to "direct the Department to discipline any educator in accordance with section 9b, 9c, 9d or 9e." 24 P.S. § 2070.5(a)(11.1). Section 9c provides, in pertinent part, that the Commission shall direct the Department to impose discipline against any educator for conduct found by the Commission to

constitute immorality, intemperance, or negligence. 24 P.S. § 2070.9c(a)(1), (3), and (5). The Act does not define these terms, but rather directs the Commission to establish definitions. 24 P.S. § 2070.9c(b).

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. Respondent’s conduct clearly offends the Commonwealth’s morals and sets the requisite bad example. Therefore, Respondent is guilty of immorality.

Intemperance is a loss of self-control or self-restraint, which may result from excessive conduct. 22 Pa. Code § 237.5. A single episode can be sufficient to establish intemperance. Gow v. Department of Education, 763 A.2d 528 (Pa. Cmwlth. 2000). Respondent’s conduct was excessive and unquestionably evidences a loss of self-control or self-restraint. Therefore, Respondent is guilty of intemperance.

Negligence is a continuing or persistent action or omission in violation of a duty. 22 Pa. Code § 237.8(a). A duty may be established by law, by promulgated school rules, policies or procedures, by express direction from superiors or by duties of professional responsibility, including duties prescribed by Chapter 235 (relating to Code of Professional Practice and Conduct for Educators). 22 Pa. Code § 237.8(b). By engaging in illegal conduct, Respondent violated duties established by the General Assembly’s enactment of the criminal laws. Moreover, Respondent had a duty to report her November 21, 2019 arrest to her employer within 72 hours, which she failed to do. See 24 P.S. § 1-111(f.1)(3) and (j)(4). Additionally, among the duties prescribed for educators by the Code of Professional Practice and Conduct for Educators is the

requirement that educators impart to students principles of good citizenship and societal responsibility. 22 Pa. Code § 235.4(b)(6). Respondent's actions are inconsistent with these principles. Therefore, Respondent is guilty of negligence.

The Department has requested that the Commission issue an order directing it to indefinitely suspend Respondent's certificate and employment eligibility. By defaulting, Respondent has forfeited the opportunity to provide the Commission with evidence in mitigation of any sanction. Accordingly, the Commission agrees that the indefinite suspension of Respondent's certificate and employment eligibility is warranted.

ORDER

AND NOW, this 24th day of February 2021, it is hereby Ordered:

1. The Motion for Judgment on Default is granted.
2. The Department is directed to suspend Respondent's certificate and her eligibility to be employed as a charter or cyber charter school staff member or contracted educational provider staff member. The suspension of Respondent's certificate and employment eligibility 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.
3. To have the suspension lifted, Respondent must apply to the Commission for an order lifting the suspension pursuant to 24 P.S. § 2070.16.
4. 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 until her certificate and employment eligibility are reinstated in accordance

with the Act.

PROFESSIONAL STANDARDS AND
PRACTICES COMMISSION

By: 

Myron Yoder
Chairperson Pro Tempore



Attest: _____
Shane F. Crosby
Executive Director

Date Mailed: February 24, 2021