

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

**DEPARTMENT OF EDUCATION,  
Petitioner,**

**v.**

**KENNETH F. STANLEY,  
Respondent.**

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**DOCKET NO. DI-20-098**

**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 Kenneth F. Stanley (“Respondent”) with the filing of a Notice of Charges on November 2, 2020. The Notice of Charges alleges that Respondent engaged in an inappropriate relationship with a 16-year-old female student and engaged in inappropriate communications with two other female students. The Notice of Charges also alleges that Respondent provided false information on an employment application. The Department has charged Respondent with immorality, intemperance, negligence, and sexual misconduct under the Educator Discipline Act (“Act”) and the Commission’s regulations and requests the revocation of Respondent’s certificate and employment eligibility.

Respondent’s response to the Notice of Charges was due on or before December 2, 2020. When no response was filed, on December 10, 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 revoke his 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 I certificate in the areas of Social Studies 7-12 and English 7-12.
2. At all times relevant, Respondent was employed as a teacher by the Lehigh Valley Christian High School (“LVCHS”) until his resignation effective January 31, 2017.
3. Respondent was most recently employed as a teacher by the Wilson Area School District until his resignation effective September 11, 2020.
4. During the 2016-2017 school year, Respondent engaged in professional misconduct involving A.D., a 16-year-old female student at LVCHS, that included, but was not limited to:
  - a. Spending time alone with A.D. in his classroom and after Praise Team practice;
  - b. Keeping A.D. after class to discuss his personal life;
  - c. Writing a personal poem for A.D. and gifting A.D. with a framed copy of the poem; and
  - d. Hugging A.D. in his classroom.
5. Respondent further established the following “ground rules” for his relationship with A.D., telling A.D. as follows:

- a. A.D. could not call him by his first name;
  - b. He would not compliment A.D. on her looks; and
  - c. He would never tell her that he loved her and that while he does love her, it would only be this [one] time [that] he would tell her that he loved her.
6. On or about January 4, 2017, Respondent provided A.D. with his cell phone number in order to communicate via text message, resulting in an exchange of approximately 2500 text messages between January 4, 2017 and February 1, 2017. The text messages gradually increased during this time period and occurred at all hours of the day and night, including during school hours. Many of the text messages were complimentary of A.D. in which Respondent told A.D.:
  - a. That she was “A loyal and supportive friend, the best I’ve ever had”;
  - b. That she was helping him overcome his insecurities;
  - c. That “[his] respect for [her] maturity is soaring even higher”;
  - d. That he needed to see a photo of her from when she was a bridesmaid in a wedding following a discussion of A.D.’s use of makeup and further asking A.D. for a photo of herself; and
  - e. That “[he] really, sincerely thank[s] God that [she] is in his life” and that she makes a difference in it.
7. Additionally, the text communications included discussions about Respondent and A.D.’s “connection”, his desire to spend time with her, A.D.’s relationship with her parents, Respondent’s relationship with his wife, and other personal matters. Furthermore, in many of the text communications, Respondent and/or A.D. referred to themselves as “us” and “we” while discussing their relationship.

8. On or about February 1, 2017, following Respondent's tendering of his resignation, Respondent was warned by LVCHS administrators to have no further contact, either directly or indirectly, with A.D or any other student at LVCHS.
9. Despite this warning, on or about April 11, 2017, Respondent attended a track meet at a local high school that A.D. and other LVCHS students were participating in. Respondent's presence at the track meet caused A.D. to become very upset.
10. During the 2016-2017 school year, Respondent engaged in professional misconduct involving M.B., a 16-year-old female student at LVCHS, who he also coached on a recreational basketball team, that included, but was not limited to:
  - a. Exchanging text messages with M.B.; and
  - b. Discussing his personal life with M.B. while at basketball practice.
11. Respondent continued to confide in M.B. about his personal life, however, she told him that she did not want to discuss his personal life with him any longer. As a result, Respondent began treating M.B. negatively at basketball practice and in class.
12. During the 2016-2017 school year, Respondent engaged in professional misconduct involving J.B., a 17-year-old female student at LVCHS, who he also coached on a recreational basketball team, that included, but was not limited to:
  - a. Exchanging text messages with J.B.;
  - b. Continuing to communicate with J.B. following his resignation from LVCHS and subsequent warning from LVCHS not to have direct or indirect contact with LVCHS students; and
  - c. Asking J.B. to retrieve a gift A.D. had given him from the principal's office.

13. Respondent engaged in further professional misconduct in January of 2020 when he provided false information on an application for employment with the Wilson Area School District.
14. 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. Sexual misconduct shall mean any act, including, but not limited to, any verbal, nonverbal, written or electronic communication or physical activity, directed toward or with a child or a student regardless of the age of the child or student that is designed to establish a romantic or sexual relationship with the child or student. Such prohibited acts include, but are not limited to, the following: (1) sexual or romantic invitations; (2) dating or soliciting dates; (3) engaging in sexualized or romantic dialogue; (4) making sexually suggestive comments; (5) self-disclosure or physical exposure of a sexual, romantic or erotic nature; or (6) any sexual, indecent, romantic or erotic contact with the child or student. 24 P.S. § 2070.1b.

12. Respondent is guilty of Sexual Misconduct.

13. Respondent is subject to discipline under the Act. 24 P.S. § 2070.9c(a)(1), (3), (5), and (6).

### 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's then counsel, Mark S. Sigmon, Esquire, on November 2, 2020. By email dated November 11, 2020, Mr. Sigmon acknowledged receipt of the Notice of Charges, notified the Department that he was no longer representing Respondent, and requested that all future correspondence be sent directly to Respondent. Respondent was copied on the email. The Department subsequently confirmed that Mr. Sigmon provided the Notice of Charges to Respondent. After laying out the charges against Respondent and calling for the revocation of his 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, page 6.

Respondent's response to the Notice of Charges was due on or before December 2, 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, negligence, or sexual misconduct. 24 P.S. § 2070.9c(a)(1), (3), (5), and (6). The Act 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. Engaging in inappropriate relationships and communications with students is conduct that clearly offends the Commonwealth's morals and sets the requisite bad example. Moreover, "immorality" under the school code includes misrepresentation, fraudulent conduct, and lying. See Bethel Park School District v. Krall, 445 A.2d 1377, 1378 (Pa. Cmwlth.

1982); Balog v. McKeesport Area School District, 484 A.2d 198 (Pa. Cmwlth. 1984); Riverview School District v. Riverview Education Association, PSEA-NEA, 639 A.2d 974, 978 (Pa. Cmwlth. 1994) (holding that “immorality” under the School Code “may include lying and/or making false statements to school district staff”).<sup>1</sup> Respondent provided false information on an application for employment with the Wilson Area School District. 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 unquestionably excessive and 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). Respondent repeatedly violated his duty to impart to his students principles of good citizenship and societal responsibility, to exhibit acceptable and professional language and communication skills, and to protect his students from conditions which interfere with learning or are harmful to their health and safety. 22 Pa. Code § 235.4(6), (7), and (10). Additionally, educators have a duty not to exploit a professional relationship for

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1. While judicial interpretations of defined terms are not binding on the Commission, the Commission should regard those interpretations as persuasive authority. Seltzer v. Department of Education, 782 A.2d 48 (Pa. Cmwlth. 2001).

personal gain or advantage. 22 Pa. Code § 235.9(2). Respondent clearly exploited his relationships with female students for his personal gain or advantage. Finally, Respondent continued to communicate with students after being warned by school administrators not to have any contact with students. Therefore, Respondent is guilty of negligence.

Sexual misconduct shall mean any act, including, but not limited to, any verbal, nonverbal, written or electronic communication or physical activity, directed toward or with a child or a student regardless of the age of the child or student that is designed to establish a romantic or sexual relationship with the child or student. Such prohibited acts include, but are not limited to, the following: (1) sexual or romantic invitations; (2) dating or soliciting dates; (3) engaging in sexualized or romantic dialogue; (4) making sexually suggestive comments; (5) self-disclosure or physical exposure of a sexual, romantic or erotic nature; or (6) any sexual, indecent, romantic or erotic contact with the child or student. 24 P.S. § 2070.1b. Respondent spent time alone with A.D., discussed his personal life with her, wrote her a poem, which her framed and gave to her as a gift, hugged A.D., told A.D. that he loved her, and exchanged approximately 2,500 personal text messages with A.D. over a period of less than one month. Respondent's conduct was clearly aimed at establishing a romantic or sexual relationship with A.D. Therefore, Respondent is guilty of sexual misconduct.

The Department has requested that the Commission issue an order directing it to revoke Respondent's certificate and employment eligibility. The Commission agrees that the revocation of Respondent's certificate and employment eligibility is warranted and accordingly enters the following:

**ORDER**

AND NOW, this 24<sup>th</sup> day of February 2021, it is hereby Ordered:

1. The Motion for Judgment on Default is granted.
2. The Department is directed to revoke Respondent's certificate and his eligibility to be employed as a charter or cyber charter school staff member or contracted educational provider staff member. The revocation of Respondent's certificate and employment eligibility shall be effective immediately pursuant to section 15(b)(1) of the Act. 24 P.S. § 2070.15(b)(1).
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 until his certificate and employment eligibility are reinstated in accordance with the Act.

PROFESSIONAL STANDARDS AND  
PRACTICES COMMISSION

By:



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Myron Yoder  
Chairperson Pro Tempore



Attest: \_\_\_\_\_

Shane F. Crosby  
Executive Director

Date Mailed: February 24, 2021