

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

**DEPARTMENT OF EDUCATION,
Petitioner,**

v.

**JASON GUSTAFSON,
Respondent.**

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PSPC DOCKET NO. DI-21-018

ORDER APPROVING SETTLEMENT AGREEMENT

This matter is before the Professional Standards and Practices Commission (“Commission”) on the Department of Education’s (“Department”) Motion for Entry of Order filed on February 25, 2021. The Motion requests that the Commission issue an order approving the parties’ Settlement Agreement and directing the Department to issue a public reprimand to Jason Gustafson (“Respondent”) in settlement of an educator misconduct complaint filed against him.

BACKGROUND

Respondent holds an Instructional II certificate in the area of Health & Physical Education PK-12. At all relevant times, Respondent was employed by the Schuylkill Valley School District. On May 20, 2019, an educator misconduct complaint was filed with the Department alleging that Respondent misrepresented hours worked performing parking lot supervisory duties for which he was paid.

SETTLEMENT AGREEMENT

A teaching certificate is a constitutionally protected property right entitled to due process protection. Bowalick v. Dep’t of Educ., 840 A.2d 519, 522 (Pa. Cmwlth. 2003).

Generally, an accused educator is entitled to a full evidentiary hearing conducted in accordance with the Act and the Administrative Agency Law. 24 P.S. §§ 2070.13 (relating to hearing) and 2070.18(a) (relating to commission proceedings and procedures). In place of a hearing, a charge of misconduct can be resolved in a written settlement agreement. 24 P.S. § 2070.12 (relating to department action after investigation). When approved by the Commission, a settlement agreement has the same effect as an order issued following an administrative adjudication. See Kenney v. Bureau of Prof'l & Occupational Affairs, 203 A.2d 421 (Pa. Cmwlth. 2019).

The parties have entered into a written Settlement Agreement, whereby they agree to resolve all matters contained in the complaint with the issuance of a public reprimand to Respondent. The Settlement Agreement was presented to the Commission for approval at its regularly scheduled meeting on March 15, 2021. After careful consideration, the Commission finds that the agreement is fair, reasonable, and in the best interests of the parties and the public and enters the following:

ORDER

AND NOW, this 22nd day of March 2021, upon consideration of the Motion for Entry of Order filed by the Department of Education requesting approval of the parties' Settlement Agreement in lieu of further disciplinary proceedings, it is hereby Ordered:

1. The Motion for Entry of Order is Granted, and the Settlement Agreement is approved.
2. The Commission incorporates the terms of the Settlement Agreement into this Order.

3. Consistent with the terms of the Settlement Agreement, the Department is directed to issue a public reprimand to Respondent effective on the date of this Order.
4. The educator misconduct complaint filed against Respondent is resolved.

PROFESSIONAL STANDARDS AND
PRACTICES COMMISSION

By: 

Myron Yoder
Chairperson Pro Tempore



Attest: _____
Shane F. Crosby
Executive Director

Date Mailed: March 22, 2021