

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

DEPARTMENT OF EDUCATION,	:	
Petitioner,	:	
	:	
v.	:	PSPC DOCKET NO. DI-21-022
	:	
DEREK S. VATTELANA,	:	
Respondent.	:	

ORDER ACCEPTING SURRENDER

This matter is before the Professional Standards and Practices Commission (“Commission”) on the Department of Education’s (“Department”) Motion for Entry of Order. The Motion requests that the Commission accept the surrender of the certificate and employment eligibility of Derek S. Vattelana (“Respondent”) in resolution of an educator misconduct complaint filed against him. The Motion was presented to the Commission at its regularly scheduled meeting on March 15, 2021. After careful consideration, the Commission enters this Order accepting Respondent’s surrender.

BACKGROUND

Respondent currently holds an Instructional II certificate in the areas of Mid-Level Mathematics 6-9, Special Education PK-12, and Elementary K-6. At all relevant times, Respondent was employed by the Garnet Valley School District as a special education teacher. On November 10, 2020, an educator misconduct complaint was filed with the Department alleging that Respondent was criminally charged with Possession of an Instrument of Crime, Open Lewdness, and Indecent Exposure after he exposed his penis and began masturbating during a video call with a former student. As required by the Educator Discipline Act (“Act”), the Department provided written notice to Respondent of the legal sufficiency of the complaint and of its determination that there

was probable cause to believe that grounds for discipline existed. 24 P.S. § 2070.9(e).

On February 16, 2021, Respondent pleaded guilty to Possession of an Instrument of Crime and was sentenced to probation. As a condition of his probation, Respondent must relinquish his certificate and may not hold or seek employment in teaching or volunteer with minors. Accordingly, on February 25, 2021, Respondent signed an Affidavit agreeing to surrender his certificate and employment eligibility. (Motion for Entry of Order, Ex. 1). On March 4, 2021, the Department filed a Motion for Entry of Order requesting that the Commission accept Respondent's surrender in lieu of further disciplinary proceedings.

SURRENDER

Pursuant to the Educator Discipline Act ("Act"), surrender shall mean the termination by consent of a certificate or employment eligibility. 24 P.S. § 2070.1b. Surrender of a certificate or employment eligibility constitutes discipline. Id. The Act authorizes the Commission to accept the surrender of Respondent's certificate and employment eligibility.

ORDER

AND NOW, this 22nd day of March 2021, upon consideration of the Motion for Entry of Order filed by the Department of Education, it is hereby Ordered:

1. The Motion is granted, and the Commission accepts the surrender of Respondent's certificate and his eligibility to be employed as a charter or cyber charter school staff member or contracted educational provider staff member.
2. Respondent's certificate and his eligibility to be employed as a charter or cyber

charter school staff member or contracted educational provider staff member are, therefore, terminated effective on the date of this Order.

3. The acceptance by the Commission of the surrender of Respondent's certificate and employment eligibility shall constitute the imposition of discipline against Respondent.
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 his certificate and employment eligibility are reinstated in accordance with the Act.
5. 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