

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

IN RE: PETITION FOR REINSTATEMENT :
OF SARAH MARTINI : **DOCKET NO. RE-20-006**
:

ORDER GRANTING PETITION FOR REINSTATEMENT

This matter is before the Professional Standards and Practices Commission (“Commission”) upon the Application and Petition for Reinstatement of Sarah Martini (“Petitioner”), which seeks an order directing the Department of Education (“Department”) to reinstate her Instructional I certificate in the area of Elementary K-6 and her eligibility to be employed as a charter or cyber charter school staff member or a contracted educational provider staff member pursuant to section 16 of the Educator Discipline Act (“Act”). 24 P.S. § 2070.16. For the reasons set forth below, the Petition is granted.

BACKGROUND

By Memorandum and Order dated October 24, 2017, the Commission directed the Department to suspend indefinitely Petitioner’s certificate and employment eligibility in settlement of an educator misconduct complaint that was filed against her. On November 12, 2020, Petitioner filed an Application and Petition for Reinstatement (“Petition”). She waived her right to a hearing.¹ As required by the Act, the Commission sought the recommendation of the Department, which filed a response to the Petition on

1. Initially, Petitioner requested a hearing. By correspondence dated February 1, 2021, she withdrew her request for a hearing and requested that the Commission consider the Petition directly at its next meeting.

February 12, 2021. The Department does not oppose Petitioner's reinstatement.² In accordance with the Commission's bylaws, the Commission published in the *Pennsylvania Bulletin* a notice of opportunity for hearing, which provided thirty days for the filing of protests or petitions for intervention by interested parties. See 22 Pa. Code § 233.123(c). Having received neither such filings nor a request for hearing, the Commission directly considered the Petition at its regularly scheduled meeting on March 15, 2021.

DISCUSSION

In all reinstatement cases, the applicant bears the burden of establishing that the relief sought is just and proper. 22 Pa. Code § 233.123(e)(2). For purposes of determining whether it is just and proper to lift a suspension or reinstate a certificate, the Commission may consider: (1) the conduct which resulted in discipline; (2) other past conduct of the applicant; (3) the applicant's current attitude about past conduct; (4) rehabilitation efforts and activities; (5) evidence of compliance with any conditions imposed as part of the discipline; (6) references and letters in support of or in opposition to reinstatement. 24 P.S. § 2070.16.

Within this framework, the Commission carefully reviewed the Petition and has determined that reinstatement of Petitioner's Instructional I certificate and employment eligibility is just and proper.

2. The Commission also sought the recommendation of the Mechanicsburg Area School District ("District"), Petitioner's employer at the time of the misconduct. The District did not respond. Therefore, the Commission assumes the District has no position on the Petition. 22 Pa. Code § 233.123(b)(3).

Conduct that resulted in discipline:

On December 3, 2010, Petitioner drove under the influence of alcohol to a degree that rendered her incapable of driving safely. In this instance, a Hampden Township Police Officer came upon Petitioner's vehicle parked outside her residence, after she left the scene of a crash where she struck a house. The vehicle had significant front-end damage with a heavy fluid leak from the underside of the car as a result of the collision. The results of two (2) consecutive breath tests revealed a BAC of .191 and .197 percent. As a result, Petitioner was convicted of DUI: General Impairment/Incapable of Driving Safely – 1st Offense (75 Pa.C.S. § 3802(a)(1)) and Accident Involving Damage to Attended Vehicle/Property (75 Pa.C.S. § 3743(a)) in Cumberland County, Pennsylvania on November 23, 2011.

On January 15, 2011, less than two months later, Petitioner again imbibed a sufficient amount of alcohol so as to render her incapable of operating a motor vehicle safely. On this occasion, Petitioner was pulled over for a traffic stop after she was observed drifting toward the outside fog line five (5) times and crossing over the center line four (4) times. After being pulled over, Petitioner told the police officer "I was texting when you stopped me. I just got a DUI on December 3rd near my house." The results of the blood test revealed that Petitioner had a BAC .173 percent. As a result, Petitioner was criminally charged with DUI: General Impairment/Incapable of Driving Safely – 1st Offense, DUI: Highest Rate of Alcohol (BAC .16+) – 1st Offense, and Recklessly Endangering Another Person, and ultimately convicted of Recklessly Endangering Another Person (18 Pa. C.S. §2075) in Cumberland County, Pennsylvania on November 23, 2011.

On March 30, 2014, Petitioner, for a third time, drove under the influence of alcohol to a degree that rendered her incapable of driving safely. Petitioner was arrested after a blood test revealed that she had a BAC of .270 percent at the time she operated her vehicle. As a result, Petitioner was convicted of DUI: General Impairment/Incapable of Driving Safely – 3rd Offense (75 Pa.C.S. § 3802(a)(1)), DUI: Highest Rate of Alcohol (BAC .16+) – 1st Offense (75 Pa. C.S. § 3802(c)), and Carless Driving (75 Pa.C.S. § 3714(a)) in Dauphin County, Pennsylvania on October 8, 2014.

On September 9, 2014, an educator misconduct complaint was filed with the Department based upon the above conduct. The Department and Petitioner subsequently engaged in settlement negotiations, and, on September 1, 2017, the Department filed a Joint Motion for Entry of Order requesting that the Commission approve the parties' settlement agreement and direct the Department to indefinitely suspend Petitioner's certificate and employment eligibility in settlement of the educator misconduct complaint filed against her. By Order dated October 24, 2017, the Commission granted the Joint Motion for Entry of Order and directed the Department to suspend Petitioner's certificate and employment eligibility in accordance with the parties' settlement agreement.

Other past conduct:

The Commission is not aware of any other relevant past conduct.

Current attitude about past conduct:

The Commission finds that Petitioner has taken responsibility for her past mistakes and learned from them. Her written statement reflects personal growth and self-awareness, as well as a genuine passion for teaching and learning and a commitment to serving students and their families.

Rehabilitative Efforts:

Petitioner has been a law-abiding citizen since March 30, 2014. She successfully completed all court ordered mandates and requirements and was discharged from supervision in December of 2015. As a condition of her sentence, Petitioner completed the Pennsylvania Alcohol Highway Safety School. She also completed a six (6) week Beginners Treatment Program with Mazzitti and Sullivan in 2010, and subsequently completed a six (6) month Dual Diagnosis Program with Mazzitti and Sullivan during which she attended weekly visits, discussed her mental health, domestic abuse and substance abuse, and formulated a treatment plan to help her find ways to cope with the abuse she was experiencing as opposed to turning to alcohol. Furthermore, Petitioner indicates that she has been attending sessions with Dr. Mark Heinly, a licensed psychologist, since her first DUI in 2010 and is part of a Women For Sobriety support group.

In addition, since the suspension of her certificate and employment eligibility, Petitioner has continued her work in the area of Early Childhood Education and has received a Master of Education degree. She is employed by the York Day Nursery where she was initially hired as a Pre-K Counts Teacher and has since been promoted to Assistant Program Director. Petitioner states that her mistakes have enhanced her understanding and relationships and that she speaks honestly and passionately to her staff about the importance of what they as educators provide for children and families and how impactful they are in their lives. She also states that her treatment has allowed her to be a fantastic and involved mother, maintain homeownership, and to continue to make achievements in her work.

References:

Petitioner submitted several letters of support that speak highly of her as an individual and as an educator.

Conclusion:

The Commission has determined that the reinstatement of Petitioner's certificate and employment eligibility is just and proper. Petitioner has not engaged in misconduct in over six years. She has demonstrated genuine remorse for her actions and has shown that she is ready to return to the teaching profession.

ORDER

AND NOW, this 20th day of April 2021, upon consideration of Petitioner's Application and Petition for Reinstatement, it is hereby ORDERED:

1. The Petition is granted.
2. The Department is directed to reinstate Petitioner's Instructional I certificate in the area of Elementary K-6 and her eligibility to be employed as a charter or cyber charter school staff member or a contracted educational provider staff member effective on the date of this Order.

PROFESSIONAL STANDARDS AND
PRACTICES COMMISSION

By:



Myron Yoder
Chairperson Pro Tempore



Attest: _____
Shane F. Crosby
Executive Director

Date Mailed: April 20, 2021