

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

<b>DEPARTMENT OF EDUCATION,</b>	:	
<b>Petitioner,</b>	:	
	:	
<b>v.</b>	:	<b>DOCKET NO. DI-24-011</b>
	:	
<b>KRISTEN M. JACQUES,</b>	:	
<b>Respondent.</b>	:	

**ORDER GRANTING MOTION FOR SUMMARY JUDGMENT**

This matter is before the Professional Standards and Practices Commission (Commission) on a Notice of Charges and Motion for Summary Judgment filed by the Department of Education (Department). After consideration of the record in this matter and the applicable law, the Commission finds that summary judgment in favor of the Department is appropriate and enters this Order as follows:

**Background**

Kristen M. Jacques (Respondent) was issued Day-to-Day Substitute Emergency Permits in the area of All Subject Areas PK-12. The Department initiated disciplinary proceedings against Respondent with the filing of a Notice of Charges on January 25, 2024. The Notice of Charges alleges that Respondent was criminally convicted of three counts of Manufacture, Delivery or Possession with Intent to Manufacture or Deliver a Controlled Substance. Certified copies of the pertinent court documents are attached to the Notice of Charges. Simultaneous with the filing of the Notice of Charges, the Department filed a Motion for Summary Judgment requesting that the Commission enter summary judgment in its favor and revoke Respondent’s certificates and employment eligibility based upon her convictions.

As required, the Department mailed copies of the Notice of Charges and Motion

for Summary Judgment to Respondent at her last-known address. Respondent did not file an answer to either pleading.

The Commission heard oral argument at its regularly scheduled meeting on March 18, 2024. Respondent did not appear.

### Summary Judgment Standard

Summary Judgment is appropriate only when, after examining the whole record in the light most favorable to the non-moving party, there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law. Snyder v. Department of Environmental Resources, 588 A.2d 1001 (Pa. Cmwlth. 1991).

### Material Facts

The material facts are not in dispute.<sup>1</sup> On August 15, 2023, Respondent was convicted in Lackawanna County, Pennsylvania of three counts of Manufacture, Delivery or Possession with Intent to Manufacture or Deliver a Controlled Substance, 35 P.S. § 780-113(a)(30). The facts underlying Respondent's convictions are that she sold crystal methamphetamine on multiple occasions.

### Discussion

The Department seeks the revocation of Respondent's certificates and employment eligibility pursuant to section 9b(a)(2) of the Educator Discipline Act (Act). 24 P.S. § 2070.9b(a)(2). That section mandates that the Commission shall direct the Department to revoke the certificate and employment eligibility of an educator convicted of a crime set forth in section 111(e)(1) through (3) of the Public School Code of 1949, a

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1. Since Respondent did not file a responsive pleading, the only facts considered by the Commission are those alleged in the Department's Notice of Charges, which are deemed admitted and incorporated herein by reference. See 22 Pa. Code § 233.115(c)(1); 1 Pa. Code § 35.37; See also Kinniry v. Professional Standards and Practices Commission, 678 A.2d 1230 (Pa. Cmwlth. 1996).

crime involving moral turpitude, or the attempt, solicitation or conspiracy to commit such a crime upon the filing of a certified copy of the verdict, judgment or sentence of the court with the Commission. Id.<sup>2</sup> Section 111(e)(2) includes an offense designated as a felony under “The Controlled Substance, Drug, Device and Cosmetic Act” (35 P.S. § 780-101 et seq.). 24 P.S. § 1-111(e)(2).

Here, the Department has presented the Commission with certified court records of Respondent’s convictions for Manufacture, Delivery or Possession with Intent to Manufacture or Deliver a Controlled Substance, which is a crime set forth in section 111(e)(2) of the Public School Code of 1949 and a crime involving moral turpitude *per se*. 24 P.S. § 1-111(e)(2); 22 Pa. Code § 237.9(c)(2). Therefore, the Commission must direct the Department to revoke Respondent’s certificates and employment eligibility.<sup>3</sup> 24 P.S. § 2070.9b(a)(2); See *also* Bowalick v. Dep’t of Educ., 840 A.2d 519, 522 (Pa. Cmwlt. 2004) (revocation of a teaching certificate on summary judgment is appropriate upon proof of a conviction of a crime of moral turpitude); *citing* Kinniry v. Professional Stds. & Practices Comm’n, 678 A.2d 1230, 1234 (Pa. Cmwlt. 1996).

#### Order

AND NOW, this 27<sup>th</sup> day of March 2024, upon consideration of the Department’s Motion for Summary Judgment and the lack of response thereto, it is hereby

ORDERED:

1. The Motion is granted.

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2. The term ‘conviction’ includes a plea of guilty or nolo contendere. 24 P.S. § 2070.9b(a)(2).

3. An appeal shall not operate as a stay if the discipline is imposed under section 9b. 24 P.S. § 2070.15. Therefore, the revocation of Respondent’s certificates and employment eligibility will be effective immediately.

2. Pursuant to 24 P.S. § 2070.9b(a)(2), the Department is directed to revoke Respondent's certificates and 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.
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.
4. Pursuant to 24 P.S. § 2070.16(c), the Commission shall not reinstate Respondent's certificates or employment eligibility for the period set forth in 24 P.S. § 1-111(e).

PROFESSIONAL STANDARDS AND  
PRACTICES COMMISSION

By: 

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Myron Yoder  
Chairperson Pro Tempore

Attest:   
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Shane F. Crosby  
Executive Director

Date Mailed: March 27, 2024