

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

**DEPARTMENT OF EDUCATION,
Petitioner,**

v.

**REGINA CROWE,
Respondent.**

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DOCKET NO. DI-06-03

MEMORANDUM AND ORDER

On May 26, 2006, the Department of Education ("Department") filed a Motion to Enter Default and Deem Facts Admitted, seeking discipline against the professional teaching certification of Respondent. Initially, the Department filed a Notice of Charges on March 15, 2006, alleging that the Respondent, while serving as a teacher in the Philadelphia School District during February, 2005, had engaged in conduct constituting incompetence, intemperance and negligence.

Specifically, the Department alleged that Respondent had displayed irrational, bizarre and unprofessional conduct during the first 5 days of her employment with the District, including taking personal items from the students, accusing the students of nonsensical offenses, appearing disoriented and confused, and an inability to communicate coherently. The District subsequently dismissed Respondent on April 22, 2005.

On March 15, 2006, the Department attempted to serve the Notice of Charges on Respondent by certified mail and by first class mail, postage prepaid, at an address

confirmed by the Postmaster. Respondent failed to claim the certified mail; however, the first class mail was not returned as undeliverable. The Department attempted a second time to serve the Notice of Charges by certified and first class mail, postage prepaid on the Respondent. Again, the certified mail was unclaimed but the first class mail was not returned.

Where efforts to serve the Notice of Charges are reasonably calculated to apprise the party of the pending action, Respondent will be considered to have been afforded an opportunity to present her objections. See Commercial Development Authority v. The Allegheny County Board of Property Assessment, 165 Pa.

Commonwealth Ct. 671, 645 A.2d 944 (1994). In addition, the Department avers that on several occasions they communicated with Respondent by telephone and specifically cautioned Respondent of her rights and responsibilities as set forth in the Notice of Charges.

After Respondent received the Motion to Enter Default and Deem Facts Admitted, which was served on Respondent at the same address as was the Notice of Charges, Respondent contacted the Executive Director of the Commission, who similarly advised Respondent that she needed to address her failure to respond to the Notice of Charges. Respondent did submit a letter to the Commission on July 3, 2006, in which she generally denied the charges, but provided no justification for her failure to respond to the Notice of Charges in a timely manner. The fact that Respondent is proceeding *pro se* does not excuse her from the complying with procedural rules. Further, there is no evidence that service of the Notice of Charges was defective, To the contrary, Respondent is certainly receiving mail at the address to which the Charges

were mailed, as evidenced by her receipt of the Motion for Default and the Postmaster's affirmation, and she cannot avoid prosecution merely by refusing to claim certified mail.

The language in the Notice of Charges clearly cautions Respondent that failure to respond could result in the factual assertions being deemed admitted and the imposition of discipline without a hearing. Notwithstanding the clear meaning of the written notice and the oral guidance directing her attention to the warning, Respondent declined to file a timely answer to the Notice of Charges. Respondent's July 3, 2006, letter is untimely and inadequate under the General Rules of Administrative Practice and Procedure, 1 Pa. Code §35.37.

In accordance with the Commission's bylaws, a professional educator who fails to respond to the Notice of Charges is in default as provided for in section 35.37 of the General Rules of Administrative Practice and Procedure. 22 Pa. Code §233.115(c)(1); 1 Pa. Code §35.37. Thus, all relevant facts stated in the Notice of Charges will be deemed admitted. Accordingly, the Commission finds that Respondent while employed for a period of 5 days with the Philadelphia School District, did exhibit bizarre and irrational behavior, including:

1. wearing the same clothing for 3 days in a row;
2. scaring her fifth grade students by accusing them of being drug users, hiding cell phones in their desks, and tying her up with a jump rope;
3. taking personal items from students' bags and pocketbooks for no apparent reason;
4. creating a disturbance in the lunch room;
5. appearing disoriented and confused;
6. repeating various phrases without context; and
7. failing to meet with her supervisor as directed on 4 occasions during the 5 days of her employment.

The Department argues that Respondent's inability to exhibit professional

communication skills and conduct herself in a professional manner violates Pennsylvania's Code of Professional Practice and Conduct for Educators and constitutes incompetency, negligence and intemperance.

The Commission has defined incompetency as "a continuing or persistent mental or intellectual inability or incapacity to perform the services expected of a professional educator or a charter school staff member." 22 Pa. Code §237.4. During the short time of Respondent's employment with the Philadelphia School District, she displayed a complete inability to communicate properly, to facilitate the educational process, or to follow the directives of her supervisors. The Commission finds that Respondent's conduct constitutes incompetency.

Similarly, the Commission finds that Respondent's conduct constitutes negligence¹: "continuing or persistent action or omission in violation of a duty." Certainly, Respondent's conduct over the 5-day period consistently fell short of accepted professional practices and professional responsibilities to her students. Moreover, her conduct, at times, was in defiance of express directives of her supervisor.

As Respondent's incapacity to interact with students and other professionals in an appropriate and competent manner is evident, the Commission has determined that revocation¹ of her Instructional I teaching certificate endorsed in the areas of Elementary K-6 and Reading Specialist is appropriate.

Accordingly, we enter the following:

¹ Having found that Respondent's conduct constitutes negligence and incompetence, the Commission need not reach the determination of whether it also meets the definition of intemperance.

ORDER

AND NOW, this 27th day of July, 2006, upon consideration of the Motion for Default filed by the Department of Education and the failure of Respondent to respond thereto, it is hereby ORDERED that the professional certificate issued to Respondent Regina Crowe shall be REVOKED.

PROFESSIONAL STANDARDS AND
PRACTICES COMMISSION

BY: _____
David J. Krauser
Chairperson

ATTEST: _____
Carolyn Angelo
Executive Director

Date Mailed: