

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

**DEPARTMENT OF EDUCATION,
Petitioner,**

v.

**KRISTEN S. STRALEY,
Respondent.**

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DOCKET NO. DI-09-54

MEMORANDUM AND ORDER

On January 5, 2010, the Department of Education ("Department") filed a Motion for Judgment on Default, seeking revocation of the professional educator certification of Respondent. Initially, the Department filed a Notice of Charges on November 24, 2009, alleging that the Respondent had engaged in sexual conduct, including sexual intercourse, with a minor and requesting revocation of her Instructional I teaching certificate in the area of Elementary K-6.

The Department served the Notice of Charges on Respondent by first-class mail and by certified mail. Notwithstanding the language in the Notice of Charges cautioning Respondent that failure to respond could result in the factual assertions being deemed admitted and the imposition of discipline without a hearing, Respondent declined to file an answer or otherwise respond to the Notice of Charges. Accordingly, the Department has filed the instant Motion, requesting that the factual allegations in the Notice of Charges be deemed admitted and that revocation of Respondent's professional educator certification be ordered.

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 during April, 2008, Respondent engaged in sexual contact, including sexual intercourse, with a minor. As a result of the sexual liaison, the Respondent became pregnant and had a child.

The Commission finds that Respondent's conduct constitutes immorality and warrants revocation of her professional educator certification. Immorality is defined as "conduct which offends the morals of a Commonwealth and is a bad example to the youth whose ideals a professional educator has a duty to foster and elevate." 22 Pa. Code §237.3. Engaging in a sexual relationship with a minor offends the morals of the Commonwealth and sets a bad example to students. The appropriate sanction for the Respondent's misconduct is revocation. In addition, the Respondent was convicted of the offense of Corruption of Minors (18 Pa.C.S. §6301), which is a crime enumerated in section 1-111(e) of the Public School Code and is thus *per se* a crime involving moral turpitude. 24 P.S. §1-111(e). Under section 9b(2) of the Professional Educator Discipline Act, the Commission must direct the Department to revoke the certification of an educator convicted of crimes involving moral turpitude. 24 P.S. §2070.9b(2).

The Department also requests that the Commission enter a finding that the Respondent was guilty of sexual abuse or exploitation as defined by 24 P.S. §2070.1b.

Sexual abuse or exploitation is defined in the Professional Educator Discipline Act as: the employment, use, persuasion, inducement, enticement or coercion of a child or student to engage in, or assist any other person to engage in, any sexually explicit conduct or a simulation of any sexually explicit conduct for the purpose of producing a visual depiction, including photographing, videotaping, computer depicting or filming, of any sexually explicit conduct or conduct that constitutes an offense under 18 Pa.C.S. Ch 31 (relating to sexual offenses) or section 6312 (relating to sexual abuse of children) or other forms of sexual exploitation of children or students.

Respondent's decision to enter into a sexual relationship with a minor is *per se* exploitive of children and thus constitutes sexual abuse or exploitation as contemplated by the Act.

Finally, the Department requests that the Commission enter a finding that immediate discipline is necessary to protect the health, safety or welfare of students or other persons in the schools of this Commonwealth. The import of this finding is that in the event an appeal is filed to the Commission's order imposing discipline, the finding prevents the appeal from acting as a stay of the discipline. Thus, in those cases where the Commission finds that the danger presented by an educator's conduct outweighs the educator's interest in deferring discipline until an appellate court reviews the Commission's decision, it will enter the requested finding. In this case, the Commission finds that the sexually predatory conduct of Respondent poses the requisite threat.

Accordingly, we enter the following:

ORDER

AND NOW, this 25th day of March, 2010, upon consideration of the Motion for Judgment on Default filed by the Department of Education, it is hereby ORDERED that the professional educator certification issued to Respondent KRISTEN S. STRALEY shall be REVOKED IMMEDIATELY by the Department pursuant to sections 5(a)(11.1) and 9.2 of the Professional Educator Discipline Act, *as amended*, 24 P.S. §§ 2070.5(a)(11.1) and 2070.9b. The Commission further finds that the Respondent's conduct constitutes sexual abuse or exploitation under 24 P.S. §2070.1b.

PROFESSIONAL STANDARDS AND
PRACTICES COMMISSION

BY:

Gilbert R. Griffiths
Chairperson

ATTEST:

Carolyn Angelo
Executive Director

Date Mailed: