

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

**DEPARTMENT OF EDUCATION,
Petitioner,**

v.

**ANDREW D. WALLY,
Respondent.**

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DOCKET NO. DI-11-08

MEMORANDUM AND ORDER

On March 7, 2011, the Department of Education (“Department”) filed a Notice of Charges against the Respondent, seeking an immediate suspension of his professional teaching certification¹ pursuant to section 2070.9.2(1) of the Professional Educator Discipline Act. Under section 2070.9.2(1), the Commission may direct the Department to suspend immediately the certificate of a professional educator indicted for a crime set forth in section 111(e)(1) through (3) of the Public School Code of 1949 if the Commission determines that the professional educator poses a threat to the health, safety or welfare of a student or other individual in a school. Suspension may occur only after the Respondent has received notice of the charges and request for immediate discipline and has an opportunity to be heard at a hearing if so requested. 24 P.S. §2070.9.2(1); 24 P.S. §1-111(e)(1) – (3).

In the instant case, the Department served the Notice of Charges on Respondent by certified and first class mail. On March 23, 2011, the Respondent filed an Answer to

¹ The Respondent holds a Pennsylvania Instructional I teaching certificate in the areas of Biology and Chemistry.

the Notice of Charges and requested a hearing. Subsequently, the Respondent agreed not to oppose the suspension with the understanding that should he be acquitted, his professional educator certification would be automatically reinstated upon receipt of certified court documents reflecting the acquittal in accordance with 24 P.S. §2070.9b(1)(iii).

Accordingly, the Commission finds that Respondent, while serving as an employee of the Dunmore School District ("District"), was criminally charged with Corruption of Minors (18 Pa.C.S. §6301(a)(2)) and Selling/Furnishing Liquor to a Minor (18 Pa.C.S. §6310.1(a)) on January 24, 2011. Corruption of Minors is among the crimes set forth in Section 111(e)(1) of the Public School Code of 1949. 24 P.S. §1-111(e)(1). The criminal charges stem from allegations that Respondent admitted to engaging in a sexual relationship with a student and furnishing the same student with alcohol.

The responsibility for ensuring that a teacher-student relationship is professional and appropriate rests squarely with the educator. Students who attend schools are entrusted to the care of their teachers. In this case, the Respondent elected not to protect the student victim but rather to exploit and endanger her by entering into a sexual relationship. Given these facts, the Commission finds that the Department has presented sufficient evidence to support its claim that the Respondent poses a threat to the health, safety or welfare of a student or other individual in a school. The burden then shifts to the Respondent to rebut the evidence presented by the Department that he was indicted for the particular crimes or that he poses the requisite threat. In this case, the Respondent has elected not to contest the suspension.

Accordingly, the Commission finds that Respondent's professional certification should be suspended immediately pursuant to 24 P.S. §2070.9.2(1) and we enter the following:

ORDER

AND NOW, this ____21st____ day of April, 2011, upon consideration of the Notice of Charges requesting immediate suspension filed by the Department of Education, it is hereby ORDERED that the professional educator certification issued to Respondent ANDREW D. WALLY shall be SUSPENDED IMMEDIATELY pursuant to 24 P.S. §2070.9.2(1).

PROFESSIONAL STANDARDS AND
PRACTICES COMMISSION

BY:

Gilbert R. Griffiths
Chairperson

ATTEST:

Carolyn Angelo
Executive Director

Date Mailed: April 21, 2011