

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

**DEPARTMENT OF EDUCATION,
Petitioner,**

v.

**CHARLES D. HURST,
Respondent.**

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DOCKET NO. DI-11-48

MEMORANDUM AND ORDER

This matter is before the Professional Standards and Practices Commission (“Commission”) upon the Department of Education’s (“Department”) Motion for Summary Judgment, which seeks the revocation of Respondent’s professional educator certification. Initially, the Department filed a Notice of Charges against Respondent on July 12, 2011, alleging that the Respondent had been convicted of the crimes of Corruption of Minors and Possession of a Controlled Substance on March 16, 2011.

In its Motion for Summary Judgment, filed simultaneously with the Notice of Charges, the Department requests that the Commission revoke Respondent’s Instructional II teaching certificate in the areas of Elementary K-6 and English 7-12, his Administrative certificate in the area of Principal K-12, his Supervisory of Curriculum and Instruction certificate and any and all other certificates issued to him by the Commonwealth of Pennsylvania pursuant to sections 5(a)(11.1) and 9b of the Professional Educator Discipline Act, 24 P.S. §§2070.5(a)(11.1) and 2070.9b. Section 9b(2) of the Professional Educator Discipline Act requires the Commission to direct the

Department to revoke the certificate of a professional educator convicted of a crime involving moral turpitude, a crime listed in section 111(e) (1) through (3) of the Public School Code of 1949 (24 P.S. §1-111(e)), or a crime from another jurisdiction that is equivalent to the crimes that fall under the two preceding categories whenever a certified copy of the verdict, judgment or sentence of court is filed with the Commission. 24 P.S. §2070.9b(2).

In support of its Motion, the Department attached certified copies of the pertinent court documents reflecting Respondent's convictions. Respondent, having been served with the Notice of Charges and the Motion for Summary Judgment, failed to respond to either pleading. Accordingly, the facts alleged in the Notice of Charges are deemed admitted. 22 Pa. Code §233.115(c)(1); 1 Pa. Code §35.37.

In the instant case, there is no dispute that Respondent was convicted of Corruption of Minors and Possession of a Controlled Substance . Thus, the only question before the Commission is whether either of these crimes involve moral turpitude, are listed in section 111(e) (1) through (3) of the Public School Code of 1949, or are equivalent thereto. The determination of whether a crime involves moral turpitude is based solely upon the elements of the crime or misdemeanor. The facts underlying the charges are not relevant to the issue of moral turpitude. 22 Pa. Code §237.9(b); Startzel v. Commonwealth, Department of Education, 128 Pa. Commonwealth Ct. 110, 114, 652 A.2d 1005, 1007 (1989).

As the crime of Corruption of Minors is listed in section 111(e)(1) through (3) of the Public School Code of 1949, there is no genuine issue as to any material fact. Under the Professional Educator Discipline Act, the Commission must revoke the

educator certification of an educator who is convicted of the crimes listed therein. See 24 P.S. §2070.9b(2); 24 P.S. §1-111(e).

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 adjudication 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 the instant matter, the allegations underlying the Respondent's criminal conviction involved a pattern of premeditated and predatory conduct with a young male student and his family. Respondent's conduct compels the Commission to impose discipline immediately.

ORDER

AND NOW, this 4th day of October, 2011, upon consideration of the Motion for Summary Judgment filed by the Department of Education, it is hereby ORDERED that the professional educator certification issued to Respondent CHARLES D. HURST shall be REVOKED IMMEDIATELY pursuant to sections 5(a)(11.1) and 9b of the Professional Educator Discipline Act, *as amended*, 24 P.S. §§ 2070.5(a)(11.1) and 2070.9b.

PROFESSIONAL STANDARDS AND
PRACTICES COMMISSION

BY:

Gilbert R. Griffiths
Chairperson

ATTEST:

Carolyn Angelo
Executive Director

Date Mailed: October 4, 2011