

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

**DEPARTMENT OF EDUCATION,
Petitioner,**

v.

**MARY K. JENKINS,
Respondent.**

:
:
:
:
:
:
:
:
:
:

PSPC DOCKET NO. DI-13-16

MEMORANDUM AND ORDER

On March 5, 2013, the Professional Standards and Practices Commission (“Commission”) received notification that the state of Georgia had imposed a one year suspension of Respondent’s Georgia educator certification in 2007 based on allegations that Respondent had appeared at school under the influence of alcohol and was cited for public drunkenness. Subsequently on March 15, 2013, the Commission issued an Order to Show Cause why reciprocal discipline should not be imposed against the Respondent’s Instructional II Pennsylvania teaching certificate in the area of Elementary K-6 pursuant to 24 P.S. §2070.9b(3).

In accordance with section 2070.9b(3) of the Professional Educator Discipline Act, when the Commission receives a certified copy of an adjudication imposing discipline for misconduct that would be actionable under the Professional Educator Discipline Act from the licensing authority of a sister state against an educator who holds professional educator certification in Pennsylvania, it may direct the Department to impose comparable or identical discipline against the Pennsylvania certification unless the educator can establish:

- (i) the discipline would result in a grave injustice;
- (ii) the discipline is substantially different from what would have been imposed for similar conduct in this Commonwealth; or
- (iii) the procedure used in the sister state lacked due process.

24 P.S. §2070.9b(3). In addition, Respondent may prevent the imposition of reciprocal discipline by demonstrating that the discipline imposed in the sister state has been reversed or otherwise overturned.

The significance of Pennsylvania's reciprocal discipline process is to allow the Commission to review Pennsylvania educator certificate holders, who have been disciplined for professional misconduct in another jurisdiction, to determine whether their Pennsylvania certification should be similarly disciplined. This system ensures that such educators are held to the same high standards as educators practicing in Pennsylvania and that school entities make employment decisions with full knowledge of an applicant's discipline history.

The Commission served a copy of the Order to Show Cause by first class and certified mail. Notwithstanding the language in the Order to Show Cause cautioning Respondent that failure to respond could result in the factual assertions being deemed admitted, the absence of any precluding criteria confirmed and the imposition of discipline without a hearing, Respondent declined to file an answer or otherwise respond to the Order to Show Cause. Accordingly, the Department filed a Motion for Judgment on Default on June 6, 2013, requesting that the Commission impose comparable discipline under section 9b(3) of the Professional Educator Discipline Act. In accordance with the Commission's bylaws and the General Rules of Administrative

Practice and Procedure, the Commission finds Respondent to be in default and deems all relevant facts in the Order to Show Cause admitted. 22 Pa. Code § 233.115(c)(1); 1 Pa. Code §35.37.

Accordingly, the Commission finds that Respondent held educator certification issued by the state of Georgia and was employed as a teacher in Georgia. On December 19, 2007, the Georgia Professional Standards Commission (“GPSC”) entered a Final Order approving a consent order whereby the Respondent agreed to a one-year suspension of her Georgia educator certification to run from December 30, 2007, through December 30, 2008. The disciplinary sanction was precipitated by the Respondent’s appearance at school in the middle of the day under the influence of alcohol and her subsequent citation for public drunkenness. The December 19, 2007, order suspending the Respondent’s Georgia certification is a final adjudication of the professional educator licensing authority of Georgia.

The Commission’s review initially focuses on the nature of the out-of-state misconduct. As being under the influence of alcohol while at school and while supervising the safety and welfare of children is also actionable under Pennsylvania’s professional discipline system, the Commission next examines whether the Respondent has established any of the statutory justifications for forestalling comparable discipline. Finding that the Respondent has forfeited her opportunity to rebut the presumption that reciprocal discipline should issue, the Commission will suspend the Respondent’s Pennsylvania educator certification and her eligibility to be employed in a charter or cyber charter school for the period of December 30, 2007, through December 30, 2008.

Accordingly, we enter the following:

ORDER

AND NOW, this ____ day of July, 2013, it is hereby ORDERED that the Department of Education's Motion for Judgment on Default is GRANTED and the professional educator certification and the eligibility to be employed in a charter or cyber charter school of Respondent MARY K. JENKINS are hereby SUSPENDED for the period of December 30, 2007, through December 30, 2008.

PROFESSIONAL STANDARDS AND
PRACTICES COMMISSION

By: _____
Gilbert R. Griffiths
Chairperson

Attest: _____
Carolyn Angelo
Executive Director

Date Mailed: