

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

DEPARTMENT OF EDUCATION,	:	
Petitioner,	:	
	:	
v.	:	PSPC DOCKET NO. DI-15-124
	:	
CLIFFORD T. FOSTER,	:	
Respondent.	:	

MEMORANDUM AND ORDER

This matter is before the Professional Standards and Practices Commission ("Commission") upon the Department of Education's ("Department") January 4, 2016 Motion for Entry of Order.

Respondent was issued an Instructional I Pennsylvania teaching certificate in the area of Elementary K-6. On December 21, 2015, the Department filed a Notice of Charges alleging that Respondent had been indicted for Institutional Sexual Assault and Corruption of Minors and seeking the immediate suspension of Respondent's educator certification and employment eligibility under section 9b(a)(1) of the Educator Discipline Act ("Act"). Specifically, the Notice of Charges alleged that Respondent, while employed as a girls' basketball coach by the Pine-Richland School District, engaged in repeated sexual contact with a 16-year-old female basketball player he coached. Following his receipt of the Notice of Charges, Respondent agreed to permanently¹ surrender his educator certification and his employment eligibility. Attached to the Department's Motion for Entry of Order is an Affidavit signed by Respondent evidencing his voluntary surrender. Pursuant to the Act, surrender of a certificate and/or employment eligibility constitutes discipline. 24 P.S. § 2070.1b. The Department has filed the instant Motion requesting that the Commission enter an order accepting Respondent's Affidavit of Surrender in resolution of the disciplinary matter.

Accordingly, we enter the following:

1. Section 16(b)(2) of the Act provides that the Commission shall not reinstate a certificate or employment eligibility surrendered for conduct relating to sexual abuse or exploitation. 24 P.S. § 2070.16(b)(2). Respondent's conduct as alleged in the Notice of Charges clearly involved sexual abuse or exploitation as that term is defined in the Act and 23 Pa.C.S. § 6303(a). In his Affidavit of Surrender, Respondent acknowledged that he is permanently ineligible for reinstatement as an educator pursuant to section 16(b)(2).

ORDER

AND NOW, this 31st day of March, 2016, upon consideration of the Motion for Entry of Order filed by the Department of Education, it is hereby ORDERED that the Motion for Entry of Order is GRANTED and the educator certification and employment eligibility to serve as a charter school staff member or contracted educational provider staff member of CLIFFORD T. FOSTER is SURRENDERED in accordance with the foregoing Memorandum and Respondent's Affidavit of Surrender. Pursuant to 24 P.S. § 2070.16(b)(2) the Commission shall not reinstate Respondent's educator certification or employment eligibility.

PROFESSIONAL STANDARDS AND
PRACTICES COMMISSION

By: _____
Gilbert R. Griffiths
Chairperson

Attest: _____
Shane F. Crosby
Executive Director

Date Mailed: March 31, 2016