

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

DEPARTMENT OF EDUCATION,	:	
Petitioner,	:	
	:	
v.	:	PSPC DOCKET NO. DI-16-152
	:	
JAMES MARTINEZ,	:	
Respondent.	:	

MEMORANDUM AND ORDER

This matter is before the Professional Standards and Practices Commission (“Commission”) upon the parties’ Joint Motion for Entry of Order filed on October 24, 2016. The motion seeks implementation of the parties’ Settlement Agreement.

Respondent holds an Instructional II Pennsylvania teaching certificate in the area of Health & Physical Education PK-12. Respondent was employed as the head football coach by the Fleetwood Area School District and as a physical education teacher by the Pottstown School District. On or about September 24, 2015, an educator misconduct complaint was filed with the Department of Education (“Department”) alleging that, on August 22, 2015, Respondent engaged in unsportsmanlike conduct involving a student during a football scrimmage. The Department and Respondent subsequently entered into a Settlement Agreement, whereby they agreed to resolve all matters contained in the complaint with a public reprimand. The parties urge the Commission to approve the Settlement Agreement.

The Commission will approve a settlement agreement if it is deemed by the Commission to be fair and just and the interests of all of the parties and the public interest have been considered. In the instant case, after careful consideration of the parties’ Joint Motion for Entry of Order and Settlement Agreement, the Commission

finds that a public reprimand is a proportionate and reasonable settlement of the complaint and, accordingly, enters the following:

ORDER

AND NOW, this 30th day of November, 2016, upon consideration of the parties' Joint Motion for Entry of Order, it is hereby ORDERED that the Joint Motion for Entry of Order is GRANTED and the Department is directed to issue a PUBLIC REPRIMAND to Respondent JAMES MARTINEZ in accordance with the foregoing Memorandum and the parties' Settlement Agreement. This Order is effective IMMEDIATELY.

PROFESSIONAL STANDARDS AND
PRACTICES COMMISSION

By: _____
Gilbert R. Griffiths
Chairperson

Attest: _____
Shane F. Crosby
Executive Director

Date Mailed: November 30, 2016