

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

**DEPARTMENT OF EDUCATION,
Petitioner,**

v.

**THOMAS DIEHL,
Respondent.**

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PSPC DOCKET NO. DI-18-031

MEMORANDUM AND ORDER

This matter is before the Professional Standards and Practices Commission (“Commission”) upon the Department of Education’s (“Department”) February 20, 2018 Motion for Entry of Order, which seeks approval of Respondent’s Affidavit of Surrender.

Respondent holds an Instructional II Pennsylvania teaching certificate in the area of Elementary K-6. On or about October 25, 2017, an educator misconduct complaint was filed with the Department alleging that Respondent was the subject of an abuse or sexual misconduct investigation while employed by Orange County Public Schools in Florida between 2001 and 2002. After receiving notice of the complaint, 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.

1. Section 16(b)(2) of the Educator Discipline Act (“Act”) provides that the Commission shall not reinstate a certificate or employment eligibility surrendered for conduct relating to sexual abuse or exploitation as that term is defined in the Act and 23 P.S. § 6303(a). 24 P.S. § 2070.16(b)(2). In his Affidavit of Surrender, Respondent acknowledged that section 16(b)(2) permanently bars his reinstatement as an educator.

Accordingly, we enter the following:

ORDER

AND NOW, this 30th day of March, 2018, 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 or cyber charter school staff member or a contracted educational provider staff member of THOMAS DIEHL 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. This Order is effective IMMEDIATELY.

PROFESSIONAL STANDARDS AND PRACTICES COMMISSION

By: _____
Myron Yoder
Chairperson Pro Tempore

Attest: _____
Shane F. Crosby
Executive Director

Date Mailed: March 30, 2018