

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

**DEPARTMENT OF EDUCATION,
Petitioner,**

v.

**JORDAN D. ONDISH,
Respondent.**

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DOCKET NO. DI-18-032

MEMORANDUM

On February 22, 2018, the Department of Education (“Department”) filed a Notice of Charges against Jordan D. Ondish (“Respondent”) seeking the immediate suspension of her Pennsylvania educator certification and employment eligibility pursuant to section 9b(a)(1) of the Educator Discipline Act (“Act”). Under section 9b(a)(1), the Commission may direct the Department to suspend immediately the certificate and employment eligibility of an educator indicted for a crime set forth in section 111(e)(1) through (3) of the Public School Code of 1949 if the Commission determines that the educator poses a threat to the health, safety or welfare of students or other persons in the schools of this Commonwealth. Suspension may occur only after the educator has received notice of the charges and request for immediate discipline and has an opportunity to be heard at a hearing if so requested. 24 P.S. § 2070.9b(a)(1); 24 P.S. § 1-111(e)(1)-(3).

In the instant case, the Department properly served the Notice of Charges on Respondent. Notwithstanding the language in the Notice of Charges cautioning Respondent that failure to respond could result in the factual assertions being deemed

admitted and the imposition of discipline without a hearing, Respondent declined to file an answer or to request a hearing.¹ In accordance with the Commission's bylaws, an educator who fails to respond to the Notice of Charges is in default as provided for in section 35.37 of the General Rules of Administrative Practice and Procedure. 22 Pa. Code § 233.115(c)(1); 1 Pa. Code § 35.37. Thus, all relevant facts stated in the Notice of Charges will be deemed admitted.

Accordingly, the Commission makes the following findings of fact: Respondent holds an Instructional I Pennsylvania teaching certificate in the areas of Reading Specialist PK-12, Special Education PK-8, and Special Education 7-12. At all relevant times, Respondent was employed as a teacher by the Summit Academy, a private non-profit rehabilitation facility for juvenile offenders. Respondent has been criminally charged in Butler County, Pennsylvania with one count of Institutional Sexual Assault. The criminal charges stem from allegations that Respondent engaged in an inappropriate sexual relationship with a male student. The alleged relationship included sexual intercourse in Respondent's classroom. The charges have been waived for court in the Butler County Court of Common Pleas.

The crime with which Respondent has been charged is a crime set forth in section 111(e)(1) of the Public School Code of 1949. 24 P.S. § 1-111(e)(1). Based upon the serious nature of the criminal charges filed against Respondent and the factual allegations underlying those charges, the Commission finds that the Department has presented sufficient *prima facie* evidence to support its claim that Respondent poses a

1. Respondent did appear telephonically at the hearing held on April 12, 2018 at 10:00 a.m. However, Respondent did not present any testimony or evidence at the hearing.

threat to the health, safety or welfare of students or other persons in a school. The burden then shifts to Respondent to rebut the evidence presented by the Department that she was indicted for the particular crime and/or that she poses the requisite threat. Respondent has forfeited the rebuttal opportunity.²

Accordingly, the Commission finds that Respondent's educator certification and employment eligibility should be suspended immediately pursuant to 24 P.S. § 2070.9b(a)(1) and enters the following:

2. The Commission's decision in this matter is based upon the nature and seriousness of the charges lodged against Respondent, Respondent's acknowledgment, via her waiver of a preliminary hearing and consent to be bound over to court, that sufficient evidence exists to make out a *prima facie* criminal case against her, and Respondent's failure to provide evidence to rebut the Commission's reasonable belief that the health, safety or welfare of students or others would be jeopardized by the retention of her certification and employment eligibility during the pendency of the criminal proceedings. However, the Commission makes no findings herein regarding the truth of the factual allegations underlying the criminal charges filed against Respondent. Moreover, should the criminal charges be dismissed or otherwise removed, Respondent's teaching certification and employment eligibility will be immediately reinstated pursuant to section 9b(a)(1)(iii) upon receipt of the appropriate documentation.

ORDER

AND NOW, this 19th day of April, 2018, upon consideration of the Department of Education's Notice of Charges requesting immediate suspension and the lack of response thereto, it is hereby ORDERED that the educator certification and eligibility to be employed as a charter or cyber charter school staff member or contracted educational provider staff member of JORDAN D. ONDISH shall be SUSPENDED IMMEDIATELY by the Department pursuant to 24 P.S. § 2070.9b(a)(1).

PROFESSIONAL STANDARDS AND
PRACTICES COMMISSION

BY: _____
Myron Yoder
Chairperson Pro Tempore

ATTEST: _____
Shane F. Crosby
Executive Director/Legal Counsel

Date Mailed: April 19, 2018