COMMONWEALTH OF PENNSYLVANIA
PROFESSIONAL STANDARDS AND PRACTICES COMMISSION

DEPARTMENT OF EDUCATION,	:	
Petitioner,	:	
	:	
	:	
v.	:	**DOCKET NO. DI-18-211**
	:	
	:	
WHITNEY P. ROBERTS,	:	
Respondent.	:	
	:	

MEMORANDUM

On April 2, 2019, the Department of Education ("Department") filed a Notice of Charges against Whitney P. Roberts ("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).

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. 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 Biology 7-12 and General Science 7-12. On June 22, 2018, Respondent was criminally charged in Bradford County, Pennsylvania with nine counts of Institutional Sexual Assault (18 Pa.C.S § 3124.2(a.2)(1)), and two counts of Corruption of Minors (18 Pa.C.S. § 6301(a)(1)(i) and (ii)). The criminal charges stem from allegations that Respondent engaged in sexual contact with a male student numerous times over the 2017 Thanksgiving break. The charges have been bound over for trial in the Bradford County Court of Common Pleas.

The crimes with which Respondent has been charged are crimes 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 the charges, the Commission finds that the Department has presented sufficient *prima facie* evidence to support its claim that Respondent poses a 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 crimes and/or that she poses the requisite threat.

Respondent has forfeited the rebuttal opportunity.[1]

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:

1. The Commission's decision in this matter is based upon the nature and seriousness of the charges lodged against Respondent, the district court's finding 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 17th day of May 2019, 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 WHITNEY P. ROBERTS 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

Date Mailed: May 17, 2019