

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

**DEPARTMENT OF EDUCATION,
Petitioner,**

v.

**HENRY W. HUNSINGER,
Respondent.**

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DOCKET NO. DI-18-214

MEMORANDUM

On December 6, 2018, the Department of Education (“Department”) filed a Notice of Charges against Henry W. Hunsinger (“Respondent”) seeking the immediate suspension of his 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. 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 was issued an Instructional I Pennsylvania teaching certificate in the area of Social Studies 7-12. On May 30, 2018, Respondent was criminally charged in Northampton County, Pennsylvania with Indecent Assault – Person Less than 13 Years of Age (18 Pa.C.S. § 3126(a)(7)), Aggravated Indecent Assault of a Child (18 Pa.C.S. § 3125(b)), Corruption of Minors (18 Pa.C.S. § 6301(a)(1)(ii)), and Involuntary Deviate Sexual Intercourse with a Child (18 Pa.C.S. § 3123(b)). The criminal charges stem from allegations that, on several occasions, Respondent engaged in sexual contact, including oral sex, with his 12-year-old biological granddaughter, who has an intellectual disability. The charges have been waived for court in the Northampton County Court of Common Pleas.

The crimes with which Respondent has been charged are all 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 he was indicted for the particular crimes and/or that he 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, Respondent's acknowledgment, via his 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 him, 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 his 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 15th day of February, 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 HENRY W. HUNSINGER 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: February 15, 2019