COMMONWEALTH OF PENNSYLVANIA
PROFESSIONAL STANDARDS AND PRACTICES COMMISSION

DEPARTMENT OF EDUCATION,	:	
Petitioner,	:	
	:	
v.	:	**DOCKET NO. DI-21-112**
	:	
ALEXANDRIA KALUZNY,	:	
Respondent.		

ORDER GRANTING MOTION FOR SUMMARY JUDGMENT

This matter is before the Professional Standards and Practices Commission ("Commission") on a Notice of Charges and Motion for Summary Judgment filed by the Department of Education ("Department"). After consideration of the record in this matter and the applicable law, the Commission finds that summary judgment in favor of the Department is appropriate and enters this Order as follows:

BACKGROUND AND PROCEDURAL HISTORY

Alexandria Kaluzny ("Respondent") currently holds an Instructional I certificate in the area of Grades PK-4. The Department initiated disciplinary proceedings against Respondent with the filing of a Notice of Charges on December 1, 2021. The Notice of Charges alleges that Respondent was convicted of Statutory Sexual Assault and Indecent Assault. Certified copies of the pertinent court documents are attached to the Notice of Charges. The Notice of Charges also alleges that Respondent is guilty of sexual abuse or exploitation. Simultaneous with the filing of the Notice of Charges, the Department filed a Motion for Summary Judgment requesting that the Commission enter summary judgment in its favor and revoke Respondent's certificate and employment eligibility based upon her convictions.

As required, the Department mailed copies of the Notice of Charges and Motion

for Summary Judgment to Respondent at her last-known address. Respondent did not file an answer to either pleading.

The Commission heard oral argument at its regularly scheduled meeting on March 21, 2022. Respondent was not present.

SUMMARY JUDGMENT STANDARD

Summary Judgment is appropriate only when, after examining the whole record in the light most favorable to the non-moving party, there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law. Snyder v. Department of Environmental Resources, 588 A.2d 1001 (Pa. Cmwlth. 1991).

MATERIAL FACTS

The material facts are not in dispute.[1] On September 30, 2021, Respondent was convicted in the Court of Common Pleas of Lycoming County, Pennsylvania of Statutory Sexual Assault, 18 Pa.C.S. § 3122.1(a)(2), and Indecent Assault, 18 Pa.C.S. § 3126(a)(8). The facts underlying Respondent's convictions are that she engaged in a sexual relationship with a 15-year-old student.

DISCUSSION

The Department seeks the revocation of Respondent's certificate and employment eligibility pursuant to section 9b(a)(2) of the Educator Discipline Act ("Act"). 24 P.S. § 2070.9b(a)(2). That section mandates, in relevant part, that the Commission shall direct the Department to revoke the certificate and employment eligibility of an educator convicted of a crime set forth in section 111(e)(1) through (3) of the Public

1. Since Respondent did not file a responsive pleading, the only facts considered by the Commission are those alleged in the Department's Notice of Charges, which are deemed admitted and incorporated herein by reference. *See* 22 Pa. Code § 233.115(c)(1); 1 Pa. Code § 35.37; *See also* Kinniry v. Professional Standards and Practices Commission, 678 A.2d 1230 (Pa. Cmwlth. 1996).

School Code of 1949, a crime involving moral turpitude, or the attempt, solicitation or conspiracy to commit such a crime upon the filing of a certified copy of the verdict, judgment or sentence of the court with the Commission. Id.[2]

Here, the Department has presented the Commission with certified court records of Respondent's convictions for Statutory Sexual Assault and Indecent Assault, which are crimes set forth in section 111(e)(1) of the Public School Code of 1949 and crimes involving moral turpitude *per se*. 24 P.S. § 1-111(e)(1); 22 Pa. Code § 237.9(c)(1). Therefore, the Commission must direct the Department to revoke Respondent's certificate and employment eligibility.[3] 24 P.S. § 2070.9b(a)(2); *See also* Bowalick v. Commonwealth, 840 A.2d 519, 522 (Pa. Cmwlth. 2004) (revocation of a teaching certificate on summary judgment is appropriate upon proof of a conviction of a crime of moral turpitude); *citing* Kinniry v. Professional Stds. & Practices Comm'n, 678 A.2d 1230, 1234 (Pa. Cmwlth. 1996).

The Department also requests that the Commission enter a finding that Respondent is guilty of sexual abuse or exploitation. The import of a finding of sexual abuse or exploitation is that the Commission is permanently barred from reinstating the educator's certification and employment eligibility. 24 P.S. § 2070.16. Pursuant to section 1b of the Act, sexual abuse or exploitation shall have the meaning given to the term by 23 Pa.C.S. Ch. 63 (relating to child protective services), which includes the following:

2. The term 'conviction' includes a plea of guilty or nolo contendere. 24 P.S. § 2070.9b(a)(2).

3. An appeal shall not operate as a stay if the grounds for discipline include sexual misconduct or sexual abuse or exploitation or if the discipline is imposed under section 9b. 24 P.S. § 2070.15. Therefore, the revocation of Respondent's certificate and employment eligibility will be effective immediately.

…

(2) Any of the following offenses committed against a child:

(ii) Statutory sexual assault, as defined in 18 Pa.C.S. § 3122.1 (relating to statutory sexual assault).

…

(vii) Indecent assault, as defined in 18 Pa.C.S. § 3126 (relating to indecent assault).

24 Pa.C.S. § 6303. As set forth above, Statutory Sexual Assault and Indecent Assault *per se* involve sexual abuse or exploitation when committed against a child. The facts underlying Respondent's convictions are that she engaged in a sexual relationship with a 15-year-old student. Her conduct included engaging in sexual intercourse and oral sex with the student and sending the student a picture of herself masturbating. The Commission, therefore, finds that Respondent is guilty of sexual abuse or exploitation and permanently barred from serving as an educator in Pennsylvania.

ORDER

AND NOW, this 1st day of April 2022, upon consideration of the Department of Education's Motion for Summary Judgment and the lack of response thereto, it is hereby ORDERED:

1. The Motion is granted.
2. Pursuant to 24 P.S. § 2070.9b(a)(2), the Department is directed to revoke Respondent's certificate and eligibility to be employed as a charter or cyber charter school staff member or a contracted educational provider staff member effective on the date of this Order.
3. Respondent is not eligible to be employed in a school entity in a position requiring certification or as a charter or cyber charter school staff member or

contracted educational provider staff member, or eligible for any certificate.

4. Respondent is guilty of sexual abuse or exploitation under 24 P.S. § 2070.1b and 23 Pa. C.S. § 6303.
5. Pursuant to 24 P.S. § 2070.16(b)(1), the Commission shall not reinstate Respondent's certificate and employment eligibility.

PROFESSIONAL STANDARDS AND
PRACTICES COMMISSION

By: 
_____
Myron Yoder
Chairperson Pro Tempore


Attest: _____
Shane F. Crosby
Executive Director

Date Mailed: April 1, 2022