

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

**DEPARTMENT OF EDUCATION,
Petitioner,**

v.

**BRADLEY J. NORTON,
Respondent.**

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PSPC DOCKET NO. DI-13-38

MEMORANDUM AND ORDER

On May 8, 2013, the Professional Standards and Practices Commission (“Commission”) received notification that the state of Virginia had revoked Respondent’s Virginia educator certification on March 28, 2013, based on allegations that Respondent had pled guilty to misdemeanor assault involving a minor under his control or supervision. Subsequently on May 10, 2013, the Commission issued an Order to Show Cause why reciprocal discipline should not be imposed against the Respondent’s Instructional I Pennsylvania teaching certificate in the area of English 7-12 pursuant to 24 P.S. §2070.9b(3).

In accordance with section 2070.9b(3) of the Professional Educator Discipline Act, when the Commission receives a certified copy of an adjudication imposing discipline for misconduct that would be actionable under the Professional Educator Discipline Act from the licensing authority of a sister state against an educator who holds professional educator certification in Pennsylvania, it may direct the Department to impose comparable or identical discipline against the Pennsylvania certification unless the educator can establish:

- (i) the discipline would result in a grave injustice;
- (ii) the discipline is substantially different from what would have been imposed for similar conduct in this Commonwealth; or
- (iii) the procedure used in the sister state lacked due process.

24 P.S. §2070.9b(3). In addition, Respondent may prevent the imposition of reciprocal discipline by demonstrating that the discipline imposed in the sister state has been reversed or otherwise overturned.

The significance of Pennsylvania's reciprocal discipline process is to allow the Commission to review Pennsylvania educator certificate holders, who have been disciplined for professional misconduct in another jurisdiction, to determine whether their Pennsylvania certification should be similarly disciplined. This system ensures that such educators are held to the same high standards as educators practicing in Pennsylvania and that school entities make employment decisions with full knowledge of an applicant's discipline history.

The Commission served a copy of the Order to Show Cause by first class and certified mail¹. Notwithstanding the language in the Order to Show Cause cautioning Respondent that failure to respond could result in the factual assertions being deemed admitted, the absence of any precluding criteria confirmed and the imposition of discipline without a hearing, Respondent declined to file an answer or otherwise respond to the Order to Show Cause. Accordingly, the Department filed a Motion for Judgment on Default on July 15, 2013, requesting that the Commission impose

¹ While the certified copy was unclaimed, the Postmaster confirmed that the Respondent was receiving mail at the address at which he was served. The mailings that were sent to the Respondent via first class mail were not returned as undeliverable.

comparable discipline under section 9b(3) of the Professional Educator Discipline Act. In accordance with the Commission's bylaws and the General Rules of Administrative Practice and Procedure, the Commission finds Respondent to be in default and deems all relevant facts in the Order to Show Cause admitted. 22 Pa. Code § 233.115(c)(1); 1 Pa. Code §35.37.

Accordingly, the Commission finds that Respondent held educator certification issued by the state of Virginia and was employed by the Fairfax County Public Schools. In October, 2004, the Respondent pled guilty to Misdemeanor Assault Involving a Minor and was sentenced to 12 months in jail, with 12 months suspended, and was ordered to have no employment requiring interaction with minors without the permission of the probation office. Subsequent to his plea, the Respondent resigned his position with the Fairfax County Public Schools.

On January 30, 2013, the Superintendent of Public Instruction for the Commonwealth of Virginia issued a Petition for Revocation of License based on Respondent's 2004 guilty plea. On March 28, 2013, the Virginia Board of Education entered an Order revoking the Respondent's Virginia teaching license. The March 28, 2013, order revoking the Respondent's Virginia certification is a final adjudication of the professional educator licensing authority of Virginia.

The Commission's review initially focuses on the nature of the out-of-state misconduct. A fundamental duty of all teachers is to ensure the safety and welfare of minors under their supervision. Conduct that leads to an arrest and conviction for assault on a minor under one's supervision surely is a breach of that duty and is actionable under Pennsylvania's professional discipline system. The Commission next

examines whether the Respondent has established any of the statutory justifications for forestalling comparable discipline. Finding that the Respondent has forfeited his opportunity to rebut the presumption that reciprocal discipline should issue, the Commission will revoke the Respondent's Pennsylvania educator certification and his eligibility to be employed in a charter or cyber charter school. Accordingly, we enter the following:

ORDER

AND NOW, this __3rd__ day of October, 2013, it is hereby ORDERED that the Department of Education's Motion for Judgment on Default is GRANTED and the professional educator certification and the eligibility to be employed in a charter or cyber charter school of Respondent BRADLEY J. NORTON are hereby REVOKED.

PROFESSIONAL STANDARDS AND
PRACTICES COMMISSION

By: _____
Gilbert R. Griffiths
Chairperson

Attest: _____
Carolyn Angelo
Executive Director

Date Mailed: October 3, 2013