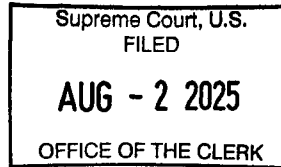


25-494

No. \_\_\_\_\_  
\_\_\_\_\_



In The  
**Supreme Court Of The United States**

\_\_\_\_\_  
CHRISTOPHER A. ROGALSKI,  
*Petitioner*

vs.

PENNSYLVANIA DEPARTMENT OF EDUCATION  
AND NESHAMINY SCHOOL DISTRICT  
(PROFESSIONAL STANDARDS AND  
PRACTICES COMMISSION),  
*Respondents*

\_\_\_\_\_  
*On Petition for A Writ of Certiorari  
To the Supreme Court of Pennsylvania*

\_\_\_\_\_  
**PETITION FOR A WRIT OF CERTIORARI**

\_\_\_\_\_  
Christopher A. Rogalski  
1011 Atlantic Avenue  
North Wildwood, NJ  
08260  
215-588-2343

### **Statement Of Questions Presented**

1. Do educators have the basic First Amendment right to communicate with their students free of a presumption that by doing so they are engaged in “grooming” or “targeting” them for an “inappropriate relationship”?  
(Suggested answer is in the affirmative.)

2. Does Due Process of Law require that disciplinary action against educators for exercising First Amendment rights be based upon violation of promulgated rules of conduct and ethics?  
(Suggested answer is in the affirmative.)

3. Does Due Process of Law require the right to confront and cross examine an accuser prior to a determination imposing administrative “discipline” based upon a determination that a person is a “danger” to others, or restated, is the lower court's ruling that an affidavit for an arrest warrant creates an unrebuttable presumption of its truth an impermissible interpretation of the constitutional burden of proof for administrative “discipline” ?  
(Suggested answer is in the affirmative.)

4. Does the Due Process of Law right to justice without denial or delay require taking judicial or administrative notice of a court transcript of testimony contrary to allegations made by totum in parte hearsay?  
(Suggested answer is in the affirmative.)

5. Does Appellant's Fourteenth Amendment right to liberty and Due Process right to a fair trial supersede the Commonwealth's interest in involuntarily determining his “eligibility” to apply for a renewed teaching license so it could publish false allegations against him online to poison potential jurors in the criminal case?

**List Of All Parties To The Proceeding**

1. Christopher A. Rogalski, is a citizen of the state of New Jersey.
2. The Pennsylvania Professional Standards and Practices Commission is a commission in the unified PA executive branch of government (Pa. Constitution, Art IV, § 1) by Pennsylvania law, (24 P.S. Education § 2070.3 et seq.) to “adopt and maintain a code for professional practice and conduct” for Pennsylvania educators and adjudge violations thereof, and administer discipline for the same. (24 P.S. § 2070.5, ¶10-12)
3. The Pennsylvania Department of Education, is an agency in the unified Pa. executive branch of government (Pa. Constitution, Art IV, § 1) by Pennsylvania law, 71 P.S. § 1037
4. Neshaminy School District, is a school district in Middletown Township, Bucks County, Pennsylvania.

### List Of Related Proceedings

1. *Rogalski v. Department of Education and Neshaminy School District, (Professional Standards and Practices Commission)* Docket No. 513 MAL 2024, Pennsylvania Supreme Court
2. *Rogalski v. Department of Education and Neshaminy School District, (Professional Standards and Practices Commission)* Docket No. 345 C.D. 2023, Pennsylvania Commonwealth Court
3. *Department of Education v. Rogalski*, Docket No. IS-22-020 (2022), Pa. Professional Standards and Practices Commission
4. *Rogalski, v. District Court 07-1-07*, Docket No. 2022-02083, Bucks County, PA Court of Common Pleas
5. *Rogalski v. Department of Education and Neshaminy School District, (Professional Standards and Practices Commission)* Docket No. 464 M.D. 2023, Pennsylvania Commonwealth Court

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## STATEMENT OF THE CASE

### Introduction

Due to a teacher shortage, Pennsylvania Department of Education issued Petitioner held a short term emergency teaching license on December 1, 2021, which expired on July 31, 2022. Prior to changing schools in May 2022, Petitioner gave his contact information to a student who testified to telling him, "We'll miss you". (A-52) For that, the student's mother claimed Petitioner was harassing her daughter. (A-37) Local detective then improperly charged Petitioner with corruption of a minor<sup>1</sup>, (hereinafter referred to as "COAM") overcharging to compel a plea bargain for harassment. After Petitioner's emergency teaching license expired, the Pennsylvania Department of Education brought disciplinary charges against Petitioner, not for the violation of any of its rules or ethics, but solely because a magistrate improperly approved the charge of COAM. At a hearing before the Pennsylvania Standards and Practices Commission, (hereinafter referred to as "PSPC"), it approved disciplinary action against Petitioner, (not administrative suspension) by declaring him ineligible to apply to renew the expired license, absent any request from Petitioner to renew it, without hearing a single witness and based solely on the affidavit of probable cause (hereinafter referred to as "the affidavit") for COAM. Petitioner repeatedly objected to the admission of that affidavit into evidence. PSPC refused to accept actual witness testimony transcripts into evidence contradicting the affidavit. With a criminal trial scheduled, PDE then published additional editorial on its website about Petitioner not found in the affidavit, i.e., that Petitioner had been disci-

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<sup>1</sup> 18 P.S. § 6301(a)(1)(i)

plined for “escalating forms of inappropriate contact [with a student] for the purpose of establishing an inappropriate relationship with her”. After the dismissal of all criminal charges by the Court of Common Pleas, PDE still refuses to remove its online publication that Petitioner was disciplined and that his expired license is suspended.<sup>2</sup>

### **A. Facts**

The Petitioner's Pennsylvania emergency teaching certificate expired July 31, 2022. (A-2,3)

Events took place at Neshaminy High School (hereinafter referred to as NHS), which has an enrollment of approximately 2500 students.<sup>3</sup>

During the 2021-22 school year, one student at NHS, L.M.<sup>4</sup>, had a locker in the fourth row of lockers from the front of the school.<sup>5</sup> (A-54) As such, her locker was in close proximity to both the front entrance to the school, as well as the administrative offices. (See online map in which the locker rows are visible in the main hallway.<sup>6</sup>) Everyday, L.M. claims to have seen Petitioner walking down the main hall. (A-44) She then offers two conflicting versions of how often she claims to have spoken with Petitioner by her locker. At first she states that Petitioner tried to make conversa-

<sup>2</sup> <https://www.pa.gov/search?q=rogalski>, Accessed July 30, 2025

<sup>3</sup> *History and Traditions of Neshaminy High School*:

<https://www.neshaminy.org/domain/2497>

Accessed July 27, 2025

<sup>4</sup> According to the police report, she was then an almost 15 year old student who, presumably, has since graduated and is now over 18.

<sup>5</sup> The locker rows are visible in the main hallway on the map. (L.M. described a “locker bank” (A-44) as “It’s just lined up with like about 4 feet between each of them. And there’s two walkways on the sides.” (A-44)

<sup>6</sup> <https://www.neshaminy.org/cms/lib/PA01000466/Centricity/Domain/180/SPIN%202010-2011/Map%202010/Map-NHS-2010.jpg>) Accessed July 28, 2025

tion with her “every morning”, (A-44) before contradicting herself and changing that to “at least twice a week”. (A-44,50) (The Commonwealth alleges that videos exist of the area, but have failed to produce any which would corroborate either of L.M.'s competing claims.) L.M. notes one time that she claims the Petitioner inquired about her grades and offered to tutor her. (A-51) L.M. notes that Petitioner substituted for one of her teachers “at the end of February, beginning of March” (A-42) in an English class of about 25 students. (A-47) L.M. then states that she had a problem with her phone, which she claims distracted other students to the point that other students were saying, “Her phone is broken”. (A-48) L.M. told the teacher that she was having a problem with her phone. (A-48) L.M. also claims that the Petitioner was looking at her in the class, but she states, “I didn't think anything of it”, and “joked about it” with her friends. (A-42) L.M. said the Petitioner looked at her phone. (A-48) L.M. repeatedly said “hi” to Petitioner during the class. (A-49) This caused the Petitioner to smile. (A-49) After the class, L.M. claims that Petitioner reached into his pocket and handed her a Hershey's Kiss. (A-42) L.M. Contradicted the affidavit testifying that Petitioner then said, “Here's a kiss for flirting with the substitute.” (A-42)

On April 6, 2022, L.M. claims that Petitioner advised her that he would be leaving NHS. (A-51) L.M. responded by telling him, “We'll miss you too.” (A-52) Petitioner then gave L.M. contact information as he was leaving the school, (A-52) and advised her not to send him inappropriate messages. (A-53) This caused L.M.'s mother to call the police and falsely claim her daughter was being “harassed”. (A-37) This resulted in Middletown police officer Andrew Amoroso writing a harassment complaint, but with the charge mali-

ciously changed to “corruption of minors”. (A-37,39) Amoroso deceitfully concealed that L.M.'s locker was in the main hall near the front entrance and administrative offices where she was plainly visible to anyone passing by, falsely writing instead that substitute teachers like Petitioner, “do not have access to student information such as locker location”. (A-39) Amoroso also swore falsely about Petitioner “looking into the classroom during 5<sup>th</sup> period when he was scheduled to be in other parts of the building” (A-39) for which he was incompetent to testify.<sup>7</sup> The affiant never testified to this in court subject to cross examination. For the Petitioner to have been in the hallway during 5<sup>th</sup> period when he was required to be in class elsewhere means that he neglected his duties, leaving a class of students unattended, for which no testimony or documentation exists, and therefore was not submitted into the record anywhere. Also, nothing in the record supports the contention that the contact information which L.M. received was “personal” as opposed to professional, or used for an inappropriate purpose.

## **B. Procedural History**

### **1. Bucks County, PA Criminal Case**

On May 9, 2022, a detective at Neshaminy High School, (hereinafter referred to as “NHS”) in Middletown, PA, in bad faith charged petitioner, a licensed substitute teacher in Bucks County, Pennsylvania, with COAM, 18 Pa.C.S. § 6301(a)(1)(i) after he gave a student, L.M., who testified to telling him she would miss him when he left the school for another assignment, his contact information along with an admonition that she not send him inappropriate mes-

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<sup>7</sup>That claim was not referenced to any other NHS employee or student.

sages.<sup>8</sup> The false and or grossly exaggerated allegations, rather than stating an act which objectively could corrupt the morals of a minor, e.g., providing alcohol, stated a course of conduct over the course of a month in the school, i.e., observing the student in class, speaking to the student in the hallways, inquiring about the students grades, offering to tutor the student, and giving the student a small piece of candy on a day she was having problems that affected her learning, before giving her contact information after she said she would miss him when he left the school. Bucks County Court of Common Pleas Judge Wallace Bateman later dismissed all charges stating it was a harassment complaint, which was not charged.<sup>9</sup> On June 29, 2022, the same magistrate who rubber stamped the charges, conducted a preliminary hearing at which L.M., an almost 15 year old student, testified, then added an additional unsupported charge of disorderly conduct, and approved the charges for trial. On August 3, 2023, Judge Bateman quashed the criminal complaint based upon the student's testimony and the law.

## **2. Pennsylvania Professional Standards and Practices Commission**

In the long interim between the approval of the charges and their dismissal, the Pennsylvania Department of Education, (hereinafter referred to as “PDE”) filed administrative disciplinary charges against Petitioner's expired emergency substitute teaching license before the Pennsylvania Profes-

<sup>8</sup>The charging officer did so despite admitting in his police report that the allegations “were at best harassment”.

<sup>9</sup>By statute in Pennsylvania schools, all teachers act *en loco parentis*. , 24 P.S. § 13-1317. Complaints that a teacher is “harassing” a student by observing him/her in class, inquiring about the students grades, offering tutoring to the student, walking in the school hallways, smirking, etc. fail as a matter of law. See Commonwealth v. Allen, (1976) 12 Pa. D. & C.3d 1 (1976).

sional Standards and Practices Commission on November 16, 2022, and attached a copy of the May 9, 2022 affidavit. From the affidavit, PDE inferred that Petitioner was “targeting” a student for an “inappropriate relationship”, an allegation not contained in that document. Despite all allegations occurring in a school during regular school hours, PDE did not allege any violation of its or the school's rules, or ethical standards for educators. By statute, PDE bore the burden of proof that Petitioner was a danger to those in Pennsylvania schools before it could discipline him.<sup>10</sup>

On December 1, 2022, Petitioner filed a timely Response to Charges making general and specific denials, and raising numerous constitutional objections.

“Respondent does not hold a license of any kind from the Pennsylvania Dept. of Education. He is not eligible for employment in Pennsylvania schools, and does not appear on any eligible list. The Commonwealth violates his constitutional right to liberty and privacy to put his name on any such eligibility list, or maintaining his name on any list of any kind, without his express consent, which has not been given.” (PSPC Response ¶1)

Petitioner objected that the affidavit was hearsay and contained totem pole hearsay. (Response ¶4) Petitioner noted, “a teacher is a mentor and a role model, which includes tutoring and mentoring students. That is a long established American tradition protected by the First Amendment of the U.S. Constitution.” (PSPC Response ¶4) Petitioner objected:

“the term “inappropriate relationship” is vague and over broad and violated the Fourteenth Amendment of

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<sup>10</sup>24 P.S. § 2070.9b(a)(1)

the U.S. Constitution's right to Due Process of Law. To the average person, that term connotes Mary Kay Letourneau engaged in a sexual relationship with a student, not a teacher talking to a student in a hallway, offering to tutor or mentor a student. The Pennsylvania Dept. of Education has established no such regulations for tutoring or mentoring a student.”(PSPC Response ¶9):

“At no point has the Commonwealth, by any of its actors, alleged that Respondent committed a specific violation of educational ethics. As such, he has not committed a violation of any vague and over broad criminal offense either based upon novel "community standards" it wishes to now create without precedent. Instead, the Commonwealth now engages in circuitous logic. It intends to take administrative action against a license Respondent doesn't hold based upon an unfounded criminal complaint. That complaint is actually a harassment complaint, but with the inconsistent charge of "corruption of minors" alleged because it knows the harassment complaint is unfounded. In short, the prosecutor [has] charged the unprecedented charge of "corruption of a minor" which is intended to provoke administrative action. The Respondent is innocent until proven guilty in a court of law by a jury of his peers. The actions of counsel are intended to cause unnecessary publicity and deprive Respondent of a fair trial contrary to Sheppard v. Maxwell, 384 U.S. 333 (1966) and its progeny.””(PSPC Response ¶10)

Both sides submitted briefs on the issues on December 1, 2022. Petitioner wrote in his brief:



“The Commonwealth has failed to allege the Respondent violated ...the Pennsylvania Code of Professional Practice and Conduct for Educators. The Respondent therefore cannot respond [to] what has not been alleged. Instead, the Commonwealth reacts in knee jerk fashion to criminal charges by information which are unsubstantiated, should never have been brought, and must be dismissed on factual and constitutional grounds. Thus, instead of criminal charges being based upon a breach of educational ethics, we have ethical charges founded upon criminal statutes which are constitutionally vague, and over broad in violation of the First and Fourteenth Amendments to the United States Constitution....”

Also, the Commonwealth has never defined with the requisite specificity what an “inappropriate” relationship is, and freedom of association is a constitutional right. The regulation violates Due Process of Law because it fails to give the ordinary citizen adequate notice of what is forbidden and what is permitted, and thus is impermissibly vague. Chicago v. Morales, 527 U.S. 41 (1999) It also fails to give adequate guidelines for enforcement, resulting in arbitrary and capricious application. *Ibid.* Additionally, when the regulation “itself contains no explicit limits on the [administrator's] discretion” to control freedom of expression, it abridges the First Amendment and is unconstitutionally over broad. City Of Lakewood v. Plain Dealer Publishing Co., 486 U.S. 750, 769 (1988) Regulation of the that right, to the extent that is possible, requires strict scrutiny and the regulation is constitutionally over broad as it violates free-

dom of association. Freedom of Association requires the Commonwealth to limit itself to regulating specific conduct, and not attempt to regulate “relationships”.”

The Commonwealth has no compelling interest to regulate an expired license, and its attempt to do so is irrational, and wasteful of government resources, and results in a advisory opinion. It is exactly this kind of irrational witch hunt which has resulted in a sharp decline in the teaching profession in Pennsylvania. The Respondent has a right to liberty... to determine if and when his “eligibility” for a teaching certificate is considered, and that right to liberty is violated if his “eligibility” is determined involuntarily.

Furthermore, teachers also have the right to work as tutors outside of school, or to promote themselves as such, the same as any other business. The state must justify restrictions on commercial free speech rights which violate the First Amendment of the U.S. Constitution. *Sorrell, et al. v. IMS Health Inc., et al.*, 564 U.S. 552 (2011). Neither the Commonwealth, nor its political subdivisions, may promote certain actors as tutors, but criminally prosecute others for offering similar services, or otherwise interfere in commercial speech.

(PSPC Brief pg. 4)

Petitioner objected to the use of the affidavit: “[It] is hearsay, and it makes reference to a mountain of other hearsay, i.e., multiple videos, class schedules, the Respondent's teaching schedule, a map of the building, etc. This amounts to totem pole hearsay. Due Process of Law required that all of this hearsay needed to be submitted into evidence by itself, subject to objections

according to the rules of evidence, and, if admissible, reviewed by the Commission such that it could make its own determinations as to its credibility, etc.”.(PSPC Brief pg. 3)

Petitioner wrote in his brief:

“Because of this mountain of hearsay, the Respondent has been denied the constitutional right to confront an accuser, which is a violation of fundamental fairness and Due Process of Law...

The Commonwealth has failed to allege the Respondent violated the Pennsylvania Code of Professional Practice and Conduct for Educators. The Respondent therefore cannot respond to what has not been alleged. Instead, the Commonwealth reacts in knee jerk fashion to criminal charges by information which are unsubstantiated, should never have been brought, and must be dismissed on factual and constitutional grounds. Thus, instead of criminal charges being based upon a breach of educational ethics, we have ethical charges founded upon criminal statutes which are constitutionally vague, and over broad in violation of the First and Fourteenth Amendments to the United States Constitution, and Pennsylvania Constitution, Article 1, Sec. 1, respectively. This is simply circuitous logic.

Also, the Commonwealth has never defined with the requisite specificity what an “inappropriate” relationship is, and freedom of association is a constitutional right. The regulation violates Due Process of Law because it fails to give the ordinary citizen adequate notice of what is forbidden and what is permitted, and thus is impermissibly vague. *Chicago v. Morales*, 527 U.S. 41 (1999) It also fails to give adequate guidelines

for enforcement, resulting in arbitrary and capricious application. *Ibid.* Additionally, when the regulation “itself contains no explicit limits on the [administrator's] discretion” to control freedom of expression, it abridges the First Amendment and is unconstitutionally over broad. *City Of Lakewood v. Plain Dealer Publishing Co.*, 486 U.S. 750, at 769 (1988) Regulation of the that right, to the extent that is possible, requires strict scrutiny and the regulation is constitutionally over broad as it violates freedom of association. Freedom of Association requires the Commonwealth to limit itself to regulating specific conduct, and not attempt to regulate “relationships”.

...

The Commonwealth has no compelling interest to regulate an expired license, and its attempt to do so is irrational, and wasteful of government resources, and results in a advisory opinion. It is exactly this kind of irrational witch hunt which has resulted in a sharp decline in the teaching profession in Pennsylvania. The Respondent has a right to liberty, ..., to determine if and when his “eligibility” for a teaching certificate is considered, and that right to liberty is violated if his “eligibility” is determined involuntarily.

Furthermore, teachers also have the right to work as tutors outside of school, or to promote themselves as such, the same as any other business. The state must justify restrictions on commercial free speech rights which violate the First Amendment of the U.S. Constitution. *Sorrell, et al. v. IMS Health Inc., et al.*, 564 U.S. 552 (2011). Neither the Commonwealth, nor its political subdivisions, may promote certain actors as tutors,

but criminally prosecute others for offering similar services, or otherwise interfere in commercial speech.”  
(PSPC brief pg. 4)

On December 5, 2022, the Neshaminy School District, (hereinafter referred to as “NSD”) filed a “Notice of Intervention” pursuant to section 13(c)(4) of the Educator Discipline Act, 24 P.S. §2070.13 (c)(4).<sup>11</sup> On December 16, 2022, Respondent filed a Motion to Dismiss due to his emergency license having expired, and PDE filed a response to the motion on December 21, 2022. At an evidentiary hearing in Harrisburg, PA on December 22, 2022, PDE introduced the affidavit, and Petitioner continued his objection that the affidavit was hearsay and totem pole hearsay, and not subject to cross-examination violating Due Process of Law.<sup>12</sup> Petitioner introduced a copy of his emergency substitute teaching license, which proved it had expired, and the notes of testimony (hereinafter referred to as “NT”) of L.M. from the June 29, 2022 hearing, and a map of NHS. PDE objected that the map and NT were irrelevant. Petitioner responded that the testimony evidenced a changing story, and

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<sup>11</sup>While NSD was permitted to intervene in the matter, participate and present evidence, etc., it never did. It's more apt to state NSD observed proceedings because the NHS principal initiated the complaint as he was statutorily required to do so. NSD did not produce exculpatory evidence required by *Goldberg v. Kelly*, 397 U.S. 254, 270 (1970).

<sup>12</sup>The events are not contested, however, neither the PDE nor the PSPC have produced the transcripts of the hearings, nor provided any process for Petitioner to obtain them on appeal. The hearing examiner failed to provide a proposed report to be adopted by the commission. Therefore, Petitioner could not file exceptions under 1 Pa. Code § 35.211, and should not be prejudiced by that constitutional abridgment of Due Process of Law. The Court may require transcript production if contested.

was better evidence than the affidavit since it was subject to cross-examination.

In his reply brief, Petitioner also attached links to NHS's website including a map of the school, a history of the school listing its student enrollment, a school approved list of tutors and tutoring agencies, along with testimony from PDE's Dr. Tanya Garcia before the Pennsylvania legislature regarding the Commonwealth's teacher shortage, and US Dept. of Ed.'s publication of a nationwide decline in student performance. Petitioner request administrative notice of the documents.

The PSPC heard oral argument on January 9, 2023<sup>13</sup>. Petitioner by phone repeated the objections in his brief, but the PSPC ignored all reason and constitutional arguments and voted to suspend his expired teaching license and to discipline him, not suspend the expired license, pending disposition of the criminal charges. It denied Petitioner's request to dismiss the complaint, overruled his objection to the affidavit, and sustained PDE's objections to accepting the notes of testimony, before rubber stamping the PDE's absurd request to suspend Petitioner's already expired license as discipline for having been wrongfully charged with a crime by information, which it declared to have been an indictment by a grand jury<sup>14</sup>. In its published decision, which relied exclusively on that affidavit, PSPC conflated an administrative suspension, which was moot due to the expired license, with discipline. (A-25) That opinion falsely denied that it had used the allegations in the affidavit to determine that Peti-

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<sup>13</sup>The date was chosen knowingly to conflict with the Petitioner's scheduled criminal trial date in Bucks County, causing the PSPC hearing to be continued and then discontinued last minute, helter skelter in a most unreasonable manner.

<sup>14</sup>Pennsylvania's Constitution, Article V., Sec. 10(c) requires that indictments must issue from a grand jury.

tioner was a danger to those in the Commonwealth's schools, held that the affidavit was a certified court record, and therefore not subject to cross-examination Due Process rights.

(A-32) PSPC refused to admit the notes of testimony into evidence to impeach the affidavit, declining to permit a "mini-trial" on the truth of the allegations, (A-30) because "the validity of the criminal charges is not before the Commission." (A-30, n. 5), and also noting it was powerless to address the unconstitutionality of the Educator Discipline Act. (A-31, n. 5) Yet, PSPC persisted in an unconstitutional interpretation of that law by declaring that the affidavit proved that Petitioner was a dangerous person, (A-26) because Petitioner had failed to rebut the affidavit. (A-30) PSPC's findings of facts all occurred at a school during regular school hours, (A-23,24), but PSPC, which was charged to set standards of conduct for educators, failed to allege Petitioner violated any school rules, or its rules or ethical standards. (A-31,32) PSPC refused to acknowledge that teachers have a First Amendment right to associate with students, (A-32) or to define what constituted "an inappropriate" relationship, but arrogantly concluded "Respondent was well aware of the basis for the Department's action." (pg. 12) PSPC concluded by knocking down its straw man Double Jeopardy argument but did not address that by shifting the burden of proof in the hearing that it conducted a Star Chamber proceeding. (A-33)

In its written opinion, PSPC did not allege that any of its rules or ethical standards, or those of a school had been violated. All disciplinary action was taken due to the affidavit having been wrongfully approved by the magistrate. PSPC deceitfully claimed that the affidavit was not used to prove the truth of its allegations while it used that document to declare publicly that Petitioner, who lacked a valid teaching li-

cense, “poses a threat to the health, safety, and welfare of students or other persons in the schools of the Commonwealth”, despite him not working there nor having a license to teach in those schools.

Following that decision, and with a criminal trial scheduled, PDE published a report about Petitioner online declaring that he was a danger to others and had been “targeting” a student for an “inappropriate relationship”,<sup>15</sup> based on its inferences from the Affidavit but not alleged in that.

### **3. Pennsylvania Commonwealth Court,**

Petitioner filed a timely notice of appeal to the Pennsylvania Commonwealth Court, a right guaranteed by Pa. Constitution, Article 5, Section 9 on March 3, 2023. After some delay, the court heard the appeal. Petitioner also invoked the court's original jurisdiction and requested that it take judicial notice of the items included in his brief to PSPC, as they were filed below, and also correspondence from PDE's attorney to Petitioner's criminal defense attorney, and a local news article about the pending criminal charges and PDE's disciplinary action against Petitioner, and included them in the received record. Following the dismissal of the criminal charges, Petitioner filed for relief by prerogative writ on August 31, 2025 under CC's original jurisdiction. PDE objected to the CC taking judicial notice of anything and the court, rather than do justice without delay, granted its motion to strike them from the record on September 14, 2023, and also denied relief by writ by the same order. Petitioner repeated the constitutional arguments made before PSPC in including violation of First Amendment rights, and Due Process of Law in his brief. He also argued that PDE infringed on his right to a fair trial contrary to *Sheppard v. Maxwell*, privacy

<sup>15</sup><https://www.pa.gov/search#q=rogalski>, Accessed July 30, 2025



and reputation by publishing hearsay, totem pole hearsay, gossip and innuendo about him on its website, while declaring that he had been “disciplined”, not administratively suspended, simply because he was unjustly accused of a crime .

The Commonwealth Court ignored all of these arguments, and dismissed the appeal on July 12, 2024. Its opinion failed to take judicial notice that teachers staying in touch with their former students is a well established American tradition that is protected by the First Amendment, or offer any discussion of how exercising protected speech rights makes someone a danger to others. That court acknowledged that “the Department relied on the affidavit of probable cause to prove that Rogalski posed a threat to students,” (A-14) but glibly held that there was no Due Process right to confront an accuser at an administrative disciplinary hearing<sup>16</sup>, (A-13), shifted the burden of proof to Petitioner to prove he was not a threat to anyone in the Commonwealth's schools, (A-14), while freely acknowledged that suspending an expired license was PDE administering discipline. (A-12,14, 17. 18) The court did not address petitioner's briefed argument that PDE, by posting disciplinary action on its website based solely on the affidavit, but with conclusion's exceeding it, i.e., that Petitioner was “targeting” a student for an “inappropriate relationship, violated his right to a fair trial contrary to Shepard v. Maxwell, and its progeny.

Petitioner filed a timely motion for rehearing *en banc* on July 26, 2024, citing violation of procedural due process rights under the Fourteenth Amendment of the U.S. Constitution because he was “not afforded full opportunities to present evidence before a court”, Logan v. Zimmerman

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<sup>16</sup>The opinion conflates the terms “suspension” and “discipline”, and uses them interchangeably.

Brush Co., 455 U.S. 422 (1982). CC denied that timely rehearing request on September 3, 2024.

#### **4. Pennsylvania Supreme Court**

Petitioner filed for review by the Pennsylvania Supreme Court on October 2, 2024, and that court denied that petition on May 8, 2025. This petition for a writ of *certiorari* now follows.

### **WHY THE WRIT SHOULD ISSUE**

The blatant violation of Petitioner's constitutional rights illustrate the larger national problem of demonizing educators which results in a teacher shortage, and consequently, a general decline in student educational performance nationwide. The U.S. Department of Education since 2017, has recognized three different classifications of teacher shortages: (1) teaching positions that are unfilled; (2) teaching positions that are filled by teachers who are certified by irregular, provisional, temporary, or emergency certification; and (3) teaching positions that are filled by teachers who are certified, but who are teaching in academic subject areas other than their area of specialty. These definitions refer to the status of teaching positions after the start of a school year. Researchers Tuan D. Nguyen, *et al.* estimate that, “most states have more vacant positions and/or more underqualified teachers in the classroom than in previous years. For the 2024-25 school year, we estimate there are at least 49,000 vacant positions and 400,000 underqualified positions. At the same time, we are seeing a decline or stagnation in enrollment for teacher certification programs for most states as well as a sharp increase in teachers leaving the profession in

the last two years compared to the last decade.”<sup>17</sup>

According to the National Center for Education Statistics School Pulse Panel, 35% of public schools reported having one or more teaching vacancies, 31% of public schools reported losing teaching positions when compared to last school year, 41% of public schools reported having one or more non-teaching staff vacancies, 50% of public-school leaders reported feeling their school is understaffed, and 31% of public schools reported that staff vacancies created the need to use non-teaching staff outside of their intended duties, and 34% of public schools reported being understaffed in special education positions.<sup>18</sup> 64% of public schools reported that a lack of qualified candidates applying for open teaching positions was a challenge when filling vacant teaching positions, 69% of public schools experienced difficulty filling at least one non-teaching position for the upcoming school year, and 53% of public schools reported that too few candidates applying for open staff positions was a challenge when filling vacant non-teaching positions.<sup>19</sup> Only 78% of public schools reported having provided any type of tutoring during this school year, 51% of public schools reported being able to provide tutoring to all students in need, and 48% of public schools that did not implement tutoring reported they did not provide tutoring due to lack of, or reductions in, funding to support tutoring.

Teachers are missing more time, which requires a sub-

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<sup>17</sup>Tuan D. Nguyen, *et al.*, *Teacher shortages in the United States: A Systematic Examination Of Reports Of Teacher Vacancy And Shortages*: <https://www.teachershortages.com/#:~:text=Based%20on%20data%20from%20the,positions%20and%20270%2C000%20underqualified%20positions>, accessed May 24, 2025

<sup>18</sup><https://nces.ed.gov/surveys/spp/results.asp> accessed May 24, 2025

<sup>19</sup>*Id.*

stitute teacher to cover their classes, yet there is a shortage of substitute teachers nationwide.<sup>20</sup> 32% of schools found it more difficult to find substitute teachers in 2024 compared to the previous school year.<sup>21</sup> According to Gallup, just 18% of K-12 teachers expect to return to that job next year.<sup>22</sup> According to Pew, 18% of teachers are not satisfied with their jobs, and 29% are likely to look for another job this school year.<sup>23</sup> While 51% of adult workers reported being satisfied in their jobs, just 33% of teachers were.<sup>24</sup> Just 16% of teachers indicate they'd recommend their profession to others.<sup>25</sup>

77% of teachers describe their job as “stressful”, and 68% describe it as “overwhelming”.<sup>26</sup> Pew notes that 21% of K-12 teachers consider student disrespect a problem, 40% of teachers consider that parents communicate with them disrespectfully, and only 30% feel trusted by their students' parents.<sup>27</sup> Overwhelmingly, 67% of teachers say they themselves don't have enough influence in determining discipline

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<sup>20</sup>New York Times, “Teachers Are Missing More School, and There Are Too Few Substitutes”, Sara Mervosh Feb. 19, 2024

<sup>21</sup><https://nces.ed.gov/surveys/spp/results.asp>, Accessed May 24, 2025

<sup>22</sup>Gallup, *Teaching For Tomorrow: Educators on the Future of Their Profession* (2025)

<https://static.waltonfamilyfoundation.org/97/17/e8f383b841f6a68ba5a6f6dca7c5/gallup-walton-family-foundation-teaching-for-tomorrow-report.pdf>, Chart 2, pg. 4, Accessed May 24, 2025

<sup>23</sup>Pew Research Center, Lin, *et al.*, *What's It Like To Be A Teacher in America Today?* (April 4, 2024)

<https://www.pewresearch.org/social-trends/2024/04/04/how-teachers-manage-their-workload/>, Accessed May 24, 2025

<sup>24</sup>*Id.*

<sup>25</sup>Educators For Excellence, *Voices From the Classroom 2024*, pg. 14

<https://e4e.org/wp-content/uploads/2024/05/2024-Voices-from-the-Classroom-Report.pdf>, Accessed May 24, 2025

<sup>26</sup>*Id.* <https://www.pewresearch.org/social-trends/2024/04/04/how-teachers-manage-their-workload/>, Accessed May 24, 2025

<sup>27</sup>*Id.*

practices at their school.<sup>28</sup> Substitute teachers often complain of a hostile work environment.<sup>29</sup> Gallup found that 39% of teachers experience burnout “very often” or “always”.<sup>30</sup> Alarming, 82% of K-12 teachers believe that education has gotten worse in the past five years, and 53% expect it to continue to get worse in the next five years.<sup>31</sup>

According to the testimony of Dr. Tanya Garcia, the Deputy Secretary and Commissioner of the Office of Post-secondary and Higher Education of the PDE, Pennsylvania has experienced a “shrinking educator workforce”<sup>32</sup> in recent years. That shortage of teachers has had a detrimental effect upon student performance: “In 2024, average reading scores on The Nation’s Report Card declined by 2 points for both 4th and 8th grade students compared to 2022. This steepens the 3-point decline seen in both grades between 2022 from 2019.”<sup>33</sup> Randi Weingarten, President of the American Fed-

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<sup>28</sup>*Id.*

<sup>29</sup>Edustaff, *Investigating The Substitute Staffing Shortage In 2024*: <https://www.edustaff.org/text-blog-posts/investigating-the-substitute-staffing-shortage-in-2024>, Accessed May 24, 2025

<sup>30</sup>Gallup, *The State of Schools Report: Insights to Inform Higher Education and K-12 Leaders*, (2023) pg. 6: <https://www.gallup.com/education/608843/state-of-schools-report-2024.aspx?thank-you-report-form=1>, Accessed May 24, 2025

<sup>31</sup>Pew, *supra*.

<sup>32</sup>Dr. Tanya Garcia, Testimony to the House Education Committee Hearing on the Educator Workforce Shortage, March 15, 2022: [https://www.legis.state.pa.us/WU01/LI/TR/Transcripts/2022\\_0043\\_0008\\_TSTMNY.pdf](https://www.legis.state.pa.us/WU01/LI/TR/Transcripts/2022_0043_0008_TSTMNY.pdf), Accessed July 12, 2025

<sup>33</sup> National Assessment Governing Board, *The Nation's Report Card Shows Declines in Reading, Some Progress in 4th Grade Math: U.S. Students Not Back to Pre-Pandemic Achievement*: <https://www.nagb.gov/news-and-events/newsreleases/2025/nations-report-card-decline-in-reading-progress-in-math.html>, Accessed July 12, 2025

eration of Teachers noted the teacher shortage is “the worst I’ve ever seen.”, and that teachers face the problem of “having the constant hectoring, being called pedophiles, being called groomers”.<sup>34</sup> This court's attention is needed to address these issues.

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<sup>34</sup> Teacher Shortage Is Currently ‘the Worst I’ve Ever Seen,’ Union President Says, July 17, 2022:

<https://finance.yahoo.com/news/teacher-shortage-pandemic-political-war-worst-seen-aft-president-185544956.html>

## SUMMARY OF ARGUMENT

1. Educators are not a suspect class of people. They have the basic First Amendment right to communicate with their students free of a presumption that by doing so they are engaged in “grooming” or “targeting” them for an “inappropriate relationship”, and have the right to promote themselves as mentors and tutors.

2. Due Process of Law requires that disciplinary action against educators for exercising First Amendment rights be based upon violation of promulgated rules of conduct or ethical standards.

3. Due Process of Law requires the right to confront and cross examine an accuser prior to the imposition of administrative “discipline” based upon a determination that a person is a “danger” to others. The lower court's ruling that an affidavit for an arrest warrant creates an un rebuttable presumption of its truth is an impermissible interpretation of the constitutional burden of proof for administrative “discipline”.

4. Due Process of Law requires taking judicial or administrative notice of a court transcript of testimony which was subject to cross examination contradicting allegations made by hearsay attributed to that witness in an affidavit.

5. Appellant's Fourteenth Amendment Due Process right to liberty and a fair trial supersedes the Commonwealth's interest to involuntarily determine his “eligibility” to apply for a renewed teaching license so it could publish false allegations against him online to prejudice potential jurors in the crimi-

nal case, and violate his privacy.

## ARGUMENT

1. Educators are not a suspect class of people. They have the basic First Amendment right to communicate with their students free of a presumption that by doing so they are engaged in “grooming” or “targeting” them for an “inappropriate relationship”, and have the right to promote themselves as tutors and mentors.

Fundamentally, this case is about abridging fundamental First Amendment freedoms. The elected Pennsylvania judiciary declined to recognize that a teacher communicating with a student has constitutional rights to association and free speech, and that restrictions on that right are subject to strict constitutional scrutiny:

“It is beyond debate that freedom to engage in association for the advancement of beliefs and ideas is an inseparable aspect of the “liberty” assured by the Due Process Clause of the Fourteenth Amendment, which embraces freedom of speech. [citations omitted] Of course, it is immaterial whether the beliefs sought to be advanced by association pertain to political, economic, religious or cultural matters, and state action which may have the effect of curtailing the freedom to associate is subject to the closest scrutiny.”

NAACP v. Alabama ex rel. Patterson, 357 U.S. 449, 460 (1958) Education is about sharing ideas, and teachers are traditionally mentors and role models for their students, Westmoreland Intermediate Unit #7 v. Westmoreland Intermediate Unit #7 Classroom Assistants Educ. Support Pers. Ass’n, 977 A.2d 1205 (Pa. Cmwlth 2009). As was celebrated



in the movie *Mr. Holland's Opus*, the First Amendment permits that relationship to continue after the student-teacher relationship ends.

In this case, the Commonwealth advanced no argument why the First Amendment did not apply. It simply relied upon irrational fears that teachers are all groomers and should be disciplined for communicating with their students outside of school, regardless of the obvious violation of freedom of speech and association. Since no exception to First Amendment rights was proffered, Petitioner had nothing to contest nor argument to further develop below. The First Amendment applies to all social interactions unless an exception is made. There is no general exception to that rule for teachers' First Amendment rights. Teachers have a right to earn a living. Teacher's have First Amendment right to offer tutoring, which is protected commercial speech subject to strict scrutiny, *Sorrell, et al. v. IMS Health Inc., et al.*, 564 U.S. 552 (2011).

2. Due Process of Law requires that disciplinary action against educators for exercising First Amendment rights be based upon violation of promulgated rules of conduct or ethical standards.

Claims of deprivation of Due Process of Law require a two part inquiry: Was the claimant "deprived of a protected interest, and, if so, what process was his due" *Logan v. Zimmerman Brush Co.*, 455 U.S. 422, 428 (1982). Communications are fundamental protected First Amendment freedoms. *Sorrell, supra*.

The Commonwealth cites no exception to free speech except to claim that teachers communicating with their stu-

dents corrupts the morals of minors. It alleged no violation of any rule or conduct standard for an educator in a school.<sup>35</sup> The Commonwealth used a vague and over broad statute to allege the COAM, not based upon any single act which would objectively corrupt morals, e.g., supplying alcohol, but alleges that a series of regular actions of a teacher collectively constitute a single act. This is contrary to Pennsylvania's statutory law.<sup>36</sup> For purposes of COAM, each act in the alleged course of conduct either corrupts morals and is a separate count of COAM, e.g. smirking, or it is legally irrelevant. Alleging that a course of conduct corrupts morals, consisting of acts which by themselves do not corrupt morals, or individually violates any rule, violates Due Process of Law. When those acts are constitutionally protected speech, the allegations violate the First Amendment. *Sorrell, supra*. Alleging that teachers corrupt student morals by walking in the hallways of their schools and engaging their students in conversation, is an assault on the teaching profession. It illustrates why people have been leaving the teaching profession.

Also, the Commonwealth has never defined with the requisite specificity what an "inappropriate" relationship is,

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<sup>35</sup>The Commonwealth does allege that telling a student not to send a teacher inappropriate messages, i.e., "no sexting" is a sexual innuendo rather than setting necessary boundaries for interactions. (see Pennsylvania's Code Of Professional Practice And Conduct For Educators § 235.5a.) This is simply a direct contradiction of the plain meaning of the language. Teachers cannot be directed to maintain limits with students when doing so is declared to be "innuendo". Petitioner denied the allegation.

<sup>36</sup>18 P.S. § 103 defines an "act" as "A bodily movement whether voluntary or involuntary." It defines "Conduct" as "An action or omission and its accompanying state of mind, or, where relevant, a series of acts and omissions." A course of conduct is not a single act by definition.

and freedom of association is a constitutional right. The PSPC's decision violates Due Process of Law because it fails to give the ordinary citizen adequate notice of what is forbidden and what is permitted, and thus is impermissibly vague. Chicago v. Morales, 527 U.S. 41 (1999) It also fails to give adequate guidelines for enforcement, resulting in arbitrary and capricious application. *Ibid.* Additionally, when the regulation “itself contains no explicit limits on the [administrator's] discretion” to control freedom of expression, it abridges the First Amendment and is unconstitutionally over broad. City Of Lakewood v. Plain Dealer Publishing Co., 486 U.S. 750, at 769 (1988) Regulation of the that right, to the extent that is possible, requires strict scrutiny, Ashcroft v. American Civil Liberties Union, 535 U.S. 564 (2002) and the regulation is constitutionally over broad as it violates freedom of association. City Of Lakewood, *supra*. Freedom of Association requires the Commonwealth to limit itself to regulating specific offending conduct, and not attempt to regulate “relationships”.<sup>37</sup> The PSPC abdicated its role to make rules of teacher conduct uniformly statewide to any and all police who conclude that an individual teacher's actions are subjectively “creepy”. The result is a lawless society hostile to educators, and people have voted with their feet to leave, or will never get a license to start, teaching.

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<sup>37</sup>It must be noted that former Speaker of the U.S. House of Representatives, Newt Gingrich, married his high school geometry teacher, Jacqueline Battley, a year after his high school graduation. They had two daughters together. His political detractors faulted him for filing for divorce when she was in the hospital with cancer. There was no reported criticism of her for grooming him, although she was over seven years his senior.

3. Due Process of Law requires the right to confront and cross examine an accuser prior to the imposition of administrative "discipline" based upon a determination that a person is a "danger" to others. The lower court's ruling that an affidavit for an arrest warrant creates an un rebuttable presumption of its truth is an impermissible interpretation of the constitutional burden of proof for administrative "discipline".

The Due Process rights of confrontation of witnesses applies to administrative hearings:

"Certain principles have remained relatively immutable in our jurisprudence. One of these is that, where governmental action seriously injures an individual, and the reasonableness of the action depends on fact findings, the evidence used to prove the Government's case must be disclosed to the individual so that he has an opportunity to show that it is untrue. While this is important in the case of documentary evidence, it is even more important where the evidence consists of the testimony of individuals whose memory might be faulty or who, in fact, might be perjurers or persons motivated by malice, vindictiveness, intolerance, prejudice, or jealousy. We have formalized these protections in the requirements of confrontation and cross-examination. They have ancient roots. They find expression in the Sixth Amendment. . . . This Court has been zealous to protect these rights from erosion. It has spoken out not only in criminal cases, . . . but also in all types of cases where administrative . . . actions were under scrutiny."

Goldberg v. Kelly, 397 U.S. 254, 270 (1970) citing Greene v. McElroy, 360 U. S. 474, 496-497 (1959). In this case the

affiant, he had no first hand knowledge of anything stated in the affidavit. Furthermore, PDE produced no exculpatory evidence required by Goldberg.

4. Due Process of Law requires taking judicial or administrative notice of a court transcript of testimony which was subject to cross examination contradicting allegations made by hearsay attributed to that witness in an affidavit.

PSPC refused to accept the notes of testimony (NT) into evidence or consider them, because of its obvious contradictions to the affidavit. It selectively accepted only the affidavit as proof of “facts”, but not the better evidence of the actual witness NT to those events impeaching it. PSPC's action “rests on an irrebuttable presumption often contrary to fact. It therefore lacks critical ingredients of due process”. United States Dept. of Agriculture v. Murry, 413 U.S. 508, 514 (1973) Since PSPC would not consider any evidence impeaching the affidavit, it deprived Petitioner of “the opportunity for a hearing on the merits of his cause, Logan v. Zimmerman Brush Co., 455 U.S. 422, 429 (1982). It conducted a Star Chamber proceeding depriving Due Process of Law in a disciplinary, not suspension, hearing. CC's refusal to take judicial notice of the NT used to quash the affidavit was dilatory action contrary to the Magna Carta's mandate that court's do justice without sale, denial or delay incorporated into Due Process of Law by the U.S. Constitution. Murray's Lessee v. Hoboken Land and Improvement Co., 59 U.S. 272, 276 (1855)

5. Appellant's Fourteenth Amendment Due Process right to liberty and a fair trial supersedes the Commonwealth's interest in involuntarily determining his "eligibility" to apply for a renewed teaching license so it could publish false allegations against him online to prejudice potential jurors in the criminal case, and violate his privacy.

The Fourteenth Amendment's guarantee of "liberty" is quite broad:

"The "liberty" mentioned... means not only the right of the citizen to be free from the mere physical restraint of his person, as by incarceration, but the term is deemed to embrace the right of the citizen to be free in the enjoyment of all his faculties, to be free to use them in all lawful ways, to live and work where he will, to earn his livelihood by any lawful calling, to pursue any livelihood or avocation, and for that purpose to enter into all contracts which may be proper, necessary, and essential to his carrying out to a successful conclusion the purposes above mentioned."

Allgeyer v. Louisiana, 165 U.S. 578, 588 (1897)

In this case Petitioner did not will to renew his expired license. Yet, the state involuntarily determined his eligibility to do so solely because it had wrongfully brought criminal charges against him:

[T]he full scope of the liberty guaranteed by the Due Process Clause... is a rational continuum which, broadly speaking, includes a freedom from all substantial arbitrary impositions and purposeless restraints, . . . and which also recognizes what a reasonable and sensitive judgment must, that certain interests require particularly careful scrutiny of the state needs asserted to justify

their abridgment."

*Moore v. City of East Cleveland*, 431 U.S. 494, 502 (1977)

The Commonwealth's use of administrative law to discipline the unlicensed is unprecedented. The CC cites no case law for this novel approach that limited government resources should be used to discipline the unlicensed, rather than investigate applicants. The Commonwealth claims it has a compelling interest to discipline expired license holders based solely on allegations not only not proven<sup>38</sup>, but in this case disproved by the NT. The Commonwealth asserts because PDE has proved incompetent in the past at issuing licenses to educators with "troubling histories"<sup>39</sup> (A-17 n. 18), it is reasonable to discipline those with expired licenses. Therefore, CC adjudged it reasonable to expand PDE's remit and allow PDE to discipline the unlicensed based upon unproven criminal allegations by publicly categorizing such people "dangers" to those in the schools.

To pass constitutional muster such categorization schemes must advance "legitimate legislative goals in a rational fashion", *Schweiker v. Wilson*, 450 U.S. 221,234 (1981). The legislature has no legitimate goal to regulate expired license holders, who, by definition are not working in the schools. This law's method is inherently irrational. It declares that those educators criminally charged by information with certain offenses have been indicted, and that those with expired licenses are still licensed, so PSPC can declare

<sup>38</sup>An affidavit of probable cause is simply the opening pleading in a criminal case brought by information. The affiant swears that he believes his facts to be true. A magistrate who approves a warrant based on the affidavit does not adjudge the facts alleged to be true, but assumes the affiant can prove them.

<sup>39</sup>CC did not define what "troubling histories" means. Allegations may be troubling, but when unproven amount to nothing legally. Anyone can make an allegation.

them a danger in schools in which they don't work. All of this is done to allow PDE to publish online prejudicial propaganda, in this case PDE's inferences from the affidavit, to influence a potential jury contrary to *Sheppard*, and its progeny. Accordingly, the law "jeopardizes exercise of a fundamental right or categorizes on the basis of an inherently suspect characteristic", i.e., that a person has been accused of a crime, and therefore, violates the Fourteenth Amendment. *Nordlinger v. Hahn*, 505 U.S. 1, 10 (1992)

PDE certainly had less intrusive alternatives than to "discipline" a person with an expired license. Since PDE has no obligation to issue licenses to such people if the allegations prove valid, it has a less invasive alternative than disciplining former license holders merely accused of certain crimes. In this case, the record shows that PDE investigated nothing other than that charges were filed, and chooses to remain ignorant about why they were dismissed.<sup>40</sup> Petitioner was not charged with attempting to establish an "inappropriate relationship" with a minor but accused of a single act which corrupts a minor's morals. PDE's action in posting online its own inferences based solely on the affidavit, but not stated therein, is a publication intended to influence a potential jury and create prejudicial pre-trial publicity contrary to *Sheppard*. All of this is irrational, and the fact that Pennsylvania has been experiencing a teacher shortage make it all the more unreasonable.

For these reasons, the Commonwealth's actions fail the rational basis test. Petitioner's rights to liberty, privacy, reputation, and a fair trial, outweigh the Commonwealth's interest to regulate expired licenses. The statute

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<sup>40</sup>CC struck from the record emails from PDE attorney Coyne, who was participating in the criminal case, to Petitioner's defense attorney.



irrationally rests on counter-factual definitions such as charges brought by information are indictments and that people with expired licenses are threats to those in the schools where they can't work. Since the same issue is "capable of repetition, yet evading review." FEC v. Wis. Right to Life, Inc., 551 U.S. 449, 462 (2007) it is not moot.

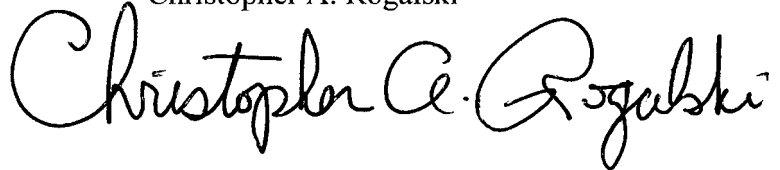
## VI. CONCLUSION

For the foregoing reasons the court should:

- 1) Grant *certiorari*, Vacate the order of the Pennsylvania Supreme Court denying review of the Pennsylvania Commonwealth Court, and Remand for action consistent with the constitutional requirements it has ignored.
- 2) Alternatively, this court may grant *certiorari* to the Pennsylvania Supreme Court and hear the case itself to address the egregious violations of Freedom of Association, Free Speech, and Due Process of Law and address the demonization of educators.

Respectfully Submitted,

Christopher A. Rogalski

A handwritten signature in black ink that reads "Christopher A. Rogalski". The signature is written in a cursive, flowing style with a large initial "C" and a prominent "R".