

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Christopher A. Rogalski,	:	
Petitioner	:	
	:	
v.	:	No. 464 M.D. 2023
	:	
Commonwealth of Pennsylvania,	:	Submitted: June 26, 2026
Department of Education, (PSPC),	:	
Respondents	:	

BEFORE: HONORABLE PATRICIA A. McCULLOUGH, Judge
HONORABLE STACY WALLACE, Judge
HONORABLE MARY HANNAH LEAVITT, Senior Judge

OPINION NOT REPORTED

MEMORANDUM OPINION
BY JUDGE McCULLOUGH

FILED: August 31, 2026

This matter returns to us on remand from the Pennsylvania Supreme Court, which vacated, in part, this Court's May 21, 2025 order sustaining the preliminary objections filed by the Commonwealth of Pennsylvania, Department of Education (PDE) and the Professional Standards and Practices Commission (PSPC) (Respondents) to Christopher A. Rogalski's (Petitioner) amended petition for review (Amended PFR). Therein, Petitioner challenges in multiple respects Respondents' ongoing online publication of Petitioner's disciplinary information. *See Rogalski v. Department of Education* (Pa. Cmwlth., No. 464 M.D. 2023, filed May 21, 2025) (unreported) (*Rogalski II*).¹ The Supreme Court vacated that portion of our decision dismissing Petitioner's mandamus claim (Count II of the Amended PFR) and remanded

¹ Petitioner previously filed a separate action in our appellate jurisdiction, therein challenging the suspension of his teaching permit and eligibility. We affirmed. *See Rogalski v. Department of Education* (Pa. Cmwlth., No 345 C.D. 2023, filed July 12, 2024) (unreported) (*Rogalski I*).

for reconsideration of that claim in light of that Court's decision in *T.G.A. v. Department of Education*, 348 A.3d 1043 (Pa. 2025).

After further review on remand, we again sustain Respondents' preliminary objections and dismiss Count II of the Amended PFR.

Petitioner is an educator whose teaching permit and employment eligibility was suspended by Respondents pursuant to Section 9.2(a)(1) of the Educator Discipline Act (EDA).² Petitioner filed the Amended PFR in this Court's original jurisdiction on November 22, 2023, challenging Respondents' ongoing maintenance of Petitioner's disciplinary information on their websites after Petitioner's underlying criminal charges were dismissed. In his Amended PFR, Petitioner seeks, among other relief, a writ of mandamus compelling Respondents to remove the information from their websites. *Rogalski II*, slip op. at 2.

Respondents filed preliminary objections to the Amended PFR. We concluded that Petitioner (1) failed to exhaust his administrative remedies; (2) failed to state a viable claim for a writ of *scire facias*; (3) sought relief against entities not parties to the action; (4) failed to state a viable claim for a writ of mandamus; (5) failed to state a viable claim for a writ of prohibition; and (6) failed to state viable declaratory judgment claims. *Id.*, slip op. at 5-13. We accordingly sustained Respondents' preliminary objections and dismissed the Amended PFR. *Id.*, slip op. at 13. Petitioner appealed our decision to the Pennsylvania Supreme Court.

Approximately 8 months after we decided *Rogalski II*, and while Petitioner's appeal of that decision was pending, the Pennsylvania Supreme Court decided *T.G.A.* In *T.G.A.*, two educators sought, in pertinent part, individualized mandamus relief compelling Respondents to remove from their websites information

² Act of December 12, 1973, P.L. 397, added by the Act of December 22, 2000, P.L. 918, *as amended*, 24 P.S. § 2070.9b(a)(1).

related to the suspensions of the educators' certificates imposed after criminal charges were filed against them. Both educators provided to Respondents, as required by Section 9.2(a)(1)(iii) of the EDA, 24 P.S. § 2070.9b(a)(1)(iii), certified copies of records showing either that the criminal charges against them had been dismissed or that they had been acquitted. The suspensions of their teaching certificates accordingly were lifted. *Id.* The educators also obtained in criminal court the expungement of their criminal records and formally requested, in writing, removal of all disciplinary information from Respondents' websites. Those requests were denied. *T.G.A.*, 348 A.3d at 1050-51, 1056-58.

The educators thereafter lodged as-applied constitutional challenges to Respondents' ongoing online publication of their disciplinary information, arguing, in pertinent part, that such publication violated their reputational rights under the Pennsylvania Constitution. The Supreme Court in *T.G.A.* first concluded that the educators had exhausted their administrative remedies because they sought pertinent relief from Respondents "in a timely manner after their suspensions were lifted[.]" *T.G.A.*, 348 A.3d at 1065. After concluding that the ongoing publication of the educators' disciplinary information was injurious to their reputations and did not serve a compelling government interest, the Supreme Court reasoned, in pertinent part, as follows:

[C]ritically, not only did [the e]ducators' alleged criminal conduct in the instant matter result in acquittal or dismissal, but all related records involved with the Commonwealth's prosecution have been wholly expunged from the files of the criminal justice system by orders of the courts of common pleas. These expungements undermine the validity of [Respondents'] proffered purpose for retention of the disciplinary records: to provide notice of those criminal charges to establish that [the e]ducators continue to pose a threat to the safety of others.

....

Here, T.G.A. was found not guilty of the charges after a criminal trial, and all files relating to his criminal charges were expunged. To permit [Respondents] to continue to exhibit their own records of the now-expunged charges would effectively allow them to supersede the not[-]guilty verdict and negate the beneficial effect, for T.G.A., of the expunction which flowed therefrom. In essence, [Respondents] seek to undermine the outcome of the criminal justice process in this “back door” manner.

With respect to R.W., the charges against him were *nolle prossed*, such that the Commonwealth reserved the right to revive the original charges (within the statute of limitations). However, critically, R.W. took the additional step of petitioning the trial court to have the charges expunged, and the trial court granted that petition. There is no evidence indicating the Commonwealth opposed that petition, or appealed the final order of expungement.

....

Finally, we emphasize that expungements are specifically intended to alleviate the reputational damage inflicted by criminal charges, and to afford those saddled with that burden a renewed opportunity to move forward in their lives. [Respondents’] public exhibition of the records of [the e]ducators’ suspensions for criminal charges that have been expunged thwarts that remedial purpose. In sum, [Respondents] have failed to articulate compelling reasons to justify maintenance of such records on their public websites.

Even though, as we discussed *supra*, there exists no statutory basis to expunge these disciplinary records, our Court has recognized that, in circumstances where the government maintains records accessible to the public that are injurious to a person’s reputation, and where no compelling basis exists for them to do so, the affected person has a right to expungement of those records. This right is an adjunct of due process and Article I, Section 1 of the Pennsylvania Constitution and is not dependent upon express statutory authority. Rather, this authority derives from a bedrock principle of our legal system which has undergirded it since

its inception: where there is a right, there is a remedy. We have consistently afforded affected individuals their due process right of expungement to ameliorate reputational harms. Accordingly, we will provide [the e]ducators the same remedy.

Id. at 1072-74 (internal citations and quotations omitted).

On April 30, 2026, the Supreme Court issued its remand order (Remand Order) in this case, vacating our May 21, 2025 order “to the extent that it sustained [Respondents’] preliminary objection to [Petitioner’s] request for a writ of mandamus compelling [Respondents] to remove from their websites all information regarding [Petitioner’s] disciplinary information based upon [Petitioner’s] claim that publication of this information violates his constitutional right to reputation.” *Rogalski v. Department of Education*, 355 A.3d 826, 826 (Pa. 2026) (citation omitted). The Remand Order returned the case to this Court, directing that we “reconsider [our] decision to sustain [Respondents’] preliminary objection to this request in light of [the Supreme Court’s] recent decision in *T.G.A.*[.]” *Id.* The Remand Order affirmed this Court’s May 21, 2025 order “in all other respects.” *Id.*

In his supplemental briefing on remand,³ Petitioner addresses multiple matters that are neither at issue on remand from the Supreme Court nor contemplated by our briefing order. To the extent that Petitioner addresses the impact of *T.G.A.* on this case, he contends that *T.G.A.* is distinguishable, albeit on grounds immaterial to his mandamus claim. *See, e.g.*, Petitioner’s Supplemental Br. at 1, 4, 6, 7, 11; Petitioner’s Supplemental Reply Br. at 2.

Respondents argue in their supplemental briefing that, unlike the petitioners in *T.G.A.*, Petitioner here has yet to either provide Respondents with

³ On May 18, 2026, we ordered the parties to file supplemental briefs addressing the impact of *T.G.A.* on Petitioner’s mandamus claim. The parties have timely complied with that order.

certified copies of court records dismissing his criminal charges or request in writing that Respondents lift the immediate suspension of his teaching permit. (Respondents' Supplemental Br. at 1, 13.) Thus, Respondents contend that Petitioner has not followed the clear procedure provided by the EDA to obtain the lifting of immediate suspensions and the removal of disciplinary information from Respondents' websites. Respondents accordingly insist that Petitioner has not established a clear right to mandamus relief. *Id.* at 13-15; Respondents' Supplemental Reply Br. at 2. We are constrained to agree.

In *Rogalski II*, we concluded, in part, that Petitioner had failed to exhaust available administrative remedies by refusing to pay for and provide to Respondents the requisite certified copies of court records showing the disposition of his criminal charges. As a result, Respondents had (and still have) not lifted his suspension or modified the information regarding Petitioner's discipline on their websites. *Rogalski II*, slip op. at 4-5. As to Petitioner's mandamus claim specifically, we concluded that Petitioner had not established a clear right to relief in part because Respondents have a statutory duty under the EDA to publish information regarding educator suspensions that remain in force. *Id.* at 6-7.⁴

Thus, on remand, our disposition of Petitioner's mandamus claim would change under *T.G.A.* only if Petitioner (1) provided to Respondents certified copies of records showing the disposition of his criminal charges; (2) requested and obtained from Respondents the lifting of his suspension; (3) sought and obtained expungement

⁴ We have stated:

A writ of mandamus is an extraordinary remedy used to compel official performance of a ministerial act when a petitioner establishes a clear legal right, the respondent has a corresponding duty, and the petitioner has no other adequate remedy at law. The purpose of mandamus is to enforce rights that have been clearly established.

Tindell v. Department of Corrections, 87 A.3d 1029, 1034 (Pa. Cmwlth. 2014) (citation omitted).

of his criminal records; and (4) sought from Respondents, and was denied, removal of all disciplinary information from their websites.

Petitioner admittedly has taken none of those steps.⁵ He has not provided Respondents with certified copies of records showing the disposition of his criminal charges. For that reason, the suspension of his teaching certificate remains intact. He also has not pled or established that his criminal records have been expunged or that, based on such expungement, he formally requested removal of his disciplinary information from Respondents' websites. Thus, and unlike the petitioners in *T.G.A.*, Petitioner here has not (yet) established a violation of his constitutional right to reputation or exhausted the administrative remedies available to him. He accordingly has not established a clear right to mandamus relief, and we must therefore sustain Respondents' preliminary objections and dismiss Count II of the Amended Petition for Review.⁶

PATRICIA A. McCULLOUGH, Judge

⁵ Petitioner concedes that he has not, as of the filing of his Supplemental Reply Brief on June 22, 2026, obtained and provided to Respondents certified copies of trial court records evidencing the dismissal of his criminal charges. *See* Petitioner's Supplemental Reply Br. at 10. Although Petitioner attaches to his Supplemental Reply Brief an expungement order dated June 9, 2026, that order bears no certification markings from the Court of Common Pleas of Bucks County, and we may not in any event consider documents attached to briefs that do not otherwise appear in the record.

⁶ We hasten to note, however, that Petitioner likely now can, under *T.G.A.*, obtain appropriate relief directly from Respondents (which they have not opposed in their briefing). He merely has to comply with the procedural requirements of the EDA and make formal requests. In the event that Petitioner complies with the EDA's requirements and Respondents thereafter deny relief, nothing in our decision herein would preclude Petitioner from seeking appropriate relief in this Court.

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

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v.	:	No. 464 M.D. 2023
	:	
Commonwealth of Pennsylvania,	:	
Department of Education, (PSPC),	:	
Respondents	:	

ORDER

AND NOW, this 31st day of August, 2026, it is ORDERED that the preliminary objections of the Commonwealth of Pennsylvania, Department of Education and the Professional Standards and Practices Commission to Count II of Christopher A. Rogalski's Amended Petition for Review are hereby SUSTAINED, and Count II of the Amended Petition for Review, which is the only remaining count, is DISMISSED.

PATRICIA A. McCULLOUGH, Judge