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OSAH
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Virginia Ramsey
Virginia Ramsey, Legal Assistant

BEFORE THE OFFICE OF STATE ADMINISTRATIVE HEARINGS
STATE OF GEORGIA

LANCE JAY PERLMAN,	)	
	)	**DOCKET NO. OSAH-PSC-SAN-**
Petitioner,	)	**1315429-11-OAKLEY**
	)	
v.	)	**Agency No. 10-6-1406**
	)	
PROFESSIONAL STANDARDS COMMISSION,	)	
	)	
Respondent.	)	

FINAL DECISION

A hearing was held in this matter on December 17, 2012, pursuant to the Petitioner's appeal of the Respondent's recommended ninety (90) contract day suspension of the Petitioner's certificate to teach in the State of Georgia. The Petitioner was present and was represented by Charles C. Cox, Jr., Esq. The Respondent was represented by Kevin D. Bradberry, Assistant Attorney General and Rebecca Mick, Senior Assistant Attorney General.

Findings of Fact

1.

The Petitioner is the holder of a certificate to teach in the State of Georgia. Answer to Statement of Matters Asserted; Testimony of Petitioner; see Testimony of Dr. Sims.

2.

The Petitioner was employed as the head football coach at Rutland High School in the Bibb County School System during the 2006-2007 and 2007-2008 school years. Answer to Statement of Matters Asserted; Testimony of Petitioner; see Exhibit R-2. The Petitioner has been employed as a teacher at Tri-Cities High School in the Fulton County school system commencing with the 2010-2011 school year. Testimony of Petitioner and Dr. Sims.

3.

The credible evidence supports a finding that the Petitioner committed an act of physical abuse to a student athlete by placing his hands on the student athlete's shoulders and by using physical force to move the student athlete from one area of the high school cafeteria to another. Testimony of Petitioner.

4.

The credible evidence supports a finding that the Petitioner committed an act of physical abuse to a student athlete through the use of excessive force. During a practice session on the football field, the Petitioner approached a student athlete from behind and made forceful physical contact with the student athlete by placing his hands on the student athlete's shoulders. The Petitioner's actions caused the student athlete to fall onto his face. Testimony of Mr. Yevak, Mr. Bush, Mr. Maddox and Mr. Kelly; see Testimony of Petitioner.

5.

The credible evidence supports a finding that an educator's act of placing hands on a student constitutes unprofessional conduct. Testimony of Dr. Sims.

6.

The credible evidence supports a finding that the Petitioner, on a regular basis, committed acts of verbal abuse to students by his excessive use of profanity and his use of particularly vulgar profanity in the presence of and in communication with student athletes. Testimony of Mr. Yevak, Mr. Bush, Mr. Allen, Mr. Pritchard, Mr. Henriquez, Mr. Christian, Mr. Allen, and Mr. Maddox; see Testimony of Petitioner.

7.

The credible evidence supports a finding that an educator's use of profanity in communication with students constitutes unprofessional conduct. Testimony of Dr. Sims.

8.

The credible evidence supports a finding that the Petitioner, on a regular basis, committed acts of verbal abuse to students and educators by using confrontational language, a raised voice and a confrontational tone of voice in communication with student athletes and with assistant coaches. Testimony of Mr. Bush, Mr. Christian, and Mr. Allen.

9.

The credible evidence supports a finding that the Petitioner committed an act of physical abuse by placing his hands on an assistant coach during a conversation in which the Petitioner expressed his anger towards the assistant coach. Testimony of Mr. Allen.

10.

The credible evidence supports a finding that the Petitioner failed to exemplify honesty and integrity in the course of professional practice by his implementation and enforcement of an expectation of assistant coaches in contravention of school system policy. Specifically, the Petitioner's expectation was that assistant coaches transport student athletes in their personal

vehicles without first obtaining the requisite permission from the student athlete's parent and the principal in contravention of school system policy. Testimony of Mr. Yevak and Mr. Maddox; see Testimony of Ms. Evans.

11.

The credible evidence supports a finding that the Petitioner failed to exemplify honesty and integrity in the course of professional practice in his practice of using intimidation and coercion towards a fellow teacher to encourage the misrepresentation of information regarding the evaluation of student academic performance. Testimony of Mr. Bush. Further, the credible evidence supports a finding that the Petitioner failed to demonstrate conduct that follows generally recognized professional standards by his use of intimidation and coercion towards fellow teachers to encourage compliance with his directives. Testimony of Mr. Maddox.

12.

The credible evidence supports a finding that the Petitioner failed to demonstrate conduct that follows generally recognized professional standards, engaged in unethical conduct and failed to demonstrate honesty and integrity in the course of professional practice by overseeing the participation of a student athlete in football practice without having first obtained a requisite certificate of annual physical examination for that student athlete. Further, the credible evidence supports a finding that the Petitioner's conduct was detrimental to the health of a student who required transportation to and treatment by emergency room personnel at a time when a certificate of annual physical examination for the student athlete had not been obtained. Testimony of Mr. Bush and Mr. Maddox; Exhibit R-1 at Section 1.40, p. 17; see Exhibit P-1 at Rutland Football-Player Information List 2007.

13.

The credible evidence supports a finding that the Petitioner failed to exemplify honesty and integrity in the course of professional practice and failed to demonstrate conduct that follows generally recognized professional standards by failing to terminate or modify outdoor football practice during periods of extreme summer heat in accordance with school system policy. Testimony of Mr. Henriquez; Exhibit R-2.

14.

The credible evidence supports a finding that the Petitioner failed to demonstrate conduct that follows generally recognized professional standards and engaged in unethical conduct that was detrimental to the health of a student athlete by leaving the school property at a time during which a student athlete was suffering full body heat cramps which required emergency medical attention. Testimony of Mr. Christian, Mr. Maddox and Mr. Kelly.

Conclusions of Law

1.

The Professional Standards Commission (the "Commission") has adopted a Code of Ethics for Educators which defines the professional behavior of educators in the State of Georgia and which serves as a guide to educators for the standards of ethical conduct. The Code of Ethics defines unethical conduct which justifies disciplinary sanction of educators by the Commission. O.C.G.A. § 20-2-984.1(a); Ga. Comp. R. & Regs. 505-6-.01 (*effective* August 15, 2005).

2.

Standard Two of the Code of Ethics requires educators to maintain a professional relationship with students at all times and defines unethical conduct as the commission of physical and verbal abuse to students Ga. Comp. R. & Regs. r. 505-6-.01(3)(b). The Petitioner's commission of verbal and physical abuse to students on numerous occasions in his role as head football coach at Rutland High School during the 2005-2006 and 2006-2007 school years violated Standard Two of the Code of Ethics for Educators. Ga. Comp. R. & Regs. 505-6-.01(3)(b).

3.

Standard Four of the Code of Ethics requires educators to exemplify honesty and integrity in the course of professional practice. Standard Four defines unethical conduct as misrepresenting and erroneously reporting required information, coercing the falsification of information regarding the evaluation of students, and failing to take appropriate action in situations involving the absence of required student medical evaluation information. Ga. Comp. R. & Regs. r. 505-6-.01(3)(j). The Petitioner's commission of multiple acts of dishonesty in the course of professional practice as head football coach at Rutland High School during the 2005-2006 and 2006-2007 school years violated Standard Four of the Code of Ethics for Educators. Id.

4.

Standard Ten of the Code of Ethics requires educators to follow generally recognized professional standards and defines unethical conduct as including conduct that impairs the educator's ability to function professionally and conduct that is detrimental to the health and welfare of students. Ga. Comp. R. & Regs r. 505-6-.01(3)(j). The Petitioner's commission of multiple acts which were detrimental to the health and welfare of student athletes, including the continuation of football practice in extreme heat, the inclusion of a student athlete in football practice without the requisite permission and the commission of acts of physical abuse to student athletes constitutes unethical conduct in violation of Standard Ten. Further, the Petitioner's commission of multiple acts which exemplified his failure to function professionally toward fellow educators, including the physical and verbal abuse of fellow educators and the commission of acts of coercion toward fellow educators constitutes unethical conduct in violation of Standard Ten.

It is concluded that there is a substantial factual basis to support the Respondent's recommendation of a ninety (90) contract day suspension of the Petitioner's certificate to teach in the State of Georgia on the basis of his unethical conduct in the course of professional practice as head football coach at Rutland High School during the 2005-2006 and 2006-2007 school years.. Ga. Comp. R. & Regs. r. 505-6-.01(5); O.C.G.A. § 20-2-984(f).

Decision

For all the above and foregoing reasons, the Respondent's recommendation to suspend the Petitioner's certificate for a period of ninety (90) contract days is **AFFIRMED**.

This 31st day of December, 2012.

Lois F Oakley

Lois F. Oakley
Administrative Law Judge