

BEFORE THE OFFICE OF STATE ADMINISTRATIVE HEARINGS
STATE OF GEORGIA

DEBORAH FLOOD,

Petitioner,

v.

PROFESSIONAL STANDARDS
COMMISSION,

Respondent.

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DOCKET NO. OSAH-PSC-SAN-
1321557-47-OAKLEY

Agency No. 11-5-1117



FILED
OSAH

FEB 08 2013

Virginia Ramsey
Virginia Ramsey, Legal Assistant

FINAL DECISION

A hearing was held in this matter on January 25, 2013, pursuant to the Petitioner's appeal of the Respondent's recommended fifteen (15) contract day suspension of the Petitioner's certificate to teach in the State of Georgia. The Petitioner was present and was represented by Howard J. Stiller, Esq. The Respondent was represented by Kevin D. Bradberry, 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.

2.

The Petitioner was employed as a kindergarten teacher at Sylvester Road Elementary School in the Dougherty County School System during the 2010-2011 school year. Answer to Statement of Matters Asserted; Testimony of Petitioner. The Petitioner was assisted by a paraprofessional in the kindergarten classroom at Sylvester Road Elementary. Testimony of Petitioner and Ms. Malone.

3.

The credible evidence supports a finding that the Petitioner observed a female student in her classroom who was squirming in her desk and acting in a disruptive manner. The Petitioner instructed the paraprofessional to direct the female student to the restroom. The Petitioner observed the female student walk to the restroom in an animated, gyrating manner. Upon her

return to the classroom, the Petitioner observed that the female student continued to squirm and to scratch her genital area. Once the Petitioner transitioned most of her students to another location within the school, she obtained a pair of gloves and exited the classroom with the female student. Upon returning to the classroom, the Petitioner reported to the paraprofessional that she had taken the female student to the teacher's restroom where she had examined her back, her buttocks and her genital area. The Petitioner reported that she had observed scratch or bite marks on the female student's back and buttocks and that the female student had reported pain in the genital area. After this physical examination, the Petitioner escorted the female student to the school nurse. Testimony of Ms. Malone, Ms. Hampton and Petitioner.

4.

The credible evidence supports a finding that the Petitioner's failure to immediately report suspicions about abuse of the female student to the school nurse violated the school system child abuse policy. The credible evidence supports a finding that the Petitioner's examination of the female student's buttocks and genital area in the teacher's restroom violated school system protocol. Testimony of Ms. Malone, Ms. Kelly, Dr. Jones and Mr. Dudley; Exhibits C-1 and C-2.

5.

The credible evidence supports a finding that the Petitioner's examination of the female student's buttocks and genital area in the teacher's restroom did not follow generally recognized standards of professional conduct. Testimony of Ms. Malone, Ms. Kelly, Ms. Hampton, Dr. Jones and Mr. Dudley.

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 abuse of students. Ga. Comp. R. & Regs. r. 505-6-.01(3)(b). The Petitioner's examination of a female student's buttocks and genital area in the teacher's restroom violated Standard Two of the Code of Ethics for Educators.

3.

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 examination of a female student's buttocks and genital area in the teacher's restroom constitutes conduct that does not adhere to generally recognized professional standards in violation of Standard Ten.

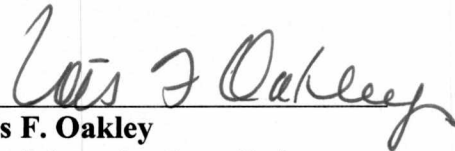
5.

It is concluded that there is a substantial factual basis to support the Respondent's recommendation of a fifteen (15) contract day suspension of the Petitioner's certificate to teach in the State of Georgia on the basis of her unethical conduct towards a female student during the 2010-2011 school year. 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 fifteen (15) contract days is **AFFIRMED**.

This 8th day of February, 2013.



Lois F. Oakley
Administrative Law Judge