



## II. FINDINGS OF FACTS

1.

Stubbs holds an educator's certificate in the State of Georgia and held such certificate at all times relevant to this matter. (Statement of Matters Asserted, ¶ 1; Answer ¶ 1)

2.

After graduating from college in 1997, Stubbs began teaching elementary school in Sandersville, Georgia. She moved to Macon, Georgia in or around 2003, and taught for six years in Jones County public schools. During her career as an educator, she never received a negative evaluation. (Tr. 24-25, 36)

3.

In 2008, Stubbs opened up the Kids University Childcare Learning Center (the "Center"), which provided childcare and educational services for infants through school-age children. As of June 2010, the Center had ten employees and provided care for forty-four children. (Statement of Matters Asserted, ¶ 2; Tr. 5, 25-29, 41)

4.

On or about June 28, 2010, four students, ages 11, 9, 8 and 6, were dropped off at the Center by their father. Later that morning, Melissa Herndon, an employee of the Georgia Department of Early Care and Learning ("DECAL"), arrived at the Center to conduct an inspection. When Herndon did a quick headcount, she counted 26 children, which was over the maximum allowed for the Center at that time. Stubbs instructed the four children to leave the premises, and then took Herndon on an official inspection of

the Center. Herndon found the four children behind a shed in the back of the property. (Statement of Matters Asserted, ¶ 4; Tr. 5)

5.

Stubbs told Herndon that the four children were not enrolled at the Center. Stubbs told the children to leave and go home. Sometime thereafter, the children were found one-half mile away from the Center, walking along a major highway. A passing motorist called the police and the children were returned to the Center by a law enforcement officer. Stubbs continued to insist that the children were not enrolled at the Center. She claimed that someone else, Jennifer Hunt, cared for the children, and released the children to Hunt. (Statement of Matters Asserted, ¶ 5; Tr. 5)

6.

Stubbs' statements to Herndon and the police were untrue. First, the students were enrolled at the Center and Stubbs did not have their parents' permission to release them to Hunt. Moreover, Stubbs hid the children in order to get past the inspection because she had been written up for overcrowding before. Stubbs later admitted that she told the children to leave the Center and walk home, but she thought they would go to Hunt's home, where they occasionally stayed. (Statement of Matters Asserted, ¶ 6; Tr. 5; Ex. 4)

7.

As a result of this incident, DECAL revoked Stubbs' license to operate the Center. In addition, Stubbs was arrested and charged with Reckless Endangerment. On

November 10, 2011, Stubbs pled guilty to four counts of Reckless Conduct.<sup>1</sup> She was sentenced to twelve months confinement on each of the four counts, for a total of forty-eight months of confinement, which she was allowed to serve on probation. She was also ordered to pay a \$2,000 fine on each of the four counts, plus other miscellaneous fees. She was ordered to have no contact with the victims' family and was ordered not to work in any daycare centers. (Statement of Matters Asserted, ¶¶ 7-8; Tr. 5; Exs. 1, 2)

8.

At the hearing, Stubbs accepted responsibility for her past actions, although at times her testimony suggested that she views the events as something that happened to her as a passive participant, rather than something that happened as a direct result of her own actions and decisions. Moreover, although Stubbs testified that the incident took place so quickly that she is still unable to comprehend exactly what occurred that day, the Court finds that her actions were clearly motivated by self-interest and demonstrated a troubling willingness to violate professional standards to the detriment of students in her care. (Tr. 31-34)

9.

In mitigation, Stubbs presented testimony from three witnesses, all of whom attested to her character, her passion for working with children, and her abilities as a teacher. First, John Henderson, an adult GED student and father of a child who attended the Center, testified that Stubbs was a positive motivator for both himself and his young son. In addition, Mamie Samas, a retired teacher who had worked with Stubbs, testified of Stubbs' positive and loving relationship with her students and described Stubbs as a

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<sup>1</sup> Two felony counts of Making False Statements were nolle prosequed. (Statement of Matters Asserted, ¶ 6; Tr. 5; Ex. 4)

professional and skillful teacher with an excellent reputation. Finally, Yo'Darius Reynolds, a former first-grade student of Stubbs, now twenty years old, testified that Stubbs had been an important mentor to him through the years. All these witnesses traveled to Atlanta from considerable distance in order to support Stubbs' attempt to retain her teaching certificate. (Tr. 10-12, 15-22, 45-48)

10.

Since the June 28, 2010 incident, Stubbs has not worked as an educator in the public schools of Georgia or in a daycare facility. Recently, she began teaching adult classes through Central Georgia Tech and has completed a Master's Degree in business and leadership through Grand Canyon University. (Tr. 41-43)

### **III. CONCLUSIONS OF LAW**

The Commission asserts that it is authorized to impose a sanction on Stubbs' educator's certificate on the grounds that she engaged in unethical conduct by violating Standard 1 (Legal Compliance) and Standard 10 (Professional Conduct) of the Code of Ethics for Educators. (Statement of Matters Asserted, ¶ 9; Tr. 52-53)

1.

Pursuant to OSAH Rule 7, the Commission bears the burden of proof. GA. COMP. R. & REGS. r. 616-1-2-.07(1)(c). OSAH Rule 21 provides that the standard of proof is preponderance of the evidence. GA. COMP. R. & REGS. r. 616-1-2-.21(4).

2.

The Commission has adopted the Code of Ethics for Educators that sets forth the ethical standards for educators in Georgia. See GA. COMP. R. & REGS. r. 505-6-.01(3). If an educator violates the Code of Ethics, disciplinary sanctions may include revocation or

suspension of a certificate, reprimand, warning or monitoring. GA. COMP. R. & REGS. r. 505-6-.01 and O.C.G.A. 20-2-984.5.

3.

First, the Commission asserts that Stubbs violated Standard 1 of the Code of Ethics for Educators. At the time of the alleged violation, Commission Rule 505-6-.01(3)(a) provided, in pertinent part:

**(a) Standard 1: Legal Compliance** – An educator shall abide by federal, state, and local laws and statutes. Unethical conduct includes but is not limited to the commission or conviction of a felony or of any crime involving moral turpitude; ... or any other laws applicable to the profession. . . .

The Court concludes that Stubbs violated Standard 1. Stubbs pled guilty to reckless conduct that endangered the bodily safety of four school-age children in her care. Her actions constituted a crime under Code Section 16-5-60 and fell within the unethical conduct covered by Standard 1.

4.

At the time of the alleged violation, Standard 10 of the Code of Ethics for Educators stated in relevant part:

**(j) Standard 10: Professional Conduct** - An educator shall demonstrate conduct that follows generally recognized professional standards and preserves the dignity and integrity of the teaching profession. Unethical conduct includes but is not limited to any conduct that impairs and/or diminishes the certificate holder's ability to function professionally in his or her employment position, or behavior or conduct that is detrimental to the health, welfare, discipline, or morals of students.

GA. COMP. R. & REGS. r. 505-6-.01(3)(j). The Court concludes that Stubbs violated Standard 10. She allowed the Center to become overcrowded in violation of DECAL regulations, and put the health, welfare and safety of children at risk in an unsuccessful

attempt to cover up this violation. She repeatedly lied to a state official, as well as a law enforcement officer, who were investigating her actions. Her actions violated the integrity of the teaching profession and were detrimental to the students in her care. Consequently, the evidence in the record supports a finding that Stubbs violated Standard 10.

5.

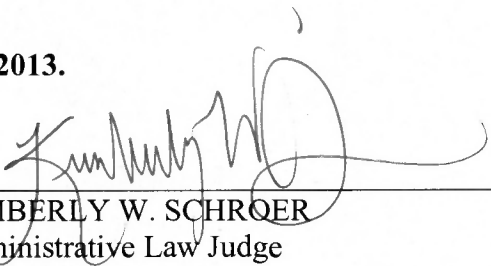
As a result of Stubbs' violation of Standards 1 and 10, a serious sanction is warranted. The Court has taken into account the testimony of the witnesses regarding Stubbs' positive contributions as an educator and her ability to inspire, instruct and guide students of all ages. Further, Stubbs' record prior to this incident was unblemished, and she appears sincere in her assurances that such actions will not be repeated. Accordingly, the Court concludes that revocation of her certificate is not the most appropriate sanction. Rather, weighing the mitigating factors against the seriousness of the violations, the Court concludes that a lengthy suspension is appropriate. The Court concludes that Stubbs' educator's certificate should be suspended concurrent with the period of probation on the underlying criminal charges. As Stubbs was sentenced in November 2011 to forty-eight months of confinement, to be served on probation, the suspension should extend to November 2015.

#### **IV. DECISION**

The Code of Ethics for Educators has been designed to protect the health, safety, and general welfare of students in Georgia. In accordance with the foregoing findings of fact and conclusions of law, the Court concludes that Lavern Stubbs violated the Code of Ethics for Educators and her appeal is **DENIED**. The Court further finds that the

recommended sanction of revocation should be **MODIFIED** to a suspension until  
November 2015.

**SO ORDERED THIS 19<sup>th</sup> day of July, 2013.**



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KIMBERLY W. SCHROER  
Administrative Law Judge