



SEP 30 2014

BEFORE THE OFFICE OF STATE ADMINISTRATIVE HEARINGS
STATE OF GEORGIA

K. Westray

Kevin Westray, Legal Assistant

CHRISTY ANGELA GILL,
Educator/Petitioner,

Docket No.:
OSAH-PSC-SAN-1458942-155-Woodard

v.

PSC No.: 13-4-1012

PROFESSIONAL STANDARDS
COMMISSION,
Respondent.

FINAL DECISION

I. Introduction

Petitioner requested a hearing in response to the sanction proposed by the Professional Standards Commission (“Commission” or “Respondent”). The hearing on this matter was held on August 5, 2014 before the undersigned Administrative Law Judge at the Whitfield County Courthouse in Dalton, Georgia. Petitioner appeared at the hearing and was represented by Mr. Jeffrey E. Clements, Esq. Respondent was represented by Amanda Jones, Esq., Assistant Attorney General. After consideration of the evidence and the arguments of the parties, and for the reasons stated below, the Commission’s proposed sanction of a two-year suspension of Petitioner’s teaching certificate is **AFFIRMED**.

II. Findings of Fact

1.

Petitioner currently holds a valid certificate to teach in the State of Georgia and held such certificate at all times relevant to the issues before this Court. During the period relevant to this Decision, Petitioner was employed as a special education teacher at Westside Middle School in Whitfield County. She also served as a Test Examiner for the CRCT-M, a modified version of the Criterion-Referenced Competency Test given to special education students, during the 2012-2013 school year. *Testimony of Christy Gill; Testimony of Eddie Nix; Testimony of Dana Tankersley; Respondent Exhibits A, B.*

2.

In preparation for the 2013 CRCT and CRCT-M, Whitfield County School System provided teachers, including Petitioner, with trainings and orientation on administering the tests. During these trainings, teachers were apprised of the ethical rules governing administration of

the CRCT and CRCT-M, including the strict prohibition against discussing “test items or actual test content with anyone at any time.” Attendees of the trainings were further advised that discussing test items or answers could result in a reprimand or unpaid suspension. *Testimony of Eddie Nix; Testimony of Dana Tankersley; Respondent Exhibit A, B, C.*

3.

On or about Friday, April 12, 2014, Petitioner administered the CRCT-M in math to one student. The CRCT-M was administered in advance of the CRCT. *Testimony of Christy Gill.*

4.

On Sunday, April 14, 2014, Petitioner sent multiple text messages to Dana Tankersley (then Dana Jones), a fellow teacher at Westside Middle School. Ms. Tankersley, a CRCT Test Examiner during the 2012-2013 school year, was in the process of preparing students for the upcoming CRCT in math. The texts from Petitioner to Ms. Tankersley read as follows:

I wanted to talk with you [. . .] about what was on the Math CRCT-M since I had to read it. It’s supposed to be very similar to CRCT Math. I could save you a lot of grief this week with revi [. . .] ewing by telling you what types of questions were asked so you can primarily focus on those areas.

Respondent Exhibit D; Testimony of Dana Tankersley.

5.

The next morning, at approximately 8:01 a.m., Petitioner sent Ms. Tankersley another text message in which she advised her to “really focus on the following: 3 kinds of probability, solving 2-step equations, geometric shapes/figures (horizontal/vertical cross-sections), directly/indirectly proportional graphs, & number sentences.” Ms. Tankersley immediately showed the text messages to Ms. Mandy Coley, acting principal of Westside Middle School.

Respondent Exhibit E; Testimony of Dana Tankersley.

6.

After speaking with Ms. Tankersley and reviewing the text messages, Ms. Coley interviewed Petitioner and directed her to submit a written statement explaining her conduct. In her written statement, Petitioner acknowledged that she had sent the text messages and that her advice to Ms. Tankersley had been based on what she had observed on the CRCT-M. Petitioner denied sharing “specific information such as questions and/or answers” and explained that she acted out of concern for the students. *Respondent Exhibit F.*

7.

Ms. Coley issued a Letter of Direction to Petitioner expressing concern over her conduct and advising her to “adhere to all measures of test security” and not to disclose any information that she should happen to see during testing in the future. Petitioner was temporarily reassigned to Westside Elementary School, and was not permitted to serve as a Test Examiner, during the remainder of the test period. Neither Westside Middle School nor Whitfield County School System took further disciplinary action against Petitioner. Ms. Tankersley was permitted to administer the CRCT during the remainder of the testing period. *Respondent Exhibit G; Testimony of Christy Gill.*

8.

Based upon the foregoing facts, the Professional Standards Commission commenced an investigation into the incident. Eddie Nix, an Investigator with the Commission’s Ethics Division, conducted this investigation. *Testimony of Eddie Nix.*

9.

Based upon the findings of its investigation, the PSC found probable cause that Petitioner had committed violations of its laws, rules, and regulations. Specifically, the Commission determined that Petitioner’s conduct amounted to violations of Rule 505-6-.01(3)(k) [Testing], Rule 505-6-.01(1)(g) [Confidential Information], and Rule 505-6-.01(3)(j) [Professional Conduct] of the Rules of the Georgia Professional Standards Commission. The Commission recommended a two-year suspension of Petitioner’s teaching certificate. Petitioner requested a hearing on or about October 29, 2013 and the matter was referred to the Office of State Administrative hearings for adjudication. *Statement of Matters Asserted; Petitioner’s Request for Hearing dated October 29, 2013.*

10.

At the hearing on this matter, Petitioner contended that the sanction proposed by the Commission was inappropriate inasmuch as Petitioner maintained a good reputation as an educator; her disclosure of test content amounted to broad descriptions of subject matter that appeared on the CRCT-M, not the CRCT; and the disclosure did not affect the administration or outcome of the CRCT as evidenced by the fact that Ms. Tankersley was permitted to administer the CRCT after having received the above-described texts from Petitioner.

III. Conclusions of Law

Based on the above Findings of Fact, the undersigned makes the following Conclusions of Law:

1.

Respondent seeks to sanction Petitioner's teaching certificate. Therefore, Respondent bears the burden of proof. GA. COMP. R. & REGS. 616-1-2-.07. The standard of proof is a preponderance of the evidence. GA. COMP. R. & REGS. 616-1-2-.21.

2.

The Georgia Professional Standards Commission ("the Commission") is responsible for adopting standards of performance and a code of ethics for educators. O.C.G.A. § 20-2-984.1(a) (2013). Pursuant to this responsibility, the Commission has promulgated the Code of Ethics for Educators, which "defines the professional behavior of educators in Georgia and serves as a guide to ethical conduct." GA. COMP. R. & REGS. 505-6-.01(1) (2013). The Code of Ethics also "defines unethical conduct justifying disciplinary sanction." *Id.* Such disciplinary sanctions may include suspension or revocation of an educator's teaching certificate. GA. COMP. R. & REGS. 505-6-.01(5)(a) (2013). In the present case, the Commission proposes to impose a sanction of a two-year suspension of Petitioner's certificate for her alleged violation of Standards Seven, Ten, and Eleven of the Code of Ethics. The Court concludes that Petitioner violated Standards Seven, Ten, and Eleven of the Code of Ethics.

3.

Standard Seven requires educators to "comply with state and federal laws and state school board policies relating to the confidentiality of student and personnel records, standardized test material and other information." GA. COMP. R. & REGS. 505-6-.01(3)(g) (2013). According to Standard Seven, unethical conduct includes, but is not limited to:

1. sharing of confidential information concerning student academic and disciplinary records, health and medical information, family status and/or income, and assessment/testing results unless disclosure is required or permitted by law;
2. sharing of confidential information restricted by state or federal law;
3. violation of confidentiality agreements related to standardized testing including copying or teaching identified test items, publishing or distributing test items or answers, discussing test items, violating local

school system or state directions for the use of tests or test items, etc.; and

4. violation of other confidentiality agreements required by state or local policy.

Id. In trainings leading up to the administration of the CRCT-M, Petitioner was expressly advised that it was a violation of the Code of Ethics to discuss “test items or actual test content with anyone at any time.” By communicating the specific subject matter appearing on the CRCT-M to Ms. Tankersley—“3 kinds of probability, solving 2-step equations, geometric shapes/figures (horizontal/vertical cross-sections), directly/indirectly proportional graphs, & number sentences”—Petitioner discussed the actual content of the CRCT-M and thereby violated Standard Seven. Standard Seven proscribes *discussion* of the information; it is no less a violation if an educator communicates information about the CRCT-M to another educator involved solely with instructing students on the CRCT.

4.

Standard Ten of the Code of Ethics requires educators to “demonstrate conduct that follows generally recognized professional standards and preserves the dignity and integrity of the teaching profession.” GA. COMP. R. & REGS. 505-6-.01(3)(j) (2013). According to Standard Ten “[u]nethical 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.” *Id.* In the present matter, Petitioner knowingly communicated the actual content of the CRCT-M with the purpose of coaching Ms. Tankersley, despite the explicit prohibition against the discussion of the CRCT or CRCT-M. Such unethical conduct demonstrates a lack of honesty and integrity that diminishes Petitioner’s ability to function professionally as an educator. Accordingly, the Commission demonstrated, by a preponderance of the evidence, that Petitioner committed a violation of Standard Ten.

5.

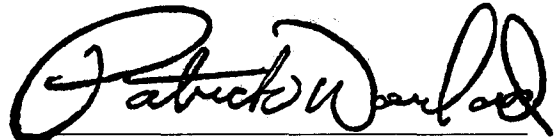
Standard Eleven of the Code of Ethics requires educators to “administer state-mandated assessments fairly and ethically.” GA. COMP. R. & REGS. 505-6-.01(3)(k) (2013). “Unethical conduct includes, but is not limited to . . . committing any act that breaches Test Security . . . and . . . compromising the integrity of the assessment.” Respondent demonstrated, by a preponderance of the evidence, that Petitioner’s conduct constituted a violation of Standard

Eleven of the Code of Ethics. After administering the CCRT-M, Petitioner directly communicated the material that appeared on the test to a fellow educator. As was conveyed to Test Examiners in the trainings mentioned *supra*, such conduct was unethical. Accordingly, by communicating the contents of the CRCT-M, Petitioner failed to ethically administer a state-mandated assessment and violated Standard Eleven.

IV. Decision

In accordance with the foregoing Findings of Fact and Conclusions of Law, it is the Final Decision of the undersigned that Respondent's proposed sanction of a two-year suspension of Petitioner's teaching certificate is **AFFIRMED**.

SO ORDERED this 30th day of September, 2014.

A handwritten signature in black ink, appearing to read "Patrick Woodard", written over a horizontal line.

M. PATRICK WOODARD
Administrative Law Judge