

**OFFICE OF STATE ADMINISTRATIVE HEARINGS  
STATE OF GEORGIA**

J. [REDACTED] F. [REDACTED]  
Petitioner,

v.

**PROFESSIONAL STANDARDS  
COMMISSION,  
Respondent.**

:  
: Docket No.: OSAH-PSC-SAN-1504060-  
: 155-Walker  
:  
: Agency Reference:11-7-83  
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OCT 14 2014

**FINAL DECISION**

**I. Introduction**

*K. Westray*  
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Kevin Westray, Legal Assistant

Respondent, Professional Standards Commission (also the “Commission”), asserts Petitioner violated ethical standards regarding Conduct with Students and Professional Conduct. The Commission seeks revocation of Petitioner’s educator’s certificate and she appeals this action. An administrative hearing was held on September 3, 2014, and the record closed on September 23, 2014. Jesse Vaughn, Esq. represented Petitioner, and Assistant Attorney General Jennifer Colangelo represented the Commission. For the following reasons the Commission’s action is **AFFIRMED**.

**II. Findings of Fact**

1.

Petitioner holds a certificate to teach in the State of Georgia and held such certificate at all times relevant to the matter before the Administrative Law Judge. (Statement of Matters Asserted ¶ 1; Answer ¶ 1; Notice of Stipulations).

2.

Respondent filed a Statement of Matters Asserted alleging that Petitioner violated the laws, rule and regulations of the Commission. See O.C.G.A. § 20-2-984.5 and PSC Rule 505-6-.01. Specifically, Respondent found probable cause that Petitioner violated the laws, rules and

regulations regarding Conduct with Students and Professional Conduct. (Statement of Matters Asserted ¶ 7).

3.

Petitioner is thirty six years old and has been an elementary school special education teacher for nine years. During the 2010-2011 academic year she was a special education teacher in the Whitfield County School District. (Notice of Stipulations; Transcript at pp. 20; 27 (hereinafter "T-").

4.

Petitioner's husband was student J.M.'s wrestling coach. (T-22). As J.M.'s mother was addicted to drugs, and his father incarcerated, he was placed in foster care. (T-22; 28). When Petitioner and her husband learned that J.M.'s foster home was closing, they petitioned the Juvenile Court of Whitfield County to become his legal guardians. (T-22; Notice of Stipulations, Exhibit A). J.M. was fifteen years old and entering the ninth grade. (T-23).

5.

Petitioner lived with Petitioner's family for approximately three years. (T-23; Notice of Stipulations). J.M. referred to Petitioner and her husband "Mom" and "Dad." In February of 2011, the Department of Family and Children Services (hereinafter "DFCS") released J.M. from its custody because he had reached the age of eighteen. (T-23). J.M. continued to live with Petitioner's family, finishing his junior year of high school. (T-23; Notice of Stipulations).

6.

Shortly after DFCS released J.M. from its custody, Petitioner and J.M. became physically intimate and engaged in a sexual relationship for a period of two months. (T-23-24). Eventually, Petitioner told her husband about the relationship and he confronted J.M. (T-24; 28). According to Petitioner, J.M. did not respond to her husband because both she and J.M. knew that they had "done wrong." (T-29).

7.

After J.M. told his football coach about the relationship, school personnel spoke to Petitioner. (Notice of Stipulations). Petitioner admitted that she and J.M. had been sexually intimate and promptly resigned from her teaching position. (T-19; T-26; Notice of Stipulations). J.M. was never Petitioner's student. (Notice of Stipulations). Following this incident J.M. moved to another state and he is not in contact with Petitioner. (T-30).

### III. Conclusions of Law

1.

The Commission bears the burden of proof in this matter. Ga. Comp. R. & Regs. r. 616-1-2-.07(1). The standard of proof is a preponderance of the evidence. Ga. Comp. R. & Regs. r. 616-1-2-.21(4).

2.

The Professional Standards Commission is the Georgia agency responsible for the certification of educators in Georgia. See O.C.G.A. § 20-2-982. The Commission has adopted the Code of Ethics for Educators that guides the professional behavior of educators in Georgia, and is authorized to sanction an educator who has violated the standards of performance contained therein. O.C.G.A. § 20-2-984.1; see Ga. Comp. R. & Regs. r. 505-6-.01. Pursuant to O.C.G.A. § 20-2-984.5(c):

If the commission finds that there is probable cause for imposing a sanction against the educator, it may recommend any combination of the following:

- (1) That the educator be warned, reprimanded, monitored, or any combination thereof; or
- (2) That the certificate of the educator be suspended, revoked, or denied.

See also Ga. Comp. R. & Regs. r. 505-6-.01(5). In this case, Respondent recommends Petitioner's educator's certificate be revoked.

3.

Standard 2 of the Code of Ethics for Educators states in relevant part:

Standard 2: Conduct with Students - An educator shall always maintain a professional relationship with all students, both in and outside the classroom. Unethical conduct includes but is not limited to:

3. committing any sexual act with a student or soliciting such from a student . . .
5. soliciting, encouraging, or consummating an inappropriate written, verbal, electronic, or physical relationship with a student . . .<sup>1</sup>

GA. COMP. R. & REGS. r. 505-6-.01(3)(b) (2009).

Respondent proved by a preponderance of evidence that Petitioner violated Standard 2 of the Code of Ethics for Educators. It is undisputed that Petitioner engaged in sexual acts with J.M. and consummated their inappropriate physical relationship.

4.

Standard 10 of the Code of Ethics for Educators stated in relevant part:

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 is 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 undersigned concludes there is sufficient evidence to support Respondent's allegation that Petitioner violated Standard 10, Professional Conduct. She engaged in a sexual relationship with a student who had been living in her home for three years and referred to her as "Mom." Given that J.M. had not been living with his parents and had been in foster care for a number of years,

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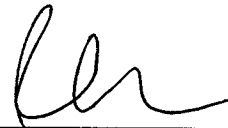
<sup>1</sup> The Code of Ethics defines student as: "any individual enrolled in the state's public or private schools from preschool through grade 12 or any individual under the age of 18. . . ." GA. COMP. R. & REGS. r. 505-6-.01(2)(c)(2009). Petitioner was a rising senior and qualified as a student at the time.

he was a particularly vulnerable young man. Petitioner's conduct clearly was detrimental to J.M.'s health, welfare and morals.

#### IV. Decision

The Code of Ethics for Educators has been designed to protect the health, safety and general welfare of students in Georgia. Although Petitioner argued that the recommendation of revocation was too harsh in light of her cooperation with school authorities and the Commission's evolving criteria broadening the reach of Standard 2, her arguments are unpersuasive. The Code of Ethics teaches that educators should be role models for their students. In this case, Petitioner took advantage of a young man who viewed her as his foster mother. In accordance with the foregoing findings of fact and conclusions of law, the undersigned concludes Petitioner's conduct did violate the Code of Ethics for Educators and Petitioner's appeal is **DENIED**. The Commission's recommendation is **AFFIRMED**.

SO ORDERED, this 8 day of October, 2014



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**RONIT WALKER**  
**Administrative Law Judge**