

**BEFORE THE OFFICE OF STATE ADMINISTRATIVE HEARINGS  
STATE OF GEORGIA**

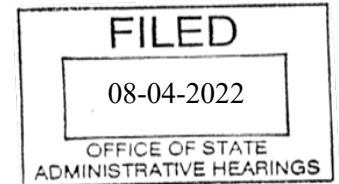
**SARA DE ROSA,  
Petitioner,**

v.

**PROFESSIONAL STANDARDS  
COMMISSION,  
Respondent.**

**Docket No.:** [REDACTED]  
[REDACTED]-OSAH-PSC-SAN-29-Walker

**Agency Reference No.:** [REDACTED]



**FINAL DECISION**

The Professional Standards Commission (“Commission”) found probable cause that the Petitioner violated the Code of Ethics for Educators and seeks to suspend her educator’s certificate for a term of twenty contract days. The Petitioner appeals the Commission’s decision. A hearing in this matter was held on July 5, 2022. Petitioner was represented by Daniel Woodrum, Esq. and Senior Assistant Attorney General Wylencia Hood Monroe represented the Commission. After consideration of the evidence and the arguments of the parties, and for the reasons stated below, the Commission’s finding of probable cause is **AFFIRMED**, but the sanction is **MODIFIED**.

**I. Findings of Fact**

1.

The Petitioner holds an educator’s certificate to teach in the State of Georgia and has held such certificate at all times relevant to the matter before the Administrative Law Judge. (Statement of Matters Asserted ¶ 1; Answer ¶ 1.)

2.

During the 2019-2020 academic year, the Petitioner was a math teacher at Rutland Academy. Rutland Academy is a member of the Georgia Network for Educational and Therapeutic

Support (GNETS) school network. GNETS schools serve students with behavioral issues who frequently “act out.” Despite these challenges, the Petitioner proved to be a dedicated teacher who went “above and beyond each day” to support her students. (Testimony of Celeste Ngeve; Testimony of S [REDACTED] S [REDACTED].)

3.

During the 2019-2020 school year, S [REDACTED] S [REDACTED] was the [REDACTED] at Rutland Academy and had been an educator for almost thirty years. Ms. S [REDACTED] was the Petitioner’s supervisor. The Petitioner had been teaching for one year. (Testimony of Petitioner, Testimony of Ms. S [REDACTED].)

4.

Ms. S [REDACTED] has a son, K.S., who was not a student at Rutland Academy. K.S. has a Specific Learning Disability (SLD) and struggles in stressful situations. Due to his SLD, he receives accommodations through an Individualized Education Program, including extended time during testing. (Testimony of Ms. S [REDACTED].)

5.

At times, Ms. S [REDACTED] reached out to the teachers at Rutland Academy, including the Petitioner, to help K.S. Ms. S [REDACTED] never compensated the Petitioner for her assistance. (Testimony of Petitioner, Testimony of Ms. S [REDACTED].)

6.

In mid-March 2020, as a result of the COVID-19 pandemic, Georgia schools cancelled in-person classes. The pivot towards a virtual platform proved “chaotic” for teachers and their students. Both teachers and students struggled to adjust to remote learning. (Testimony of Petitioner, Testimony of Ms. S [REDACTED].)

7.

During the first week of remote learning, K.S. received a math assignment that he needed to complete via a computer program. He was having difficulty inputting his answers into the program. Ms. S [REDACTED] contacted the Petitioner to see if she could assist K.S. (Testimony of Ms. S [REDACTED].)

8.

Ms. S [REDACTED] gave the Petitioner K.S.'s log-in information so that she could review the computer program. After she investigated, the Petitioner discovered that the computer program only accepted certain symbols or numbers as correct answers. For example, when the answer to a question included "Pi" a student had to use the symbol,  $\pi$ , for Pi rather than the number 3.14; inputting the number resulted in an error message. Additionally, if a student failed to input a correct answer, the program would not allow the student to advance to the next question. (Testimony of Petitioner, Testimony of Ms. S [REDACTED].)

9.

On the date of the incident, K.S. also was struggling to complete his work, and Ms. S [REDACTED] asked the Petitioner to assist him with the assignment. Ms. S [REDACTED] did not want the Petitioner to provide K.S. with the answers to problems because she knew it would be counterproductive to K.S.'s academic progress. (Testimony of Petitioner, Testimony of Ms. S [REDACTED].)

10.

The Petitioner agreed to help K.S. Although the assignment was a quiz, Ms. S [REDACTED] did not tell the Petitioner that the work would be graded. To the contrary, the Petitioner thought that K.S. was working on an ungraded assessment. The fact that K.S. could only advance to the next question by inputting the correct answer, and did not have extended time to finish the assignment, confirmed her belief that the assignment was ungraded. Although the Petitioner knew that the assignment was due by 6 p.m., she was aware that some teachers had decided to manage the transition to virtual learning by making every

assignment, quiz or test, whether graded or ungraded, due by the end of the week at 6 p.m. (Testimony of Petitioner, Testimony of Ms. S [REDACTED].)

11.

As she had done in the past, the Petitioner reviewed the assignment and sent Ms. S [REDACTED] sample problems with an explanation of the steps used to arrive at the answer. She did not provide K.S. with the answers to the questions. As the 6 p.m. deadline approached, K.S. and Ms. S [REDACTED] grew frustrated and became agitated. Ms. S [REDACTED] told the Petitioner that since only two problems remained “let’s just get it done.” According to Ms. S [REDACTED], the Petitioner worked out the problems and sent the completed problems to Ms. S [REDACTED]. The Petitioner testified that she doesn’t remember completing the assignment, she just recalls that it was a tense situation and that Ms. S [REDACTED] and K.S. had begun crying as the deadline approached. (Testimony of Petitioner, Testimony of Ms. S [REDACTED]; Exhibit P-1.)

12.

The Petitioner adamantly denies knowing that the assignment was a quiz and testified, credibly, that she would never take a quiz for a student. Moreover, given that Ms. S [REDACTED] had thirty years of experience as an educator, the Petitioner did not believe that Ms. S [REDACTED] would ask her to provide K.S. with the answers to a graded assignment. She was shocked to learn that Ms. S [REDACTED] had done so. (Testimony of Petitioner.)

13.

On March 23, 2020, the Petitioner prepared a written statement regarding the incident. She maintained that Ms. S [REDACTED] had provided her with K.S.’s log-in information so that she could review his assignments. She also explained that she had provided “detailed notes based on problems that were from [K.S.]’s assignments.” The Petitioner’s notes from the day of the incident appear to reflect that for each problem she provided an explanation of the issue, steps to solve the problem including equations, and an

example problem. (Testimony of Petitioner; Exhibits P-1, R-1).

14.

On or about June 10, 2021, Ms. S [REDACTED] and the Commission entered into a Consent Order, docket number PSC NO. 20-3-1 424, wherein her educator's certificate was suspended retroactively for one year.

The Consent Order's Findings of Fact state as follows:

On March 20, 2020, during the first week of the COVID-19 shut-down, Respondent's son was told to complete an online math quiz and denied the extra time permitted through his IEP. The deadline was imminent, and the son had not finished the quiz. Because Respondent was so stressed out by the pandemic and her son's situation, Respondent mistakenly asked another teacher, who was tutoring Respondent's son, to finish the math quiz. Respondent self-reported and is remorseful for her actions.

Ms. S [REDACTED] testified that she asked the Petitioner to assist her son but not to complete a quiz for him, and she did not intend for the Findings of Fact in the Consent Order to indicate otherwise. (Testimony of Ms. S [REDACTED]; Exhibit R-2.)

15.

The Petitioner currently teaches middle school math in the Savannah Chatham County Public Schools. Garin Jackson and the Petitioner work together as part of a teaching team. After observing her in the classroom, Ms. Jackson believes that the Petitioner is a "hands on" educator who cares deeply about her students. She testified that the Petitioner puts "a lot of time and effort" into teaching and works long hours to prepare activities for her students. If a student is "stuck," the Petitioner will provide step by step instructions, notes and example problems. Although students routinely complain about their math teachers, Ms. Jackson testified that she has never heard the students say anything negative about the Petitioner. (Testimony of Garin Jackson.)

16.

The Petitioner is a "second-career" educator and is passionate about teaching. As noted by her colleagues and supervisor, she has always been willing to provide a student with extra assistance to ensure

that the student understands the material. In the instant case, Ms. S [REDACTED] did not pay her for helping K.S., and the Petitioner only wanted to help K.S. understand his assignment. She never intended to violate the Commission's rules. (Testimony of Petitioner.)

### III. Conclusions of Law

1.

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

2.

The Commission has adopted the Code of Ethics for Educators that guides the professional behavior of educators in Georgia. See O.C.G.A. § 20-2-984.1; Ga. Comp. R. & Regs. 505-6-.01. The Commission is authorized to sanction an educator who has violated the standards of performance contained in the Code of Ethics for Educators. Pursuant to O.C.G.A § 20-2-984.5(c) it may determine:

- (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.

3.

In the instant case, the Commission's Statement of Matters Asserted alleges that the Petitioner committed the following acts:

On or about March 20, 2020, Petitioner, completed an online math quiz for a student who is the son of Petitioner's direct supervisor. Petitioner admitted to completing the quiz in response to her supervisor's request.

(Statement of Matters Asserted ¶ 2). Based on this allegation, it found probable cause that the Petitioner violated the laws, rules, and regulations of the Commission, specifically Rule 505-6-.01(3)(d) [Honesty] (2019), Rule 505-6-.01(3)(i) [Professional Conduct] (2019), and 5(a)(7) Other Good and Sufficient Cause (2019). The Commission recommends that the Petitioner's educator's certificate be suspended for a term of twenty contract days.

4.

Standard 4 of the Code of Ethics for Educators provides in relevant part:

**Honesty** - An educator shall exemplify honesty and integrity in the course of professional practice. Unethical conduct includes but is not limited to, falsifying, misrepresenting, or omitting:

3. information regarding the evaluation of students and/or personnel; [...]
6. information submitted in the course of professional practice.

Ga. Comp. R. & Regs. 505-6-.01(3)(d).

5.

The undersigned finds that the Petitioner's testimony that she did not know that she was completing a quiz for K.S. credible. However, the preponderance of the evidence does indicate that she completed two math problems for K.S. Even if the Petitioner had a good-faith belief that the assignment was ungraded, ungraded assignments allow teachers to assess a student's grasp of the material. Accordingly, although the impact was de minimis, the undersigned finds a violation of Standard 4.

6.

Standard 9 of the Code of Ethics for Educators provides:

**Professional Conduct** - An educator shall demonstrate conduct that follows generally recognized professional standards and preserves the dignity and integrity of the education profession. Unethical conduct includes but is not limited to a resignation that would equate to a breach of contract; 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. 505-06-.01(3)(i). The undersigned does not find that the Petitioner engaged in any act of professional misconduct in violation of Standard 9 of the Code of Ethics for Educators. The Commission did not present evidence that her conduct was detrimental to the health, welfare, discipline or morals of students, and witnesses testified that she continues to be an excellent teacher.

7.

Ga. Comp. R. & Regs. 505-6-.01(5)(a) (2021) states, in pertinent part:

**(5) Disciplinary Action**

(a) The Georgia Professional Standards Commission is authorized to suspend, revoke, or deny certificates, to issue a reprimand or warning, or to monitor the educator's conduct and performance after an investigation is held and notice and opportunity for a hearing are provided to the certificate holder. Any of the following grounds shall be considered cause for disciplinary conduct against the educator: [. . .]

7. any other good and sufficient cause that renders an educator unfit for employment as an educator.

The evidence did not demonstrate that there is good or sufficient cause to render the Petitioner unfit to be an educator. To the contrary, it appears that she is a dedicated educator who goes above and beyond to teach her students.

8.

The Commission *may* determine that an educator be warned, reprimanded, or monitored, or that the educator's certificate be suspended or revoked. O.C.G.A § 20-2-984.5(c)(1), (2); see also O.C.G.A § 20-2-984.5(d) ("Based on the findings of fact and conclusions of law of the administrative law judge . . . the commission *may* take any combination of the actions referred to in subsection (c) of this Code section") (emphasis added). After assessing the credibility of the witnesses and evidence, the undersigned finds that the Petitioner, following her attempts to teach a student by providing him with notes, step-by-step instructions and sample problems, completed two questions on what she believed to be an ungraded assignment. Given the circumstances, including the highly stressful transition to virtual learning, Ms. S [REDACTED]'s and K.S.'s obvious distress, and the fact that the Petitioner received no compensation for providing help to K.S., it appears that the Petitioner, an inexperienced teacher acting at the behest of a trusted supervisor, did not intentionally violate the Code of Ethics. The Petitioner's testimony regarding



her conduct was credible, and she appeared remorseful for her conduct. Further, witnesses testified that she is a talented and dedicated teacher, and all indications are that she will have a successful and rewarding career. Considering this combination of circumstances, a sanction, particularly at this stage of her career, would be inappropriate.

#### **IV. Decision**

The Code of Ethics for Educators has been designed to protect the health, safety and general welfare of students in Georgia. As specified by O.C.G.A § 20-2-984.5(c) and (d), the Commission may, or may not, sanction the Petitioner for her conduct. In accordance with the foregoing findings of fact and conclusions of law, the undersigned **AFFIRMS** the Commission's finding of probable cause but finds no sanction is warranted.

**SO ORDERED, this 4<sup>th</sup> day of August, 2022.**

*Ronit Walker*

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

