



FILED  
OSAH

SEP 4 2014

BEFORE THE OFFICE OF STATE ADMINISTRATIVE HEARINGS  
STATE OF GEORGIA

JAMI CELESTE PAGE,  
Educator/Petitioner,

:  
:  
:  
:  
:  
:  
:  
:  
:

Docket No.:  
OSAH-PSC-SAN-1453141-68-Miller

*K. Westray*  
Kevin Westray, Legal Assistant

v.

PROFESSIONAL STANDARDS  
COMMISSION,  
Respondent.

FINAL DECISION

I. INTRODUCTION

The Petitioner, Jami Celeste Page, appeals a decision by the Professional Standards Commission (“Commission”) to sanction her Georgia teaching certificate based on alleged violations of the Code of Ethics for Educators. The evidentiary hearing took place on July 17, 2014,<sup>1</sup> before the undersigned administrative law judge. The Petitioner appeared and was represented by L. Allyn Stockton, Esq. The Commission was represented by Senior Assistant Attorney General Rebecca S. Mick.

After consideration of the evidence and the arguments of the parties, and for the reasons stated below, the Commission’s decision to sanction the Petitioner’s Georgia teaching certificate is **AFFIRMED**; provided, however, that the proposed sanction is **MODIFIED**, and the Petitioner’s teaching certificate shall be suspended for a period of ninety contract days.

II. FINDINGS OF FACT

1.

The Petitioner holds a certificate to teach in the state of Georgia. (Statement of Matters Asserted (“Matters Asserted”) ¶ 1; Petitioner’s Response to Statement of Matters Asserted (“Answer”) ¶ 1.)

<sup>1</sup> The record closed on August 5, 2014, upon receipt of the hearing transcript.

2.

At all times relevant to the events at issue, the Petitioner was employed as a third-grade teacher at Cornelia Elementary School in Cornelia, Georgia. Cornelia Elementary School is part of the Habersham County School System. (Matters Asserted ¶ 2; Answer ¶ 2.)

3.

Teachers at Cornelia Elementary School receive training regarding the mandatory reporting of suspected child abuse.<sup>2</sup> As part of their training, teachers are instructed that suspected child abuse must be reported “immediately, but in no case later than 24 hours from the time there is reasonable cause to believe a child has been abused,” in accordance with a policy established by the Habersham County School Board. Reports should be made to the school counselor, principal, or assistant principal, who then contacts the Division of Family and Children Services (“DFCS”). If one of these designated reporters is unavailable, teachers are trained to call the DFCS hotline and make an independent report. (Matters Asserted ¶ 3; Answer ¶ 3; T. 13, 27; Exhibits R-5, R-6.)

4.

On Friday, November 9, 2012, at approximately 2:15 p.m., one of the Petitioner’s students, ██████ told the Petitioner that her mentor’s husband had climbed in bed with her when she spent the night at their home. ██████ also told the Petitioner that she had talked to the police and that she was no longer permitted to visit her mentor’s home. During the same conversation, ██████ stated that something like this had happened at home. More specifically, ██████ told the Petitioner that someone had gotten into her bed while she was sleeping, and that she had woken up and slapped the person. According to ██████ this awakened her grandmother, B.N., who is ██████’s legal custodian. Then, while ██████ was explaining to B.N. what had happened, B.N. saw

---

<sup>2</sup> For the 2012-13 school year, training sessions took place in August and September 2012. The Petitioner attended both sessions. (Matters Asserted ¶ 3; Answer ¶ 3; Exhibits R-5, R-6.)

█'s cousin walking down the hall and told him to go to sleep. (Matters Asserted ¶ 5; Answer ¶ 5; T. 63, 76, 82; Exhibit R-3.)

5.

The Petitioner recognized that █'s statements were indicative of possible sexual abuse and that a report to DFCS was required. However, when she was unable to locate one of the school's designated reporters after school on Friday, November 9, she did not take any further steps to ensure that the allegations were reported within twenty-four hours. (T. 63-64, 77; Exhibit R-1.)

6.

The Petitioner did not attempt to reach the counselor, principal, or assistant principal by cellular telephone or at home, nor did she initiate contact with DFCS on her own. Instead, she contacted B.N. by telephone and notified her of █'s allegations. This action by the Petitioner was inappropriate, as teachers are not authorized to conduct their own investigations into abuse allegations. Further, by disclosing █'s statements to B.N., the Petitioner potentially interfered with the DFCS investigation. (T. 13, 64-65, 77-78, 83-84.)

7.

More than seventy-two hours later, at approximately 3:00 p.m. on Monday, November 12, 2012, the Petitioner reported █'s statements to the school counselor, Dan Keef.<sup>3</sup> Mr. Keef called the DFCS hotline that afternoon and prepared a written report the next morning. (T. 29-30, 32, 65, 80.)

8.

On Tuesday, November 13, 2012, the Petitioner met with Renee Pryor, the principal at Cornelia Elementary School, along with Mr. Keef and the assistant principal, Ms. Turpin.

---

<sup>3</sup> The Petitioner made no attempt to speak with a designated reporter earlier in the school day. (T. 79-80.)

Following the meeting, Dr. Pryor wrote the Petitioner a letter of reprimand regarding her failure to comply with her mandatory reporting obligation. The school district also reported the matter to the Commission as an ethical violation. The Petitioner resigned her teaching position in the spring of 2014, after she was informed that her contract would not be renewed due to the pending disciplinary action. She is currently unemployed, but she hopes to return to teaching when the present action is resolved. (T. 11-13, 65-67; Exhibit R-4.)

9.

The Petitioner has been an educator for twelve years, and her teaching ability is held in high regard by both her colleagues and the parents of her students.<sup>4</sup> The Petitioner maintains a good rapport with her students and is known as a dedicated and caring teacher with a gift for special needs students. (T. 20-21, 35-37, 50-54, 72.)

10.

The Petitioner acknowledged that as a teacher and mandated reporter, she was aware that she had a duty to report ██████'s statements within twenty-four hours. However, she felt that the matter was not urgent, as she believed that ██████'s allegations against her mentor's husband had already been investigated and resolved. Notwithstanding this belief, the Petitioner was unable to explain why she did not feel more urgency regarding the alleged events that took place in ██████'s home. (T. 64-65, 74, 76-79.)

11.

After completing its investigation, the Commission found probable cause for a one-year suspension of the Petitioner's teaching certificate. The Petitioner timely appealed. (Matters Asserted ¶ 8; Answer ¶ 8.)

---

<sup>4</sup> At the hearing, the Petitioner presented the testimony of ██████, the father of two former students, and Linda Page, a former colleague and the mother of the Petitioner's ex-husband. In addition, B.N. praised the Petitioner's teaching ability and expressed gratitude for her positive impact on ██████ (T. 35-37, 50-54, 57-60.)

### 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.

When a contested case is referred to the Office of State Administrative Hearings, the administrative law judge assigned to the case has “all the powers of the referring agency . . . .” O.C.G.A. § 50-13-41(b). The evidentiary hearing is *de novo*, and the administrative law judge “shall make an independent determination on the basis of the competent evidence presented at the hearing.” Ga. Comp. R. & Regs. 616-1-2-.21(1).

3.

The Commission is the state agency responsible for certifying professional educators in Georgia and establishing standards for the teaching profession. O.C.G.A. § 20-1A-4(5). The Commission is authorized to sanction an educator who has violated the statutes and rules governing the teaching profession, including the standards of performance contained in the Code of Ethics for Educators. O.C.G.A. § 20-2-984.1; see Ga. Comp. R. & Regs. 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. 505-6-.01(5). Here, the Commission proposes to sanction the Petitioner's teaching certificate based on alleged violations of Standards 9 and 10 of the Code of Ethics for Educators and O.C.G.A. § 19-7-5, Georgia's mandatory reporter statute.

4.

Standard 9 of the Code of Ethics for Educators, entitled "Failure to Make a Required Report," provides, in relevant part:

An educator shall file reports of a breach of one or more of the standards in the Code of Ethics for Educators, child abuse (O.C.G.A. §19-7-5), or any other required report. Unethical conduct includes but is not limited to:

...

3. failure to make a required report of any violation of state or federal law soon as possible but no later than ninety (90) days from the date the educator became aware of an alleged breach unless the law or local procedures require reporting sooner. These reports include but are not limited to: . . . any abuse of a child if an educator has reasonable cause to believe that a child has been abused.

Ga. Comp. R. & Regs. 505-6-.01(3)(i) (eff. Oct. 15, 2009).

5.

Educators are required by Georgia law to report either to their school principal, another individual designated by the school, or DFCS<sup>5</sup> whenever there is "reasonable cause to believe that a child has been abused." O.C.G.A. § 19-7-5(c)(1)(H), (c)(2). Such reports must be made "immediately, but in no case later than 24 hours from the time there is reasonable cause to believe a child has been abused . . . ." O.C.G.A. § 19-7-5(e). For purposes of the child abuse reporting statute, the term "reasonable cause to believe" means "reasonable cause to suspect." 1976 Ga. Op. Att'y Gen. 76-131; O'Heron v. Blaney, 276 Ga. 871, 873 (2003).

<sup>5</sup> Under the statute, reports must be made "to a child welfare agency providing protective services, as designated by the Department of Human Services . . . ." O.C.G.A. § 19-7-5(e). The Department of Human Services has designated its Division of Family and Children Services as the child welfare agency that receives reports of suspected abuse. See <http://www.dfcs.dhr.georgia.gov>. Teachers may also report to their school principal or another school designee, who would then make the report to DFCS. O.C.G.A. § 19-7-5(c)(2).

6.

In this case, it is undisputed that the Petitioner had “reasonable cause to believe” that [REDACTED] had been abused, thereby triggering her duty as a mandated reporter. See O.C.G.A. § 19-7-5(e). The Petitioner was therefore required to report [REDACTED]’s statements to her principal, another school designee, or DFCS within twenty-four hours, pursuant to O.C.G.A. § 19-7-5. She failed to do so.

7.

The Commission proved, by a preponderance of the evidence and as set forth in the Findings of Fact, above, that the Petitioner violated Standard 9 of the Code of Ethics for Educators by failing to make a required report in accordance with O.C.G.A. § 19-7-5. Ga. Comp. R. & Regs. 505-6-.01(3)(i).

8.

Standard 10 of the Code of Ethics for Educators, entitled “Professional Conduct,” provides as follows:

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. 505-6-.01(3)(j) (eff. Oct. 15, 2009).

9.

The Commission proved, by a preponderance of the evidence and as set forth in the Findings of Fact, above, that the Petitioner violated Standard 10 of the Code of Ethics for Educators by failing to report suspected child abuse in a timely manner and potentially interfering with an investigation of the student’s allegations of abuse. This conduct impaired the

Petitioner's ability to function professionally in a teaching position and was detrimental to the health and welfare of a student. Ga. Comp. R. & Regs. 505-6-.01(3)(j).

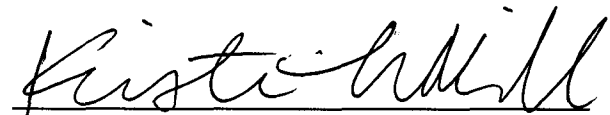
10.

After considering the evidence as a whole, the Court concludes that the Petitioner's conduct does not warrant a one-year suspension of her teaching certificate. Although her ethical lapses were serious, she has been candid with the Commission, and she appears to have acted with good intentions. She has also earned a good reputation as a teacher who makes a positive impact on her students, especially those with special needs. Under these circumstances, a shorter period of suspension is appropriate.

#### IV. DECISION

In accordance with the foregoing Findings of Fact and Conclusions of Law, the Commission's decision to sanction the Petitioner's Georgia teaching certificate is hereby **AFFIRMED**. However, the proposed sanction is **MODIFIED**, and the Petitioner's certificate shall be suspended for a period of ninety contract days. Further, the Petitioner shall be given retroactive credit for the time that she has been out of work as an educator, provided that she provides proof of such unemployment to the Commission in a manner consistent with the Commission's policies and procedures.

SO ORDERED, this 4<sup>th</sup> day of September, 2014.

  
**KRISTIN L. MILLER**  
Administrative Law Judge