

Georgia Professional Standards Commission



Expectations and Boundaries of Professional Educators

Professional Standards Commission

- Certification
- Educator Preparation
- Ethics

**The Code of Ethics,
State and Federal Law,
DOE and BOE Rules
Establish Standards for
Educator Conduct**

Code of Ethics - 11 Standards

1. Legal compliance
2. Conduct with students
3. Alcohol or Drugs
4. Honesty
5. Public funds and property
6. Remunerative Conduct
7. Confidential information

Code of Ethics - 11 Standards

8. Abandonment of Contract
9. Required Reports
10. Professional Conduct
11. Testing

Levels of Sanctions

- **Warning**
- **Reprimand**
- **Suspension**
- **Revocation**
- **Denial of Certificate**

Probable Cause Results

Year	Denied	Revoked	Voluntary Surrender	Total
FY 2001	15	58	14	87
FY 2002	20	44	16	80
FY 2003	31	62	21	114
FY 2004	26	57	20	103
FY 2005	25	93	22	140
FY 2006	42	72	17	131
FY 2007	23	76	26	125
FY 2008	33	54	16	103
FY 2009	25	71	27	123
FY 2010	13	67	28	108
FY 2011	18	58	20	96

Educators are held
to higher standards
than other
professionals!

**"Don't worry that
children never listen
to you. Worry that
they are always
watching you."**

Robert Fulghum, American author (b. 1937)

**Professional Educators
have the responsibility for
establishing and
controlling the boundaries
in their professional
relationships.**

Standard 2

Conduct With Students

*The Most Important
Boundary*



Code of Ethics Standard 2

**An educator shall
always maintain a
professional
relationship with all
students, both in and
outside the classroom.**



A **STUDENT** is anyone:

- **enrolled in a Georgia public or private school** from preschool through grade 12,
or
- **anyone under the age of 18.**

For the purposes of the Code
of Ethics, the enrollment
period for a graduating
student ends on August 31 of
the year of graduation.

Professional Relationship Boundary

Child Abuse

*Including Physical
and Verbal Abuse*

O.C.G.A. § 19-7-5

'Child abuse' includes the following conduct by a child's parent or caretaker:

- **Physical injury or death** (*by other than accidental means*)
- **Neglect or exploitation of a child**
- **Sexual abuse** - *an act of apparent sexual stimulation or gratification ...*
- **Sexual exploitation** - allows, permits, encourages, or requires a child to engage in prostitution or sexually explicit conduct

Abuse

The educator kicked a student's chair, pushed him to the floor, threw a book and yard stick in his direction, threw him down to the floor, and sat on top of him. The student escaped out the window and ran to the principal's office. He was bleeding from the mouth and stated that the educator had knocked out his tooth. The principal searched the room and found the missing tooth.

Professional Relationship Boundary

Sexual Misconduct

Sexual Abuse of Students

The Unforgivable Boundary Violation

**Sexual Abuse is defined as
ANY sex act with a student!**

Sexual Abuse of Students

Revocation

Older Women

The educator engaged in sexual misconduct with a male student that she taught in the sixth grade the previous year. The relationship involved telephone, text messaging, e-mail and internet contacts, and the student and the educator engaging in sexual activity.

Physical Education teacher and gymnastics coach, age 27, in Illinois convicted of having sex with a teen age boy.

"When boys sexually interact with older women they're viewed as lucky," she said. "When girls sexually interact with an older male it's seen as them being victimized."

But that kind of thinking is shortsighted, Ortiz said. Minors of any age are not cognitively developed enough to make important decisions about sexual interactions or able to "fully understand the consequences of such actions later in their lives."

Defendant: Ashley M. Blumenshine (Law enforcement photo / January 7, 2011) **Charge: Criminal sexual abuse**



Sexual Misconduct Rarely Begins With an Act of Sexual Abuse

**A boundary violation
involving sexual contact is
more of a process than a
single event.**

Habitual Sex Offender Process

- “**troll**” for children with a weak sense of boundaries, targeting them for abuse,
- “**groom**” their victims with gifts and attention, and
- “**lull**” them into complacency, escalating the level of physical intimacy over time.

Mary Jo McGrath

Grooming 101

The educator permitted students to skip their scheduled classes, hang out in his classroom, use his school computer to access internet sites, and provided them with notes to justify being out of their scheduled classes. A 17-year-old female student alleged that the educator touched her in a sexual manner, exposed himself, and asked her to perform oral sex on him when they were alone in the classroom.

Predator

The educator provided cigarettes, alcohol and pornography to a 14 year-old student who frequently spent the night at his home. During a computer chat, the educator admitted that he found the student sexually attractive, that the student's appearance and actions sexually stimulated him and asked for advice on how to initiate sexual interaction between himself and the student. Child pornography was found on the educator's computer. He pled guilty to Enticing A Child For Indecent Purposes.

Young people instinctively recognize these boundary violations and often nickname the employee engaged in such violations a **"pervert,"** based on their perceived sense of inappropriateness.

Mary Jo McGrath

Anatomy Class?

The educator kissed and hugged students and touched their hips, buttocks and breasts. He requested that a female student meet with him before school and told her to wear a thong or no underwear because he needed to check her body.

He's In Love With The Girl

The educator had a romantic relationship with a student. He attended the student's athletic events (*with roses*), bought her a cell phone, and took gifts for the student to her school. They were text messaging and talking on the phone extensively, and the educator emailed the student a seven page love letter/story.

A Picture is Worth...

The educator asked a female student to take nude pictures of herself and show them to him.

Student Relationships

- Teacher was alone in car with a girl and had an inappropriate conversation with her on facebook about kissing her.

Two year suspension

Avoiding Allegations of Inappropriate Relationships

Student Relationship Guidelines

~~Email~~

~~Phone Calls~~

**Be Friendly,
Not a Friend.**

~~Gossip~~

~~Parties~~

~~Photographs~~

~~Inappropriate Jokes~~

Student Relationship Guidelines

~~Home~~

Choose



Appropriate
Settings

~~Dark Room~~

~~Closest~~

Student Relationship Guidelines

Social Networking

Don't accept students as friends and decline any student initiated social network friend requests.

Don't post anything on a website that you would not post on the front door of the school.

Standard #2 continued:


Unethical Conduct with Students Includes:

- 7. failing to monitor or prevent the use of alcohol or illegal/unauthorized drugs by students who are under the educator's supervision (*including but not limited to the educator's residence or any other private setting*).**



Professional Boundary

Other Boundaries in the Code of Ethics



STANDARD # 1 – LEGAL COMPLIANCE

**An educator shall
abide by federal,
state, and local laws
and statutes.**

Legal Compliance

- Educator admits to having been arrested for felony Forgery. The educator is currently serving the terms of a First Offender Act program including restitution payments over \$18,000. The educator is currently serving a 10 year probation with a law enforcement agency.



Standard #3 - Alcohol or Drugs

**An educator shall
refrain from the use of
alcohol or illegal or
unauthorized drugs
during the course of
professional practice.**

**Illegal and
Unauthorized
Drugs are **Always**
Illegal and
Unauthorized.**

Home made recipe

Teacher brought colleague at
school medicine containing
moonshine to help cure cough

Avoiding Pain

A coworker videotaped the educator stealing pain medication from her purse. The educator initially denied the theft. When confronted with the evidence, the educator admitted to the theft of the drug and to ingesting the prescribed medication at school.

Second Job

The educator was arrested for trafficking marijuana. Fifty pounds of marijuana was found in the educator's home. The home "reeked" of the smell of smoked and fresh marijuana. Three children were in the home at the time of the arrest.

Standard 3: Alcohol or Drugs

Possession

=

Possession of a **CONTAINER** of
alcoholic beverage
(not in the blood stream).

Bottles, Cans, Etc.

When in Italy...

The educator served as a chaperone on a school-sponsored trip to Italy. He admitted that he consumed one alcoholic beverage after hours on three nights of the eight-day trip. The educator acknowledged that he had made a mistake by consuming the alcoholic beverages, but denied that he failed to properly supervise students during the trip.

Fortification

The educator admits consuming two glasses of wine prior to attending a school talent show. Three teachers witnessed the educator's manifestations of intoxication. The educator had glassy red eyes, slightly slurred speech, generally giddy behavior and the odor of an alcoholic beverage on her person.

Alcohol or Drugs

- A teacher had concerns about the educator's "peculiar" behavior and suspected he was under the influence. The teacher did not report the concern until the end of the day when the educator had left to begin a 3-day weekend. The next week the educator claimed he had taken some OTC medicine for pain. NPC



Standard #4 - Honesty

An educator shall exemplify honesty and integrity in the course of professional practice.

Standard #4 - Honest

Unethical conduct includes but is not limited to falsifying, misrepresenting, or omitting:

1. professional qualifications, criminal history, college or staff development credit and/or degrees, academic award, and employment history;
3. information regarding the evaluation of students and/or personnel;

Standard #4 - Honest

Unethical conduct includes but is not limited to, falsifying, misrepresenting, or omitting:

4. reasons for absences or leaves;

5. information submitted in the course of an official inquiry/investigation;...

Honesty

The educator submitted a report of absence using three sick leave days to attend daughter's out of state wedding.

Suspension

Honesty

Teacher signed a field experience form for another teacher when the intern when the teacher did not complete the work



Standard 5 - Public Funds and Property

An educator entrusted with public funds and property shall honor that trust with a high level of honesty, accuracy, and responsibility.

School Funds

Band director used personal funds to make payments for trip and paid herself back as students brought their money

Former State School Superintendent

The educator converted money that was intended for students to be used for her own purposes. She pled guilty to Conspiracy & Conspiracy to Money Launder involving approximately \$600,000 of education funds.

Starting Your Own Business

The educator purchased and used school system equipment to create and store pornographic material to further his private business (*the production and distribution of pornography*). The educator forged the superintendent's signature to obtain unauthorized equipment and to have the school system billed for that equipment.

The Collector

The educator was charged with Sexual Exploitation of Children for the possession of material depicting a minor engaging in sexually explicit conduct. His home and school computers contained over 59,000 porn images.

Superintendent

The educator used his school system computer and cell phone to solicit a sexual relationship with someone that he believed to be a 14 or 15 year-old female. She was, in reality, a law enforcement officer.

Pornography was discovered during a search of his school system office and computer.

Public Funds and Property

An audit of a yearbook account revealed a significant deficit and \$945.25 in unaccounted funds. The educator stated that errors in recordkeeping including the deposit of funds to the wrong student activity account could have resulted in the unaccountable funds.

Suspension



Standard #6 - Remunerative Conduct

An educator shall maintain integrity with students, colleagues, parents, patrons, or businesses when accepting gifts, gratuities, favors, and additional compensation.

Fund Raiser

- Educator held fund raiser for 4th grade trip. After trip she continued with the candy fund raiser and began an unauthorized t-shirt sale. Audit revealed unaccounted funds of \$2,628.50 plus she purchased gift certificates for herself and another teacher for a “Day at the Spa”



Standard #7 - Confidential Information

An educator shall 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.

Confidential Information

- Educator folds report cards of students who make failing grades; consequently the rest of the class knows who is failing
- Educator also asked for all children who were going to be retained to raise their hands so everyone could see



Standard #8 - Abandonment of Contract

An educator shall fulfill all of the terms and obligations detailed in the contract with the local board of education or education agency for the duration of the contract.

Abandonment of Contract

The educator gave a two week notice. The school system did not release her from her contract. She left anyway.

90 day suspension.



Standard #9 - Required Reports

An educator shall file reports of a breach of one or more of the standards in the Code of Ethics for Educators, child abuse, or any other required report.

Former School Principal

The school principal failed to report sexual misconduct by a teacher after being told that a female student was regularly meeting the male teacher and that they were often seen in close proximity. The principal confirmed that there were rumors about the male teacher and female students after the male teacher was arrested and charged with four counts of Sexual Assault.

Required Reports

The Educator admitted to being informed by both a student and by the paraprofessional with whom the student was involved that they were having sexual encounters. The educator did not disclose this information to anyone until there was a law enforcement investigation.

Revoke

(criminal charges are pending against the educator)



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.

Professional Conduct Cases

- Organized a betting pool with students
- Called a student a "heifer" and her mother "stupid"
- Gave extra credit to students who contributed to a fundraiser
- Left class without permission via a window
- Had two loaded guns in desk drawer
- Sexually harassed a colleague
- Restrained a teacher and tried to kiss her against her will
- Sexual interaction with colleague on school grounds



Standard #11 - Testing

**An educator shall
administer state
mandated assessments
fairly and ethically.**

Standard 11: Testing

Unethical conduct includes but is not limited to:

- 1. committing any act that breaches Test Security; and**
- 2. compromising the integrity of the assessment.**

Acts that Breach Test Security/Confidentiality

- **Possessing unauthorized copies of state tests.**
- **Copying or taking notes on test items.**
- **Revealing in any manner any part of secure copyrighted tests to students or others.**

Acts that Breach Test Security/Confidentiality

- **Discussing test items or answers.**
- **Using secure test items and prompts for instructional purposes.**
- **Reviewing answers to test questions.**
- **Failing to inventory test materials upon receipt.**

Acts that Compromise the Integrity of the Assessment.

- **Failing to provide or attend required training.**
- **Failing to provide state approved accommodations.**
- **Providing accommodations not in an approved plan.**
- **Failing to communicate needed accommodations for a student.**
- **Reading parts of the test to a student except where indicated in written plans or directions.**

Acts that Compromise the Integrity of the Assessment.

- **Failing to provide an appropriate testing environment.**
- **Failing to monitor testing environment.**
- **Failing to provide or ensure that proper tools are used during testing.**
- **Failing to follow the established testing schedule and order of test administration.**

Acts that Compromise the Integrity of the Assessment.

- Failing to ensure students are given the correct form and/or grade level.
- Failing to follow the directions specified in the manual.
- Allowing students too much or too little time.
- Coaching students during the test.
- Interpreting, explaining, or paraphrasing test items.
- Providing answers to test questions.

Acts that Compromise the Integrity of the Assessment.

- **Erasing or altering student answers** (*Erasure of stray marks that would interfere with scoring is appropriate!*).
- **Failing to ensure accurate completion of student information.**
- **Discouraging students from putting forth optimal effort.**
- **Encouraging student absenteeism in order to avoid testing.**
- **Reclassifying students for the purpose of avoiding state testing.**

Test Prep

After the conclusion of the American Literature EOCT, the educator asked students to write down what they could remember from the test in order to get their input on how she could have better prepared the students for the EOCT that they had just taken.

ERASURES!

Two educators, a school principal and assistant Principal, corrected the answers on students' CRCT answer sheets prior to submitting them for scoring.

Notes on the Test

The educator admits making notes as she administered the 2007 EOCT and then sending other teachers copies of the notes for review before the 2008 EOCT.

Testing

The educator admitted he did not use the testing administrator manual when administering the Reading and English Language Arts portions of the 2011 CRCT. He paraphrased words, gave students synonyms for words that were part of the questions. The students' tests were invalidated.

Suspension

Other Grounds for Disciplinary Action against a Certificate:

1. unethical conduct as outlined in The Code of Ethics for Educators, Standards 1-11;
2. disciplinary action against a certificate in another state on grounds consistent with those specified in the Code of Ethics for Educators;
3. order from a court or a request from DHR that a certificate be suspended or denied for non-payment of child support;

Other Grounds for Disciplinary Action against a Certificate:

4. notification from the GHEAC that the educator is in default and not in satisfactory repayment status on a student loan;
5. suspension or revocation of any professional license or certificate;
6. violation of any other laws and rules applicable to the profession; and
7. any other good and sufficient cause that renders an educator unfit for employment as an educator

Student Loans

GHEAC-sends letter of warning. When PSC receives letter, automatic indefinite suspension until GHEAC sends us clearance letter. 35 suspensions in December 2011

Enforcing Sanctions

The superintendent and the superintendent's designee for certification shall be responsible for assuring that an individual whose certificate has been revoked, denied, or suspended is not employed or serving in any capacity in their district. Both the superintendent and the superintendent's designee must hold GAPSC certification.

Review

Be Friendly-not a friend.

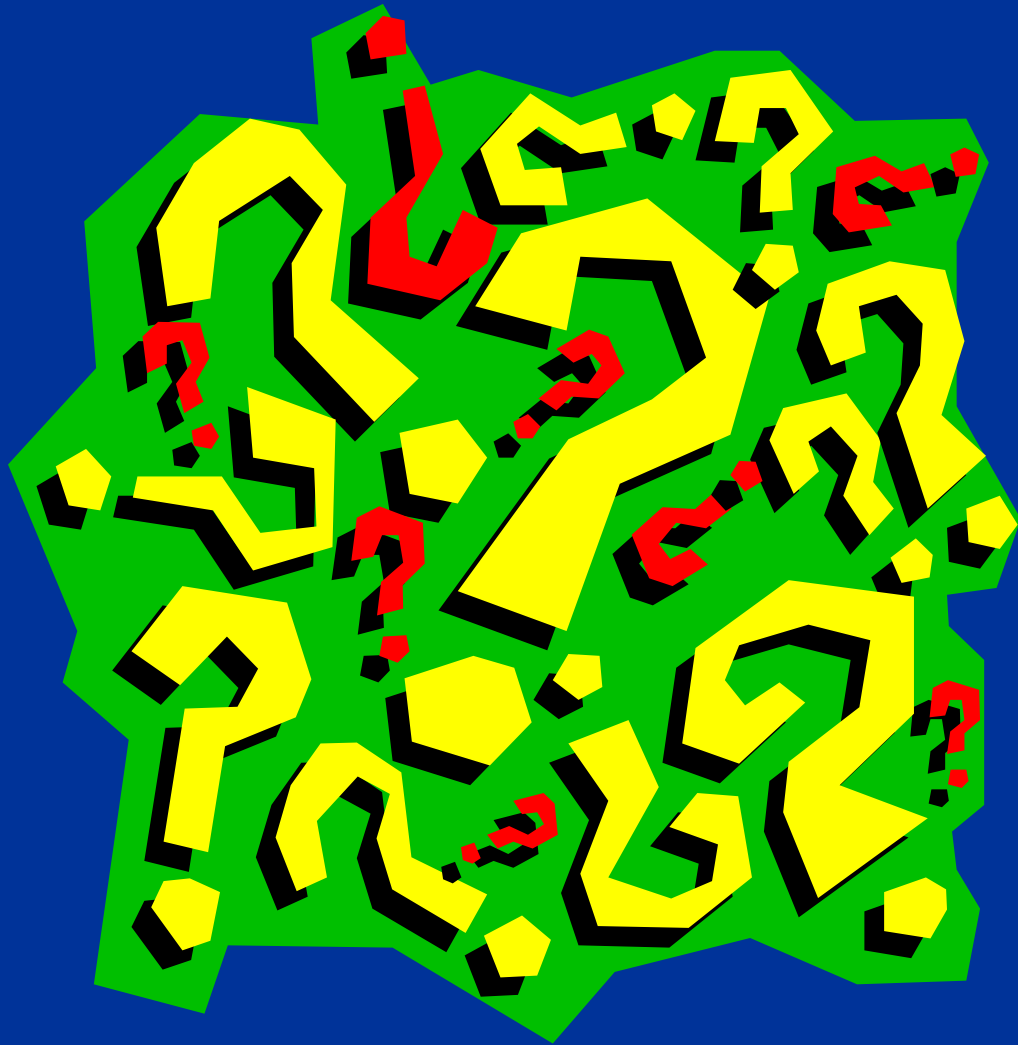
School computers should be used for
business.

Take state testing seriously

Mandated reporting of violations

Confidentiality

Honesty and Integrity



PSC Case #08-6-1395

- During cell phone conversations, the educator discussed the inappropriateness of his interactions with the female student, his fear of being caught and his fear of the consequences if he were caught.
- There were occasions when the educator was intoxicated when he interacted with a female student via electronic communications. The educator advised school system personnel that his level of intoxication was high enough on at least one occasion that he did not recall all that he and the female student had discussed. The educator admitted to school system personnel that he had a problem with alcohol.
- The educator made admissions to school system personnel that his relationship with the female student progressed to a friendship. The educator acknowledged that he believed that the female student was infatuated with him.
- The educator advised school system personnel that he tried to end his interactions with the student, but phone records indicated that there were multiple instances where the educator initiated and actively participated in electronic communications with the female student. Some of the more lengthy conversations ranged between 30 minutes and 2 ½ hours. A number of the conversations took place in the late night/early morning hours.
- The female student made a written statement describing the communications that she had with the educator. She denied that there had been any physical contact with the educator.
- The educator denied that there was physical contact with the student to school system personnel.

PSC Case # 08-6-1395

File Number: PCW-08-6-1395
Investigator: Kevin Shumake
Position Held: Teacher (Alternative School)
Employment Status: Resigned
Complaint Origin: School System

Complaint: The educator had an inappropriate relationship with a student. The educator made inappropriate comments to and contact with a student.

■ **Investigative Findings:**

- During the 2007-2008 school year, the educator had multiple email contacts with a female student. The emails were not related to official school matters. The educator utilized school system computer equipment and internet access for some of the email contacts.
- During email communications with the student, the educator discussed his adult girlfriend and his family. The educator and the student discussed past relationships with others.
- During email communications with the student, the educator discussed colleges and schools.
- During the 2007-2008 school year, the educator had multiple electronic communications with a female student in the form of cell phone conversations and text messaging. The contacts were not related to official school matters.
- During cell phone conversations, the educator and a female student discussed their sexual experiences with other parties. The educator expressed an interest in kissing the student and in having sex with the student.
- During cell phone conversations, the educator discussed problems that he was having with his adult girlfriend.
- During cell phone conversations, the educator discussed his past drug and alcohol abuse. The educator also admitted to having a current alcohol abuse problem.

PSC Case #08-6-1395

■ Findings of Fact:

- The educator engaged in an inappropriate relationship with a student that included inappropriate comments and conversations. In some instances, the educator utilized school system computer equipment to inappropriately interact with a student.

■ Standard, Rules or Laws Violated:

- **PSC Rule 505-6-.01 (3) (b)** - The educator failed to maintain a professional relationship with students by soliciting, encouraging, or consummating an inappropriate written, verbal, or physical relationship with a student.
- **PSC Rule 505-6-.01 (3) (e)** - The educator was entrusted with public funds and property and failed to honor that trust with a high level of honesty, accuracy, and responsibility.
- **PSC Rule 505-6-.01 (3) (j)** - The educator failed to demonstrate conduct that follows generally recognized professional standards by exhibiting conduct that impaired the certificate holder's ability to function professionally in his or her employment position and by demonstrating a pattern of behavior or conduct that is detrimental to the health, welfare, discipline, or morals of students.

Investigator's Notes

Prior to the beginning of the 2007-2008 school year in Barrow County, the Commission's Chief Investigator, John Grant, did an ethics presentation for all new certified educators in the school system. According to the school system's director of human resources, Ann Chronic, the educator was in attendance. The ethics presentation was a review of the code of ethics. Inappropriate relationships with students were covered in the presentation. A copy of the training attendance sheet signed by the educator is included in the case file.