

1

GILBERT, HARRELL, SUMERFORD & MARTIN, P.C.
675 PONCE DE LEON AVE NE
SUITE 8500
ATLANTA, GA 30308
www.ghsmlaw.com

Robert L. Fortson, Partner

rfortson@ghsmlaw.com

November 15, 2023

VIA CERTIFIED AND ELECTRONIC MAIL

Ms. Gina Ahlberg
Georgia Professional Standards Commission
Ethics Division
200 Piedmont Avenue, Suite 1716
Atlanta, Georgia 30334
Email: gina.ahlberg@gapsc.com

Re: PSC Case No. 23-9-593: Response to Notice of Investigation

Dear Ms. Ahlberg:

This law firm represents Odyssey Charter School (Odyssey or the "School") and its Superintendent, Scot Hooper. We are in receipt of the Professional Standards Commission's (PSC) letter dated November 13, 2023 notifying Mr. Hooper of alleged misconduct related to the reporting of inappropriate student contact. Please accept this as Mr. Hooper's official response to the PSC's letter.

Mr. Hooper adamantly denies that he violated any provision of the Code of Ethics for Educators and can demonstrate that he and Odyssey acted entirely appropriately. In response to allegations by a student's mother that, seven months earlier, another student had put her hands inside her son's pants and touched his genitals, Odyssey immediately investigated and notified the Georgia Division of Family & Children Services in accordance with the Mandated Reporter law, O.C.G.A. § 19-7-5. Attached is a copy of that notification along with related investigation and follow-up documents from the School.

We are hopeful that this complaint can be resolved promptly so that Mr. Hooper's name and record will not be further tarnished by these false allegations. Thank you for your consideration. Please do not hesitate to call me if you have any questions.

Sincerely,

GILBERT, HARRELL, SUMERFORD &
MARTIN, P.C.



By: _____
Robert L. Fortson

Att:
Cc: Scot Hooper, Odyssey Superintendent



Brian P. Kemp
Governor

Division of Family & Children Services

Candice Broce
Director

Georgia Child Protective Services Mandated Reporter Form

A report can be made by calling **1-855-422-4453**, 24 hours a day, 7 days a week, 365 days per year. A Case Manager will respond to your call quickly and gather necessary information needed to assess the child's safety.

Mandated Reporters also have three additional CPS reporting options. Please use only one CPS reporting option per family:

Option One: Complete your report on the CPS mandated reporter website at: <https://cps.dhs.ga.gov/Main/Default.aspx>. If you are receiving this auto-reply from the website, please do not use other reporting options. We will process the report based on what you have provided or call you at the number you have on your report if we need additional information. Before you can register on the mandated reporter website, you must take a short, free online mandated reporter training offered by Pro Solutions training at: https://www.prosolutionstraining.com/content/?id=41/Mandated_Reporters_Georgia/

Option Two: E-mail the report to cpsintake@dhs.ga.gov. You will receive an auto-reply stating that the CPS report has been received. You will receive a return phone call within 2 hours if additional information is needed. Once the report is entered and stage progressed in SHINES, you will receive a mandated reporter letter via email. The mandated reporter letter is emailed to the email address you registered on the CPS website with. The return phone call satisfies the legal requirement to speak with a DHS employee. Please include on the report a number where you can be reached.

Option Three: Fax to **229-317-9663**. Once the report is entered and stage progressed in SHINES, you will receive a mandated reporter letter via email. The mandated reporter letter is emailed to the email address you have on your fax. You will receive a return phone call within 2 hours if additional information is needed. This return phone call satisfies the legal requirement to speak with a DHS employee. Please include on the report a number where you can be reached and your email address. To request a PDF version of the CPS form or mandated reporter letter, please contact dfcs-cicc-admin-review-requests@dhs.ga.gov

Please note that you may be called for additional information regarding this report.

Would you like to be notified if an investigation is completed and whether abuse is substantiated or unsubstantiated? No

All reporters have the ability to make an anonymous report. Your information will be kept confidential and will not be shared. If court action is initiated, the case record may be subpoenaed as a result of court proceedings and the reporter cannot be assured confidentiality will be fully protected. It may be necessary for you to appear in court to protect the child. All reporters are immune from liability when the report is made in good faith.

Have you previously made this report via phone call or email? No

Newnan Ga. 30265

Mother's Employment: Piedmont Hospital

Mother's Telephone Number: (770)-899-6684

Marital Status: Single

Mother's Language: English

ALT Contact Info:

Father's Name: NA

RACE:

DOB:

SSN: --

Alleged Maltreater:

Father's Residence:

Father's Employment:

Father's Telephone Number:

Marital Status:

Father's Language:

ALT Contact Info:

If a school reporter, please indicate all Emergency Contact information on file with the school and date this information was obtained from family:

September 21 2023

Reported by Mother

770-899-6684

CHILDREN:

Child's Name	Victim	Sex	Race	DOB	SSN	Grade Level
[REDACTED]	Y	M	Black or African American	11/1/2012		5th

OTHER HOUSEHOLD MEMBERS:

Name	DOB	SSN	Race	Relationship To PK	Marital Status	Language	Address	Phone	Maltx

OTHER ADULTS OF SIGNIFICANCE NOT RESIDING IN HOME:

Name	DOB	SSN	Race	Relationship To PK	Marital Status	Language	Address	Phone	Maltx

The following information is critical to ensuring that we respond appropriately to this report of suspected child maltreatment. The importance of supplying as much and as detailed information as possible for each of these areas cannot be stressed enough. Please answer the following questions:

Is the parent(s) or guardian active military? No

Does the child and/or parent/primary caregiver have, or is believed to have, American Indian heritage? No

To your knowledge, has anyone in the home either recently or currently been ill or running a fever? No

Please tell how the maltreater neglected or abused the child.



Hooper, Scot <shooper@odysseycharterschool.net>

Auto Generated Email From Child Protective Services

1 message

NoReply.AdminApps@dhs.ga.gov <NoReply.AdminApps@dhs.ga.gov>
To: SHOOPER@odysseycharterschool.net

Thu, Sep 21, 2023 at 2:18 PM



Child Protective Services email

09/21/2023

Division of Family and Children Services - Child Protective Services.

Your report was submitted successfully and will be routed to a Case Manager.

If you are reporting a true emergency, please contact 911 first.

This auto-reply e-mail serves as confirmation of receipt of your report of alleged abuse/neglect. You will receive a telephone call from a CICC Case Manager only if additional information is needed. Please do not attempt to contact the CICC hotline to confirm receipt.

Should additional information be needed to assess and/or process your report, such information will be requested at the time of the call. We will contact you via the contact information provided on your report. Please ensure that you are available to receive the call within the estimated time frame (2 hours estimated).

You will also receive a written notification letter acknowledging your report of alleged abuse/neglect via US Mail within [5] working days of the date of report submission. This letter will also provide notification of the assigned case disposition/assignment track. The notification letter will be mailed to the address provided on your report or emailed to the email address on your report. Please retain this written notification for your records and/or visit the CPS Website to track previous referrals. A PDF copy of all referrals submitted will remain on your "View Incidents" page.

Please do not use other reporting options such as fax, email, or Hotline when using the secure web based portal. Using multiple reporting options causes duplicates in the system and delays processing

Should you experience technical issues on the CPS website, please send an email with details about your issue to CPS_Support@dhs.ga.gov. If you need assistance specific to how to make a CPS report, please login to the CPS website and then click "Help Document" from "Resources". If the CPS website is inaccessible, please call the CPS Hotline to make your report of abuse/neglect. If you need to check the status of a report previously submitted, please call 1-855-422-4453 and press option 4.

Thank you for contacting us.

This message was automatically generated by the system. If you need assistance, please contact the CPS Hotline at 1-855-422-4453. For more information, please visit the CPS Website at www.dhs.ga.gov.



Complaint Form Odyssey Charter School

Date of Complaint* 9/21/2023

Date of Incident or Issue - February or March of the previous school year.

Full Name – (Making the allegations or complaint) - [REDACTED] [REDACTED] Mother of [REDACTED] [REDACTED]

Those Hearing the Complaint – Diane Bickerstaff, Cyle Bohannon, Additional Family Member (Aunt)

Description of Incident –

Mother described an incident on the playground where a girl students [REDACTED] put her hands inside her sons pants ([REDACTED] [REDACTED]) and touched his genitals. This was reported to mom by her son [REDACTED]. During the meeting on September 21st the mother shared the details of the incident with the vice principal.

On September 15th [REDACTED] reported to the guidance counselor at school that a girl ([REDACTED] [REDACTED]) had ask if she could touch his genitals and he said no. Guidance counselor then contacted the parents and informed them of the conversation between the students.

On September 21st in the meeting with the vice principal, Mom shared that her son stated to her that [REDACTED] [REDACTED] "She did touch his genitals". This touching occurred "sometime in February or March of the previous school year, on the playground, in a place that no adults can see".

Actions Taken - Vice Principal reported to the principal the situation described by the mother. Vice principal and principal filed a report to the Division of Family and Child Service.

Investigation of the incident began on September 22nd.

Follow-Up by School Personnel

Staff Investigation of Allegation or Incident – Vice Principal

Those Questioned:

- Teachers assigned to playground duty during the time of the incident (Recess)
- Paraprofessionals on the field during recess periods
- Random students who were at recess during this period
- School Nurse

Results

Student J.R. (accused)

Questioned by the guidance counselor and stated "I am not aware of any inappropriate interactions between boys and girls during our 4th grade year". (Witnessed by Nurse) 1.

Teachers - Ms. Elder and Ms. Addison:

2.

Scholars are not allowed to go past the busses on the playground. A whistle is used to call them back if they get too far way. Teachers stand in the middle of the field which produces no blind spots anywhere on the field. All children are visible at all times during recess.

Two students in class, selected at random by the vice principal (C.P. and J G) 3.

We are not allowed to go past the busses during recess. Teachers blow a whistle if we get too far away. Both students stated that teachers are moving around and watch us all the time. Both students were unaware of any area where students could go to hide. Both students stated they never saw young [REDACTED] with the student accused at any time, for any reason.

Student N.C.

Questioned by the guidance counselor and stated "No improper interactions between male and female students exists".

Conclusions

After questioning the teachers assigned to the 4th grade during the alleged incident, interviewing students who were present during recess at the alleged time of the incident, and walking the field where the alleged incident was to have occurred, we have found the following:

No one recalls seeing the two students named in the incident, ever together for any reason on or off the playground.

There is no blind spots or "out of sight" area on the playground as described.

Teachers are in eye sight of all students during recess, as is the gym teacher who frequently is on the field with his class.

The accused female has no recollection of any such incident.

It appears that the incident could not have happened as described. Witnesses were always present, yet no one saw such an incident. The teachers stand in a location which prevents any blind spots on the field and they did not see any such incident. The gym teacher and other teachers who eat lunch during the 4th grade recess period and frequently walk in this area, did not see any such incident or any students who were not being managed and observed.

Nurse Notes

1

Conversation with [REDACTED]

Participants: [REDACTED], Cyle Bohannon, Kelly Sequeira, R.N.

Date: 9/21/23 – 1:20 PM

1. Student stated she is upset because she has a low grade in Math due to being out of school for 1 week from 9/2/23 to 9/10/23 on a family cruise. Discussed with Dr. Bohannon ways to help improve her grade.
2. Dr. Bohannon inquired about whether she feels safe at Odyssey. Student states that she feels safe, but notified us that there is a spot outside "in the back of the field near where the buses are parked that teachers can't see what's going on when the students go back there." [REDACTED] stated that she would be willing to show administration where the area is located if needed
3. [REDACTED] reports that she is aware that there was fighting, roasting of other students, in the 'dark area near the trees'.
4. [REDACTED] denies any awareness of inappropriate interaction between boys and girls during her 4th grade year (she doesn't have recess this year now that she is in middle school).

part. All information made by [REDACTED]

Kelly Sequeira, R.N.

September 28, 2023

To whom it may concern,

The fourth graders at Odyssey are not allowed to go past the buses in the parking lot or around the hill in the field area. They are also prohibited from going near the creek or rock area by the retention pond. Both teachers had a whistle that was used if students were seen in the prohibited areas. Mrs. Addison and myself are diligent about standing or sitting in the middle of the field in order to observe all students during recess. The two students in question [REDACTED] and [REDACTED] never played together outside at recess. They each have groups of friends that they stayed with during the duration of recess. [REDACTED] played and danced with 2 other girl students, [REDACTED] and [REDACTED]. [REDACTED] was only ever with [REDACTED] and [REDACTED], they walked around during recess and played made up games. [REDACTED] and [REDACTED] typically believe everything [REDACTED] says.

The two students bickered in the classroom. They were often rude or unkind to one another. They were never allowed to sit near or beside each other in the classroom. They typically sat on opposite sides of the classroom. They were also never paired together in a group setting, i.e. class projects or group work.

Sincerely,
Victoria Elder
4th Grade ELA/ Social Studies

Kylie Addison
4th Grade Math/Science

Sept 25, 2023

After talking to two students from 4th grade last year, (██████████ and ██████████), I found out that they were not allowed to go past the bus line (hill line) on the playground during recess. Students said the teachers would blow a whistle if they got too far from them. They both said the teachers walked around all the time and watched them. They also said they were not allowed on Coach's field unless they were allowed to play soccer with the teachers watching. I asked about the end of the field, areas where students could hide and they did not know about that. They said snakes, a stray cat, and rats were there so no one went into the woods ever. Asked if they knew JA and JR and they said yes. Asked if they played together with them and they both said no, they played with their own friends, not them. Asked if they ever saw them together, both say no.

Interview

D Bickerstaff

Conversation with [REDACTED]

Participants: [REDACTED], Cyle Bohannon, Kelly Sequeira, R.N.

Date: 9/21/23 - 1:35 PM

9

TEACHER REPORTS
AND STUDENT REPORTS
MAY BE TO BE
FALSE.

1. Dr. Bohannon inquired about whether [REDACTED] feels that Odyssey is a safe environment for students. [REDACTED] stated that she feels it is mostly, with the exception of the playground area that is currently used by the 4th grade classes. [REDACTED] relayed information about an area on the far end of the field where the students used to go to be out of line of vision for teaching staff. She states the area includes a dark wooded area with a steep area where kids would often fight and "roast" each other.
2. [REDACTED] states that there was often talk of relationships among student that were "dating", but denies any improper interaction between male and female students. There was also a lot of name calling and bullying taking place in that area. She states that there are weeds back in that area that some students would touch and then end up itching afterward (she thinks 'possible - *RED WOODS REPORT* poison ivy'). She said there is also a 'hole' back in that area that fills with water sometimes when it rains as well as a pipe that some students would stick their hands in after they saw some type of animal crawl into it. *TEACHERS PREVENT THIS FROM HAPPENING.*
3. [REDACTED] states that the bathrooms are now used by the 5th grade students when they want to be out from under the watchful eye of teachers now that they no longer have a recess period.
4. [REDACTED] also discussed feeling 'left out' because the rest of the students in 5th grade received a birthday invitation to another student's party and she was the only one in either class that did not receive one. She says she believes it's because she has been called a 'toxic friend' by another classmate which makes many not want to be friends with her.

Kelly Sequeira, R.N.

⑤

I met with [REDACTED] [REDACTED] mother last week to discuss a recess issue. (I had not heard there was an issue until 10 minutes before they walked in.) Mom and Aunt relayed that [REDACTED] was having nightmares from another student touching him on the playground sometime between February and March last year. Mom was very upset and evidently had reported to the Counselor last week. After our meeting the mom wanted to talk to Mr. Hooper, I got him for the meeting and mom went off cussing at him.

I immediately followed school protocol and into Mr. Hoopers office where he filled out the paperwork for DFACS and then I began my investigation. I called the mother of the other child in and we discussed the accusations, along with the police report from the mom. She was going to follow through and call me back. She has not called back, I tried a couple times and there is no answer. I will continue to call.

Diane Bickerstaff

Sept. 22, 2023