

MINUTES

PROFESSIONAL STANDARDS COMMISSION

Two Peachtree Street

Atlanta, Georgia

December 11, 2008

The Georgia Professional Standards Commission (PSC) met on Thursday, December 11, 2008, at 9 a.m.

Members Present

Penny Benton
Maria Bradley
Sallie Bullock
Stephen Dartt
Emily Jennette

Maria Miller
Dr. Louisa Moffitt
Dr. Mary Outlaw
Rose Powell

Dr. Craig Smith
Jeannie Tucker
Dr. Wanda West
Dr. Debbie Wilkes

Members Absent

Julia Bernath
Hester Vasconcelos

Pamela Greenway
Al George

I. CALL TO ORDER

Chair Wilkes called the meeting to order at 9 a.m. and led the Pledge of Allegiance to the U.S. flag and a moment of silence.

II. ADOPTION OF AGENDA

Chair Wilkes called to amend the agenda to go into executive session to discuss litigation.

MOTION: (Miller / Bradley) To approve the amended agenda.

PSC ACTION: Approved

III. APPROVAL OF MINUTES

Chair Wilkes called for approval of the minutes from the November 13, 2008, Commission meeting.

PSC ACTION: Approved

IV. RECOGNITION OF VISITORS

Chair Wilkes recognized the visitors.

- Margaret Elliott, Professional Association of Georgia Educators
- Gayle Wooten, Professional Association of Georgia Educators
- Shalini Patel, Attorney
- Julie Anderson, Attorney
- Diane Freeman
- John Hooper, Georgia School Superintendents Association (GSSA)
- Calandra Almond, Attorney
- Jon Anderson, Attorney
- Bernice Terry

V. EXECUTIVE SESSION**MOTION:** (Dartt / Moffitt) To go into Executive Session.**PSC ACTION:** Approved**MOTION:** (Moffitt / Powell) To come out of Executive Session and reconvene the Regular Session.**ACTION:** Approved**VI. COMMITTEE REPORTS****A. Ethics and Professional Conduct --Recommendations and Actions on Cases**

Commissioner Maria Miller of the Educator Ethics Review Committee (EERC), gave a preliminary review of the Cases.

1. Ms. Miller reported that the Committee reviewed 37 *Probable Cause* cases during its December 10, 2008, meeting and brought the following recommendations on behalf of the Committee:

#	CASE #	INVESTIGATOR	Applicant	STANDARDS VIOLATED	RECOMMENDATION
1	08-6-1434	Ed Aaron	Property Rights	Criminal Acts Misrepresentation or Falsification	Extend Probable Cause Determination *Letter of Intent – Via Certified Mail
2	08-6-1536	Ed Aaron	Property Rights	Criminal Acts Misrepresentation or Falsification	Extend Probable Cause Determination *Letter of Intent – Via Certified Mail
3	08-6-1542	Ed Aaron	Property Rights	Criminal Acts Failure to Make a Required Report Professional Conduct OCGA 16-13-111	Suspension – 2 Years
4	08-6-1543	Ed Aaron	Property Rights	Criminal Acts	Reprimand
5	08-7-56	Ed Aaron	Property Rights	Criminal Acts	Reprimand
6	08-7-81	Ed Aaron	Property Rights	Criminal Acts	Revocation

#	CASE #	INVESTIGATOR	Applicant	STANDARDS VIOLATED	RECOMMENDATION
7	08-7-100	Ed Aaron	Applicant	Criminal Acts Misrepresentation or Falsification Action Taken in Another State	Reprimand
8	08-7-104	Ed Aaron	Applicant	Misrepresentation or Falsification Action Taken in Another State	Denial
9	08-7-110	Ed Aaron	Applicant	Criminal Acts OCGA 16-13-111	Reprimand
10	08-8-128	Ed Aaron	Property Rights	Criminal Acts Misrepresentation or Falsification	Reprimand
11	08-8-133	Ed Aaron	Property Rights	Misrepresentation or Falsification	Reprimand
12	08-8-142	Ed Aaron	Applicant	Criminal Acts Professional Conduct Action Taken in Another State Other Good and Sufficient Cause	Denial
13	08-8-206	Ed Aaron	Property Rights	Criminal Acts Professional Conduct	Revocation
14	08-4-1091	Judy Franklin	Applicant	Misrepresentation or Falsification Professional Conduct	Denial
15	08-5-1231	Diane Holland	Property Rights	Misrepresentation or Falsification Public Funds and Property Professional Conduct	Suspend – 90 Contract Days
16	08-5-1292	Ann Young	Property Rights	Abuse of Students Professional Conduct	Suspend – 5 Contract Days
17	08-6-1389	Judy Franklin	Property Rights	Abuse of Students Alcohol or Drugs Professional Conduct	Revocation
18	08-6-1392	Diane Holland	Property Rights	Abuse of Students Professional Conduct	No Probable Cause
19	08-6-1421	Judy Franklin	Property Rights	Abuse of Students Misrepresentation or Falsification Professional Conduct	Revocation
20	08-6-1514	Diane Holland	Property Rights	Misrepresentation or Falsification Public Funds and Property Professional Conduct	Suspend – 90 Contract Days
21	08-6-1525	Eddie Nix	Property Rights	Abuse of Students Professional Conduct	Suspend – 5 Contract Days
22	08-6-1548	Judy Franklin	Property Rights	Abuse of Students Professional Conduct	No Probable Cause
23	08-6-1552	Eddie Nix	Property Rights	Professional Conduct	Suspend – 1 Year
24	08-7-29	Eddie Nix	Property Rights	Confidential Information	Suspend – 5 Contract Days
25	08-7-55	Ann Young	Property Rights	Confidential Information	Suspend – 2 Contract Days
26	08-7-65	Diane Holland	Property Rights	Professional Conduct	Suspend – 2 Contract Days
27	08-7-66	Eddie Nix	Property Rights	Abuse of Students Professional Conduct	Suspend – 5 Contract Days

#	CASE #	INVESTIGATOR	Applicant	STANDARDS VIOLATED	RECOMMENDATION
28	08-7-114	Eddie Nix	Property Rights	Public Funds and Property	Reprimand
29	08-8-212	Diane Holland	Property Rights	Abandonment of Contract Professional Conduct	Suspend – 90 Contract Days
30	08-8-239	Ann Young	Property Rights	Misrepresentation or Falsification	Suspend – 20 Contract Days
31	08-9-282	John Grant	Property Rights	Abuse of Students Professional Conduct	Suspend – 1 Year
32	08-9-299	Judy Franklin	Property Rights	Abuse of Students Professional Conduct	Suspend – 90 Contract Days
33	08-9-301	Ann Young	Property Rights	Misrepresentation or Falsification Professional Conduct	No Probable Cause
34	08-9-307	Judy Franklin	Property Rights	Abuse of Students Professional Conduct	Suspend – 1 Year
35	08-9-309	Judy Franklin	Property Rights	Misrepresentation or Falsification Professional Conduct	Suspend – 5 Contract Days
36	08-9-310	Ann Young	Property Rights	Abuse of Students Professional Conduct	Suspend – 20 Contract Days
37	08-10-464	Kevin Shumake	Property Rights	Professional Conduct	Revocation

2. Ms. Miller reported that the Educator Ethics Review Committee reviewed 3 *Initial Decisions* and brought the following recommendations on behalf of the Committee:

CASE #	STANDARDS VIOLATED	PROBABLE CAUSE SANCTION	ADMINISTRATIVE LAW JUDGE SANCTION	RECOMMENDATION
06-3-1128	Criminal Acts Abuse of Students Alcohol or Drugs Abandonment of Contract Professional Conduct	Revocation	Revocation	Accept
06-9-222	Criminal Acts	Revocation	Revocation	Accept
07-11-399	Abuse of Students Professional Conduct	Suspend - 90 Contract Days	No Probable Cause	REVIEW

3. Ms. Miller reported that the Educator Ethics Review Committee reviewed 2 *Petitions Issues* and brought the following recommendations on behalf of the Committee:

CASE NUMBER	REQUEST	PREVIOUS SANCTION	PREVIOUS VIOLATION	RECOMMENDATION
08-10-447	Right to Reapply	Revoked March 10, 2005	Abuse of Students Professional Conduct	GRANT
08-10-451	Right to Reapply	Revoked June 1, 2000	Professional Conduct	DENY

4. Ms. Miller reported that the Educator Ethics Review Committee reviewed 17 *Settlement Agreements* and

brought the following recommendations on behalf of the Committee:

#	CASE NUMBER	SANCTION	RECOMMENDATION
1	08-1-709	Suspension - 10 contract Days (Retro - Jan. 14, 2008 - Jan. 25, 2008) *Affidavit attached	Accept
2	08-3-1012	Suspension - 10 contract Days (Retro - Jan. 28, 2008 - Feb. 8, 2008) *System Settlement Agreement attached	Accept
3	08-3-1025	Suspension - 1 Year Dec. 26, 2008 - Dec. 26, 2009	Accept
4	08-4-1108	Reprimand	Accept
5	08-4-1123	Denial	Accept
6	08-4-1138	Reprimand	Accept
7	08-5-1276	Reprimand	Accept
8	08-5-1283	Reprimand	Accept
9	08-6-1406	Suspension- 20 Contract Days Jan. 5, 2009 - Jan. 30, 2009	Accept
10	08-6-1429	Reprimand	Accept
11	08-6-1442	Reprimand	Accept
12	08-6-1468	Reprimand	Accept
13	08-6-1487	Reprimand	Accept
14	08-6-1489	Reprimand	Accept
15	08-6-1527	Suspension - 1 Year Dec. 26, 2008 - Dec. 26, 2009	Accept
16	08-7-72	Reprimand	Accept
17	08-8-172	Suspension - 5 Contract Days Jan. 5, 2009 - Jan. 9, 2009	Accept

5. Ms. Miller reported that the Educator Ethics Review Committee reviewed 16 *Negotiated Settlement Agreements* and brought the following recommendations on behalf of the Committee:

CASE #	PROBABLE CAUSE SANCTION	NEGOTIATED SANCTION	RECOMMENDATION
04-8-186	Suspend - 2 Months	Suspend - 5 Contract Days Jan. 5, 2009 - Jan. 9, 2009	Accept
06-1-798	Suspend - 20 Contract Days	Suspend - 5 Contract Days Jan. 5, 2009 - Jan. 9, 2009	Accept
06-9-312	Suspend - 1 Year	Suspend - 1 Year Dec. 26, 2008 - Dec. 26, 2009	Accept
06-11-447	Revocation	Suspend - 1 Year Dec. 26, 2008 - Dec. 26, 2009	Accept
07-1-859	Suspend - 90 Contract Days	Suspend - 90 Contract Days Dec. 1, 2008 - April 29, 2009	Accept
07-6-1447	Suspend - 5 Contract Days	No Probable Cause	Accept
07-8-103	Revocation	Revocation	Accept
07-8-156	Suspend - 2 Years	Suspend - 2 Years Dec. 5, 2006 - Dec. 4, 2008 Retroactive	Accept
07-9-210	Suspend - 5 Contract Days	No Probable Cause	REJECT

CASE #	PROBABLE CAUSE SANCTION	NEGOTIATED SANCTION	RECOMMENDATION
07-9-259	Suspend - 1 Year	Suspend - 1 Year June 1, 2008 - May 31, 2009 Part -Retroactive	Accept
07-9-282	Suspend - 1 Year	Suspend - 1 Year Feb. 14, 2008 - Feb. 14, 2009 Part Retroactive	Accept
07-11-438	Reprimand	No Probable Cause	Accept
07-12-623	Suspend - 5 Contract Days	Suspend - 5 Contract Days May 20, 2009 - May 27, 2009	Accept
08-4-1205	Suspend - 1 Year	Suspension - 1 Year (Part Retro - 5/30/08 - 5/30/09)	Accept
08-5-1358	Suspend - 5 Contract Days	Reprimand	REJECT
08-5-1359	Suspend - 5 Contract Days	Reprimand	Accept

6. OTHER BUSINESS

The Educator Ethics Review Committee recommended approval of the *Other Business Report* as follows:

OTHER BUSINESS - THE STATE ATTORNEY GENERAL'S OFFICE HAS DETERMINED THAT THE CASES LISTED BELOW ARE NOT ACTIONABLE AND HAVE THEREFORE CLOSED THE CASE.

CASE #	STANDARDS VIOLATED	PROBABLE CAUSE SANCTION	A.G. ACTION	RECOMMENDATION
06-8-194	Abuse of Students Professional Conduct	Reprimand	Case Closed – Recommends Dismissal	No Probable Cause
07-4-1177	Professional Conduct	Reprimand	Case Closed – Recommends Dismissal	No Probable Cause
05-3-1454	Professional Conduct	Reprimand	Case Closed – Recommends Dismissal	No Probable Cause

Other Business - Proposed Settlement Agreement In lieu of Review Hearing

Case #	Description	Probable Cause	ALJ Initial Decision	Settlement	Recomm.
07-5-1347	The educator admitted threatening to dunk the heads of five misbehaving students in the locker room toilets. The educator and another teacher held the students upside down over the toilets. The educator stated that it was his idea.	Suspension 1 year	Suspension 6 Months	Suspend - 1 Year 12/14/07 - 12/14/08 Retroactive	Accept

Other Business - (FYI) SUPERIOR COURT RULING - AFFIRMS PSC DECISION

Case #	Description	Probable Cause	ALJ Initial Decision	Settlement	Superior Court	PSC ACTION
04-7-156	The educator was arrested and charged with Sexual Battery and Public Indecency. He allegedly grabbed the thigh and panties of a sixteen year old female high school student at a Boys and Girls Club and asked to "taste" her. He then allegedly grabbed her wrist with one hand and used his other hand to masturbate his penis and asked her to touch his penis.	Revocation	No Probable Cause	Revocation	Affirmed PSC	FYI

7. Ms. Miller reported that the Educator Ethics Review Committee reviewed 1 *Voluntary Surrender/Voluntary Denial* and brought the following recommendation on behalf of the Committee:

#	Case Number	STANDARDS VIOLATED	SANCTION	EERC Recomm.
1	08-9-311	Misrepresentation or Falsification Public Funds and Property Improper Remunerative Conduct Professional Conduct	Revocation	Accept

8. The Educator Ethics Review Committee recommended approval of the *Preliminary Investigative Determination Report* consisting of 50 new complaints received during the months of November and December 2008.

9. EXTENSIONS – PRELIMINARY INVESTIGATIVE DETERMINATIONS

The Educator Ethics Review Committee recommended approval of 24 Extensions - Preliminary Investigative Determinations consisting of the following:

#	CASE #	Complaint Received	#	CASE #	Complaint Received
1	08-11-514	10/30/2008	13	08-11-573	11/7/2008
2	08-11-515	10/31/2008	14	08-11-574	11/7/2008
3	08-11-516	11/3/2008	15	08-11-575	11/10/2008
4	08-11-517	11/3/2008	16	08-11-576	11/10/2008
5	08-11-518	11/3/2008	17	08-11-577	11/10/2008
6	08-11-519	11/4/2008	18	08-11-578	11/10/2008
7	08-11-520	11/5/2008	19	08-11-579	11/10/2008
8	08-11-521	11/5/2008	20	08-11-580	11/10/2008
9	08-11-522	11/5/2008	21	08-11-581	11/10/2008
10	08-11-523	11/6/2008	22	08-11-582	11/10/2008
11	08-11-571	11/7/2008	23	08-11-583	11/10/2008
12	08-11-572	11/7/2008	24	08-11-584	11/10/2008

10. EXTENSIONS - INVESTIGATIONS

The Educator Ethics Review Committee recommended granting and *Investigative Extension* to the following 53 Written Complaints and 44 Application cases 34 cases:

WRITTEN COMPLAINT EXTENSIONS:

08-9-304	07-12-586	08-6-1500	08-7-31	08-5-1322	08-8-215	08-9-292
07-12-607	08-3-843	08-6-1523	08-8-140	08-5-1323	08-8-240	08-9-293
08-3-847	08-3-1050	08-6-1550	08-8-157	08-5-1360	08-9-312	08-9-295
08-6-1549	08-4-1094	08-7-68	08-8-159	08-5-1361	08-7-78	08-9-296
08-7-24	08-5-1251	08-8-134	08-8-217	08-6-1399	08-9-288	08-9-297
08-8-137	08-5-1316	08-8-224	08-9-287	08-7-32	08-9-289	
08-9-306	08-5-1329	08-6-1510	08-9-305	08-7-97	08-9-290	
07-11-383	08-5-1369	08-6-1521	08-4-1213	08-8-131	08-9-291	

APPLICATION CASE EXTENSIONS:

08-6-1531	08-8-171	08-8-194	08-9-277	08-9-330	08-10-386	08-10-444
08-6-1539	08-8-177	08-8-196	08-9-308	08-9-332	08-10-425	08-10-479
08-7-44	08-8-178	08-8-199	08-9-314	08-9-333	08-10-426	
08-7-98	08-8-188	08-8-201	08-9-317	08-9-336	08-10-428	
08-7-105	08-8-189	08-8-202	08-9-321	08-9-339	08-10-431	
08-7-107	08-8-192	08-8-203	08-9-323	08-9-345	08-10-435	
08-8-163	08-8-193	08-8-205	08-9-328	08-9-346	08-10-436	

11. APPLICATIONS FOR CERTIFICATION REPORT

The Educator Ethics Review Committee recommended to approve a no probable cause determination on 20 cases reflected on the *Applications for Certification Report*.

12. REVIEW HEARING EXTENSIONS

The Commission reviewed the *Review Hearing Extensions Report* concerning 3 hearing cases. An Administrative Law Judge rendered Initial Decisions on each case referenced in the report. The report indicates Orders were issued.

13. STUDENT LOAN SUSPENSION / REINSTATEMENTS

The Commission reviewed the report, which indicated that there were 9 certificates suspended from November 13, 2008 through December 11, 2008. There were 12 certificates that had been *reinstated* because restitution is now being made on those student loans. The Committee was also advised that there were 10 issues where notification had been received to suspend but releases were received prior to the actual suspension being implemented. Restitution is now being made on those student loans.

14. FINAL DECISIONS BY OPERATION OF LAW

The Commission reviewed the report, which advised of 10 cases now closed without an appeal for a hearing before an Administrative Law Judge. The report also advised that there were 2 cases closed without an appeal for a review hearing before the Commission.

Chair Wilkes called for approval of the EERC report as presented.

PSC ACTION: Approved

OTHER BUSINESS - THE STATE ATTORNEY GENERAL'S OFFICE HAS DETERMINED THAT THE CASES LISTED BELOW ARE NOT ACTIONABLE AND HAVE THEREFORE CLOSED THE CASE.

CASE #	STANDARDS VIOLATED	PROBABLE CAUSE SANCTION	A.G. ACTION	RECOMMENDATION
07-8-111	Abuse of Students Professional Conduct	Suspend – 20 Contract Days	Case Closed – Recommends Dismissal	NO RECOMMENDATION

MOTION: (Bradley / West) To accept the recommendation of No Probable Cause.

PSC ACTION: Approved

Opposed: Stephen Dartt, Louisa Moffitt, Dr. Craig Smith, Maria Miller, Dr. Mary Outlaw

B. Educator Preparation Standing Committee

Committee Chair, Dr. Craig Smith, presented the report of the Educator Preparation Standing Committee.

Agency/Institution	Approval Recommendations
Pioneer RESA On-line Teaching Endorsement Program	The committee recommends developmental approval and that a progress report addressing the areas for improvement is due by July 1, 2009
Armstrong Atlantic State University Request to Defer Continuing Review	The committee recommends that the PSC grant the institution's request to defer the spring 2009 on-site, PSC/NCATE Continuing Approval Review until spring 2010.

PSC ACTION: Approved

The committee reviewed a request from Lee Tannebaum to appeal her level 6 certification. The committee recommends that this vote be tabled until May when Dr. David Hill will present Task Force recommendations on this matter.

PSC ACTION: Approved

VII. EXECUTIVE SECRETARY REPORT

The Executive Secretary presented the following:

A. Phil Blackwell, Director of Certification, introduced rules for Certification and Educator Preparation

MOTION: (Smith / Miller) To initiate rulemaking procedures in accordance with the Georgia Administrative Procedures Act so as to provide for (1)repealing the current rules in Chapter 505-2 Certification, effective March 15, 2009, as follows: 505-2-.161 (2) amending the current rules in Chapter 505-2 Certification, effective March 15, 2009, as follows: 505-2-.02, 505-2-.08,505-2-.13, 505-2-.21, 505-2-.38, 505-2-.150, 505-2-.153, 505-2-.154, 505-2-.157, and 505-2-.164; and (3) amending the current rules for Chapter 505-3 Educator Preparation, effective March 15, 2009, as follows: 505-3-.33, 505-3-.66, 505-3-.67, and 505-3-.67, and 505-3-.76.

PSC ACTION: Approved

B. Kelly gave the commissioners a draft paper with the summary of work and recommendation for action/legislation from the HR 1103 Study Committee. The next meeting will be held on December 19th from 1 pm to 4 pm in room 450 at the Capitol. Based on the November meeting, there will most likely not be a lot of changes to this document but rather some "tweaking".

C. Another commission communication should be emailed to you before 2009.

D. PSC employee's will leave at 1 pm on New Years Eve due to our location (Peach drop is directly across the

street from our building and many streets are closed).

VIII. REVIEW HEARINGS

- | | |
|--------------------|-------------------------------|
| 1. Heather Hartley | - Educator (Case # 06-10-354) |
| Joan Roach | - Hearing Officer |
| Calandra Almond | - PSC Attorney |
| Shalini Patel | - Attorney |

MOTION: (West / Jennette) To go into Executive Session and allow PSC staff (Gary Walker, Tanis Miller, Penny Hannah and Lisa Hartzler) to remain.

ACTION: Approved

MOTION: (Tucker / Miller) To come out of Executive Session and reconvene the Regular Session.

ACTION: Approved

MOTION: (Smith / West) To adopt the Findings of Fact and Conclusions of Law reached by the Administrative Law Judge. The Decision of the Administrative Law Judge as indicated in the Initial Decision was hereby adopted and incorporated by reference herein and made the Final Decision of the Commission with the following specification. The Commission hereby **ORDERS** that the Georgia educator certificate held by **HEATHER HARTLEY** be issued a **reprimand** effective December 11, 2008.

PSC ACTION: Approved

- | | |
|------------------|------------------------------|
| 2. Bernice Terry | - Educator (Case # 05-8-202) |
| Joan Roach | - Hearing Officer |
| Calandra Almond | - PSC Attorney |
| John Anderson | - Attorney |

MOTION: (Benton / Miller) To go into Executive Session and allow PSC staff (Gary Walker, Tanis Miller, Penny Hannah and Lisa Hartzler) to remain.

ACTION: Approved

MOTION: (West / Jennette) To come out of Executive Session and reconvene the Regular Session.

ACTION: Approved

MOTION: (West / Buloch) To adopt the Findings of Fact and Conclusions of Law reached by the Administrative Law Judge. The Decision of the Administrative Law Judge as indicated in the Initial Decision was hereby adopted and incorporated by reference herein and made the Final Decision of the Commission with the following specification. The Commission hereby **ORDERS** that the Georgia educator certificate held by **BERNICE TERRY** be issued a **warning** effective December 11, 2008.

PSC ACTION: Approved

- | | |
|------------------|-------------------------------|
| 3. Diane Freeman | - Educator (Case # 05-5-1619) |
| Joan Roach | - Hearing Officer |

1/9/2009

Page 11

Julie Anderson

- PSC Attorney

MOTION: (Dartt / Bradley) To go into Executive Session and allow PSC staff (Gary Walker, Tanis Miller, Penny Hannah and Lisa Hartzler) to remain.

ACTION: Approved

MOTION: (Miller / Bradley) To come out of Executive Session and reconvene the Regular Session.

ACTION: Approved

MOTION: (West / Miller) To adopt the Findings of Fact and Conclusions of Law reached by the Administrative Law Judge. The Decision of the Administrative Law Judge as indicated in the Initial Decision was hereby adopted and incorporated by reference herein and made the Final Decision of the Commission with the following specification. The Commission hereby ***ORDERS*** that the Georgia educator certificate held by ***DIANE FREEMAN*** be issued a Suspension for a period of 2 months. The suspension shall begin on January 5, 2009 and shall conclude on March 5, 2009.

PSC ACTION: Approved

IX. CHAIR'S REPORT

Chair Wilkes announced that our next meeting will be held at Two Peachtree Street, 9 a.m. on January 8, 2009.

X. ADJOURNMENT

Chair Wilkes called for the meeting to be adjourned at 12:15 pm.

PSC ACTION: Approved