

MINUTES

PROFESSIONAL STANDARDS COMMISSION

Two Peachtree Street

Atlanta, Georgia

December 9, 2010

The Georgia Professional Standards Commission (PSC) met on Thursday, December 9, 2010, at 12:35 p.m.

Members Present

Julia Bernath

Marci Cawthon

Alice Clements

Bill Haskin

Meredith Hodges

David Johnson

Stephanie Leggett

Andre Mountain

Rose Powell

Jeannie Tucker

Dr. Hester Vasconcelos

Pam Walker

Dr. Debbie Wilkes

Valerie Williams

Members Absent

Dan Weber

Dr. Ed Smith

Dr. Adrian Epps

Dr. Penny Elkins

I. CALL TO ORDER

Chair Wilkes called the meeting to order at 12:35 p.m. and led the Pledge of Allegiance to the U.S. flag and a moment of silence.

II. ADOPTION OF AGENDA

Chair Wilkes called for approval of the agenda.

MOTION: (Bernath / Williams) To approve the agenda.

PSC ACTION: Approved

III. APPROVAL OF MINUTES

Chair Wilkes called for approval of the minutes from the November 9, 2010, Commission meeting.

PSC ACTION: Approved

IV. VISITORS

Chair Wilkes welcomed the visitors.

- Margaret Elliott, Professional Association of Georgia Educators
- Gayle Wooten, Professional Association of Georgia Educators
- Cindi Chance, Georgia Association of Colleges for Teacher Education
- Linda Fortson, Warren Fortson Law Firm
- Tricia Audrain, Georgia Association of Educators (GAE)
- Bill Russell, Lincoln Memorial University

V. COMMITTEE REPORTS

A. Ethics and Professional Conduct --Recommendations and Actions on Cases

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

1. Ms. Powell reported that the Committee reviewed 28 *Probable Cause* cases during its December 9, 2010, meeting and brought the following recommendations on behalf of the Committee:

<u>Number</u>	<u>CASE</u>	<u>STANDARDS VIOLATED</u>	<u>RECOMMENDATION</u>
1	10-10-408	1, Action on Out of State Cert.	Discuss
2	10-10-415	1	NPC
3	10-5-1139	7, 11	Suspension 1 Year
4	10-5-1200	2, 10	Suspension 5 Days
5	10-6-1255	4, 10	Suspension 1 Year
6	10-6-1272	10, 11	Suspension 90 Days
7	10-6-1293	4, 10, 11	Suspension 90 Days
8	10-6-1305	7, 10, 11	Extend
9	10-6-1306	7, 10, 11	Extend
10	10-6-1307	7, 10, 11	Extend
11	10-6-1308	7, 10, 11	Extend
12	10-6-1309	7, 10, 11	Extend
13	10-6-1314	1, 3, 10	Suspension 2 Years
14	10-6-1383	10, 11	NPC
15	10-7-19	4, 10	Suspension 20 Days
16	10-7-54	7, 10	Suspension 10 Days
17	10-8-136	4, 10	Suspension 20 Days
18	10-8-141	4, 10	Revoke
19	10-8-188	4, 5, 10	Suspension 5 Days
20	10-9-288	10	NPC

<u>Number</u>	<u>CASE</u>	<u>STANDARDS VIOLATED</u>	<u>RECOMMENDATION</u>
22	10-9-314	3, 10, Unfit	Suspension 2 Years
23	10-10-348	2, 10	Revoke
24	10-10-413	1	Reprimand
25	10-10-420	1, 4	Reprimand
26	10-10-424	1, 9, 10	NPC
27	10-10-431	5, 10	Suspension 1 Year
28	10-10-448	9, 10, Other State	Suspension 20 Days

2. Ms. Powell reported that the Educator Ethics Review Committee reviewed 5 *Initial Decisions* and brought the following recommendations on behalf of the Committee:

<u>CASE</u>	<u>STANDARDS VIOLATED</u>	<u>ALJ SANCTION</u>	<u>EERC RECOMMEND</u>
07-8-108	4, 5, 10	Suspension 5 Days	Reject
08-6-1516	7, 10	Suspension 90 Days	Accept
08-8-189	4, 5, 9, 10	Suspension 20 Days	Accept
08-8-196	1, 10, Other	Denied	Accept
09-6-1395	4, 10	Suspension 5 Days	Accept

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

<u>CASE</u>	<u>PETITIONER</u>	<u>PREVIOUS SANCTION</u>	<u>MOTION / SECOND</u>	<u>EERC RECOMMEND</u>
10-8-181	Tasneem Jiwani	Denial	Vasconcelos / Tucker	Grant
10-9-296	Harold Culbreath	Revocation	Vasconcelos / Leggett	Deny
10-9-302	Steven Smith	Revocation	Vasconcelos / Walker	Deny

4. Ms. Powell reported that the Educator Ethics Review Committee reviewed 6 *Settlement Agreements* and brought the following recommendations on behalf of the Committee:

<u>CASE</u>	<u>SANCTION</u>	<u>EERC RECOMMEND</u>
10-5-1199	Revocation	Accept

<u>CASE</u>	<u>SANCTION</u>	<u>EERC RECOMMEND</u>
10-6-1281	Suspension – 10 Days	Accept
10-7-0050	Suspension – 5 Days	Accept
10-8-138	Suspension – 90 Days	Accept
10-9-278	Suspension - 1 Year	Accept
10-9-335	Reprimand	Accept

5. Ms. Powell reported that the Educator Ethics Review Committee reviewed 9 *Negotiated Settlement Agreements* and brought the following recommendations on behalf of the Committee:

<u>CASE</u>	<u>NEGOTIATED SANCTION</u>	<u>EERC RECOMMEND</u>
08-3-1019	Suspension – 90 Days	Accept
08-3-1048	Revocation	Accept
08-3-1055	Suspension – 2 Years	Accept
08-7-0029	Reprimand	Reject
09-4-1134	Suspension – 90 Days	Accept
09-11-528	Suspension – 1 Year	Accept
10-1-726	Suspension – 1 Year	Accept
10-5-1216	Suspension – 10 months	Accept
10-6-1287	Suspension – 5 Days	Accept

6. OTHER BUSINESS

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

<u>CASE</u>	<u>COMMENTS</u>	<u>RECOMMENDATION</u>
10-12-589	The educator admitted to texting a 16 year old student during class and asking her to meet him at a motel.	Investigate - Fast Track
10-8-148	The educator, a middle school lead math teacher, failed to follow testing procedures during the administration of the 2009 CRCT. The educator did not secure testing material and did not administer the test as instructed.	The system submitted findings of an extensive investigation by local and external personnel that found no violations of the Code of Ethics. PSC Board voted: NPC
10-8-149	The educator, a middle school assistant principal, failed to follow testing procedures during the administration of the 2009 CRCT. The educator did not secure testing material, did not follow special accommodations, and did not administer the test as instructed.	

CASE	COMMENTS	RECOMMENDATION
10-8-150	The educator, a middle school principal, failed to follow testing procedures during the administration of the 2009 CRCT. The educator did not secure testing material, did not follow special accommodations, and did not administer the test as instructed.	

7. The Educator Ethics Review Committee recommended approval of the *Preliminary Investigative Determination Report* consisting of 85 new complaints received during the months of November and December 2010.

Preliminary Investigation Determinations								
#	Case #	Rec.	#	Case #	Rec.	#	Case #	Rec.
1.	10-11-450	Inv	37.	10-11-490	Rem	73.	10-11-527	Inv
2.	10-11-452	Inv	38.	10-11-491	NPC	74.	10-11-528	Rem
3.	10-11-453	Inv	39.	10-11-492	NPC	75.	10-11-529	Inv
4.	10-11-454	NPC	40.	10-11-493	NPC	76.	10-11-530	Inv
5.	10-11-455	Inv	41.	10-11-494	NPC	77.	10-11-531	NPC
6.	10-11-456	Inv	42.	10-11-495	Inv	78.	10-11-532	NPC
7.	10-11-457	NPC	43.	10-11-497	Inv	79.	10-11-533	NPC
8.	10-11-458	NPC	44.	10-11-498	Inv	80.	10-11-534	NPC
9.	10-11-459	NPC	45.	10-11-499	Rem	81.	10-11-535	NPC
10.	10-11-460	NPC	46.	10-11-500	Rem	82.	10-11-536	NPC
11.	10-11-461	NPC	47.	10-11-501	Rem	83.	10-11-537	NPC
12.	10-11-462	NPC	48.	10-11-502	Inv	84.	10-11-538	Inv
13.	10-11-463	NPC	49.	10-11-503	Rem	85.	10-11-539	Rem
14.	10-11-464	Rem	50.	10-11-504	NPC			
15.	10-11-465	Inv	51.	10-11-505	NPC			
16.	10-11-466	Inv	52.	10-11-506	Inv			
17.	10-11-467	NPC	53.	10-11-507	Inv			
18.	10-11-468	NPC	54.	10-11-508	Inv			
19.	10-11-469	NPC	55.	10-11-509	Rem			
20.	10-11-470	Inv	56.	10-11-510	Inv			
21.	10-11-471	NPC	57.	10-11-511	Inv			
22.	10-11-472	Inv	58.	10-11-512	Inv			
23.	10-11-473	NPC	59.	10-11-513	Inv			
24.	10-11-474	NPC	60.	10-11-514	Inv			
25.	10-11-475	NPC	61.	10-11-515	Inv			
26.	10-11-476	NPC	62.	10-11-516	NPC			
27.	10-11-477	Inv	63.	10-11-517	Inv			
28.	10-11-478	Inv	64.	10-11-518	Inv			
29.	10-11-482	Rem	65.	10-11-519	Inv			
30.	10-11-483	N J	66.	10-11-520	Inv			

Preliminary Investigation Determinations								
#	Case #	Rec.	#	Case #	Rec.	#	Case #	Rec.
31.	10-11-484	Rem	67.	10-11-521	Inv			
32.	10-11-485	NPC	68.	10-11-522	Inv			
33.	10-11-486	Inv	69.	10-11-523	NPC			
34.	10-11-487	Inv	70.	10-11-524	Inv			
35.	10-11-488	Inv	71.	10-11-525	Inv			
36.	10-11-489	Rem	72.	10-11-526	Rem			

8. EXTENSIONS – PRELIMINARY INVESTIGATIVE DETERMINATIONS

The Educator Ethics Review Committee recommended approval of the following 32 Extensions - Preliminary Investigative Determinations:

10-11-540	10-12-551	10-12-562
10-11-541	10-12-552	10-12-563
10-11-542	10-12-553	10-12-564
10-11-543	10-12-554	10-12-565
10-11-544	10-12-555	10-12-566
10-11-545	10-12-556	10-12-567
10-11-546	10-12-557	10-12-568
10-11-547	10-12-558	10-12-569
10-11-548	10-12-559	10-12-570
10-11-549	10-12-560	10-12-588
10-11-550	10-12-561	

9. EXTENSIONS - INVESTIGATIONS

The Educator Ethics Review Committee recommended granting and *Investigative Extension* to the following 82 *Written Complain Cases* and 14 *Application Cases*:

Written Complaint Cases

10-2-846	10-7-20	10-8-116	10-8-151	10-8-174	10-8-193	10-9-280	10-9-310
10-4-1101	10-7-21	10-8-117	10-8-157	10-8-175	10-8-194	10-9-289	10-9-311
10-4-1105	10-7-23	10-8-122	10-8-158	10-8-176	10-8-195	10-9-290	10-9-313
10-5-1229	10-7-25	10-8-124	10-8-159	10-8-177	10-8-196	10-9-293	10-9-315
10-6-1277	10-7-32	10-8-132	10-8-160	10-8-178	10-8-197	10-9-298	10-9-320
10-6-1278	10-7-33	10-8-141	10-8-162	10-8-180	10-8-198	10-9-299	10-9-326
10-6-1299	10-7-34	10-8-147	10-8-168	10-8-184	10-8-199	10-9-300	10-9-332
10-6-1383	10-7-35	10-8-148	10-8-171	10-8-186	10-8-200	10-9-301	10-9-334
10-6-1388	10-7-38	10-8-149	10-8-172	10-8-187	09-8-200	10-9-304	10-9-340
10-6-1397	10-7-42	10-8-150	10-8-173	10-8-192	10-8-201	10-9-305	10-9-344
10-6-1403	10-7-57						

Application Cases

10-9-248	10-9-251	10-9-254	10-9-271	10-9-277	10-9-321	10-9-322	10-9-324
10-9-331	10-10-351	10-10-410	10-10-416	10-10-419	10-10-449		

10. VOLUNTARY SURRENDER/VOLUNTARY DENIAL

The Educator Ethics Review Committee recommended approval of 3 *Voluntary Surrender/Voluntary Denials* consisting of the following:

<u>CASE</u>	<u>STANDARDS VIOLATED</u>	<u>EERC RECOMMEND</u>
10-9-311	4, 10	Accept
10-9-320	4, 10	Accept
10-10-445	4, 10	Accept

11. APPLICATIONS FOR CERTIFICATION REPORT

The Educator Ethics Review Committee recommended to approve a no probable cause determination on 8 cases reflected on the *Applications for Certification Report*.

12. REVIEW HEARING EXTENSIONS

The Commission reviewed the *Review Hearing Extensions Report* concerning 4 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 was 1 certificate *suspended* from November 10, 2010 through December 9, 2010. There were 3 certificates that had been *reinstated* because restitution is now being made on those student loans.

14. FINAL DECISIONS BY OPERATION OF LAW

The Commission reviewed the report, which advised of 8 cases now closed without an appeal for a hearing before an Administrative Law Judge. The report also advised that there were 3 cases closed without an appeal for a review hearing before the Commission.

Chair Wilkes called for approval of the Educator Ethics Review Committee report as presented by Rose Powell Excluding the following cases: 10-8-148, 10-8-149, 10-8-150, 10-7-54, 08-7-29, 07-8-108, 10-8-188.

PSC ACTION: Approved

Probable Cause Case # 10-7-54

MOTION: (Leggett / Tucker) To accept the EERC recommendation for a 10 day Suspension.

PSC ACTION: Approved

Opposed: Bill Haskin, David Johnson, Rose Powell, Hester Vasconcelos, Julia Bernath

Probable Cause Case # 10-8-188

MOTION: (Vasconcelos / Johnson) To change the PSC staff recommendation from a 5 Day Suspension to a 45 Day Suspension.

PSC ACTION: Approved

Opposed: Andre Mountain, Stephanie Leggett

Initial Decision Case # 07-8-108

MOTION: (Vasconcelos / Powell) To Review the Initial Decision.

PSC ACTION: Approved

Negotiated Consent Order # 08-7-29

MOTION: (Johnson / Vasconcelos) To reject the Negotiated Consent Order.

PSC ACTION: Approved

Other Business Case #'s 10-8-148, 10-8-149, 10-8-150

MOTION: (Vasconcelos / Powell) To extend case #'s 10-8-148, 10-8-149, 10-8-150 to the January 13th meeting in order to obtain more information and the investigative summary.

PSC ACTION: Approved

B. Educator Preparation Standing Committee

Vice Chair, Julia Bernath, presented the report of the Educator Preparation Standing Committee.

Professional Education Unit	Approval Recommendations
<p align="center">Georgia College and State University</p>	<p>The Committee recommends Developmental Approval for the Health and Physical Education Program (P-12 Initial; M.A.T.). A notification that that the syllabi have been corrected is due February 1, 2011, addressing the Standard 7 area for improvement.</p>
<p align="center">Reinhardt University</p>	<p>The Committee recommends Continuing Approval for the professional education unit and the Early Childhood, Middle Grades, Biology, English and Music Education programs and the Reading Endorsement. A progress report is due June 1, 2011, addressing the Standard 1 area for improvement cited for the Middle Grades and English Education programs outlining the plan to address the declining GACE pass rates. Also, a progress report is requested by August 31, 2012 including pass rate trend data.</p>
<p align="center">Fulton County</p>	<p>Since the GaTAPP program has not been implemented and there are no data to report, the Committee recommends denying the Fulton County Schools request to postpone the submission of a GaTAPP Progress Report.</p> <p>In lieu of the previously requested Progress Report, the Committee requests a new Progress Report due February 1, 2011, describing the status of implementation of the GaTAPP Program and an implementation timeline for the</p>

Professional Education Unit	Approval Recommendations
	next two academic years.

Chair Wilkes called for approval of the Educator Preparation Committee report as presented by Julia Bernath.

ACTION: Approved

Abstention – Julia Bernath, Fulton County

VI. RULES

Mark Pevey presented the Certification and Educator Preparation rules for adoption.

MOTION: (Vasconcelos / Leggett) 1) To rescind the current rules in Chapter 505-2 Certification, effective January 15, 2011, as follows: 505-2-.351; 2) adopt the current rules in Chapter 505-2 Certification, effective January 15, 2011 as follows: 505-2-.159 and 505-2-.351; 3) amend the current rules in Chapter 505-2 Certification, effective January 15, 2011, as follows: 505-2-.02, 505-2-.11, 505-2-.150, 505-2-.250, 505-2-.350; 4) rescind the current rules in Chapter 505-3 Educator Preparation, effective January 15, 2011, as follows: 505-3-.73; 5) adopt the current rules in Chapter 505-3 Educator Preparation, effective January 15, 2011, as follows: 505-3-.73; and 6) amend the current rules in Chapter 505-3 Educator Preparation, effective January 15, 2011, as follows: 505-3-.86..

ACTION: Approved

VII. ADJOURNMENT

Chair Wilkes announced that the next meeting will be held on Thursday, January 13, 2011 at 12:30 p.m. The Educator Ethics Review Committee will meet on Thursday, January 13, 2011 at 8:30 a.m. and the Educator Preparation Committee will meet on Thursday, January 13, 2011 at 10:00 a.m. Chair Wilkes called for the meeting to be adjourned at 1:30 p.m.

PSC ACTION: Approved