

MINUTES

PROFESSIONAL STANDARDS COMMISSION

Two Peachtree Street

Atlanta, Georgia

July 14, 2011

The Georgia Professional Standards Commission (PSC) met on Thursday, July 14, 2011, at 12:30 p.m.

Members Present

Alice Clements
Penny Elkins
Dr. Adrian Epps
Bill Haskin

Meredith Hodges
Stephanie Leggett
Andre Mountain
Rose Powell

Jeannie Tucker
Dr. Lawrence Walters
Pam Walker
Dr. Debbie Wilkes
Valerie Williams

Members Absent

Marci Cawthon
Julia Bernath

Bettina Polite Tate
David Johnson

I. CALL TO ORDER

Chair Wilkes called the meeting to order at 12:30 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: (Elkins / Powell) To approve the agenda.

PSC ACTION: Approved

III. APPROVAL OF MINUTES

Chair Wilkes called for approval of the minutes from the June 9, 2011, 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
- Tayia Donald, Georgia Association of Educators (GAE)
- Jody Grogan,

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V. RECOGNITION OF ANDRE MOUNTAIN

Chair Wilkes and Kelly Henson thanked Andre Mountain for his service on the Commission and presented him with his picture.

VI. 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.

- Ms. Powell reported that the Committee reviewed 61 *Probable Cause* cases during its July 14, 2011, meeting and brought the following recommendations on behalf of the Committee:

<u>CASE</u>	<u>STANDARDS VIOLATED</u>	<u>RECOMMENDATION</u>
11-5-1167	1	Deny
11-5-1180	10	NPC
11-6-1264	None	NPC
11-6-1287	None	NPC
06-6-1484	None	NPC
10-8-148	None	NPC
10-8-149	TBD	NPC
10-8-150	TBD	NPC
10-11-506	4, 7	Suspension 10 days
10-11-507	4, 7	Suspension 10 days
10-12-564	TBD	NPC
10-12-591	4, 10	Suspension 20 days
10-12-593	2, 4, 10	Suspension 1 Yr
10-12-614	5, 10	Suspension 5 days
10-12-618	5, 10	Suspension 90 days
10-12-619	2, 4, 7, 10, 11	Suspension 90 days
11-1-642	5, 10	Suspension 5 days
11-1-643	2, 10	Suspension 90 days
11-1-648	4, 10	NPC
11-1-659	TBD	NPC
11-1-681	11	Suspension 20 days
11-1-690	10, 11	Suspension 20 days
11-1-694	4, 5, 7, 9, 10, DOE	Revoke
11-1-695	7, 10, DOE	Suspension 2 years
11-1-696	9, 10	Suspension 5 days
11-1-697	10, DOE	NPC
11-1-707	10, DOE	Suspension 1 year
11-1-708	7, 10, DOE	NPC
11-1-709	7, 10, DOE	NPC

<u>CASE</u>	<u>STANDARDS VIOLATED</u>	<u>RECOMMENDATION</u>
11-1-710	7, 10, DOE	NPC
11-1-711	7, 10, DOE	NPC
11-1-713	4, 7, 10, DOE	Extend
11-1-714	4, 7, 10, DOE	Extend
11-1-715	4, 7, 10, DOE	Extend
11-1-716	4, 7, 10, DOE	Extend
11-1-717	4, 7, 10, DOE	Extend
11-1-718	4, 7, 10, DOE	Extend
11-1-719	4, 7, 10, DOE	Extend
11-2-736	3, 10	Suspension 1 year
11-2-743	2, 10	Suspension 10 days
11-3-813	NA	Hold New Application
11-3-832	2, 10, Unfit	Revoke
11-3-842	2, 10	Suspension 5 days
11-4-972	10, 11	Suspension 1 year
11-4-977	1, 2, 4, 10, Unfit	Revoke
11-4-981	4, 5, 10	NPC
11-4-983	TBD (4, 10)	NPC
11-4-989	9, 10	Suspension 90 days
11-4-1042	TBD (9, 10)	NPC
11-4-1043	TBD (9, 10)	NPC
11-4-1059	4, 5, 10	Suspension 20 days
11-5-1101	3, 10	Suspension 1 year
11-5-1113	10	NPC
11-5-1114	10	NPC
11-5-1115	8, 10	Suspension 90 days
11-5-1120	1, 10	Reprimand
11-5-1146	1, 2, 10	Revoke
11-5-1147	1, 2, 10	Revoke
11-5-1185	1, 9, 10	Suspension 10 days
11-5-1186	None	NPC
11-6-1286	1, 9, 10	Suspension 1 year

2. Ms. Powell reported that the Educator Ethics Review Committee reviewed 1 **Initial Decision** and brought the following recommendation on behalf of the Committee:

<u>CASE</u>	<u>STANDARDS VIOLATED</u>	<u>ALJ SANCTION</u>
08-3-1009	1, 10	Revocation

3. Ms. Powell reported that the Educator Ethics Review Committee reviewed 1 **Petitions Issue** and brought the following recommendation on behalf of the Committee:

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<u>CASE</u>	<u>PREVIOUS SANCTION</u>	<u>EERC RECOMMEND</u>
11-1-650	Revocation March 2004	Deny

4. Ms. Powell reported that the Educator Ethics Review Committee reviewed 10 *Settlement Agreements* and brought the following recommendations on behalf of the Committee:

<u>CASE</u>	<u>SANCTION</u>	<u>EERC RECOMMEND</u>
10-11-510	Suspension - 10 days	Accept
10-12-560	Suspension - 1 year	Accept
11-2-729	Suspension - 10 days	Accept
11-3-821	Reprimand	Accept
11-3-825	Reprimand	Accept
11-3-835	Suspension - 90 days	Accept
11-3-844	Suspension - 1 year	Accept
11-8-888	Suspension - 10 days	Accept
11-4-1006	Suspension - 20 days	Accept
11-4-1011	Reprimand	Accept

5. Ms. Powell reported that the Educator Ethics Review Committee reviewed 20 *Negotiated Settlement Agreements* and brought the following recommendations on behalf of the Committee:

<u>CASE</u>	<u>NEGOTIATED SANCTION</u>	<u>EERC RECOMMEND</u>
08-10-456	Reprimand	Accept
08-10-460 09-5-1237	Suspension 20 days	Reject
	Suspension 20 days	
09-2-913	Voluntary Surrender	Accept
09-12-629	Suspension 5 days	Accept
09-12-673	Suspension 2 days	Accept
10-4-1030	Suspension 3 days	Accept
10-4-1072	Suspension 20 days	Accept
10-6-1436	Reprimand	Accept
10-9-280	Suspension 90 days	Accept
10-10-419	Suspension 5 days	Accept
11-1-682	Reprimand	Reject
10-6-1389	Reprimand	Reject
11-3-894	Suspension 6 months	Reject

6. OTHER BUSINESS

The Educator Ethics Review Committee recommended approval of 1 *Other Business Report* as follows:

<u>CASE</u>	<u>PREVIOUS SANCTION</u>	<u>EERC RECOMMEND</u>
09-6-1403	Suspension 10 days	Denial - Reopen Case

7. **VOLUNTARY SURRENDER/VOLUNTARY DENIAL**

The Commission reviewed 5 *Voluntary Surrenders* in which an Educator/Applicant voluntarily accepted a sanction of Revocation or Denial prior to the submission of an investigative case summary for a Probable Cause Determination.

<u>CASE</u>	<u>STANDARDS VIOLATED</u>	<u>SANCTION</u>	<u>EERC RECOMMEND</u>
09-8-228	1, 2, 3, 10	Voluntary Surrender	Accept
11-4-1024	1, 2	Voluntary Surrender	Accept
11-4-1028	1, 2, 4, 10	Voluntary Surrender	Accept
11-4-1047	2, 10	Voluntary Surrender	Accept
11-6-1213	2, 10	Voluntary Surrender	Accept

8. The Educator Ethics Review Committee recommended approval of the *Preliminary Investigative Determination Report* consisting of 81 new complaints received during the months of June and July 2011.

9. **EXTENSIONS – PRELIMINARY INVESTIGATIVE DETERMINATIONS**

The Educator Ethics Review Committee recommended approval of 66 Extensions - Preliminary Investigative Determinations consisting of the following:

11-5-1168	11-6-1211	11-6-1223	11-6-1234
11-5-1169	11-6-1212	11-6-1224	11-6-1235
11-5-1170	11-6-1214	11-6-1225	11-6-1236
11-5-1171	11-6-1215	11-6-1226	11-6-1237
11-5-1172	11-6-1216	11-6-1227	11-6-1238
11-5-1173	11-6-1217	11-6-1228	11-6-1239
11-5-1174	11-6-1218	11-6-1229	11-6-1240
11-5-1175	11-6-1219	11-6-1230	11-6-1241
11-5-1176	11-6-1220	11-6-1231	11-6-1242
11-5-1177	11-6-1221	11-6-1232	11-6-1243
11-5-1178	11-6-1222	11-6-1233	11-6-1244

10. **EXTENSIONS - INVESTIGATIONS**

The Educator Ethics Review Committee recommended granting and *Investigative Extension* to the following 97 Written Complaints and 7 Application Cases:

<u>WRITTEN COMPLAINT EXTENSIONS</u>					
10-7-34	11-4-915	11-4-1026	11-5-1071	11-5-1119	
10-8-117	11-4-917	11-4-1027	11-5-1075	11-5-1122	
10-9-331	11-4-959	11-4-1031	11-5-1076	11-5-1123	
10-11-478	11-4-963	11-4-1032	11-8-1080	11-5-1124	
10-11-502	11-4-964	11-4-1036	11-5-1085	11-5-1125	

WRITTEN COMPLAINT EXTENSIONS					
11-11-511	11-4-975	11-4-1037	11-5-1086	11-5-1131	
10-11-512	11-4-978	11-4-1041	11-5-1087	11-5-1132	
10-11-513	11-4-980	11-4-1046	11-5-1091	11-5-1135	
10-11-514	11-4-982	11-4-1060	11-5-1096	11-5-1136	
10-11-515	11-4-999	11-4-1061	11-5-1098	11-5-1137	
10-12-553	11-4-1000	11-4-1064	11-5-1103	11-5-1138	
10-12-562	11-4-1017	11-4-1066	11-5-1116	11-5-1148	
10-12-569	11-4-1021	11-4-1068	11-5-1117	11-5-1149	
10-12-606	11-4-1022	11-5-1070	11-5-1118		
APPLICATION CASE EXTENSIONS					
10-12-585	11-5-1153	11-5-1156	11-5-1158	11-5-1187	11-6-1249
11-6-1261					

11. **APPLICATIONS FOR CERTIFICATION REPORT**

The Educator Ethics Review Committee recommended to approve a no probable cause determination on 35 cases reflected on the *Applications for Certification Report*.

12. **REVIEW HEARING EXTENSIONS**

The Commission reviewed the *Review Hearing Extensions Report* concerning 1 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 5 certificates that had been reinstated because restitution is now being made on those students' 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 2 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 case #'s 10-8-148, 10-8-149, 10-8-150, 11-4-1059, 11-4-1042, 11-4-1043, 11-6-1286, 11-6-1287, 10-12-591 and 11-1-643.

PSC ACTION: Approved

Abstention: Stephanie Leggett – case # 11-4-977

Probable Cause Case # 10-8-148

MOTION: (Elkins / Powell) To accept a No Probable Cause.

PSC ACTION: Approved

Probable Cause Case # 10-8-149 and 10-8-150

MOTION: (Elkins / Powell) To extend case #'s 10-8-149 and 10-8-150.

PSC ACTION: Approved

Probable Cause Case # 11-4-1042 and 11-4-1043

MOTION: (Walker / Tucker) To accept a No Probable Cause.

PSC ACTION: Approved

Opposed: Dr. Penny Elkins

Probable Cause Case # 11-6-1286 and 11-6-1287

MOTION: (Mountain / Tucker) To accept a No Probable Cause.

PSC ACTION: Approved

Probable Cause Case # 11-6-1286

MOTION: (Tucker / Mountain) To accept a One Year Suspension.

PSC ACTION: Approved

Probable Cause Case # 11-6-1287

MOTION: (Tucker / Williams) To accept a No Probable Cause.

PSC ACTION: Approved

Probable Cause Case # 10-12-591

MOTION: (Leggett / Williams) To accept a 20 Day Suspension.

PSC ACTION: Approved

Probable Cause Case # 11-1-643

MOTION: (Tucker / Epps) To accept a 90 Day Suspension.

PSC ACTION: Approved

Probable Cause Case # 11-4-1059

MOTION: (Elkins / Leggett) To accept a 20 Day Suspension.

PSC ACTION: Approved

B. Educator Preparation Standing Committee

Committee Chair, Dr. Penny Elkins, presented the following report of the Educator Preparation Standing Committee.

SYNOPSIS				
	Case Number	Standard	Detailed Approval Recommendations	Additional Action Required
1.	10159 [0711]	1-8	The Committee recommends Developmental Approval for the unit and the GaTAPP program. All Standards Met with Areas for improvement cited for the professional	

			education unit and the GaTAPP Program for Standard 4.a and 4.b and Standard 5.c and 5.d	
2.	3150 [0711]		The Committee recommends that the Progress Report is Satisfactory in addressing preparations for the fall 2012 continuing approval review.	
3.	1351 [0711]	8	The Committee recommends that the Progress Report is Satisfactory in addressing the area for improvement in Standard 8 for the Science Education Program.	The Committee recommends that the area for improvement be removed, the Standard 8 finding of Not Met maybe changed to Met and that the approval status change from Continuing Approval with Conditions to Continuing Approval.
4.			Recommends the adoption of the newly developed Curriculum and Instruction Standards	

Chair Wilkes called for approval of the Educator Preparation Committee report as presented by Dr. Penny Elkins.

PSC ACTION: Approved

VII. RULES

Anne Marie Fenton presented the certification and educator preparation rules. She stated that the chair that led the work on the revisions to 505-3-.23 Health and Physical Education Program rule, which became effective December 10, 2010, had requested a change in numbering. Ms. Fenton provided the Commissioners at copy of the 505-3-.23 Health and Physical Education Program rule with the change in numbering highlighted, and stated that the Secretary of State’s (SOS) office advised and offered that the change in numbering be made by the SOS’s office. No action is needed on the part of the Commission for this change.

MOTION: (Elkins / Walker) To initiate rulemaking procedures in accordance with the Georgia Administrative Procedures Act so as to provide for (1) amending the current rules in Chapter 505-2 Certification, effective October 15, 2011, as follows: 505-2-.20, 505-2-.38, and 505-2-.252; (2) initiating the current rules in Chapter 505-2 Certification, effective October 15, 2011, as follows: 505-2-.208 and 505-2-.209; (3) amending the current rules in Chapter 505-3 Educator Preparation, effective October 15, 2011, as follows: 505-3-.83; and (4) initiating the current rules in Chapter 505-3 Educator Preparation, effective October 15, 2011, as follows: 505-3-.53, 505-3-.54, and 505-3-.59.

PSC ACTION: Approved

VIII. EXECUTIVE SECRETARY REPORT

Commissioner Meredith Hodges requested a discussion on the upcoming CRCT cases. She also suggested that the entire Commission discuss the framework of how the cases will be handled. Kelly Henson and Rebecca Mick, Counsel for the PSC, addressed the Commission.

Kelly Henson stated that we should have most cases to the Commission in September to determine if we should investigate. We anticipate receiving approximately 178 cases. Every case has its own set of facts, however, we can exercise grouping and look at precedent. The evidence should be attached to each individual case. We must prove if cheating occurred and if it did we must link the cheating to an educator. We must prove that it was more likely than not that it did occur in order to move the case forward. If a district investigated a case and did not find fault, we do not have to rely on this. We will schedule a meeting of the entire Commission in September to lay boundaries on how to move forward with the CRCT cases.

Rebecca Mick (PSC legal counsel) said that she is expecting the complaints in groups e.g. Superintendents, Principals, Vice Principals. She suggested that we might consider giving a lesser sanction to educators who confessed versus those that did not and educators who helped investigators implicate educators who held higher positions; and c) etc. Once we receive the complaints we can begin to set up parameters.

VIII. ADJOURNMENT

Chair Wilkes called for the meeting to be adjourned at 2:25 p.m.

PSC ACTION: Approved