

MINUTES

PROFESSIONAL STANDARDS COMMISSION

Two Peachtree Street

Atlanta, Georgia

June 11, 2009

The Georgia Professional Standards Commission (PSC) met on Thursday, June 11, 2009, at 9 a.m.

Members Present

Penny Benton

Sallie Bullock

Al George

Joy Hawkins

Stephanie Haynes

Emily Jennette

Rose Powell

Dr. Craig Smith

Jeannie Tucker

Dr. Debbie Wilkes

Members Absent

Dr. Ed Smith

Dr. Hester Vasconcelos

Julia Bernath

Stephen Dartt

Dr. Louisa Moffitt

Dr. Mary Outlaw

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 for approval of the agenda.

MOTION: (C. Smith / Powell) To approve the agenda.

PSC ACTION: Approved

III. APPROVAL OF MINUTES

Chair Wilkes called for approval of the minutes from the May 14, 2009, Commission meeting.

PSC ACTION:

IV. VISITORS

Chair Wilkes recognized the visitors who signed in before the meeting started.

- Margaret Elliott, Professional Association of Georgia Educators
- Kristina Orr Brown, Attorney
- Tina Davis, Educator
- Sid Camp, Gwinnett County Public Schools
- Mary Jessie, Georgia Association of School Personnel Administrators
- Bill Ware, Georgia Association of Colleges for Teacher Ed.
- John Hooper, Georgia School Superintendents Association

V. RECOGNITION OF PENNY HANNAH

Chair Wilkes announced that this would be Penny Hannah's (PSC Attorney) last commission meeting. Chair Wilkes and Kelly Henson both spoke briefly about her dedication to the PSC and all of her hard work and they presented her with a certificate of thanks.

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.

1. Ms. Powell reported that the Committee reviewed 48 *Probable Cause* cases during its June 10, 2009, meeting and brought the following recommendations on behalf of the Committee:

#	CASE #	Applicant	STANDARDS VIOLATED	RECOMMENDATION
1	08-11-540	Applicant	Criminal Acts	DENIAL
2	09-2-894	Property Rights	Criminal Acts Misrepresentation or Falsification	REPRIMAND
3	09-3-977	Property Rights	Criminal Acts Misrepresentation or Falsification	REPRIMAND
4	09-3-1007	Applicant	Criminal Acts Professional Conduct	REPRIMAND
5	09-3-1009	Property Rights	Criminal Acts Misrepresentation or Falsification Failure to Make a Required Report	REPRIMAND
6	09-4-1118	Applicant	Professional Conduct Action Taken In Another State O.C.G.A. §16-13-111	DENIAL
7	09-4-1125	Applicant	Criminal Acts Professional Conduct	REPRIMAND
8	09-5-1193	Property Rights	Abuse of Students Misrepresentation or Falsification Failure to Make a Required Report Professional Conduct Action Taken in Another State	REVOCATION
9	07-11-383	Property Rights	Abuse of Students Professional Conduct	Suspension – 20 Contract Days
10	08-6-1550	Property Rights	Abuse of Students Professional Conduct	Suspension – 20 Contract Days
11	08-8-217	Property Rights	Misrepresentation or Falsification PUBLIC FUNDS AND PROPERTY Professional Conduct	Suspension – 90 Contract Days
12	08-10-460	Property Rights	Criminal Acts Abuse of Students Failure to Make a Required Report Professional Conduct	Revocation

#	CASE #	Applicant	STANDARDS VIOLATED	RECOMMENDATION
13	08-10-463	Property Rights	Criminal Acts Professional Conduct	Suspension – 90 Contract Days
14	08-11-574	Property Rights	Misrepresentation or Falsification Confidential Information Failure to Make a Required Report Professional Conduct	Suspension – 1 Year
15	08-11-578	Property Rights	Abuse of Students Misrepresentation or Falsification Professional Conduct	Suspension – 20 Contract Days
16	08-11-600	Property Rights	Public Funds and Property Professional Conduct	Suspension – 90 Contract Days
17	09-1-735	Property Rights	Abuse of Students Alcohol or Drugs Professional Conduct	Revocation
18	09-1-754	Property Rights	Professional Conduct	Suspension – 90 Contract Days
19	09-1-757	Property Rights	Abuse of Students Professional Conduct	Suspension – 20 Contract Days
20	09-1-759	Property Rights	Abuse of Students Professional Conduct	Suspension – 5 Contract Days
21	09-1-762	Property Rights	Abuse of Students Professional Conduct	Suspension – 90 Contract Days
22	09-1-790	Property Rights	Misrepresentation or Falsification PUBLIC FUNDS AND PROPERTY Failure to Make a Required Report	Suspension – 10 Contract Days
23	09-2-861	Property Rights	Abuse of Students Alcohol or Drugs Professional Conduct Other Good and Sufficient Cause	Revocation
24	09-2-863	Property Rights	Abuse of Students Professional Conduct	Suspension – 3 Contract Days
25	09-2-864	Property Rights	Abuse of Students Professional Conduct	Suspension – 3 Contract Days
26	09-2-873	Property Rights	Abuse of Students Professional Conduct	Reprimand
27	09-2-874	Property Rights	Misrepresentation or Falsification Professional Conduct	Suspension – 1 Year
28	09-2-900	Property Rights	Abandonment of Contract	No Probable Cause
29	09-2-909	Property Rights	Abuse of Students Professional Conduct	Reprimand
30	09-2-911	Property Rights	Professional Conduct	Suspension – 3 Contract Days
31	09-2-915	Property Rights	Misrepresentation or Falsification Professional Conduct	Suspension – 3 Contract Days
32	09-3-943	Property Rights	Misrepresentation or Falsification Professional Conduct	Suspension – 1 Year
33	09-3-945	Property Rights	Misrepresentation or Falsification Professional Conduct Other Good and Sufficient Cause	Revocation
34	09-3-949	Property Rights	Abuse of Students Professional Conduct	Suspension – 3 Contract Days

#	CASE #	Applicant	STANDARDS VIOLATED	RECOMMENDATION
35	09-3-950	Property Rights	Abuse of Students Professional Conduct	No Probable Cause
36	09-3-951	Property Rights	Public Funds and Property Improper Remunerative Conduct Professional Conduct	No Probable Cause
37	09-3-961	Property Rights	Misrepresentation or Falsification	No Probable Cause
38	09-3-978	Property Rights	Misrepresentation or Falsification Professional Conduct	Revocation
39	09-3-980	Property Rights	Abuse of Students Misrepresentation or Falsification Professional Conduct	Suspension – 90 Contract Days
40	09-3-981	Property Rights	Criminal Acts Failure to Make a Required Report Professional Conduct	Suspension – 2 Years
41	09-3-991	Property Rights	Failure to Make a Required Report Professional Conduct	Extend Probable Cause Determination Until Sept. 10, 2009
42	09-3-993	Property Rights	Abuse of Students Professional Conduct	Reprimand
43	09-3-1018	Property Rights	Abuse of Students Professional Conduct	Suspension – 20 Contract Days
44	09-3-1024	Property Rights	Abuse of Students Professional Conduct	No Probable Cause
45	09-3-1026	Property Rights	Abandonment of Contract Professional Conduct	Suspension – 90 Contract Days
46	09-3-1028	Property Rights	Failure to Make a Required Report Professional Conduct	Reprimand
47	09-4-1094	Property Rights	Criminal Acts Misrepresentation or Falsification Failure to Make a Required Report Professional Conduct Action Taken In Another State	Reprimand
48	09-4-1095	Property Rights	Misrepresentation or Falsification Failure to Make a Required Report	Reprimand

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

CASE #	STANDARDS VIOLATED	PROBABLE CAUSE SANCTION	ADMINISTRATIVE LAW JUDGE SANCTION	RECOMMENDATION
08-7-116	Abuse of Students Professional Conduct	Revocation	No Probable Cause	Accept

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

#	CASE NUMBER	SANCTION	RECOMMENDATION
1.	08-12-634	Suspension - 1 Year June 29, 2009 - June 29, 2010	Accept

2.	09-1-765	Suspension - 90 Contract Days Aug. 3, 2009 - Dec. 11, 2009	Accept
3.	09-1-799	Suspension - 5 Contract Days (Retroactive - System Suspension) Jan. 5, 2009 - Jan. 9, 2009	Accept
4.	09-1-814	Revocation	Accept
5.	09-1-831	Suspension - 5 Contract Days Aug. 3, 2009 - Aug. 7, 2009	Accept
6.	09-2-884	Suspension - 20 Contract Days July 27, 2009 - Aug. 21, 2009	Accept
7.	09-2-892	Reprimand	Accept
8.	09-2-896	Reprimand	Accept
9.	09-3-973	Reprimand	Accept
10.	09-4-1109	Reprimand	Accept

4. Ms. Powell reported that the Educator Ethics Review Committee reviewed 13 *Negotiated Settlement Agreements* and brought the following recommendations on behalf of the Committee:

CASE #	STANDARDS VIOLATED	PROBABLE CAUSE SANCTION	NEGOTIATED SANCTION	RECOMMENDATION
04-8-183	Public Funds and Property Failure to Make a Required Report Professional Conduct	Suspension - 1 Year	Suspension - 30 Contract Days (Retroactive) April 13, 2009 - May 22, 2009	Accept
07-6-1504	Criminal Acts Misrepresentation or Falsification Failure to Make a Required Report	Reprimand	Warning	Accept
07-8-124	Abuse of Students Professional Conduct	Suspension - 1 Year	Suspension - 90 Contract Days August 3, 2009 - Dec. 16, 2009	Accept
08-5-1312	Misrepresentation or Falsification Professional Conduct	Suspension - 90 Contract Days	Reprimand	Reject
08-6-1400	Professional Conduct	Suspension - 5 Contract Days	Warning	Accept

CASE #	STANDARDS VIOLATED	PROBABLE CAUSE SANCTION	NEGOTIATED SANCTION	RECOMMENDATION
08-6-1524	Misrepresentation or Falsification Professional Conduct	Suspension - 1 Year	Suspension - 60 Contract Days (Retroactive) October 1, 2008 - Jan. 12, 2009	Accept
08-7-64	Abuse of Students Professional Conduct	Suspension - 20 Contract Days	Suspension - 5 Contract Days (Retroactive - System Suspension) May 19, 2008 - May 23, 2008	Accept
08-7-97	Confidential Information Professional Conduct	Reprimand	No Probable Cause	Accept
08-8-189	Misrepresentation or Falsification Public Funds and Property Failure to Make a Required Report Professional Conduct	Suspension - 20 Contract Days	No Probable Cause	Reject
08-10-411	Criminal Acts Professional Conduct	Suspension - 1 Year	Suspension - 10 Months (Retroactive) Sept. 12, 2008 - July 12, 2009	No Recommendation
08-11-603	Abuse of Students Misrepresentation or Falsification Failure to Make a Required Report Professional Conduct	Suspension - 20 Contract Days	Suspension - 90 Contract Days (Retroactive) Nov. 14, 2008 - April 3, 2009	Accept
08-11-609	Professional Conduct	Suspension - 3 Contract Days	No Probable Cause	Reject
09-2-934	Public Funds and Property Professional Conduct	Suspension - 1 Year	Suspension - 90 Contract Days (Retroactive) Feb. 20, 2009 - July 7, 2009	Accept

5. The Educator Ethics Review Committee recommended approval of the ***Preliminary Investigative Determination Report*** consisting of 71 new complaints received during the months of May and June 2009.

6. **EXTENSIONS – PRELIMINARY INVESTIGATIVE DETERMINATIONS**

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

#	CASE #	Complaint Received	#	CASE #	Complaint Received	#	CASE #	Complaint Received
1	09-5-1194	5/1/2009	12	09-5-1205	5/5/2009	23	09-5-1216	5/7/2009
2	09-5-1195	5/1/2009	13	09-5-1206	5/6/2009	24	09-5-1217	5/7/2009
3	09-5-1196	5/1/2009	14	09-5-1207	5/7/2009	25	09-5-1218	5/7/2009
4	09-5-1197	5/1/2009	15	09-5-1208	5/7/2009	26	09-5-1219	5/7/2009
5	09-5-1198	5/4/2009	16	09-5-1209	5/7/2009	27	09-5-1220	5/7/2009
6	09-5-1199	5/4/2009	17	09-5-1210	5/7/2009	28	09-5-1221	5/7/2009
7	09-5-1200	5/4/2009	18	09-5-1211	5/7/2009	29	09-5-1222	5/7/2009
8	09-5-1201	5/4/2009	19	09-5-1212	5/7/2009	30	09-5-1223	5/8/2009
9	09-5-1202	5/4/2009	20	09-5-1213	5/7/2009	31	09-5-1224	5/8/2009
10	09-5-1203	5/5/2009	21	09-5-1214	5/7/2009	32	09-5-1235	5/11/2009
11	09-5-1204	5/5/2009	22	09-2-1215	5/7/2009			

7. EXTENSIONS - INVESTIGATIONS

The Educator Ethics Review Committee recommended granting and *Investigative Extension* to the following 31 Written Complaints and 8 Application cases 34 cases:

WRITTEN COMPLAINT EXTENSIONS:

08-12-664	09-2-923	09-3-1029	08-12-670	09-2-869	09-3-963	09-1-808
08-12-693	09-2-924	09-3-1014	08-12-671	09-3-946	09-3-983	
09-2-857	09-3-941	09-3-1015	09-1-733	09-3-955	09-3-992	
09-2-899	09-3-979	08-12-628	09-1-794	09-3-958	09-3-995	
09-2-903	09-3-1013	08-12-629	09-1-807	09-3-962	09-3-1022	

APPLICATION CASE EXTENSIONS:

08-11-555	09-1-818	09-3-968	09-4-1103
09-1-809	09-1-822	09-3-1004	09-4-1108

8. APPLICATIONS FOR CERTIFICATION REPORT

The Educator Ethics Review Committee recommended to approve a no probable cause determination on 10 cases reflected on the *Applications for Certification Report*.

9. REVIEW HEARING EXTENSIONS

The Commission reviewed the *Review Hearing Extensions Report* concerning 1 hearing case. An Administrative Law Judge rendered an Initial Decision on the case referenced in the report. The report indicates Orders were issued.

10. STUDENT LOAN SUSPENSION / REINSTATEMENTS

The Commission reviewed the report, which indicated that there were 6 certificates *suspended* from May 14, 2009 through June 11, 2009. There were 4 certificates that had been *reinstated* because restitution is now being made on those student loans. The Committee was also advised that there were 2 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.

11. FINAL DECISIONS BY OPERATION OF LAW

The Commission reviewed the report, which advised of 11 cases now closed without an appeal for a hearing before an Administrative Law Judge. The report also advised that there were 4 cases closed without an appeal for a review hearing before the Commission.

12. VOLUNTARY SURRENDERS / VOLUNTARY DENIALS

The Educator Ethics Review Committee recommended approval of 3 Voluntary Surrender / Voluntary Denial Report as follows:

#	Case Number	STANDARDS VIOLATED	SANCTION	EERC Recomm.
1	09-3-1023	Abuse of Students Professional Conduct	Revocation	Accept

Chair Wilkes called for approval of the Educator Ethics report as presented by Stephen Dartt.

PSC ACTION: Approved

VII. EXECUTIVE SECRETARY REPORT

A. Phil Blackwell introduced the Certification rules for adoption.

MOTION: (Tucker / Powell) To a) repeal the current rules in Chapter 505-2 Certification, effective July 15, 2009, as follows: 505-2-.70; b) amend the current rules in Chapter 505-2 Certification, effective July 15, 2009, as follows: 505-2-.08 and 505-2-.203; and c) adopt new rules for Chapter 505-2 Certification, effective July 15, 2009, as follows: 505020.70.

PSC ACTION: Approved

Dr. David Hill and Penney McRoy introduced the Educator Preparation rules

MOTION: (Benton / Jennette) To a) amend the current rules in Chapter 505-3 Educator Preparation, effective July 15, 2009, as follows: 505-3-.22 and 505-3-.49.

PSC ACTION: Approved

Phil Blackwell introduced the Certification rules for initiation.

MOTION: (C. Smith / Powell) To amend the current rules in Chapter 505-2 Certification, effective October 15, 2009, as follows: 505-2-.15.

PSC ACTION: Approved

Dr. Gary Walker introduced the Educator Ethics rules for initiation.

MOTION: (Haynes / Powell) To amend the new rules for Chapter 505-2 Educator Ethics, effective October 15, 2009, as follows: 505-6-.01.

PSC ACTION: Approved

B. Ginny Elliott, Program Director for Master Teacher, briefly spoke about the Master Teacher conference. She recognized Stephanie Haynes and Rose Powell as Master Teachers. She also gave the commissioners a map of Georgia showing the number of Master Teachers by school systems.

C. Kelly Henson announced that Phil Blackwell, Director of Certification, would be retiring on June 30th, 2009. Both Kelly and Chair Wilkes spoke about Phil and his dedicated service to the PSC. Kelly introduced Mary Jessie, Georgia School Personnel Administrators, to the commission and invited her to speak to the commission. Mary Jessie spoke about Phil and his service and presented him with a plaque as a small token of their appreciation.

D. Kelly announced that there will be no August Commission meeting.

E. Kelly announced that he would be meeting with Lynn Weisenbach, Vice Chancellor for P-16 Initiatives,

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Board of Regents of the University System of Georgia to discuss moving forward with Economic Stimulus funding and the Teacher Quality Partnership grant opportunities.

F. PSC Budget – In the month of June 2009, 25% of our allotment was withheld due to declines in state revenue. PSC has been very fortunate in our budget reductions and we have been treated very fairly compared to other state agencies. We anticipate receiving a 13.8* budget reduction in FY '10 and there is a strong possibility of further reductions. We will continue to move forward with these reductions and try to find ways to maintain services with a reduced budget.

*Our FY '09 budget was cut a total of 13.41% from our FY '08 budget. If we include the \$119,505 that was withheld in June, the reduction comes to just over 15%. Our FY '10 state fund budget is \$6,573,732 but we can anticipate additional withholdings and/or cuts.

VIII. REVIEW HEARINGS

- | | |
|----------------------|-----------------------------|
| 1. Tina Sutton Davis | - Educator (Case # 07-7-70) |
| Joan Roach | - Hearing Officer |
| Debrae Kennedy | - PSC Attorney |
| Kristina Orr Brown | - Attorney |

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

ACTION: Approved

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

ACTION: Approved

MOTION: (Powell / Tucker) To adopt the Findings of Fact and Conclusions of Law reached by the Administrative Law Judge as indicated in the Initial Decision except the Commission disagrees with the Administrative Law Judge's conclusion that the behavior exhibited by the Educator in this instance did not drop below acceptable professional standards. The Educator admitted that she did not follow state and local directives for administration of the test and that she deviated from the test script in violation of those directives. As the name "standardized test" implies, the administration of such a test is to be standard as to all examinees. Further, the record shows, and the Educator admitted, that the results of the math portion of the CRCT administered by her were invalidated by the Georgia Department of Education. This indicates that body felt the administration of the test was not standard. It also means that the Educator's students either were without math scores for or had to re-take this portion of the CRCT. There was testimony that these scores are important in a student's career, beyond whether or not it is a "benchmark" year, so being without these scores was an impediment to them. The Educator had a letter placed in her personnel file regarding her actions. Given all of this, it is the opinion of the Commission that the Educator's actions in this instance fell below generally recognized professional standards and impaired her ability to function professionally, in violation of Standard 10. The Commission ordered that the Georgia educator certificate held by Tina Davis be issued a Reprimand effective June 11, 2009.

PSC ACTION: Approved

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IX. CHAIR'S REPORT

Chair Wilkes presented the following:

A. Chair Wilkes asked Rose Powell to speak about the Joint Education Boards Liaison meeting. Rose said that she was honored to attend the meeting and was impressed with discussions. She also commended Chair Wilkes on her speech about Teacher Quality.

B. Our next Commission meeting will be held on Thursday, July 9, 2009 at 9 a.m. in our 5th floor conference room.

X. ADJOURNMENT

Chair Wilkes called for the meeting to be adjourned at 11:36 am.

PSC ACTION: Approved