

MINUTES

PROFESSIONAL STANDARDS COMMISSION

Two Peachtree Street

Atlanta, Georgia

May 13, 2010

The Georgia Professional Standards Commission (PSC) met on Thursday, May 13, 2010, at 9 a.m.

Members Present

Julia Bernath

Penny Elkins

Dr. Adrian Epps

Stephanie Haynes

Meredith Hodges

David Johnson

Dr. Louisa Moffitt

Andre Mountain

Rose Powell

Jeannie Tucker

Dr. Hester Vasconcelos

Pam Walker

Dr. Debbie Wilkes

Members Absent

Marci Cawthon

Emily Jennette

Bill Haskin

Dr. Ed Smith

Joy Hawkins

I. CALL TO ORDER

Chair Wilkes called the meeting to order at 9:05 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: (Powell / Haynes) To approve the agenda.

PSC ACTION: Approved

III. APPROVAL OF MINUTES

Chair Wilkes called for approval of the minutes from the April 8, 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
- Linda Fortson, Warren Fortson Law Office
- Savannah Fortson, Warren Fortson Law Office
- Lauren DiSpirito
- John Hooper, Georgia School Superintendents Association (GSSA)
- John Jackson
- Hays McQueen

V. EMPLOYEE SERVICE AWARD

Chair Wilkes presented Charles Guillory with a 5 Year Employee Service Award. Chair Wilkes thanked him for his service. Kelly Henson thanked Charles for his service and read the following:

Charles joined the PSC staff in spring 2005, when he was named to a Scanner position in the Certification Division. Within his first year there he was promoted to Certification Specialist and within a short time received another promotion to Evaluator Trainee. To increase his professional knowledge and expand his skills in working with potential and current Georgia educators, Charles applied for and was appointed to the TeachGeorgia.org Program Specialist position in Recruitment Unit of the Educator Preparation Division. TeachGeorgia.org is the state's "official" electronic educator recruitment site. Charles' TeachGeorgia.org responsibilities are focused on exemplary customer service and information to educator prospects that inquire from within the state, nationally and internationally to seek educator opportunities and answers about becoming Georgia teachers, student support services specialists and school or system leaders. He conducts a variety of activities to communicate with candidates, superintendents, system-level human resources officers and building principals using the TeachGeorgia site and is a master of exemplary electronic, phone, and on e-mail. Charles has a seven year old daughter named Amel and a four month old son whose name is Andrew Gabriel.

VI. COMMITTEE REPORTS

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

Committee Chair, Rose Powell, gave a preliminary review of the Cases for the Educator Ethics Review Committee.

- Ms. Powell reported that the Committee reviewed 37 **Probable Cause** cases during its May 12, 2010, meeting and brought the following recommendations on behalf of the Committee:

#	CASE #	Applicant	STANDARDS VIOLATED	RECOMMENDATION
1	10-1-699	Initial Applicant	OCGA 20-3-294.3.a.1 Criminal Acts Other Good and Sufficient Cause	Denial
2	10-1-756	Initial Applicant	Criminal Acts	Reprimand
3	09-7-11	Property Rights	Professional Conduct	Suspension – 5 Contract Days
4	09-10-385	Property Rights	Failure to Make a Required Report Professional Conduct	Suspension – 1 Year
5	09-10-386	Property Rights	Failure to Make a Required Report Professional Conduct	Suspension – 90 Contract Days
6	09-10-387	Property Rights	Failure to Make a Required Report Professional Conduct	Suspension – 2 Years

#	CASE #	Applicant	STANDARDS VIOLATED	RECOMMENDATION
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#	CASE #	Applicant	STANDARDS VIOLATED	RECOMMENDATION
7	09-12-629	Property Rights	Misrepresentation or Falsification Public Funds and Property Professional Conduct	Suspension – 10 Contract Days
8	09-12-644	Property Rights	Abuse of Students Professional Conduct	Suspension – 5 Contract Days
9	09-12-655	Property Rights	Professional Conduct	Suspension – 90 Contract Days
10	09-12-675	Property Rights	Professional Conduct	Suspend – 1 Year
11	10-1-692	Property Rights	Abuse of Students Professional Conduct	Suspend – 20 Contract Days
12	10-1-731	Property Rights	Criminal Acts Abuse of Students Misrepresentation or Falsification Professional Conduct Other Good and Sufficient Cause	Revocation
13	10-1-734	Property Rights	Misrepresentation or Falsification Professional Conduct	Suspend – 1 Year
14	10-1-735	Property Rights	Professional Conduct	No Probable Cause
15	10-1-738	Property Rights	Misrepresentation or Falsification Public Funds and Property Professional Conduct	Suspend – 5 Contract Days
16	10-1-740	Property Rights	Abuse of Students Professional Conduct	Revocation
17	10-1-749	Property Rights	Abuse of Students Misrepresentation or Falsification Professional Conduct	Suspend – 5 Contract Days
18	10-1-752	Property Rights	Criminal Acts Alcohol or Drugs Professional Conduct	Suspend – 90 Contract Days
19	10-1-753	Property Rights	Misrepresentation or Falsification Professional Conduct	Suspend – 5 Contract Days
20	10-2-820	Property Rights	Criminal Acts Abuse of Students Professional Conduct Other Good and Sufficient Cause	Revocation
21	10-2-827	Property Rights	Misrepresentation or Falsification Public Funds and Property Professional Conduct	Suspend – 1 Year
22	10-2-834	Property Rights	Misrepresentation or Falsification Professional Conduct	Suspend – 5 Contract Days
23	10-2-837	Property Rights	Abuse of Students Professional Conduct Other Good and Sufficient Cause	Revocation
24	10-2-838	Property Rights	Misrepresentation or Falsification Public Funds and Property Professional Conduct	Reprimand
25	10-2-839	Property Rights	Misrepresentation or Falsification Confidential Information	Suspend – 45 Contract Days

#	CASE #	Applicant	STANDARDS VIOLATED	RECOMMENDATION
26	10-2-842	Property Rights	Misrepresentation or Falsification Professional Conduct Testing	Suspend – 10 Contract Days
27	10-2-843	Property Rights	Misrepresentation or Falsification Public Funds and Property Professional Conduct	Suspend – 20 Contract Days
28	10-2-844	Property Rights	Misrepresentation or Falsification Public Funds and Property Professional Conduct	No Probable Cause
29	10-2-845	Property Rights	Misrepresentation or Falsification Public Funds and Property Professional Conduct	Suspend – 90 Contract Days
30	10-2-851	Property Rights	Misrepresentation or Falsification Professional Conduct	No Probable Cause
31	10-2-852	Property Rights	Misrepresentation or Falsification Professional Conduct	No Probable Cause
32	10-2-853	Property Rights	Professional Conduct	No Probable Cause
33	10-2-854	Property Rights	Misrepresentation or Falsification Failure to Make a Required Report	No Probable Cause
34	10-2-855	Property Rights	Public Funds and Property Professional Conduct	Suspend – 45 Contract Days
35	10-2-858	Property Rights	Abuse of Students Professional Conduct	Suspend – 10 Contract Days
36	10-2-859	Property Rights	Misrepresentation or Falsification Professional Conduct	No Probable Cause
37	10-2-880	Property Rights	Failure to Make a Required Report Professional Conduct	Suspend – 20 Contract Days

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

CASE #	STANDARDS VIOLATED	PROBABLE CAUSE SANCTION	ADMINISTRATIVE LAW JUDGE SANCTION	RECOMMENDATION
09-6-1347	Misrepresentation or Falsification Failure to Make a Required Report Professional Conduct Action Taken in Another State	Suspension – 3 Years	Suspension – 3 Years	Accept
07-4-1122	Misrepresentation or Falsification Failure to Make a Required Report Professional Conduct	Revocation	Revocation	Accept

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

CASE NUMBER	REQUEST	PREVIOUS SANCTION	PREVIOUS VIOLATION	RECOMMENDATION
10-2-884	Right to Reapply	Denial – 2004	Misrepresentation or Falsification Professional Conduct	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:

#	CASE NUMBER	SANCTION	RECOMMENDATION
1	09-3-968	Reprimand	Accept
2	09-12-609	Suspension – 10 Contract Days (3 Day System Credit) July 28, 2010 – Aug. 5, 2010	Accept
3	09-12-630	Reprimand	Accept
4	09-12-649	Suspension – 5 Contract Days (Retro - 5 Day Suspension Credit) Dec. 7, 2009 – Dec. 11, 2009	Accept
5	09-12-662	Suspension – 20 Contract Days Aug. 2, 2010 – Aug. 27, 2010	Accept
6	09-12-670	Reprimand	Accept
7	10-1-714	Denial	Accept
8	10-1-748	Reprimand	Accept
9	10-2-870	Reprimand	Accept
10	10-3-969	Reprimand	Accept

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

CASE #	STANDARDS VIOLATED	PROBABLE CAUSE SANCTION	NEGOTIATED SANCTION	RECOMMENDATION
08-5-1293	Professional Conduct	Suspension - 20 Contract Days	Suspension - 10 Contract Days (May 17, 2010 - May 28, 2010)	Accept
08-6-1391	Alcohol or Drugs Professional Conduct	Suspension - 2 Years	Suspension - 2 Years (Retroactive) (April 15, 2008 - April 14, 2010)	Accept
09-2-865	Abuse of Students Professional Conduct	Suspension - 2 Years	Suspension - 1 Year (Retroactive) (Jan. 26, 2009 - Jan. 26, 2010)	Accept
09-2-894	Criminal Acts Misrepresentation or Falsification	Reprimand	Warning	Accept
09-4-1102	Misrepresentation or Falsification Confidential Information Professional Conduct	Suspension - 20 Contract Days	Suspension - 20 Contract Days (Aug. 2, 2010 - Aug. 27, 2010)	Accept
09-6-1325	Abuse of Students Professional Conduct	Suspension - 5 Contract Days	Suspension - 5 Contract Days (Retroactive) (March 17, 2009 - March 23, 2009)	Accept
09-7-1	Abuse of Students Professional Conduct	Revocation	Suspension - 2 Years (Part Retroactive)	Accept

CASE #	STANDARDS VIOLATED	PROBABLE CAUSE SANCTION	NEGOTIATED SANCTION	RECOMMENDATION
			(Nov. 12, 2009 - Nov. 12, 2011)	
09-7-24	Abuse of Students Professional Conduct	Suspension - 90 Contract Days	Suspension - 45 Contract Days (Retroactive) (Aug. 3, 2009 - Oct. 5, 2009)	Accept
09-9-329	Abuse of Students Professional Conduct	Suspension - 90 Contract Days	Reprimand	Accept
09-11-565	Criminal Acts	Suspension - 90 Contract Days	Reprimand	Accept

6. The Educator Ethics Review Committee recommended approval of the *Preliminary Investigative Determination Report* consisting of 88 new complaints received during the months of March and April 2010.

7. EXTENSIONS – PRELIMINARY INVESTIGATIVE DETERMINATIONS

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

#	CASE #	Complaint Received	#	CASE #	Complaint Received	#	CASE #	Complaint Received
1	10-4-1006	03-25-10	20	10-4-1025	03-30-10	39	04-05-10	04-23-10
2	10-4-1007	03-25-10	21	10-4-1026	03-31-10	40	04-05-10	04-23-10
3	10-4-1008	03-25-10	22	10-4-1027	03-31-10	41	04-05-10	04-23-10
4	10-4-1009	03-26-10	23	10-4-1028	03-31-10	42	04-05-10	04-23-10
5	10-4-1010	03-26-10	24	10-4-1029	03-31-10	43	04-05-10	04-23-10
6	10-4-1011	03-26-10	25	10-4-1030	03-31-10	44	04-05-10	04-23-10
7	10-4-1012	03-26-10	26	10-4-1031	03-31-10	45	04-05-10	04-23-10
8	10-4-1013	03-26-10	27	10-4-1032	03-31-10	46	04-05-10	04-23-10
9	10-4-1014	03-26-10	28	10-4-1033	03-31-10	47	04-05-10	04-23-10
10	10-4-1015	03-26-10	29	10-4-1034	04-01-10	48	04-06-10	04-23-10
11	10-4-1016	03-26-10	30	10-4-1035	04-01-10	49	04-06-10	04-23-10
12	10-4-1017	03-26-10	31	10-4-1036	04-01-10	50	04-07-10	04-23-10
13	10-4-1018	03-29-10	32	10-4-1037	04-01-10	51	04-07-10	04-23-10
14	10-4-1019	03-29-10	33	10-4-1038	04-01-10	52	04-07-10	04-23-10
15	10-4-1020	03-29-10	34	10-4-1039	04-01-10	53	04-08-10	04-23-10

#	CASE #	Complaint Received	#	CASE #	Complaint Received	#	CASE #	Complaint Received
16	10-4-1021	03-29-10	35	10-4-1040	04-02-10	54	04-08-10	04-23-10
17	10-4-1022	03-29-10	36	10-4-1041	04-02-10	55	04-08-10	04-23-10
18	10-4-1023	03-30-10	37	10-4-1042	04-02-10	56	04-08-10	04-23-10
19	10-4-1024	03-30-10	38	10-4-1044	04-01-10	57	04-12-10	04-23-10

8. EXTENSIONS - INVESTIGATIONS

The Educator Ethics Review Committee recommended granting and *Investigative Extension* to the following 18 Written Complaints and 19 Application cases:

WRITTEN COMPLAINT EXTENSIONS:

09-8-200	10-1-774	10-1-777	10-2-882	10-2-836	10-2-885
09-11-537	10-2-894	10-2-846	10-1-742	10-1-732	10-2-890
10-1-746	10-1-743	10-2-881	10-2-822	10-2-841	10-2-891

APPLICATION CASE EXTENSIONS:

09-11-566	10-2-826	10-2-861	10-2-893	10-3-960	10-3-971	10-3-979
09-11-575	10-2-857	10-2-876	10-3-956	10-3-962	10-3-973	
10-1-766	10-2-860	10-2-879	10-3-958	10-3-965	10-3-978	

9. APPLICATIONS FOR CERTIFICATION REPORT

The Educator Ethics Review Committee recommended to approve a no probable cause determination on 23 cases reflected on the *Applications for Certification Report*.

10. REVIEW HEARING EXTENSIONS

The Commission reviewed the *Review Hearing Extensions Report* concerning 2 hearing cases. An Administrative Law Judge rendered Initial Decisions on each case referenced in the report. The report indicates Orders were issued.

11. STUDENT LOAN SUSPENSION / REINSTATEMENTS

The Commission reviewed the report, which indicated that there were 0 certificates suspended from April 8, 2010 through May 13, 2010. There were 7 certificates that had been *reinstated* because restitution is now being made on those student loans. There were 0 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.

12. 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 0 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 cases 09-07-011, 09-10-385, 09-10-386 and 10-2-842.

PSC ACTION: Approved

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Abstention: Dr. Adrian Epps – Case # 10-2-884, Stephanie Haynes – Case #'s 09-10-385, 09-10-386, 09-10-387, 10-2-880, Julia Bernath – Case # 09-10-387, Dr. Penny Elkins – Case #'s 10-2-880, 09-10-385, 09-10-386, 09-10-387

Case # 09-07-011

MOTION: (Vasconcelos / Haynes) To accept the EERC's Committee's recommendation of a 5 Contract Days Suspension.

PSC ACTION: Approved

Case # 09-10-385

MOTION: (Vasconcelos / Powell) To accept the EERC's Committee's recommendation of a 1 Year Suspension.

PSC ACTION: Approved

Case # 09-10-386

MOTION: (Powell / Tucker) To accept the EERC's Committee's recommendation of a 90 Day Suspension.

PSC ACTION: Approved

Case # 10-2-842

MOTION: (Elkins / Haynes) To accept the EERC's Committee's recommendation of a 10 Day Suspension.

PSC ACTION: Approved

B. Educator Preparation Standing Committee

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

Agency/Institution	Approval Recommendation
Columbus State University	The Committee recommends Developmental Approval for the Computer Science Endorsement Program and Approval for the Educational Leadership (PL6) and the Media Specialist programs. A progress report is due November 15, 2010, addressing all areas for improvement.
Northwest Georgia RESA	The Committee recommends Developmental Approval for the Culinary Arts Endorsement and the Work-Based Learning Endorsement. A progress report addressing the area for improvement cited for the Culinary Arts Endorsement is due November 15, 2010.
Pioneer RESA	The Committee recommends changing the Standard 2 Board of Examiners' finding from Met with areas for improvement to Not Met for GaTAPP and the Coaching Endorsement. The Committee recommends Developmental Provisional Approval for GaTAPP and the Coaching Endorsement with a progress report addressing the Not Met Standard and all areas for improvement due November 15, 2010.

Agency/Institution	Approval Recommendation
Valdosta State University	<p>The Committee recommends Developmental Approval for the educator preparation programs:</p> <ul style="list-style-type: none"> • Special Education Adapted Curriculum • Special Education General Curriculum • Special Education General Curriculum/Early Childhood Education <p>A progress report addressing all areas for improvement is due November 15, 2010.</p>
K-5 Mathematics Endorsements	<p>The Committee recommends Development Approval for the K-5 Mathematics Endorsements proposed by the following program providers:</p> <ul style="list-style-type: none"> • Augusta State University • Columbus State University • Georgia State University • Gwinnett County Public Schools • Metro RESA • Northeast Georgia RESA • Northwest Georgia RESA • University of West Georgia
K-5 Science Endorsements	<p>The Committee recommends Development Approval for the K-5 Science Endorsements proposed by the following program providers:</p> <ul style="list-style-type: none"> • Columbus State University • Griffin RESA • Gwinnett County Public Schools • Metro RESA
Fulton County School System	<p>The Committee recommends that the Progress Report submitted December 15, 2009, demonstrates satisfactory progress in addressing the Standard 2 and 5 areas for improvement cited for the Professional Education Unit and the GaTAPP program; the areas for improvement remain. The next progress report, due September 15, 2010, shall include enrollment and faculty qualifications and assignment data for the fall semester.</p>
Valdosta State University	<p>The Committee recommends that the Progress Report submitted December 15, 2009, demonstrates satisfactory progress in addressing the Standard 3 area for improvement cited for the Online Teaching Endorsement. The area for improvement may be removed.</p>
Metro RESA	<p>The Committee recommends granting the Metro RESA request to defer the fall 2010 GaTAPP Initial Review until fall 2011.</p>
Spelman College	<p>The Committee recommends granting the Spelman College request to defer the fall 2011 PSC/NCATE Continuing Review of the professional education unit and the educator preparation programs until fall 2012. Progress Reports describing preparations for the review are due every six months starting November 15, 2010 and continuing through spring 2012.</p>

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

PSC ACTION: Approved

Abstention: Julia Bernath – Fulton County School System

VII. REVIEW HEARING

- | | |
|---------------------|-------------------------------|
| 1. Rachel Whitfield | - Educator (Case # 09-01-734) |
| Wayne Magnum | - Hearing Officer |
| Ann S. Brumbaugh | - PSC Attorney |
| | - Attorney |

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

ACTION: Approved

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

ACTION: Approved

MOTION: (Elkins/Bernath) 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 ordered that the certificate held by Rachel Whitfield be *Suspended* for a period of Twenty (20) Contract Days. The suspension shall begin on August 2, 2010 and shall conclude August 30, 2010.

ACTION: Approved

VIII. EXECUTIVE SECRETARY REPORT

The Executive Secretary presented the following:

A. Warnings and Reprimands – Several months ago the Commission approved the staff to develop a process to remove warning after 5 years if the educator had no other sanctions and reprimands after 10 years if the educator had no other sanctions. Dr. Gary Walker and his staff have examined the data and based on the wide diversity of cases, feel that developing clearance criteria to guide our actions is appropriate and Kelly agreed. Over the next few months the ethics staff will develop this clearance criteria that will guide our actions from the educator’s certificate.

B. Clearance Criteria - Dr. Gary Walker, Director of Educator Ethics, reviewed the document titled “Guidelines for Clearance” with the Commissioners and answered questions. The Commission authorizes minimum guidelines for Abandonment of Contract cases to be placed on a monthly report for a “No Probable Cause” determination for complaints that meet the Clearance Criteria. The PSC would like to amend (from May 1st to June 1st) the Clearance Criteria to the following: The Educator submitted a letter of resignation on or before June 1st proceeding the contract year.

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MOTION: (Elkins / Powell) To amend the Clearance Criteria.

ACTION: Approved

C. All Commissioners were given a 2010 Legislative Update chart. He commented briefly on the following legislation that directly impacts the PSC:

House Bill 923 – This bill extends the completion date for leadership degrees to be grandfathered under House Bill 455 to July 1, 2013. The date in House Bill 455 was July 1, 2010. It also introduces a “must be enrolled date” of April 1, 2009.

House Bill 1079 – Originally, this bill simply added credit and debit cards as approved methods for educators to pay certification fees. Then, late in the session, all of the language from house Bill 1103 was added to this bill (clearance certificate).

House Bill 1086 – This bill protects GACE from open records requests and protects educator email addresses from open records requests.

House Bill 1307 – This bill suspends PLU requirements for recertification for 5 years. It does not suspend professional development.

House Bill 906 - Last year, contract renewal deadlines were shifted from April 15th to May 15th for the current academic year. This bill extends the deadline shift through 2013. It has been signed by the Governor.

House Bill 1111 –and 1121 did not pass. This bill addressed assessment tampering.

Senate Bill 386 – This bill (Governor’s merit pay bill) did not pass.

IX. CHAIR’S REPORT

Chair Wilkes announced that our June Commission meeting will be held on June 3rd instead of June 10th. The Educator Ethics Review committee will meet at 9 am and the Educator Preparation committee will meet at 10 :30 am. The Commission will meet at 12 :30.

X. ADJOURNMENT

Chair Wilkes called for the meeting to be adjourned at 10:25 a.m.

PSC ACTION: Approved