

# MINUTES

## PROFESSIONAL STANDARDS COMMISSION

DHR Board Room

Two Peachtree Street

Atlanta, Georgia 30303-3141

July 10, 2003

The Georgia Professional Standards Commission (PSC) met on Thursday, July 10, 2003, at 9 a.m.

### Members Present

Mary Gomez  
Angela Finn  
Maria Miller

Sue Sehgal  
Dottie McClain

Gary Walker  
Janet Scott

### Members Absent

Gwenda Johnson  
Terri DeLoach  
Pamela Thomas

Amy Denty  
Tony Natson

### I. CALL TO ORDER

Vice Chair Gary Walker 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. RECOGNITION OF VISITORS

Vice Chair Gary Walker recognized the visitors.

- D. Aileen Dodd, AJC Reporter
- Gayle Wooten, Professional Association of Georgia Educators
- Mike McGonigle, Georgia Association of Educators (GAE)
- Kamala Sessoms, Attorney Generals Office
- Denise Huddlestun, PSC-Educator Preparation
- Rebecca Mick
- Suzanne Grace
- Ann Duffy, Board of Regents
- Mark Mitchell, Attorney for Lesley Rane
- Cindy Johnson, Attorney for Suzanne Grace
- D. Richards, WAGA TV
- T. Jacobs, WAGA TV
- Bryan Brooks, GDP
- David Meezan, Alston & Bird
- Violet Ricks

### III. ADOPTION OF AGENDA

Vice Chair Gary Walker called for approval of the agenda.

**MOTION:** (Sehgal / Miller) To approve agenda.

**PSC ACTION:** Approved

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#### IV. APPROVAL OF MINUTES

Vice Chair Gary Walker called for approval of the minutes from the June 12, 2003, Commission meeting.

**MOTION:** (Sehgal / McClain) To approve the minutes.

**PSC ACTION:** Approved

#### V. COMMITTEE REPORTS

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

Commissioner Janet Scott of the Educator Ethics Review Committee (EERC), introduced the following Policies:

###### 1. Criteria for In-House Clearances

**MOTION:** (McClain / Miller) To accept the criteria for in-house clearances.

**PSC ACTION:** Approved

###### 2. Criteria for Probable Cause Determination for Renewals

**MOTION:** (Sehgal / Miller) To accept the criteria for probable cause determination for renewals.

**PSC ACTION:** Approved

Commissioner Scott gave a preliminary review of the Cases.

###### 1. Ms. Scott reported that the Committee reviewed 49 *Probable Cause* cases during its July 9, 2003, meeting and brought the following recommendations on behalf of the Committee:

| <b>PC #</b> | <b>Case Number</b>     | <b>STANDARD(S)</b>   | <b>EERC Suggestions</b>   |
|-------------|------------------------|--|---|
| <b>1</b>    | 03-04-1996             | Criminal Acts<br>Professional Conduct                      | Suspension for One Year   |
| <b>2</b>    | 03-05-2083             | Criminal Acts<br>Professional Conduct                      | Reprimand   |
| <b>3</b>    | 03-5-2112<br>Applicant | Criminal Acts<br>Professional Conduct                      | Extend Probable Cause Determination until<br>September 11, 2003 |
| <b>4</b>    | 03-05-2153             | Criminal Acts<br>Misrepresentation or Falsification        | Reprimand   |
| <b>5</b>    | 03-03-1812             | Abuse of Students<br>Professional Conduct                  | Extend Probable Cause Determination until<br>September 11, 2003 |
| <b>6</b>    | 03-03-1822             | Abuse of Students<br>Professional Conduct                  | Reprimand   |
| <b>7</b>    | 03-04-2066             | Abuse of Students<br>Professional Conduct<br>Criminal Acts | Revocation  |

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| <b>PC #</b> | <b>Case Number</b>      | <b>STANDARD(S)</b>  | <b>EERC Suggestions</b>     |
|-------------|-------------------------|---|-----------------------------|
| <b>8</b>    | 03-04-2067              | Abuse of Students   | No Probable Cause           |
| <b>9</b>    | 03-04-2011              | Alcohol or Drugs<br>Professional Conduct  | No Probable Cause           |
| <b>10</b>   | 03-04-1937              | Misrepresentation or Falsification  | No Suggestion               |
| <b>11</b>   | 03-04-2000              | Misrepresentation or Falsification  | No Probable Cause           |
| <b>12</b>   | 03-04-2001              | Misrepresentation or Falsification<br>Professional Conduct                                      | No Probable Cause           |
| <b>13</b>   | 03-04-2002              | Misrepresentation or Falsification<br>Professional Conduct                                      | Reprimand                   |
| <b>14</b>   | 03-04-2008              | Misrepresentation or Falsification  | Reprimand                   |
| <b>15</b>   | 03-04-2013              | Misrepresentation or Falsification<br>Professional Conduct                                      | Revocation                  |
| <b>16</b>   | 03-04-2024              | Misrepresentation or Falsification<br>Professional Conduct                                      | Revocation                  |
| <b>17</b>   | 03-04-2062              | Misrepresentation or Falsification<br>Professional Conduct                                      | Suspension for Three Months |
| <b>18</b>   | 03-05-2069              | Misrepresentation or Falsification<br>Professional Conduct                                      | No Probable Cause           |
| <b>19</b>   | 03-05-2070              | Misrepresentation or Falsification<br>Professional Conduct                                      | No Probable Cause           |
| <b>20</b>   | 03-05-2071<br>Applicant | Misrepresentation or Falsification<br>Professional Conduct                                      | Denial                      |
| <b>21</b>   | 03-05-2073              | Misrepresentation or Falsification<br>Professional Conduct                                      | Suspension for One Month    |
| <b>22</b>   | 03-05-2077              | Misrepresentation or Falsification<br>Professional Conduct                                      | Reprimand                   |
| <b>23</b>   | 03-05-2080              | Misrepresentation or Falsification<br>Professional Conduct                                      | Suspension for One Month    |
| <b>24</b>   | 03-05-2081              | Misrepresentation or Falsification<br>Professional Conduct                                      | Suspension for One Month    |
| <b>25</b>   | 03-05-2115              | Misrepresentation or Falsification<br>Professional Conduct                                      | Revocation                  |
| <b>26</b>   | 03-05-2116              | Misrepresentation or Falsification<br>Professional Conduct                                      | Revocation                  |
| <b>27</b>   | 03-02-1661              | Failure to Make a Required Report<br>Misrepresentation or Falsification<br>Professional Conduct | No Probable Cause           |
| <b>28</b>   | 03-04-2012              | Failure to Make a Required Report<br>Misrepresentation or Falsification                         | Warning                     |
| <b>29</b>   | 03-04-2033              | Failure to Make a Required Report<br>Misrepresentation or Falsification<br>Criminal Acts        | Denial                      |
| <b>30</b>   | 03-04-2003              | Professional Conduct  | No Probable Cause           |
| <b>31</b>   | 03-04-2027              | Professional Conduct  | Suspension for One Year     |
| <b>32</b>   | 03-04-2028              | Professional Conduct<br>Failure to Make a Required Report                                       | Suspension for One Year     |
| <b>33</b>   | 03-04-2029              | Professional Conduct  | Suspension for One Year     |
| <b>PC</b>   | <b>Case</b>             | <b>STANDARD(S)</b>  | <b>EERC Suggestions</b>     |

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| #  | Number     |   |                   |
|----|------------|---|-------------------|
| 34 | 03-04-2050 | Professional Conduct  | No Probable Cause |
| 35 | 03-04-2059 | Professional Conduct<br>Abuse of Students                               | Reprimand         |
| 36 | 03-04-1956 | Failure to Make a Required Report<br>Misrepresentation or Falsification | Warning           |
| 37 | 03-04-2030 | Failure to Make a Required Report<br>Misrepresentation or Falsification | Warning           |
| 38 | 03-04-2065 | Failure to Make a Required Report<br>Misrepresentation or Falsification | Warning           |
| 39 | 03-05-2099 | Failure to Make a Required Report<br>Misrepresentation or Falsification | Warning           |
| 40 | 03-05-2100 | Failure to Make a Required Report<br>Misrepresentation or Falsification | Warning           |
| 41 | 03-05-2105 | Failure to Make a Required Report<br>Misrepresentation or Falsification | Warning           |
| 42 | 03-05-2109 | Failure to Make a Required Report<br>Misrepresentation or Falsification | Warning           |
| 43 | 03-05-2113 | Failure to Make a Required Report<br>Misrepresentation or Falsification | Warning           |
| 44 | 03-05-2123 | Failure to Make a Required Report<br>Misrepresentation or Falsification | Warning           |
| 45 | 03-05-2188 | Failure to Make a Required Report<br>Misrepresentation or Falsification | Warning           |
| 46 | 03-05-2192 | Failure to Make a Required Report<br>Misrepresentation or Falsification | Warning           |
| 47 | 03-05-2195 | Failure to Make a Required Report<br>Misrepresentation or Falsification | Warning           |
| 48 | 03-05-2196 | Failure to Make a Required Report<br>Misrepresentation or Falsification | Warning           |
| 49 | 03-05-2197 | Failure to Make a Required Report<br>Misrepresentation or Falsification | Warning           |

**MOTION:** (McClain / Miller) To accept the EERC suggestions excluding case # 10 and case # 22.

**PSC ACTION:** Approved

**Case # 10**

**MOTION:** (Miller / Gomez) To issue a reprimand with monitoring/observation for one year when administering a test.

**PSC ACTION:** Approved

**Case # 22**

**MOTION:** (Finn / McClain) To extend the probable cause determination until September 11<sup>th</sup>, 2003.

**PSC ACTION:** Approved

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

| <b>Case Number</b> | <b>Ethical Violation</b>                  | <b>ALJ<br/>Initial Decision</b> | <b>EERC<br/>Suggestions</b> |
|--------------------|---|---------------------------------|-----------------------------|
| 02-04-1834         | Professional Conduct                      | Suspension – One Month          | Accept                      |
| 01-10-601          | Abuse of Students<br>Professional Conduct | Revocation                      | Accept                      |

**MOTION:** (McClain / Sehgal) To accept the EERC suggestions.

**PSC ACTION:** Approved

3. Ms. Scott reported that the Educator Ethics Review Committee reviewed 1 *Petition-Certificate Issue* and brought the following recommendations on behalf of the Committee:

| <b>Case Number</b> | <b>Educator</b>  | <b>Nature of Petition</b> | <b>Previous Decision<br/>(Violation)</b> | <b>EERC<br/>Suggestions</b> |
|--------------------|------------------|---------------------------|--|-----------------------------|
| 00-2-965           | Darrien McKinney | Rule Waiver               | Denial – March 15, 2002                  | Deny                        |
| 01-5-1618          |                  |                           | Misrepresentation or Falsification       |                             |

Ms. Scott indicated that the EERC’s rationale for denial is that we would like to adhere to the rule that any petition for the right to reapply for certification will not be considered earlier than the two years from the date of the original denial for certification.

**MOTION:** (McClain / Miller) To accept the EERC suggestions.

**PSC ACTION:** Approved

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

| <b>Case Number</b> | <b>Violation</b>   | <b>Negotiated<br/>Proposal</b> | <b>EERC Suggestions</b> |
|--------------------|--|--------------------------------|-------------------------|
| 02-04-1706         | Abandonment of Contract  | No Probable Cause              | Accept                  |
| 02-07-198          | Professional Conduct   | No Probable Cause              | Accept                  |
| 01-09-519          | Abuse of Students<br>Professional Conduct<br>Public Funds & Property | Revocation                     | Accept                  |

**MOTION:** (Miller / Sehgal) To accept the EERC suggestions.

**PSC ACTION:** Approved

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

| <b>Case Number</b> | <b>Sanction</b> | <b>Violation</b> | <b>EERC Suggestions</b> |
|--------------------|-----------------|------------------|-------------------------|
|--------------------|-----------------|------------------|-------------------------|

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|           |                             |  |        |
|-----------|-----------------------------|--|--------|
| 03-1-1465 | Warning                     | Abuse of Students; Professional Conduct  | Accept |
| 03-1-1526 | Warning                     | Professional Conduct   | Accept |
| 03-3-1758 | Warning                     | Misrepresentation or Falsification;<br>Failure to Make a Required Report                   | Accept |
| 03-3-1775 | Warning                     | Misrepresentation or Falsification;<br>Failure to Make a Required Report                   | Accept |
| 03-3-1798 | Warning                     | Misrepresentation or Falsification;<br>Failure to Make a Required Report                   | Accept |
| 03-3-1806 | Reprimand                   | Professional Conduct   | Accept |
| 03-3-1809 | Reprimand                   | Criminal Acts;<br>Misrepresentation or Falsification;<br>Failure to Make a Required Report | Accept |
| 03-3-1811 | Suspension for Three Months | Abuse of Students; Professional Conduct  | Accept |
| 03-3-1874 | Warning                     | Criminal Acts  | Accept |
| 03-3-1889 | Suspension for Six Months   | Abuse of Students; Professional Conduct;<br>Public Funds and Property                      | Accept |
| 03-3-1893 | Warning                     | Misrepresentation or Falsification;<br>Failure to Make a Required Report                   | Accept |
| 03-3-1899 | Warning                     | Misrepresentation or Falsification;<br>Failure to Make a Required Report                   | Accept |
| 03-4-1902 | Suspension for Six Months   | Abuse of Students; Professional Conduct  | Accept |
| 03-4-1914 | Warning                     | Criminal Acts; Professional Conduct  | Accept |
| 03-4-1920 | Warning                     | Misrepresentation or Falsification;<br>Failure to Make a Required Report                   | Accept |
| 03-4-1931 | Suspension for Six Months   | Alcohol or Drugs; Professional Conduct   | Accept |
| 03-4-1935 | Reprimand                   | Abuse of Students; Professional Conduct  | Accept |
| 03-4-1985 | Warning                     | Criminal Acts; Professional Conduct  | Accept |
| 03-4-2026 | Revocation***               | Alcohol or Drugs; Professional Conduct   | Accept |
| 03-5-2179 | Revocation***               | Alcohol or Drugs; Professional Conduct   | Accept |

**\*\*\*Indicates Educator/Applicant Voluntarily Accepted a Sanction of Revocation or Denial Prior to the Probable Cause Determination**

**MOTION:** (McClain / Sehgal) To accept the EERC suggestions.

**PSC ACTION:** Approved

6. The Educator Ethics Review Committee recommended approval of the *Preliminary Investigative Determination Report* consisting of 79 new complaints received during the months of June 2003 and early July 2003:

**MOTION:** (Miller / McClain) To accept EERC suggestions.

**PSC ACTION:** Approved

7. The Educator Ethics Review Committee recommended approval of the *Extensions to Investigations Report* consisting of 12 cases.

**MOTION:** (Miller / Gomez) To accept EERC suggestions.

**PSC ACTION:** Approved

**Case Numbers**

|            |            |
|------------|------------|
| 03-05-2158 | 03-04-1998 |
| 03-05-2171 | 03-04-2025 |
| 03-04-2010 | 03-04-2064 |
| 03-04-2058 | 03-02-1676 |
| 03-04-2063 | 03-04-2068 |
| 03-04-1997 | 03-05-2091 |

**8. APPLICATIONS FOR CERTIFICATION REPORT**

The Educator Ethics Review Committee recommended approval of 51 cases on the *Applications for Certification Report*.

**MOTION:** (McClain / Miller) To accept EERC suggestions.

**PSC ACTION:** Approved

**9. REVIEW HEARING EXTENSIONS**

The Commission reviewed the report, which advised of 4 *Review Hearing Extensions*.

**10. STUDENT LOAN SUSPENSION / REINSTATEMENTS**

The Commission reviewed the report, which advised of 12 *Student Loan Suspensions* and 10 *Student Loan Reinstatements*.

**11. FINAL DECISIONS BY OPERATION OF RULE / LAW**

The Commission reviewed the report, which advised of 16 cases closed by *Operation of Law*.

**VI. REVIEW HEARINGS**

- |                       |                               |
|-----------------------|-------------------------------|
| 1. Suzanne Grace      | - Educator (Case # 02-4-1800) |
| Violet Ricks          | - Hearing Officer             |
| Kathryn Allen         | - PSC Attorney                |
| Cynthia Noles Johnson | - Attorney                    |

**MOTION:** (Miller / Sehgal) To go into Executive Session and allow PSC staff and PSC Attorney (Penny Hannah, Vicky Brantley, Cassandra Moore and Lisa Hartzler) to remain.

**ACTION:** Approved

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

**ACTION:** Approved

**MOTION:** (Scott / Miller) To adopt the Findings of Fact and Conclusions of Law reached by the Administrative Law Judge with the following specification. The Commission hereby ORDERS that the Georgia educator certificate held by Suzanne Grace be suspended for a period of six months and her conduct be monitored for a period of one year.

**PSC ACTION:** Approved

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- 2. Lesley Kent Rane - Educator (Case # 02-5-1979)
- Violet Ricks - Hearing Officer
- Rebecca Mick - PSC Attorney
- S. Mark Mitchell - Attorney

**MOTION:** (McClain / Miller) To go into Executive Session and allow PSC staff and PSC Attorney (Penny Hannah, Vicky Brantley, Cassandra Moore and Lisa Hartzler) to remain.

**ACTION:** Approved

**MOTION:** (Scott / Gomez) To come out of Executive Session and reconvene the Regular Session.

**ACTION:** Approved

**MOTION:** (Miller / Sehgal) To adopt the Findings of Fact and Conclusions of Law reached by the Administrative Law Judge with the following changes. The Commission rejects the sanction recommended by the Administrative Law Judge. The Commission concludes that a greater sanction is appropriate in this particular case because the sanction recommended by the Administrative Law Judge does not reflect the seriousness with which the Commission views the Respondent's violation of the rules applicable to educators. The Commission hereby ORDERS that the Georgia educator certificate held by Lesley Kent Rane be suspended for a period of six months.

**PSC ACTION:** Approved

## **VII. EXECUTIVE SECRETARY REPORT**

The Executive Secretary presented the following:

- A. Commissioner Sue Sehgal's son was a recipient of the "Golden Sachs Global Leaders Program 2003".
- B. Dr. Fran Watkins, Director of Educator Preparation presented a Report/Discussion Item entitled "Proposed Changes in Preparation for Reading Program".
- C. Title IIA Consultants developed guidelines for a highly qualified teacher which can be viewed on our website. This includes a rubric, which can be used to determine whether an experienced teacher is highly qualified to teach a subject for which he or she is not certified.
- D. Commissioner Sue Sehgal thanked the staff of the Professional Standards Commission for all of their efforts.
- E. Rick Eiserman presented a paper entitled "Interim Certification Policy Changes".

**MOTION:** (Sehgal / Miller) To approve the interim change and to distribute the memorandum to the field.

**ACTION:** Approved

## **VIII. ADJOURNMENT**

**MOTION:** (McClain / Miller) To adjourn the meeting.

**PSC ACTION:** The meeting adjourned at 11:25 a.m.