

MINUTES

PROFESSIONAL STANDARDS COMMISSION

Two Peachtree Street

Atlanta, Georgia

March 11, 2010

The Georgia Professional Standards Commission (PSC) met on Thursday, March 11, 2010, at 9 a.m.

Members Present

Penny Benton

Julia Bernath

Marci Cawthon

Penny Elkins

Dr. Adrian Epps

Joy Hawkins

Stephanie Haynes

David Johnson

Emily Jennette

Andre Mountain

Rose Powell

Dr. Ed Smith

Jeannie Tucker

Dr. Hester Vasconcelos

Pam Walker

Members Absent

Dr. Louisa Moffitt

Dr. Debbie Wilkes

I. CALL TO ORDER

Acting Chair Rose Powell 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

Acting Chair Powell called for approval of the agenda.

MOTION: (Benton / Jennette) To approve the agenda.

PSC ACTION: Approved

III. APPROVAL OF MINUTES

Acting Chair Powell called for approval of the minutes from the February 11, 2010, Commission meeting.

PSC ACTION: Approved with one correction – Joy Hawkins was not present for the February 11, 2010 commission meeting.

IV. VISITORS

Acting Chair Powell welcomed the visitors.

- Margaret Elliott, Professional Association of Georgia Educators
- Antoine Glasgow
- J. Anderson Ramay, Attorney
- Cindi Chance, Executive Director, Georgia Association of Colleges For Teacher Education
- John Wales, Attorney

V. INDUCTION OF NEW COMMISSIONERS

Acting Chair Powell and Kelly Henson welcomed Dr. Adrian Epps and Pam Walker and then swore them in:

Adrian L. Epps, Ed.D., 42, Atlanta, Teacher Education Faculty Representative – Epps is associate dean of science and mathematics education, director of the ATOMS Center, and assistant professor of educational leadership at Kennesaw State University. He previously served as director of mathematics and science initiatives for the Atlanta Public School System and taught science for nine years at Frederick Douglass High School. Epps earned a bachelor’s degree and a master’s degree from Emory University and a doctoral degree from Clark-Atlanta University. He and his wife, Kathryn, have three children.

Pamela “Pam” J. Walker, 51, Villa Rica, Teacher Representative – Walker is an instructional science coach with the Douglas County Board of Education. She is a member of the Professional Association of Georgia Educators and the National Science Teachers Association. She is a Georgia Master Teacher and serves on the Georgia Master Teacher Review Board and was the 2006 Douglas County Teacher of the Year and the 2007 Georgia Teacher of the Year. Walker earned a bachelor’s degree and a master’s degree from Georgia College and State University and an education specialist degree from Georgia Southern University.

VII. COMMITTEE REPORTS

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

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

1. Ms. Vasconcelos reported that the Committee reviewed 49 **Probable Cause** cases during its March 10, 2010, meeting and brought the following recommendations on behalf of the Committee:

#	CASE #	STANDARDS VIOLATED	RECOMMENDATION
1	10-1-714	Criminal Acts	Denial
2	07-1-860	Criminal Acts Professional Conduct	Suspension – 90 Contract Days
3	09-3-968	Criminal Acts Misrepresentation or Falsification Failure to Make a Required Report	Reprimand
4	09-8-226	Confidential Information	Reprimand
5	09-10-383	Abuse of Students Professional Conduct	Revocation
6	09-10-389	Alcohol or Drugs Misrepresentation or Falsification Professional Conduct	Suspension – 1 Year
7	09-10-452	Criminal Acts Abuse of Students Professional Conduct	Revocation

#	CASE #	STANDARDS VIOLATED	RECOMMENDATION
8	09-10-480	Abuse of Students Professional Conduct	Suspension – 20 Contract Days
9	09-10-490	Abuse of Students Professional Conduct	Suspension – 5 Contract Days
10	09-10-493	Improper Remunerative Conduct	No Probable Cause
11	09-10-494	Improper Remunerative Conduct Professional Conduct	Reprimand
12	09-10-500	Confidential Information Professional Conduct	Suspension – 90 Contract Days
13	09-10-501	Misrepresentation or Falsification Public Funds and Property Improper Remunerative Conduct Professional Conduct	Suspension – 1 Year
14	09-11-528	Alcohol or Drugs Professional Conduct	Suspension – 1 Year
15	09-11-529	Confidential Information Professional Conduct	Suspension – 90 Contract Days
16	09-11-533	Abuse of Students Professional Conduct	Suspension – 20 Contract Days
17	09-11-545	Confidential Information Professional Conduct	Suspension – 90 Contract Days
18	09-11-578	Abuse of Students Professional Conduct Other Good and Sufficient Cause	Suspension – 1 Year
19	09-11-580	Abuse of Students Professional Conduct Other Good and Sufficient Cause	Suspension – 20 Contract Days
20	09-11-594	Criminal Acts Abuse of Students Professional Conduct Other Good and Sufficient Cause	Revocation
21	09-12-603	Misrepresentation or Falsification Public Funds and Property Professional Conduct	Suspension – 20 Contract Days
22	09-12-605	Alcohol or Drugs Professional Conduct	No Probable Cause
23	09-12-609	Criminal Acts Professional Conduct	Suspension – 10 Contract Days
24	09-12-610	No Violations	No Probable Cause
25	09-12-613	Professional Conduct	Reprimand
26	09-12-617	Public Funds and Property Professional Conduct	Suspension – 90 Contract Days
27	09-12-618	Public Funds and Property Professional Conduct	Suspension – 90 Contract Days
28	09-12-619	Abuse of Students Misrepresentation or Falsification Professional Conduct Other Good and Sufficient Cause	Revocation
29	09-12-628	Professional Conduct	Reprimand

#	CASE #	STANDARDS VIOLATED	RECOMMENDATION
30	09-12-630	Public Funds and Property Professional Conduct	Reprimand
31	09-12-632	Alcohol or Drugs Professional Conduct Other Good and Sufficient Cause	Suspension – 1 Year
32	09-12-634	Public Funds and Property Professional Conduct	Suspension – 1 Year
33	09-12-639	Misrepresentation or Falsification Public Funds and Property Professional Conduct	Suspension – 1 Year
34	09-12-640	Abuse of Students Professional Conduct	Suspension – 5 Contract Days
35	09-12-643	Confidential Information Professional Conduct Testing	Suspension – 90 Contract Days
36	09-12-649	Abuse of Students Professional Conduct	Suspension – 5 Contract Days
37	09-12-654	Professional Conduct Other Good and Sufficient Cause	Suspension – 90 Contract Days
38	09-12-657	Abuse of Students Professional Conduct	Suspension – 5 Contract Days
39	09-12-659	Abuse of Students Professional Conduct Other Good and Sufficient Cause	Revocation
40	09-12-660	Misrepresentation or Falsification Professional Conduct	Suspension – 90 Contract Days
41	09-12-661	Public Funds and Property Professional Conduct	Suspension – 90 Contract Days
42	09-12-662	Abuse of Students Professional Conduct	Suspension – 20 Contract Days
43	09-12-664	Public Funds and Property Professional Conduct	Suspension – 1 Year
44	09-12-671	Abuse of Students Professional Conduct	Suspension – 90 Contract Days
45	09-12-672	Misrepresentation or Falsification Professional Conduct	Suspension – 5 Contract Days
46	09-12-673	Misrepresentation or Falsification Professional Conduct	Suspension – 5 Contract Days
47	09-12-676	No Violations	No Probable Cause
48	09-12-680	Abuse of Students Professional Conduct	Suspension – 1 Year
49	10-1-686	Alcohol or Drugs Professional Conduct	Suspension – 1 Year

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

CASE #	STANDARDS VIOLATED	PROBABLE CAUSE SANCTION	ADMINISTRATIVE LAW JUDGE SANCTION	RECOMMENDATION
06-10-334	Misrepresentation or Falsification Professional Conduct	Denial	Denial	Accept

3. Ms. Vasconcelos reported that the Educator Ethics Review Committee reviewed 2 *Petitions Issues* and brought the following recommendations on behalf of the Committee:

CASE NUMBER	REQUEST	PREVIOUS SANCTION	PREVIOUS VIOLATION	RECOMMENDATION
10-1-688	Right to Reapply	Revoked – 2007	Alcohol or Drugs Professional Conduct	GRANT
10-1-737	Right to Reapply	Revoked – 2005	Professional Conduct	GRANT

4. Ms. Vasconcelos 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	09-5-1280	Suspension – 1 year June 1, 2009 – June 1, 2010 (Part Retro)	Accept
2	09-6-1384	Suspension – 5 Contract Days (Retro – April 13, 2009 – April 17, 2009)	Accept
3	09-7-55	Suspension – 20 Contract Days (March 29, 2010 – April 30, 2010)	Accept
4	09-8-136	Reprimand	Accept
5	09-8-212	Suspension – 20 Contract Days (March 29, 2010 – April 30, 2010)	Accept
6	09-10-392	Suspension – 1 year (March 29, 2010 - March 29, 2011)	Accept
7	09-10-393	Suspension – 1 year (March 29, 2010 - March 29, 2011)	Accept
8	09-10-507	Suspension – 20 Contract Days (March 29, 2010 – April 30, 2010)	Accept
9	09-10-511	Reprimand	Accept
10	09-11-564	Reprimand	Accept

5. Ms. Vasconcelos reported that the Educator Ethics Review Committee reviewed 21 *Negotiated Settlement Agreements* and brought the following recommendations on behalf of the Committee:

CASE #	STANDARDS VIOLATED	PROBABLE CAUSE SANCTION	NEGOTIATED SANCTION	RECOMMENDATION
05-7-113	Criminal Acts Professional Conduct	Revocation	Suspension - 18 Months (Sept. 1, 2005 - Feb.28, 2007) Retroactive	Accept
07-1-782	Criminal Acts Misrepresentation or Falsification Failure to Make a Required Report Action Taken In Another State	Suspension - 90 Contract Days	Suspension - 30 Contract Days (April 12, 2010 - May 21, 2010)	Accept
07-8-143	Misrepresentation or Falsification Public Funds and Property Professional Conduct	Suspension - 20 Contract Days	Suspension - 10 Contract Days (Aug. 10, 2009 - Aug. 21, 2009) Retroactive	Accept
07-11-448	Abuse of Students Professional Conduct	Suspension - 20 Contract Days	Suspension - 10 Contract Days (Sept. 23, 2009 - Nov. 10, 2009) Retroactive	Accept
07-12-594	Abuse of Students Professional Conduct	Suspension - 5 Contract Days	Reprimand	Accept
08-3-1023	Professional Conduct	Suspension - 5 Contract Days	Reprimand	Accept
08-4-1212	Abuse of Students Misrepresentation or Falsification Professional Conduct	Suspension 1 Year	Suspension - 5 Contract Days (April 14, 2009 - April 18, 2009) Retroactive	Accept
08-9-296	Misrepresentation or Falsification Public Funds and Property Improper Remunerative Conduct	Revocation	Suspension - 6 Months (Jan. 1, 2009 - June 30, 2009) Retroactive	REJECT
09-1-733	Failure to Make a Required Report Professional Conduct	Suspension - 90 Contract Days	Suspension - 5 Contract Days (Dec.15, 2008 - Dec.19, 2008) Retroactive	REJECT
09-4-1101	Abuse of Students Professional Conduct	Suspension - 20 Contract Days	Suspension - 20 Contract Days (April 13, 2009 - May 8, 2009) Retroactive	Accept
09-4-1131	Confidential Information Professional Conduct	Suspension - 20 Contract Days	Reprimand	Accept
09-4-1132	Confidential Information Professional Conduct	Suspension - 20 Contract Days	Reprimand	Accept
09-5-1193	Abuse of Students Misrepresentation or Falsification Professional Conduct Action Taken In Another State	Revocation	Revocation	Accept
09-5-1274	Abuse of Students Professional Conduct	Suspension 1 Year	Suspension 1 Year (May 29, 2009 - May 28, 2010)	Accept
09-6-1318	Misrepresentation or Falsification Professional Conduct Improper Remunerative Conduct	Suspension 1 Year	Suspension 1 Year (July 21, 2009 - July 21, 2010)	Accept
09-6-1359	Abuse of Students Misrepresentation or Falsification Professional Conduct	Revocation	Suspension 1 Year (July 1, 2009 - July 1, 2010)	REJECT
09-6-1371	Criminal Acts Professional Conduct	Denial	No Probable Cause	Accept
09-6-1406	Abuse of Students Professional Conduct	Suspension - 45 Contract Days	Suspension - 30 Contract Days (Aug. 9, 2009 - Sept. 20, 2009) Retroactive	Accept
09-7-8	Misrepresentation or Falsification Failure to Make a Required Report	Suspension - 1 Year	Suspension - 6 Months (Dec. 18, 2009 - June 18, 2010)	Accept

CASE #	STANDARDS VIOLATED	PROBABLE CAUSE SANCTION	NEGOTIATED SANCTION	RECOMMENDATION
	Professional Conduct		Part Retroactive	
09-9-299	Misrepresentation or Falsification	Reprimand	Reprimand with Language Changes	REJECT
09-10-463	Misrepresentation or Falsification Professional Conduct	Reprimand	Warning	Accept

6. VOLUNTARY SURRENDERS/VOLUNTARY DENIALS

The Educator Ethics Review Committee recommended approval of 2 *Voluntary Surrender/Voluntary Denials* consisting of the following

#	Case Number	STANDARDS VIOLATED	SANCTION	EERC Recomm.
1	09-12-612	Criminal Acts Abuse of Students Professional Conduct Other Good and Sufficient Cause	Revocation	Accept
2	09-12-648	Abuse of Students Professional Conduct Other Good and Sufficient Cause	Revocation	Accept Haynes - Abstained

7. The Educator Ethics Review Committee recommended approval of the *Preliminary Investigative Determination Report* consisting of 55 new complaints received during the months of January and February 2010.

8. EXTENSIONS – PRELIMINARY INVESTIGATIVE DETERMINATIONS

The Educator Ethics Review Committee recommended approval of the 34 Extensions - Preliminary Investigative Determinations consisting of the following:

#	CASE #	Complaint Received	#	CASE #	Complaint Received	#	CASE #	Complaint Received
1	10-2-818	Jan. 25, 2010	13	10-2-831	Feb. 5, 2010	25	10-2-843	Feb. 8, 2010
2	10-2-819	Jan. 29, 2010	14	10-2-832	Feb. 5, 2010	26	10-2-846	Feb. 8, 2010
3	10-2-820	Jan. 29, 2010	15	10-2-833	Feb. 5, 2010	27	10-2-847	Feb. 8, 2010
4	10-2-821	Feb. 1, 2010	16	10-2-834	Feb. 5, 2010	28	10-2-848	Feb. 8, 2010
5	10-2-822	Feb. 1, 2010	17	10-2-835	Feb. 7, 2010	29	10-2-849	Feb. 8, 2010
6	10-2-823	Feb. 2, 2010	18	10-2-836	Feb. 7, 2010	30	10-2-850	Feb. 9, 2010
7	10-2-824	Feb. 2, 2010	19	10-2-837	Feb. 8, 2010	31	10-2-851	Feb. 9, 2010
8	10-2-825	Feb. 2, 2010	20	10-2-838	Feb. 8, 2010	32	10-2-852	Feb. 9, 2010
9	10-2-826	Feb. 2, 2010	21	10-2-839	Feb. 8, 2010	33	10-2-853	Feb. 9, 2010
10	10-2-828	Feb. 2, 2010	22	10-2-840	Feb. 8, 2010	34	10-2-854	Feb. 9, 2010
11	10-2-829	Feb. 4, 2010	23	10-2-841	Feb. 8, 2010			
12	10-2-830	Feb. 5, 2010	24	10-2-842	Feb. 8, 2010			

9. EXTENSIONS - INVESTIGATIONS

The Educator Ethics Review Committee recommended granting and *Investigative Extension* to the following 22 Written Complaints and 16 Application cases:

WRITTEN COMPLAINT EXTENSIONS:

09-10-433	09-11-537	09-12-644	09-10-386	09-12-663
09-8-200	09-11-549	09-12-646	09-10-387	09-12-675
09-10-427	09-11-579	09-12-655	09-7-11	
09-10-476	09-12-615	09-12-670	09-12-614	
09-10-477	09-12-629	09-10-385	09-12-647	

APPLICATION CASE EXTENSIONS:

09-9-346	09-11-571	10-1-699	10-1-712	10-1-716	10-1-756
09-11-566	09-11-573	10-1-700	10-1-713	10-1-717	
09-11-569	09-11-575	10-1-707	10-1-715	10-1-718	

10. 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*.

11. 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.

12. STUDENT LOAN SUSPENSION / REINSTATEMENTS

The Commission reviewed the report, which indicated that there were 20 certificates suspended from February 11, 2010 through March 11, 2010. There were 10 certificates that had been reinstated because restitution is now being made on those student loans. There were 15 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.

13. FINAL DECISIONS BY OPERATION OF LAW

The Commission reviewed the report, which advised of 9 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.

Acting Chair Powell called for approval of the Educator Ethics Review Committee report as presented by Ms. Vasconcelos excluding case 09-6-14-6, 09-12-640 and 09-12-680.

PSC ACTION: Approved

Abstention: Joy Hawkins-Probable Cause Case # 09-11-545, Hester Vasconcelos-Probable Cause Case #09-12-662, Stephanie Haynes-Probable Cause Case #09-12-654 and Negotiated Settlement Case # 08-9-296

Negotiated Settlement Case # 09-6-1406

MOTION: (Bernath / Haynes) To accept the Educator Ethics Review Committee's recommendation of a 30 contract days Suspension beginning August 9, 2009 and ending on September 20, 2009 (retroactive).

PSC ACTION: Approved

Probable Cause Case # 09-12-640

MOTION: (Johnson / Haynes) To accept the Educator Ethics Review Committee’s recommendation of a 5 contract days Suspension.

PSC ACTION: Approved

Probable Cause Case # 09-12-680

MOTION: (Jennette / Tucker) To accept the Educator Ethics Review Committee’s recommendation of a 1 Year Suspension.

PSC ACTION: Approved

B. Educator Preparation Standing Committee

Committee Chair, Dr. Penny Elkins, presented the report of the Educator Preparation Standing Committee. The recommendations below were presented to all Commissioners for a vote.

Agency/Institution	Approval Recommendation
<p>Appeal of GaPSC Staff Decision on Certificate Level Tracy A. Sellars</p>	<p>The Committee recommends denial of the appeal by Ms. Tracy Sellars and that the PSC staff decision to upgrade certification to Level 6 shall stand.</p>
<p>Fort Valley State University Programs: Family & Consumer Science Education and Health & Physical Education</p>	<p>The Committee recommends that the Fort Valley State University Progress Report submitted November 15, 2009 addressing areas for improvement cited for the Family and Consumer Science Education program and the Health and Physical Education program indicates that progress is satisfactory in addressing the Standard 6 area for improvement. The Committee further recommends that a Progress Report shall be submitted by April 30, 2010, providing an update on steps taken to correct the area for improvement including information on the purchase of dedicated computers, data projectors, video hardware and analytical software to be used for teaching analysis.</p>
<p>University of Georgia Special Education Adapted Curriculum program</p>	<p>The Committee recommendations for the University of Georgia Special Education Adapted Curriculum program Progress Report submitted November 15, 2009 are as follows:</p> <p><u>Recommendation 1:</u></p> <p>The Progress Report indicates that progress is satisfactory in addressing the first Standard 2 area for improvement, the Standard 4 area for improvement, and the Standard 7 area for improvement cited for the program; these areas for improvement may be removed.</p> <p><u>Recommendation 2:</u></p> <p>The Progress Report indicates that progress is unsatisfactory in addressing the second Standard 2 area for improvement cited for the program and the area for improvement shall</p>

Agency/Institution	Approval Recommendation
	remain. A second Progress Report shall be submitted by April 30, 2010, providing an update on steps taken to correct the area for improvement including the plan and current status to use the Blackboard system to create and centralize program data.

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

PSC ACTION: Approved

VIII. REVIEW HEARINGS

- | | |
|--|---|
| 1. Kanika Young
Joan Roach
Ann Brumbaugh
John Wales | - Educator (Case # 08-11-579)
- Hearing Officer
- PSC Attorney
- Attorney (arrived late-not present for hearing) |
|--|---|

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

ACTION: Approved

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

ACTION: Approved

MOTION: (Johnson / Elkins) The Memorandum Opinion and Order as written by the Administrative Law Judge is hereby adopted and incorporated by reference herein and made the Final Decision of the Professional Standards Commission. The Commission hereby ordered that the certificate held by KANIKA YOUNG be suspended for a period of one year. The suspension shall begin on March 29, 2010 and shall conclude on March 29, 2011.

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| 2. Antoine Glasgow
Joan Roach
Ann Brumbaugh
J. Anderson Ramay | - Educator (Case # 08-4-1213)
- Hearing Officer
- PSC Attorney
- Attorney |
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MOTION: (Haynes / Bernath) To go into Executive Session and allow PSC staff and attorney (Gary Walker, Rebecca Mick, Lisa Hartzler and Tanis Miller) to remain.

ACTION: Approved

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

ACTION: Approved

MOTION: (Vasconcelos / Bernath) To adopt the Findings of Fact and Conclusions of Law reached by the Administrative Law Judge. The Commission rejects the sanction recommended by the Administrative Law Judge because that sanction would not reflect the seriousness with which the Commission views the Educator's violation of the rules applicable to educators. A greater sanction is warranted given that a one year sanction is consistent with other cases of a similar fact pattern. For these reasons, the Commission hereby ORDERS that the certificate held by

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Antoine Glasgow be suspended for a period of six months. The suspension shall begin on March 29, 2010 and shall conclude September 29, 2010.

IX. EXECUTIVE SECRETARY REPORT

The Executive Secretary presented the following:

A. Kelly Henson announced that this would be Penny Benton's last meeting as a commissioner. He thanked her for her service on the commission and presented her with her picture that hung in the boardroom.

B. Kelly Henson announced that next month they would hold an executive committee meeting to elect a Vice Chair of the Commission. He also mentioned that the Educator Ethics Committee and Educator Preparation Committee new leadership is as follows:

Educator Ethics Review Committee

Chair – Rose Powell

Vice Chair – Hester Vasconcelos

Educator Preparation Committee

Chair – Dr. Penny Elkins

Vice Chair – Julia Bernath

C. Kelly Henson gave a brief legislative update. The commissioners received a table which provided a brief summary of House and Senate Bills and their status. He did mention that this information was accurate as of 2 days ago but to keep in mind that legislation does move daily.

X. CHAIR'S REPORT

Acting Chair Powell thanked Stephen Dartt, Dr. Craig Smith and Al George for their service. She also welcomed Dr. Adrian Epps and Pam Walker to the Commission.

Acting Chair Powell announced that our next meeting will be held on April 8, 2010 at Two Peachtree Street, Atlanta, Georgia.

X. ADJOURNMENT

Acting Chair Powell called for the meeting to be adjourned at 11:35 a.m.

PSC ACTION: Approved