

# MINUTES

## PROFESSIONAL STANDARDS COMMISSION

Two Peachtree Street

Atlanta, Georgia

November 12, 2009

The Georgia Professional Standards Commission (PSC) met on Thursday, November 12, 2009, at 9 a.m.

### Members Present

Penny Benton

Julia Bernath

Maria Bradley

Sallie Bullock

Stephen Dartt

Joy Hawkins

Stephanie Haynes

Emily Jennette

Dr. Louisa Moffitt

Dr. Mary Outlaw

Rose Powell

Dr. Craig Smith

Dr. Ed Smith

Jeannie Tucker

Dr. Hester Vasconcelos

Dr. Debbie Wilkes

### Members Absent

Al George

### 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:** (Benton / Vasconcelos) To approve the agenda.

**PSC ACTION:** Approved

### III. APPROVAL OF MINUTES

Chair Wilkes called for approval of the minutes from the October 8, 2009, Commission meeting.

**PSC ACTION:** Approved

### IV. VISITORS

Chair Wilkes welcomed the visitors.

- Margaret Elliott, Professional Association of Georgia Educators
- Daniel J. Hoppe, Jr., Attorney
- Dean Potts
- Kristina Torres, AJC
- John Hooper, Georgia School Superintendents Association

### V. COMMITTEE REPORTS

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

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

1. Mr. Dartt reported that the Committee reviewed 57 *Probable Cause* cases during its November 12, 2009, meeting and brought the following recommendations on behalf of the Committee:

| #  | CASE #    | Applicant                           | STANDARDS VIOLATED  | RECOMMENDATION                 |
|----|-----------|-------------------------------------|---|--------------------------------|
| 1  | 07-6-1463 | Property Rights<br>Paraprofessional | Criminal Acts   | No Probable Cause              |
| 2  | 08-9-277  | Applicant                           | Criminal Acts<br>Professional Conduct   | Reprimand                      |
| 3  | 08-10-479 | Property Rights<br>Paraprofessional | Criminal Acts<br>Misrepresentation or Falsification<br>Professional Conduct           | Suspension – 1 Year            |
| 4  | 06-5-1250 | Property Rights                     | Criminal Acts   | Suspension – 1 Year            |
| 5  | 09-4-1055 | Property Rights<br>Paraprofessional | Abuse of Students<br>Professional Conduct   | Suspension<br>20 Contract Days |
| 6  | 09-4-1101 | Property Rights                     | Abuse of Students<br>Professional Conduct   | Suspension<br>20 Contract Days |
| 7  | 09-4-1144 | Property Rights<br>Paraprofessional | Abuse of Students<br>Professional Conduct   | No Probable Cause              |
| 8  | 09-4-1145 | Property Rights                     | Criminal Acts<br>Professional Conduct   | Suspension<br>90 Contract Days |
| 9  | 09-4-1163 | Property Rights                     | Alcohol or Drugs<br>Professional Conduct<br>O.C.G.A. § 3-3-21.1(a)                    | Suspension – 1 Year            |
| 10 | 09-4-1165 | Property Rights                     | Abuse of Students<br>Professional Conduct   | Suspension<br>20 Contract Days |
| 11 | 09-4-1167 | Property Rights                     | Confidential Information<br>Professional Conduct                                      | Suspension<br>90 Contract Days |
| 12 | 09-5-1197 | Property Rights                     | Abuse of Students<br>Professional Conduct   | Suspension<br>90 Contract Days |
| 13 | 09-5-1207 | Property Rights                     | Abuse of Students<br>Professional Conduct   | Suspension<br>90 Contract Days |
| 14 | 09-5-1209 | Property Rights<br>Paraprofessional | Abuse of Students<br>Professional Conduct   | Suspension<br>90 Contract Days |
| 15 | 09-5-1282 | Property Rights                     | Abuse of Students<br>Misrepresentation or Falsification<br>Professional Conduct       | Suspension<br>20 Contract Days |
| 16 | 09-5-1284 | Property Rights                     | Abuse of Students<br><del>Improper Remunerative Conduct</del><br>Professional Conduct | Suspension<br>10 Contract Days |

| #  | CASE #    | Applicant                            | STANDARDS VIOLATED   | RECOMMENDATION                 |
|----|-----------|--------------------------------------|--|--------------------------------|
| 17 | 09-6-1335 | Property Rights                      | Abuse of Students<br>Professional Conduct  | Reprimand                      |
| 18 | 09-6-1379 | Property Rights                      | Misrepresentation or Falsification<br>Professional Conduct   | Revocation                     |
| 19 | 09-6-1402 | Property Rights                      | Abuse of Students<br>Professional Conduct  | Revocation                     |
| 20 | 09-6-1403 | Property Rights                      | Professional Conduct   | Suspension<br>10 Contract Days |
| 21 | 09-7-1    | Property Rights                      | Abuse of Students<br>Professional Conduct<br>Other Good and Sufficient Cause   | Revocation                     |
| 22 | 09-7-7    | Property Rights                      | Misrepresentation or Falsification<br>Failure to Make a Required Report<br>Professional Conduct  | Suspension<br>45 Contract Days |
| 23 | 09-7-8    | Property Rights                      | Misrepresentation or Falsification<br>Failure to Make a Required Report<br>Professional Conduct  | Suspension – 1 Year            |
| 24 | 09-7-10   | Property Rights                      | Misrepresentation or Falsification<br>Confidential Information<br>Professional Conduct   | Suspension<br>90 Contract Days |
| 25 | 09-7-19   | Property Rights                      | Abuse of Students<br>Professional Conduct  | Suspension<br>20 Contract Days |
| 26 | 09-7-23   | Property Rights<br>Paraprofessional  | Abuse of Students<br>Professional Conduct  | Suspension<br>60 Contract Days |
| 27 | 09-7-26   | Property Rights                      | Professional Conduct   | Reprimand                      |
| 28 | 09-7-27   | Property Rights                      | Confidential Information<br>Professional Conduct   | Suspension<br>90 Contract Days |
| 29 | 09-7-28   | Property Rights                      | Criminal Acts<br>Abuse of Students<br>Professional Conduct<br>Other Good and Sufficient Cause  | Revocation                     |
| 30 | 09-7-36   | Property Rights<br>Parapro - Expired | Abuse of Students<br>Professional Conduct  | Suspension<br>5 Contract Days  |
| 31 | 09-7-38   | Property Rights<br>Paraprofessional  | Criminal Acts<br>Abuse of Students<br>Professional Conduct   | Reprimand                      |
| 32 | 09-7-40   | Property Rights                      | Alcohol or Drugs<br>Professional Conduct   | Reprimand                      |
| 33 | 09-7-44   | Property Rights                      | Criminal Acts<br>Failure to Make a Required Report   | No Probable Cause              |
| 34 | 09-7-46   | Property Rights                      | Misrepresentation or Falsification<br>Confidential Information<br>Professional Conduct   | Suspension<br>20 Contract Days |
| 35 | 09-7-47   | Property Rights                      | Misrepresentation or Falsification<br>Confidential Information<br>Professional Conduct<br>DOE Rule 160-3-1-.07<br>DOE Rule 160-3-1-.07 (4) (g) | Suspension – 1 Year            |
| 36 | 09-7-48   | Property Rights                      | Misrepresentation or Falsification<br>Confidential Information<br>Professional Conduct<br>DOE Rule 160-3-1-.07<br>DOE Rule 160-3-1-.07 (4) (g) | Suspension – 1 Year            |

| #  | CASE #   | Applicant                           | STANDARDS VIOLATED   | RECOMMENDATION                 |
|----|----------|-------------------------------------|--|--------------------------------|
| 37 | 09-7-49  | Property Rights                     | Misrepresentation or Falsification<br>Confidential Information<br>Professional Conduct<br>DOE Rule 160-3-1-.07<br>DOE Rule 160-3-1-.07 (4) (g) | Suspension – 1 Year            |
| 38 | 09-7-50  | Property Rights                     | Misrepresentation or Falsification<br>Confidential Information<br>Professional Conduct<br>DOE Rule 160-3-1-.07<br>DOE Rule 160-3-1-.07 (4) (g) | Suspension – 1 Year            |
| 39 | 09-7-52  | Property Rights                     | Criminal Acts<br>Professional Conduct  | Suspension<br>5 Contract Days  |
| 40 | 09-7-53  | Property Rights<br>Paraprofessional | Abuse of Students<br>Professional Conduct  | Suspension<br>60 Contract Days |
| 41 | 09-7-97  | Property Rights                     | Alcohol or Drugs<br>Professional Conduct   | Suspension – 1 Year            |
| 42 | 09-7-98  | Property Rights<br>Paraprofessional | Criminal Acts  | Reprimand                      |
| 43 | 09-7-104 | Property Rights                     | Confidential Information<br>Professional Conduct   | Suspension<br>90 Contract Days |
| 44 | 09-7-112 | Property Rights                     | Alcohol or Drugs<br>+ PUBLIC FUNDS AND PROPERTY<br>Professional Conduct  | Suspension – 1 Year            |
| 45 | 09-7-113 | Property Rights                     | Criminal Acts<br>Alcohol or Drugs<br>+ PUBLIC FUNDS AND PROPERTY<br>Professional Conduct   | Suspension – 1 Year            |
| 46 | 09-7-114 | Property Rights                     | Failure to Make a Required Report<br>Professional Conduct  | Suspension<br>90 Contract Days |
| 47 | 09-7-115 | Property Rights                     | Criminal Acts<br>Misrepresentation or Falsification  | Reprimand                      |
| 48 | 09-7-118 | Property Rights                     | Misrepresentation or Falsification<br>Public Funds and Property<br>Professional Conduct  | Suspension – 1 Year            |
| 49 | 09-7-121 | Property Rights                     | Alcohol or Drugs<br>Failure to Make a Required Report<br>Professional Conduct  | Suspension<br>90 Contract Days |
| 50 | 09-7-122 | Property Rights                     | Alcohol or Drugs<br>Failure to Make a Required Report<br>Professional Conduct  | Suspension<br>90 Contract Days |
| 51 | 09-8-193 | Property Rights                     | Professional Conduct   | No Probable Cause              |
| 52 | 09-8-194 | Property Rights                     | Professional Conduct   | Reprimand                      |
| 53 | 09-8-201 | Property Rights<br>Paraprofessional | Criminal Acts<br>Abuse of Students<br>Professional Conduct<br>Other Good and Sufficient Cause  | Revocation                     |
| 54 | 09-8-228 | Property Rights                     | Criminal Acts<br>Abuse of Students<br>Alcohol or Drugs<br>Professional Conduct   | Revocation                     |

| #  | CASE #   | Applicant       | STANDARDS VIOLATED   | RECOMMENDATION      |
|----|----------|-----------------|--|---------------------|
| 55 | 09-8-229 | Property Rights | Criminal Acts<br>Abuse of Students<br>Failure to Make a Required Report<br>Professional Conduct                    | Suspension – 1 Year |
| 56 | 09-8-230 | Property Rights | Public Funds and Property<br>Professional Conduct  | No Probable Cause   |
| 57 | 09-8-231 | Property Rights | Abuse of Students<br>Misrepresentation or Falsification<br>Professional Conduct<br>Other Good and Sufficient Cause | Revocation          |

2. Mr. Dartt reported that the Educator Ethics Review Committee reviewed 5 *Initial Decisions* and brought the following recommendations on behalf of the Committee:

| CASE #    | STANDARDS VIOLATED   | PROBABLE CAUSE SANCTION | ADMINISTRATIVE LAW JUDGE SANCTION                    | RECOMMENDATION |
|-----------|--|-------------------------|--|----------------|
| 06-12-621 | Misrepresentation or Falsification<br>Abandonment of Contract<br>Professional Conduct                            | Suspension - 1 Year     | Suspension - 1 Year<br>(Default – Failure to Appear) | Accept         |
| 07-12-554 | Action Taken in Another State<br>Misrepresentation or Falsification<br>Abuse of Students<br>Professional Conduct | Denial                  | Denial<br>(Default – Failure to Appear)              | Accept         |
| 08-5-1319 | Failure to Make a Required Report<br>Professional Conduct  | Suspension - 1 Year     | Suspension 30 Contract Days                          | REVIEW         |
| 08-8-135  | Abuse of Students<br>Professional Conduct  | Suspension - 1 Year     | No Probable Cause                                    | REVIEW         |
| 08-11-540 | Criminal Acts  | Denial                  | Denial<br>(Hearing Request Withdrawn)                | Accept         |

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

| CASE NUMBER | REQUEST          | PREVIOUS SANCTION | PREVIOUS VIOLATION                        | RECOMMENDATION |
|-------------|------------------|-------------------|---|----------------|
| 09-10-443   | Right to Reapply | Revocation – 2006 | Abuse of Students<br>Professional Conduct | DENY           |

4. Mr. Dartt reported that the Educator Ethics Review Committee reviewed 19 *Settlement Agreements* and brought the following recommendations on behalf of the Committee:

| #  | CASE NUMBER | SANCTION   | RECOMMENDATION |
|----|-------------|--|----------------|
| 1  | 09-2-899    | Suspension – 3 Contract Days<br>(Retroactive – System Suspension)<br>(Feb. 4 – Feb. 6, 2009) | Accept         |
| 2  | 09-2-903    | Suspension – 20 Contract Days<br>(Retroactive – Affidavit)<br>(Jan. 7 – Feb. 4, 2009)        | Accept         |
| 3  | 09-4-1059   | Reprimand  | Accept         |
| 4  | 09-4-1142   | Suspension – 90 Contract Days<br>(Nov. 30, 2009 – April 28, 2010)                            | Accept         |
| 5  | 09-4-1159   | Suspension – 1 Year<br>(April 10, 2009 – April 10, 2010)                                     | Accept         |
| 6  | 09-4-1170   | Suspension – 20 Contract Days<br>(Retroactive – Affidavit)<br>(April 20 – May 18, 2009)      | Accept         |
| 7  | 09-5-1198   | Suspension – 90 Contract Days<br>(Nov. 30, 2009 – April 28, 2010)                            | Accept         |
| 8  | 09-5-1200   | Suspension – 90 Contract Days<br>(Retroactive – Affidavit)<br>(March 5 – Sept. 25, 2009)     | Accept         |
| 9  | 09-5-1201   | Suspension – 1 Year<br>(Nov. 30, 2009 – Nov. 30, 2010)                                       | Accept         |
| 10 | 09-6-1276   | Suspension – 20 Contract Days<br>(Dec. 7, 2009 – Jan. 18, 2010)                              | Accept         |
| 11 | 09-5-1285   | Suspension – 90 Contract Days<br>(Nov. 30, 2009 – April 28, 2010)                            | Accept         |
| 12 | 09-6-1309   | Reprimand  | Accept         |
| 13 | 09-6-1312   | Reprimand  | Accept         |
| 14 | 09-6-1317   | Suspension – 1 Year<br>(Nov. 30, 2009 – Nov. 30, 2010)                                       | Accept         |
| 15 | 09-8-144    | Reprimand  | Accept         |
| 16 | 09-8-155    | Reprimand  | Accept         |
| 17 | 09-8-161    | Reprimand  | Accept         |
| 18 | 09-8-248    | Reprimand  | Accept         |
| 19 | 09-8-249    | Reprimand  | Accept         |

5. Mr. Dartt reported that the Educator Ethics Review Committee reviewed 16 *Negotiated Settlement Agreements* and brought the following recommendations on behalf of the Committee:

| CASE NUMBER | PROBABLE CAUSE SANCTION       | NEGOTIATED SANCTION   |
|-------------|-------------------------------|---|
| 06-11-509   | Revocation                    | Revocation<br>(Retro - Nov. 19, 2006)<br>Immediately eligible to Petition for<br>Right to Reapply |
| 07-1-722    | Suspension - 20 Contract Days | Suspension - 5 Contract Days<br>(11/30/09 - 12/4/09)  |
| 07-12-587   | Suspension - 20 Contract Days | Suspension - 20 Contract Days   |

| CASE NUMBER | PROBABLE CAUSE SANCTION       | NEGOTIATED SANCTION   |
|-------------|-------------------------------|---|
|             |                               | (Retroactive- 11/1/07 - 11/5/07)                                      |
| 08-3-854    | Suspension - 20 Contract Days | Suspension - 5 Contract Days<br>(1 Day Credit)<br>(12/1/09 - 12/4/09) |
| 08-3-1017   | Revocation                    | Revocation  |
| 08-3-1037   | Suspension - 20 Contract Days | Suspension - 20 Contract Days<br>(Retroactive - 3/17/08 - 4/14/08)    |
| 08-3-1052   | Revocation                    | Suspension - 3 years<br>(Part Retroactive)<br>4/3/08 - 4/2/11         |
| 08-5-1322   | Suspension - 45 Contract Days | Suspension - 45 Contract Days<br>(Retroactive - 7/28/09 - 9/30/09)    |
| 08-9-312    | Suspension - 90 Contract Days | No Probable Cause   |
| 08-10-398   | Suspension - 20 Contract Days | Suspension - 10 Contract Days<br>(Retroactive - 9/29/08 - 10/10/08)   |
| 08-11-609   | Suspension - 3 Contract Days  | No Probable Cause   |
| 09-1-761    | Reprimand                     | Reprimand   |
| 09-1-807    | Suspension - 20 Contract Days | Reprimand   |
| 09-1-810    | Revocation                    | Suspension - 1 Year<br>(Part Retroactive)<br>(1/27/09 - 1/27/10)      |
| 09-1-822    | Suspension - 1 Year           | Suspension - 1 Year<br>(Retroactive - 1/1/07 - 12/31/07)              |
| 09-4-1062   | Suspension - 90 Contract Days | Suspension - 20 Contract Days<br>(3/15/10 - 4/16/10)                  |

6. The Educator Ethics Review Committee recommended approval of the *Preliminary Investigative Determination Report* consisting of 97 new complaints received during the months of October and November 2009.

7. **EXTENSIONS – PRELIMINARY INVESTIGATIVE DETERMINATIONS**

The Educator Ethics Review Committee recommended approval of the 36 Extensions - Preliminary Investigative Determinations consisting of the following:

| #  | CASE #    | Complaint Received | #  | CASE #    | Complaint Received | #  | CASE #    | Complaint Received |
|----|-----------|--------------------|----|-----------|--------------------|----|-----------|--------------------|
| 1  | 09-10-382 | 9/29/2009          | 13 | 09-10-426 | 10/1/2009          | 25 | 09-10-438 | 10/5/2009          |
| 2  | 09-10-383 | 9/24/2009          | 14 | 09-10-427 | 10/1/2009          | 26 | 09-10-439 | 10/5/2009          |
| 3  | 09-10-384 | 9/25/2009          | 15 | 09-10-428 | 10/1/2009          | 27 | 09-10-440 | 10/5/2009          |
| 4  | 09-10-385 | 9/25/2009          | 16 | 09-10-429 | 10/1/2009          | 28 | 09-10-441 | 10/6/2009          |
| 5  | 09-10-386 | 9/25/2009          | 17 | 09-10-430 | 10/2/2009          | 29 | 09-10-442 | 10/6/2009          |
| 6  | 09-10387  | 9/25/2009          | 18 | 09-10-431 | 10/2/2009          | 30 | 09-10-443 | 9/25/2009          |
| 7  | 09-10-388 | 9/25/2009          | 19 | 09-10-432 | 10/2/2009          | 31 | 09-10-444 | 10/6/2009          |
| 8  | 09-10-389 | 9/28/2009          | 20 | 09-10-433 | 10/5/2009          | 32 | 09-10-452 | 9/25/2009          |
| 9  | 09-10-390 | 9/28/2009          | 21 | 09-10-434 | 10/5/2009          | 33 | 09-10-453 | 9/28/2009          |
| 10 | 09-10-391 | 9/28/2009          | 22 | 09-10-435 | 10/5/2009          | 34 | 09-10-454 | 9/28/2009          |
| 11 | 09-10-392 | 9/29/2009          | 23 | 09-10-436 | 10/5/2009          | 35 | 09-10-455 | 10/7/2009          |
| 12 | 09-10-393 | 9/29/2009          | 24 | 09-10-437 | 10/5/2009          | 36 | 09-10-456 | 10/8/2009          |

### 8. EXTENSIONS - INVESTIGATIONS

The Educator Ethics Review Committee recommended granting and *Investigative Extension* to the following 51 Written Complaints and 31 Application cases

#### WRITTEN COMPLAINT EXTENSIONS:

|           |           |          |           |           |           |           |         |          |           |          |
|-----------|-----------|----------|-----------|-----------|-----------|-----------|---------|----------|-----------|----------|
| 09-6-1382 | 09-4-1064 | 09-7-117 | 09-8-212  | 09-5-1250 | 09-6-1325 | 09-6-1384 | 09-7-20 | 09-7-56  | 09-5-1195 | 09-7-124 |
| 09-7-94   | 09-5-1277 | 09-7-123 | 08-12-671 | 09-5-1253 | 09-6-1334 | 09-6-1401 | 09-7-24 | 09-7-57  | 09-7-3    |          |
| 09-7-95   | 09-6-1315 | 09-8-200 | 09-4-1175 | 09-5-1274 | 09-6-1357 | 09-7-11   | 09-7-35 | 09-7-58  | 09-7-99   |          |
| 09-7-105  | 09-7-30   | 09-8-208 | 09-5-1208 | 09-5-1280 | 09-6-1360 | 09-8-220  | 09-7-39 | 09-7-125 | 09-7-100  |          |
| 09-7-106  | 09-7-116  | 09-8-210 | 09-5-1248 | 09-6-1321 | 09-6-1368 | 09-4-1149 | 09-7-55 | 09-8-226 | 09-7-101  |          |

#### APPLICATION CASE EXTENSIONS:

|           |          |          |          |          |          |          |
|-----------|----------|----------|----------|----------|----------|----------|
| 09-3-968  | 09-7-87  | 09-8-167 | 09-8-177 | 09-8-245 | 09-9-347 | 09-9-380 |
| 09-5-1226 | 09-7-89  | 09-8-172 | 09-8-179 | 09-9-341 | 09-9-350 |          |
| 09-5-1272 | 09-8-136 | 09-8-173 | 09-8-196 | 09-9-343 | 09-9-354 |          |
| 09-6-1376 | 09-8-151 | 09-8-174 | 09-8-243 | 09-9-345 | 09-9-359 |          |
| 09-7-51   | 09-8-162 | 09-8-176 | 09-8-244 | 09-9-346 | 09-9-360 |          |

### 9. APPLICATIONS FOR CERTIFICATION REPORT

The Educator Ethics Review Committee recommended to approve a no probable cause determination on 14 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 15 certificates suspended from October 8, 2009 through November 12, 2009. There were 14 certificates that had been *reinstated* because restitution is now being made on those student loans. There were 17 issues where notification had been received to suspend but



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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 10 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 present by Chair Dartt.

**PSC ACTION:** Approved

Abstention:

Rose Powell – Negotiated Settlement Case # 08-3-1052, Preliminary Investigative Determination Case # 09-10-453

Mary Outlaw – Negotiated Settlement Case # 09-1-807

### **B. Educator Preparation Standing Committee**

Committee Chair, Dr. Craig Smith, presented the report of the Educator Preparation Standing Committee.

Albany State University – The Educator Preparation Standing Committee recommends an extension of one year for the Albany State University PSC?NCATE Continuing Review.

**MOTION:** (Bernath / Vasconcelos) To accept the report and recommendation for Albany State University as presented by Dr. Craig Smith.

**PSC ACTION:** Approved

## **VI. EXECUTIVE SECRETARY REPORT**

The Executive Secretary presented the following:

**A.** Reappointment of Rose Powell – That the honorable Rose M. Powell of Houston County, Georgia, is reappointed as a Teacher representative on the Professional Standards Commission, for a term of office ending July 1, 2012.

**B.** The PSC office and entire was closed for Veteran's Day on Wednesday, November 11<sup>th</sup>. Due to the fact that the building was closed, we conducted our committee meetings this morning and our commission meeting at 1:00 p.m. Next month we will resume our normal schedule for meetings.

## **VII. REVIEW HEARINGS**

- |                      |                               |
|----------------------|-------------------------------|
| 1. Dean Potts        | - Educator (Case # 08-6-1557) |
| Wayne Magnum         | - Hearing Officer             |
| Rebecca Mick         | - PSC Attorney                |
| Daniel J. Hoppe, Jr. | - Attorney                    |

**MOTION:** (Bullock / Powell) To go into Executive Session and allow PSC staff (Gary Walker, Tanis Miller

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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 / Vasconcelos) To adopt the Findings of Fact, Conclusions of Law and Decision reached by the Administrative Law Judge.

After hearing from both parties and careful consideration of all the evidence of record in this case, the PSC rejected the ALJ's decision and made the following findings of fact and conclusions of law.

### **FINDINGS OF FACT**

1.

Educator holds a certificate to teach in the State of Georgia. During the 2007-2008 school year, he taught high school in the Cobb County School System. On or about December 10, 2007 the Educator engaged in an inappropriate conversation regarding a pornographic website with some of his students. Alyssa, a student in Educator's class testified that she came into class and Educator was discussing the website, "Two girls and a cup." Tr. p. 6. Alyssa recalled that according to the Educator there was supposed to be a "girl with one breast" on the site. One student tried to pull it up on his cell phone but couldn't get it to come up. Tr. pp. 7,8.

2.

Another student named Erika testified that she recalls Educator talking about a video on "Two girls and a cup" when she came to class but then she tuned him out so she could do her work. The Educator kept talking about a video, and had a number of male students crowding around his desk looking down at something. Tr. p. 10

3.

Peggie Constantino, the principal at the time, testified that when she talked to the Educator about the incidents, he admitted that it had occurred and that "he had tried to discuss with the student the site..." He admitted that he talked to the students two different times about the website as a topic and that he did discuss sex acts with the students. Tr. pp 19, 20. Ms. Constantino testified that exposing students to such a discussion and website fell outside of generally recognized professional standards as it exposed them to something, in this case a pornographic website, that they may have never heard of before. Tr. 24.

4.

The Educator testified that he engaged in an inappropriate discussion with some of his students when one student asked him if it is possible to "eat pooh." They began talking about seeing two women eat another woman's feces on the website "Two girls and a cup." The Educator stated that he had seen that website and believed that it was not possible. He went on to state that he told the students that the website was disgusting and that they shouldn't look at it. Educator admitted that he didn't use good judgment in continuing to talk to the students about this topic.

### **CONCLUSIONS OF LAW**

1.

The Code of Ethics for Educators defines the professional behavior of educators in Georgia. Standard 10 of the Code of Ethics Provides:

An educator should demonstrate conduct that follows generally recognized professional standards. Unethical conduct is any conduct that impairs the certificate holder's ability to function professionally in his or her employment position or a pattern of behavior or conduct that is detrimental to the health, welfare, discipline, or morals of students.

2.

There is no question that discussing a pornographic website and/or video with students is outside of professional standards and impairs the Educator's ability to function professionally in his employment position. Educator admitted that he used poor judgment and was in agreement with his principal that what he did was outside of professional standards.

### **DECISION**

1.

Having reviewed the entire record, after hearing argument from both sides, and giving due regard to the recommendation of the Administrative Law Judge, the Commission rejected the Initial Decision entered in this matter. In so doing, the Commission notes that the ALJ failed to consider all of the relevant evidence in the record.

2.

The Commission concluded that a sanction was appropriate in this particular case because a No Probable Cause finding as recommended by the Administrative Law Judge does not reflect the seriousness with which the Commission views the Educator's violation of the rules applicable to educators.

The Commission hereby ordered that the Georgia educator certificate held by ***DEAN WILFRED POTTS*** shall be suspended for a period of 90 Contract Days to begin November 30, 2009 and shall conclude April 28, 2010.

**PSC ACTION:** Approved

### **VIII. CHAIR'S REPORT**

Our next meeting will be held on December 10, 2009 at Two Peachtree Street, Atlanta, Georgia.

### **IX. ADJOURNMENT**

Chair Wilkes called for the meeting to be adjourned at 1:50 pm.

**PSC ACTION:** Approved