

MINUTES

PROFESSIONAL STANDARDS COMMISSION

Berry College

Ford Building, Alumni Center

Mount Berry, Georgia

October 13, 2005

The Georgia Professional Standards Commission (PSC) met on Thursday, October 13, 2005, at 9 a.m.

Members Present

Stephen Dartt

Jean Ebron

Carolyn Lee Hart

Maria Miller

Dr. Louisa Moffitt

Lee Muns

Dr. Mary Outlaw

Dr. Craig Smith

Sandra Thompson

Dr. Debbie Wilkes

Members Absent

Gary Bechtel

Terri DeLoach

Dr. Holly Robinson

Amy Denty

Mary Gomez

Dr. Wanda West

I. CALL TO ORDER

Lee Muns called the meeting to order at 9:06 a.m. and led the Pledge of Allegiance to the U.S. flag and a moment of silence.

II. RECOGNITION OF VISITORS

Lee Muns recognized the visitors.

- Margaret Elliott, Professional Association of Georgia Educators
- Neil Rigoli, Georgia Board of Regents
- John Hooper, Georgia School Superintendents Association
- Charlie Cox, Attorney

Dr. Toth introduced the following and they gave a brief description of Berry College and welcomed the commission to their campus:

Dr. Scott Colley, President

Thomas Dasher, Provost

Dr. Jacqueline M. McDowell, Dean of The Charter School of Education and Human Sciences

Dr. Toth also congratulated Carolyn Hart for receiving her Ph.D.

III. ADOPTION OF AGENDA

Lee Muns called for approval of the agenda.

11/18/2005

Page 2

MOTION: (Thompson / Hart) To approve agenda.

PSC ACTION: Approved

IV. APPROVAL OF MINUTES

Lee Muns called for approval of the minutes from the September 8, 2005, Commission meeting.

PSC ACTION: Approved

V. COMMITTEE REPORTS

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

Commissioner Maria Miller, gave a preliminary review of the Cases.

1. Ms. Miller reported that the Committee reviewed 70 *Probable Cause* cases during its October 12, 2005, meeting and brought the following recommendations on behalf of the Committee:

| # | CASE NUMBER | STANDARDS VIOLATED | RECOMMENDATION |
|----|-------------|--|------------------------|
| 1. | 05-7-114 | Abandonment of Contract Professional Conduct | Denial |
| 2. | 05-5-1606 | Abuse of Students Public Funds and Property Professional Conduct | Suspension for 20 Days |
| 3. | 05-5-1607 | Abuse of Students Public Funds and Property Professional Conduct | Suspension for 20 Days |
| 4. | 05-5-1706 | Abuse of Students Professional Conduct | No Jurisdiction |
| 5. | 05-6-1820 | Abuse of Students Professional Conduct | Reprimand |
| 6. | 05-6-1915 | Abuse of Students Professional Conduct | Suspension for 5 Days |
| 7. | 05-6-1926 | Abuse of Students Criminal Acts Professional Conduct | Revocation |
| 8. | 05-7-53 | Abuse of Students Professional Conduct Criminal Acts | No Probable Cause |
| 9. | 05-7-55 | Professional Conduct Abuse of Students | Revocation |

| # | CASE NUMBER | STANDARDS VIOLATED | RECOMMENDATION |
|-----|-------------|---|--------------------------|
| 10. | 05-7-134 | Abuse of Students Alcohol or Drugs Professional Conduct | Suspension for Two Years |
| 11. | 05-6-1852 | Action Taken In Another State Abuse of Students Misrepresentation or Falsification Failure to Make a Required Report Professional Conduct | Denial |
| 12. | 05-8-182 | Action Taken In Another State Misrepresentation or Falsification Professional Conduct | Revocation |
| 13. | 05-6-1797 | Criminal Act Professional Conduct | Warning |
| 14. | 05-6-1806 | Criminal Act Professional Conduct | Denial |
| 15. | 05-6-1833 | Criminal Acts Failure to Make A Required Report Professional Conduct | Suspension for 90 Days |
| 16. | 05-6-1836 | Criminal Acts Professional Conduct | Denial |
| 17. | 05-6-1837 | Criminal Acts Professional Conduct | Reprimand |
| 18. | 05-6-1843 | Criminal Acts Professional Conduct | Reprimand |
| 19. | 05-6-1890 | Criminal Acts Professional Conduct | Revocation |
| 20. | 05-6-1897 | Criminal Acts Professional Conduct | Reprimand |
| 21. | 05-6-1935 | Criminal Acts Professional Conduct | Reprimand |
| 22. | 05-6-1943 | Criminal Acts Professional Conduct | Reprimand |
| 23. | 05-6-1944 | Criminal Acts Professional Conduct | Warning |
| 24. | 05-6-1946 | Criminal Acts Professional Conduct | Warning |
| 25. | 05-7-111 | Criminal Acts Public Funds and Property Professional Conduct | Revocation |
| 26. | 05-7-139 | Criminal Acts Misrepresentation or Falsification Failure to Make a Required Report Professional Conduct | Warning |

| # | CASE NUMBER | STANDARDS VIOLATED | RECOMMENDATION |
|-----|-------------|--|------------------------|
| 27. | 05-7-141 | Criminal Acts Misrepresentation or Falsification Failure to Make a Required Report Professional Conduct | Warning |
| 28. | 05-8-183 | Criminal Acts Professional Conduct | Suspension for 20 Days |
| 29. | 05-8-186 | Failure to Make a Required Report Misrepresentation or Falsification Professional Conduct | No Probable Cause |
| 30. | 05-5-1652 | Misrepresentation or Falsification Confidential Information Professional Conduct | No Probable Cause |
| 31. | 05-5-1684 | Misrepresentation or Falsification Alcohol or Drugs Professional Conduct | Suspension for 60 Days |
| 32. | 05-6-1838 | Misrepresentation or Falsification Failure to Make a Required Report Professional Conduct | No Probable Cause |
| 33. | 05-6-1840 | Misrepresentation or Falsification Failure to Make a Required Report Professional Conduct | Warning |
| 34. | 05-6-1842 | Misrepresentation or Falsification Failure to Make a Required Report Professional Conduct | Warning |
| 35. | 05-6-1853 | Misrepresentation or Falsification Professional Conduct | Denial |
| 36. | 05-6-1860 | Misrepresentation or Falsification Failure to Make a Required Report Professional Conduct | Reprimand |
| 37. | 05-6-1867 | Misrepresentation or Falsification Criminal Acts Failure to Make a Required Report Professional Conduct | Warning |
| 38. | 05-6-1906 | Misrepresentation or Falsification Criminal Acts Professional Conduct | No Probable Cause |
| 39. | 05-6-1909 | Misrepresentation or Falsification Criminal Acts Professional Conduct | Revocation |
| 40. | 05-7-004 | Misrepresentation or Falsification Public Funds and Property Professional Conduct | Suspension for 90 Days |
| 41. | 05-7-98 | Misrepresentation or Falsification | Suspension for 1 Year |

| # | CASE NUMBER | STANDARDS VIOLATED | RECOMMENDATION |
|-----|-------------|--|---|
| | | Professional Conduct | |
| 42. | 05-7-100 | Misrepresentation or Falsification Confidential Information Professional Conduct | Suspension for 20 Days |
| 43. | 05-7-110 | Misrepresentation or Falsification Professional Conduct | Suspension for 20 Days |
| 44. | 05-7-156 | Misrepresentation or Falsification Professional Conduct | Suspension for 1 Year |
| 45. | 05-7-157 | Misrepresentation or Falsification Professional Conduct | No Probable Cause |
| 46. | 05-7-158 | Misrepresentation or Falsification Professional Conduct | No Probable Cause |
| 47. | 05-7-159 | Misrepresentation or Falsification Professional Conduct | No Probable Cause |
| 48. | 05-7-160 | Misrepresentation or Falsification Professional Conduct | No Probable Cause |
| 49. | 05-8-187 | Misrepresentation or Falsification Professional Conduct | Suspension for 1 Year |
| 50. | 05-8-190 | Misrepresentation or Falsification Professional Conduct | No Probable Cause |
| 51. | 05-2-1314 | Professional Conduct | No Probable Cause |
| 52. | 05-4-1555 | Professional Conduct | Suspension for 60 Days |
| 53. | 05-6-1866 | Professional Conduct Criminal Acts | Extend Probable Cause Determination Two Meetings (Until December 8, 2005) |
| 54. | 05-6-1881 | Professional Conduct Misrepresentation or Falsification Confidential Information | Reprimand |
| 55. | 05-6-1883 | Professional Conduct Misrepresentation or Falsification | Suspension for 90 Days |
| 56. | 05-8-248 | Professional Conduct | Revocation |
| 57. | 05-5-1681 | Public Funds and Property Professional Conduct Criminal Acts | Revocation |
| 58. | 05-6-1888 | Public Funds and Property Professional Conduct | Revocation |
| 59. | 05-7-56 | Public Funds and Property Professional Conduct | Suspension for 1 Year |
| 60. | 05-8-239 | Public Funds and Property | Suspension for 20 Days |

| # | CASE NUMBER | STANDARDS VIOLATED | RECOMMENDATION |
|-----|-------------|---|-----------------------|
| | | Professional Conduct | |
| 61. | 05-8-242 | Public Funds and Property Professional Conduct | Suspension for 1 Year |
| 62. | 05-6-1846 | Misrepresentation or Falsification Failure to Make a Required Report Professional Conduct | No Probable Cause |
| 63. | 05-6-1940 | Misrepresentation or Falsification Failure to Make a Required Report Professional Conduct | No Probable Cause |
| 64. | 05-7-41 | Misrepresentation or Falsification Failure to Make a Required Report Professional Conduct | No Probable Cause |
| 65. | 05-7-120 | Misrepresentation or Falsification Failure to Make a Required Report Professional Conduct | No Probable Cause |
| 66. | 05-7-145 | Misrepresentation or Falsification Failure to Make a Required Report Professional Conduct | No Probable Cause |
| 67. | 05-8-170 | Misrepresentation or Falsification Failure to Make a Required Report Professional Conduct | No Probable Cause |
| 68. | 05-8-172 | Misrepresentation or Falsification Failure to Make a Required Report Professional Conduct | No Probable Cause |
| 69. | 05-8-228 | Misrepresentation or Falsification Failure to Make a Required Report Professional Conduct | No Probable Cause |
| 70. | 05-8-289 | Misrepresentation or Falsification Failure to Make a Required Report Professional Conduct | No Probable Cause |

PSC ACTION: Approved

2. Ms. Miller reported that the Educator Ethics Review Committee reviewed 4 *Initial Decisions* and brought the following recommendations on behalf of the Committee:

| CASE NUMBER | STANDARDS VIOLATED | ADMINISTRATIVE LAW JUDGE SANCTION | RECOMM. |
|-------------|---|-----------------------------------|---------|
| 04-3-1274 | Misrepresentation or Falsification Failure to Make a Required Report | Warning | Accept |
| 03-12-843 | Alcohol or Drugs Professional Conduct | Suspension for One Week | Accept |
| 03-12-844 | Alcohol or Drugs Professional Conduct | Suspension for One Week | Accept |
| 03-2-1681 | Abuse of Students Professional conduct | Suspension for Six Months | Accept |

PSC ACTION: Approved

3. Ms. Miller 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 VIOLATION | RECOMM |
|---|-------------|------------------|---|--------|
| 1 | 05-7-51 | Right to Reapply | Abuse of Students Misrepresentation or Falsification Professional Conduct | Deny |
| 2 | 05-6-1924 | Right to Reapply | Criminal Acts Professional Conduct | Deny |

PSC ACTION: Approved

4. Ms. Miller reported that the Educator Ethics Review Committee reviewed 11 *Settlement Agreements* and brought the following recommendations on behalf of the Committee:

| # | CASE NUMBER | SANCTION | STANDARDS VIOLATED | RECOMMENDATION |
|---|-------------|------------|--|----------------|
| 1 | 05-04-1553 | Warning | Professional Conduct | Accept |
| 2 | 05-05-1623 | Reprimand | Criminal Acts Professional Conduct | Accept |
| 3 | 05-05-1637 | Reprimand | Criminal Acts Professional Conduct Failure to Make a Required Report Misrepresentation or Falsification | Accept |
| 4 | 05-05-1670 | Reprimand | Professional Conduct Public Funds and Property | Accept |
| 5 | 05-05-1691 | Reprimand | Failure to Make a Required Report Criminal Acts Professional Conduct | Accept |
| 6 | 05-05-1714 | Revocation | Misrepresentation or Falsification Professional Conduct | Accept |
| 7 | 05-05-1711 | Reprimand | Failure to Make a Required Report Criminal Acts Professional Conduct | Accept |
| 8 | 05-05-1729 | Reprimand | Criminal Acts Professional Conduct Misrepresentation or Falsification | Accept |

| # | CASE NUMBER | SANCTION | STANDARDS VIOLATED | RECOMMENDATION |
|----|-------------|-----------|--|----------------|
| 9 | 05-06-1733 | Reprimand | Criminal Acts Professional Conduct | Accept |
| 10 | 05-06-1764 | Warning | Misrepresentation or Falsification Professional Conduct | Accept |
| 11 | 05-06-1904 | Warning | Misrepresentation or Falsification Professional Conduct | Accept |

PSC ACTION: Approved

5. Ms. Miller reported that the Educator Ethics Review Committee reviewed 11 *Negotiated Settlement Agreements* and brought the following recommendations on behalf of the Committee excluding case # 04-6-1728:

| # | CASE NUMBER | STANDARDS VIOLATED | NEGOTIATED SANCTION | RECOMMENDATION |
|----|-------------|--|---------------------------|----------------|
| 1 | 04-04-1509 | Misrepresentation or Falsification | No Probable Cause | Accept |
| 2 | 04-06-1774 | Misrepresentation or Falsification | No Probable Cause | Accept |
| 3 | 04-8-235 | Misrepresentation or Falsification Professional Conduct | No Probable Cause | Accept |
| 4 | 04-8-233 | Misrepresentation or Falsification Professional Conduct | No Probable Cause | Accept |
| 5 | 05-3-1475 | Criminal Acts Professional Conduct | Reprimand | Reject |
| 6 | 04-7-39 | Professional Conduct | Reprimand | Reject |
| 7 | 04-4-1525 | Misrepresentation or Falsification | Suspension for Six Months | Reject |
| 8 | 04-6-1728 | Criminal Acts Professional Conduct | Suspension for One Year | *Reject |
| 9 | 05-5-1708 | Misrepresentation or Falsification Professional Conduct | Suspension for Six Months | Accept |
| 10 | 04-7-90 | Misrepresentation or Falsification Professional Conduct | Reprimand | Reject |
| 11 | 05-3-1442 | Abuse of Students Professional Conduct | Revocation | Accept |

PSC ACTION: Approved

MOTION: (Hart / Dartt) To accept the Educator Ethics Review Committee recommendation to reject case # 04-6-1728.

PSC ACTION: Approved

6. Ms. Miller reported that the Educator Ethics Review Committee reviewed 2 *Voluntary Surrender/Voluntary Denial* and brought the following recommendation on behalf of the Committee:

| # | CASE NUMBER | SANCTION | STANDARDS VIOLATED | RECOMMENDATION |
|---|-------------|------------|---|----------------|
| 1 | 05-07-138 | Revocation | Abuse of Students Professional Conduct | Accept |
| 2 | 05-08-207 | Revocation | Public Funds and Property Professional Conduct | Accept |

PSC ACTION: Approved

7. The Educator Ethics Review Committee recommended approval of the *Preliminary Investigative Determination Report* consisting of 52 new complaints received during the months of September and October 2005 excluding case # 5-9-339.

PSC ACTION: Approved

MOTION: (Dartt / Thompson) To change the Educator Ethic Review Committee's recommendation on case #5-9-339 from Investigate to No Probable Cause.

PSC ACTION: Approved

8. **EXTENSIONS – PRELIMINARY INVESTIGATIVE DETERMINATIONS**

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

| Case Number | Case Number | Case Number | Case Number |
|-------------|-------------|-------------|-------------|
| 05-9-323 | 05-9-327 | 05-9-331 | 05-9-335 |
| 05-9-324 | 05-9-328 | 05-9-332 | 05-9-374 |
| 05-9-325 | 05-9-329 | 05-9-333 | 05-9-377 |
| 05-9-326 | 05-9-330 | 05-9-334 | 05-9-378 |

PSC ACTION: Approved

9. **EXTENSIONS - INVESTIGATIONS**

The Educator Ethics Review Committee recommended granting and *Investigative Extension* to the following 112 cases:

| Case Number | Case Number | Case Number | Case Number | Case Number | Case Number | Case Number | Case Number |
|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| 05-05-1614 | 05-07-46 | 05-07-77 | 05-07-144 | 05-08-258 | 05-3-1456 | 05-7-113 | 05-6-1953 |
| 05-06-1718 | 05-07-59 | 05-07-78 | 05-07-162 | 05-08-260 | 05-3-1482 | 05-7-133 | 05-7-48 |
| 05-06-1807 | 05-07-60 | 05-07-79 | 05-08-181 | 05-08-261 | 05-5-1654 | 05-7-137 | 05-7-97 |
| 05-06-1872 | 05-07-61 | 05-07-82 | 05-08-211 | 05-08-262 | 05-6-1821 | 05-7-142 | 05-7-103 |
| 05-06-1912 | 05-07-62 | 05-07-83 | 05-08-216 | 05-08-265 | 05-6-1882 | 05-6-1739 | 05-7-104 |
| 05-06-1930 | 05-07-64 | 05-07-90 | 05-08-217 | 05-08-272 | 05-07-099 | 05-7-140 | 05-7-117 |
| 05-07-5 | 05-07-66 | 05-07-91 | 05-08-218 | 05-08-273 | 05-7-105 | 05-7-153 | 05-7-136 |
| 05-07-8 | 05-07-67 | 05-07-92 | 05-08-220 | 05-08-276 | 05-7-109 | 05-7-154 | |
| 05-07-9 | 05-07-68 | 05-07-93 | 05-08-222 | 05-08-279 | 05-8-184 | 05-7-155 | |
| 05-07-34 | 05-07-69 | 05-07-95 | 05-08-226 | 05-08-280 | 05-8-185 | 05-3-1455 | |

| | | | | | | | |
|----------|----------|-----------|-----------|-----------|-----------|-----------|--|
| 05-07-37 | 05-07-70 | 05-07-118 | 05-08-229 | 05-08-281 | 05-6-1916 | 05-5-1657 | |
| 05-07-38 | 05-07-71 | 05-07-126 | 05-08-230 | 05-08-283 | 05-8-188 | 05-6-1824 | |
| 05-07-39 | 05-07-72 | 05-07-128 | 05-08-233 | 05-08-285 | 05-8-189 | 05-6-1827 | |
| 05-07-42 | 05-07-75 | 05-07-130 | 05-08-252 | 05-08-287 | 05-8-206 | 05-6-1887 | |
| 05-07-45 | 05-07-76 | 05-07-132 | 05-08-256 | 05-3-1439 | 05-5-1702 | 05-6-1921 | |

PSC ACTION: Approved

10. APPLICATIONS FOR CERTIFICATION REPORT

The Educator Ethics Review Committee recommended to approve a no probable cause determination on 33 cases reflected on the *Applications for Certification Report*.

PSC ACTION: Approved

11. REVIEW HEARING EXTENSIONS

The Commission reviewed the *Review Hearing Extensions Report* concerning 3 hearing cases. An Administrative Law Judge rendered Initial Decisions on each case referenced in the report. The report indicates Orders were issued.

PSC ACTION: Approved

12. STUDENT LOAN SUSPENSION / REINSTATEMENTS

The Commission reviewed the report, which indicated that there were 13 certificates suspended from September 8, 2005 to October 13, 2005. There were 9 certificates that had been reinstated because restitution is now being made on those student loans. There were 4 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 no cases closed without an appeal for a review hearing before the Commission.

V. REVIEW HEARINGS

- 1. Gwendale Gaines - Educator (Case # 04-7-13)
- F.D. Toth - Hearing Officer
- Penny Hannah - PSC Attorney
- Charlie Cox - Attorney

MOTION: (Miller / Thompson) To go into Executive Session and allow PSC staff and attorney (Gary Walker and Lisa Hartzler) to remain.

ACTION: Approved

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

ACTION: Approved

11/18/2005

Page 11

MOTION: (Miller / Dartt) 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 is hereby adopted and incorporated by reference herein and made the Final Decision of the Commission with the following specification. The Commission hereby **ORDERS** that the Georgia educator certificate held by Gwendale Gaines be Suspended for a period of one year effective October 28, 2005 and shall conclude on October 28, 2006.

PSC ACTION: Approved

VII. EXECUTIVE SECRETARY REPORT

The Executive Secretary presented the following:

A. Educator Preparation Rules in Chapter 505-3

MOTION: (Thompson / Ebron) To rescind and adopt the Educator Preparation rules in Chapter 505-3 excluding rule 505-3-46. (Library Media Specialist).

ACTION: Approved

MOTION: (Miller / Thompson) To initiate Educator Preparation Rule 505-3-46. (Library Media Specialist).

ACTION: Approved

B. National Evaluation Systems – We are still working with NES to develop tests so that they will be aligned with what educators will teach. The framework committees have met. We will have a staff meeting next week with NES to discuss any issues that have come up.

C. Master Teacher/Academic Coach – We have completed 10 hearings. The hearings were welcomed throughout the state. On Tuesday, October 11th, 2005 the full committee met.

D. Leadership Redesign – The leadership Institute held a meeting was held at Calloway Gardens to discuss the future changes in the leadership preparation requirements.

VIII. CHAIR REPORT

Lee Muns thanked Mary Outlaw for the warm hospitality from Berry College. He announced that our November 10, 2005 meeting will be held in Atlanta. The November 9, 2005 Educator Ethics committee will meet at 9 am. Dr. Craig Smith thanked Dr. Toth for attending the Middle School conference held at Georgia College and State University.

VIII. ADJOURNMENT

MOTION: (Miller / Smith) To adjourn the meeting.

PSC ACTION: The meeting adjourned at 11:10 a.m.