

MINUTES

PROFESSIONAL STANDARDS COMMISSION

Two Peachtree Street

Atlanta, Georgia

October 8, 2009

The Georgia Professional Standards Commission (PSC) met on Thursday, October 8, 2009, at 9 a.m.

Members Present

Julia Bernath
Sallie Bullock
Stephen Dartt
Al George
Joy Hawkins

Stephanie Haynes
Dr. Louisa Moffitt
Dr. Mary Outlaw
Rose Powell

Dr. Craig Smith
Jeannie Tucker
Dr. Hester Vasconcelos
Dr. Debbie Wilkes

Members Absent

Dr. Ed Smith
Emily Jennette

Penny Benton

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: (Vasconcelos / Moffitt) To approve the agenda.

PSC ACTION: Approved

III. APPROVAL OF MINUTES

Chair Wilkes called for approval of the minutes from the September 10, 2009, Commission meeting.

PSC ACTION: Approved

IV. VISITORS

Chair Wilkes welcomed the visitors.

- Margaret Elliott, Professional Association of Georgia Educators
- Gayle Wooten, Professional Association of Georgia Educators
- Ricky Tucker
- John Hooper, Georgia School Superintendents Association
- Burquaye Thomas, Attorney

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 30 *Probable Cause* cases during its October 7, 2009, meeting and brought the following recommendations on behalf of the Committee:

#	CASE #	Applicant	STANDARDS VIOLATED	RECOMMENDATION
1	09-4-1103	Applicant	Criminal Acts	No Probable Cause
2	09-8-130	Property Rights	Criminal Acts Failure to Make a Required Report	Suspend– 20 Contract Days
3	09-8-131	Property Rights	Criminal Acts Misrepresentation or Falsification	Suspend– 20 Contract Days
4	09-8-144	Applicant	Criminal Acts	Reprimand
5	09-8-155	Applicant	Criminal Acts	Reprimand
6	09-8-158	Applicant	Criminal Acts Action Taken In Another State	Denial
7	09-8-161	Applicant	Criminal Acts Misrepresentation or Falsification	Reprimand
8	09-8-183	Property Rights	Criminal Acts	Reprimand
9	09-8-248	Applicant	Criminal Acts	Reprimand
10	09-8-249	Applicant	Criminal Acts	Reprimand
11	09-1-733	Property Rights	Failure to Make a Required Report Professional Conduct	Suspend – 90 Contract Days
12	09-3-958	Property Rights	Abuse of Students Professional Conduct	Suspend – 20 Contract Days
13	09-3-962	Property Rights	Abuse of Students Professional Conduct	Suspend – 90 Contract Days
14	09-3-992	Property Rights	Criminal Acts Abuse of Students Professional Conduct	Suspend – 1 Year
15	09-3-1022	Property Rights	Abuse of Students Professional Conduct	No Probable Cause
16	09-4-1135	Property Rights	Criminal Acts Professional Conduct	Revocation

#	CASE #	Applicant	STANDARDS VIOLATED	RECOMMENDATION
17	09-4-1137	Property Rights	Misrepresentation or Falsification Confidential Information Professional Conduct	No Probable Cause
18	09-4-1142	Property Rights	Confidential Information Professional Conduct	Suspend – 90 Contract Days
19	09-5-1198	Property Rights	Abuse of Students Professional Conduct	Suspend – 90 Contract Days
20	09-5-1201	Property Rights	Public Funds and Property Professional Conduct	Suspend – 1 Year
21	09-5-1206	Applicant	Misrepresentation or Falsification Professional Conduct	Denial
22	09-5-1237	Property Rights	Misrepresentation or Falsification Confidential Information	Suspend – 20 Contract Days
23	09-5-1243	Property Rights	Misrepresentation or Falsification Professional Conduct	Suspend – 60 Contract Days
24	09-5-1245	Property Rights	Abandonment of Contract Professional Conduct	Suspend – 90 Contract Days
25	09-5-1283	Property Rights	Criminal Acts Abuse of Students Misrepresentation or Falsification Public Funds and Property Professional Conduct	Revocation
26	09-6-1313	Property Rights	Professional Conduct + Public Funds and Property	Suspend – 20 Contract Days
27	09-6-1333	Property Rights	Confidential Information Professional Conduct	Suspend – 20 Contract Days
28	09-6-1338	Property Rights	Confidential Information Professional Conduct	Suspend – 90 Contract Days
29	09-6-1395	Property Rights	Abuse of Students Professional Conduct	Suspend – 5 Contract Days
30	09-6-1396	Property Rights	Misrepresentation or Falsification Professional Conduct Other Good and Sufficient Cause	Suspend – 20 Contract Days

2. Mr. Dartt reported that the Educator Ethics Review Committee reviewed 3 *Initial Decisions* and brought the following recommendations on behalf of the Committee:

CASE #	STANDARDS VIOLATED	PROBABLE CAUSE SANCTION	ADMINISTRATIVE LAW JUDGE SANCTION	RECOMMENDATION
07-9-247	Criminal Acts Misrepresentation or Falsification Failure to Make a Required Report Professional Conduct Action Taken In Another State	Suspend - 1 Year	Suspend - 1 Year	Accept
08-4-1103	Criminal Acts Misrepresentation or Falsification Professional Conduct	Revocation	Revocation (Hearing Request Withdrawn)	Accept
08-6-1557	Abuse of Students Public Funds and Property Professional Conduct	Suspend - 2 Years	No Probable Cause	REVIEW

3. Mr. Dartt reported that the Educator Ethics Review Committee reviewed 2 *Settlement Agreements* and

brought the following recommendations on behalf of the Committee:

#	CASE NUMBER	SANCTION	RECOMMENDATION
1	09-5-1210	Suspension – 20 Contract Days Oct, 26, 2009 – Nov. 20, 2009	Accept
2	09-6-1307	Reprimand	Accept

4. Mr. Dartt reported that the Educator Ethics Review Committee reviewed 25 *Negotiated Settlement Agreements* and brought the following recommendations on behalf of the Committee:

CASE #	STANDARDS VIOLATED	PROBABLE CAUSE SANCTION	NEGOTIATED SANCTION	RECOMMENDATION
06-6-1342	Abuse of Students Alcohol or Drugs Public Funds and Property Professional Conduct	Revocation	Suspension - 3 Years (Retroactive) Sept. 1, 2006 - Sept. 2, 2009	Accept
06-6-1390	Abuse of Students Professional Conduct	Suspend - 1 Year	Reprimand	Accept
06-8-170	Criminal Acts Professional Conduct	Suspend - 30 Contract Days	Suspend - 30 Contract Days (Retroactive) Sept. 2, 2006 - Oct. 1, 2006	Accept
06-10-368	Abuse of Students Professional Conduct	Suspend - 20 Contract Days	No Probable Cause	Accept
07-2-934	Abuse of Students Professional Conduct	Reprimand	No Probable Cause	Accept
07-2-992	Misrepresentation or Falsification Public Funds and Property Professional Conduct	Suspend - 1 Year	Reprimand	Accept
07-8-146	Misrepresentation or Falsification Public Funds and Property Professional Conduct	Suspend - 20 Contract Days	No Probable Cause	Accept
07-8-166	Public Funds and Property Professional Conduct	Suspend - 90 Contract Days	Suspend - 20 Contract Days Oct. 26, 2009 - Nov. 20, 2009	Accept
07-12-533	Misrepresentation or Falsification Action Taken In Another State	Suspend - 20 Contract Days	Suspend - 5 Contract Days Oct. 26, 2009 - Oct. 30, 2009	Accept
07-12-547	Criminal Acts Misrepresentation or Falsification	Reprimand	No Probable Cause	Accept
08-2-797	Criminal Acts Abuse of Students Professional Conduct	Revocation	No Probable Cause	Accept
08-5-1237	Professional Conduct	Suspend - 90 Contract Days	Suspend - 45 Contract Days (Retroactive) Aug. 3, 2009 - Oct. 5, 2009	Accept
08-5-1368	Misrepresentation or Falsification	Suspend - 20 Contract Days	Reprimand	REJECT

CASE #	STANDARDS VIOLATED	PROBABLE CAUSE SANCTION	NEGOTIATED SANCTION	RECOMMENDATION
	Confidential Information Professional Conduct			
08-8-217	Misrepresentation or Falsification Public Funds and Property Professional Conduct	Suspend - 90 Contract Days	Suspend - 60 Contract Days Oct. 26, 2009 - Feb. 10, 2010	Accept
08-8-239	Misrepresentation or Falsification	Suspend - 20 Contract Days	Suspend - 11 Contract Days (Retroactive) July 29, 2009 - Aug. 12, 2009	REJECT
08-9-304	Criminal Acts Abuse of Students Professional Conduct	Suspend - 2 Years	Suspend - 2 Years (Part Retroactive) June 1, 2009 - June 1, 2011	Accept
08-11-548	Criminal Acts Misrepresentation or Falsification	Reprimand	No Probable Cause	Accept
09-1-746	Criminal Acts Abuse of Students Professional Conduct	Revocation	Suspend - 60 Days (Retroactive) Jan. 1, 2009 - March. 2, 2009	Accept
09-1-833	Criminal Acts Professional Conduct	Denial	Reprimand	REJECT
09-3-980	Abuse of Students Misrepresentation or Falsification Professional Conduct	Suspend - 90 Contract Days	Suspend - 90 Contract Days (Retroactive) March 2, 2009 - Sept. 18, 2009	Accept
09-3-991	Failure to Make a Required Report Professional Conduct	Reprimand	Warning	Accept
09-3-1029	Alcohol or Drugs Professional Conduct	Suspend - 1 Year	Suspend - 120 Contract Days (Part Retroactive) March 3, 2009 - Nov. 11, 2009	REJECT
09-4-1086	Professional Conduct	Suspend - 5 Contract Days	Suspend - 2 Contract Days (Retroactive) April 2, 2009 - April. 3, 2009	REJECT
09-5-1193	Abuse of Students Misrepresentation or Falsification Professional Conduct Action Taken in Another State	Revocation	Suspend - 6 Months (Part Retroactive) July 1, 2009 - Dec. 31, 2009	REJECT
09-5-1244	Abandonment of Contract Professional Conduct	Suspend - 90 Contract Days	No Probable Cause	Accept

5. The Educator Ethics Review Committee recommended approval of the *Preliminary Investigative Determination Report* consisting of 63 new complaints received during the months of August and September 2009.

6. **EXTENSIONS – PRELIMINARY INVESTIGATIVE DETERMINATIONS**

The Educator Ethics Review Committee recommended approval of 34 Extensions - Preliminary Investigative

Determinations consisting of the following:

#	CASE #	Complaint Received	#	CASE #	Complaint Received	#	CASE #	Complaint Received
1	09-9-293	8/24/2009	16	09-9-308	8/28/2009	31	09-9-323	9/4/2009
2	09-9-294	8/24/2009	17	09-9-309	8/31/2009	32	09-9-324	9/4/2009
3	09-9-295	8/24/2009	18	09-9-310	8/31/2009	33	09-9-325	9/4/2009
4	09-9-296	8/24/2009	19	09-9-311	8/31/2009	34	09-9-326	9/4/2009
5	09-9-297	8/25/2009	20	09-9-312	9/1/2009			
6	09-9-298	8/25/2009	21	09-9-313	9/1/2009			
7	09-9-299	8/25/2009	22	09-9-314	9/1/2009			
8	09-9-300	8/25/2009	23	09-9-315	9/1/2009			
9	09-9-301	8/26/2009	24	09-9-316	9/1/2009			
10	09-9-302	8/26/2009	25	09-9-317	9/3/2009			
11	09-9-303	8/26/2009	26	09-9-318	9/3/2009			
12	09-9-304	8/27/2009	27	09-9-319	9/3/2009			
13	09-9-305	8/28/2009	28	09-9-320	9/4/2009			
14	09-9-306	8/28/2009	29	09-9-321	9/4/2009			
15	09-9-307	8/28/2009	30	09-9-322	9/4/2009			

7. EXTENSIONS - INVESTIGATIONS

The Educator Ethics Review Committee recommended granting and *Investigative Extension* to the following 37 Written Complaints and 37 Application cases:

WRITTEN COMPLAINT EXTENSIONS:

09-4-1101	09-5-1277	09-4-1144	09-5-1208	09-5-1274	09-6-1357	09-4-1145	09-5-1195
09-5-1197	09-5-1284	09-4-1163	09-5-1209	09-5-1280	09-6-1360	09-4-1149	09-5-1282
09-6-1382	09-6-1315	09-4-1165	09-5-1248	09-6-1321	09-6-1368	09-4-1167	
09-6-1402	08-12-671	09-4-1175	09-5-1250	09-6-1325	09-6-1384	09-6-1335	
09-4-1064	09-4-1055	09-5-1207	09-5-1253	09-6-1334	09-6-1401	09-6-1403	

APPLICATION CASE EXTENSIONS:

09-3-968	09-7-23	09-7-46	09-7-89	09-8-139	09-8-173	09-8-180	09-8-245
09-5-1226	09-7-26	09-7-51	09-7-98	09-8-151	09-8-174	09-8-196	09-8-247
09-5-1272	09-7-28	09-7-52	09-7-115	09-8-162	09-8-176	09-8-230	
09-6-1376	09-7-36	09-7-53	09-8-127	09-8-167	09-8-177	09-8-243	
09-6-1379	09-7-44	09-7-87	09-8-136	09-8-172	09-8-179	09-8-244	

8. 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*.

9. 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

11/30/2009

Page 7

Orders were issued.

10. STUDENT LOAN SUSPENSION / REINSTATEMENTS

The Commission reviewed the report, which indicated that there were 24 certificates *suspended* from September 10, 2009 through October 9, 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 releases were received prior to the actual suspension being implemented. Restitution is now being made on those student loans.

11. FINAL DECISIONS BY OPERATION OF LAW

The Commission reviewed the report, which advised that there were not any cases closed between August and September 9, 2009 without an appeal for a hearing before an Administrative Law Judge. The report also advised the Commission that there was 1 case 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 excluding Negotiated Settlement Case # 09-1-833 and Probable Cause Case # 09-08-158.

PSC ACTION: Approved

Abstention: Hester Vasconcelos – Negotiated Settlement Case # 07-8-146

Negotiated Settlement Case # 09-1-833

MOTION: (Powell / Vasconcelos) To reject the Negotiated Settlement

PSC ACTION: Approved

Opposed: Maria Bradley, Jeanne Tucker, Joy Hawkins

Probable Cause CASE # 09-8-158

MOTION: (Powell / Moffitt) To extend the Probable Cause determination for 60 days until December 10th, 2009.

ACTION: Approved

VI. REVIEW HEARINGS

- | | |
|-----------------|------------------------------|
| 1. William Ware | - Educator (Case # #07-7-69) |
| Joan Roach | - Hearing Officer |
| Rebecca Mick | - PSC Attorney |
| Borquay Thomas | - Attorney |

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

ACTION: Approved

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

ACTION: Approved

MOTION: (Bullock / George) To adopt the Findings of Fact and Conclusions of Law reached by the

11/30/2009

Page 8

Administrative Law Judge. After reviewing the record of the hearing in this matter, the Commission concluded that the particular facts and circumstances as supported by the evidence in the record warrant a sanction longer than the sanction recommended by the Administrative Law Judge. The Commission ordered that the Georgia educator certificate held by James Gibson be Suspended for a period of 30 months to become effective Oct. 26, 2009 and conclude on April 26, 2012.

PSC ACTION: Approved

Abstention: Jeanne Tucker

Opposed: Rose Powell, Hester Vasconcelos

VII. EXECUTIVE SECRETARY REPORT

A. Rick Eiserman requested that Margey McQuilkin present the Educator Preparation rules and Jane Huntley present the Certification rules. The each gave a brief background on the rules and answered questions.

MOTION: (Smith / Bullock) To repeal the current rules in Chapter 505-2 Certification, effective January 15, 2010 as follows: 505-2-.155 and 505-2-.156; to initiate the current rules in Chapter 505-2 Certification, effective January 15, 2010, as follows: 505-2-.155 and 505-2-.156; and to amend the current rules in Chapter 505-2 Certification, effective January 15, 2010, as follows: 505-2-.02, 505-2-.12 and 505-2-.150.

ACTION: Approved

MOTION: (Moffitt / Hawkins) To repeal the current rules in Chapter 505-3 Educator Preparation, effective January 15, 2010 as follows: 505-3-.68 and 505-3-.69; and to initiate the current rules in Chapter 505-3 Educator Preparation, effective January 15, 2010, as follows: 505-3-.68 and 505-3-.69.

ACTION: Approved

B. Kelly spoke briefly on House Bill 280 and 455.

House Bill 280 deals with recruiting and retaining new math and science teachers as well as enhancing the effectiveness of the current workforce. Funding is contingent on appropriation by the General Assembly and is currently in FY'11 which is school year 2010-2011. Most K-5 teachers are more comfortable with and skilled at language arts and reading than math and science. The second part of the bill establishes two new endorsements in grades K-5 math and science that provide a salary increase. Any K-5 teacher teaching math or science will earn a \$1,000 annual salary increase for completing a math or science endorsement and \$2,000 if both endorsements are completed.

House Bill 455 addresses the salary increases paid for advanced degrees in leadership for individuals not assigned to leadership positions. The new law specifies that after July 1, 2010, educators earning leadership degrees will be required to hold a leadership position in order to be compensated for the degree. Those completing a leadership degree before June 30, 2010, will be grandfathered in and House Bill 455 will not apply to them. We will go the General Assembly to try to amend the bill to July 1, 2011. Last year almost \$68 million in tax dollars was spent in salary increases for leadership degrees for educators who are not serving in leadership positions. The quality of the degrees vary from institution to institution. At present, almost any advanced degree in any other area currently results in a certificate upgrade. We are developing a new proposed rule with changes in certificate upgrades.

C. Kelly spoke briefly on Race To The Top (RTTT) and the committee that he serves on. His committee has

11/30/2009

Page 9

had their first two meetings and they focused on Teacher Evaluation. Other topics that are expected to be covered are Value Added Assessment Model, Merit Pay, Equitable Distribution of Teachers, Leader Quality, Induction, Professional Development, STEM, Certification and Licensure and Traditional and Non-Traditional Teacher Preparation Programs. Part of RTTT's work is to enhance existing programs. We would like the very best and brightest to become teachers. The bulk of the work will be to develop innovative initiatives to address the items mentioned. We need out-of-the-box thinking or thinking that reflects the lack of existence of a box. We are scheduled to complete our work in December.

D. Kelly announced that we were given permission to advertise for two ethics investigators. We hope to fill both positions in November.

E. Rick Eiserman spoke briefly on the PSC Pulse, Paperless Certification and the website. Kelly commended

PSC Pulse – The commissioners were given a draft copy of the PSC Pulse newsletter. It has been sent to the printer and we hope to have the final version in approximately 10 days. We have already sent approximately 4,000 copies electronically and we will be able to pass out hard copies to various conferences, etc. The PSC Pulse is posted on the website. Julia Bernath requested that the PSC do their best to make sure that teachers are aware of this newsletter and that it does get in their hands.

Paperless Certification – The GaPSC is moving towards paperless certification and it will become effective on January 1, 2010. Going paperless will have several benefits. It will save us money on paper, printing, postage and envelopes. It will save us time and make us much more efficient. It will give the educator instantaneous access to their file with all of their correspondence and certificate. Educators will also be able to print a copy of their certificate whenever they need it. The educator will be able to access their file through “MyPSC Account.” This web portal is targeted to be available this November.

GaPSC Website – The concept and base design is very much on track. We have received standing ovations from HR directors from around the state and they tend to hold their applause. We are currently in the process of re-writing the website so that current teachers and those that would like to be teachers can easily understand all of the content. We hope to launch the new web-site sometime in March 2010.

E. Kelly informed the commissioners that the media might attend the November commission meeting due to the testing cases.

G. Kelly informed the commission that he would be giving them periodic updates electronically on what is happening in the General Assembly. The budget will most likely dominate the session. Depending on timing, Race To The Top submissions have the ability to be a dominate player in the legislative session. Some topics that have been reviewed in the past might surface again i.e. the Braille Bill, IE² Bill, School Board Governance Bill. I am working on a Child Abuse Protocol committee that might introduce some legislation. Amending the grandfather date on 455 Bill will be on the agenda, etc. The most substantive piece of legislation from our agency will be to require charter and IE² schools and systems to go through a fingerprinting and criminal history check with their employees. At present, they have the ability to waive certification. When they waive certification, we have no jurisdiction over that educator.

11/30/2009

Page 10

Hessie Vasconcelos mentioned that she would like to see required courses for teachers to become aware of what the PSC does and specifically what the EERC does. Kelly responded that we could handle this in two ways: 1) We take it to the General Assembly as a special Georgia requirement; or 2) we work with colleges and universities to make sure that courses relative to educator ethics are included. Very frequently, this is the case. Kelly visited Kennesaw State University and courses are included. Sallie Bullock suggested that we have an Ethics test that educators would be required to take before setting up their "MyPSC Account." Dr. Gary Walker mentioned that Pioneer RESA has developed and will be rolling out an on-line ethics program.

VIII. CHAIR'S REPORT

Chair Wilkes presented the following:

A. Debbie spoke briefly about the JEBLC meeting held on Monday, October 5th. The University System and the Technical Colleges are working on an articulation system to enhance the acceptance of credit for common core courses between the technical colleges and university system. They are also working on dual enrollment policies for high school students to attend universities and technical colleges while they are in high school. Studies have shown that keeping students engaged keeps them in school. They hope that this will help bolster the number of high school graduates. Debbie also informed the commission that the Georgia Student Finance Commission has redone the GA411 website to increase user friendliness and updated planning information for parents of prospective college bound students.

B. Our next meeting will be held on November 12, 2009 at Two Peachtree Street, Atlanta, Georgia at 1:00 p.m. The committee meetings will also be held on November 12th. The Educator Ethics Review Committee will be held at 8:30 a.m. and the Educator Preparation Committee meeting will be held at 10:00 a.m.

IX. ADJOURNMENT

Chair Wilkes called for the meeting to be adjourned at 11:40 am.

PSC ACTION: Approved