

MINUTES

PROFESSIONAL STANDARDS COMMISSION

DHR Board Room
Two Peachtree Street
Atlanta, Georgia 30303-3141
September 11, 2003

The Georgia Professional Standards Commission (PSC) met on Thursday, September 11, 2003, at 9 a.m.

Members Present

| | | |
|------------------|-----------------|-----------------|
| Terri DeLoach | Dottie McClain | Dr. Craig Smith |
| Gary Bechtel | Gwenda Johnson | Maria Miller |
| Mary Gomez | Dr. Gary Walker | Janet Scott |
| Carolyn Lee Hart | Bo Slack | Bert Wagnon |

Members Absent

Amy Denty

I. CALL TO ORDER

Vice Chair Gary Walker called the meeting to order at 9:00 a.m. and led the Pledge of Allegiance to the U.S. flag and a moment of silence.

II. RECOGNITION OF VISITORS

Vice Chair Walker recognized the visitors.

- Margaret Elliott, Professional Association of Georgia Educators
- D. Aileen Dodd, Atlanta Journal Constitution
- Rodney Moore, Atlanta Public Schools
- Ann Duffy, Board of Regents
- Jaime Sarrio, GDP
- Mary Thompson
- Mike McGonigle, Georgia Association of Educators (GAE)
- Brad Carver
- John Hooper, GSSA

III. ADOPTION OF AGENDA

Vice Chair Gary Walker called for approval of the agenda after the removal of "Introduction of new Commission Members".

MOTION: (DeLoach / Miller) To approve agenda.

PSC ACTION: Approved

IV. APPROVAL OF MINUTES

Vice Chair Gary Walker called for approval of the minutes from the August 14, 2003, Commission meeting

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with the following changes:

Probable Cause Case # 22

MOTION: Following a lengthy discussion, the full Commission decided to accept the EERC recommendation of suspension for one month.

PSC ACTION: Approved

Opposed: Bert Wagnon, Angela Finn, Carolyn Hart, Tony Natson, Gwenda Johnson, Craig Smith, **Bo Slack**

Review Hearings

Penny Hannah did not remain with the commissioners when they went into executive session for the three hearings that took place on August 14, 2003.

MOTION: (Miller / Scott) To approve the minutes.

PSC ACTION: Approved

V. COMMITTEE REPORTS

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

Commissioner Janet Scott, Chair of the Educator Ethics Review Committee (EERC), gave a preliminary review of the Cases.

1. Ms. Scott commented on the wonderful job that investigator Kevin Shumake did on case # 23. Ms. Scott reported that the Committee reviewed 58 **Probable Cause** cases during its September 10, 2003, meeting and brought the following recommendations on behalf of the Committee excluding case # 15, 16, 18, 27 and 34:

| PC # | Case Number | STANDARD(S) | EERC Recommendation |
|-------------|-------------------------|--|--|
| 1 | 03-03-1830 | Criminal Acts Professional Conduct | Extend Probable Cause Determination for Final 30 Days Until 10/13/03 |
| 2 | 03-04-1975 | Criminal Acts Professional Conduct | Extend Probable Cause Determination for Final 30 Days Until 10/13/03 |
| 3 | 03-04-2068 | Criminal Acts Abuse of Students Professional Conduct | Revocation |
| 4 | 03-05-2112 Applicant | Criminal Acts Professional Conduct | Denial |
| 5 | 03-06-2392 | Criminal Acts Professional Conduct | No Probable Cause |
| 6 | 03-06-2401 | Criminal Acts Professional Conduct | No Probable Cause |

| PC # | Case Number | STANDARD(S) | EERC Recommendation |
|-------------|-------------------------|---|---|
| 7 | 03-07-05 | Criminal Acts Abuse of Students Failure to Make a Required Report Misrepresentation or Falsification Professional Conduct | Revocation |
| 8 | 03-03-1812 | Abuse of Students Professional Conduct | Revocation |
| 9 | 03-06-2324 | Abuse of Students Criminal Acts Professional Conduct | No Probable Cause |
| 10 | 03-06-2337 | Abuse of Students Public Funds and Property Professional Conduct | Voluntarily Surrendered (Received August 29, 2003) |
| 11 | 03-06-2262 | Abuse of Students Professional Conduct | Revocation |
| 12 | 03-05-2077 | Misrepresentation or Falsification Professional Conduct | No Probable Cause |
| 13 | 03-06-2339 | Misrepresentation or Falsification Professional Conduct | No Probable Cause |
| 14 | 03-05-2182 | Misrepresentation or Falsification Professional Conduct | Reprimand |
| 15 | 03-06-2328 | Misrepresentation or Falsification Professional Conduct | Warning |
| 16 | 03-06-2339 | Misrepresentation or Falsification Professional Conduct | Reprimand |
| 17 | 03-06-2413 | Misrepresentation or Falsification Professional Conduct | Suspension for Six Months |
| 18 | 03-07-01 | Misrepresentation or Falsification Professional Conduct | Suspension for Three Months |
| 19 | 03-07-02 | Misrepresentation or Falsification Professional Conduct | Revocation |
| 20 | 03-07-07 | Misrepresentation or Falsification Professional Conduct | Revocation |
| 21 | 03-07-79 | Misrepresentation or Falsification | Reprimand |
| 22 | 03-07-136 | Misrepresentation or Falsification | Warning |
| 23 | 03-06-2393 | Public Funds and Property Misrepresentation or Falsification Professional Conduct | Suspension for One Year |
| 24 | 03-06-2403 | Public Funds and Property Professional Conduct | Suspension for Six Months |
| 25 | 03-06-2213 | Abandonment of Contract | No Probable Cause |
| 26 | 03-06-2340 Applicant | Abandonment of Contract | No Probable Cause |
| 27 | 03-05-2127 | Failure to Make a Required Report | Denial |

| PC # | Case Number | STANDARD(S) | EERC Recommendation |
|-------------|--------------------|---|----------------------------|
| 28 | 03-06-2331 | Failure to Make a Required Report Criminal Acts Professional Conduct | Warning |
| 29 | 03-06-2344 | Failure to Make a Required Report Criminal Acts Misrepresentation or Falsification | Warning |
| 30 | 03-07-88 | Failure to Make a Required Report Misrepresentation or Falsification | Warning |
| 31 | 03-07-89 | Failure to Make a Required Report Misrepresentation or Falsification | Warning |
| 32 | 03-07-101 | Failure to Make a Required Report Criminal Acts Misrepresentation or Falsification | Warning |
| 33 | 03-07-102 | Failure to Make a Required Report Criminal Acts Misrepresentation or Falsification | Warning |
| 34 | 03-02-1676 | Professional Conduct | Reprimand |
| 35 | 03-05-2142 | Professional Conduct | No Probable Cause |
| 36 | 03-05-2154 | Professional Conduct | No Probable Cause |
| 37 | 03-05-2177 | Professional Conduct | No Probable Cause |
| 38 | 03-06-2330 | Professional Conduct | Reprimand |
| 39 | 03-06-2351 | Professional Conduct Abuse of Students | No Probable Cause |
| 40 | 03-06-2358 | Professional Conduct | Warning |
| 41 | 03-06-2395 | Professional Conduct | Reprimand |
| 42 | 03-06-2398 | Professional Conduct Abuse of Students | Reprimand |
| 43 | 03-06-2399 | Professional Conduct | No Probable Cause |
| 44 | 03-06-2402 | Professional Conduct Abuse of Students | Reprimand |
| 45 | 03-06-2405 | Professional Conduct Abuse of Students | Reprimand |
| 46 | 03-06-2407 | Professional Conduct Abuse of Students | Warning |
| 47 | 03-06-2408 | Professional Conduct Abuse of Students | No Probable Cause |
| 48 | 03-07-04 | Professional Conduct | No Probable Cause |
| 49 | 03-07-06 | Professional Conduct | Warning |
| 50 | 03-06-2325 | Misrepresentation or Falsification Failure to Make a Required Report | Warning |
| 51 | 03-06-2326 | Misrepresentation or Falsification Failure to Make a Required Report | Warning |

| PC # | Case Number | STANDARD(S) | EERC Recommendation |
|-------------|--------------------|---|----------------------------|
| 52 | 03-06-2346 | Misrepresentation or Falsification Failure to Make a Required Report | Warning |
| 53 | 03-06-2357 | Misrepresentation or Falsification Failure to Make a Required Report | Warning |
| 54 | 03-07-11 | Misrepresentation or Falsification Failure to Make a Required Report | Warning |
| 55 | 03-08-183 | Misrepresentation or Falsification Failure to Make a Required Report | Warning |
| 56 | 03-07-56 | Misrepresentation or Falsification Failure to Make a Required Report | Warning |
| 57 | 03-07-95 | Misrepresentation or Falsification Failure to Make a Required Report | Warning |
| 58 | 03-07-116 | Misrepresentation or Falsification Failure to Make a Required Report | Warning |

PSC ACTION: Approved

Abstention: Case #2 - Bert Wagon, Case #12 – Maria Miller, Case #13 – Carolyn Hart

Case # 15

MOTION: To accept the EERC recommendation of a Warning.

PSC ACTION: Approved

Case #16

MOTION: To accept the EERC recommendation of a Reprimand.

PSC ACTION: Approved

Case #18

MOTION: To accept the EERC recommendation of a Three Months Suspension.

PSC ACTION: Approved

Opposed: Bo Slack, Bert Wagon

Case #27

MOTION: To accept the EERC recommendation of a Denial.

PSC ACTION: Approved

Case #34

MOTION: (Hart / Wagon) To change the EERC recommendation from a Reprimand to Three Months Suspension.

PSC ACTION: Approved

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

| Case Number | Ethical Violation | ALJ Initial Decision |
|--------------------|--|---|
| 02-07-236 | Professional Conduct Abuse of Students | Reprimand & Denial (Monitoring for 1 year if approved for Certification) |
| 02-06-2186 | Alcohol or Drugs Professional Conduct | Revocation |
| 02-06-2473 | Professional Conduct | Suspension for One Month |
| 01-11-831 | Misrepresentation or Falsification Professional Conduct | Revocation |
| 01-10-783 | Abuse of Students Professional Conduct | Revocation |

PSC ACTION: Approved

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

| Case Number | Nature of Petition | Previous Decision (Violation) | EERC Recomm. |
|--------------------|--|---|---------------------|
| 03-06-2353 | Right to Reapply | Revocation 3/2/2000 Misrepresentation or Falsification Criminal Acts; Professional Conduct | Grant |
| 02-5-1877 | Early Reinstatement of a Suspended Certificate | Suspended – Nov. 29, 2003 – Nov. 29, 2003 Abuse of Students; Criminal Acts; Professional Conduct | Deny |

PSC ACTION: Approved

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

| Case Number | Violation | Negotiated Proposal | EERC Recomm. |
|--------------------|--|--|---------------------|
| 03-02-1704 | Criminal Acts; Professional Conduct | No Probable Cause (Dismissal – Expunge) | Accept |
| 02-05-2036 | Abuse of Students; Professional Conduct | Revocation | Accept |
| 03-3-1710 | Criminal Acts; Abuse of Students; Professional Conduct | Revocation | Accept |

PSC ACTION: Approved

5. Ms. Scott reported that the Educator Ethics Review Committee reviewed 18 *Settlement Agreements* and brought the following recommendations on behalf of the Committee:

| Case Number | Sanction | Violation | EERC Recommendation |
|--------------------|---------------------------|--|----------------------------|
| 03-04-2063 | Reprimand | Professional Conduct | Accept |
| 03-04-2065 | Warning | Failed to Make a Required Report | Accept |
| 03-05-2133 | Reprimand | Misrepresentation or Falsification – Criminal History | Accept |
| 03-05-2150 | Suspension – Three Months | Criminal Acts; Professional Conduct | Accept |
| 03-05-2153 | Reprimand | Misrepresentation or Falsification - Testing | Accept |
| 03-05-2156 | Warning | Professional Conduct | Accept |
| 03-05-2157 | Warning | Misrepresentation or Falsification – Previous Suspension | Accept |
| 03-05-2178 | Reprimand | Misrepresentation or Falsification - Testing | Accept |
| 03-05-2181 | Suspension – One Month | Professional Conduct | Accept |
| 03-05-2192 | Warning | Misrepresentation or Falsification - Testing | Accept |
| 03-06-2206 | Reprimand | Failed to Make a Required Report | Accept |
| 03-06-2208 | Warning | Misrepresentation or Falsification – Criminal History | Accept |
| 03-06-2281 | Reprimand | Professional Conduct | Accept |
| 03-06-2316 | Warning | Failed to Make a Required Report | Accept |
| 03-06-2322 | Warning | Misrepresentation or Falsification – Criminal History | Accept |
| 03-06-2337 | Revocation*** | Failed to Make a Required Report | Accept |
| 03-06-2354 | Revocation*** | Misrepresentation or Falsification – Criminal History | Accept |
| 03-06-2381 | Warning | Abuse of Students; Professional Conduct; Public Funds and Property | Accept |
| | | Criminal Acts; Abuse of Students | Accept |
| | | Criminal Acts; Professional Conduct | Accept |

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

PSC ACTION: Approved

6. The Educator Ethics Review Committee reviewed 1 Other Business and brought the following recommendations on behalf of the committee:

| Case Number | EDUCATOR | DESCRIPTION | EERC Recomm. |
|--------------------|-----------------|----------------------------|---------------------|
| 02-03-1572 | Linda Kea | Motion for Reconsideration | Deny |

PSC ACTION: Approved

Abstention: Terri Deloach, Dottie McClain

7. The Educator Ethics Review Committee recommended approval of the *Preliminary Investigative Determination Report* consisting of 58 new complaints received during the months of August and September 2003:

PSC ACTION: Approved

8. The Educator Ethics Review Committee recommended approval of the *Extensions to Investigations Report* consisting of 33 cases.

| <u>Case Number</u> | <u>Case Number</u> | <u>Case Number</u> | <u>Case Number</u> |
|--------------------|--------------------|--------------------|--------------------|
| 03-6-2342 | 03-6-2355 | 03-7-128 | 03-8-226 |
| 03-6-2404 | 03-6-2406 | 03-7-133 | 03-8-228 |
| 03-5-2091 | 03-6-2350 | 03-7-135 | 03-8-229 |
| 03-5-2128 | 03-6-2397 | 03-7-139 | |
| 03-5-2155 | 03-7-90 | 03-7-140 | |
| 03-6-2336 | 03-7-99 | 03-7-147 | |
| 03-6-2352 | 03-7-105 | 03-7-148 | |
| 03-6-2396 | 03-7-108 | 03-7-159 | |
| 03-4-2010 | 03-7-121 | 03-7-162 | |
| 03-4-2058 | 03-7-125 | 03-7-166 | |

PSC ACTION: Approved

9. **APPLICATIONS FOR CERTIFICATION REPORT**

The Educator Ethics Review Committee recommended approval of 48 cases on the *Applications for Certification Report*.

PSC ACTION: Approved for a No Probable Cause finding.

10. **COLLEGES AND UNIVERSITIES**

The Commission reviewed the quarterly *College/University Preparation Program Report* that reflected sanctions taken against certificates for certain violations of the code of ethics during the months of June, July and August of 2003. The report also reflected which college or university prepared the educators that received a sanction. This report will be forwarded to those colleges/universities listed, in an effort to have their students become more familiar with the requirements an educator is to abide by according to the Code of Ethics.

11. **REVIEW HEARING EXTENSIONS**

The Commission reviewed the *Review Hearing Extensions Report* concerning 5 hearing cases. An Administrative Law Judge has rendered Initial Decisions on each case referenced in the report. The report indicates Orders that have been issued by the Commission to extend time by 30 additional days to preserve the Commission's time to conduct review hearings on the following cases: 02-7-236, 02-6-2186, 02-6-2473, 01-11-831, 01-10-783.

12. **STUDENT LOAN SUSPENSION / REINSTATEMENTS**

The Commission reviewed the report, which advised of 9 *Student Loan Reinstatements and 10 Student Loan Suspensions*.

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

The Commission reviewed the report, which advised of 8 cases closed by *Operation of Law*.

B. Educator Preparation Standing Committee

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

1. Clayton County School System – The Standing Committee for Educator Preparation recommends Developmental Approval for the Clayton County Public School’s professional Education unit and Georgia Teacher Alternative Preparation Programs (GATAPP).

PSC ACTION: Approved

2. Mercer University – The Standing Committee for Educator Preparation recommends that the Mercer University progress report demonstrates satisfactory progress and all stipulations be removed.

PSC ACTION: Approved

3. Oglethorpe University – The Standing Committee for Educator Preparation recommends that the Oglethorpe University May 2003 progress report demonstrated satisfactory progress and all approval conditions be removed.

PSC ACTION: Approved

4. Piedmont College – The Standing Committee for Educator Preparation recommends that the Piedmont College progress report demonstrates progress. The remaining standards with weaknesses are to be corrected; a report describing corrections is to be submitted on or before December 15, 2003.

PSC ACTION: Approved

5. Spelman College – The Standing Committee for Educator Preparation recommends that the Spelman College progress report demonstrates satisfactory progress and all stipulations be removed.

PSC ACTION: Approved

Abstention: Mary Gomez

6. State University of West Georgia – The Standing Committee for Educator Preparation recommends that the State University of West Georgia progress report demonstrates satisfactory progress and all stipulations be removed.

PSC ACTION: Approved

7. University of Georgia – The Standing Committee for Educator Preparation did not concur with the Evaluation Review Panel and recommended that the University of Georgia progress report demonstrated satisfactory progress and that all stipulations be removed.

PSC ACTION: Approved

Abstention: Maria Miller

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8. Instruction Technology Course Approvals – The Standing Committee for Educator Preparation recommends the following for agencies seeking approval for technology courses to meet the special Georgia instructional technology requirement:

Approval – Woodward Academy

Approval with Stipulations (corrective action to be completed by October 15, 2003) – Coweta County Schools

Denial – Dalton Public School System, Oconee RESA

PSC ACTION: Approved

Abstention: Janet Scott

9. Removal of Stipulations from Technology Course Approvals – The Standing Committee for Educator Preparation recommends removal of stipulations placed upon the following Technology courses by the Commission:

- Bartow County Schools
- Calhoun County Schools
- Rockdale County

PSC ACTION: Approved

VI. EXECUTIVE SECRETARY REPORT

The Executive Secretary presented the following:

A. New Commissioners will have an orientation but at this time we are waiting to hear from the Governors' office on possible new commissioners so that they can also attend.

B. We are working on meeting locations for the future commission meetings and will try to have one or two meetings outside of Atlanta.

VII. CHAIR'S REPORT

Vice Chair, Gary Walker, spoke about September 11th tragedy and asked that we all keep everyone in our thoughts.

VIII. ADJOURNMENT

MOTION: (DeLoach / Scott) To adjourn the meeting.

PSC ACTION: The meeting adjourned at 10:05 p.m.