

MINUTES

PROFESSIONAL STANDARDS COMMISSION

Two Peachtree Street

5th Floor Boardroom

Atlanta, Georgia

September 14, 2006

The Georgia Professional Standards Commission (PSC) met on Thursday, September 14, 2006, at 9 a.m.

Members Present

Sallie Bullock

Stephen Dartt

Jean Ebron

Mary Gomez

Pamela Greenway

Maria Miller

Dr. Louisa Moffitt

Dr. Mary Outlaw

Rose Powell

Dr. Holly Robinson

Jeannie Tucker

Hester Vasconcelos

Dr. Wanda West

Dr. Debbie Wilkes

Members Absent

Gary Bechtel

Dr. Craig Smith

Maria Bradley

Lee Muns

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. SERVICE AWARDS

Chair Wilkes presented the following employees with a Service Award:

Sheila Dodson – 10 Years of Service

Julie Weisberg – 5 Year of Service

III. SWEARING IN OF NEW COMMISSIONERS

The following were sworn in as new commissioners:

Hester "Hessie" C. Vasconcelos, 56, Roswell, GA, Classroom Teacher Representative - Vasconcelos is a Spanish teacher at George Walton Comprehensive High School in Cobb County. She is a member of the Professional Association of Georgia Educators (PAGE), the American Council on Teaching of Foreign Languages (ACTFL) and the Foreign Language Association of Spanish & Portuguese (AATSP). Vasconcelos earned a bachelor's degree from New York University, a master's degree from Universidade Federal de Pernambuco, a specialist's degree from the University of Sarasota and she is enrolled in the doctor of education program through Argosy University. She and her husband, Gileno, have two grown children and one grandchild.

D. Eugenia "Jeannie" Tucker, 46, Enigma, GA, Classroom Teacher Representative - Tucker is a teacher at Berrien Elementary in Berrien County. She is a member of the Professional Association of Georgia Educators

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(PAGE), the Georgia Reading Association, the Berrien County Farm Bureau and the Berrien County Young Farmers Organization. She served as the state women's committee chair for the Georgia Farm Bureau. Tucker earned a bachelor's degree and a master's degree from Valdosta State University and a specialist's degree from Georgia Southwestern State University. She and her husband, Ricky, have two grown children and three grandchildren.

Rose M. Powell, 42, Kathleen, GA, Classroom Teacher Representative - Powell is a teacher at Feagin Mill Middle School in Houston County. She serves as chairperson of the math department and treasurer of the band boosters. She received the 2005-2006 Best Buy Teach Award and was a 2005-2006 Houston County Teacher of the Year finalist. Powell earned a bachelor's degree from Mercer University and a master's degree from Georgia College & State University.

IV. RECOGNITION OF VISITORS

Chair Wilkes recognized the visitors.

- Margaret Elliott, Professional Association of Georgia Educators
- Gayle Wooten, Professional Association of Georgia Educators
- Samuel Wilson
- David Ebron
- Lorenzo Merritt, Attorney
- Felecia Lee, Georgia Association of Educators (GAE)
- Maureen McCleod, Attorney

V. ADOPTION OF AGENDA

Chair Wilkes called for approval of the agenda.

MOTION: (Greenway / Miller) To approve the agenda.

PSC ACTION: Approved

VI. APPROVAL OF MINUTES

Chair Wilkes called for approval of the minutes from the July 27, 2006, Commission meeting.

PSC ACTION: Approved

VII. BOARD OF REGENTS PRESENTATION

Dr. Jan Kettlewell, Associate Vice Chancellor, Academic Affairs, Office of Academic Affairs of the Board of Regents of the University System of Georgia gave a presentation titled "University System of Georgia Teacher Preparation". The presentation included an overview of teacher preparation, teacher production at the secondary level, efforts to meet the demand and the efforts to assess impact of USG prepared teachers in the public schools.

VIII. COMMITTEE REPORTS

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

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

1. Ms. Miller reported that the Committee reviewed 59 *Probable Cause* cases during its September 13, 2006, meeting and brought the following recommendations on behalf of the Committee:

#	CASE NUMBER	STANDARDS VIOLATED	RECOMMENDATION
1	06-4-1170	Criminal Acts Professional Conduct	No Probable Cause
2	06-5-1223	Criminal Acts Professional Conduct	Extend Probable Cause Determination Pending Outcome Of Criminal Case
3	06-5-1288	Criminal Acts Misrepresentation or Falsification Failure to Make a Required Report Professional Conduct	No Probable Cause
4	06-6-1355	Criminal Acts	Reprimand
5	06-6-1356	Criminal Acts	Reprimand
6	06-6-1422	Criminal Acts	Reprimand
7	06-6-1429	Criminal Acts	Denial
8	06-6-1452	Criminal Acts Professional Conduct	Reprimand
9	06-6-1461	Criminal Acts Action Taken In Another State	No Probable Cause
10	06-6-1468	Criminal Acts Misrepresentation or Falsification Professional Conduct	Reprimand
11	06-6-1471	Criminal Acts Professional Conduct	Reprimand
12	06-6-1476	Criminal Acts	Revocation
13	06-6-1491	Criminal Acts	Denial
14	05-12-724	Abuse of Students Professional Conduct	Revocation
15	06-3-1104	Abuse of Students Professional Conduct Criminal Acts	Extend Probable Cause Determination Pending Outcome Of Criminal Case

#	CASE NUMBER	STANDARDS VIOLATED	RECOMMENDATION
16	06-4-1145	Abuse of Students Professional Conduct	Suspension for One Year
17	06-4-1155	Abuse of Students Professional Conduct Criminal Acts	Revocation
18	06-4-1187	Abuse of Students Alcohol or Drugs Misrepresentation or Falsification Professional Conduct	Revocation
19	06-5-1238	Abuse of Students Professional Conduct	Suspension for One Year
20	06-5-1240	Abuse of Students Professional Conduct	Administratively Dismiss -Educator Deceased-
21	06-5-1242	Abuse of Students Professional Conduct	Suspension for 20 Contract Days
22	06-5-1280	Abuse of Students Professional Conduct Criminal Acts	Revocation
23	06-5-1290	Abuse of Students Professional Conduct	Revocation
24	06-5-1320	Abuse of Students Professional Conduct	No Probable Cause
25	06-3-1129	Alcohol or Drugs Abuse of Students Misrepresentation or Falsification Professional Conduct	Suspension for One Year
26	06-4-1149	Alcohol or Drugs Criminal Acts Professional Conduct	Suspension for One Year
27	06-5-1287	Alcohol or Drugs Professional Conduct	Suspension for One Year
28	06-3-1107	Misrepresentation or Falsification Professional Conduct	Revocation
29	06-4-1146	Misrepresentation or Falsification Public Funds and Property Professional Conduct	Suspension for 10 Contract Days
30	06-5-1248	Misrepresentation or Falsification Professional Conduct	Suspension for One Year
31	06-6-1469	Misrepresentation or Falsification Professional Conduct Abandonment of Contract Action Taken in Another State	Suspension for One Year
32	06-7-34	Misrepresentation or Falsification Professional Conduct	Suspension for 20 Contract Days
33	06-7-38	Misrepresentation or Falsification Criminal Acts	Reprimand

#	CASE NUMBER	STANDARDS VIOLATED	RECOMMENDATION
		Failure to Make a Required Report Professional Conduct	
34	06-2-880	Public Funds and Property Misrepresentation or Falsification	No Probable Cause
35	06-5-1285	Public Funds and Property Professional Conduct	Suspension for One Year
36	06-5-1286	Public Funds and Property Professional Conduct	Suspension for One Year
37	06-5-1294	Public Funds and Property Misrepresentation or Falsification Criminal Acts Improper Remunerative Conduct Failure to Make a Required Report Professional Conduct	Revocation
38	06-6-1384	Public Funds and Property	Suspension for 20 Contract Days
39	06-6-1482	Public Funds and Property Professional Conduct	Suspension for One Year
40	06-6-1483	Public Funds and Property Professional Conduct	Suspension for One Year
41	06-5-1234	Confidential Information Misrepresentation or Falsification Professional Conduct	Suspension for 90 Contract Days
42	06-5-1239	Confidential Information Professional Conduct	Suspension for 90 Contract Days
43	06-5-1265	Confidential Information Misrepresentation or Falsification Professional Conduct	Suspension for 90 Contract Days
44	05-10-515	Professional Conduct	No Probable Cause
45	05-11-652	Professional Conduct Abuse of Students Misrepresentation or Falsification	Suspension for 20 Contract Days
46	06-3-970	Professional Conduct	Suspension for One Year
47	06-3-1043	Professional Conduct Abuse of Students	Reprimand
48	06-3-1068	Professional Conduct	Suspension for 20 Contract Days
49	06-3-1074	Professional Conduct	Suspension for 90 Contract Days
50	06-5-1281	Professional Conduct Alcohol or Drugs Abuse of Students	Reprimand
51	06-5-1299	Professional Conduct	Reprimand
52	06-5-1301	Professional Conduct	Suspension for 90 Contract Days

#	CASE NUMBER	STANDARDS VIOLATED	RECOMMENDATION
		Abandonment of Contract	
53	06-5-1304	Professional Conduct	Suspension for 5 Contract Days
54	06-6-1332	Professional Conduct	Suspension for 45 Contract Days
55	06-6-1389	Professional Conduct Abuse of Students	Suspension for 20 Contract Days
56	06-6-1451	Professional Conduct	No Probable Cause
57	06-6-1527	Professional Conduct Misrepresentation or Falsification	Revocation
58	06-6-1533	Professional Conduct	No Probable Cause
59	06-7-6	Professional Conduct Criminal Acts	Reprimand

PSC ACTION: Approved

Abstention - Dr. Mary Outlaw on Case #06-4-1155

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

CASE NUMBER	STANDARDS VIOLATED	PROBABLE CAUSE SANCTION	ADMINISTRATIVE LAW JUDGE SANCTION	RECOMM.
03-11-807	Abuse of Students Professional Conduct	Revocation	Revocation	Accept
05-1-976	Professional Conduct Criminal Acts Abuse of Students	Suspension for One Week	Reprimand	Accept
04-3-1260	Abuse of Students Misrepresentation or Falsification Failure to Make a Required Report Professional Conduct	Denial	Denial	Accept
05-3-1371	Abuse of Students Alcohol or Drugs Misrepresentation or Falsification Professional Conduct	Suspension for Two Years	Suspension for Three Months	Review
05-8-196	Criminal Acts Professional Conduct	Revocation	Revocation	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 SANCTION	PREVIOUS VIOLATION	RECOMM
06-4-1153	Right to Reapply	Revocation - 7/13/2001	Criminal Acts Misrepresentation or Falsification	Deny
05-1-1106	Early Reinstatement	Current Suspension 07/02/06 – 07/02/08	Misrepresentation or Falsification Criminal Acts Professional Conduct	Grant

PSC ACTION: Approved

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

#	CASE NUMBER	EDUCATOR	SANCTION	RECOMMENDATION
1	05-11-587	Mary Hamilton	Suspension – 2 Years (Sept. 29, 2006 – Sept. 29, 2008)	Accept
2	06-3-1052	Floyd Jay Weeks	Reprimand	Accept
3	06-4-1162	Gloria Jean Samuel	Warning	Accept
4	06-4-1163	Lauren R. Drayton	Reprimand	Accept
5	06-4-1174	Amy Fine Kirkpatrick	Reprimand	Accept
6	06-4-1190	Patricia Kaye May	Warning	Accept
7	06-4-1196	Julie Renner	Reprimand	Accept
8	06-4-1203	Charlene Calhoun	Reprimand	Accept
9	06-4-1209	Mary Sue Day	Revocation	Accept
10	06-4-1210	Shawn Allen Kuhn	Reprimand	Accept
11	06-5-1218	Melinda Clemmer Lewis	Reprimand	Accept
12	06-5-1273	Larry Holland	Warning	Accept
13	06-5-1274	Paula C. Thompson	Warning	Accept
14	06-5-1278	Marjorie M. Powell	Warning	Accept
15	06-5-1295	Darrell L. Cornelius	Suspension - 20 Contract Days (Oct. 2, 2006 - Oct. 27, 2006)	Accept
16	06-5-1317	Michael W. Pryor	Denial	Accept
17	06-5-1328	Monice Renee Peterson	Warning	Accept
18	06-6-1411	Sabrina D. Hammond	Warning	Accept

PSC ACTION: Approved

5. Ms. Miller reported that the Educator Ethics Review Committee reviewed 17 *Negotiated Settlement Agreements* and brought the following recommendations on behalf of the Committee:

CASE NUMBER	STANDARDS VIOLATED	PROBABLE CAUSE SANCTION	NEGOTIATED SANCTION	RECOMM
05-7-49	Professional Conduct	Reprimand	No Probable Cause	Accept
05-7-79	Criminal Acts Misrepresentation or Falsification Professional Conduct	Denial	Denial	Accept
05-8-269	Alcohol or Drugs Professional Conduct	Suspension - 5 Contract Days	Suspension - 5 Contract Days	Accept
05-5-1606	Abuse of Students Professional Conduct Public Funds and Property	Suspension - 20 Contract Days	Suspension - 20 Contract Days	Accept
05-7-48	Professional Conduct	Revocation	Revocation	Accept
05-6-1919	Public Funds and Property Professional Conduct	Suspension - 1 Year	Suspension - 15 Days	Reject
05-12-750	Abuse of Students Professional Conduct	Suspension - 1 Year	Suspension 180 Contract Days	Accept
05-8-243	Misrepresentation or Falsification Professional Conduct	Suspension - 20 Contract Days	Suspension - 20 Contract Days	Accept
05-12-765	Misrepresentation or Falsification Professional Conduct	Reprimand	Warning	Accept
06-3-1075	Alcohol or Drugs Professional Conduct	Suspension - 90 Contract Days	Suspension - 90 Contract Days	Accept
06-3-1049	Misrepresentation or Falsification Public Funds and Property Professional Conduct	Denial	Reprimand	Accept
05-4-1529	Abuse of Students Professional Conduct	Suspension - 2 Years	Suspension - 1 Year	Accept
05-9-389	Public Funds and Property Professional Conduct	Suspension - 90 Contract Days	Suspension - 60 Contract Days	Accept
05-3-1444	Professional Conduct	Suspension - 1 Month	Suspension - 14 Days	Reject
05-7-46	Misrepresentation or Falsification Public Funds and Property Failure to Make a Required Report Professional Conduct	Revocation	Reprimand	Reject
03-11-766	Criminal Acts Professional Conduct	Suspension - 2 Years	Suspension - 9 Months	Accept
05-9-402	Misrepresentation or Falsification Failure to Make a Required Report Professional Conduct	Suspension - 20 Contract Days	Suspension - 10 Contract Days	Reject

PSC ACTION: Approved

6. The Educator Ethics Review Committee recommended approval of 2 cases in the *Voluntary Surrender / Voluntary Denial* report:

CASE NUMBER	SANCTION	STANDARDS VIOLATED	RECOMMENDATION
06-6-1339	Revocation	Abuse of Students Criminal Acts Professional Conduct	Accept
06-6-1481	Revocation	Public Funds and Property Professional Conduct	Accept

PSC ACTION: Approved

7. **EXTENSIONS – PRELIMINARY INVESTIGATIVE DETERMINATIONS**

The Educator Ethics Review Committee recommended approval of 58 Extensions - Preliminary Investigative Determinations consisting of the following:

<u>CASE #</u>	<u>Complaint Received</u>	<u>Extension Granted</u>
06-8-130	July 13, 2006	August 1, 2006
06-8-130	July 13, 2006	August 29, 2006
06-8-131	July 14, 2006	August 1, 2006
06-8-131	July 14, 2006	August 29, 2006
06-8-132	July 14, 2006	August 1, 2006
06-8-132	July 14, 2006	August 29, 2006
06-8-133	July 15, 2006	August 1, 2006
06-8-133	July 15, 2006	August 29, 2006
06-8-134	July 17, 2006	August 1, 2006
06-8-134	July 17, 2006	August 29, 2006
06-8-135	July 17, 2006	August 1, 2006
06-8-135	July 17, 2006	August 29, 2006
06-8-136	July 19, 2006	August 1, 2006
06-8-136	July 19, 2006	August 29, 2006
06-8-137	July 19, 2006	August 1, 2006
06-8-137	July 19, 2006	August 29, 2006
06-8-138	July 20, 2006	August 1, 2006
06-8-139	July 20, 2006	August 1, 2006
06-8-140	July 20, 2006	August 1, 2006
06-8-141	July 21, 2006	August 1, 2006
06-8-142	July 23, 2006	August 1, 2006
06-8-143	July 23, 2006	August 1, 2006
06-8-144	July 25, 2006	August 1, 2006
06-8-145	July 25, 2006	August 1, 2006
06-8-146	July 25, 2006	August 1, 2006
06-8-147	July 26, 2006	August 1, 2006
06-8-148	July 26, 2006	August 1, 2006
06-8-149	July 27, 2006	August 1, 2006
06-8-150	July 27, 2006	August 1, 2006
06-8-151	July 28, 2006	August 1, 2006
06-8-152	July 28, 2006	August 1, 2006
<u>CASE #</u>	<u>Complaint Received</u>	<u>Extension Granted</u>
06-8-153	July 28, 2006	August 1, 2006

06-8-154	July 31, 2006	August 1, 2006
06-8-155	July 31, 2006	August 1, 2006
06-8-156	July 31, 2006	August 1, 2006
06-8-157	July 31, 2006	August 1, 2006
06-8-158	August 1, 2006	August 29, 2006
06-8-159	August 1, 2006	August 29, 2006
06-8-160	August 2, 2006	August 29, 2006
06-8-161	August 3, 2006	August 29, 2006
06-8-162	August 4, 2006	August 29, 2006
06-8-163	August 4, 2006	August 29, 2006
06-8-164	August 7, 2006	August 29, 2006
06-8-165	August 7, 2006	August 29, 2006
06-8-166	August 7, 2006	August 29, 2006
06-8-167	August 8, 2006	August 29, 2006
06-8-169	August 9, 2006	August 29, 2006
06-8-170	August 9, 2006	August 29, 2006
06-8-171	August 10, 2006	August 29, 2006
06-8-172	August 11, 2006	August 29, 2006
06-8-173	August 11, 2006	August 29, 2006
06-8-174	August 11, 2006	August 29, 2006
06-8-175	August 14, 2006	August 29, 2006
06-8-176	August 14, 2006	August 29, 2006
06-8-177	August 14, 2006	August 29, 2006
06-8-178	August 14, 2006	August 29, 2006
06-8-179	August 14, 2006	August 29, 2006

PSC ACTION: Approved

Abstention: Sallie Bullock – Case # 06-8-167

8. EXTENSIONS - INVESTIGATIONS

The Educator Ethics Review Committee recommended granting an *Investigative Extension* to the following 74 Written Complaints and 34 Application cases:

APPLICATION CASES

CASE #	CASE #	CASE #	CASE #
06-3-1091	06-8-58	06-8-86	06-8-103
06-6-1436	06-8-62	06-8-87	06-8-104
06-6-1457	06-8-64	06-8-89	06-8-105
06-6-1490	06-8-65	06-8-90	06-8-108
06-6-1537	06-8-67	06-8-94	06-8-57
06-7-41	06-8-68	06-8-95	06-8-85
06-7-47	06-8-69	06-8-96	06-8-102
06-7-54	06-8-74	06-8-97	
06-8-56	06-8-75	06-8-101	

WRITTEN COMPLAINT CASES

CASE #	CASE #	CASE #	CASE #	CASE #
06-1-769	06-6-1495	06-6-1390	06-5-1303	06-5-1224

06-4-1178	06-6-1497	06-6-1485	06-6-1331	06-5-1225
06-4-1198	06-7-29	06-6-1493	06-6-1378	06-5-1249
06-5-1241	06-7-31	06-7-10	06-6-1386	06-5-1250
06-5-1247	06-4-1182	06-7-11	06-6-1479	06-5-1291
06-5-1253	06-4-1201	06-7-28	06-7-32	06-6-1335
06-5-1254	06-4-1202	06-7-33	06-5-1298	06-6-1341
06-5-1255	06-4-1204	06-6-1379	06-6-1342	06-6-1387
06-5-1293	06-5-1246	06-3-975	06-6-1388	06-6-1408
06-5-1302	06-5-1251	06-4-1152	06-6-1393	06-6-1496
06-6-1376	06-5-1261	06-5-1229	06-6-1484	06-7-2
06-6-1380	06-5-1300	06-5-1243	06-6-1494	06-7-5
06-6-1397	06-6-1343	06-5-1244	06-7-3	06-7-18
06-6-1477	06-6-1371	06-5-1282	06-7-25	06-7-19
06-6-1480	06-6-1377	06-5-1296	06-7-26	

PSC ACTION: Approved

9. APPLICATIONS FOR CERTIFICATION REPORT

The Educator Ethics Review Committee recommended to approve a no probable cause determination on 40 cases reflected on the *Applications for Certification Report*.

PSC ACTION: Approved

10. REVIEW HEARING EXTENSIONS

The Commission reviewed the *Review Hearing Extensions Report* concerning 5 hearing cases. An Administrative Law Judge rendered Initial Decisions on each case referenced in the report. The report indicates Orders were issued to extend time by 30 additional days to preserve the Commission's time to conduct review hearings.

PSC ACTION: Approved

11. STUDENT LOAN SUSPENSION / REINSTATEMENTS

The Commission reviewed the report, which indicated that there were 15 certificates suspended from July 27, 2006 through September 14, 2006. There were 22 certificates that had been reinstated because restitution is now being made on those student loans. There were 6 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.

12. FINAL DECISIONS BY OPERATION OF LAW

The Commission reviewed the report, which advised of 12 cases now closed without an appeal for a hearing before an Administrative Law Judge. The report also advised that there were 8 cases closed without an appeal for a review hearing before the Commission.

B. Educator Preparation Standing Committee

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Dr. Mary Outlaw presented the report of the Educator Preparation Standing Committee.

Fort Valley State University

Fort Valley State University requests Developmental Approval of its professional education unit and the following educator preparation programs:

- Agriculture Education (6-12; Initial)
- Middle Grades Education (4-8; Initial and Advanced)

A Georgia Professional Standards Commission Board of Examiners (BOE) team, including one NCATE representative who focused solely on Standard 2, conducted an on-site Developmental Review June 24 – 28, 2006.

The University agreed with the BOE findings and submitted a detailed rejoinder addressing each of the areas for improvement and the unmet standard (Standard 6 was not met for the advanced middle grades program).

STANDING COMMITTEE RECOMMENDATION:

1. Developmental Approval for the professional education unit.
2. Developmental Approval for the initial educator preparation programs in Agriculture Education and Middle Grades Education.
3. A Progress Report is due October 23, 2006 addressing the following:
 - a. Describe the level of involvement/collaboration of Arts & Sciences faculty with the College of Education as it relates to governance and planning.
 - b. Provide the qualifications (first page of vitae) of all faculty who teach education candidates (including part-time, adjuncts and faculty employed outside the professional education unit).
 - c. Provide confirmation that plans described in the Rejoinder to the BOE Report are completed; provide a timeline for completion for those that are not completed by the submission of the Progress Report.
 - d. Provide the name and qualifications of the new Field Placement Coordinator.
 - e. Describe the structure in place to ensure that field placement requirements are documented and met.
4. Denial of Approval for the Advanced Middle Grades Education program.

Chair Wilkes called for approval of the Fort Valley State University report.

PSC ACTION: Approved

IX. REVIEW HEARINGS

- | | |
|--------------------|-------------------------------|
| 1. Cheryl Peterson | - Educator (Case # 03-10-634) |
| Wayne Magnum | - Hearing Officer |
| Penny Hannah | - PSC Attorney |
| Lorenzo Merritt | - Attorney |

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

ACTION: Approved

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

ACTION: Approved

MOTION: (West / Moffitt) 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 was hereby adopted and incorporated by reference herein and made the Final Decision of the Commission with the following specification. The Commission hereby ordered that the Georgia educator certificate held by Cheryl Peterson be Suspended for a period of one year to begin September 29, 2006 and conclude September 29, 2007.

PSC ACTION: Approved

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| 2. Samuel Wilson | - Educator (Case # 03-10-633) |
| Wayne Magnum | - Hearing Officer |
| Penny Hannah | - PSC Attorney |
| Maureen McCleod | - Attorney |

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

ACTION: Approved

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

ACTION: Approved

MOTION: (Miller / Moffitt) 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 was hereby adopted and incorporated by reference herein and made the Final Decision of the Commission with the following specification. The Commission hereby ordered that the Georgia educator certificate held by Samuel Wilson be Suspended for a period of three months to begin September 29, 2006 and conclude December 29, 2006.

PSC ACTION: Approved

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|------------------------|------------------------------|
| 3. Larry Odell Johnson | - Educator (Case # 05-1-920) |
| Wayne Magnum | - Hearing Officer |
| Rebecca Mick | - PSC Attorney |

MOTION: (Miller / Greenway) To go into Executive Session and allow PSC staff and Attorney (Gary Walker, Lisa Hartzler and Penny Hannah) to remain.

ACTION: Approved

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

ACTION: Approved

MOTION: (Greenway / West) The findings of fact found by the Administrative Law Judge as indicated in the Initial Decision were hereby rejected. Based on a review of the record the following facts were hereby adopted and incorporated herein: In 1976, while living with his then girlfriend in Riverside, California, Petitioner shot his roommate and her boyfriend during a psychotic episode. The Educator admitted to killing these two people in sworn testimony. He was found not guilty by reason of insanity and sentenced to treatment at the Patton State Mental Hospital where he spent 10 years. In 1979, while still confined to Patton State Hospital, Petitioner “slugged a psychiatric technician and broke his jaw.” The Educator has admitted in sworn testimony that he assaulted the technician. The State of California filed criminal charges against him and he entered a plea of *nolo contendere*. The appellate court reversed his plea, holding that he was still an inmate at the State Hospital and had not been through the proper procedures to determine if sanity had been restored. A jury ultimately found Petitioner not guilty of these charges. In 1980, while still confined at Patton State Hospital, Petitioner choked another patient. The Educator admitted to this in sworn testimony. In 1985, Petitioner petitioned the State of California to declare that his sanity was restored. At the 1985 restoration of sanity trial, one of the psychiatrists testifying on behalf of Petitioner, Dr. Oliver, opined that Petitioner had had a severe paranoid psychosis, possibly caused by a manic depressive illness. In contrast, Dr. Harvey Oshrin and Dr. Robert L. Flannagan, both psychiatrists, and Dr. Levy, a psychologist, diagnosed Petitioner as having non-curable paranoid schizophrenia. During the jury trial Petitioner testified that he broke the psychiatric technician’s jaw in 1979. He claimed he struck the technician in self-defense.

Regarding the choking incident, the hospital notes read into the record stated:

[Petitioner] was observed choking another patient. Approached suspect, tried to break the choking apart. [Petitioner] had to be physically separated from choking the other patient. He continued to be uncontrollable and aggitated [sic] talking, very bizarre and had to be escorted by five male staff members to his room.

After hearing all the evidence including that of several psychiatrists who gave differing opinions as to Petitioner’s mental health, the jury determined that Petitioner’s sanity was not restored. Petitioner appealed the jury’s verdict to the Court of Appeals. In 1987, a judge ordered that Petitioner’s sanity was restored and he was released. Petitioner has not been arrested for a crime since his release from Patton State Mental Hospital in 1987. It is unknown whether Petitioner currently receives treatment for the psychiatric disorders that caused him to kill people and injure two others in the 1970s and the early 1980s. An affidavit from Dr. Saundra Maass-Robinson, a psychiatrist and expert witness, opined that because Petitioner’s present treatment was unknown, she could not say that Petitioner was not at risk for relapsing and committing further violent crimes. Petitioner obtained a teaching certificate in Georgia in 2004 and has held it since then.

The Conclusions of Law reached by the Administrative Law Judge as indicated in the Initial Decision were hereby rejected. Based on a review of the record the following conclusions were hereby adopted and incorporated herein: The Commission hereby concludes that the Petitioner's conduct violated Rule 505-6-.01(3)(a), Standard 1, Criminal Acts. The Commission prohibits its educators from committing or having committed *at any time* a felony or a crime involving moral turpitude. There is no statute of limitations excusing an educator’s past commission of felonies. The Commission concludes that the Petitioner did commit a criminal act when he committed a double murder in 1976 and when he subsequently injured the psychiatric technician in 1979. The Commission hereby concludes that the Petitioner's conduct violated Rule 505-6-.01(3)(j), Standard 10, Professional Conduct. The language of the regulation defines unethical conduct as "any conduct" that impairs the certificate holder's ability to function professionally in his or her employment position. It does not require that the conduct occur during the course of Petitioner’s employment as an educator. Nor does it require that the conduct occur during the time in which Petitioner holds a certificate to teach. The Court of Appeals has held that “it is sufficient for an administrative record to contain evidence of conduct by a school official from which an adverse consequence on the student body

can be inferred by the PSC, given the grave nature of the conduct itself.” *PSC v. Alberson*, 273 Ga. App. 1, 14 (2005). The PSC is afforded “broad discretion” in applying its rules and standards in order to ensure that only those “fit to serve the public interest” as teachers are certified. *PSC v. Alberson*, 273 Ga. App. 1 (2005). The Commission concludes that it would place an adverse consequence on students to receive instruction and supervision from a man who killed two people, suffered from severe mental health conditions which could lead to violence and whose possible relapse cannot be predicted. The obvious adverse consequences include students’ fear and distrust of Petitioner, which would compromise their learning and possibly their safety.

The Commission hereby concludes that the Petitioner's conduct violated Rule 505-6-.0(5)(a) 7., (Other Good and Sufficient Cause) and as such he is unfit for employment as an educator. The Court of Appeals discussed this ground for sanction by quoting a United States Supreme Court opinion stating that a school needs to “impose disciplinary sanctions for a wide range of unanticipated conduct disruptive of the educational process.” *PSC v. Alberson*, 273 Ga. App. 1, 23 (2005) (internal citations omitted). The Court found that “other good and sufficient cause” was not unconstitutionally vague. *PSC v. Alberson*, 273 Ga. App. 1 (2005). It exists to capture situations not specifically covered by the other standards in the Code of Ethics but that are nevertheless harmful or disruptive of the educational process. *PSC v. Alberson*, 273 Ga. App. 1 (2005). The PSC is afforded “broad discretion” in applying its rules and standards in order to ensure that only those “fit to serve the public interest” as teachers are certified. *PSC v. Alberson*, 273 Ga. App. 1 (2005). The Commission concluded that a criminal background involving murder and assault as well as serious mental illness that an expert has opined could reoccur if untreated or ignored constitutes “other good and sufficient cause.” Additionally, Petitioner has not presented any evidence as to present treatment. The expert in this matter, Dr. Saundra Maass-Robinson, a respected psychiatrist, opined that without knowledge of Petitioner’s current treatment plan, she could not say that he would not again become violent. Petitioner did not rebut, or even reply, to her opinion.

The Decision of the Administrative Law Judge to REVERSE the Professional Standards Commission's proposed sanction to revoke the educator's certificate and that no action be taken was hereby rejected. The Commission concluded that a sanction was appropriate in this particular case because the actual record in the case does not support a No Probable Cause determination. Because the essential facts of this case are undisputed, the Commission finds that the Petitioner violated the Code of Ethics for Criminal Acts, Professional Conduct and Other Good and Sufficient Cause. This finding is based on his criminal conduct of murdering two people and subsequently injuring a psychiatric technician and is also based on the expert opinion of Dr. Maass-Robinson. The Commission hereby ordered that the Georgia educator certificate held by Larry Johnson be Revoked effective September 14, 2006.

PSC ACTION: Approved

X. EXECUTIVE SECRETARY REPORT

The Executive Secretary presented the following:

- A. Maria Bradley, Principal in Murray County has been appointed by the Governor to serve on the Commission. She will be sworn in at the November commission meeting.
- B. Terri Deloach, Amy Denty and Carolyn Hart will attend the October commission meeting to receive their gavel and pictures.
- C. Rick Eiserman, Director of Certification Policy, introduced the following Certification rules for initiation:

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It is recommended that the Professional Standards Commission authorize its Executive Secretary to initiate rulemaking procedures in accordance with the Georgia Administrative Procedures Act so as to provide for (1) amending the current rules in Chapter 505-2 (Certification), effective December 15, 2006, as follows: 505-2-.05, 505-2-.06, 505-2-.25, 505-2-.38, 505-2-.150, 505-2-.163, 505-2-.165, 505-2-.202, 505-2-.204, 505-2-.205, and 505-2-.206; and (2) adopting new rules for Chapter 505-2 (Certification), effective December 15, 2006 as follows: 505-2-.162.

MOTION: (Miller / West) To initiate rulemaking procedures for Certification rules in Chapter 505-2.

PSC ACTION: Approved

D. Dr. Fran Watkins, Director of Educator Preparation, introduced the following Educator Preparation rules for initiation: It is recommended that the Professional Standards Commission authorize its Executive Secretary to initiate rulemaking procedures in accordance with the Georgia Administrative Procedures Act so as to provide for (1) amending the current rules in Chapter 505-3 (Educator Preparation), effective December 15, 2006, as follows: 505-3-.16; and (2) adopting new rules in Chapter 505-3 (Educator Preparation), effective December 15, 2006, as follows: 505-3-.85

MOTION: (Miller / Ebron) To initiate rulemaking procedures for Educator Preparation rules in Chapter 505-3.

PSC ACTION: Approved

E. Governor Perdue's office is not increasing the budget for fiscal year 2008 for all state agencies, but if your office had a good proposal you could submit a white paper request. The paper was titled "The Business of Recruiting to Retain the Highest Quality Educators: A Comprehensive Proposal to Staff Georgia Public Schools An Enhancement for FY08 To Implement a Comprehensive Statewide Recruitment Plan" and given to all the commissioners.

F. A report titled "Educating School Teachers" written by Dr. Arthur Levine, Professor at Columbia University, will be released to the media at the national Press Club in Washington, D.C. An email received from NCATE regarding this report was given to the commissioners requesting that they visit the web-site of NCATE to learn more about this issue.

G. The Georgia Alliance of Education Heads met on August 30th, 2006, at the Evergreen Conference Resort at Stone Mountain. They have identified five strategic goals. Each goal will have a lead agency and all agencies will have input.

XI. CHAIR'S REPORT

Chair Wilkes announced that the next commission meeting will be held on Thursday, October 12th, 2006, at Two Peachtree Street in the 5th floor board room at 9 am.

XII. ADJOURNMENT

Chair Wilkes called for the meeting to be adjourned at 12:30 pm.

PSC ACTION: Approved

