

# MINUTES

## PROFESSIONAL STANDARDS COMMISSION MEETING

GEORGIA POWER BUILDING  
Atlanta, Georgia

February 1, 2001

The Georgia Professional Standards Commission (PSC) met on Thursday, February 1, 2001, at 9 a.m. at the Georgia Power Building, 241 Ralph McGill Blvd., Atlanta, Georgia.

### **Members Present**

Vicky Cody	Angela Finn	Janet Scott
Kay Cribbs	Thomas Harrison	Sue Sehgal
John Culbreath	Leon Hurley	Beth Steele
Terri DeLoach	Willda Melton	Pam Thomas
Amy Denty	Vernon Payne	David Wallace

### **Members Absent**

Anne Adams  
Phoebe Bailey  
Debbie Lane

### **Visitors**

- William Archer, Georgia Power Company
- Gail Wooten, Professional Association of Georgia Educators
- Mike McGonigle, Georgia Association of Educators
- Stephanie Carreker, Georgia Department of Education
- Mary Thompson, Guest
- Kyle Pearson, Attorney for PSC
- Kendall Kerew, Attorney for PSC
- Julie Lubin, Attorney General's Office
- Albert Akytampong, College of Education GSU

### **I. CALL TO ORDER**

Chairman Culbreath called the meeting to order at 9:05 a.m. and led the assemblage in the Pledge of Allegiance to the U.S. flag and a moment of silence.

**II. RECOGNITION OF VISITORS**

Chairman Culbreath recognized the visitors.

**III. ADOPTION OF AGENDA**

Chairman Culbreath called for approval of the agenda.

**MOTION:** (Thomas/Payne) To adopt the agenda.

**ACTION:** Approved.

**IV. APPROVAL OF MINUTES**

Chairman Culbreath called for approval of the minutes from the January 4, 2000, Commission meeting.

**MOTION:** (Payne/Thomas) To approve the minutes as presented.

**ACTION:** Approved.

Dr. Culbreath, at this time, asked Mr. William Archer, of Georgia Power Company to speak to the Commission about Georgia Power's involvement in a bright future for Georgia's schools and the children they serve.

**V. COMMITTEE REPORT**

**A. Professional Practices Review Committee**

1. The Professional Practices Review Committee reviewed seventy-four (74) *Probable Cause* cases during its January 31, 2001, meeting and brought motions to the Commission as follows:

<u>Case Number</u>	<u>Committee Recommendation</u>
00-08-243	Monitoring for One Year
00-10-654	No Probable Cause
00-10-621	Revocation
00-11-722	No Probable Cause
00-11-787	Revocation
00-11-790	Denial
00-11-799	Monitoring for One Year
00-12-894	Suspension for One Year and Monitoring for Two Years
00-01-913	Reprimand and Monitoring for One Year
00-10-631	Revocation
00-11-736	Suspension for One Year
00-11-798	Suspension for One Year
00-11-822	Suspension for One Year
00-11-823	Suspension for One Year
00-11-824	Reprimand and Monitoring for One Year
00-09-425	Extend Probable Cause Determination for Initial Sixty Days
00-10-472	Reprimand and Monitoring for One Year
00-10-506	No Probable Cause
00-10-549	No Probable Cause
00-11-741	No Probable Cause
00-11-779	No Probable Cause
00-11-796	No Probable Cause

<u>Case Number</u>	<u>Committee Recommendation</u>
00-11-801	Denial
00-12-833	Warning
00-12-834	Denial
00-11-788	No Probable Cause
00-11-813	Reprimand
00-11-769	Warning
00-11-778	No Probable Cause
00-11-786	Suspension for Six Months
00-11-800	No Probable Cause
00-10-515	Warning
00-10-520	Suspension for Six Months
00-11-695	Suspension for Six Months
00-11-702	No Probable Cause
00-11-703	No Probable Cause
00-11-712	Reprimand and Monitoring for One Year
00-11-720	No Probable Cause
00-11-721	No Probable Cause
00-11-723	Suspension for Six Months
00-11-726	Suspension for Six Months
00-11-727	Suspension for Six Months
00-11-733	No Probable Cause
00-11-734	No Probable Cause
00-11-735	No Probable Cause
00-11-739	No Probable Cause
00-11-740	No Probable Cause
00-11-770	Suspension for Six Months
00-11-774	Suspension for Six Months
00-11-775	Suspension for Six Months
00-11-777	Suspension for Six Months
00-11-802	No Probable Cause
00-11-806	No Probable Cause
00-10-595	Reprimand
00-10-596	Suspension for One Month and Monitoring for Two Years
00-10-597	No Probable Cause
00-11-724	No Probable Cause
00-11-803	No Probable Cause
00-11-805	Suspension for One Year
00-11-807	No Probable Cause
00-11-808	No Probable Cause
00-11-811	No Probable Cause
00-11-812	No Probable Cause
00-11-814	Reprimand and Monitoring for One Year
00-11-698	Warning
00-11-780	No Probable Cause
00-11-804	Extend Probable Cause Determination for Initial Sixty Days
00-11-826	Reprimand
00-11-714	Reprimand and Monitoring for One Year
00-11-716	Suspension for Three Months and Monitoring for One Year
00-11-825	No Probable Cause
00-11-782	Warning
00-11-784	Warning

**MOTION:** (Harrison/Thomas) To accept the recommendations of the PPRC Committee in all seventy-four probable cause cases.

**ACTION:** Approved.

Abstention: Case No. 00-01-913 Culbreath; Case Nos. 00-11-822, 00-11-823, and 00-11-824 Scott.

2. The Professional Practices Review Committee reviewed 2 *Petitions for the Right to Re-apply* during its January 31, 2001, meeting and brought motions to the Commission as follows:

<u>Case Number</u>	<u>Committee Recommendation</u>
00-08-244	Denial of the Right to Re-apply for Certificate
99-8-210	Denial of the Right to Re-apply Earlier Than Two Years

**MOTION:** (Harrison/Payne) To accept the recommendation of the PPRC Committee in Case No. 99-8-210 to *Deny the Petition to Re-apply*, and to postpone action on Case No. 00-08-244 at this time because the petitioner will appear before the Commission later today.

**ACTION:** Approved.

Abstention: None

3. The Professional Practices Review Committee reviewed 7 *Initial Decisions* during its January 31, 2001, meeting and brought motions to the Commission as follows:

<u>Case Number</u>	<u>ALJ's Decision</u>	<u>PPRC's Recommendation</u>
99-10-508	No Probable Cause	Accept
99-11-703	Revocation	Accept
99-12-781	No Probable Cause	Accept
99-5-436	Revocation	Accept
00-3-1147	Monitoring for One Year	Accept
99-12-782	Suspension for One Year	Accept
99-10-512	Revocation	Accept

**MOTION:** (Payne/Sehgal) To accept the recommendation of the PPRC in all seven initial decision cases.

**ACTION:** Approved.

Abstention: None

4. The Professional Practices Review Committee reviewed 9 *Settlement Agreement* cases during Its January 31, 2001, meeting and brought a motion to accept the settlements agreed to:

<u>Case Number</u>	<u>Settlement Agreement</u>	<u>PPRC Recommendation</u>
00-09-376	Revocation	Accept
00-09-384	Suspension for One Month	Accept
00-09-411	Reprimand and Monitoring for One Year	Accept
00-09-415	Warning	Accept
00-10-473	Reprimand	Accept
00-10-496	Reprimand and Monitoring for Two Years	Accept
00-10-501	Reprimand and Monitoring for Two Years	Accept
00-10-516	Suspension for Three Months	Accept
00-11-694	Revocation	Accept

Abstentions: None

**MOTION:** (Thomas/Sehgal) To accept the recommendation of the PPRC for all nine settlement agreements.

**ACTION:** Approved.

5. The Professional Practices Review Committee reviewed 11 negotiated *Settlement Agreement* cases during its January 31, 2001, meeting and brought recommendations as follows:

<u>Case Number</u>	<u>Negotiated Proposal</u>	<u>Recommendation</u>
00-06-1638	Warning	Accept
99-9-468	Reprimand	Consult with Legal Counsel
99-12-771	Suspension for One Year	Accept
00-04-1350	Reprimand and Monitoring for Two Years	Accept
00-02-966	Revocation	Accept
00-05-1501	No Probable Cause	Accept
00-05-1475	Warning and Monitoring for One Year	Accept
00-04-1309	Suspension for One Month	Consult with Legal Counsel
00-04-1300	Suspension for Three Months	Accept
00-09-293	Reprimand and Monitoring for Two Years	Accept
00-02-1053	Warning	Consult with Legal Counsel

**MOTION:** (Payne/Harrison) To accept the negotiated settlements for all cases except Case Nos. 99-9-468; 00-04-1309; and 00-02-1053. These three cases will be discussed further in executive session.

**ACTION:** Approved.

6. The Professional Practices Review Committee recommended 13 *Extensions* in order to complete investigations. These cases are:

<u>Case Number</u>	<u>Case Number</u>	<u>Case Number</u>
00-11-737	00-11-785	00-12-856
00-11-717	00-12-838	00-12-877
00-11-718	00-12-841	00-12-897
00-11-719	00-12-844	00-12-910
00-11-743		

**MOTION:** (Harrison/Payne) To accept the recommendation of the PPRC and grant the extensions requested.

**ACTION:** Approved.

7. During the month of January, the Student Finance Commission forwarded notification to the Professional Standards Commission asking the commission to suspend *Ten (10)* educator certificates for default on repayment of student loans. These cases are:

<u>Case Number</u>	<u>Case Number</u>	<u>Case Number</u>
01-01-961	01-01-965	01-01-970
01-01-962	01-01-966	01-01-971
01-01-963	01-01-967	
01-01-964	01-01-968	

**MOTION:** (Harrison/Payne) To suspend these certificates until arrangements can be made for the repayment of their student loans.

**ACTION:** Approved.

**MOTION:** (Harrison/Payne) To take no action on the list of student loan early release cases presented to the commission today.

**ACTION:** Approved.

8. The following educators received notification of the Professional Standards Commission's proposed disciplinary sanctions. In accordance with Rule No. 505-6-.04 (1) (c), the educator's failure to request a hearing within thirty days constitutes a waiver of their right to contest the proposed sanctions. Therefore, the sanctions have become the final decisions of the Commission.

<u>Case Number</u>	<u>Sanction</u>
00-08-205	Denial
00-09-374	Warning
00-09-378	Revocation
00-09-399	Warning
00-09-418	Warning
00-10-458	Suspension for Six Months

9. The following case was referred to the Office of State Administrative Hearings for adjudication of the Professional Standards Commission's (PSC) proposed disciplinary sanction. The Administrative Law Judge rendered an Initial Decision that was subsequently accepted by the PSC. The Initial Decision was served upon the educator. The educator's failure to request a review hearing within thirty days requires that the Initial Decision become the Final Decision of the Commission by operation of law.

<u>Case Number</u>	<u>Sanction</u>
99-9-304	Reprimand

10. The December 2000 Probable Cause Determination report was distributed listing the *Forty-two (42) Cases* that have been administratively cleared as having no probable cause for investigation.

**MOTION:** (Payne/Thomas) To accept the probable cause determinations in the cases listed.

**ACTION:** Approved.

### **EXECUTIVE SESSION**

**MOTION:** (Hurley/Scott) To go into executive session to discuss three negotiated settlement cases (99-9-468; 00-04-1309; and 00-02-1053), and to allow the commission's attorney and legal secretary to remain during that session.

**ACTION:** Approved.

Return from executive session.

**MOTION:** (Melton/Wallace) To accept the negotiated proposal for *Reprimand* in Case 99-9-468.

**ACTION:** Unanimously approved.

Abstentions: None

**MOTION:** (Melton/Payne) To accept the negotiated proposal for *Suspension for One Month* in Case 00-04-1309.

**ACTION:** Approved.

Opposed: Thomas and Sehgal

**MOTION:** (Melton/Payne) To accept the negotiated proposal for *Warning* in Case 00-02-1053.

**ACTION:** Approved.

Opposed: Thomas and Sehgal

## **VI. PETITION FOR THE RIGHT TO RE-APPLY**

### **A. Robert J. Walker, Sr. – Case No. 00-08-244**

Mr. Robert J. Walker, Sr. was allowed fifteen minutes to personally address the commission to show cause why he should be allowed to re-apply for certification as an educator in Georgia.

### **EXECUTIVE SESSION**

**MOTION:** (Wallace/Thomas) To go into executive session to discuss Mr. Walker's request and to allow the commission's attorney and legal secretary to remain during that session.

**ACTION:** Approved.

Return from executive session.

**MOTION:** (Wallace/Payne) To grant Mr. Walker the right to re-apply for an educator's certificate in Georgia.

**ACTION:** Approved.

Abstentions: None

## **VII. EXECUTIVE SECRETARY REPORT**

**A.** The Department of Audits and Accounts conducted a Performance Audit of the Professional Practices Section from November 1999 to May 2000. The auditors presented a written report to the Commission in November 2000. Dr. Toth and the commission members, after reviewing the audit report, asked the staff to prepare a report of Initial Decisions and Review Hearings. They also asked that the staff make some comparisons between the commission's probable cause determinations, the administrative law judges' initial decisions, and the commission's final decisions. Vicky Brantley presented the report, as requested, at this meeting.

**B.** Dr. Toth introduced the two new members, and noted that all vacancies on the commission have now been filled.

**C.** The Georgia Legislature is now in session, and Dr. Toth will give the commissioners an update on any legislation introduced or passed during this session.

**D.** Governor Barnes asked our office to assist him in the allocation of additional funds for 2000 – 2001 NBPTS applicants. The money will help pay for application fees so that the teachers will only have to pay the initial fee of three hundred dollars (not twenty-three hundred dollars). These teachers will be asked to teach in Georgia for at least one year after they have completed the national certification process; otherwise, the money would be considered a loan, and would need to be repaid.

**E.** The Governor's Implementation Task Force will be meeting in February and will discuss two items which will allow us to make some final decisions about upcoming renewals. We will report those decisions to the commission at the next meeting.

**VIII. CHAIRMAN'S REPORT**

Dr. Culbreath thanked Pam Thomas and Georgia Power Company for allowing us to meet in their beautiful building for the past two months, and he especially thanked them for their hospitality and willingness to meet our every need. He also expressed our gratitude to Mr. Archer for his opening remarks to the commission.

**IX. OTHER BUSINESS**

None.

**X. ADJOURNMENT**

**MOTION:** (Cribbs/Thomas) To adjourn the meeting.

**ACTION:** The meeting was adjourned at 1:20 p. m.