MINUTES

PROFESSIONAL STANDARDS COMMISSION

Metro RESA 1870 Teasley Drive Smyrna, Georgia February 9, 2006

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

Sallie Bullock was sworn in as a commissioner. She will fill the vacant Teacher opening. She is a High School Math Teacher at Madison County High School in Danielsville, Georgia.

Members Present

Sallie Bullock Pamela Greenway Dr. Holly Robinson Stephen Dartt Maria Miller Dr. Craig Smith Terri DeLoach Dr. Louisa Moffitt Dr. Wanda West

Jean Ebron Lee Muns

Mary Gomez Dr. Mary Outlaw

Members Absent

Dr. Carolyn Lee Hart Gary Bechtel
Amy Denty Dr. Debbie Wilkes

I. <u>CALL TO ORDER</u>

Terri Deloach called the meeting to order at 9:03 a.m. and led the Pledge of Allegiance to the U.S. flag and a moment of silence.

II. RECOGNITION OF VISITORS

Terri Deloach recognized the visitors.

- Margaret Elliott, Professional Association of Georgia Educators
- Gayle Wooten, Professional Association of Georgia Educators
- Rebecca Mick, Attorney for the PSC
- David Wood, Attorney
- Randy Colbert
- W. Brent Hyde, Attorney

III. ADOPTION OF AGENDA

Terri Deloach called for approval of the agenda.

MOTION: (Robinson / West) To approve agenda.

PSC ACTION: Approved

- John Hooper, Georgia School Superintendents Association
- Dr. David Ebron
- Mary Thompson
- Borquaye A. Thomas, Attorney
- Deidre Stephens-Johnson, Attorney
- Denise Colbert
- David Mims

IV. APPROVAL OF MINUTES

Terri Deloach called for approval of the minutes from the January 12, 2006, Commission meeting.

PSC ACTION: Approved

V. <u>COMMITTEE REPORTS</u>

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 61 *Probable Cause* cases during its February 8, 2006, meeting and brought the following recommendations on behalf of the Committee excluding case #'s 05-5-1657, 05-11-638, 05-11-639, 05-11-640, 05-11-641, 05-11-642:

#	CASE NUMBER	STANDARDS VIOLATED	RECOMMENDATION
1	05-10- 497	Abandonment of Contract Professional Conduct	Suspension for 90 Days
2	05-10- 505	Abandonment of Contract Professional Conduct	No Probable Cause
3	05-10- 507	Abandonment of Contract Misrepresentation or Falsification Professional Conduct	Suspension for 1 Year (Dartt - Abstained)
4	05-11- 584	Abandonment of Contract Professional Conduct	Suspension for 90 Days
5	05-11- 651	Abandonment of Contract Professional Conduct	Suspension for 90 Days
6	05-5- 1657	Abuse of Students Criminal Acts Professional Conduct	No Recommendation
7	05-11- 537	Abuse of Students Professional Conduct	No Probable Cause
8	05-11- 586	Abuse of Students Misrepresentation or Falsification Professional Conduct	Suspension for 2 Years
9	05-11- 649	Abuse of Students Professional Conduct	No Probable Cause
10	05-11- 570	Action Taken in Another State Abuse of Students Failure to Make a Required Report Misrepresentation or Falsification Professional Conduct	Revocation
11	05-11- 609	Action Taken in Another State Misrepresentation or Falsification Professional Conduct	No Probable Cause
12	05-8-237	Alcohol or Drugs Misrepresentation or Falsification Professional Conduct	Suspension for 1 Year

#	CASE NUMBER	STANDARDS VIOLATED	RECOMMENDATION
13	05-11-538	Alcohol or Drugs Professional Conduct	Suspension for 1 Year
14	05-11-635	Alcohol or Drugs Professional Conduct	Suspension for 1 Year
15	05-11-644	Confidential Information Professional Conduct	Suspension for 20 Days
16	05-7-137	Criminal Acts Professional Conduct	Revocation
17	05-10-434	Criminal Acts Misrepresentation or Falsification Professional Conduct	Warning
18	05-10-445	Criminal Acts Professional Conduct	Revocation
19	05-10-446	Criminal Acts Professional Conduct	Suspension for 20 Days
20	05-10-458	Criminal Acts Professional Conduct	Reprimand
21	05-10-462	Criminal Acts Professional Conduct	Reprimand
22	05-10-490	Criminal Acts Professional Conduct	Denial
23	05-10-526	Criminal Acts Misrepresentation or Falsification Failure to Make a Required Report Professional Conduct	Reprimand
24	05-11-589	Criminal Acts Professional Conduct	Denial
25	05-11-601	Criminal Acts Professional Conduct	No Probable Cause
26	05-11-603	Criminal Acts Professional Conduct	Denial
27	05-11-607	Criminal Acts Professional Conduct	No Probable Cause
28	05-11-616	Criminal Acts Professional Conduct	No Probable Cause
29	05-11-653	Criminal Acts Professional Conduct	Revocation
30	05-10-521	Failure to Make Required Report Professional Conduct Abuse of Students Criminal Acts	Reprimand
31	05-7-103	Misrepresentation or Falsification Professional Conduct	Suspension for 10 Days
32	05-10-472	Misrepresentation or Falsification Criminal Acts Failure to Make a Required Report Professional Conduct	Reprimand

#	CASE NUMBER	STANDARDS VIOLATED	RECOMMENDATION	
33	05-10-522	Misrepresentation or Falsification Professional Conduct	Revocation	
34	05-11-536	Misrepresentation or Falsification Criminal Acts Public Funds and Property Professional Conduct Suspension for 10		
35	05-11-566	Misrepresentation or Falsification Criminal Acts Failure to Make a Required Report Professional Conduct	Reprimand	
36	05-11-571	Misrepresentation or Falsification Action Taken in Another State Professional Conduct	Extend Probable Cause Determination until April 13, 2006	
37	05-11-605	Misrepresentation or Falsification Criminal Acts Failure to Make a Required Report Professional Conduct	Reprimand	
38	05-11-606	Misrepresentation or Falsification Reprima Criminal Acts Professional Conduct		
39	05-11-617	Misrepresentation or Falsification Reprimand Failure to Make a Required Report Professional Conduct		
40	05-11-623			
41	05-3-1456	Professional Conduct	Suspension for 20 Days	
42	05-7-104	Professional Conduct	Suspension for 20 Days	
43	05-7-105	Professional Conduct	Suspension for 1 Year	
44	05-8-246	Professional Conduct Public Funds and Property	No Probable Cause	
45	05-9-379	Professional Conduct	Suspension for 5 Days	
46	05-9-385	Professional Conduct Criminal Acts Misrepresentation or Falsification Abuse of Students	Suspension for 1 Year	
47	05-9-394	Professional Conduct Misrepresentation or Falsification No Probable Cau		
48	05-10-443	Professional Conduct Abuse of Students	Suspension for 5 Days	
49	05-11-539	Professional Conduct	Suspension for 5 Days	
50	05-11-579	Professional Conduct Abuse of Students	No Probable Cause	
51	05-11-585	Professional Conduct	Reprimand	
52	05-11-627	Professional Conduct	Reprimand	
53	05-11-638	Professional Conduct	Suspension for 10 Days	

#	CASE NUMBER	STANDARDS VIOLATED	RECOMMENDATION
		Misrepresentation or Falsification	
54	05-11-639	Professional Conduct	Suspension for 10 Days
		Misrepresentation or Falsification	
55	05-11-640	Professional Conduct	No Probable Cause
		Misrepresentation or Falsification	(Motion - Dartt / Second -Robinson)
56	05-11-641	Professional Conduct	Suspension for 10 Days
		Misrepresentation or Falsification	-
57	05-11-642	Professional Conduct	Suspension for 10 Days
		Misrepresentation or Falsification	
58	05-11-580	Public Funds and Property	Reprimand
		Misrepresentation or Falsification	
		Professional Conduct	
59	05-11-646	Public Funds and Property	Reprimand
		Professional Conduct	
60	05-12-760	Criminal Acts	No Probable Cause
		Abuse of Students	
		Professional Conduct	
61	05-12-761	Criminal Acts	No Probable Cause
		Abuse of Students	
		Professional Conduct	

Abstention: Stephen Dartt – Case # 05-11-586

Case # 05-5-1657

MOTION: (Muns / Robinson) To suspend the educators teaching certificate for 20 days based on a violation of Standard 10, Professional Conduct and to remove the allegations of violations of Standard 1, Criminal Acts and Standard 2, Abuse of Students.

ACTION: Approved

Case # 05-11-640

MOTION: (Dartt / Robinson) To amend the EERC recommendation from a No Probable Cause to a

Suspension for 10 days. **ACTION:** Approved

Case #'s 05-11-638, 05-11-639, 05-11-641, 05-11-642

Terri Deloach called for approval to accept the EERC's recommendation for a Suspension of 10 days.

PSC ACTION: Approved

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

CASE NUMBER	STANDARDS VIOLATED	PROBABLE CAUSE SANCTION	ADMINISTRATIVE LAW JUDGE SANCTION	RECOMM.
04-9-384	Abuse of Students Professional Conduct	Suspension for One Year	Revocation	Accept
04-4-1525	Misrepresentation or Falsification Professional Conduct	Suspension for One Year	Suspension for Six Months	Review
04-10-551	Abuse of Students Professional Conduct	Revocation	Revocation	Accept

3. Ms. Miller reported that the Educator Ethics Review Committee reviewed 4 *Petitions Issues* and brought the following recommendations on behalf of the Committee:

#	CASE NUMBER	REQUEST	PREVIOUS SANCTION	PREVIOUS VIOLATION	RECOMM
1	05-11-582	Right to Reapply	Revocation – Sept. 6, 2001	Abuse of Students	Deny
			Deny Right to Reapply Nov. 11, 2004	Professional Conduct	
2	04-5-1561	Reconsideration and	Suspension –	Misrep. And Falsification	Deny
		Stay of Sanction	Jan. 27, 2006 – April 27, 2006	Professional Conduct	
3	05-6-1741	Early Reinstatement	Suspension –	Public Funds & Property	Deny
		-	Sept. 23, 2005 - Sept. 23, 2006	Professional Conduct	
4	04-4-1420	Motion to Stay Final	Suspension -	Misrep. And Falsification	Deny
		Decision and Allow	Feb. 11, 2006 - Feb. 11, 2007	Public Funds and Property	
		Review Hearing		Professional Conduct	

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	SANCTION	RECOMMENDATION
1	05-7-95	Warning	Accept
2	05-8-199	Suspension for 20 Days	Accept
3	05-8-226	Warning	Accept
4	05-8-245	Suspension for 90 Days	Accept
5	05-9-334	Suspension for 20 Days	Accept
6	05-9-341	Reprimand	Accept
7	05-9-352	Reprimand	Accept
8	05-9-373	Warning	Accept
9	05-9-391	Warning	Accept
10	05-9-403	Suspension for 2 Days	Accept
11	05-9-408	Suspension for 5 Days	Accept
12	05-10-435	Warning	Accept

#	CASE NUMBER	SANCTION	RECOMMENDATION
13	05-10-454	Reprimand	Accept
14	05-10-464	Reprimand	Accept
15	05-10-468	Warning	Accept
16	05-10-496	Suspension for 90 Days	Accept
17	05-11-534	Suspension for 1 Year	Accept
18	05-11-629	Reprimand	Accept

5. Ms. Miller reported that the Educator Ethics Review Committee reviewed 7 *Negotiated Settlement*

Agreements and brought the following recommendations on behalf of the Committee:

CASE NUMBER	STANDARDS VIOLATED	PROBABLE CAUSE SANCTION	NEGOTIATED SANCTION	RECOMM.
04-8-182	Public Funds and Property Failure to Make a Required Report Professional Conduct	Suspension for One Year	Suspension for One Year	Accept
05-5-1690	Criminal Acts Professional Conduct	Reprimand	Reprimand	Accept
04-4-1471	Misrepresentation or Falsification Professional Conduct	Reprimand	No Probable Cause	Accept
04-9-356	Abuse of Students Professional Conduct	Suspension for One Year	Suspension for Nine Months	Reject
05-5-1677	Misrepresentation or Falsification Confidential Information Professional Conduct	Suspension for Six Months	Suspension for Three Months	Accept
04-4-1463	Abuse of Students Failure to Make a Required Report Professional Conduct	Suspension for One Week	Suspension for 5 Days (Retroactive) (Outlaw - Abstained)	Accept
04-12-788	Professional Conduct	Suspension for Three Months	Suspension for One Month (Outlaw - Abstained)	Reject

PSC ACTION: Approved

Abstention: Mary Outlaw – Case # 04-4-1463 and 04-12-788.

6. Ms. Miller reported that the Educator Ethics Review Committee reviewed 1 *Voluntary Surrender/Voluntary Denial* and brought the following recommendation on behalf of the Committee:

CASE NUMBER	SANCTION	STANDARDS VIOLATED	RECOMMENDATION
05-10-448	Revocation	Criminal Acts	Accept
		Abuse of Students	
		Professional Conduct	

PSC ACTION: Approved

7. The Educator Ethics Review Committee recommended approval of the *Preliminary Investigative**Determination Report consisting of 38 written complaints received during the months of January and February

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PSC ACTION: Approved

8. <u>EXTENSIONS – PRELIMINARY INVESTIGATIVE DETERMINATIONS</u>

The Educator Ethics Review Committee recommended approval of the Extensions - Preliminary Investigative Determinations consisting of the following 12 cases:

Case	Case	Case
Number	Number	Number
06-01-792	06-01-796	06-01-800
06-01-793	06-01-797	06-01-801
06-01-794	06-01-798	06-01-802
06-01-795	06-01-799	06-01-803

PSC ACTION: Approved

9. EXTENSIONS - INVESTIGATIONS

The Educator Ethics Review Committee recommended granting *Investigative Extensions* to the following 62 cases:

WRITTEN COMPLAINT CASES

WRITTEN COMILATIVI CASES			
Case	Case	Case	
Number	Number	Number	
05-6-1887	05-11-593	05-11-591	
05-7-97	05-11-634	05-11-643	
05-8-202	05-11-636	05-9-335	
05-8-299	05-11-645	05-9-338	
05-9-395	05-11-648	05-10-436	
05-10-449	05-11-650	05-10-515	
05-10-492	05-11-652	05-11-541	
05-10-494	05-8-270	05-11-562	
05-10-513	05-11-583	05-11-587	
05-11-578	05-11-588	05-11-590	
		05-11-628	

APPLICATION CASES

Case	Case	Case
Number	Number	Number
05-08-258	05-12-682	05-12-697
05-08-272	05-12-683	05-12-702
05-08-283	05-12-684	05-12-735
05-09-353	05-12-685	05-12-737
05-11-576	05-12-686	05-12-739
05-11-598	05-12-690	05-12-740
05-11-599	05-12-691	06-01-773
05-11-602	05-12-692	06-01-774
05-11-622	05-12-695	06-01-776
05-11-626	05-12-696	06-01-777
		06-01-778

PSC ACTION: Approved

10. <u>APPLICATIONS FOR CERTIFICATION REPORT</u>

The Educator Ethics Review Committee recommended to approve a no probable cause determination on 28 cases reflected on the *Applications for Certification Report*.

PSC ACTION: Approved

11. 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.

12. <u>STUDENT LOAN SUSPENSION / REINSTATEMENTS</u>

The Commission reviewed the Student Finance Commission Report concerning educators in which notification has been received to suspend certificates for default on repayment of student loans. The report indicated that there were 10 certificates suspended from January 12, 2006 until February 9, 2006. The Commission was also advised that there were 14 certificates that had been reinstated because restitution is now being made on those student loans. The Commission was also advised that there was 1 issue where notification had been received to suspend but releases were received prior to the actual suspension being implemented. Restitution is now being made on that student loan.

13. FINAL DECISIONS BY OPERATION OF LAW

The Commission reviewed the report, which advised of 10 cases now closed without an appeal for a hearing before an Administrative Law Judge. The report also advised that there were 3 cases closed without an appeal for a review hearing before the Commission.

V. <u>REVIEW HEARINGS</u>

1. Karen Haynes - Educator (Case # 04-3-1306)

Wayne Magnum - Hearing Officer
Penny Hannah - PSC Attorney
Borquaye A. Thomas - Attorney

MOTION: (Muns / West) To go into Executive Session and allow PSC staff (Gary Walker and Lisa Hartzler)

to remain.

ACTION: Approved

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

ACTION: Approved

<u>MOTION</u>: (Muns / Miller) 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 Karen Haynes be Suspended for a period of three months to become effective February 24, 2006 and shall conclude on May 24, 2006.

PSC ACTION: Approved Abstention: Jean Ebron

2. Randy Colbert - Educator (Case # 04-3-1381)

Wayne Magnum - Hearing Officer Rebecca Mick - PSC Attorney David Wood - Attorney 4/12/2006 Page 10

MOTION: (Muns / Miller) To go into Executive Session and allow PSC staff and attorney (Gary Walker,

Penny Hannah, and Lisa Hartzler) to remain.

ACTION: Approved

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

ACTION: Approved

MOTION: (Robinson / Miller) To adopt the Findings of Fact and Conclusions of Law reached by the Administrative Law Judge. The Commission hereby rejects the modified sanction recommended by the Administrative Law Judge as indicated in the Initial Decision. The Commission concludes that a greater sanction is appropriate in this particular case because a reasonable person would know or should have known that St. Regis University did not offer a legitimate degree. The reduced sanction also does not reflect the lack of documentation to refute the charges. Additionally, the educator admitted to violating federal copyright laws. Finally, the modified sanction recommended by the Administrative Law Judge does not reflect the seriousness with which the Commission views the Respondent's violation of the rules applicable to educators and is not consistent with similar violations. The Commission hereby ORDERS that the Georgia educator certificate held by Randy Colbert be Suspended for a period of One Year to become effective February 24, 2006 and conclude on February 24, 2007.

PSC ACTION: Approved

3. Denise E. Colbert - Educator (Case # 04-4-1418)

Wayne Magnum - Hearing Officer Rebecca Mick - PSC Attorney Deidre Stephens-Johnson - Attorney

MOTION: (Robinson / West) To go into Executive Session and allow PSC staff and attorney (Gary Walker,

Penny Hannah, and Lisa Hartzler) to remain.

ACTION: Approved

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

ACTION: Approved

MOTION: (Smith / Miller) To adopt the Findings of Fact as reached by the Administrative Law Judge. The Conclusions of Law found by the Administrative Law Judge as indicated in paragraphs 1 through 7 in the Initial Decision are hereby adopted and incorporated by reference herein, in their entirety. The Commission hereby strikes paragraph 8 of the Conclusions of Law in its entirety. 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 is hereby rejected. The Commission concludes that a sanction is appropriate in this particular case because a No Probable Cause determination is not supported by the actual record. Even taking the educator's testimony as true, it does not establish sufficient evidence that she did substantial work towards a doctorate. A No Probable Cause finding also does not reflect the lack of documentation to refute the charges. The evidence was such that a reasonable person would know or should have known that St. Regis University was not offering a legitimate degree. The Commission hereby ORDERS that the Georgia educator certificate held by Denise Colbert be Suspended for a period of One Year to become effective February 24, 2006 and conclude on February 24, 2007.

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PSC ACTION: Approved

4. David Wayne Mims - Educator (Case # 04-4-1417)

Wayne Magnum - Hearing Officer Rebecca Mick - PSC Attorney W. Brent Hyde - Attorney

MOTION: (Muns / West) To go into Executive Session and allow PSC staff and attorney (Gary Walker, Penny

Hannah, and Lisa Hartzler) to remain.

ACTION: Approved

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

ACTION: Approved

MOTION: (Dartt / Robinson) To adopt the Findings of Fact as reached by the Administrative Law Judge. The Conclusions of Law found by the Administrative Law Judge as indicated in paragraphs 1 through 7 in the Initial Decision are hereby adopted and incorporated by reference herein, in their entirety. The Commission hereby strikes paragraph 8 of the Conclusions of Law in its entirety and replaces with the following language:

"The Commission finds that the Petitioner did violate Standard 10, Professional Conduct, in that the educator failed to follow generally recognized professional standards. Also, the evidence showed that a reasonable person would know or should have known that St. Regis University did not offer a legitimate degree"

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 is hereby rejected. The Commission concludes that a sanction is appropriate in this particular case because a No Probable Cause determination is not supported by the actual record. Also, the evidence showed that a reasonable person would know or should have known that St. Regis University did not offer a legitimate degree. The Commission hereby ORDERS that the Georgia educator certificate held by David Mims be issued a Reprimand effective February 9, 2006.

PSC ACTION: Approved

VII. EXECUTIVE SECRETARY REPORT

A. Dr. Gary Walker gave the commissioners the following three handouts and spoke briefly about them: a) Complaint Form for Abandonment of Contract violations; b) The Code of Ethics; and c) Investigative Hints.

B. Rick Eiserman introduced the rules for initiation and adoption.

<u>MOTION</u>: (Miller / West) To adopt Certification Rules from Chapter 505-2 and Educator Preparation Rules from Chapter 505-3 as presented to the commission.

ACTION: Approved

MOTION: (Smith / Robinson) To initiate Certification Rules from Chapter 505-2 and Educator Preparation

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Rules from Chapter 505-3 as presented to the commission.

ACTION: Approved

C. Dr. Toth reminded everyone that No Probable Cause cases are not to be discussed or commented on. Once a Final Decision in any case has been reached and action taken against an educator's certificate, the record becomes subject to any and all Open Records Request. However, if the Final Decision results in a No Probable Cause determination, that file is sealed and expunged.

D. Jane Huntley and Phyllis Payne introduced the Master Teacher Certification Recommendations.

MOTION: (Gomez / Miller) To accept the Master Teacher Recommendations as presented.

ACTION: Approved

- **E.** Dr. Toth spoke gave the commissioners a hand-out titled "Teacher Recruitment, Placement and Achievement Information" and he spoke briefly about this.
- **F**. Dr. Toth gave the commissioners a packet from the Governors Office titled "Classrooms First" and asked that all commissioners review it and use them as talking points.
- **G.** New legislation has been introduced regarding the Technology requirement. All teachers in Georgia must meet the Technology requirement by June 2006. The PSC offers a free on-line test. All superintendents were sent a letter with a list of teachers in their county who have not yet passed the test. A bill was brought forward in the legislature stating that schools would have to offer the on-line technology test at each school with a proctor. The full Education committee voted for it in the House and it passed unanimously.
- **H.** National Evaluation Systems will be in Atlanta during the week of February 6th, February 13th and February 27th to conduct the Test Bias Committee meetings. These tests will be tied to the Georgia standards and National standards. The PSC will also be meeting with them to discuss the phasing out of Praxis and the phasing in of GACE.

VII. CHAIR REPORT

The April 13th commission meeting will be held in Jekyll Island.

Dr. Holly Robinson announced the Georgia Public Policy Foundation will host a Policy Briefing Luncheon with Jay Greene on February 21st at the Commerce Club and all commissioners are invited to attend.

VIII. ADJOURNMENT

Terri Deloach called for the meeting to be adjourned at 1:45 p.m.

PSC ACTION: Approved