

# MINUTES

## PROFESSIONAL STANDARDS COMMISSION

Two Piedmont Avenue

Atlanta, Georgia

March 12, 2015

The Georgia Professional Standards Commission (PSC) met on Thursday, March 12, 2015, at 12:30 p.m.

### Members Present

Dr. Jim Barrett

Lauren Eckman

Dr. Penny Elkins

Phil Jacobs

David Johnson

Scott Justus

Christy McGill

Terrie Ponder

David Smith

Sheryl Stalvey

Dr. Martha Venn

Dr. Lawrence Walters

Pam Walker

### Members Absent

Kamila Luigs

Bettina Polite Tate

Valerie Mateen

Carol Rivera

Henry Kelly

## I. WORK SESSION

- A. Kelly Henson informed the Commissioners that a legislative update had been emailed to them and if they needed more information to let him know. He also informed them that retreat agenda items had been emailed to them and if they had any questions or comments to let him know.
- B. Kelli Young gave the Commissioners a Pre-Service Certificate update and handed out a sheet titled Pre-Service Certificate Statistics.
- C. Penney McRoy presented the rules.

### RULES:

At today's Commission meeting, we will ask you to adopt all the rules you initiated on January 15th, and we will ask you to then initiate the rule-making process. On your desktops, you will find the Adopt Packet, which includes the same rules that you initiated in January, and you will find the Initiate Packet. Both packets were sent to you last week and are also on your desktops.

### For the Rules Adoption

We will ask that you adopt all rules initiated in January, with an effective date of April 15, 2015, with rule 505-2-.03 Pre-Service Certificate becoming effective July 1, 2015.

Amend the following rules:

505-2-.02 CLASSIFICATION

505-2-.03 PRESERVICE CERTIFICATE

505-2-.04 INDUCTION CERTIFICATE

505-2-.05 PROFESSIONAL CERTIFICATE

505-2-.14 ENDORSEMENTS – This rule clarifies that a Non-Renewable Professional ESOL endorsement may be added to a Permit certificate in a foreign language field. It also clarifies that non-renewable professional certificates for endorsement areas can be issued at the request of employing school districts, just as they can for any teaching, service, or leadership field.

505-2-.19 SUPPORT PERSONNEL LICENSE

505-2-.24 SPECIAL GEORGIA REQUIREMENTS

505-2-.26 CERTIFICATION AND LICENSURE ASSESSMENTS

505-2-.33 CERTIFICATE UPGRADE

505-2-.144 SCHOOL COUNSELING

Repeal and Adopt the following rules:

505-3-.76 ALTERNATIVE PREPARATION FOR EDUCATIONAL LEADERSHIP PROGRAM

505-3-.77 EDUCATIONAL LEADERSHIP PROGRAM

Repeal the following rule:

505-3-.78 EDUCATIONAL LEADERSHIP CONVERSION PROCESS

**PUBLIC COMMENT:**

During the public comment period, fourteen (14) responses were received, which you received in last week's Commission Communication and that are also on your desktops. One comment suggested a change in wording in 505-2-.04 Induction Certificate. Thirteen addressed 505-3-.76 Alternative Certification for Educational Leaders.

### **For the Rules Initiation**

We will ask that you initiate the rule making process. The Initiate packet is on your desktops. These rules have been previewed for you in previous Commission work sessions.

505-2-.04 INDUCTION CERTIFICATE – amend to clarify the GPA requirement for Induction Pathway 4 certificates.

505-2-.15 ADJUNCT LICENSE - amend to establish that an Adjunct license may be issued for the field of Special Education field of Visual Impairment, to remove the restriction that Adjunct License holders may only teach grades 6-12, and to make the license transferrable among LUAs.

505-2-.27 CERTIFICATION APPLICATION PROCEDURES – amend to clarify the verification of lawful presence requirement and update the name of a required form.

505-2-.36 RENEWAL REQUIREMENTS – repeal and a new rule initiated to change renewal requirements starting with certificates expiring in 2018.

505-2-.40 IN-FIELD ASSIGNMENT – amend to correct a reference to a rule that has a new name.

505-2-.90 CAREER AND TECHNICAL SPECIALIZATIONS – amend to clarify the assessment requirements for several areas.

505-2-.114 VISUAL IMPAIRMENT – amend to establish that an Adjunct license may be issued in this field.

505-3-.71 SPEECH AND LANGUAGE PATHOLOGY PROGRAM - repeal and a new rule initiated as program standards have been updated to align with national standards, and there has been a change in requirements.

505-3-.102 SPECIAL EDUCATION VISUAL IMPAIRMENT ENDORSEMENT PROGRAM - amend to reflect the requirement of Special Education Certification for candidates entering a Special Education Visual Impairment Endorsement Program.

505-3-.105 TEACHER SUPPORT AND COACHING (TSC) ENDORSEMENT – amend to include the policy and procedures for current holders of TSS Endorsement to convert to the TSC Endorsement. The revised rule is intended to include a phase-in timeline for converting to the TSC Endorsement.

505-6-.01 THE CODE OF ETHICS FOR EDUCATORS – amend to clarify terminology.

After discussion of all rules presented and as a part of the rule initiation process today, Commissioners made a change to the language in rule 505-6-.01. The change impacts paragraph 7.(b) on page 6; the following sentence was added to the end of the paragraph:

Should the superintendent’s certificate be revoked, suspended, or denied, the Board of Education shall be responsible for assuring that the superintendent whose certificate has been revoked, suspended, or denied is not employed or serving in any capacity in their district.

## **II. CALL TO ORDER**

Chair Elkins called the meeting to order at 12:30 p.m. and led the Pledge of Allegiance to the U.S. flag and a moment of silence.

## **III. ADOPTION OF AGENDA**

Chair Dr. Elkins called for approval of the agenda.

**MOTION:** (Pam Walker / Phil Jacobs) To approve the agenda.

**PSC ACTION:** Approved

## **IV. APPROVAL OF MINUTES**

Chair Elkins called for approval of the minutes from the February 12, 2015, Commission meeting.

**PSC ACTION:** Approved

**V. VISITORS**

Chair Dr. Elkins welcomed the visitors.

- Leonard Williams, Professional Association of Georgia Educators
- Tayia Donald, Georgia Association of Educators (GAE)
- Julie Omanen
- Linda Fortson, Warren Fortson Law Office
- Kim Beacham, Georgia Independent School Association
- Kandy Lau, Georgia Independent School Association

**VI. COMMITTEE REPORTS**

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

Chair Pam Walker of the Educator Ethics Review Committee (EERC), gave a preliminary review of the Cases.

1. Ms. Walker reported that the Committee reviewed 26 ***Probable Cause*** cases during its March 12, 2015, meeting and brought the following recommendations on behalf of the Committee:

<u>CASE</u>	<u>STANDARDS VIOLATED</u>	<u>RECOMMENDATION</u>	<u>EERC RECOMMENDATION</u>
14-9-232	1	Deny	Accept
14-9-235	1	Deny	Accept
14-12-457	1	Reprimand	Accept

<u>CASE</u>	<u>STANDARDS VIOLATED</u>	<u>RECOMMENDATION</u>
13-2-778	1,4,5,10	Revoke
14-2-570	2,10	Revoke
14-4-794	1,4,9	Reprimand
14-5-830	5, 10	NPC
14-6-1058	1,4,9	Suspension - 20 days
14-8-139	2,10	Reprimand
14-9-182	1,4,9	Reprimand
14-9-209	1,4,9	Suspension - 20 days
14-9-217	8,10	Reprimand
14-9-236	1,4,9,10	Revoke
14-9-256	5,10	Reprimand
14-9-267	3,10	Suspension - 1 yr
14-10-293	2,10	Suspension - 2 yrs
14-10-308	10,11	Suspension - 2 yrs
14-11-373	10	Suspension - 5 days

<u>CASE</u>	<u>STANDARDS VIOLATED</u>	<u>RECOMMENDATION</u>
14-11-379	9,10	Suspension - 1 yr
14-11-398	8,10	NPC
14-11-400	1,10	Reprimand
14-12-429	10, 11	Suspension - 2 yrs
14-12-432	2,10	Warning
14-12-456	1,10	Suspension - 1 yr
15-1-546	2,10	Suspension - 60 days
15-1-576	4,9,10	Reprimand

2. Ms. Walker reported that the Educator Ethics Review Committee reviewed 1 *Petitions Issue* and brought the following recommendation on behalf of the Committee:

<u>CASE</u>	<u>PREVIOUS SANCTION</u>	<u>EERC RECOMMENDATION</u>
14-11-401	Revocation, Sept 2010	Deny

3. Ms. Walker reported that the Educator Ethics Review Committee reviewed 9 *Settlement Agreements* and brought the following recommendations on behalf of the Committee:

<u>CASE</u>	<u>SANCTION</u>	<u>EERC RECOMMENDATION</u>
14-5-898	Suspension - 2 years	Accept
14-7-97	Reprimand	Accept
14-8-164	Reprimand	Accept
14-9-183	Reprimand	Accept
14-9-184	Reprimand	Accept
14-9-276	Reprimand	Accept
14-10-289	Suspension - 1 year	Accept
14-10-348	Suspension - 90 days	Accept
14-11-372	Suspension - 90 days	Accept

4. Ms. Walker reported that the Educator Ethics Review Committee reviewed 11 *Negotiated Settlement Agreements* and brought the following recommendations on behalf of the Committee:

<u>CASE</u>	<u>NEGOTIATED SANCTION</u>	<u>EERC RECOMMEND</u>
11-8-136	Suspension - 90 days	Accept
11-8-150	Reprimand	Accept
11-8-177	NPC	Accept
11-9-414	Suspension - 60 days	Accept

<u>CASE</u>	<u>NEGOTIATED SANCTION</u>	<u>EERC RECOMMEND</u>
11-9-415	Suspension - 3 years	Accept
13-9-229	Suspension - 110 days	Accept
14-3-592	NPC	Accept
14-3-659	NPC	Accept
14-5-910	Suspension - 90 days	Accept
14-7-124	NPC	Accept
14-8-163	Suspension - 130 days	Accept

### 5. **OTHER BUSINESS**

The Educator Ethics Review Committee recommended approval of the *Other Business Report* as follows:

<u>CASE</u>	<u>PREVIOUS SANCTION</u>	<u>EERC RECOMMENDATION</u>
11-9-459	Ed deceased	Admin. Closure
14-5-829	Ed deceased	Admin. Closure
14-5-891	Ed deceased	Admin. Closure
15-1-516	Ed deceased	Admin. Closure
PCE 14-10-353	Expansion of an investigation	Expand Investigation
PCE 15-1-518	Expansion of an investigation	Expand Investigation

6. The Educator Ethics Review Committee recommended approval of the *Preliminary Investigative Determination Report* consisting of 67 new complaints received during the months of February 2015 and March 201.

### 7. **VOLUNTARY SURRENDERS**

The Educator Ethics Review Committee recommended approval of the Voluntary Surrenders listed below in which an Educator/Applicant voluntarily accepted a sanction of Revocation or Denial prior to the submission of an investigative case summary for a Probable Cause Determination.

<u>CASE</u>	<u>STANDARDS VIOLATED</u>	<u>SANCTION</u>	<u>EERC RECOMMENDATION</u>
12-7-112	2, 10	Voluntary Surrender	Accept
15-1-557	2, 10	Voluntary Surrender	Accept
15-2-651	1, 2, 10	Voluntary Surrender	Accept

### 8. **EXTENSIONS – PRELIMINARY INVESTIGATIVE DETERMINATIONS**

The Educator Ethics Review Committee recommended approval of the 41 Extensions - Preliminary Investigative Determinations consisting of the following:

15-2-696	15-2-702	15-2-718	15-3-724	15-3-730	15-3-736	15-3-743
15-2-697	15-2-703	15-3-719	15-3-725	15-3-731	15-3-737	15-3-744
15-2-698	15-2-704	15-3-720	15-3-726	15-3-732	15-3-738	15-3-745
15-2-699	15-2-715	15-3-721	15-3-727	15-3-733	15-3-739	15-3-746
15-2-700	15-2-716	15-3-722	15-3-728	15-3-734	15-3-741	15-3-747
15-2-701	15-2-717	15-3-723	15-3-729	15-3-735	15-3-742	

### 9. **EXTENSIONS - INVESTIGATIONS**

The Educator Ethics Review Committee recommended granting and *Investigative Extension* to the following 176 cases:

<b><u>WRITTEN COMPLAINT EXTENSIONS</u></b>							
11-8-130	13-3-891	13-12-379	14-4-757	14-6-971	14-8-174	14-10-321	14-12-427
11-8-200	13-4-983	13-12-423	14-4-762	14-6-1036	14-8-178	14-10-340	14-12-428
11-9-337	13-4-1016	13-12-424	14-4-766	14-6-1037	14-8-179	14-10-341	14-12-430
11-9-343	13-5-1032	13-12-425	14-4-767	14-7-22	14-9-189	14-10-349	14-12-434
11-9-392	13-5-1043	14-1-444	14-4-772	14-7-38	14-9-212	14-10-350	14-12-436
11-9-398	13-5-1049	14-2-516	14-4-778	14-7-54	14-9-216	14-10-353	14-12-437
11-9-399	13-5-1076	14-2-558	14-5-819	14-7-66	14-9-218	14-10-359	14-12-439
11-9-402	13-6-1176	14-2-575	14-5-826	14-7-67	14-9-219	14-10-361	14-12-440
11-9-455	13-6-1199	14-3-581	14-5-838	14-7-68	14-9-244	14-10-362	14-12-447
11-9-456	13-6-1207	14-3-583	14-5-863	14-7-69	14-9-245	14-10-363	14-12-448
11-9-457	13-6-1209	14-3-593	14-5-897	14-7-107	14-9-255	14-10-364	14-12-449
11-9-458	13-6-1231	14-3-633	14-5-903	14-7-121	14-9-268	14-10-365	14-12-452
11-12-702	13-6-1241	14-3-635	14-5-905	14-7-123	14-9-270	14-10-368	14-12-453
12-4-1120	13-8-56	14-3-644	14-5-909	14-7-135	14-9-271	14-11-370	14-12-454
12-4-1133	13-9-192	14-3-645	14-5-914	14-8-136	14-9-272	14-11-371	14-12-455
12-7-111	13-10-239	14-3-654	14-6-938	14-8-139	14-9-277	14-11-382	14-12-459
12-11-530	13-11-312	14-3-655	14-6-940	14-8-142	14-10-286	14-11-386	14-12-469
13-2-759	13-11-327	14-3-680	14-6-942	14-8-149	14-10-300	14-11-392	14-12-470
13-3-838	13-11-356	14-4-723	14-6-944	14-8-151	14-10-304	14-11-396	14-12-474
13-3-865	13-12-373	14-4-737	14-6-950	14-8-156	14-10-305	14-11-417	14-12-475
13-3-869	13-12-376	14-4-744	14-6-964	14-8-157	14-10-307	14-11-423	14-12-484
13-3-878	13-12-377	14-4-752	14-6-969	14-8-169	14-10-321	14-11-424	14-12-485

### 10. **APPLICATIONS FOR CERTIFICATION REPORT**

The Educator Ethics Review Committee recommended to approve a no probable cause determination on 16 cases reflected on the *Applications for Certification Report*.

**11. FINAL DECISIONS BY OPERATION OF LAW**

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

**12. FINAL DECISIONS**

The Educator Ethics Review Committee recommended to approve the *Final Decision* report.

<u>CASE</u>	<u>ORIGINAL SANCTION</u>	<u>ALJ SANCTION</u>	<u>EERC RECOMMENDATION</u>
14-1-468	Suspension 1 year	Suspension 45 days	Accept
14-6-994	Denial	Grant / Reprimand	Accept

Chair Elkins called for approval of the Educator Ethics Review Committee report as presented by Pam Walker excluding case # 14-3-659.

**PSC ACTION:** Approved

Abstention: Pam Walker – 15-2-635, 15-2-636, Lauren – Eckman – 14-12-429, Jim Barrett – 15-1-589

**Negotiated Consent Order Case # 14-3-659**

**MOTION:** (Jim Barrett/ Scott Justus) To accept the EERC’s recommendation to accept the Negotiated Consent Order of a No Probable Cause.

**PSC ACTION:** Approved

Abstention: David Johnson

**B. Educator Preparation Standing Committee** - The Committee did not meet this month. No report was given.

**VII. RULES**

Penney McRoy presented the rules for initiation and adoption.

At today’s meeting, we bring to you 13 rules for adoption and 11 rules for Initiation. Both the Adopt Rules packet and Initiate Rules packet are on your desktops.

**MOTION:** (Pam Walker / Phil Jacobs) 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 June 15, 2015, as follows: 505-2-.04, 505-2-.15, 505-2-.27, 505-2-.40, 505-2-.90, and 505-2-.114 (2) repealing the current rules in Chapter 505-2 Certification, effective July 1, 2017, as follows: 505-2-.36; (3) initiating the current rule in Chapter 505-2 Certification, effective July 1, 2017, as follows: 505-2-.36; (4) amending the current rules in Chapter 505-3 Educator Preparation, effective June 15, 2015, as follows: 505-3-.102, and 505-3-.105; (3) repealing the current rules in Chapter 505-3- Educator Preparation, effective June 15, 2015, as follows: 505-2-.71; (5) initiating the current rule in Chapter 505-3- Educator Preparation, effective June 15, 2015, as follows: 505-3-.71; and (6) amending the current rule in Chapter 505-6 Ethics, effective June 15, 2015, as follows: 505-6-.01. with the amended language of “Should the superintendent’s certificate be revoked, suspended, or denied, the Board of Education shall be responsible for assuring that the superintendent whose certificate has been revoked, suspended, or denied is not employed or serving in any capacity in their district” in section 7.(b) on page 6.

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**PSC ACTION:** Approved

**MOTION:** (Scott Justus / Dr. Larry Walters) 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 April 15, 2015, as follows: 505-2-.02, 505-2-.04, 505-2-.05, 505-2-.14, 505-2.19, 505-2-24, 505-2-.26, 505-2-.33, and 505-2-.144; (2) amending the current rules in Chapter 505-2-Certification, effective July 1, 2015, as follows: 505-2-.03; (3) repealing the current rules in Chapter 505-3 Educator Preparation, effective April 15, 2015, as follows: 505-3-.76, 505-3-.77, and 505-3-.78; (4) adopting the current rules in Chapter 505-3- Educator Preparation, effective April 15, 2015, as follows: 505-3-.79 and 505-3-.77.

**PSC ACTION:** Approved

## **VIII. ADJOURNMENT**

Chair Dr. Elkins called for the meeting to be adjourned at 1:21 p.m.

**PSC ACTION:** Approved