

MINUTES

PROFESSIONAL STANDARDS COMMISSION

Two Peachtree Street

Atlanta, Georgia

August 14, 2008

The Georgia Professional Standards Commission (PSC) met on Thursday, August 14, 2008, at 9 a.m.

Members Present

Penny Benton
Julia Bernath
Maria Bradley
Sallie Bullock
Stephen Dartt

Emily Jennette
Maria Miller
Lee Muns
Rose Powell
Dr. Craig Smith

Jeannie Tucker
Hester Vasconcelos
Dr. Wanda West
Dr. Debbie Wilkes

Members Absent

Dr. Louisa Moffitt
Dr. Mary Outlaw

Pamela Greenway
Al George

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. ADOPTION OF AGENDA

Chair Wilkes called for approval of the agenda.

MOTION: (Muns / Vasconcelos) To approve the agenda.

PSC ACTION: Approved

III. APPROVAL OF MINUTES

Chair Wilkes called for approval of the minutes from the July 10, 2008, Commission meeting.

PSC ACTION: Approved

IV. RECOGNITION OF VISITORS

Chair Wilkes recognized the visitors.

- Margaret Elliott, Professional Association of Georgia Educators
- Gayle Wooten, Professional Association of Georgia Educators
- Audrey Johnson
- J. Anderson Ramay
- Calandra Almond
- John Hooper, Georgia School Superintendents Association
- Bill Ware, Georgia Association of Colleges of Teacher Education
- Wilma Stevens
- Amy Wise
- Eddie Toliver

V. INDUCTION OF JULIA BERNATH

Chair Wilkes introduced Julia Bernath. Ms. Bernath is President of the Fulton County Board of Education and President of Georgia School Boards Association. She also serves on the Board of Directors of the Georgia Partnership for Excellence in Education. Mr. Kelly Henson swore her in as our new commissioner

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

Commissioner Maria Miller of the Educator Ethics Review Committee (EERC), read the Guidelines for Clearance and then gave a preliminary review of the Cases.

- Ms. Miller reported that the Committee reviewed 57 **Probable Cause** cases during its August 13, 2008, meeting and brought the following recommendations on behalf of the Committee:

#	Case Number	Standards Violated	<u>EERC Recommendation</u>
1	07-9-283	Criminal Acts Misrepresentation or Falsification Public Funds and Property Failure to Make a Required Report Professional Conduct	REVOCATION
2	08-1-690	Criminal Acts	REPRIMAND
3	08-1-707	Criminal Acts Misrepresentation or Falsification	REPRIMAND
4	08-3-898 Applicant	Criminal Acts Professional Conduct	NO PROBABLE CAUSE
5	08-3-900	Failure to Make a Required Report Action Taken in Another State	SUSPENSION 20 CONTRACT DAYS
6	08-3-910 Applicant	Criminal Acts	REPRIMAND
7	08-3-927	Criminal Acts	REPRIMAND
8	08-3-935	Criminal Acts Misrepresentation or Falsification	REPRIMAND
9	08-3-959 Applicant	Criminal Acts OCGA 16-13-111	REPRIMAND
10	06-9-253	Misrepresentation or Falsification Professional Conduct	NO PROBABLE CAUSE

#	Case Number	Standards Violated	<u>EERC Recommendation</u>
11	07-2-911	Criminal Acts Misrepresentation or Falsification Failure to Make a Required Report Professional Conduct	REVOCATION
12	07-6-1525	Misrepresentation or Falsification Professional Conduct	SUSPENSION 90 CONTRACT DAYS
13	07-6-1526	Misrepresentation or Falsification Professional Conduct	SUSPENSION 90 CONTRACT DAYS
14	07-6-1582	Professional Conduct	SUSPENSION 20 CONTRACT DAYS
15	07-8-136	Criminal Acts Professional Conduct OCGA 16-13-111	REVOCATION
16	07-8-147	Criminal Acts Abuse of Students Professional Conduct	REVOCATION
17	07-9-210	Misrepresentation or Falsification Public Funds and Property Professional Conduct	SUSPENSION 5 CONTRACT DAYS
18	07-9-229	Professional Conduct	SUSPENSION 90 CONTRACT DAYS
19	07-10-349	Abandonment of Contract Professional Conduct	Extend Probable Cause Determination until October 9, 2008
20	07-11-389	Failure to Make a Required Report Professional Conduct	REVOCATION
21	07-11-404	Criminal Acts Professional Conduct	SUSPENSION 2 YEARS
22	07-11-406	Criminal Acts Misrepresentation or Falsification Failure to Make a Required Report Professional Conduct	REVOCATION
23	07-12-479	Professional Conduct	NO PROBABLE CAUSE
24	07-12-618	Abuse of Students Professional Conduct	SUSPENSION 20 CONTRACT DAYS
25	08-3-857	Abuse of Students Professional Conduct	SUSPENSION 60 CONTRACT DAYS
26	08-3-858	Abuse of Students Professional Conduct	SUSPENSION 5 CONTRACT DAYS
27	08-3-861	Professional Conduct	REPRIMAND
28	08-3-863	Abuse of Students Professional Conduct	SUSPENSION 60 CONTRACT DAYS
29	08-3-1004	Public Funds and Property Professional Conduct	SUSPENSION 90 CONTRACT DAYS
30	08-3-1009	Criminal Acts Professional Conduct	REVOCATION
31	08-3-1010	Professional Conduct	SUSPENSION 5 CONTRACT DAYS

#	Case Number	Standards Violated	<u>EERC Recommendation</u>
32	08-3-1023	Professional Conduct	SUSPENSION 5 CONTRACT DAYS
33	08-3-1048	Criminal Acts Professional Conduct	REVOCATION
34	08-3-1055	Criminal Acts Professional Conduct OCGA 16-13-111 Other Good and Sufficient Cause	REVOCATION
35	08-4-1087	Misrepresentation or Falsification Professional Conduct	SUSPENSION 90 CONTRACT DAYS
36	08-4-1090	Professional Conduct	SUSPENSION 20 CONTRACT DAYS
37	08-4-1096	Professional Conduct	SUSPENSION 45 CONTRACT DAYS
38	08-4-1098	Failure to Make a Required Report Professional Conduct	NO PROBABLE CAUSE
39	08-4-1139	Professional Conduct	NO PROBABLE CAUSE
40	08-4-1186	Abandonment of Contract Professional Conduct	SUSPENSION 90 CONTRACT DAYS
41	08-4-1195	Criminal Acts Alcohol or Drugs Misrepresentation or Falsification Professional Conduct	SUSPENSION - 1 YEAR
42	08-4-1201	Misrepresentation or Falsification Confidential Information Professional Conduct	SUSPENSION 45 CONTRACT DAYS
43	08-5-1258	Public Funds and Property Professional Conduct	SUSPENSION 90 CONTRACT DAYS
44	08-5-1297	Confidential Information Professional Conduct	NO PROBABLE CAUSE
45	08-5-1300	Confidential Information Professional Conduct	SUSPENSION 5 CONTRACT DAYS
46	08-5-1302	Misrepresentation or Falsification Professional Conduct	SUSPENSION 20 CONTRACT DAYS
47	08-5-1305	Alcohol or Drugs Professional Conduct	SUSPENSION 20 CONTRACT DAYS
48	08-5-1306	Alcohol or Drugs Professional Conduct	SUSPENSION 20 CONTRACT DAYS
49	08-5-1317	Confidential Information Professional Conduct	SUSPENSION 45 CONTRACT DAYS
50	08-5-1330	Criminal Acts Failure to Make a Required Report Professional Conduct OCGA 20-2-1184	SUSPENSION 20 CONTRACT DAYS
51	08-5-1332	Abuse of Students Professional Conduct	SUSPENSION 20 CONTRACT DAYS
52	08-5-1358	Public Funds and Property Professional Conduct	SUSPENSION 5 CONTRACT DAYS
53	08-5-1359	Public Funds and Property Professional Conduct	SUSPENSION 5 CONTRACT DAYS

#	Case Number	Standards Violated	<u>EERC Recommendation</u>
54	08-5-1366	Alcohol or Drugs Professional Conduct	Extend Probable Cause Determination until October 9, 2008
55	08-5-1368	Misrepresentation or Falsification Confidential Information Professional Conduct	SUSPENSION 20 CONTRACT DAYS
56	08-5-1371	Misrepresentation or Falsification Professional Conduct	SUSPENSION 20 CONTRACT DAYS
57	08-6-1560	Misrepresentation or Falsification Professional Conduct	SUSPENSION 20 CONTRACT DAYS

2. Ms. Miller reported that the Educator Ethics Review Committee reviewed 6 *Initial Decisions* and brought the following recommendations on behalf of the Committee:

CASE #	STANDARDS VIOLATED	PROBABLE CAUSE SANCTION	ADMINISTRATIVE LAW JUDGE SANCTION	RECOMMENDATION
05-2-1118	Criminal Acts Misrepresentation or Falsification Professional Conduct	Suspension - 3 Years	Suspension - 3 Years	ACCEPT
05-2-1295	Misrepresentation or Falsification Failure to Make a Required Report Professional Conduct Action Taken in Another State	Revocation	Revocation	ACCEPT
05-3-1453	Misrepresentation or Falsification Professional Conduct	Suspension – 6 Months	Suspension – 6 Months	ACCEPT
05-3-1458	Criminal Acts Professional Conduct	Suspension - 2 Years	No Probable Cause	REVIEW
07-2-970 07-5-1339	Misrepresentation or Falsification Professional Conduct	Suspension – 15 Contract Days	Suspension – 15 Contract Days	ACCEPT
07-3-1001	Misrepresentation or Falsification Professional Conduct	Suspension – 90 Contract Days	Suspension – 90 Contract Days	ACCEPT

3. Ms. Miller reported that the Educator Ethics Review Committee reviewed 2 Voluntary Surrender/Voluntary Denials and brought the following recommendations on behalf of the Committee:

#	Case Number	STANDARDS VIOLATED	SANCTION	EERC Recomm.
1	08-5-1307	Abuse of Students Professional Conduct	Revocation	Accept
2	08-6-1412	Abuse of Students Public Funds and Property Professional Conduct	Revocation	Accept

4. Ms. Miller reported that the Educator Ethics Review Committee reviewed 20 *Settlement Agreements* and brought the following recommendations on behalf of the Committee:

#	CASE NUMBER	SANCTION	RECOMMENDATION
1	07-7-37	Reprimand	Accept
2	07-8-110	Suspension – 90 Contract Days 09/02/08 – 01/20/09	Accept
3	07-11-400	Revocation	Accept
4	07-12-520	Reprimand	Accept
5	07-12-542	Reprimand	Accept
6	08-1-670	Reprimand	Accept
7	08-1-685	Reprimand	Accept
8	08-2-790	Revocation	Accept
9	08-3-841	Suspension – 90 Contract Days 09/02/08 – 01/29/09	Accept
10	08-3-865	Suspension – 20 Contract Days Retro - system suspension - 01/31/08 - 02/28/08	Accept
11	0-8-3-867	Reprimand	Accept
12	08-3-905	Reprimand	Accept
13	08-3-906	Reprimand	Accept
14	08-3-1027	Reprimand	Accept
15	08-3-1028	Suspension – 5 Contract Days 09/8/08 - 09/12/08	Accept
16	08-3-1057	Suspension – 1 Year 08/29/08 – 08/29/09	Accept
17	08-4-1142	Reprimand	Accept
18	08-4-1150	Suspension – 20 Contract Days 10 Day Credit – System 08/29/08 – 09/12/08	Accept
19	08-4-1196	Suspension – 20 Contract Days 09/2/08 - 09/29/08	Accept
20	08-4-1214	Suspension – 10 Contract Days 09/15/08 - 09/26/08	Accept

5. Ms. Miller reported that the Educator Ethics Review Committee reviewed 14 *Negotiated Settlement Agreements* and brought the following recommendations on behalf of the Committee:

CASE #	STANDARDS VIOLATED	PROBABLE CAUSE SANCTION	NEGOTIATED SANCTION	RECOMMENDATION
04-5-1638 & 05-1-1011	Misrepresentation or Falsification Failure to Make a Required Report Professional Conduct	Suspension – 1 Year Reprimand	Suspension – 1 Year (Retroactive - Employment) June 1, 2004 - June 1, 2005	ACCEPT

CASE #	STANDARDS VIOLATED	PROBABLE CAUSE SANCTION	NEGOTIATED SANCTION	RECOMMENDATION
05-2-1234 & 07-5-1350	Misrepresentation or Falsification Confidential Information Failure to Make a Required Report Professional Conduct	Reprimand Suspension – 1 Year	Suspension – 1 Year Aug. 29, 2008 - Aug. 29, 2009	ACCEPT
05-2-1311	Abuse of Students Professional Conduct	Revocation	Revocation (Retro - March 1, 2005) Eligible to Petition Immediately	ACCEPT
06-7-28	Abuse of Students Misrepresentation or Falsification Professional Conduct	Suspension - 20 Contract Days	Suspend - 20 Contract Days RETRO – SYSTEM SUSPENSION Jan. 3, 2006 - Jan. 31, 2006	ACCEPT
06-10-387	Professional Conduct	Suspension - 20 Contract Days	Suspend - 15 Contract Days 3 Day Credit -System Suspension Sept, 15, 2008 - Sept. 30, 2008	ACCEPT
06-12-627	Misrepresentation or Falsification Improper Remunerative Conduct Professional Conduct	Suspension - 45 Contract Days	Suspend - 35 Contract Days (RETRO – SYSTEM SUSPENSION & UNEMPLOYMENT) (Dec. 4, 5, 6, 7, 8, 2006 & Aug. 6, 2007 - Sept. 14, 2007)	ACCEPT
07-2-984	Misrepresentation or Falsification Failure to Make a Required Report	Suspension - 20 Contract Days	Reprimand	REJECT
07-2-988	Misrepresentation or Falsification	Suspension - 5 Contract Days	Reprimand	ACCEPT
07-4-1177	Professional Conduct	Reprimand	No Probable Cause	REJECT
07-7-42	Abuse of Students Professional Conduct	Suspension - 5 Contract Days	Suspend - 5 Contract Days RETRO – UNEMPLOYMENT) (April 7, 2008 & April 11, 2008)	ACCEPT
07-8-111	Abuse of Students Professional Conduct	Suspension - 20 Contract Days	Warning	REJECT
07-11-394	Misrepresentation or Falsification	Suspension - 20 Contract Days	Suspend - 11 Contract Days 1 Day Credit -System Suspension August 29, 2008 - Sept. 12, 2008	ACCEPT
07-12-546	Criminal Acts	Denial	No Probable Cause	REJECT
07-12-557	Criminal Acts Misrepresentation or Falsification	Denial	Reprimand	ACCEPT

6. **OTHER BUSINESS**

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

CASE NUMBER	SUPERIOR COURT ORDER	DISCUSSION:	PSC ACTION
05-7-156	Polk County Superior Court Judge Reversed and Remanded Case back to the PSC for further proceedings. Case Description: The educator, a high school assistant principal, admittedly changed four grades on a special education student's transcript during the 2004-2005 school year to improve his final grade in classes from his freshman, sophomore and junior years. The educator admits that she changed a grade in Principles of Literature from 70 to 75 and that the student did not complete any extra credit assignments.	The PSC Reviewed the Superior Court Order	No Action Required at this time

7. The Educator Ethics Review Committee recommended approval of the *Preliminary Investigative Determination Report* consisting of 70 new complaints received during the months of July and August 2008.

8. EXTENSIONS – PRELIMINARY INVESTIGATIVE DETERMINATIONS

The Educator Ethics Review Committee recommended approval of the 36 Extensions - Preliminary Investigative Determinations consisting of the following:

#	CASE #	Complaint Received	#	CASE #	Complaint Received
1.	08-7-17	June 25, 2008	23.	08-7-31	July 7, 2008
2.	08-7-18	June 27, 2008	24.	08-7-32	July 7, 2008
3.	08-7-19	June 27, 2008	25.	08-7-33	July 7, 2008
4.	08-7-20	June 27, 2008	26.	08-7-34	July 7, 2008
5.	08-7-21	June 27, 2008	27.	08-7-35	July 7, 2008
6.	08-7-22	June 30, 2008	28.	08-7-36	July 7, 2008
7.	08-7-23	June 30, 2008	29.	08-7-37	July 7, 2008
8.	08-7-24	June 30, 2008	30.	08-7-38	July 8, 2008
9.	08-7-25	July 1, 2008	31.	08-7-52	July 8, 2008
10.	08-7-26	July 1, 2008	32.	08-7-53	July 10, 2008
11.	08-7-27	July 3, 2008	33.	08-7-54	July 10, 2008
12.	08-7-28	July 3, 2008	34.	08-7-55	July 14, 2008
13.	08-7-29	July 3, 2008	35.	08-7-56	July 14, 2008
14.	08-7-30	July 3, 2008	36.	08-7-79	July 18, 2008

9. EXTENSIONS - INVESTIGATIONS

The Educator Ethics Review Committee recommended granting and *Investigative Extension* to the following 71 Written Complaints and 76 Application cases:

WRITTEN COMPLAINT EXTENSIONS:

07-8-120	08-5-1252	07-12-586	08-4-1078	08-5-1316	08-5-1237	08-5-1357	08-4-1189	08-5-1331
07-9-239	08-5-1253	08-1-664	08-4-1093	08-5-1329	08-5-1254	08-5-1365	08-4-1213	08-5-1350
07-12-607	08-5-1295	08-1-709	08-4-1094	08-5-1369	08-5-1293	08-3-1019	08-5-1230	08-5-1360
07-12-612	08-5-1296	08-3-843	08-5-1231	08-3-844	08-5-1293	08-3-1025	08-5-1240	08-5-1361
08-3-847	08-5-1319	08-3-854	08-5-1241	08-3-1012	08-5-1320	08-3-1052	08-5-1292	08-3-1017
08-3-1049	07-8-118	08-3-855	08-5-1251	08-4-1143	08-5-1321	08-4-1076	08-5-1312	08-4-1092
08-4-1091	07-8-137	08-3-864	08-5-1259	8-4-1212	08-5-1351	08-4-1100	08-5-1322	08-5-1301
08-4-1102	07-11-383	08-3-1050	08-5-1315	08-5-1236	08-5-1356	08-4-1141	08-5-1323	

APPLICATION CASE EXTENSIONS:

08-3-871	08-3-969	08-3-994	08-4-1118	08-4-1157	08-5-1268	08-5-1334	08-6-1426	08-6-1440	08-6-1473	08-6-1527
08-3-876	08-3-971	08-3-998	08-4-1121	08-4-1170	08-5-1276	08-5-1335	08-6-1429	08-6-1442	08-6-1477	08-6-1531
08-3-880	08-3-972	08-3-1000	08-4-1123	08-4-1175	08-5-1279	08-5-1339	08-6-1430	08-6-1443	08-6-1484	08-6-1536
08-3-941	08-3-982	08-3-1007	08-4-1127	08-5-1262	08-5-1280	08-5-1343	08-6-1431	08-6-1458	08-6-1487	08-6-1538
08-3-962	08-3-984	08-4-1089	08-4-1128	08-5-1263	08-5-1283	08-5-1347	08-6-1432	08-6-1463	08-6-1489	08-6-1539
08-3-968	08-3-986	08-4-1108	08-4-1133	08-5-1265	08-5-1287	08-5-1348	08-6-1434	08-6-1468	08-6-1501	08-6-1542
	08-3-991	08-4-1110	08-4-1138	08-5-1266	08-5-1333	08-6-1422	08-6-1437	08-6-1471	08-6-1512	08-6-1543

10. APPLICATIONS FOR CERTIFICATION REPORT

The Educator Ethics Review Committee recommended to approve a no probable cause determination on 54 cases reflected on the *Applications for Certification Report*.

11. REVIEW HEARING EXTENSIONS

The Commission reviewed the *Review Hearing Extensions Report* concerning 7 hearing cases. An Administrative Law Judge rendered Initial Decisions on each case referenced in the report. The report indicates Orders were issued.

12. STUDENT LOAN SUSPENSION / REINSTATEMENTS

The Commission reviewed the report, which indicated that there were 8 certificates *suspended* from July 10, 2008 through August 14, 2008. There were 8 certificates that had been *reinstated* because restitution is now being made on those student loans. There were 9 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.

13. FINAL DECISIONS BY OPERATION OF LAW

The Commission reviewed the report, which advised of 15 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.

PSC ACTION: Approved

Abstentions: Julia Bernath abstained from the entire report, Maria Miller abstained from Probable Cause case # 08-05-1300

B. Educator Preparation Standing Committee

Committee Chair, Dr. Craig Smith, presented the report of the Educator Preparation Standing Committee Summary of Approval Recommendations.

The Educator Preparation Standing Committee met to consider an approval request from Gwinnett County Public Schools. A quorum was present for the meeting; therefore, the recommendation listed below was presented to all Commissioners for a vote.

Institution/Agency	<i>Recommendation</i>
Gwinnett County Public Schools	Developmental Approval is recommended for the One-Year Supervised Practicum program.

MOTION: (West / Bradley) To accept the Educator Preparation Standing Committee Summary of Approval Recommendation for Gwinnett County Public Schools.

PSC ACTION: Approved

VII. REVIEW HEARINGS

- 1. Kelvin Smith - Educator (Case # 04-7-156)
Joan Roach - Hearing Officer

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

ACTION: Approved

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

ACTION: Approved

MOTION: (Powell / Miller) The Commission rejected the Findings of Fact and Conclusions of Law reached by the Administrative Law Judge in its entirety. After a review of the record as a whole and a hearing of oral argument from both parties, the Commission rejected the Initial Decision entered in this case by the ALJ and found that Kelvin Smith violated Standards 1, 2 and 10 of the Code of Ethics for Educators. Due to the severity of the actions taken and egregious behavior exhibited by the Educator in this matter and based on the whole record developed in this case, it was hereby ordered that the Georgia teaching certificate held by Kelvin Smith be Revoked.

PSC ACTION: Approved by Stephen Dartt, Maria Miller, Rose Powell, Jeannie Tucker, Hester Vasconcelos, Dr. Debbie Wilkes

Abstention: Julia Bernath, Maria Bradley, Emily Jennette

Opposed: Dr. Craig Smith, Dr. Wanda West, Lee Muns, Sally Bullock, Penny Benton

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2. Audrey Johnson - Educator (Case # 05-10-487)
Joan Roach - Hearing Officer
Amy Wise - PSC Attorney

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

ACTION: Approved

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

ACTION: Approved

MOTION: (Miller / Powell) To adopt the Findings of Fact and Standards of Law reached by the Administrative Law Judge. The Conclusion of the Administrative Law Judge as indicated in the Memorandum Opinion and Order 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 application for a Georgia educator certificate filed by Audrey Johnson Brisard be denied effective August 14, 2008.

PSC ACTION: Approved

Opposed – Dr. Wanda West, Lee Muns

3. Wilma Stevens - Educator (Case # 05-5-1605)
Joan Roach - Hearing Officer
Amy Wise - PSC Attorney
J. Anderson Ramay - Attorney

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

ACTION: Approved

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

ACTION: Approved

MOTION: (Bradley / West) To adopt the Findings of Fact and Conclusions of Law reached by the Administrative Law Judge. The Commission rejected the sanction recommended by the Administrative Law Judge and concluded that a greater sanction was appropriate in this particular case because the sanction recommended by the Administrative Law Judge did not reflect the seriousness with which the Commission viewed the Petitioner's violation of the rules applicable to educators. It was hereby ordered that the Georgia Educator certificate held by Wilma Stevens be Suspended for a period of seven contract days to be served retroactively and concurrently with the educator's employment suspension.

PSC ACTION: Approved

4. Eddie Toliver - Educator (Case # 05-7-71)
Joan Roach - Hearing Officer
Calandra Almond - PSC Attorney

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

ACTION: Approved

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

ACTION: Approved

MOTION: (Vasconcelos / Miller) The findings of fact found by the Administrative Law Judge as indicated in the Initial Decision were hereby adopted and incorporated by reference herein with the following changes:

PARAGRAPH 6 - In between the two sentences of that paragraph add the following language:

However, Edwin Aaron testified that Petitioner's criminal background was reported to the PSC by the Atlanta Public Schools who was unaware of Petitioner's criminal background. Testimony of Edwin Aaron.

PARAGRAPH 8 - Add the following language at the end of paragraph:

Respondent's criminal history extends from 1970 to 2005, however. Testimony of Aaron and Petitioner; Respondent's Exhibits 2 and 3.

ADD A NEW PARARAGRAPH 12 to read as follows:

On December 10, 1987, Petitioner pleaded guilty to felony possession of cocaine. Respondent's Exhibit 4. He was sentenced to three years probation but was afforded First Offender status. Respondent's Exhibit 4. This was never reported to Respondent. Testimony of Aaron and Petitioner.

The Conclusions of Law reached by the Administrative Law Judge as indicated in the Initial Decision were hereby adopted and incorporated by reference herein with the following changes:

Delete PARAGRAPH 4 in its entirety and replace with the following language:

Although Petitioner's criminal history includes convictions that may have involved moral turpitude, clearly he pleaded guilty to felony possession of cocaine in 1987. This was never reported to Respondent even though Petitioner has held a Georgia teaching certificate since 1985. As such, Petitioner has violated Standard 1 of the Code of Ethics for Educators.

Delete PARAGRAPH 6 in its entirety and replace with the following language:

Petitioner failed to answer the criminal affirmation question on his application correctly even though he was aware that he had been convicted of felony and misdemeanor crimes. As such, Petitioner violated Standard 4 of the Code of Ethics for Educators.

Delete PARAGRAPH 10 in its entirety and replace with the following language:

Petitioner has pleaded guilty to possessing cocaine, a felony. Further, he failed to report his plea of guilty to the Atlanta Public Schools or Respondent. Both acts demonstrate unacceptable behavior for a teacher, fall below generally recognized professional standards and impair Petitioner's ability to function professionally. As such, Petitioner violated Standard 10 of the Code of Ethics for Educators.

The Commission rejected the Initial Decision in part entered by the ALJ for the reasons indicated in the revised Findings of Facts and Conclusions of Law. The Commission found that Eddie Toliver violated Standards 1, 4, 9 and 10 of the Code of Ethics for Educators.

The Commission rejected the ALJ's recommended sanction in this case. Based on the whole record developed

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in this case, it was hereby ordered that the Georgia teaching certificate held by Eddie Toliver be Revoked effective August 14, 2008.

PSC ACTION: Approved

VII. EXECUTIVE SECRETARY REPORT

The Executive Secretary presented the following:

A. A Policy memorandum was given to all commissioners titled “Mileage Reimbursement Rates for Use of Personal Vehicle” stating the new mileage rate effective August 1, 2008.

B. Anne Marie Fenton presented the commission with a write up titled “Establishment of Passing Score, Educational Leadership GACE (Test 173 & 174), American Sign Language GACE (Test 150)”. She also spoke to the commission and answered their questions on establishing the passing scores for Educational Leadership and American Sign Language. She also noted that as GACE data is collected and analyzed over time, the PSC will re-examine the passing scores and each assessment, including the Educational Leadership GACE and American Sign Language GACE, for any future recommendations to the Commission.

MOTION: (Bradley / Smith) To accept the assessment pass rate of 65%, which is minus one Standard Error of Measurement (SEM) for candidates seeking a Georgia Initial Certificate in American Sign Language and 71%, which is minus one SEM for candidates seeking a Georgia Initial Performance Certificate in Educational Leadership.

ACTION: Approved

C. Phil Blackwell presented the Certification Rules for Adoption,

MOTION: (Miller / Bradley) To amend the current rules in Chapter 505-2 Certification, effective September 15, 2008 as follows: 505-2-.02, 505-2-.03, 505-2-.24 and 505-2-.26; and adopt new rules for Chapter 505-2 Certification, effective September 15, 2008 as follows: 505-2-.13 and 505-2-.14..

ACTION: Approved

VIII. CHAIR’S REPORT

Chair Wilkes announced that the September 11th, 2008 Commission meeting will be held in Atlanta at Two Peachtree Street in the 5th floor boardroom at 9 am.

IX. ADJOURNMENT

Chair Wilkes called for the meeting to be adjourned at 2:00 pm.

PSC ACTION: Approved