

MINUTES

PROFESSIONAL STANDARDS COMMISSION

Callaway Gardens

Thyme Room

Pine Mountain, Georgia

December 14, 2006

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

Members Present

Maria Bradley	Pamela Greenway	Rose Powell
Sallie Bullock	Maria Miller	Dr. Holly Robinson
Stephen Dartt	Dr. Louisa Moffitt	Jeannie Tucker
Jean Ebron	Lee Muns	Hester Vasconcelos
Mary Gomez	Dr. Mary Outlaw	Dr. Debbie Wilkes

Members Absent

Gary Bechtel	Dr. Craig Smith
Dr. Wanda West	

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. RECOGNITION OF VISITORS

Chair Wilkes recognized the visitors.

- Andy Matthews, Georgia Association of School Personnel Administrators
- Gayle Wooten, Professional Association of Georgia Educators
- Brad Wilson, Attorney
- Dr. John Matter, National Evaluation Systems
- Bob Holland, Georgia Association of Educators (GAE)
- Brian Scarbro

III. ADOPTION OF AGENDA

Chair Wilkes called for approval of the agenda after adding a report from the Educator Preparation Standing Committee.

MOTION: (Muns / Bullock) To approve agenda.

PSC ACTION: Approved

IV. APPROVAL OF MINUTES

Chair Wilkes called for approval of the minutes from the November 9, 2006, Commission meeting.

PSC ACTION: Approved

V. COMMITTEE REPORTS

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

Commissioner Maria Miller, gave a preliminary review of the Cases.

- Ms. Miller reported that the Committee reviewed 48 *Probable Cause* cases during its December 13, 2006, meeting and brought the following recommendations on behalf of the Committee:

#	CASE NUMBER	STANDARDS VIOLATED	RECOMMENDATION
1.	06-5-1246	Criminal Acts Alcohol or Drugs Professional Conduct	Revocation
2.	06-8-94	Criminal Acts Professional Conduct	Reprimand
3.	06-8-108	Criminal Acts Professional Conduct	Reprimand
4.	06-8-172	Criminal Acts Professional Conduct	Extend Probable Cause Determination Pending Outcome of Criminal Case
5.	06-8-204	Criminal Acts Public Funds and Property Professional Conduct	Revocation
6.	06-9-218	Criminal Acts	Extend Probable Cause Determination Pending Outcome of Criminal Case
7.	06-9-223	Criminal Acts Misrepresentation or Falsification Professional Conduct	Reprimand
8.	06-9-253	Criminal Acts Misrepresentation or Falsification Professional Conduct	Extend Probable Cause Determination Pending Outcome of Criminal Case
9.	06-9-275	Criminal Acts Professional Conduct	Reprimand
10.	06-9-291	Criminal Acts Professional Conduct	Reprimand
11.	06-5-1251	Abuse of Students Professional Conduct	Reprimand
12.	06-6-1477	Abuse of Students Professional Conduct	Revocation
13.	06-6-1479	Abuse of Students Professional Conduct	Suspension for 20 Contract Days
14.	06-6-1496	Abuse of Students Professional Conduct	Suspension for 5 Contract Days

#	CASE NUMBER	STANDARDS VIOLATED	RECOMMENDATION
15.	06-7-28	Abuse of Students Misrepresentation or Falsification Professional Conduct	Suspension for 20 Contract Days
16.	06-8-67	Abuse of Students Professional Conduct	Suspension for 90 Contract Days
17.	06-8-146	Abuse of Students Improper Remunerative Conduct Professional Conduct	Revocation
18.	06-8-176	Abuse of Students Professional Conduct	Revocation
19.	06-8-194	Abuse of Students Professional Conduct	Reprimand
20.	06-8-195	Abuse of Students Professional Conduct Alcohol or Drugs	Revocation
21.	06-9-308	Abuse of Students Professional Conduct	Reprimand
22.	06-4-1201	Alcohol or Drugs Professional Conduct	Revocation
23.	06-7-10	Misrepresentation or Falsification Professional Conduct	No Probable Cause
24.	06-8-169	Misrepresentation or Falsification Abandonment of Contract Professional Conduct	No Probable Cause
25.	06-8-191	Misrepresentation or Falsification Professional Conduct	Suspension for 5 Contract Days
26.	06-9-263	Misrepresentation or Falsification Criminal Acts Professional Conduct	No Probable Cause
27.	06-9-282	Misrepresentation or Falsification Criminal Acts Failure to Make a Required Report Professional Conduct	Reprimand
28.	06-9-301	Misrepresentation or Falsification Criminal Acts Failure to Make a Required Report Professional Conduct	Reprimand
29.	06-8-166	Public Funds and Property Professional Conduct Confidential Information Professional Conduct	Reprimand
30.	06-9-207	Public Funds and Property Professional Conduct	Reprimand
31.	06-9-272	Public Funds and Property Abuse of Students Professional Conduct	Suspension for Two Years
32.	06-9-281	Public Funds and Property Professional Conduct	Suspension for 20 Days

#	CASE NUMBER	STANDARDS VIOLATED	RECOMMENDATION
33.	06-6-1397	Confidential Information Professional Conduct	Suspension for 20 Days
34.	06-6-1495	Confidential Information Professional Conduct	Suspension for 90 Days
35.	06-7-18	Confidential Information Professional Conduct	Suspension for 20 Days
36.	06-7-19	Confidential Information Professional Conduct	No Probable Cause
37.	06-8-131	Confidential Information Professional Conduct	Suspension for 90 Days
38.	06-9-311	Confidential Information Professional Conduct	Reprimand
39.	06-8-137	Professional Conduct	Reprimand
40.	06-8-190	Professional Conduct Abuse of Students	No Probable Cause
41.	06-8-199	Professional Conduct Abuse of Students	Warning
42.	06-9-211	Professional Conduct Abuse of Students	Reprimand
43.	06-9-255	Professional Conduct	Reprimand
44.	06-9-256	Professional Conduct	Reprimand
45.	06-9-257	Professional Conduct	Reprimand
46.	06-9-266	Professional Conduct	Reprimand
47.	06-9-286	Professional Conduct Abuse of Students Action Taken Against an Out-of-State Certificate	Denial
48.	06-9-296	Professional Conduct	No Probable Cause

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.
05-12-686	Criminal Acts Professional Conduct	Revocation	Revocation	Accept
05-6-1915	Abuse of Students Professional Conduct	Suspend - 5 Contract Days	Suspend - 5 Contract Days	Accept
05-8-204	Confidential Information Professional Conduct	Suspend – 90 Days	Suspend – 45 Days	Accept

PSC ACTION: Approved

3. Ms. Miller reported that the Educator Ethics Review Committee reviewed 16 *Settlement Agreements* and brought the following recommendations on behalf of the Committee:

#	CASE NUMBER	SANCTION	RECOMMENDATION
1	06-4-1202	Suspension - 20 Contract Days Jan. 3, 2007 - Jan. 31, 2007	Accept
2	06-5-1241	Suspension - One Year Dec. 29, 2006 - Dec. 29, 2007	Accept
3	06-5-1293	Suspension - 90 Contract Days Jan. 2, 2007 - May 16, 2007	Accept
4	06-6-1379	Suspension - 20 Contract Days Jan. 4, 2007 - Feb. 1, 2007	Accept
5	06-6-1436	Reprimand	Accept
6	06-7-11	Suspension - 20 Contract Days Jan. 2, 2007 - Jan. 30, 2007	Accept
7	06-7-25	Reprimand	Accept
8	06-7-33	Reprimand	Accept
9	06-8-136	Reprimand	Accept
10	06-8-181	Suspension - 20 Contract Days Jan. 4, 2007 - Feb. 1, 2007	Accept
11	06-8-202	Suspension - 90 Contract Days Jan. 2, 2007 - May 16, 2007	Accept
12	06-8-206	Warning	Accept
13	06-9-212	Reprimand	Accept
14	06-9-229	Reprimand	Accept
15	06-9-294	Reprimand	Accept
16	06-11-473	Reprimand	Accept

PSC ACTION: Approved

4. Ms. Miller reported that the Educator Ethics Review Committee reviewed 8 *Negotiated Settlement Agreements* and brought the following recommendations on behalf of the Committee:

#	CASE NUMBER	STANDARDS VIOLATED	PROBABLE CAUSE SANCTION	NEGOTIATED SANCTION	RECOMM.
1.	04-7-36	Misrepresentation or Falsification Professional Conduct	Revocation	No Probable Cause	Reject
2.	05-6-1882	Misrepresentation or Falsification Confidential Information Professional Conduct	Suspension - 20 Contract Days	Reprimand	Reject
3.	03-8-259	Criminal Acts Public Funds and Property Improper Remunerative Conduct Professional Conduct	Suspension - 6 Months	Reprimand	Accept

#	CASE NUMBER	STANDARDS VIOLATED	PROBABLE CAUSE SANCTION	NEGOTIATED SANCTION	RECOMM.
4.	05-11-627	Professional Conduct	Reprimand	Warning	Accept
5.	05-9-396	Misrepresentation or Falsification Professional Conduct	Suspension - 5 Contract Days	No Probable Cause	Reject
6.	04-9-410	Alcohol or Drugs Professional Conduct	Revocation	Suspension - 1 Year	Accept
7.	04-9-411	Alcohol or Drugs Professional Conduct	Revocation	Suspension - 1 Year	Reject
8.	05-6-1919	Public Funds and Property Professional Conduct	Suspension – One Year	Suspension – 40 Contract Days	Accept

PSC ACTION: Approved

5. Ms. Miller reported that the Educator Ethics Review Committee reviewed 2 *Voluntary Surrender/Voluntary Denial* and brought the following recommendation on behalf of the Committee:

CASE NUMBER	SANCTION	STANDARDS VIOLATED	RECOMM.
06-10-336	Revocation	Abuse of Students Professional Conduct	Accept
06-10-377	Revocation	Criminal Acts Professional Conduct	Accept

PSC ACTION: Approved

6. The Educator Ethics Review Committee recommended approval of the *Preliminary Investigative Determination Report* consisting of 82 new complaints received during the months of November and December 2006 excluding case 06-11-575.

PSC ACTION: Approved

Abstention: Lee Muns-Case 06-11-529

Case # 06-11-575

MOTION: (Dartt / Ebron) To amend the EERC recommendation to investigate.

ACTION: Approved

7. EXTENSIONS – PRELIMINARY INVESTIGATIVE DETERMINATIONS

The Educator Ethics Review Committee recommended approval of the 30 Extensions - *Preliminary Investigative Determinations* consisting of :

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<u>CASE #</u>	<u>Complaint Received</u>	<u>Extension Granted</u>
06-11-488	November 2, 2006	November 30, 2006
06-11-489	November 2, 2006	November 30, 2006
06-11-490	November 3, 2006	November 30, 2006
06-11-491	November 3, 2006	November 30, 2006
06-11-492	November 3, 2006	November 30, 2006

<u>CASE #</u>	<u>Complaint Received</u>	<u>Extension Granted</u>
06-11-493	November 3, 2006	November 30, 2006
06-11-494	November 6, 2006	November 30, 2006
06-11-496	November 6, 2006	November 30, 2006
06-11-497	November 6, 2006	November 30, 2006
06-11-498	November 6, 2006	November 30, 2006
06-11-499	November 6, 2006	November 30, 2006
06-11-500	November 7, 2006	November 30, 2006
06-11-501	November 7, 2006	November 30, 2006
06-11-502	November 7, 2006	November 30, 2006
06-11-503	November 7, 2006	November 30, 2006
06-11-504	November 7, 2006	November 30, 2006
06-11-505	November 9, 2006	November 30, 2006
06-11-506	November 10, 2006	November 30, 2006
06-11-507	November 13, 2006	November 30, 2006
06-11-508	November 13, 2006	November 30, 2006
06-11-509	November 13, 2006	November 30, 2006
06-11-510	November 13, 2006	November 30, 2006
06-11-511	November 13, 2006	November 30, 2006
06-11-512	November 13, 2006	November 30, 2006
06-11-513	November 13, 2006	November 30, 2006
06-11-514	November 13, 2006	November 30, 2006
06-11-515	November 13, 2006	November 30, 2006
06-11-516	November 13, 2006	November 30, 2006
06-11-517	November 13, 2006	November 30, 2006
06-11-518	November 13, 2006	November 30, 2006

ACTION: Approved

8. **EXTENSIONS - INVESTIGATIONS**

The Educator Ethics Review Committee recommended granting and *Investigative Extension* to the following 53 Written Complaints and 24 Application cases:

APPLICATION CASE EXTENSIONS:

06-8-65	06-9-217	06-9-244	06-10-349	06-10-395
06-8-75	06-9-220	06-9-251	06-10-371	06-10-397
06-8-96	06-9-227	06-9-292	06-10-372	06-10-398
06-8-103	06-9-235	06-9-298	06-10-393	06-10-400
06-9-216	06-9-240	06-10-329	06-10-394	

WRITTEN COMPLAINT EXTENSIONS:

06-1-769	06-8-148	06-6-1371	06-9-262	06-9-205	06-8-203
06-8-200	06-8-164	06-6-1390	06-9-264	06-9-259	06-9-314
06-8-201	06-8-168	06-6-1485	06-9-265	06-4-1152	06-9-315
06-4-1178	06-9-209	06-6-1493	06-9-269	06-5-1229	
06-5-1253	06-9-258	06-8-151	06-9-274	06-5-1243	
06-5-1254	06-9-310	06-8-152	06-8-193	06-5-1282	
06-5-1255	06-9-312	06-8-170	06-8-135	06-5-1296	
06-6-1380	06-5-1261	06-8-171	06-8-145	06-5-1303	
06-7-29	06-5-1300	06-8-180	06-8-186	06-6-1331	
06-7-31	06-6-1343	06-8-192	06-8-187	06-6-1386	

PSC ACTION: Approved

9. APPLICATIONS FOR CERTIFICATION REPORT

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

10. REVIEW HEARING EXTENSIONS

The Commission reviewed the *Review Hearing Extensions Report* concerning 3 hearing cases. An Administrative Law Judge rendered Initial Decisions on each case referenced in the report. The report indicates Orders were issued.

PSC ACTION: Approved

11. STUDENT LOAN SUSPENSION / REINSTATEMENTS

The Commission reviewed the report, which indicated that there were 18 certificates suspended from November 9, 2006 through December 14, 2006. There were 6 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 8 cases now closed without an appeal for a hearing before an Administrative Law Judge. The report also advised that there was 1 case closed without an appeal for a review

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hearing before the Commission.

B. Educator Preparation Standing Committee

Maria Gomez presented the report of the Educator Preparation Standing Committee.

Brenau University

Brenau University requests Developmental Approval for the educator preparation programs listed below:

- Early Childhood Education (M.A.T.)
- Middle Grades Education (M.A.T.)
- Special Education, General Curriculum (M.A.T.)

A Georgia Professional Standards Commission Board of Examiners (BOE) team conducted an on-site Developmental Review April 16-18, 2006. The BOE team found all standards met and cited areas for improvement for three standards. The University agreed with the findings of the Board of Examiners team, and did not submit a rejoinder. The Evaluation Review Panel recommended Developmental Approval and the Standing Committee agreed.

PSC ACTION: Approved

VI. REVIEW HEARINGS

- | | |
|----------------------|-------------------------------|
| 1. Elizabeth Bradley | - Educator (Case # 05-5-1710) |
| Wayne Magnum | - Hearing Officer |
| Rebecca Mick | - PSC Attorney |
| F Bradford Wilson | - Attorney |

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

ACTION: Approved

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

ACTION: Approved

MOTION: (Greenway / Miller) To adopt the Findings of Fact reached by the Administrative Law Judge. The Conclusions of Law reached by the Administrative Law Judge as indicated in the Initial Decision under paragraphs 1, 2, 3, 4 are hereby adopted. The Commission hereby strikes Paragraph 5 in its entirety and replaces a new Paragraph 5 with the following language: The Educator was charged with a violation of Standard 10 (Professional Conduct) of the Code of Ethics for Educators. Rule 505-6-.01(3)(j). The rule states that an educator should “demonstrate conduct that follows generally recognized professional standards.” The rule further states that unethical conduct is “any conduct that impairs the certificate holder’s ability to function professionally in his or her employment position.” The knowing violation of standardized test instructions and the resultant coaching of students on standardized tests falls below the generally recognized professional standards for teachers. The Commission hereby strikes the first sentence of Paragraph 6 and adopts the remaining language in its entirety. 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

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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 Elisabeth Bradley be Suspended for a period of three months to become effective December 29, 2006 and conclude on March 29, 2007.

PSC ACTION: Approved

Abstention: Holly Robinson

- | | |
|------------------|-----------------------------|
| 2. Brian Scarbro | - Educator (Case #05-8-182) |
| Wayne Magnum | - Hearing Officer |
| Rebecaa Mick | - PSC Attorney |

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

ACTION: Approved

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

ACTION: Approved

MOTION: (Miller / Vasconcelos) 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 Brian Scarbro be Revoked effective December 14, 2006.

PSC ACTION: Approved

VII. EXECUTIVE SECRETARY REPORT

The Executive Secretary presented the following:

- A.** Dr. Toth announced that Tanis Miller has joined the staff of the PSC as an Investigator-Legal Liaison in the Ethics Division and he introduced her to the commission members.
- B.** Rick Eiserman gave a powerpoint presentation titled "Did you Know" addressing technological and geographical changes impacting education.
- C.** Dr. John Mattar, National Evaluation Systems gave a powerpoint presentation on GACE Basic Skills Score Setting.

MOTION: (Miller / Powell) To adopt the PSC Basic Skills Committee Recommendations that the passing scores will be the following:

- Reading – 23
- Mathematics – 28
- Writing Selected Response – 20
- Writing Constructive Response - 5

ACTION: Approved

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D. Rick Eiserman gave a brief presentation updating ACTFL Foreign Language testing for the period of September, 1, 2006 through December 31, 2006.

E. Dr. Toth gave the commissioners a copy of the “Professional Standards Commission Performance Data 2001-2006” that was also given to the Office of Planning and Budget.

F. Dr. Cyndy Stephens, Director of Educator Workforce, gave the commissioners a copy of the “Status Report: The Georgia Educator Workforce 2006 Executive Summary and also gave a presentation on this.

G. Pam Greenway nominated Stephen Dartt to be our Vice Chair and the commission agreed.

Chair Wilkes called for Stephen Dartt to serve as Vice Chair of the commission.

PSC ACTION: Approved

VIII. CHAIR REPORT

A. Dr. Wilkes thanked Jean Ebron for the welcome packages that the commissioners received at Callaway Gardens.

B. Dr. Debbie Wilkes and Maria Miller attended the NASDTEC Professional Practices Conference held in October 2006 in Baltimore, Maryland. They learned that the State of Kentucky created a rehabilitation curriculum/seminar for educators whose teaching certificate had been suspended or revoked. They suggested that the PSC consider implementing a similar program in Georgia and asked that Dr. Toth review the possibility.

IX. ADJOURNMENT

Chair Wilkes called for the meeting to be adjourned at 12:40 p.m.

PSC ACTION: Approved