

MINUTES

PROFESSIONAL STANDARDS COMMISSION

Two Peachtree Street

Atlanta, Georgia

June 3, 2010

The Georgia Professional Standards Commission (PSC) met on Thursday, June 3, 2010, at 12:30.

Members Present

Julia Bernath

Penny Elkins

Dr. Adrian Epps

Bill Haskin

Stephanie Haynes

Meredith Hodges

Emily Jennette

Andre Mountain

Dr. Ed Smith

Jeannie Tucker

Dr. Hester Vasconcelos

Pam Walker

Dr. Debbie Wilkes

Members Absent

Joy Hawkins

David Johnson

Marci Cawthon

Dr. Louisa Moffitt

Rose Powell

I. CALL TO ORDER

Chair Wilkes called the meeting to order at 12:30 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: (Haynes / Elkins) To approve the agenda.

PSC ACTION: Approved

III. APPROVAL OF MINUTES

Chair Wilkes called for approval of the minutes from the May 13, 2010, Commission meeting.

PSC ACTION: Approved

IV. VISITORS

Chair Wilkes welcomed the visitors.

- Margaret Elliott, Professional Association of Georgia Educators
- Gayle Wooten, Professional Association of Georgia Educators
- William M. Kecskes
- Linda Fortson, Warren Fortson Law Office
- Eileen Dodd, Atlanta Journal Constitution
- Dr. Cindi Chance, Georgia Association of Colleges for Teacher Education

V. COMMITTEE REPORTS

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

Commissioner Hester Vasconcelos of the Educator Ethics Review Committee (EERC), gave a preliminary review of the Cases.

1. Ms. Vasconcelos reported that the Committee reviewed 36 ***Probable Cause*** cases during its June 3, 2010, meeting and brought the following recommendations on behalf of the Committee:

#	Case Number	Standards Violated	<u>EERC Recommendation</u>
1	10-3-962	Criminal Acts	Reprimand
2	10-3-979	Criminal Acts	Reprimand
3	10-4-1084	Criminal Acts Action Taken In Another State	Deny
4	08-8-203	Criminal Acts	No Probable Cause
5	09-12-442	Criminal Acts Professional Conduct	No Probable Cause
6	09-11-566	Criminal Acts Professional Conduct	Extend Pending Outcome Of Criminal Case
7	09-11-575	Criminal Acts	Reprimand
8	10-1-715	Criminal Acts	Reprimand
9	10-1-732	Failure to Make a Required Report Professional Conduct	Suspension – 1 Year
10	10-1-743	Abuse of Students Professional Conduct	Suspension – 5 Contract Days
11	10-1-746	Criminal Acts Professional Conduct	Suspension – 1 Year
12	10-1-774	Abuse of Students Professional Conduct	Suspension – 10 Contract Days
13	10-2-860	Criminal Acts Misrepresentation or Falsification Failure to Make a Required Report Professional Conduct	Revoke
14	10-2-866	Criminal Acts	No Probable Cause
15	10-2-876	Professional Conduct	No Probable Cause
16	10-2-879	Criminal Acts Misrepresentation or Falsification Failure to Make a Required Report	Reprimand
17	10-2-885	Abuse of Students Professional Conduct Other Good and Sufficient Cause	Suspension – 2 Years

#	Case Number	Standards Violated	<u>EERC Recommendation</u>
18	10-3-899	Abuse of Students Professional Conduct	Reprimand
19	10-3-901	Public Funds and Property Professional Conduct	Suspension – 1 Year
20	10-3-903	Professional Conduct	Suspension – 20 Contract Days
21	10-3-908	Professional Conduct	Revoke
22	10-3-910	Alcohol or Drugs Professional Conduct	Suspension 1 Year
23	10-3-928	Abuse of Students Professional Conduct	No Probable Cause
24	10-3-932	Abuse of Students Professional Conduct	Suspension – 5 Contract Days
25	10-3-934	Public Funds and Property Professional Conduct	Reprimand
26	10-3-939	Misrepresentation or Falsification Public Funds and Property Professional Conduct	Suspension – 5 Contract Days
27	10-3-940	Abuse of Students Professional Conduct	Reprimand
28	10-3-945	Abuse of Students Professional Conduct Other Good and Sufficient Cause	Suspension - 1 Year
29	10-3-949	Criminal Acts Alcohol or Drugs Professional Conduct	Suspension – 90 Contract Days
30	10-3-958	Criminal Acts Misrepresentation or Falsification	Reprimand
31	10-3-960	Criminal Acts Misrepresentation or Falsification	Reprimand
32	10-3-990	Criminal Acts Abuse of Students Misrepresentation or Falsification Failure to Make a Required Report Professional Conduct	Suspension – 90 Contract Days
33	10-3-996	Misrepresentation or Falsification Public Funds and Property Professional Conduct	Suspension – 5 Contract Days
34	10-3-997	Criminal Acts Misrepresentation or Falsification Professional Conduct Other Good and Sufficient Cause	Suspension – 1 Year
35	10-3-1002	Professional Conduct	No Probable Cause
36	10-4-1079	Criminal Acts Misrepresentation or Falsification	Reprimand

2. Ms. Vasconcelos reported that the Educator Ethics Review Committee reviewed 2 *Initial Decisions* and

brought the following recommendations on behalf of the Committee:

Case Number	Standards Violation	ALJ Sanction	EERC Recomm.
09-1-762	Abuse of Students Professional Conduct	No Probable Cause	Accept
09-1-809	Abuse of Students Professional Conduct	Reprimand	Review

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

Case #	Request	Previous Sanction	Previous Violation	EERC Recomm.
10-3-905	Right to Reapply	Revoked – 2006	Public Funds and Property Misrepresentation / Falsification	Grant
10-3-925	Right to Reapply	Denied - 2008	Criminal Acts	Grant
10-3-938	Right to Reapply	Denied – 2006	Criminal Acts	Grant

4. Ms. Vasconcelos reported that the Educator Ethics Review Committee reviewed 6 *Settlement Agreements* and brought the following recommendations on behalf of the Committee:

#	CASE #	SANCTION
1	09-7-11	Suspension – 5 Contract Days (Retro – June 8, 2009 – June 12, 2009)
2	09-10-477	Suspension – 5 Contract Days (Retro – Sept. 29, 2009 – Oct. 5, 2009)
3	09-11-549	Suspension – 10 Contract Days (Retro – May 13, 2010 – May 26, 2010)
4	10-1-734	Suspension – 1 Year (June 21, 2010 – June 21, 2011)
5	10-1-749	Suspension – 5 Contract Days (July 27, 2010 – July 31, 2010)
6	10-1-756	Reprimand

5. Ms. Vasconcelos reported that the Educator Ethics Review Committee reviewed 12 *Negotiated Settlement Agreements* and brought the following recommendations on behalf of the Committee:

<u>#</u>	<u>CASE NUMBER</u>	<u>NEGOTIATED SANCTION</u>	<u>EERC RECOMM.</u>
1	07-6-1586	Reprimand	Accept
2	07-11-422	Suspension - 10 Contract Days (Aug. 2, 2010 - Aug. 13, 2010)	Accept
3	08-6-1417	Reprimand	Accept
4	08-7-78	Suspension - 3 Years (June 21, 2010 - June 21, 2013)	Accept
5	08-12-620	Suspension - 3 Months (June 1, 2010 - Aug. 31, 2010)	Reject
6	09-3-992	Suspension - 9 Months (March 10, 2010 - Dec. 10, 2010)	Accept
7	09-5-1204	Suspension - 15 Contract Days (Aug. 30, 2010 - Sept. 20, 2010)	Accept
8	09-6-1359	Suspension - 3 Years (Part Retroactive) (July 1, 2009 - June 30, 2012)	Accept
9	09-7-106	No Probable Cause	Accept
10	09-8-131	Warning	Accept
11	09-10-453	Suspension - 6 Months (Retroactive) (Nov. 1, 2009 - April 30, 2010)	Accept
12	09-12-603	Suspension - 20 Contract Days (Summer Days - Unemployed) (June 2, 2010 - June 22, 2010)	Accept

6. The Educator Ethics Review Committee recommended approval of the *Preliminary Investigative Determination Report* consisting of 84 new complaints received during the months of April and May 2010.

7. VOLUNTARY SURRENDERS / VOLUNTARY DENIALS

The Educator Ethics Review Committee recommended approval of the 2 Voluntary Surrender / Voluntary Denials report.

<u>#</u>	<u>Case Number</u>	<u>STANDARDS VIOLATED</u>	<u>EERC Recomm.</u>
1	10-3-943	Criminal Acts Abuse of Students Professional Conduct	Accept
2	10-5-1231	Abuse of Students Professional Conduct	Accept

8. EXTENSIONS – PRELIMINARY INVESTIGATIVE DETERMINATIONS

The Educator Ethics Review Committee recommended approval of the 23 Extensions - Preliminary Investigative Determinations consisting of the following:

#	CASE #	Complaint Received	#	CASE #	Complaint Received	#	CASE #	Complaint Received
1	10-5-1138	04-26-10	11	10-5-1148	04-30-10	21	10-5-1158	05-03-10
2	10-5-1139	04-27-10	12	10-5-1149	04-30-10	23	10-5-1159	05-03-10
3	10-5-1140	04-27-10	13	10-5-1150	04-30-10	23	10-5-1160	05-03-10
4	10-5-1141	04-28-10	14	10-5-1151	04-30-10			
5	10-5-1142	04-28-10	15	10-5-1152	04-30-10			
6	10-5-1143	04-28-10	16	10-5-1153	04-30-10			
7	10-5-1144	04-28-10	17	10-5-1154	04-30-10			
8	10-5-1145	04-29-10	18	10-5-1155	05-03-10			
9	10-5-1146	04-29-10	19	10-5-1156	05-03-10			
10	10-5-1147	04-29-10	20	10-5-1157	05-03-10			

9. EXTENSIONS - INVESTIGATIONS

The Educator Ethics Review Committee recommended granting and *Investigative Extension* to the following 26 Written Complaints and 17 Application cases:

WRITTEN COMPLAINT EXTENSIONS:

09-8-200	10-1-777	10-3-933	10-2-836	10-2-890	10-3-1005
09-11-537	10-2-846	10-1-742	10-3-896	10-2-891	
10-2-894	10-2-881	10-2-822	10-3-927	10-3-902	
10-3-906	10-2-882	10-3-907	10-3-1001	10-3-931	
10-3-1004	10-3-909	10-3-948	10-2-841	10-3-947	

APPLICATION CASE EXTENSIONS:

10-1-766	10-2-893	10-3-950	10-2-861	10-4-1076	10-5-1171
10-2-826	10-3-926	10-3-991	10-3-965	10-4-1078	10-5-1176
10-2-857	10-3-941	10-3-998	10-4-1074	10-4-1080	

10. APPLICATIONS FOR CERTIFICATION REPORT

The Educator Ethics Review Committee recommended to approve a no probable cause determination on 5 cases reflected on the *Applications for Certification Report*.

11. 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.

12. STUDENT LOAN SUSPENSION / REINSTATEMENTS

The Commission reviewed the report, which indicated that there were 21 certificates suspended from May 13, 2010

through June 3, 2010. There were 4 certificates that had been reinstated because restitution is now being made on those student loans. The Committee was also advised that there were 7 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 8 cases now closed without an appeal for a hearing before an Administrative Law Judge. The report also advised that there were no cases closed without an appeal for a review hearing before the Commission.

Chair Wilkes called for approval of the Educator Ethics Review Committee report as presented by Hester Vasconcelos excluding case 10-2-885.

PSC ACTION: Approved

Abstention: Stephanie Haynes – Case # 08-7-798 and Case # 10-3-934/Dr. Adrian Epps – Case # 09-7-106

Case 10-2-885

MOTION: (Haynes / Epps) To accept the EERC’s Committee’s recommendation of a 2 Year Suspension.

PSC ACTION: Approved

B. Educator Preparation Standing Committee

Committee Chair, Dr. Penny Elkins, presented the report of the Educator Preparation Standing Committee.

Unit	Approval Decision
<p>Oconee RESA</p>	<p>The Committee determined that progress is satisfactory; Standard 2 areas for improvement #3 and #4 remain and areas for improvement #1 and #2 are removed. The Standard 4 area for improvement is removed. A Progress Report addressing the remaining areas for improvement cited for Standard 2 is due June 30, 2010.</p>
<p>DeKalb County School System</p>	<p>The Committee granted Continuing Approval with Conditions for the GaTAPP program. A focused visit is to be conducted by Spring 2011. Progress Reports are due September 1, 2010, and December 1, 2010. The September 2010 Progress Report is to include a plan for addressing the unmet standard and areas for improvement. The December 2010 Progress Report is to describe progress made in meeting the unmet standard and areas for improvement (including evidence). The Focused Visit will encompass Standard 2 and all areas for improvement.</p>

Chair Wilkes called for approval of the Educator Preparation Committee report as presented by Dr. Penny Elkins.

PSC ACTION: Approved

VI. REVIEW HEARING

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|----------------------------|-----------------------------|
| 1. William Michael Kecskes | - Educator Case # 09-6-1347 |
| Joan Roach | - Hearing Officer |
| Rebecca Mick | - PSC Attorney |

MOTION: (Elkins / Haynes) To go into Executive Session and allow PSC staff (Gary Walker, Cassandra Moore and Tanis Miller) to remain.

ACTION: Approved

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

ACTION: Approved

MOTION: (Vasconcelos / Tucker) 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 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 certificate held by William Kecskes be Suspended for a period of three (3) years. The suspension shall begin on June 21, 2010 and shall conclude June 21, 2013.

ACTION: Approved

Opposed: Dr. Penny Elkins, Dr. Adrian Epps, Andre Mountain, Emily Jennette

Abstention: Pam Walker

VII. EXECUTIVE SECRETARY REPORT

A. Kelly announced that we have many new Commissioners and that we might have additional new Commissioner's at some point during the summer. If this is the case, we would like to plan an orientation session after the mid-point of summer. We will keep you posted.

B. Rick Esierman presented the "Adopt Rules for Certification and Educator Preparation" packet and answered questions.

MOTION: (Vasconcelos / Epps) To amend the current rules in Chapter 505-2 Certification, effective July 15, 2010, as follows: 505-2-.02, 505-2-.06, 505-2-.07, 505-2-.09, 505-2-.10, 505-2-.11, 505-2-.20, 505-2-.24, 505-2-.30, and 505-2-.39; and amend the current rules in Chapter 505-3 Educator Preparation, effective July 15, 2010, as follows: 505-3-.01

PSC ACTION: Approved

C. Race to the Top – Our application was re-submitted on or around June 1st. In our first submission we finished 3rd out for 42. Kelly stated that he did participate in Phase I but that his participation in Phase II was limited. Every state has a chance to revise their application for Phase II. Many of you are wondering what Georgia's chances are in Phase II. Many of the best applications came from the Southeast. We might be at a disadvantage geographically as I don't see most of the awards going to one geographic area. There were a couple of pieces of legislation that were not passed (either rightfully or wrongly) that might have strengthened the application. We might have a judgment by late August or early September.

D. The Alliance of Education Agency Heads (AEAH) – Kelly gave the Commission a paper detailing the AEAH's members, background and goals. He also gave the Commissioners three press releases on K-12 Common Core Stated Standards. Kelly Henson spoke briefly on AEAH's goals and then turned the discussion

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over to Dr. Debbie Wilkes.

VIII. CHAIR'S REPORT

Dr. Wilkes presented the following:

A. Dr. Wilkes spoke briefly on the Joint Education Boards Liaison Committee and their role in education.

B. Dr. Wilkes presented a resolution to support the adoption of the Common Core State Standards. This resolution states that the Georgia Professional Standards Commission strongly supports the Georgia State Board of Education in the adoption and implementation of the K-12 Common Core State Standards in Mathematics, English Language Arts/Literacy in the areas of History/Social Studies, Science, and Technical Subjects. Kelly Henson recommended without hesitation that the PSC approve the resolution endorsing the Common Core State Standards. Dr. Wilkes stated the Common Core State Standards support the current Georgia Standards and will guide teachers, parents, and students in planning a curriculum that will help students succeed as they enter post secondary education and beyond. Dr. Wilkes whole heartily supports and recommends that the PSC Commission adopt this resolution.

MOTION: (Epps / Jennette) To adopt the resolution as presented to the Commission.

PSC ACTION: Approved

C. The Joint Education Boards Liaison Committee - Dr. Wilkes appointed Julia Bernath to take her place in representing the PSC on the Joint Boards Liaison Committee and Dr. Adrian Epps was appointed as an alternate. Rose Powell also serves on this committee.

D. Dr. Wilkes thanked Meredith Hodges for supplying lunch for the Commissioners and staff today.

E. Dr. Wilkes announced that our next meeting will be held at Two Peachtree Street in the 5th floor boardroom on Thursday, July 8th. The committees will meet on Wednesday, July 7th.

IX. ADJOURNMENT

Chair Wilkes called for the meeting to be adjourned at 2:15 p.m.

PSC ACTION: Approved