

# MINUTES

## PROFESSIONAL STANDARDS COMMISSION

Brasstown Valley Resort

Young Harris, Georgia

October 9, 2008

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

### Members Present

Penny Benton	Emily Jennette	Dr. Craig Smith
Maria Bradley	Maria Miller	Jeannie Tucker
Sallie Bullock	Dr. Louisa Moffitt	Hester Vasconcelos
Stephen Dartt	Dr. Mary Outlaw	Dr. Debbie Wilkes
Al George	Rose Powell	

### Members Absent

Julia Bernath	Pamela Greenway
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. ADOPTION OF AGENDA

Chair Wilkes called for approval of the agenda.

**MOTION:** (Bradley / Powell) To approve the agenda.

**PSC ACTION:** Approved

### III. APPROVAL OF MINUTES

Chair Wilkes called for approval of the minutes from the September 11, 2008, Commission meeting.

**PSC ACTION:** Approved

### IV. RECOGNITION OF VISITORS

Chair Wilkes recognized the visitors.

- Gayle Wooten, Professional Association of Georgia Educators

### V. COMMITTEE REPORTS

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

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

1. Ms. Miller reported that the Committee reviewed 40 ***Probable Cause*** cases during its October 8, 2008, meeting and brought the following recommendations on behalf of the Committee:

#	CASE #	Applicant	STANDARDS VIOLATED	RECOMMENDATION
1	08-3-941	APPLICANT	Criminal Acts Professional Conduct Action Taken in Another State	Deny
2	08-3-971	Property Rights	Criminal Acts Abuse of Students Misrepresentation or Falsification Professional Conduct Action Taken In Another State Other Good and Sufficient Cause	Revoke
3	08-3-986	Property Rights	Criminal Acts Misrepresentation or Falsification	Reprimand
4	08-3-998	Property Rights	Criminal Acts	Reprimand
5	08-4-1108	Property Rights	Criminal Acts Failed to File a Required Report	Reprimand
6	08-4-1118	APPLICANT	Criminal Acts Abuse of Students Misrepresentation or Falsification Professional Conduct Action Taken In Another State Other Good and Sufficient Cause	Deny
7	08-4-1121	APPLICANT	Criminal Acts	Reprimand
8	08-4-1123	APPLICANT	Professional Conduct Action Taken In Another State Other Good and Sufficient Cause	Deny
9	08-4-1128	APPLICANT	Criminal Acts Failure to Make a Required Report Action Taken in Another State	Deny
10	08-4-1138	Property Rights	Criminal Acts Misrepresentation or Falsification	Reprimand
11	08-4-1157	Property Rights	Criminal Acts Misrepresentation or Falsification	Revoke
12	08-5-1266	APPLICANT	Criminal Acts	Reprimand
13	08-5-1276	APPLICANT	Criminal Acts	Reprimand
14	08-5-1283	Property Rights	Criminal Acts Misrepresentation or Falsification	Reprimand
15	07-8-120	Property Rights	Misrepresentation or Falsification Professional Conduct	Revoke
16	07-9-239	Property Rights	Abandonment of Contract Professional Conduct	Suspend 90 days
17	07-12-612	Property Rights	Abuse of Students Professional Conduct	No Probable Cause
18	08-3-1007	Property Rights	Abuse of Students Misrepresentation or Falsification Failed to File a Required Report Professional Conduct Action Taken in Another State	Revoke

19	08-3-1012	Property Rights	Abuse of Students Professional Conduct	Suspend 10 days
20	08-3-1025	Property Rights	Abuse of Students Professional Conduct	Suspend 1 year
21	08-5-1236	Property Rights	Public Funds and Property Professional Conduct	Suspend 1 year
22	08-5-1237	Property Rights	Professional Conduct	Suspend 90 days
23	08-5-1252	Property Rights	Failed to File a Required Report Professional Conduct	Suspend 1 year
24	08-5-1253	Property Rights	Failed to File a Required Report Professional Conduct	Suspend 1 year
25	08-5-1319	Property Rights	Failed to File a Required Report Professional Conduct	Suspend 1 year
26	08-5-1357	Property Rights	Abuse of Students	Suspend 20 days
27	08-6-1400	Property Rights	Professional Conduct	Suspend 5 days
28	08-6-1418	Property Rights	Public Funds and Property Professional Conduct	Suspend 1 year
29	08-6-1420	Property Rights	Misrepresentation or Falsification Confidential Information Professional Conduct	Suspend 90 days
30	08-6-1508	Property Rights	Professional Conduct	Suspend 20 days
31	08-6-1515	Property Rights	Abuse of Students Professional Conduct	No Probable Cause
32	08-6-1516	Property Rights	Confidential Information Professional Conduct	Suspend 90 days
33	08-6-1522	Property Rights	Misrepresentation or Falsification Professional Conduct	Suspend 90 days
34	08-7-30	Property Rights	Confidential Information Professional Conduct	Suspend 90 days
35	08-7-34	Property Rights	Misrepresentation or Falsification	Suspend 20 days
36	08-7-69	Property Rights	Professional Conduct	No Probable Cause
37	08-7-72	Property Rights	Abuse of Students Professional Conduct	Reprimand
38	08-7-92	Property Rights	Misrepresentation or Falsification Public Funds and Property Professional Conduct	Suspend 1 year
39	08-7-95	Property Rights	Abuse of Students Professional Conduct	Suspend 2 years
40	08-7-116	Property Rights	Abuse of Students Professional Conduct	Revoke

2. Ms. Miller reported that the Educator Ethics Review Committee reviewed 5 *Initial Decisions* and brought the following recommendations on behalf of the Committee:

CASE #	STANDARDS VIOLATED	PROBABLE CAUSE SANCTION	ADMINISTRATIVE LAW JUDGE SANCTION	RECOMMENDATION
05-2-1313	Professional Conduct	Reprimand	No Probable Cause	Accept
05-5-1592	Abuse of Students Public Funds and Property Professional Conduct	Revocation	Revocation	Accept
05-8-202	Professional Conduct	Suspension – 5 Contract Days	Warning	Review
06-3-1065	Misrepresentation or Falsification Public Funds and Property Professional Conduct	Suspension – 1 Year	Suspension – 1 Year	Accept
06-8-172	Criminal Acts Professional Conduct	Revocation	Revocation	Accept

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

#	CASE NUMBER	SANCTION	RECOMMENDATION
1	08-3-855	Reprimand	Accept
2	08-3-959	Reprimand	Accept
3	08-3-1010	Suspension – 5 Contract Days Oct. 27, 2008 - Oct. 31, 2008	Accept
4	08-5-1317	Suspension – 45 Contract Days (15 Day Credit – System Suspension) (Oct. 13, 2008 – 11/24/2008)	Accept
5	08-5-1330	Suspension – 20 Contract Days Oct. 27, 2008 – Nov. 7, 2008	Accept
6	08-5-1332	Suspension – 20 Contract Days (15 Day Credit – System Suspension) Oct. 20, 2008 – Oct. 24, 2008	Accept
7	08-6-1495	Reprimand	Accept
8	08-6-1563	Suspension – 1 Year (Oct. 24, 2008 – Oct. 24, 2009)	Accept
9	08-7-79	Reprimand	Accept

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

CASE #	STANDARDS VIOLATED	PROBABLE CAUSE SANCTION	NEGOTIATED SANCTION	RECOMMENDATION
05-5-1661	Abuse of Students Misrepresentation or Falsification Professional Conduct	Suspension - 20 Contract Days	Suspension - 15 Contract Days (10 Day Credit - System Suspension) (Oct. 27, 2008 - Oct. 31, 2008)	Accept
05-6-1738	Misrepresentation or Falsification Professional Conduct	Suspension - 90 Contract Days	Suspension -20 Contract Days (Oct. 27, 2008 - Nov. 21, 2008)	Accept
05-6-1878	Criminal Acts Misrepresentation or Falsification Failure to Make a Required Report Professional Conduct	Suspension - 3 Years	Suspension - 2 years & 3 Months (Retro - May 1, 2005 - July 31, 2007)	Reject
06-3-1019	Criminal Acts Professional Conduct	Suspension - 18 Months	Suspension - 18 Months (Retro - March 7, 2006 - Sept. 7, 2007)	Accept
06-8-65	Criminal Acts Misrepresentation or Falsification Professional Conduct	Reprimand	No Probable Cause	Reject
07-6-1593	Abuse of Students Professional Conduct	Revocation	Suspension - 10 Months (Retro - Dec. 1, 2007 - Oct. 9, 2008)	Accept
07-8-132	Abuse of Students	Reprimand	Warning	Accept
07-9-238	Misrepresentation or Falsification Professional Conduct	Suspension - 90 Contract Days	Suspension -20 Contract Days (5 days Credit) (Oct. 27, 2008 - Nov. 14, 2008)	Accept
07-9-255	Abuse of Students Professional Conduct	Suspension - 20 Contract Days	Suspension -10 Contract Days (Oct. 27, 2008 - Nov. 7, 2008)	Accept
07-12-528	Criminal Acts Professional Conduct Action Taken in Another State	Denial	Reprimand	Accept
07-12-620	Misrepresentation or Falsification Professional Conduct	Suspension - 20 Contract Days	Suspension -10 Contract Days (Oct. 27, 2008 - Nov. 7, 2008)	Accept
08-1-666	Failure to Make a Required Report	Suspension - 20 Contract Days	Warning	Reject
08-1-725	Abuse of Students Professional Conduct	Suspension - 20 Contract Days	Suspension -10 Contract Days (Retro -Aug. 6, 2007 - Aug. 17, 2007)	Accept
08-3-1031	Confidential Information Professional Conduct	Reprimand	Reprimand	Accept
08-3-1046	Alcohol or Drugs Misrepresentation or Falsification Professional Conduct	Suspension - 3 Years	Suspension - 1 year (Mostly Retro - split in two periods) March 17, 2008 - May 28, 2008 July 29, 2008 - April 2, 2009	Reject
08-4-1208	Abuse of Students Professional Conduct	Revocation	Revocation	Accept

5. The Educator Ethics Review Committee recommended approval of the ***Preliminary Investigative Determination Report*** consisting of 45 new complaints received during the months of September and October 2008.

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

The Educator Ethics Review Committee recommended approval of 19 Extensions - Preliminary Investigative Determinations listed below:

#	CASE #	Complaint Received	#	CASE #	Complaint Received
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1.	08-9-279	8/28/2008	11.	08-9-289	9/8/2008
2.	08-9-280	9/2/2008	12.	08-9-290	9/8/2008
3.	08-9-281	9/4/2008	13.	08-9-291	9/8/2008
4.	08-9-282	9/4/2008	14.	08-9-292	9/8/2008
5.	08-9-283	9/4/2008	15.	08-9-293	9/8/2008
6.	08-9-284	9/4/2008	16.	08-9-294	9/8/2008
7.	08-9-285	9/4/2008	17.	08-9-295	9/8/2008
8.	08-9-286	9/5/2008	18.	08-9-296	9/8/2008
9.	08-9-287	9/8/2008	19.	08-9-297	9/8/2008
10.	08-9-288	9/8/2008			

**7. EXTENSIONS - INVESTIGATIONS**

The Educator Ethics Review Committee recommended granting and *Investigative Extension* to the following 74 Written Complaints and 79 Application cases:

**WRITTEN COMPLAINT EXTENSIONS:**

07-12-607	08-6-1524	07-12-586	08-4-1094	08-6-1392	08-5-1320	08-6-1525	08-4-1100	08-5-1360	08-7-78
08-3-847	08-6-1548	08-1-664	08-5-1231	08-6-1410	08-5-1351	08-6-1552	08-4-1141	08-5-1361	08-7-94
08-4-1091	08-6-1549	08-1-709	08-5-1241	08-6-1500	08-6-1406	08-6-1559	08-4-1213	08-6-1399	
08-6-1389	08-7-24	08-3-843	08-5-1251	08-6-1514	08-6-1411	08-7-29	08-5-1292	08-6-1499	
08-6-1393	08-7-64	08-3-854	08-5-1315	08-6-1523	08-6-1416	08-7-31	08-5-1312	08-6-1557	
08-6-1394	08-7-73	08-3-864	08-5-1316	08-6-1550	08-6-1496	08-7-66	08-5-1322	08-7-32	
08-6-1421	07-8-137	08-3-1050	08-5-1329	08-7-65	08-6-1510	08-7-114	08-5-1323	08-7-55	
08-6-1488	07-11-383	08-4-1093	08-5-1369	08-7-68	08-6-1521	08-3-1019	08-5-1331	08-7-97	

**APPLICATION CASE EXTENSIONS:**

08-3-880	08-5-1287	08-5-1348	08-6-1440	08-6-1477	08-6-1536	08-7-56	08-7-107	08-8-171	08-8-189	08-8-200	08-8-208
08-4-1133	08-5-1333	08-6-1422	08-6-1442	08-6-1484	08-6-1538	08-7-80	08-7-110	08-8-177	08-8-192	08-8-201	08-9-277
08-4-1175	08-5-1334	08-6-1426	08-6-1443	08-6-1487	08-6-1539	08-7-81	08-7-111	08-8-178	08-8-193	08-8-202	
08-5-1262	08-5-1335	08-6-1429	08-6-1458	08-6-1489	08-6-1542	08-7-98	08-8-142	08-8-179	08-8-194	08-8-203	
08-5-1263	08-5-1339	08-6-1430	08-6-1463	08-6-1501	08-6-1543	08-7-100	08-8-163	08-8-180	08-8-195	08-8-205	
08-5-1279	08-5-1343	08-6-1434	08-6-1468	08-6-1512	08-7-42	08-7-104	08-8-166	08-8-187	08-8-196	08-8-206	
08-5-1280	08-5-1347	08-6-1437	08-6-1471	08-6-1531	08-7-44	08-7-105	08-8-167	08-8-188	08-8-199	08-8-207	

**8. APPLICATIONS FOR CERTIFICATION REPORT**

The Educator Ethics Review Committee recommended to approve a no probable cause determination on 19 cases reflected on the *Applications for Certification Report*.

**9. 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.

**10. STUDENT LOAN SUSPENSION / REINSTATEMENTS**

The Commission reviewed the report, which indicated that there were 7 certificates *suspended* from September 11, 2008 through October 9, 2008. There were 3 certificates that had been *reinstated* because restitution is now being made on those student loans. There were 3 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.

**11. 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 was 1 case closed without an appeal for a review hearing before the Commission.

Chair Wilkes called for approval of the EERC report as presented.

**PSC ACTION:** Approved

Abstentions: Maria Bradley – Case #08-3-1031, Rose Powell – Case #08-9-365

**B. Educator Preparation Standing Committee** – Dr. Craig Smith presented the following Educator Preparation Standing Committee report and recommendations to the commission for a vote.

Agency/Institution	Approval Recommendation
<p><b>Pioneer RESA Online Teaching Endorsement program</b></p>	<p>The committee recommends that this approval decision be delayed until the findings of the Board of Examiners team are reviewed by the Evaluation Review Panel. This recommendation is made due to the number of areas for improvement cited for Standards 1, 2 and 3.</p>
<p><b>Agnes Scott College</b></p>	<p>Grant the institution’s request to delay the spring 2009 on-site, PSC Continuing Approval Review until spring 2010. The institution will submit three periodic updates on preparations for the review on the following schedule:</p> <ul style="list-style-type: none"> <li>• December 1, 2008</li> <li>• March 1, 2009</li> <li>• October 1, 2009</li> </ul>

Chair Wilkes called for approval of the Educator Preparation Standing Committee report and recommendations as presented.

**PSC ACTION:** Approved

**VI. EXECUTIVE SECRETARY REPORT**

Kelly announced the following:

A. There will be a HR1103 meeting on Thursday, October 16<sup>th</sup>, at the Capitol.

B. Foreign Teachers – We will be recommending rule changes in the future to require both DOE and PSC approval. Phil Blackwell will be working with the DOE staff to develop this rule.

C. Agency Legislation:

- Remove the “Sunset” provision on the Master Teacher Program. This will allow continuation and future funding of the program.
- To amend the law to allow the destruction of expunged ethics cases.
- Legislation related to the implementation of the Math/Science task force recommendations.

D. Upcoming Rules

- Ethics rule revision on Code of Ethics
- Out-of-state and on-line Program Rule changes
- 3 rules for Math/Science Task Force recommendations

E. The PSC received a letter from Lieutenant Governor Casey Cagle announcing that there will be budget hearings in January 2009. Kelly mentioned budget cuts that we have already done and he mentioned that we will have 6 vacant positions by end of January 2009.

F. Kelly thanked Anne Marie Fenton for her presentation on GACE score setting.

G. Kelly gave the commissioners a copy of the PSC Newsletter. We hope to generate 2 newsletters per year.

**VII. CHAIR’S REPORT**

Chair Wilkes presented Lee Muns with his picture and a picture of the Capitol. She thanked him for his dedication and his service to the commission from February 2004 through October 2008.

Chair Wilkes also announced that our next meeting will be held on November 13, 2008 at Two Peachtree Street, Atlanta, Georgia.

**VIII. ADJOURNMENT**

Chair Wilkes called for the meeting to be adjourned at 10:10 a.m.

**PSC ACTION:** Approved