

MINUTES

PROFESSIONAL STANDARDS COMMISSION

DHR Board Room

Two Peachtree Street

Atlanta, Georgia 30303-3141

August 12, 2004

The Georgia Professional Standards Commission (PSC) met on Thursday, August 12, 2004, at 9 a.m.

Members Present

Dr. Craig Smith

Terri DeLoach

Amy Denty

Jean Ebron

Carolyn Lee Hart

Dottie McClain

Maria Miller

Lee Muns

Bo Slack

Stephen Dartt

Dr. Debbie Wilkes

Members Absent

Gwenda Johnson

Janet Scott

Mary Gomez

Gary Bechtel

I. CALL TO ORDER

Chair DeLoach 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 DeLoach recognized the visitors.

- Margaret Elliott, Professional Association of Georgia Educators
- Vascilla Tschakley
- Maurice Luther King, Jr., Attorney
- John Hooper. GSSA
- Ann Duffy, Board of Regents
- David Ebron
- Agoree Turner, Educator
- Rebecca Mick, Attorney

III. ADOPTION OF AGENDA

Chair DeLoach called for approval of the agenda.

MOTION: (Muns / Hart) To approve agenda.

PSC ACTION: Approved

IV. APPROVAL OF MINUTES

Chair DeLoach called for approval of the minutes from the July 8, 2004, Commission meeting.

PSC ACTION: Approved

V. EMPLOYEE RECOGNITION AWARDS

Chair DeLoach recognized Valerie Jenkins for 10 years of service.

VI. COMMITTEE REPORTS

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

Commissioner Bo Slack, Co-Chairman of the Educator Ethics Review Committee (EERC), gave a preliminary review of the Cases.

1. Mr. Slack reported that the Committee reviewed 65 *Probable Cause* cases during its August 11, 2004, meeting and brought the following recommendations on behalf of the Committee excluding case #'s 5, 26, 35, 36, and 39:

PC #	Case Number	STANDARD(S)	EERC Recommendation
1	04-04-1536 PR	Abandonment of Contract	Suspension for Six Months
2	04-05-1632 PR	Abandonment of Contract	Suspension for Six Months
3	04-03-1260 Parapro Applicant	Abuse of Students Professional Conduct Misrepresentation or Falsification Failure to Make a Required Report	Denial
4	04-03-1305 PR	Abuse of Students Professional Conduct	No Probable Cause
5	04-04-1450 PR	Abuse of Students Professional Conduct *Add Abuse of Students Back	Reprimand
6	04-04-1530 PR	Abuse of Students Criminal Acts Professional Conduct	Revocation
7	04-05-1569 PR	Abuse of Students Professional Conduct Criminal Acts	Revocation
8	04-05-1580 PR	Abuse of Students Professional Conduct	Warning
9	04-05-1636 PR	Abuse of Students Professional Conduct	No Probable Cause
10	04-05-1637 PR	Abuse of Students Professional Conduct	Reprimand
11	04-05-1675 PR	Abuse of Students Professional Conduct	No Probable Cause
12	04-06-1793 Applicant	Abuse of Students Professional Conduct Action Taken in Another State	Extend Probable Cause Determination until October 14, 2004 Letter of Intent
13	04-06-1854 PR	Abuse of Students Misrepresentation or Falsification Professional Conduct	No Probable Cause

PC #	Case Number	STANDARD(S)	EERC Recommendation
14	04-05-1582 PR	Alcohol or Drugs	Suspension for One Year
15	04-06-1778 PR	Alcohol or Drugs Professional Conduct	Reprimand
16	04-03-1358 PR	Criminal Acts Abuse of Students Professional Conduct	No Probable Cause
17	04-04-1454 PR	Criminal Acts Professional Conduct	Warning
18	04-04-1464 PR	Criminal Acts Misrepresentation or Falsification	Revocation
19	04-04-1521 PR	Criminal Acts Professional Conduct	Suspension for One Year
20	04-05-1617 PR	Criminal Acts	Extend Probable Cause Determination until October 14, 2004 Letter of Intent Denial
21	04-05-1624 Applicant	Criminal Acts Professional Conduct	Denial
22	04-05-1651 PR	Criminal Acts Professional Conduct	Revocation
23	04-06-1838 PR	Criminal Acts Failure to Make a Required Report	Extend Probable Cause Determination until October 14, 2004 Letter of Intent
24	04-06-1845 PR	Criminal Acts	Extend Probable Cause Determination until October 14, 2004 Letter of Intent
25	04-05-1676 PR	Failure to Make a Required Report	No Probable Cause
26	04-05-1554 PR	Misrepresentation or Falsification	Reprimand
27	04-05-1556 PR	Misrepresentation or Falsification	Reprimand
28	04-05-1557 PR	Misrepresentation or Falsification	Reprimand
29	04-05-1558 PR	Misrepresentation or Falsification Failure to Make a Required Report Criminal Acts	Reprimand
30	04-05-1560 PR	Misrepresentation or Falsification	No Probable Cause
31	04-05-1561 PR	Misrepresentation or Falsification	Suspension for Three Months
32	04-05-1563 PR	Misrepresentation or Falsification Professional Conduct	Suspension for One Month

PC #	Case Number	STANDARD(S)	EERC Recommendation
33	04-05-1567 PR	Misrepresentation or Falsification Failure to Make a Required Report Criminal Acts	Warning
34	04-05-1590 PR	Misrepresentation or Falsification Professional Conduct	Reprimand
35	04-05-1591 PR	Misrepresentation or Falsification Professional Conduct	Suspension for One Week
36	04-05-1592 PR	Misrepresentation or Falsification	Suspension for Three Months
37	04-05-1597 PR	Misrepresentation or Falsification Professional Conduct	Suspension for Six Months
38	04-05-1598 PR	Misrepresentation or Falsification	Reprimand
39	04-05-1600 PR	Misrepresentation or Falsification	Suspension for Three Months
40	04-05-1633 PR	Misrepresentation or Falsification Professional Conduct	Suspension for Six Months
41	04-05-1653 PR	Misrepresentation or Falsification	Reprimand
42	04-05-1663 PR	Misrepresentation or Falsification Failure to Make a Required Report Criminal Acts Professional Conduct	Warning
43	04-05-1667 PR	Misrepresentation or Falsification Professional Conduct	Suspension for Six Months
44	04-06-1683 Applicant	Misrepresentation or Falsification Criminal Acts	Warning
45	04-06-1694 PR	Misrepresentation or Falsification Failure to Make a Required Report	Warning
46	04-06-1695 PR	Misrepresentation or Falsification Failure to Make a Required Report	Reprimand
47	04-06-1697 PR	Misrepresentation or Falsification Failure to Make a Required Report	Reprimand
48	04-06-1700 Applicant	Misrepresentation or Falsification Professional Conduct	Denial
49	04-06-1799 PR	Misrepresentation or Falsification Failure to Make a Required Report	Warning
50	04-06-1804 PR	Misrepresentation or Falsification Failure to Make a Required Report	No Probable Cause
51	04-06-1820 PR	Misrepresentation or Falsification Failure to Make a Required Report	Warning

PC #	Case Number	STANDARD(S)	EERC Recommendation
52	04-06-1821 Applicant	Misrepresentation or Falsification Public Funds and Property Failure to Make a Required Report Professional Conduct	Denial
53	04-06-1828 PR	Misrepresentation or Falsification Criminal Acts	No Probable Cause
54	04-03-1271 PR	Professional Conduct Misrepresentation or Falsification	No Probable Cause
55	04-04-1486 PR	Professional Conduct Public Funds and Property Misrepresentation or Falsification Confidential Information Failure to Make a Required Report	No Probable Cause
56	04-04-1487 PR	Professional Conduct Failure to Make a Required Report Misrepresentation or Falsification Public Funds and Property	No Probable Cause
57	04-05-1568 PR	Professional Conduct	Suspension for One Month
58	04-05-1575 PR	Professional Conduct	Warning
59	04-05-1576 PR	Professional Conduct	Reprimand
60	04-05-1584 PR	Professional Conduct	Reprimand
61	04-05-1660 PR	Professional Conduct	No Probable Cause
62	04-05-1669 PR	Professional Conduct Abuse of Students	Suspension for One Year
63	04-05-1565 PR	Public Funds and Property Professional Conduct	Suspension for One Year
64	04-05-1566 PR	Public Funds and Property Professional Conduct	Reprimand
65	04-05-1577 PR	Public Funds and Property Professional Conduct	Suspension for Six Months

PSC ACTION: Approved

Case # 5

MOTION: (Hart / Dartt) To amend the EERC recommendation from a Reprimand to a One Month Suspension and to include a violation of Standard 2, Abuse of Students.

PSC ACTION: Approved

MOTION: (McClain / Hart) To adopt case #5 as an amended motion.

PSC ACTION: Approved

Case # 's 26, 35, 36 and 39

After discussion, Chair DeLoach called to accept the EERC's recommendations for case #'s 26, 35, 36, and 39.

PSC ACTION: Approved

2. Mr. Slack reported that the Educator Ethics Review Committee reviewed 4 **Initial Decisions** and brought the following recommendations on behalf of the Committee:

Case Number	Ethical Violation	ALJ Initial Decision	EERC Recomm.
03-09-390	Criminal Acts Professional Conduct	Revocation	Accept
03-08-298	Abuse of Students Professional Conduct	No Probable Cause (Expungement of File)	Review
03-02-1682	Abuse of Students Professional Conduct	No Probable Cause (Expungement of File)	Accept
02-05-2031	Criminal Acts Professional Conduct	Revocation	Accept

PSC ACTION: Approved

3. Mr. Slack reported that the Educator Ethics Review Committee reviewed 4 **Petitions Issues** and brought the following recommendations on behalf of the Committee:

Case Number	Educator	Nature of Petition	Previous Decision (Violation)	EERC Recomm.
04-05-1581	Pamela Brewer	Right to Reapply	Revocation - Nov. 2, 2000 (Criminal Acts)	Denial
02-04-1828	John Wesley Williams	Right to Petition Early (Rules Require: Two Year Waiting Period)	Denied - April 18, 2003 (Misrepresentation or Falsification)	Denial
03-12-903	Gregory Oliver	Right to Petition Early (Rules Require: One Year Waiting Period Following Denial of Right to Reapply)	Denial - Jan. 10, 2002 Denied -Right to Reapply - March 11, 2004	Denial
04-03-1379	David Godsey	Right to Reapply	Revocation - April 3, 1997 (Criminal Acts)	Grant

PSC ACTION: Approved

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

Case Number	Sanction	Violation	EERC Recomm.
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04-03-1268	Warning	Professional Conduct	Accept
04-03-1307	Reprimand	Misrepresentation or Falsification: Testing	Accept
04-03-1350	Warning	Professional Conduct	Accept
04-03-1374	Reprimand	Public Funds and Property Professional Conduct	Accept
04-04-1462	Warning	Misrepresentation or Falsification: CH; Criminal Acts	Accept
04-04-1473	Suspension for One Month	Misrepresentation or Falsification: Testing	Accept
04-04-1475	Reprimand	Misrepresentation or Falsification: Testing	Accept
04-04-1495	Warning	Failure to make a Required Report; Criminal Acts Misrepresentation or Falsification: CH;	Accept
04-04-1497	Suspension for One Week	Professional Conduct	Accept
04-04-1500	Suspension for One Week	Professional Conduct	Accept
04-04-1519	Suspension for One Month	Misrepresentation or Falsification: Student Athletes Professional Conduct	Accept
04-04-1523	Suspension for Six Months	Abandonment of Contract	Accept
04-04-1524	Reprimand	Misrepresentation or Falsification: Testing	Accept
04-04-1528	Suspension for Two Weeks	Misrepresentation or Falsification: Testing Professional Conduct	Accept
04-04-1529	Reprimand	Professional Conduct; Abuse of Students	Accept
04-04-1531	Warning	Professional Conduct	Accept
04-04-1532	Reprimand	Professional Conduct	Accept
04-04-1540	Reprimand	Professional Conduct; Alcohol or Drugs	Accept
04-04-1541	Reprimand	Alcohol or Drugs; Professional Conduct	Accept
04-04-1542	Suspension for One Week	Misrepresentation or Falsification: Professional Qualifications	Accept

***Indicates Educator/Applicant Voluntarily Accepted a Sanction of Revocation or Denial Prior to the Probable Cause Determination

PSC ACTION: Approved

5. Mr. Slack reported that the Educator Ethics Review Committee reviewed 6 *Negotiated Settlement Agreements* and brought the following recommendations on behalf of the Committee:

Case Number	Violation	Negotiated Proposal	EERC Recomm.
03-11-800	Professional Conduct	Reprimand	Accept
01-12-1036	Criminal Acts Abuse of Students Professional Conduct	Dismissal - No Jurisdiction	Accept
03-11-692	Criminal Acts Professional Conduct	Reprimand	Accept
03-10-467	Failure to Make a Required Report Misrepresentation or Falsification	Warning	Accept
03-12-897	Misrepresentation or Falsification: Testing Professional Conduct	Reprimand	Accept
03-05-2138	Misrepresentation or Falsification: Testing Professional Conduct	Warning	Accept

PSC ACTION: Approved

6. OTHER BUSINESS

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

Case Number	DESCRIPTION	EERC Recomm.
03-01-1503	Based on New Information, Advise Attorney How to Proceed	Proceed to Hearing
03-01-1427	Educator Requests an Out-of-Time Review Hearing	Denied - Case Closed

PSC ACTION: Approved

7. The Educator Ethics Review Committee recommended approval of the *Preliminary Investigative Determination Report* consisting of 68 new complaints received during the months of July and August 2004:

PSC ACTION: Approved

Abstention: Bo Slack – cases 04-07-0094 and 04-08-0165

8. EXTENSIONS – PRELIMINARY INVESTIGATIVE DETERMINATIONS

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

Case Number	Case Number	Case Number
04-7-74	04-7-84	04-7-94
04-7-75	04-7-85	04-7-95
04-7-76	04-7-86	04-7-96
04-7-77	04-7-87	04-7-97
04-7-78	04-7-88	04-7-98
04-7-79	04-7-89	04-7-99
04-7-80	04-7-90	04-7-100
04-7-81	04-7-91	04-7-101
04-7-82	04-7-92	04-7-102
04-7-83	04-7-93	04-7-120

PSC ACTION: Approved

9. EXTENSIONS - INVESTIGATIONS

The Educator Ethics Review Committee recommended granting and *Investigative Extension* to the following 34 cases:

Case Number	Case Number	Case Number	Case Number	Case Number
04-02-1185	04-05-1571	04-04-1469	04-06-1812	04-06-1844
04-03-1375	04-05-1593	04-05-1599	04-06-1834	04-06-1858
04-04-1471	04-05-1594	04-05-1668	04-06-1835	04-06-1862
04-04-1517	04-05-1638	04-06-1701	04-06-1841	04-06-1864
04-04-1572	04-05-1666	04-06-1703	04-04-1499	04-05-1583
04-05-1664	04-05-1670	04-06-1796	04-04-1520	04-05-1662
04-05-1665	04-05-1562	04-05-1671	04-05-1564	

PSC ACTION: Approved

10. APPLICATIONS FOR CERTIFICATION REPORT

The Educator Ethics Review Committee recommended to approve a no probable cause determination on 42 cases reflected on the *Applications for Certification Report*.

PSC ACTION: Approved

11. REVIEW HEARING EXTENSIONS

The Commission reviewed the *Review Hearing Extensions Report* concerning 5 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

12. STUDENT LOAN SUSPENSION / REINSTATEMENTS

The Commission reviewed the report, which indicated that there were **not any** certificates suspended from July 9, 2004 until August 12, 2004. There were 7 certificates that had been *reinstated* because restitution is now being made on those student loans.

13. FINAL DECISIONS BY OPERATION OF LAW

The Commission reviewed the report, which advised of 12 cases now closed without an appeal for a hearing before an Administrative Law Judge. The report also advised that there were 4 cases closed without an appeal for a review hearing before the Commission.

B. Educator Preparation Standing Committee

Commissioner Dr. Craig Smith presented the report of the Educator Preparation Standing Committee.

1. **Augusta State University** - The Evaluation Review Panel suggests that the One-Year Supervised Practicum program at Augusta State University be granted Developmental Provisional Approval with submission of documents to address the Not Met Guidelines and Areas for Improvement cited by October 1, 2004.

2. **Coastal Plains RESA** - The Standing Committee for Educator Preparation suggests that the One-Year Supervised Practicum program at Coastal Plains RESA be granted Developmental Provisional Approval with submission of documents to address the Not Met Guidelines and Areas for Improvement cited by October 1, 2004.

3. **Coweta County Schools** - The Standing Committee for Educator Preparation suggests that the One-Year Supervised Practicum program at Coweta County Schools be granted Developmental Provisional Approval with submission of documents to address the Not Met Guidelines and Areas for Improvement cited by October 1, 2004.

4. **Metropolitan RESA** - The Standing Committee for Educator Preparation suggests that the One-Year Supervised Practicum program at Metropolitan RESA be granted Developmental Approval with a report addressing Areas for Improvement cited due by October 1, 2004.

5. **Middle Georgia RESA** - The Standing Committee for Educator Preparation suggests that the One-Year Supervised Practicum program at Middle Georgia RESA be granted Developmental Provisional Approval with

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submission of documents to address the Not Met Guidelines and Areas for Improvement cited by October 1, 2004.

6. **North Georgia RESA** - The Standing Committee for Educator Preparation suggests that the One-Year Supervised Practicum program at North Georgia RESA be granted Developmental Provisional Approval with submission of documents to address the Not Met Guidelines and Areas for Improvement cited by October 1, 2004.

7. **Northeast Georgia RESA** - The Standing Committee for Educator Preparation suggests that the One-Year Supervised Practicum program at Northeast Georgia RESA be granted Developmental Provisional Approval with submission of documents to address the Not Met Guidelines and Areas for Improvement cited by October 1, 2004.

8. **Oglethorpe University** - The Standing Committee for Educator Preparation suggests that the One-Year Supervised Practicum program at Oglethorpe University be granted Developmental Provisional Approval with submission of documents to address the Not Met Guidelines and Areas for Improvement cited by October 1, 2004.

9. **Okefenokee RESA** - The Standing Committee for Educator Preparation suggests that the One-Year Supervised Practicum program at Okefenokee RESA be granted Developmental Provisional Approval with submission of documents to address the Not Met Guidelines and Areas for Improvement cited by October 1, 2004.

10. **Savannah-Chatham County Public Schools** - The Standing Committee for Educator Preparation suggests that the One-Year Supervised Practicum program at Savannah-Chatham County Public Schools be granted Developmental Approval with a progress report addressing the Areas for Improvement cited by October 1, 2004.

11. **Southwest Georgia RESA** - The Standing Committee for Educator Preparation suggests that the One-Year Supervised Practicum program at Southwest Georgia RESA be granted Developmental Provisional Approval with submission of documents to address the Not Met Guidelines and Areas for Improvement cited by October 1, 2004.

MOTION: (Muns / Hart) To accept the report and suggestions made by the Educator Preparation Standing Committee as presented.

PSC ACTION: Approved

VII. REVIEW HEARINGS

- | | |
|--------------------------|--------------------------------|
| 1. Agoree Turner | - Educator (Case # 03-05-2141) |
| Wayne Magnum | - Hearing Officer |
| Rebecca Mick | - PSC Attorney |
| Maurice Luther King, Jr. | - Attorney |

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

ACTION: Approved

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

ACTION: Approved

MOTION: (Hart /Miller) To adopt the Findings of Fact, Conclusions of Law and Decision reached by the

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Administrative Law Judge with the following changes: Amend 4., paragraph 3 to read: The Petitioner's pattern of inappropriate discipline does rise to the level of violating Standard 2: Abuse of Students which reads in part..."an educator should always maintain a professional relationship with all students, both in and outside the classroom.

Unethical conduct includes but is not limited to: 1. committing any act of child abuse, including physical and emotional abuse." The Decision of the Administrative Law Judge to affirm the Professional Standards Commission's recommendation to suspend the educator's certificate to teach in the State of Georgia for a period of six months is adopted and incorporated by reference herein. The Commission hereby **ORDERS** that the Georgia educator certificate held by Agoree Turner be Suspended for a period of Six Months, effective August 27, 2004 until February 27, 2005.

PSC ACTION: Approved

VIII. EXECUTIVE SECRETARY REPORT

A. Various rules were introduced and voted on as follows:

A1. Certification

MOTION: (Denty / Muns) To amend the PSC Chapter 505-2 certification rules as outlined in the recommendation packet.

ACTION: Approved

A2. Educator Preparation

MOTION: (Smith / Miller) To approve the amendments to Rules 505-3-.01, .05, .08 through .24, .26 through .30, .33 through .36, .38 and .39, .41 through .43, .45 through .51, .53 and .54, .56, .57 and .59 to align with recent changes to certification rules.

ACTION: Approved

A3. Special Education

MOTION: (Smith / McClain) To approve Rules 505-3-.52, .61, .62, .64, .71, .72 and .74 to provide new preparation standards for new programs.

ACTION: Approved

A4. Reading

MOTION: (Smith / Miller) To approve Rules 505-3-.63, 505-3-.65 through 505-3-.68, and 505-3-.73 as new rules to replace or rename other rules that are being rescinded.

ACTION: Approved

A5. Birth to Five

MOTION: (Smith / Wilkes) To approve Rules 505-3-.69 and 505-3-.70 to provide a means to raise the quality of care in early childcare and educational settings.

ACTION: Approved

A6. Ethics

MOTION: (Denty / Slack) To amend Rules 505-6-.01 and 505-6-.05 as initiated.

ACTION: Approved

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B. Dr. Toth announced that Gary Walker, Director of Educator Ethics, is working with GAEL to set up meetings with principals on Educator Ethics rules.

C. Dr. Toth will be meeting with 13 superintendents who are in the larger school systems to update them on PSC initiatives.

IX. CHAIR'S REPORT

Chair DeLoach reminded the commissioners that Dr. Gary Walker had distributed a copy of the hand-out from the Educator Ethics presentation that was given at the System Test Coordinators Workshop for their review.

X. ADJOURNMENT

MOTION: (Muns / Ebron) To adjourn the meeting.

PSC ACTION: The meeting adjourned at 11:30 a.m.