

# MINUTES

## PROFESSIONAL STANDARDS COMMISSION

Two Peachtree Street

Atlanta, Georgia

December 8, 2011

The Georgia Professional Standards Commission (PSC) met on Thursday, December 8, 2011, at 12:30 p.m.

### Members Present

Julia Bernath  
Alice Clements  
Penny Elkins  
Dr. Adrian Epps

Bill Haskin  
David Johnson  
Christy McGill  
Bettina Polite Tate  
Rose Powell

Dr. Lawrence Walters  
Pam Walker  
Dr. Debbie Wilkes  
Pam Williams  
Valerie Williams

### Members Absent

Meredith Hodges  
Marci Cawthon

Heath Garrett  
Stephanie Leggett

### I. CALL TO ORDER

Chair Wilkes called the meeting to order at 12:30 p.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:** (Julia Bernath / Pam Williams) To approve the agenda.

**PSC ACTION:** Approved

### III. APPROVAL OF MINUTES

Chair Wilkes called for approval of the minutes from the November 10, 2011, 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
- Candace Norton, Forsyth County Schools
- Cindi Chance, Georgia Association for Career and
- Danny Harrison, Gwinnett County Public Schools
- Deb Garner, Gwinnett County Public Schools
- Mary Jessie, Georgia Association of School Personnel Administration

- Technical Education
- John Hooper, Georgia School Superintendents Association
- Darrell Powell
- Tayia Donald, Georgia Association of Educators (GAE)
- Patricia Cummings

## V. COMMITTEE REPORTS

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

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

1. Ms. Powell reported that the Committee reviewed 33 *Probable Cause* cases during its December 8, 2011, meeting and brought the following recommendations on behalf of the Committee:

<u>CASE</u>	<u>STANDARDS VIOLATED</u>	<u>RECOMMENDATION</u>
11-9-445	4,9,10	Deny
11-10-499	1	NPC
10-11-511	4, 7, 10	Suspension 90 days
10-11-512	4, 7, 10	Suspension 90 days
10-11-513	4, 7, 10	Suspension 90 days
10-11-514	4, 7, 10	Suspension 90 days
10-11-515	4, 7, 10	Suspension 1 Year
11-02-806	5, 10	Suspension 20 days
11-04-1066	2, 10	Reprimand
11-05-1075	2, 10	Suspension 90 days
11-05-1098	10, 11	Suspension 2 Years
11-05-1132	1, 2, 4, 10	Revoke
11-05-1148	4, 9, 10	Reprimand
11-05-1176	1, 3, 10	Suspension 2 Years
11-06-1191	10	Suspension 5 days
11-06-1193	4, 10	Suspension 1 Year
11-06-1209	4,10	Suspension 20 days
11-06-1228	4, 7, 10, 11	Suspension 2 Years
11-06-1237	2, 10	Suspension 90 days
11-06-1256	2, 10	Revoke
11-06-1274	4, 10	NPC
11-07-0035	4, 10	Suspension 60 days
11-07-49	2, 10, 11	Suspension 90 days
11-07-50	2, 10, 11	Suspension 90 days
11-08-202	5, 10	NPC
11-08-256	1, 2,10	Revoke
11-09-274	10	Suspension 1 Year

<u>CASE</u>	<u>STANDARDS VIOLATED</u>	<u>RECOMMENDATION</u>
11-09-352	5, 10	Suspension 20 days
11-09-354	2, 10	Reprimand
11-09-441	1	Revoke
11-10-463	1, 10	Extend
11-10-494	1,4, 9,10	Suspension 1 Year
11-10-506	4,10	Suspension 90 days

2. Ms. Powell reported that the Educator Ethics Review Committee reviewed 2 *Voluntary Surrenders* in which an Educator/Applicant voluntarily accepted a sanction of Revocation or Denial prior to the submission of an investigative case summary for a Probable Cause Determination. The Committee brought the following recommendations on behalf of the Committee:

<u>CASE</u>	<u>STANDARDS VIOLATED</u>	<u>SANCTION</u>	<u>EERC RECOMMENDATION</u>
11-10-470	1, 2, 10	Voluntary Surrender	Accept
11-10-514	2, 10	Voluntary Surrender	Accept

3. Ms. Powell reported that the Educator Ethics Review Committee reviewed 1 *Petition Issue* and brought the following recommendation on behalf of the Committee:

<u>CASE</u>	<u>PETITIONER</u>	<u>PREVIOUS SANCTION</u>	<u>EERC RECOMMENDATION</u>
11-10-469	Christopher Carroll	Revocation June 2004	Deny

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

<u>CASE</u>	<u>SANCTION</u>	<u>EERC RECOMMENDATION</u>
11-7-22	Suspension - 90 days	Accept
11-7-58	Reprimand	Accept
11-7-73	Reprimand	Accept
11-8-104	Suspension - 20 days	Accept
11-9-308	Reprimand	Accept
11-10-461	Reprimand	Accept

5. Ms. Powell reported that the Educator Ethics Review Committee reviewed 11 *Negotiated Settlement Agreements* and brought the following recommendations on behalf of the Committee:

<u>CASE</u>	<u>NEGOTIATED SANCTION</u>	<u>EERC RECOMMENDATION</u>
08-8-234	Revocation	Accept
08-10-460	Suspension 20 days	Accept
09-5-1237	Suspension 20 days	
10-4-1060	Suspension 6 months	Accept
10-9-340	Suspension 45 days	Accept
10-12-598	Suspension 5 days	Accept
11-3-842	Reprimand	Reject
11-3-894	Suspension 7 months	Reject
11-4-975	Suspension 20 days	Accept
11-5-1091	Suspension 20 days	Accept
11-5-1153	Reprimand	Accept
11-7-68	Denial	Accept

#### 6. OTHER BUSINESS

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

<u>CASE</u>	<u>Findings of Fact</u>	<u>EERC RECOMMENDATION</u>
PCE-11-7-21	Expand Investigation	Expand

7. The Educator Ethics Review Committee recommended approval of the *Preliminary Investigative Determination Report* consisting of 78 new complaints received during the months of November 2011 and December 2011.

#### 8. EXTENSIONS – PRELIMINARY INVESTIGATIVE DETERMINATIONS

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

11-11-616	11-11-622	11-11-627	11-11-632	11-11-637	11-11-642	11-11-647	11-11-652
11-11-617	11-11-623	11-11-628	11-11-633	11-11-638	11-11-643	11-11-648	
11-11-619	11-11-624	11-11-629	11-11-634	11-11-639	11-11-644	11-11-649	
11-11-620	11-11-625	11-11-630	11-11-635	11-11-640	11-11-645	11-11-650	
11-11-621	11-11-626	11-11-631	11-11-636	11-11-641	11-11-646	11-11-651	

#### 9. EXTENSIONS - INVESTIGATIONS

The Educator Ethics Review Committee recommended granting and *Investigative Extension* to the following 256 Written Complaints and 04 Application cases:

WRITTEN COMPLAINT EXTENSIONS							
10-7-34	11-6-1273	11-8-126	11-8-158	11-8-216	11-8-257	11-9-369	11-9-401
10-9-331	11-7-2	11-8-127	11-8-159	11-8-217	11-8-263	11-9-370	11-9-402
10-11-478	11-7-3	11-8-128	11-8-160	11-8-218	11-8-264	11-9-371	11-9-403
10-12-553	11-7-4	11-8-129	11-8-161	11-8-219	11-9-268	11-9-372	11-9-404
10-12-562	11-7-7	11-8-130	11-8-162	11-8-220	11-9-275	11-9-373	11-9-405
10-12-569	11-7-21	11-8-131	11-8-163	11-8-221	11-9-284	11-9-374	11-9-406
10-12-611	11-7-23	11-8-132	11-8-164	11-8-222	11-9-285	11-9-375	11-9-407
11-1-646	11-7-25	11-8-133	11-8-165	11-8-223	11-9-298	11-9-376	11-9-408
11-2-794	11-7-43	11-8-134	11-8-166	11-8-224	11-9-302	11-9-377	11-9-409
11-2-804	11-7-84	11-8-135	11-8-167	11-8-225	11-9-304	11-9-378	11-9-410
11-4-915	11-7-87	11-8-136	11-8-168	11-8-227	11-9-311	11-9-379	11-9-411
11-4-999	11-7-88	11-8-137	11-8-169	11-8-228	11-9-320	11-9-380	11-9-412
11-4-1000	11-7-89	11-8-138	11-8-170	11-8-229	11-9-321	11-9-381	11-9-413
11-4-1031	11-7-90	11-8-139	11-8-171	11-8-230	11-9-332	11-9-382	11-9-414
11-4-1036	11-7-91	11-8-140	11-8-172	11-8-231	11-9-333	11-9-383	11-9-415
11-4-1046	11-7-97	11-8-141	11-8-173	11-8-232	11-9-337	11-9-384	11-9-416
11-4-1068	11-7-98	11-8-142	11-8-174	11-8-233	11-9-342	11-9-385	11-9-417
11-5-1085	11-7-99	11-8-143	11-8-175	11-8-234	11-9-343	11-9-386	11-9-418
11-5-1117	11-8-105	11-8-144	11-8-176	11-8-235	11-9-351	11-9-387	11-9-419
11-5-1118	11-8-110	11-8-145	11-8-177	11-8-236	11-9-355	11-9-388	11-9-420
11-5-1131	11-8-114	11-8-146	11-8-178	11-8-237	11-9-357	11-9-389	11-9-421
11-5-1149	11-8-115	11-8-147	11-8-179	11-8-238	11-9-358	11-9-390	11-9-422
11-5-1175	11-8-116	11-8-148	11-8-180	11-8-239	11-9-359	11-9-391	11-9-423
11-6-1192	11-8-117	11-8-149	11-8-181	11-8-240	11-9-360	11-9-392	11-9-424
11-6-1204	11-8-118	11-8-150	11-8-182	11-8-241	11-9-361	11-9-393	11-9-429
11-6-1205	11-8-119	11-8-151	11-8-183	11-8-242	11-9-362	11-9-394	11-9-431
11-6-1221	11-8-120	11-8-152	11-8-185	11-8-243	11-9-363	11-9-395	11-9-433
11-6-1234	11-8-121	11-8-153	11-8-197	11-8-244	11-9-364	11-9-396	11-9-434
11-6-1236	11-8-122	11-8-154	11-8-200	11-8-249	11-9-365	11-9-397	11-9-438
11-6-1255	11-8-123	11-8-155	11-8-201	11-8-250	11-9-366	11-9-398	11-9-443
11-6-1271	11-8-124	11-8-156	11-8-203	11-8-254	11-9-367	11-9-399	11-9-444
11-6-1272	11-8-125	11-8-157	11-8-210	11-8-255	11-9-368	11-9-400	11-10-490

APPLICATION CASE EXTENSIONS							
10-12-623	11-3-876	11-6-1249	11-10-500				

#### 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. STUDENT LOAN SUSPENSION / REINSTATEMENTS

The Committee reviewed the Student Finance Commission Report concerning educators in which notification has been received to suspend certificates for default on repayment of student loans. The report indicated that

1/23/2012

Page 6

there were 35 certificates suspended from November 10, 2011 through December 8, 2011. The Committee was also advised that there was 1 certificate that had been reinstated because restitution is now being made on that student loan. The Committee was also advised that 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.

## **12. FINAL DECISIONS BY OPERATION OF LAW**

The Commission reviewed the report, which advised of 5 cases now closed without an appeal for a hearing before an Administrative Law Judge. The report also advised that there were 2 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 Rose Powell excluding case #'s 11-9-352, 10-11-511, 10-11-512, 10-11-513, 10-11-514 and 11-2-806.

**PSC ACTION:** Approved

### **Probable Cause Case # 11-9-352**

**MOTION:** (Julia Bernath / Dr. Adrian Epps) To change the PSC staff recommendation from a 20 Day Suspension to a 60 Day Suspension.

**PSC ACTION:** Approved

Opposed: Bettina Polite-Tate, Pam Williams, Rose Powell, Pam Walker

### **Probable Cause Case # 11-2-806**

**MOTION:** (Valerie Williams / Pam Walker) To change the PSC staff recommendation from a 20 Day Suspension to a 30 Day Suspension.

**PSC ACTION:** Approved

Opposed: Bettina Polite-Tate, Pam Williams, Bill Haskin, Pam Walker

### **Probable Cause Case # 10-11-511 and 10-11-514**

**MOTION:** (Dr. Penny Elkins / Christy McGill) To change the PSC staff recommendation from a 90 Day Suspension to a 100 Day Suspension.

**PSC ACTION:** Approved

### **Probable Cause Case # 10-11-512 and 10-11-513**

**MOTION:** (Dr. Penny Elkins / Christy McGill) To accept the PSC staff recommendation of a 90 Day Suspension.

**PSC ACTION:** Approved

## **B. Educator Preparation Standing Committee**

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

SYNOPSIS			
	Unit Number	Standards	Detailed Approval Recommendations
1.	5390 [1211]	1-8	The Committee recommends Continuing Approval for the Educational Leadership programs. All Standards Met.

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

**PSC ACTION:** Approved

## VI. REVIEW HEARING

Patricia Cummings

Joan Roach

Rebecca Mick

John R.B. Long

- Educator Case # 09-6-1358

- Hearing Officer

- PSC Attorney

-Educator Attorney

**MOTION:** (Dr. Adrian Epps / Dr. Penny Elkins) To go into Executive Session and allow PSC staff (Kevin Shumake, Kim Anderson, Nancy Teele and Tanis Miller) to remain.

**ACTION:** Approved

**MOTION:** (Dr. Adrian Epps / Dr. Penny Elkins) To come out of Executive Session and reconvene the Regular Session.

**ACTION:** Approved

**MOTION:** (Rose Powell / Julia Bernath) To adopt the Findings of Fact reached by the Administrative Law Judge. The Commission specifically rejected the Administrative Law Judge's determination that the educator's actions did not constitute a violation of Standard 2 of the Code of Ethics for Educators. Having reviewed the entire record, after hearing argument from both sides, and giving due regard to the recommendation of the Administrative law Judge, the Commission rejected the Initial Decision of the Administrative law Judge. The Commission concluded that a greater sanction was appropriate in this particular case because the reprimand recommended by the Administrative Law Judge did not reflect the seriousness with which the Commission views the educator's violation of rules applicable to educators. The Commission further acknowledges that many educators return to the profession thus a suspension would not be meaningless. The Commission ordered that the Georgia educator certificate held by Patricia Cummings be suspended for a period of twenty consecutive contract days to be served retroactively effective September 1, 2011 ending September 29, 2011.

**ACTION:** Approved

## VII. RULES

Anne Marie Fenton presented the rules for adoption:

1/23/2012

Page 8

**MOTION:** (Dr. Adrian Epps / Dr. Penny Elkins) To a) amend the current rules in Chapter 505-2 Certification, effective January 15, 2012, as follows: 505-2-.116, and 505-2-.300; b) adopt the current rules in Chapter 505-2 Certification, effective January 15, 2012 as follows: 505-2-.210; c) amend the current rules Chapter 505-3 Educator Preparation, effective January 15, 2012, as follows: 505-3-.12; d) adopt the current rules in Chapter 505-3 Educator Preparation, effective January 15, 2012, as follows: 505-3-.55; and e) amend the current rules in Chapter 505-6 Educator Ethics, effective January 15, 2012, as follows: 505-6-.05.

**ACTION:** Approved

### **VIII. ADJOURNMENT**

Chair Wilkes called for the meeting to be adjourned at 2:10 p.m.

**PSC ACTION:** Approved