

MINUTES

PROFESSIONAL STANDARDS COMMISSION

Two Peachtree Street

Atlanta, Georgia

February 11, 2010

The Georgia Professional Standards Commission (PSC) met on Thursday, February 11, 2010, at 9 a.m.

Members Present

Penny Benton
Julia Bernath
Marci Cawthon
Stephen Dartt

Penny Elkins
Stephanie Haynes
David Johnson
Dr. Louisa Moffitt

André Mountain
Rose Powell
Dr. Craig Smith
Jeannie Tucker
Dr. Debbie Wilkes

Members Absent

Al George
Dr. Hester Vasconcelos
Joy Hawkins

Emily Jennette
Dr. Ed Smith

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: (Stephanie Haynes / Dr. Craig Smith) To approve the agenda.

PSC ACTION: Approved

III. APPROVAL OF MINUTES

Chair Wilkes called for approval of the minutes from the January 14, 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
- Linda Fortson, Warren Fortson Law office
- Mary Dell Fish
- Bill Russell, Lincoln Memorial University
- Cindi Chance, Executive Director, Georgia Association of Colleges For Teacher Education
- Tanesha Mountain

V. EMPLOYEE SERVICE AWARD

Chair Wilkes presented Maxine Brown with a 20 Year Employee Service Award. Chair Wilkes thanked her for her service. Dr. Gay Walker also thanked Maxine for her service and read the following:

Maxine Brown is not a stranger to our Commission members. She is on hand each month to help with any computer issues. And she's always cheerful and smiling when she does. Maxine (Max, as we call her) began with the PSC in 1990 as an Administrative Clerk in the Certification Division. In 1996, the PSC created the new position of Evaluation and Information Specialist and hired two individuals. Max was promoted into one of these positions. Since then, Max has joined our Technology Division. Max covers a wide range – from IT helpdesk support to managing all the administrative functions that allow our IT systems to operate. We appreciate all of her hard work and are very fortunate to have her.

VI. INDUCTION OF ANDRE MOUNTAIN

Chair Wilkes and Dr. Gary Walker welcomed André B. Mountain and then swore him in:

André B. Mountain is a teacher on special assignment in the Department of Curriculum with the Richmond County School System. He was appointed as a Georgia TAPP Ambassador and was a Richmond County Public School Teacher of the Year finalist. He previously taught reading/language arts at Monte Sano Elementary School. Mountain earned a bachelor's degree from Georgia Southern University, a master's degree from Wesleyan College, and a specialist's degree from Augusta State University. He and his wife, Tanesha, have one child.

VII. COMMITTEE REPORTS

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

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

1. Mr. Dartt reported that the Committee reviewed 55 ***Probable Cause*** cases during its February 10, 2010, meeting and brought the following recommendations on behalf of the Committee:

#	CASE #	STANDARDS VIOLATED	RECOMMENDATION
1	09-10-435	Misrepresentation or Falsification Professional Conduct	Denial
2	09-11-559	Criminal Acts Professional Conduct Action Taken In Another State Other Good and Sufficient Cause	Denial
3	09-11-560	Criminal Acts	Reprimand
4	09-11-564	Criminal Acts	Reprimand
5	09-11-574	Criminal Acts Misrepresentation or Falsification	Denial

#	CASE #	STANDARDS VIOLATED	RECOMMENDATION
6	09-12-665	Criminal Acts Professional Conduct	Denial
7	06-10-510	Criminal Acts Abuse of Students Professional Conduct	No Probable Cause
8	09-3-968	Criminal Acts Misrepresentation or Falsification Failure to Make a Required Report Professional Conduct	Extend Probable Cause Determination an Additional 30 Days Due: March 2010 Meeting
9	09-5-1248	Criminal Acts Abuse of Students Professional Conduct	Revocation
10	09-6-1334	Abuse of Students Professional Conduct Other Good and Sufficient Cause	Suspension – 1 Year
11	09-6-1376	No Violations	DUPLICATE ISSUE – CASE CLOSED
12	09-7-35	Abuse of Students Professional Conduct	Suspension – 90 Contract Days
13	09-7-55	Abuse of Students Professional Conduct	Suspension – 20 Contract Days
14	09-7-56	Confidential Information Professional Conduct	Suspension – 20 Contract Days
15	09-7-58	Criminal Acts Alcohol or Drugs Professional Conduct	Suspension – 1 Year
16	09-7-125	Abuse of Students Professional Conduct	Suspension – 20 Contract Days
17	09-8-136	Criminal Acts Misrepresentation or Falsification	Reprimand
18	09-8-210	Abuse of Students Professional Conduct	Suspension – 10 Contract Days
19	09-8-243	Criminal Acts Failed to File a Required Report Professional Conduct Other Good and Sufficient Cause O.C.G. A §16-13-111	Revocation
20	09-8-245	Criminal Acts O.C.G. A §16-13-111	Revocation
21	09-9-309	Criminal Acts Failed to File a Required Report Professional Conduct	Suspension – 90 Contract Days
22	09-9-310	Criminal Acts Abuse of Students Failed to File a Required Report Professional Conduct	Suspension – 90 Contract Days

#	CASE #	STANDARDS VIOLATED	RECOMMENDATION
23	09-9-312	Misrepresentation or Falsification Confidential Information Professional Conduct	Suspension – 10 Contract Days
24	09-9-315	Misrepresentation or Falsification Confidential Information Professional Conduct DOE Rule 160-3-1-.07	Reprimand
25	09-9-329	Abuse of Students Professional Conduct	Suspension – 90 Contract Days
26	09-9-331	Confidential Information Professional Conduct	Suspension – 1 Year
27	09-9-335	Abuse of Students Professional Conduct	Reprimand
28	09-9-359	Criminal Acts	Revocation
29	09-9-376	Public Funds and Property Professional Conduct	Suspension – 1 Year
30	09-9-377	Abuse of Students Professional Conduct	Suspension – 5 Contract Days
31	09-10-382	Abuse of Students Professional Conduct Other Good and Sufficient Cause	Revocation
32	09-10-429	Abuse of Students Professional Conduct	Suspension – 20 Contract Days
33	09-10-455	Professional Conduct	Revocation
34	09-10-456	Abuse of Students Professional Conduct	No Probable Cause
35	09-10-479	Abuse of Students Professional Conduct	Suspension – 5 Contract Days
36	09-10-507	Misrepresentation or Falsification Professional Conduct	Suspension – 20 Contract Days
37	09-11-527	Abuse of Students Professional Conduct	Suspension – 20 Contract Days
38	09-11-538	Abuse of Students Professional Conduct Other Good and Sufficient Cause	Revocation
39	09-11-540	Abuse of Students Professional Conduct	Suspension – 20 Contract Days
40	09-11-550	Abuse of Students Professional Conduct	Suspension – 1 Year
41	09-11-551	Professional Conduct	Suspension – 90 Contract Days
42	09-11-552	Professional Conduct	Suspension – 90 Contract Days

#	CASE #	STANDARDS VIOLATED	RECOMMENDATION
43	09-11-555	Criminal Acts Abuse of Students Professional Conduct Other Good and Sufficient Cause	Revocation
44	09-11-565	Criminal Acts Other Good and Sufficient Cause	Suspension – 90 Contract Days
45	09-11-572	Criminal Acts Misrepresentation or Falsification	Reprimand
46	09-11-581	Misrepresentation or Falsification Public Funds and Property Professional Conduct	Suspension – 1 Year
47	09-11-584	Abuse of Students Professional Conduct	Suspension – 20 Contract Days
48	09-11-595	Abuse of Students Professional Conduct	Suspension – 20 Contract Days
49	09-11-598	Professional Conduct	No Probable Cause
50	09-11-599	Professional Conduct	No Probable Cause
51	09-12-601	Misrepresentation or Falsification Professional Conduct	Suspension – 20 Contract Days
52	09-12-602	Misrepresentation or Falsification Public Funds and Property Professional Conduct	Suspension – 20 Contract Days
53	09-12-604	Misrepresentation or Falsification Public Funds and Property Professional Conduct	Suspension – 20 Contract Days
54	10-1-684	Criminal Acts Misrepresentation or Falsification	No Probable Cause
55	10-1-685	Criminal Acts Misrepresentation or Falsification	No Probable Cause

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

CASE #	STANDARDS VIOLATED	PROBABLE CAUSE SANCTION	ADMINISTRATIVE LAW JUDGE SANCTION	RECOMMENDATION
07-5-1264	Alcohol or Drugs Professional Conduct	Suspend 90 Contract Days	No Probable Cause	Accept
07-5-1307	Abuse of Students Public Funds and Property Professional Conduct	Revocation	Revocation	Accept

3. Mr. Dartt reported that the Educator Ethics Review Committee reviewed 1 *Petitions Issue* and brought the following recommendation on behalf of the Committee:

CASE NUMBER	REQUEST	PREVIOUS SANCTION	PREVIOUS VIOLATION	RECOMMENDATION
10-1-688	Right to Reapply	Revoked – 2007	Alcohol or Drugs Professional Conduct	EXTEND

4. Mr. Dartt reported that the Educator Ethics Review Committee reviewed 7 *Settlement Agreements* and brought the following recommendations on behalf of the Committee:

#	CASE NUMBER	SANCTION	RECOMMENDATION
1	09-5-1250	Reprimand	Accept
2	09-7-89	Suspension – 3 Contract Days (Retro – Feb. 1, 2010 – Feb. 3, 2010)	Accept
3	09-7-116	Suspension - 20 Contract Days (5/29/09 - 6/11/09 and 1/25/10 - 2/5/10)	Accept
4	09-8-151	Reprimand	Accept
5	09-8-220	Suspension - 20 Contract Days (Retro - Aug. 3 , 2009 - Aug. 28, 2009)	Accept
6	09-9-314	Suspension - 90 Contract Days (March 1, 2010 - Sept. 17, 2010)	Accept
7	09-9-347	Suspension - 10 Contract Days (Feb. 22, 2010 - March 5, 2010)	Accept

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

CASE #	STANDARDS VIOLATED	PROBABLE CAUSE SANCTION	NEGOTIATED SANCTION	RECOMMEN- DATION
07-5-1302	Confidential Information Professional Conduct	Suspension - 90 Contract Days	Suspension - 90 Contract Days (Retro - 08/14/07 - 1/30/08)	Accept
07-6-1566	Criminal Acts Action Taken In Another State	Denial	Denial	Accept
07-12-619	Abuse of Students Professional Conduct	Suspension - 20 Contract Days	Suspension - 10 Contract Days (Retro - 01/4/10 - 01/15/10)	Accept
08-2-745	Misrepresentation or Falsification Professional Conduct	Suspension - 20 Contract Days	No Probable Cause	Accept
08-12-629	Abuse of Students Professional Conduct	Revocation	Suspension - 18 Months (Part Retro - 11/21/08 - 5/21/10)	Accept
08-12-682	Confidential Information Professional Conduct	Suspension - 30 Contract Days	No Probable Cause	Accept
09-1-787	Professional Conduct	Suspension - 20 Contract Days	Suspension - 5 Contract Days (Retro - 12/15/08 - 12/19/08)	REJECT
09-2-865	Abuse of Students Professional Conduct	Suspension - 2 Years	Suspension - 90 Contract Days (Retro – 07/27/09 – 12/15/09)	REJECT
09-3-943	Misrepresentation or Falsification Professional Conduct	Suspension - 1 Year	No Probable Cause	Accept

09-4-1128	Abuse of Students Professional Conduct	Suspension - 1 Year	Suspension - 6 Months (Retro - 08/3/2009 - 02/03/2010)	Accept
09-5-1243	Misrepresentation or Falsification Professional Conduct	Suspension - 60 Contract Days	Suspension - 52 Contract Days (03/01/2010 - 05/25/2010)	Accept
09-5-1261	Criminal Acts Failure to Make a Required Report Professional Conduct	Suspension - 5 Contract Days	Reprimand	REJECT

6. OTHER BUSINESS

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

Case #	Comments	PSC Action
08-11-609	The Attorney General's Office has closed case 08-11-609 for insufficient evidence. The student witness is out of state and unavailable, and Ms. Smith's administrator would testify that while Ms. Smith missed an internal deadline on sending out transcripts, there is nothing to suggest that she lied to anyone and believes that the student's parents acted inappropriately throughout this matter.	No Probable Cause

7. The Educator Ethics Review Committee recommended approval of the *Preliminary Investigative Determination Report* consisting of 68 new complaints received during the months of January and February 2010.

8. EXTENSIONS – PRELIMINARY INVESTIGATIVE DETERMINATIONS

The Educator Ethics Review Committee recommended approval of the 13 *Extensions - Preliminary Investigative Determinations* consisting of the following:

#	CASE #	Complaint Received	#	CASE #	Complaint Received	#	CASE #	Complaint Received
1	10-1-686	Jan. 6, 2010	6	10-1-691	Jan. 6, 2010	11	10-1-696	Jan. 8, 2010
2	10-1-687	Jan. 4, 2010	7	10-1-692	Jan. 6, 2010	12	10-1-724	Jan.11, 2010
3	10-1-688	Jan. 4, 2010	8	10-1-693	Jan. 7, 2010	13	10-1-725	Jan.11, 2010
4	10-1-689	Jan. 5, 2010	9	10-1-694	Jan. 7, 2010			
5	10-1-690	Jan. 6, 2010	10	10-1-695	Jan. 7, 2010			

9. EXTENSIONS - INVESTIGATIONS

The Educator Ethics Review Committee recommended granting and *Investigative Extension* to the following 28 Written Complaints and 18 Application cases:

WRITTEN COMPLAINT EXTENSIONS:

09-10-490	09-10-383	09-10-480	09-11-549	09-10-385	09-11-533
09-10-493	09-10-427	09-10-500	09-11-579	09-10-386	09-11-541
09-10-494	09-10-452	09-11-528	09-8-226	09-10-387	09-11-580
09-10-501	09-10-476	09-11-529	09-10-389	09-11-578	
09-8-200	09-10-477	09-11-537	09-10-433	09-7-11	

APPLICATION CASE EXTENSIONS:

09-9-346	09-11-566	09-11-573	10-1-698	10-1-703	10-1-707
09-11-545	09-11-569	09-11-575	10-1-699	10-1-704	10-1-711
09-11-594	09-11-571	10-1-697	10-1-700	10-1-706	10-1-712

10. **VOLUNTARY SURRENDERS/VOLUNTARY DENIALS**

The Educator Ethics Review Committee recommended approval of 3 *Voluntary Surrender/Voluntary Denials* consisting of the following

#	Case Number	STANDARDS VIOLATED	SANCTION	EERC Recommendation
1	09-11-531	Misrepresentation or Falsification Professional Conduct Action Taken In Another State	Revocation	Accept
2	09-11-539	Abuse of Students Professional Conduct	Revocation	Accept
3	09-11-557	Criminal Acts Abuse of Students Professional Conduct	Revocation	Accept

11. **APPLICATIONS FOR CERTIFICATION REPORT**

The Educator Ethics Review Committee recommended to approve a no probable cause determination on 21 cases reflected on the *Applications for Certification Report*.

12. **REVIEW HEARING EXTENSIONS**

The Commission reviewed the *Review Hearing Extensions Report* concerning 4 hearing cases. An Administrative Law Judge rendered Initial Decisions on each case referenced in the report. The report indicates Orders were issued.

13. **STUDENT LOAN SUSPENSION / REINSTATEMENTS**

The Commission reviewed the report, which indicated that there were no certificates suspended from January 14, 2009 through February 11, 2010. There were 3 certificates that had been *reinstated* because restitution is now being made on those student loans.

14. **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 3 cases closed without an appeal for a review hearing before the Commission.

Negotiated Settlement Case # 08-12-629

MOTION: (Dart / Moffitt) To reject the Negotiated Settlement Agreement of a Suspension for 18 month (retroactive).

PSC ACTION: Opposed by Jeanne Tucker, Penny Benton, Marci Cawthon, Rose Powell, Stephanie Haynes, David Johnson, Debbie Wilkes

The motion failed on a seven to eight vote with the Chair voting. The committee then approved the sanction recommended by the EERC.

Chair Wilkes called for approval of the Educator Ethics Review Committee report as presented by Chair Dartt.

PSC ACTION: Approved

Abstention: Stephen Dartt-Probable Cause Case # 09-11-538

B. Educator Preparation Standing Committee

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

Agency/Institution	Approval Recommendation
<p>Savannah-Chatham County Public School System</p>	<p>The Committee recommends Developmental Approval for the GaTAPP program.</p>
<p>Toccoa Falls College</p>	<p>The Committee recommends Continuing Approval for the professional education unit and all educator preparation programs except Science Education. A Progress Report is due in one year addressing the areas for improvement cited for Standard 5 and shall include a plan to assure that qualified faculty are teaching in the Reading Endorsement program and teaching reading in the Early Childhood Education program.</p> <p>For the Science Education program:</p> <p>The Committee recommends changing the Board of Examiners’ finding on Standard 8 from Met to Not Met and Continuing Approval with Conditions, Option I. A Progress Report is due in six months addressing Standard 8 and it shall include a revised program of study indicating that all broad field science content hours are required as specified in rule 505-3-.28.</p>
<p>University of Georgia</p>	<p>The Committee recommends Developmental Approval of the School Nutrition Director program with a Progress Report due in one year addressing all areas for improvement cited in the Board of Examiners’ Report.</p>
<p>University System of Georgia Collaborative</p>	<p>The Committee recommends that progress is satisfactory in addressing the areas for improvement cited for Standards 2, 3 and 6 for the University System of Georgia Collaborative Online Math and Science M.A.T. Education Programs and that the areas for improvement may be removed.</p>

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

PSC ACTION: Approved

Dr. Craig Smith summarized the “*Recommended Change in GaPSC Approval Review Cycle*” (see below) and Penney McRoy addressed questions from the commission.

The National Council for Accreditation of Teacher Education (NCATE) recently proposed a change in the approval review cycle to all partner states. Georgia is a partner state and we apply the NCATE Standards and procedures in all approval reviews.

An example of the current review cycle for Georgia professional education units follows:

A new professional education unit is Developmentally Reviewed.	...three years later an Initial Performance Review is conducted.	...five years later a Continuing Review is conducted.	...seven years later a Continuing Review is conducted.	...the institution remains on a seven-year cycle as long as all standards are Met.
If all standards are Met...	If all standards are Met...	If all standards are Met...	If all standards are Met...	
2010	2013	2018	2025	2032

An example of the proposed new review cycle which removes the five year review is depicted below.

A new professional education unit is Developmentally Reviewed.	...three years later an Initial Performance Review is conducted.	...seven years later a Continuing Review is conducted.	...the institution remains on a seven-year cycle as long as all standards are Met.
If all standards are Met...	If all standards are Met...	If all standards are Met...	
2010	2013	2020	2027

If at any point in the review cycle standards are not met, Commissioners may direct staff to conduct an on-site Focused Review (on one or more unmet standards) or an on-site Probationary Review (on all standards).

In addition, annual performance data collected through the Preparation Approval Annual Report (PAAR) provide staff with the information necessary to detect any negative trends in unit and program performance. PSC staff will recommend to the Commission corrective actions to address potential problems identified through PAAR data analysis and these actions may be taken between regularly scheduled approval reviews. Corrective actions may range from submission of a Progress Report to increased technical assistance to an on-site review.

MOTION: (Dr. Ed Smith / Moffitt) To accept the recommended change in PSC Approval Review Cycle as presented by Dr. Craig Smith.

ACTION: Approved

VIII. REVIEW HEARINGS

- 1. Mary Dell Fish
Wayne Magnum

- Educator (Case # 07-5-1333)
- Hearing Officer

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Rebecca Mick
Daniel Digby

- PSC Attorney
- Attorney

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

ACTION: Approved

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

ACTION: Approved

MOTION: (Johnson / Bernath) To adopt the Findings of Fact and Conclusions of Law reached by the Administrative Law Judge. The Commission rejected the sanction recommended by the Administrative Law Judge because that sanction would not reflect the seriousness with which the Commission viewed the Educator's violation of the rules applicable to educators.

A greater sanction was warranted given the educator's admission that Mr. Jackson told her he knew how to cook methamphetamine, the log showing the number of times she purchased the pseudoephedrine, and the fact that this was taking place in the home with the educator's minor child. Moreover, the educator continued her association with Mr. Jackson after his arrest, bailed him out and allowed him back in her home.

For these reasons, the Commission ordered that the certificate held by Mary Dell Fish be suspended for a period of two years. The suspension shall begin on March 1, 2010 and shall conclude March 1, 2012.

PSC ACTION: Approved

Opposed: Rose Powell

IX. EXECUTIVE SECRETARY REPORT

The Executive Secretary presented the following:

A. Legislative Update – 1) The Senate Education Sub-Committee heard the Merit Pay Bill; and 2) Senator Lee Hawkins would like to introduce legislation to temporarily reduce the continuing education credits teachers need to renew their teaching certificates. During these hard economic times, teachers would be required to obtain fewer Professional Learning Unit (PLU) credits for recertification. Some school systems pay for these continuing education courses, while many teachers shoulder the cost by spending money out of their own pocket. The PSC will work with Senator Hawkins on perfecting this legislation.

B. Dr. David Hill, Director of Educator Preparation, gave a presentation titled *Educational Leadership Update*. This presentation focused on the 1) informal reviews of leadership program; 2) Educational Leadership Taskforce; and 3) revision of rules.

IX. CHAIR'S REPORT

Chair Wilkes announced that our March Commission meeting will be held at two Peachtree Street in our 5th

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floor boardroom on Thursday, March 11th at 9 a.m.

Chair Wilkes informed the commission that she and Sallie Bullock were emailing back and forth and that we would all certainly miss Sallie and that she thanked her for her service on the commission. She again, welcomed André Mountain.

X. ADJOURNMENT

Chair Wilkes called for the meeting to be adjourned at 11:05 a.m.

PSC ACTION: Approved