

MINUTES

PROFESSIONAL STANDARDS COMMISSION

DHR Board Room
Two Peachtree Street
Atlanta, Georgia 30303-3141
January 8, 2004

The Georgia Professional Standards Commission (PSC) met on Thursday, January 8, 2004, at 9 a.m.

Members Present

Gary Bechtel	Carolyn Lee Hart	Janet Scott
Terri DeLoach	Gwenda Johnson	Bo Slack
Amy Denty	Dottie McClain	Dr. Craig Smith
Mary Gomez	Maria Miller	Dr. Gary Walker

I. CALL TO ORDER

Chair DeLoach called the meeting to order at 9:10 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
- Gayle Wooten, Professional Association of Georgia Educators
- Edith Belder, Professional Association of Georgia Educators
- Beth Roberts, Oglethorpe Univ., GACTE
- John Hooper, GSSA
- Mike McGonigle, Georgia Association of Educators (GAE)
- Jason Oliver
- Linda Arthur, Charlton Co. BOE
- Betty Rodgers, Charlton Co. BOE
- Ann Duffy, Board of Regents

III. ADOPTION OF AGENDA

Chair DeLoach called for approval of the agenda.

MOTION: (Slack / Hart) To approve agenda.

PSC ACTION: Approved

IV. APPROVAL OF MINUTES

Chair DeLoach called for approval of the minutes from the December 11, 2003, Commission meeting.

PSC ACTION: Approved

V. COMMITTEE REPORTS

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

Commissioner Janet Scott, Chair of the Educator Ethics Review Committee (EERC), gave a preliminary review of the Cases.

- Ms. Scott reported that the Committee reviewed 60 *Probable Cause* cases during its January 7, 2004, meeting and brought the following suggestions on behalf of the Committee excluding cases # 17 and 19 and noting that case #3 has been administratively closed due to no longer having jurisdiction to proceed with disciplinary action:

PC #	Case Number	STANDARD(S)	EERC Recommendation
1	03-08-259	Criminal Acts Professional Conduct Public Funds and Property Improper Remunerative Conduct	Suspension for Six Months
2	03-10-537	Criminal Acts Professional Conduct	Revocation
3	03-10-594	Criminal Acts Abuse of Students Professional Conduct	Administratively Closed No Jurisdiction
4	03-10-647 Applicant	Criminal Acts Professional Conduct	No Probable Cause
5	03-10-649 Applicant	Criminal Acts Professional Conduct	Reprimand
6	03-11-676 Applicant	Criminal Acts Professional Conduct	Reprimand
7	03-11-689 Applicant	Criminal Acts Professional Conduct	Reprimand
8	03-11-702 Applicant	Criminal Acts Professional Conduct	Reprimand
9	03-11-738	Criminal Acts Professional Conduct	No Probable Cause
10	03-10-554	Abuse of Students Professional Conduct	Reprimand
11	03-10-592	Abuse of Students Alcohol or Drugs Misrepresentation or Falsification Professional Conduct	Revocation

PC #	Case Number	STANDARD(S)	EERC Recommendation
12	03-11-723	Abuse of Students Alcohol or Drugs Misrepresentation or Falsification Failure to Make a Required Report	No Probable Cause
13	03-10-539	Alcohol or Drugs Professional Conduct	Reprimand
14	03-10-559	Alcohol or Drugs Professional Conduct	Suspension for One Year
15	03-10-582	Alcohol or Drugs Professional Conduct	Suspension for One Year
16	03-10-556	Misrepresentation or Falsification Professional Conduct	Suspension for One Month
17	03-10-585	Misrepresentation or Falsification Professional Conduct	Reprimand
18	03-10-595	Misrepresentation or Falsification Failure to Make a Required Report Professional Conduct	Suspension for One Year
19	03-10-614	Misrepresentation or Falsification Professional Conduct	Suspension for One Month
20	03-11-703	Misrepresentation or Falsification Professional Conduct	Extend Probable Cause Determination through March 11, 2004 Letter of Intent
21	03-11-719	Misrepresentation or Falsification Professional Conduct	Reprimand
22	03-11-725	Misrepresentation or Falsification Professional Conduct	Reprimand
23	03-10-629	Public Funds and Property Professional Conduct	Suspension for Three Months
24	03-10-633	Public Funds and Property Professional Conduct	Suspension for Three Months
25	03-10-634	Public Funds and Property Professional Conduct	Suspension for One Year
26	03-10-636	Public Funds and Property Professional Conduct	Suspension for Two Years
27	03-10-567	Abandonment of Contract Professional Conduct	Suspension for One Year

PC #	Case Number	STANDARD(S)	EERC Recommendation
28	03-10-571	Abandonment of Contract	Suspension for Six Months
29	03-10-573	Abandonment of Contract	No Probable Cause
30	03-10-574	Abandonment of Contract	No Probable Cause
31	03-10-575	Abandonment of Contract	Suspension for Six Months
32	03-10-576	Abandonment of Contract	Suspension for One Year
33	03-10-577	Abandonment of Contract	Suspension for Six Months
34	03-10-578	Abandonment of Contract	No Probable Cause
35	03-10-579	Abandonment of Contract	Suspension for Six Months
36	03-10-591	Abandonment of Contract	Suspension for Six Months
37	03-10-536	Failure to Make a Required Report Misrepresentation or Falsification	Warning
38	03-10-541	Failure to Make a Required Report Misrepresentation or Falsification	Extend Probable Cause Determination through March 11, 2004 Letter of Intent
39	03-10-569	Failure to Make a Required Report Misrepresentation or Falsification	No Probable Cause
40	03-10-615	Failure to Make a Required Report Misrepresentation or Falsification	Warning
41	03-10-655	Failure to Make a Required Report Misrepresentation or Falsification	Reprimand
42	03-11-731 Applicant	Failure to Make a Required Report Misrepresentation or Falsification	Reprimand
43	03-11-736	Criminal Acts Failure to Make a Required Report Misrepresentation or Falsification	Warning
44	03-11-745	Criminal Acts Failure to Make a Required Report Misrepresentation or Falsification	Warning
45	03-10-446	Criminal Acts Professional Conduct Abandonment of Contract	Suspension for One Year

PC #	Case Number	STANDARD(S)	EERC Recommendation
46	03-10-552	Professional Conduct	Suspension for Three Months
47	03-10-558	Professional Conduct	Reprimand
48	03-10-583	Professional Conduct Improper Remunerative Conduct	No Probable Cause
49	03-10-584	Professional Conduct	Reprimand
50	03-10-586	Professional Conduct	Reprimand
51	03-10-589	Professional Conduct	No Probable Cause
52	03-10-590	Professional Conduct Misrepresentation or Falsification	Reprimand
53	03-10-616	Professional Conduct Abuse of Students	Reprimand
54	03-11-698	Professional Conduct	No Probable Cause
55	03-11-800 Applicant	Professional Conduct	Denial
56	03-10-568	Failure to Make a Required Report Misrepresentation or Falsification	Extend Probable Cause Determination through March 11, 2004 Letter of Intent
57	03-10-628	Failure to Make a Required Report Misrepresentation or Falsification	Warning
58	03-11-792	Failure to Make a Required Report Misrepresentation or Falsification	Warning
59	03-11-799	Failure to Make a Required Report Misrepresentation or Falsification	Warning
60	03-11-812	Failure to Make a Required Report Misrepresentation or Falsification	Warning

MOTION: (McClain / Miller) To accept the EERC suggestions for the 60 *Probable Cause* cases excluding cases # 17 and 19 and noting that case #3 has been administratively closed due to no longer having jurisdiction to proceed with disciplinary action.

PSC ACTION: Approved

Case #17

MOTION: (Denty / Miller) To accept the EERC suggestion for a reprimand.

PSC ACTION: Approved

Case #19

MOTION: (Hart / Denty) To accept the EERC suggestion for 1 month suspension.

PSC ACTION: Approved

2. Ms. Scott reported that the Educator Ethics Review Committee reviewed 4 **Initial Decisions** and brought the following suggestions on behalf of the Committee:

Case Number	Ethical Violation	ALJ Initial Decision	EERC Recomm.
02-10-1145	Failure to Make a Required Report Misrepresentation or Falsification	Warning	Accept
02-03-1613	Criminal Acts Professional Conduct	Suspension for One Month	Extended Review Period 30 Days
02-09-920	Abandonment of Contract	Suspension for Six Months	Accept
02-03-1490	Abuse of Students Professional Conduct	No Probable Cause	Accept

MOTION: (McClain / Gomez) To accept the EERC suggestions for the 4 Initial Decisions.

PSC ACTION: Approved

Abstention on Case #4: Gary Bechtel

3. Ms. Scott reported that the Educator Ethics Review Committee reviewed 1 **Petitions-Certificate Issue** and brought the following suggestion on behalf of the Committee:

Case Number	Educator	Nature of Petition	Previous Decision (Violation)	EERC Recomm.
03-09-407	Charles Willis	Right to Reapply	Revocation - June 1, 2000	Grant

MOTION: (McClain / Miller) To accept the EERC suggestions for the Petitions-Certificate Issue.

PSC ACTION: Approved

4. Ms. Scott reported that the Educator Ethics Review Committee reviewed 13 **Settlement Agreements** and brought the following suggestions on behalf of the Committee:

Case Number	Sanction	Violation	EERC Recommendation
03-08-262	Reprimand	Misrepresentation or Falsification: Testing Professional Conduct	Accept
03-08-271	Warning	Public Funds and Property	Accept
03-08-286	Suspension for One Month	Misrepresentation or Falsification: Evaluations Professional Conduct	Accept
Case	Sanction	Violation	EERC

2/17/2004

Page 7

Number			Recommendation
03-08-291	Reprimand	Professional Conduct Abuse of Students	Accept
03-08-296	Suspension for Six Months	Professional Conduct	Accept
03-08-297	Warning	Misrepresentation or Falsification: CH Failure to Make a Required Report	Accept
03-09-361	Warning	Misrepresentation or Falsification: CH Failure to Make a Required Report	Accept
03-09-422	Suspension for One Month	Misrepresentation or Falsification: Evaluations Professional Conduct	Accept
03-10-469	Reprimand	Misrepresentation / Falsification: Previous Suspension Failure to Make a Required Report	Accept
03-10-474	Warning	Misrepresentation / Falsification: Previous Suspension Failure to Make a Required Report	Accept
03-10-493	Reprimand	Criminal Acts Professional Conduct	Accept
03-10-570	Revocation***	Abuse of Students Professional Conduct	Accept
03-11-665	Warning	Misrepresentation / Falsification: Previous Suspension Failure to Make a Required Report	Accept

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

MOTION: (McClain / Gomez) To accept the EERC suggestions for the 13 Settlement Agreements.

PSC ACTION: Approved

5. Ms. Scott reported that the Educator Ethics Review Committee reviewed 6 *Negotiated Settlement Agreements* and brought the following suggestions on behalf of the Committee:

Case Number	Violation	Negotiated Proposal	EERC Recomm.
03-4-2028	Failure to Make a Required Report Professional Conduct	No Probable Cause – (Dismissal – Expunge)	Accept
03-02-1611	Criminal Acts Professional Conduct	Revocation	Accept
03-01-1409	Criminal Acts Professional Conduct	Revocation	Accept
03-04-2024	Misrepresentation or Falsification Professional Conduct	Suspension for Eighteen Months	Reject
03-07-125	Criminal Acts Professional Conduct	Reprimand	Reject
03-01-1507	Professional Conduct Abuse of Students Confidential Information	Suspension for One Year	Accept

MOTION: (McClain / Miller) To accept the EERC suggestions for the 6 Negotiated Settlement Agreements.

PSC ACTION: Approved

6. The Educator Ethics Review Committee suggested approval of the *Preliminary Investigative Determination*

2/17/2004

Page 8

Report consisting of 42 new complaints received during the months of December 2003 and January 2004.

MOTION: (McClain / Gomez) To accept the EERC suggestions for the Preliminary Investigative Determination Report consisting of 42 new complaints received during the months of December 2003 and January 2004.

PSC ACTION: Approved

7. The Educator Ethics Review Committee suggested approval of the ***Extensions to Investigations Report*** consisting of 38 cases.

CASE NUMBERS

03-10-540, 03-10-630, 03-10-580, 03-11-699, 03-10-600, 03-09-383, 03-10-602, 03-10-627, 03-10-638, 03-11-700, 03-11-720, 03-10-551, 03-10-563, 03-10-572, 03-10-603, 03-10-514, 03-10-526, 03-11-677, 03-11-686, 03-11-692, 03-11-747, 03-11-748, 03-11-790, 03-11-791, 03-11-793, 03-11-801, 03-11-814, 03-11-817, 03-12-857, 03-12-864, 03-12-866, 03-12-868, 03-12-869, 03-12-872, 03-12-873, 03-12-877, 03-12-881, 03-12-885

MOTION: (McClain / Johnson) To accept the EERC suggestions of approval of the Extensions to Investigations Report consisting of 38 cases.

PSC ACTION: Approved

8. **APPLICATIONS FOR CERTIFICATION REPORT**

The Educator Ethics Review Committee suggested to approve a no probable cause determination on 26 cases reflected on the ***Applications for Certification Report***.

MOTION: (McClain / Hart) To accept the EERC suggestions of approval of a no probable cause determination for the 26 cases reflected on the Application for Certification Report.

PSC ACTION: Approved

9. **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 that have been issued by the Commission to extend time by 30 additional days to preserve the Commission's time to conduct review hearings.

10. **STUDENT LOAN SUSPENSION / REINSTATEMENTS**

The Commission reviewed the report, which advised of 10 ***Student Loan Reinstatements*** and 8 ***Student Loan Suspensions***.

11. **FINAL DECISIONS BY OPERATION OF LAW**

The Commission reviewed the report, which advised of 20 cases now closed without an appeal for a hearing before an Administrative Law Judge. The report also advised the Committee that there were 6 cases closed without an appeal for a review hearing before the Commission.

V. REVIEW HEARINGS

- | | |
|-----------------------|--------------------------------|
| 1. Suzanne M. Laisney | - Educator (Case # 02-10-1123) |
| Wayne Magnum | - Hearing Officer |
| Rebecca Mick | - PSC Attorney |
| Bradley E. Heard | - Attorney |

MOTION: (Denty / Johnson) To go into Executive Session and allow PSC staff and PSC Attorney (Penny Hannah, Vicky Brantley, Cassandra Moore and Lisa Hartzler) to remain.

ACTION: Approved

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

ACTION: Approved

MOTION: (Scott / Denty) To adopt the Findings of Fact, Conclusions of Law and Decision reached by the Administrative Law Judge.

PSC ACTION: Approved

Abstention: Maria Miller

VI. EXECUTIVE SECRETARY REPORT

The Executive Secretary presented the following:

A. Rick Eiserman, Certification Policy Director, presented a discussion paper on “Certificate/Level Issue: Doctor of Audiology (Au.D.)

MOTION: (Slack / Denty) The Doctor of Audiology (Au.D.) be added to the certification list of degrees and majors as a Level 7 certificate.

ACTION: Approved

B. On our website under the No Child Left Behind Act, we will post sample letters to be sent to parents whose children attend a school that doesn't have a highly qualified teacher. These letters will be in English and Spanish. Samples of these letters were also given to the commissioners.

C. Dr. Toth had addressed the Georgia State Board of Education on the proposed certification changes and the public hearing related to those changes. He distributed the “Proposed Certification Redesign Fact Sheet” to the commissioners. This paper was also given to the Georgia State Board of Education.

D. Amy Denty was presented with an engraved gavel for serving as Chair of the Professional Standards Commission.

VII. CHAIR'S REPORT

Chair, Terri DeLoach stated that she looked forward to working on the commission as Chair.

VIII. ADJOURNMENT

2/17/2004
Page 10

MOTION: (McClain / Denty) To adjourn the meeting.

PSC ACTION: The meeting adjourned at 11:45 p.m.