

MINUTES

PROFESSIONAL STANDARDS COMMISSION

2 Peachtree Street
5th Floor, PSC Boardroom

Atlanta, Georgia

February 8, 2007

The Georgia Professional Standards Commission (PSC) met on Thursday, February 8, 2007, at 9 a.m.

Members Present

Maria Bradley	Maria Miller	Dr. Craig Smith
Sallie Bullock	Dr. Louisa Moffitt	Jeannie Tucker
Stephen Dartt	Dr. Mary Outlaw	Hester Vasconcelos
Jean Ebron	Rose Powell	Dr. Debbie Wilkes
Mary Gomez	Dr. Holly Robinson	
Pamela Greenway		

Members Absent

Gary Bechtel	Lee Muns
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. SERVICE AWARDS

Chair Wilkes presented Margie McQuilkin with a 5 Year Service Award and Lisa Hartzler with a 30 Year Service Award.

III. RECOGNITION OF VISITORS

Chair Wilkes recognized the visitors.

- Margaret Elliott, Professional Association of Georgia Educators
- Gayle Wooten, Professional Association of Georgia Educators
- E. Earl Burke, Attorney
- Kevin Phillips
- Dr. John Mattar, National Evaluation Systems
- John Hooper, Georgia School Superintendents Association
- Sally Bennett, Georgia Association of Educators (GAE)

IV. ADOPTION OF AGENDA

Chair Wilkes called for approval of the agenda.

MOTION: (Robinson / Powell) To approve agenda.

PSC ACTION: Approved

V. APPROVAL OF MINUTES

Chair Wilkes called for approval of the minutes from the January 11, 2007, Commission meeting.

PSC ACTION: Approved

VI. COMMITTEE REPORTS**A. Ethics and Professional Conduct --Recommendations and Actions on Cases**

Commissioner Maria Miller, gave a preliminary review of the Cases.

1. Ms. Miller reported that the Committee reviewed 57 Probable Cause Determinations-Written Complaint cases and 17 Probable Cause Determinations-Application Cases during its February 7, 2007, meeting and brought the following recommendations on behalf of the Committee:

APPLICATION CASES

#	CASE NUMBER	STANDARDS VIOLATED	RECOMMENDATION
1	06-8-96	Criminal Acts	Denial
2	06-9-227	Criminal Acts Professional Conduct	No Probable Cause
3	06-10-394	Criminal Acts Professional Conduct	Reprimand
4	06-11-480	Criminal Acts	Denial
5	06-11-490	Criminal Acts Misrepresentation or Falsification Failure to Make a Required Report Professional Conduct	Reprimand
6	06-11-492	Criminal Acts Professional Conduct	Extend Probable Cause Determination Two Meetings
7	06-11-530	Misrepresentation or Falsification Criminal Acts Professional Conduct	No Probable Cause
8	06-11-536	Criminal Acts Misrepresentation or Falsification Failure to Make a Required Report Professional Conduct	Reprimand
9	06-11-548	Criminal Acts Professional Conduct	No Probable Cause
10	06-11-549	Criminal Acts Professional Conduct	No Probable Cause

#	CASE NUMBER	STANDARDS VIOLATED	RECOMMENDATION
11	06-11-555	Criminal Acts Misrepresentation or Falsification Failure to Make a Required Report Professional Conduct	Reprimand
12	06-11-557	Criminal Acts Professional Conduct	Reprimand
13	06-11-481	Abuse of Students Professional Conduct	Denial
14	06-9-217	Misrepresentation or Falsification Criminal Acts Failure to Make a Required Report Professional Conduct	Reprimand
15	06-9-298	Misrepresentation or Falsification Criminal Acts Professional Conduct	Reprimand
16	06-11-477	Action Taken in Another State Abuse of Students Professional Conduct	No Probable Cause
17	06-11-524	Action Taken in Another State Abandonment of Contract Professional Conduct	No Probable Cause

WRITTEN COMPLAINT CASES

#	CASE NUMBER	STANDARDS VIOLATED	RECOMMENDATION
1	06-8-164	Criminal Acts Misrepresentation or Falsification Failure to Make a Required Report Professional Conduct	Suspension - 5 Contract Days
2	06-8-168	Criminal Acts Professional Conduct	Revocation
3	06-4-1152	Abuse of Students Professional Conduct	Revocation
4	06-8-152	Abuse of Students Professional Conduct	Suspension for Two Years
5	06-10-333	Abuse of Students Professional Conduct	Revocation
6	06-10-350	Abuse of Students Professional Conduct	Suspension - 1 Year
7	06-10-353	Abuse of Students Professional Conduct	Suspension - 20 Contract Days
8	06-10-391	Abuse of Students Professional Conduct	Suspension - 20 Contract Days
9	06-10-404	Abuse of Students Professional Conduct	Suspension - 30 Contract Days

#	CASE NUMBER	STANDARDS VIOLATED	RECOMMENDATION
10	06-10-413	Abuse of Students Criminal Acts Professional Conduct	Revocation
11	06-11-444	Abuse of Students Professional Conduct	Revocation
12	06-11-502	Abuse of Students Professional Conduct	Revocation
13	06-11-508	Abuse of Students Professional Conduct	Revocation
14	06-11-511	Abuse of Students Professional Conduct	DISMISSAL NO JURISDICTION
15	06-11-522	Abuse of Students Professional Conduct	Suspension - 20 Contract Days
16	06-11-529	Abuse of Students Professional Conduct Criminal Acts	Revocation
17	06-11-540	Abuse of Students Professional Conduct	Suspension - 1 Year
18	06-9-264	Alcohol or Drugs Professional Conduct	Suspension - 1 Year
19	06-10-335	Alcohol or Drugs Professional Conduct	Suspension - 1 Year
20	06-10-354	Alcohol or Drugs Professional Conduct	Suspension - 90 Contract Days
21	06-11-515	Alcohol or Drugs Professional Conduct	Suspension - 2 Years
22	06-11-519	Alcohol or Drugs Professional Conduct	Revocation
23	06-11-521	Alcohol or Drugs Professional Conduct	Reprimand
24	06-12-625	Alcohol or Drugs Professional Conduct	Revocation
25	06-7-29	Misrepresentation or Falsification Professional Conduct	Reprimand
26	06-10-410	Misrepresentation or Falsification Professional Conduct	Suspension - 90 Days
27	06-11-443	Misrepresentation or Falsification Professional Conduct	Revocation
28	06-1-769	Public Funds and Property Improper Remunerative Conduct Professional Conduct	Suspension - 5 Days
29	06-11-509	Public Funds and Property Misrepresentation or Falsification Professional Conduct	Revocation
30	06-12-634	Public Funds and Property Confidential Information Professional Conduct	Reprimand

#	CASE NUMBER	STANDARDS VIOLATED	RECOMMENDATION
31	06-12-627	Improper Remunerative Conduct Misrepresentation or Falsification Professional Conduct	Suspension - 45 Days
32	06-12-628	Improper Remunerative Conduct Misrepresentation or Falsification Professional Conduct	No Probable Cause
33	06-12-629	Improper Remunerative Conduct Misrepresentation or Falsification Professional Conduct	No Probable Cause
34	06-5-1253	Confidential Information Professional Conduct	No Probable Cause
35.	06-5-1254	Confidential Information Professional Conduct	No Probable Cause
36.	06-11-582	Confidential Information Professional Conduct	No Probable Cause
37.	06-8-192	Abandonment of Contract Professional Conduct	Suspension - 90 Days
38.	06-11-574	Abandonment of Contract Professional Conduct	Suspension - 90 Days
39.	06-11-584	Abandonment of Contract Professional Conduct	Suspension - 90 Days
40.	06-12-621	Abandonment of Contract Misrepresentation or Falsification Professional Conduct	Suspension - 1 Year
41.	06-12-637	Abandonment of Contract Professional Conduct	No Probable Cause
42.	06-8-135	Professional Conduct Misrepresentation or Falsification Confidential Information	No Probable Cause
43.	06-9-269	Professional Conduct	Suspension - 90 Days
44.	06-9-274	Professional Conduct Criminal Acts	Revocation
45.	06-10-330	Professional Conduct	Suspension - 20 Days
46.	06-10-368	Professional Conduct Abuse of Students	Suspension - 20 Days
47.	06-10-407	Professional Conduct Abuse of Students	Suspension - 5 Days
48.	06-10-409	Professional Conduct Abuse of Students	Suspension - 20 Days
49.	06-11-440	Professional Conduct	Suspension - 5 Days
50.	06-11-513	Professional Conduct Failure to Make a Required Report Criminal Acts	Suspension - 90 Days
51.	06-11-534	Professional Conduct	Suspension - 90 Days

#	CASE NUMBER	STANDARDS VIOLATED	RECOMMENDATION
		Abandonment of Contract	
52.	06-11-535	Professional Conduct Abuse of Students	Suspension - 10 Days
53.	06-11-543	Professional Conduct	Suspension - 20 Days
54.	06-11-581	Professional Conduct	Suspension - 20 Days
55.	06-12-633	Professional Conduct	Reprimand
56.	07-1-676	Professional Conduct	Suspension - 20 Days
57.	06-5-1255	Confidential Information Professional Conduct	No Probable Cause

PSC ACTION: Approved

2. Ms. Miller reported that the Educator Ethics Review Committee reviewed 1 *Initial Decision* and brought the following recommendations on behalf of the Committee:

CASE NUMBER	STANDARDS VIOLATED	PROBABLE CAUSE SANCTION	ADMINISTRATIVE LAW JUDGE SANCTION	RECOMM.
05-8-188	Failure to Make a Required Report Professional Conduct	Reprimand	Warning	Accept

PSC ACTION: Approved

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

#	CASE NUMBER	REQUEST	PREVIOUS SANCTION	PREVIOUS VIOLATION	RECOMM
1	06-7-27	Right to Reapply	Revocation - 8/15/99 Denied Right to Reapply - 6/12/03	Alcohol or Drugs	Deny
2	06-12-631	Right to Reapply	Revocation - 5/16/03	Criminal Acts Professional Conduct	Deny
3	06-5-1252	Right to Reapply	Revocation - 6/12/03	Alcohol or Drugs Abuse of Students Criminal Acts Professional Conduct	Deny

PSC ACTION: Approved

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

#	CASE NUMBER	SANCTION	RECOMMENDATION
1	06-6-1495	Suspension for 90 Contract Days Feb. 26, 2007 - Aug. 31, 2007	Accept
2	06-8-103	Reprimand	Accept
3	06-8-148	Reprimand	Accept
4	06-8-191	Suspension for 5 Contract Days Feb. 26, 2007 - March 2, 2007	Accept
5	06-9-275	Reprimand	Accept
6	06-9-286	Denial	Accept
7	06-9-308	Reprimand	Accept
8	06-10-351	Reprimand	Accept
9	06-10-352	Suspension for 5 Contract Days Feb. 26, 2007 - March 2, 2007	Accept
10	06-10-397	Reprimand	Accept
11	06-11-552	Reprimand	Accept

PSC ACTION: Approved

5. Ms. Miller reported that the Educator Ethics Review Committee reviewed 13 *Negotiated Settlement Agreements* and brought the following recommendations on behalf of the Committee:

#	CASE NUMBER	STANDARDS VIOLATED	PROBABLE CAUSE SANCTION	NEGOTIATED SANCTION	RECOMM.
1.	04-10-441	Criminal Acts Abuse of Students Professional Conduct	Revocation	Revocation	Accept
2.	06-3-1122	Criminal Acts Professional Conduct	Denial	Reprimand	Accept
3.	01-10-758	Professional Conduct	Suspension - One Month	No Probable Cause	Accept
4.	06-7-26	Professional Conduct	Reprimand	No Probable Cause	Accept
5.	05-9-385	Criminal Acts Abuse of Students Misrepresentation or Falsification Professional Conduct	Suspension - One Year	Suspension - 60 Contract Days	Reject

#	CASE NUMBER	STANDARDS VIOLATED	PROBABLE CAUSE SANCTION	NEGOTIATED SANCTION	RECOMM.
6.	05-9-396	Misrepresentation or Falsification Professional Conduct	Suspension - 5 Contract Days	Warning	Reject
7.	04-9-411	Alcohol or Drugs Professional Conduct	Revocation	Suspension - One Year	Reject
8.	06-3-1007	Misrepresentation or Falsification Public Funds and Property Professional Conduct	Revocation	Suspension - 20 Contract Days	Reject
9.	06-3-1074	Professional Conduct	Suspension - 90 Contract Days	Suspension - 60 Contract Days	Reject
10.	04-12-722	Professional Conduct	Reprimand	Warning	Accept
11.	06-8-199	Abuse of Students Professional Conduct	Warning	Warning (Language Changes)	Accept
12.	05-11-578	Professional Conduct	Suspension - 5 Contract Days	Suspension - 5 Contract Days (Language Changes)	Accept
13.	06-8-57	Criminal Acts Misrepresentation or Falsification	Reprimand	Reprimand	Accept

PSC ACTION: Approved

6. Ms. Miller reported that the Educator Ethics Review Committee reviewed 1 *Voluntary Surrender/Voluntary Denial* and brought the following recommendation on behalf of the Committee:

CASE NUMBER	SANCTION	STANDARDS VIOLATED	RECOMMENDATION
06-7-31	Revocation	Criminal Acts Abuse of Students Professional Conduct	Accept

PSC ACTION: Approved

7. The Educator Ethics Review Committee recommended approval of the *Preliminary Investigative Determination Report* consisting of 55 new complaints received during the months of January 2007 and February 2007.

PSC ACTION: Approved

8. **EXTENSIONS – PRELIMINARY INVESTIGATIVE DETERMINATIONS**

The Educator Ethics Review Committee recommended approval of the 9Extensions - Preliminary Investigative Determinations consisting of the following:

CASE # Complaint Received Extension Granted

07-1-712	12-11-06	01-30-07
07-1-713	12-11-06	01-30-07
07-1-714	12-11-06	01-30-07
07-1-715	12-11-06	01-30-07
07-1-716	01-08-07	01-30-07
07-1-717	01-08-07	01-30-07
07-1-718	01-08-07	01-30-07
07-1-719	01-08-07	01-30-07
07-1-720	01-08-07	01-30-07

PSC ACTION: Approved

9. **EXTENSIONS - INVESTIGATIONS**

The Educator Ethics Review Committee recommended granting and *Investigative Extension* to the following 75 Written Complaints and 33 Application cases:

WRITTEN COMPLAINT EXTENSIONS:

06-8-203	06-11-491	06-6-1343	06-10-324	06-11-494	06-10-334	06-11-526	06-10-337
06-9-314	06-11-498	06-6-1390	06-10-325	06-11-496	06-10-348	06-11-538	06-11-439
06-9-315	06-11-506	06-6-1485	06-10-326	06-11-510	06-10-367	06-12-632	06-11-447
06-11-499	06-11-528	06-8-151	06-10-328	06-11-542	06-10-389	06-5-1229	06-11-448
06-11-580	06-11-537	06-8-170	06-10-376	06-11-575	06-10-405	06-5-1243	06-11-504
06-11-516	06-11-541	06-8-171	06-10-379	06-4-1178	06-10-414	06-5-1296	
06-10-331	06-11-544	06-8-180	06-10-403	06-9-209	06-10-415	06-6-1331	
06-10-355	06-12-626	06-8-193	06-10-411	06-9-258	06-11-500	06-6-1386	
06-10-417	06-12-630	06-10-318	06-11-432	06-9-312	06-11-501	06-8-200	
06-11-431	06-5-1261	06-10-323	06-11-438	06-10-321	06-11-505	06-8-201	

APPLICATION CASE EXTENSIONS:

06-8-75	06-9-292	06-11-493	06-11-547	06-11-560	06-11-586	06-12-654	06-12-659	06-12-673
06-9-216	06-11-486	06-11-495	06-11-553	06-11-561	06-12-650	06-12-655	06-12-668	
06-9-220	06-11-487	06-11-545	06-11-554	06-11-562	06-12-651	06-12-656	06-12-670	
06-9-240	06-11-492	06-11-546	06-11-556	06-11-564	06-12-653	06-12-658	06-12-672	

PSC ACTION: Approved

10. **APPLICATIONS FOR CERTIFICATION REPORT**

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The Educator Ethics Review Committee recommended to approve a no probable cause determination on 12 cases reflected on the *Applications for Certification Report*.

PSC ACTION: Approved

11. **REVIEW HEARING EXTENSIONS**

The Commission reviewed the *Review Hearing Extensions Report* concerning 1 hearing case. 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 9 certificates suspended from January 11, 2007 through February 8, 2007. There were 11 certificates that had been reinstated because restitution is now being made on those student loans. 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.

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

The Commission reviewed the report, which advised of 9 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.

VII. REVIEW HEARINGS

- | | |
|-------------------|-------------------------------|
| 1. Kevin Phillips | - Educator (Case # 03-10-552) |
| Wayne Magnum | - Hearing Officer |
| Penney Hannah | - PSC Attorney |
| E. Earl Burke | - Attorney |

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

ACTION: Approved

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

ACTION: Approved

MOTION: (Miller / Vasconcelos) To adopt the Findings of Fact and Conclusions of Law reached by the Administrative Law Judge. The Decision of the Administrative Law Judge as indicated in the Initial Decision is hereby adopted and incorporated by reference herein and made the Final Decision of the Commission with the following specification. The Commission hereby ORDERS that the Georgia educator certificate held by Kevin Phillips be Suspended for a period of three months. The Suspension shall begin on February 23, 2007 and conclude on May 23, 2007.

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PSC ACTION: Approved

Abstention: Mary Gomez

VIII. EXECUTIVE SECRETARY REPORT

A. Dr. Toth introduced Dr. John Mattar, National Evaluation Systems. Dr. Mattar spoke with the commission on the Georgia Assessments for the Certification of Educators Preliminary Pass Rate Analysis. Commissioners were able to view “All Test Fields at Committee-based Passing Scores minus one Standard Error of Measurement on Selected Response Section” and “All Test Fields at Committee-based Passing Scores”.

MOTION: (Greenway / Smith) To accept the Georgia Assessment for the Certification of Educators preliminary pass rate of minus one Standard Error of Measurement on the Selected Response and minus one Constructed Response Section point and to review the test criteria after two years.

ACTION: Approved

Opposed: Stephen Dartt

B. Effective February 1, 2007, reimbursement for mileage is .485 per mile.

C. Name badges have been given to all commissioners to wear so that you can be easily identified at the various meetings you attend for the commission.

D. The Georgia Assessments for the Certification of Educators (GACE) Test Administration Schedule for 2007-2008 Program Year was given to the commissioners.

E. The commissioners were given the response that we received from the State Bar of Georgia regarding the grievance filed against Mr. Maurice Luther King, Jr. The State Bar dismissed the grievance.

F. Wesleyan College sent a letter of apology the Professional Standards Commission for sending a reproduced and erroneous copy of a cover page of a report to their staff.

G. House Bill 250 (To amend part 10 of Article 17 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to professional standards, so as to revise provisions relating to reports of criminal offenses to local boards of education; to revise certain provisions relating to preliminary investigations of violations; to provide for related matters; to repeal conflicting laws; and for other purposes) was dropped into legislation. A copy was given to all commissioners.

H. Dr. Gary Walker, Director of Ethics, reviewed the progress on the development of a program of Ethics Remediation based on the Kentucky model. He reviewed progress to date, the current interest of NASDTEC members and the fact that the authorizing legislations of the PSC must be amended to allow the mandated program. He addressed questions concerning requiring it prior to reinstatement of Revoked educators and stated that the primary group to be served by this program should be those receiving a warning, reprimand and short suspensions for procedural violations.

I. All commissioners are invited to attend a presentation on the GACE Faculty Resources Website on Wednesday, February 21, 2007, at Macon State College in the Theatre Arts Building. The meeting will be from 1:00 p.m. to

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3:00 p.m.

J. Georgia Partnership for Excellence in Education gave the commissioners two pamphlets for their reading: “Top Ten Issues to Watch in 2007” and “Georgia’s Unfinished Business in Teacher Quality”.

K. Dr. Cyndy Stephens, Director of Educator Workforce Recruitment, Research and Development handed out the 2006 Georgia Educator Workforce Status Report .

IX. CHAIR REPORT

A. Dr. Debbie Wilkes discussed the Joint Education Boards Liaison Committee (JEBLC) meeting that was held on January 29th. Some of the topics that were discussed were graduation rates, mathematic programs that are being rolled out and the concern about adding a foreign language to the high schools.

B. Dr. Mary Outlaw requested that hard copies of the hearing records be sent to the commissioners until they become more familiar with the computer.

X. ADJOURNMENT

Chair Wilkes called for the meeting to be adjourned at 11:15 a.m.

PSC ACTION: Approved