

MINUTES

PROFESSIONAL STANDARDS COMMISSION

Two Peachtree Street

Atlanta, Georgia

February 12, 2009

The Georgia Professional Standards Commission (PSC) met on Thursday, February 12, 2009, at 9 a.m.

Members Present

Penny Benton
Julia Bernath
Sallie Bullock
Stephen Dartt
Joy Hawkins

Stephanie Haynes
Emily Jennette
Dr. Louisa Moffitt
Dr. Mary Outlaw

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

Members Absent

Dr. Ed Smith
Dr. Hester Vasconcelos

Pamela Greenway
Al George

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: (Jennette / Powell) To approve the agenda.

PSC ACTION: Approved

III. APPROVAL OF MINUTES

Chair Wilkes called for approval of the minutes from the January 8, 2009, Commission meeting.

PSC ACTION: Approved

IV. RECOGNITION OF VISITORS

Chair Wilkes recognized the visitors.

- Margaret Elliott, Professional Association of Georgia Educators
- Gayle Wooten, Professional Association of Georgia Educators
- John Hooper, Georgia School Superintendents Association
- Howard J. Stiller, Attorney
- William Wear
- Todd M. Johnson, Attorney
- Bill Ware, Georgia Association of Colleges for Teacher Ed.
- Andy Matthews, Georgia Association of School Personnel Administrators (GASPA)

V. 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 49 *Probable Cause* cases during its February 11, 2009, meeting and brought the following recommendations on behalf of the Committee:

#	Case Number	Applicant	Standards Violated	Recommendation
1	08-6-1434	Property Rights	Criminal Acts Misrepresentation or Falsification	Revocation
2	08-6-1536	Property Rights	Criminal Acts Misrepresentation or Falsification	Revocation
3	08-8-189	Property Rights	Misrepresentation or Falsification Public Funds and Property Failure to Make a Required Report Professional Conduct	Suspend 20 Contract Days
4	08-8-203	Property Rights	Criminal Acts Misrepresentation or Falsification Professional Conduct	Extend Probable Cause Determination Pending Criminal Case
5	08-9-277	Initial Applicant	Criminal Acts Professional Conduct	Extend Probable Cause Determination Pending Criminal Case
6	08-9-308	Property Rights	Criminal Acts Professional Conduct	Extend Probable Cause Determination Pending Criminal Case
7	08-9-321	Initial Applicant	Criminal Acts Misrepresentation or Falsification	Reprimand
8	08-9-333	Property Rights	Misrepresentation or Falsification Failure to Make a Required Report	Reprimand
9	08-9-339	Property Rights	Criminal Acts Misrepresentation or Falsification	Reprimand
10	08-9-345	Property Rights	Criminal Acts Misrepresentation or Falsification	Reprimand
11	08-10-386	Property Rights	Criminal Acts Misrepresentation or Falsification	Suspend 20 Contract Days
12	08-10-428	Initial Applicant	Misrepresentation or Falsification Confidential Information Professional Conduct Action Taken in Another State	Reprimand
13	08-10-431	Property Rights	Criminal Acts Misrepresentation or Falsification	Reprimand
14	08-11-532	Initial Applicant	Criminal Acts Professional Conduct	Reprimand
15	08-11-548	Property Rights	Criminal Acts Misrepresentation or Falsification	Reprimand
16	08-11-568	Initial Applicant	Criminal Acts	Reprimand

#	Case Number	Applicant	Standards Violated	Recommendation
17	06-2-907	Property Rights	Criminal Acts Abuse of Students Professional Conduct	Reprimand
18	08-5-1251	Property Rights	Professional Conduct	Suspension – 5 Contract Days
19	08-5-1316	Property Rights	Abuse of Students Professional Conduct	Suspension – 2 Contract Days
20	08-5-1369	Property Rights	Professional Conduct	Suspension – 10 Contract Days
21	08-6-1399	Property Rights	Professional Conduct	Suspension – 1 Year
22	08-6-1500	Property Rights	Professional Conduct	No Probable Cause
23	08-7-68	Property Rights	Professional Conduct	No Probable Cause
24	08-7-78	Property Rights	Misrepresentation or Falsification Public Funds and Property Professional Conduct Other Good and Sufficient Cause	Revocation
25	08-7-97	Property Rights	Confidential Information Professional Conduct	Reprimand
26	08-8-131	Property Rights	Criminal Acts Professional Conduct	Revocation
27	08-8-134	Property Rights	Professional Conduct	Reprimand
28	08-8-137	Property Rights	Professional Conduct	Suspend – 1 Year
29	08-8-215	Property Rights	Abuse of Students Professional Conduct	No Probable Cause
30	08-8-240	Property Rights	Misrepresentation or Falsification Professional Conduct	Suspension – 20 Contract Days
31	08-9-287	Property Rights	Criminal Acts Professional Conduct	Suspend – 1 Year
32	08-9-290	Property Rights	Misrepresentation or Falsification Public Funds and Property	Extend Probable Cause Determination Until April 9, 2009
33	08-9-291	Property Rights	Misrepresentation or Falsification Public Funds and Property	Extend Probable Cause Determination Until April 9, 2009
34	08-9-295	Property Rights	Misrepresentation or Falsification Public Funds and Property Improper Remunerative Conduct	Extend Probable Cause Determination Until April 9, 2009
35	08-9-296	Property Rights	Misrepresentation or Falsification Public Funds and Property Improper Remunerative Conduct	Revocation
36	08-9-305	Property Rights	Criminal Acts Professional Conduct	Revocation
37	08-10-414	Property Rights	Professional Conduct	Suspension – 3 Contract Days
38	08-10-415	Property Rights	Professional Conduct	Suspension – 5 Contract Days

39	08-10-450	Property Rights	Misrepresentation or Falsification Public Funds and Property Professional Conduct	No Probable Cause
40	08-10-454	Property Rights	Alcohol or Drugs Professional Conduct	Suspend – 1 Year
41	08-10-470	Property Rights	Abuse Of Students Professional Conduct	No Probable Cause
42	08-10-490	Property Rights	Failure to File a Required Report Professional Conduct	No Probable Cause
43	08-11-516	Property Rights	Alcohol or Drugs Professional Conduct	Suspend – 1 Year
44	08-11-582	Property Rights	Alcohol or Drugs Professional Conduct	Suspend – 1 Year
45	08-11-587	Property Rights	Criminal Acts	No Probable Cause
46	08-11-593	Property Rights	(Educator Deceased)	No Probable Cause
47	08-11-594	Property Rights	Failure to Make a Required Report	Reprimand
48	08-11-595	Property Rights	Failure to Make a Required Report	Reprimand
49	08-11-609	Property Rights	Professional Conduct	Suspension – 3 Contract Days

2. Mr. Dartt reported that the Educator Ethics Review Committee reviewed 3 *Initial Decisions* and brought the following recommendations on behalf of the Committee:

CASE #	STANDARDS VIOLATED	PROBABLE CAUSE SANCTION	ADMINISTRATIVE LAW JUDGE SANCTION	RECOMMENDATION
06-8-56	Criminal Acts Misrepresentation or Falsification Failure to Make a Required Report Professional Conduct	Revocation	Revocation	Accept
07-12-478	Misrepresentation or Falsification	Denial	Denial & Shorten Time for Reapplication to 3 Months	Review
08-4-1187	Misrepresentation or Falsification Professional Conduct	Suspend - 20 Contract Days	Suspend - 20 Contract Days	Accept

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

CASE #	REQUEST	PREVIOUS SANCTION	PREVIOUS VIOLATION	RECOMMENDATION
08-7-96	Right to Reapply	Revoked: 1998	Criminal Acts Professional Conduct	GRANT
08-12-647	Right to Reapply	Revoked: 2005	Criminal Acts Abuse of Students Professional Conduct	DENY

4. Mr. Dartt reported that the Educator Ethics Review Committee reviewed 15 *Settlement Agreements* and brought the following recommendations on behalf of the Committee:

#	CASE NUMBER	SANCTION	RECOMMENDATION
1	08-5-1231	Suspension – 90 Contract Days (Retro - Aug. 4, 2008 - Dec. 19, 2008)	Accept
2	08-5-1292	Suspension – 5 Contract Days Feb. 23, 2009 - Feb. 27, 2009	Accept
3	08-6-1421	Revocation	Accept
4	08-6-1543	Reprimand	Accept
5	08-7-65	Suspension – 2 Contract Days (Retro – Aug. 4, 2008 – Aug. 5, 2008)	Accept
6	08-7-114	Reprimand	Accept
7	08-8-140	Suspension – 20 Contract Days Feb. 23, 2009 - March 20, 2009	Accept
8	08-8-177	Suspension – 5 Contract Days Feb. 23, 2009 – Feb. 27, 2009	Accept
9	08-8-188	Reprimand	Accept
10	08-8-199	Reprimand	Accept
11	08-9-299	Suspension – 90 Contract Days Feb. 23, 2009 - Sept. 2, 2009	Accept
12	08-9-309	Suspension – 5 Contract Days Feb. 16, 2009 – Feb. 20, 2009	Accept
13	08-9-310	Suspension – 20 Contract Days Feb. 23, 2009 - March 24, 2009	Accept
14	08-10-466	Reprimand	Accept
15	08-10-472	Suspension – 1 Year Feb. 23, 2009 - Feb. 23, 2010	Accept

5. Mr. Dartt reported that the Educator Ethics Review Committee reviewed 21 *Negotiated Settlement Agreements* and brought the following recommendations on behalf of the Committee:

CASE #	STANDARDS VIOLATED	PROBABLE CAUSE SANCTION	NEGOTIATED SANCTION	RECOMMENDATION
1. 05-3-1452	Misrepresentation or Falsification Professional Conduct	Suspension - 1 Month	Suspension - 10 Contract Days (Retroactive) April 18, 2008 - April 29, 2008	Accept
2. 05-10-518	Criminal Acts Abuse of Students Professional Conduct	Revocation	No Probable Cause	Accept

CASE #	STANDARDS VIOLATED	PROBABLE CAUSE SANCTION	NEGOTIATED SANCTION	RECOMMENDATION
3. 06-4-1198	Misrepresentation or Falsification Professional Conduct	Suspension - 90 Contract Days	Suspension - 45 Contract Days Feb. 27, 2009 - May 8, 2009	Accept
4. 06-9-272	Criminal Acts Public Funds and Property Professional Conduct	Suspension - 2 Years	Suspension - 2 Years (Part Retro) Jan. 1, 2008 - Dec. 31, 2009	Accept
5. 07-6-1566	Criminal Acts Action Taken In Another State	Denial	Reprimand	REJECT
6. 07-9-191	Criminal Acts	Denial	Reprimand	Accept
7. 07-11-389	Failure to Make a Required Report Professional Conduct	Revocation	Suspension - 1 Year Feb. 27, 2009 - Feb. 27, 2010	Accept
8. 07-12-606	Alcohol or Drugs Professional Conduct	Suspension - 1 Year	Suspension - 1 Year (Retroactive) Jan. 1, 2008 - Dec. 31, 2008	Accept
9. 08-1-666	Failure to Make a Required Report	Suspension - 20 Contract Days	No Probable Cause	Accept
10. 08-1-728	Abuse of Students Professional Conduct	Suspension - 20 Contract Days	Suspension - 20 Contract Days (Retroactive) Jan. 8, 2008 - Feb. 4, 2008	Accept
11. 08-3-941	Criminal Acts Professional Conduct Action Taken In Another State	Denial	Reprimand	Accept
12. 08-3-1046	Alcohol or Drugs Misrepresentation or Falsification Professional Conduct	Suspension - 2 Years	Suspension - 2 Years (Part Retro) April 15, 2008 - April 14, 2010	Accept
13. 08-5-1240	Abuse of Students Professional Conduct	Suspension - 3 Years	Suspension - 3 Years (Part Retro) April 25, 2008 - April 25, 2011	Accept
14. 08-5-1253	Failure to Make a Required Report Professional Conduct	Suspension - 1 Year	Suspension - 7 Months (Retroactive) July 1, 2008 - Feb. 1, 2009	REJECT
15. 08-5-1343	Criminal Acts	Reprimand	No Probable Cause	Accept
16. 08-5-1357	Abuse of Students	Suspension - 20 Contract Days	Reprimand	Accept
17. 08-5-1358	Public Funds and Property Professional Conduct	Suspension - 5 Contract Days	Suspension - 5 Contract Days March 2, 2009 - March 6, 2009	Accept
18. 08-6-1400	Professional Conduct	Suspension - 5 Contract Days	No Probable Cause	REJECT
19. 08-6-1442	Criminal Acts	Reprimand	No Probable Cause	Accept
20. 08-6-1518	Confidential Information Professional Conduct	Suspension - 20 Contract Days	No Probable Cause	REJECT
21. 08-7-30	Confidential Information Professional Conduct	Suspension - 90 Contract Days	Suspension - 20 Contract Days March 2, 2009 - March 27, 2009	Accept

6. OTHER BUSINESS

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

CASE #	STANDARDS VIOLATED AT PROBABLE CAUSE	PROBABLE CAUSE SANCTION	A.G. REQUEST	RECOMMENDATION
07-1-842	Professional Conduct	Revocation	Request to add Abuse of Students prior to submitting to OSAH	Approve
08-6-1402	Professional Conduct Other Cause	Suspend – 90 Contract Days	Request to add Failure to Make a Required Report and allow A.G. to argue for an increased sanction of a Suspension for 1 Year before the ALJ	Approve
08-6-1403	Professional Conduct Other Cause	Suspend – 90 Contract Days	Request to add Failure to Make a Required Report and allow A.G. to argue for an increased sanction of a Suspension for 1 Year before the ALJ	Approve
08-8-232	Professional Conduct	Suspension – 1 Year	Request to add Criminal Acts prior to submitting to OSAH	Approve

PSC ACTION: Approved

7. VOLUNTARY SURRENDERS / VOLUNTARY DENIALS

The Educator Ethics Review Committee recommended approval of the Voluntary Surrender / Voluntary Denial Report as follows:

CASE NUMBER	SANCTION	STANDARDS VIOLATED	RECOMM.
06-6-1371	Revocation	Criminal Acts Professional Conduct	Accept
08-8-224	Revocation	Abuse of Students Professional Conduct	Accept
08-10-484	Revocation	Criminal Acts Abuse of Students Professional Conduct	Accept
08-11-592	Revocation	Professional Conduct	REJECT

8. The Educator Ethics Review Committee recommended approval of the *Preliminary Investigative Determination Report* consisting of 67 new complaints received during the months of January and February 2009.

9. EXTENSIONS – PRELIMINARY INVESTIGATIVE DETERMINATIONS

The Educator Ethics Review Committee recommended approval of the 30 Extensions - Preliminary Investigative Determinations consisting of the following:

#	CASE #	Complaint Received	#	CASE #	Complaint Received
1	09-1-732	12/17/2008	16	09-1-747	1/7/2009
2	09-1-733	12/19/2008	17	09-1-748	1/7/2009

#	CASE #	Complaint Received	#	CASE #	Complaint Received
3	09-1-734	12/19/2008	18	09-1-749	1/7/2009
4	09-1-735	12/22/2008	19	09-1-750	1/7/2009
5	09-1-736	12/22/2008	20	09-1-751	1/7/2009
6	09-1-737	12/22/2008	21	09-1-752	1/7/2009
7	09-1-738	12/22/2008	22	09-1-753	1/7/2009
8	09-1-739	12/22/2008	23	09-1-754	1/9/2009
9	09-1-740	12/22/2008	24	09-1-755	1/9/2009
10	09-1-741	12/29/2008	25	09-1-756	1/9/2009
11	09-1-742	12/29/2008	26	09-1-757	1/12/2009
12	09-1-743	12/29/2008	27	09-1-758	1/12/2009
13	09-1-744	12/29/2008	28	09-1-759	1/12/2009
14	09-1-745	12/30/2008	29	09-1-760	1/12/2009
15	09-1-746	1/2/2009	30	09-1-782	12/22/2008

10. EXTENSIONS - INVESTIGATIONS

The Educator Ethics Review Committee recommended granting and *Investigative Extension* to the following 43 Written Complaints and 25 Application cases:

WRITTEN COMPLAINT EXTENSIONS:

08-10-385	07-12-607	08-11-603	08-7-31	08-10-397	08-11-521	08-10-402	08-10-463	08-11-523
08-10-468	08-3-847	08-11-604	08-8-217	08-10-398	08-11-522	08-10-410	08-10-494	08-11-580
08-10-471	08-11-515	07-11-383	08-10-387	08-10-405	08-11-578	08-10-411	08-11-574	08-11-591
08-11-597	08-11-599	08-3-1050	08-10-395	08-10-460	08-11-600	08-10-453	08-11-596	
08-11-598	08-11-602	08-6-1550	08-10-396	08-11-520	08-9-312	08-10-459	08-11-601	

APPLICATION CASE EXTENSIONS:

08-7-98	08-9-317	08-9-330	08-10-425	08-11-533	08-11-546	08-11-557	08-11-563	08-12-652
08-8-194	08-9-323	08-9-332	08-10-444	08-11-540	08-11-552	08-11-560	08-11-575	
08-9-314	08-9-328	08-9-336	08-10-479	08-11-543	08-11-555	08-11-562	08-12-649	

11. APPLICATIONS FOR CERTIFICATION REPORT

The Educator Ethics Review Committee recommended to approve a no probable cause determination on 29 cases reflected on the *Applications for Certification Report*.

12. REVIEW HEARING EXTENSIONS

The Commission reviewed the *Review Hearing Extensions Report* concerning 3 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 11 certificates suspended from January 8, 2008 through February 12, 2009. There were 6 certificates that had been reinstated because restitution is now being

made on those student loans. There were 8 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.

14. 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 were 2 cases closed without an appeal for a review hearing before the Commission.

Chair Wilkes called for approval of the report as presented excluding the following:

PSC ACTION: Approved

Abstention: Emily Jennette and Stephanie Haynes – Probable Cause Case # 08-7-78, 08-9-290, 08-9-291, 08-9-295, 08-9-296/Abstention: Julia Bernath-Negotiated Settlement Case # 08-5-1343

B. Educator Preparation Standing Committee

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

Agency/Institution	Approval Recommendation
<p>LaGrange College</p>	<p>The committee recommends Developmental Approval for the LaGrange College professional education unit (initial and advanced) and the following initial educator preparation programs.</p> <ul style="list-style-type: none"> • Biology Education (6-12; Initial M.A.T.) • Broad Field Science Education (6-12; Initial M.A.T.) • Early Childhood Education (P-5; Initial Baccalaureate) • English Education (6-12; Initial M.A.T.) • History Education (6-12; Initial M.A.T.) • Mathematics Education (6-12; Initial M.A.T.) • Middle Grades Education (4-8; Initial M.A.T.) <p>Areas for improvement shall be addressed in the 2009 Annual Report.</p>
<p>University of Georgia</p>	<p>The committee recommends Developmental Approval for the initial educator preparation programs in</p> <p>Birth Through Five Education, Special Education Preschool, and Special Education Adapted Curriculum.</p> <p>Areas for improvement shall be addressed in the 2009 Annual Report.</p>
<p>Northeast Georgia RESA</p>	<p>The committee recommends that the Standard 2 area for improvement, <i>There is no comprehensive plan to summarize and analyze existing data sources for use in program improvement</i> be removed; that the status of Standard 2 be changed from Not Met to</p>

Agency/Institution	Approval Recommendation
	Met, and that approval status for the ECE Math Endorsement and the Reading Endorsement be changed from Developmental Provisional Approval to Developmental Approval.
Proposed Changes to PSC Educator Preparation Rule 505-3-.01	The Committee recommends that the proposed field experience placement requirements for P-12 programs be changed from Pk-3, 4-5, 6-8, and 9-12 to Pk-2, 3-5, 6-8, and 9-12.
Proposed Change in program admission requirements in PSC Educator Preparation Rule 505-3-.05	The Committee recommends that the proposed change in admission requirements allowing a person with a master's or higher degree to exempt the GACE Basic Skills Test currently proposed for only non-traditional preparation programs be made applicable to all initial educator preparation programs.

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

PSC ACTION: Approved

Abstention: Maria Bradley

VI. EXECUTIVE SECRETARY REPORT

The Executive Secretary presented the following:

A. Chuck McCampbell, Director of Information Technology will be leaving us at the end of February. Dr. Mark Pevey, currently at the Board of Regents, will replace Chuck effective March 1, 2009. James Laborde is currently working in our IT division under a contract. We hope to make him a permanent employee when his contract expires. In our Educator Ethics division, we are now working with four investigators who are in the field as Diane Holland (investigator) retired last month.

B. Kelly thanked all of the commissioners for coming in early on Wednesday to participate in the meeting on the Revision of the Code of Ethics.

C. Kelly gave the commissioners a copy of the Resolution that supports the work of the Alliance Math/Science Task Force and the HR1103 committee.

MOTION: (Smith / Bradley) To approve the Resolution that supports the work of the Alliance Math/Science Task Force and the HR1103 committee.

ACTION: Approved

D. Kelly gave the commissioners a copy of the Commissioner's Handbook and thanked Rick Eiserman, Anne Marie Fenton and Mary Ellen Snow for all of their hard work. He also gave the commissioner's a CD on Master Teacher and mentioned that Commissioner Stephanie Haynes appeared on the CD and thanked her for her hard work and the PSC Master Teacher staff. He also mentioned that there would be a Master Teacher conference in May 2009.

E. Phil Blackwell and Dr. David Hill presented the rules for adoption and initiation.

MOTION: (Smith / Powell) To (a) repeal the current rules in Chapter 505-2 Certification, effective March 15, 2009, as follows: 505-2-.161 (b) amend the current rules in Chapter 505-2 Certification, effective March 15, 2009, as follows: 505-2-.08, 505-2-.13, 505-2-.21, 505-2-.38, 505-2-.150, 505-2-153, 505-2-.154, 505-2-.157, and 505-2-.164; and (c) amend the current rules for Chapter 505-3 Educator Preparation, effective March 15, 2009, as follows: 505-3-.33, 505-3-.66, 505-3-.67, and 505-3-.76.

ACTION: Approved

MOTION: (Smith / Moffitt) To (a) amend the current rules in Chapter 505-2 Certification, effective May 15, 2009, as follows: 505-2-.01, 505-2-.02, 505-2-.04, 505-2-.05, 505-2-.06, 505-2-.24, 505-2-.25, 505-2-.50, 505-2-.51, 505-2-.52, 505-2-.53, 505-2-.54, 505-2-.55, 505-2-.57, 505-2-.58, 505-2-.59, 505-2-.60, 505-2-.61, 505-2-.62, 505-2-.63, 505-2-.64, 505-2-.66, 505-2-.69, 505-2-.70, 505-2-.71, 505-2-.74, 505-2-.81, 505-2-.82, 505-2-.84, 505-2-.85, 505-2-.87, 505-2-.88, 505-2-.89, 505-2-.91, 505-2-.94, 505-2-.95, 505-2-.97, 505-2-.104, 505-2-.105, 505-2-.106, 505-2-.107, 505-2-.108, 505-2-.109, 505-2-.110, 505-2-.111, 505-2-.112, 505-2-.116, 505-2-.117, 505-2-.125, 505-2-.126, 505-2-.127, 505-2-.128, 505-2-.129, 505-2-.130, 505-2-.131, 505-2-.132, 505-2-.133, 505-2-.134, 505-2-.135, 505-2-.136, 505-2-.137, 505-2-.138, 505-2-.139, 505-2-.140, 505-2-.141, 505-2-.143, 505-2-.200, 505-2-.201, 505-2-.202, 505-2-.204, 505-2-.205, and 505-2-.206; and (b) adopting new rules for Chapter 505-2 Certification, effective May 15, 2009, as follows: 505-2-.27, 505-2-.28, 505-2-.29, 505-2-.30 and 505-2-.40; (c) rescinding the current rules in Chapter 505-3 Educator Preparation, effective May 15, 2009, as follows: 505-3-.05 and 505-3-.06; (d) amending the current rules in Chapter 505-3 Educator Preparation, effective May 15, 2009, as follows: 505-3-.01 and 505-3-.32; and (e) adopting new rules in Chapter 505-3 Educator Preparation, effective May 15, 2009, as follows: 505-3-.05 and 505-3-.86.

ACTION: Approved

F. On Wednesday, March 11th, we will have a special session on on-line programs at 11:00. We will also recognize Maria Miller and Dr. Wanda West in the commission meeting on Thursday, March 12th. We will have breakfast at 8:30 am so that all the commissioners can get together to honor them.

VII. REVIEW HEARINGS

- | | |
|-----------------|-------------------------------|
| 1. William Wear | - Educator (Case # 07-6-1550) |
| Wayne Magnum | - Hearing Officer |
| Rebecca Mick | - PSC Attorney |
| Todd M. Johnson | - Attorney |

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

ACTION: Approved

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

ACTION: Approved

MOTION: (Bernath / Moffitt) 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 was adopted and incorporated by reference herein and made the Final Decision of the Commission with the following

specification. The Commission hereby ordered that the application for a Georgia educator certificate shall be processed in accordance with normal procedures. Once a Georgia Certificate has been issued to WILLIAM WEAR it shall reflect a Reprimand for past unethical conduct and his future conduct shall be Monitored for a period of two years once he becomes employed as an educator in the State of Georgia.

PSC ACTION: Approved

Abstention: Joy Hawkins, Maria Bradley

Opposed: Rose Powell, Stephen Dartt,

- | | |
|-------------------|-------------------------------|
| 2. Brian Hackett | - Educator (Case # 07-11-399) |
| Wayne Magnum | - Hearing Officer |
| Rebecca Mick | - PSC Attorney |
| Howard J. Stiller | - Attorney |

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

ACTION: Approved

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

ACTION: Approved

MOTION: (Powell / Jennette) The PSC rejected the Initial Decision and found as follows: FINDINGS OF FACTS - A.M. stated in class that she wasn't a "guy". The Educator replied "we haven't taken a shower together yet". Tr. 64. The Educator allowed other detrimental remarks to be made about A.M. Tr. 44 and 64. It was alleged that Educator picked A.M. up to his shoulders and spun her around. This allegation was supported by Educator's admission and other testimony in the record. Tr. 12, 50. Although Educator stated he did this in an effort to break up a fight, student J.J. testified Educator did this for "fun" and that there was no fight. Tr. 50. It was alleged that Educator pulled A.M. in between his legs. This allegation was supported by the testimony of A.M. and the admission of Educator. Tr. 12, 64. It was alleged that Educator frequently rubbed A.M.'s shoulders. This allegation was supported by the testimony of the victim. Tr. 63. It was alleged that Educator hugged A.M. Educator admitted this to D.F.. Tr. 12. Student H.P. also testified to this. Tr. 28. It was alleged that Educator called A.M. "Pinky" because he had seen her underwear once and it was pink. This allegation was supported by the testimony of the victim. Tr. 63. Educator admitted that he had seen the student's pink underwear on one occasion. Tr. 76. Educator also admitted that he called A.M. "Cupcake." Tr. 63, 114. It was alleged that Educator frequently held private conversations with A.M. apart from the other students in class. This allegation was supported by testimony from student H.P. and the victim. Tr. 28, 64. Student witnesses also reported that Educator and A.M. had a close relationship or that they thought that something was going on between student and teacher. Tr. 29, 46. A.M. sat in Educator's lap on a few occasions. Tr. 129, 117. It was alleged that when A.M.'s complaints became known to Educator, he called her home, spoke with her father telling him that A.M. was a lesbian who had just "broken up" with student "V." This was supported in the record by the testimony of K.M., A.M.'s father. Tr. 53. Educator admitted that he called A.M.'s father to discuss the statements that A.M. was making about him. Tr. 119. Educator's daughter, H.H., testified that she learned of A.M.'s allegations about her father from "V" who was a good friend of A.M. and in whom A.M. had confided. Tr. 101. It was Educator's phone call to K.M. which led to A.M.'s allegations being made known to school administrators. Tr. 103, 104, 10, 67. In fact, A.M. made no outcry, but instead her parents reported the situation to school system administration. Tr. 103, 22, 11. Educator, however, later discussed the matter in front of other students. Tr. 50, 97. A.M. was made uncomfortable by Educator's

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behavior toward her. Tr. 25. She also was negatively affected by what happened both before and after Educator's actions became known. Tr. 80-82.

CONCLUSIONS OF LAW - The record shows that Educator violated Standard 2 of the Code of Ethics for Educators. He hugged A.M., called her nicknames, picked her up, pulled her into his lap, and engaged in private conversations with her. As such, Educator failed to maintain a professional relationship with A.M., engaged in harassing behavior towards her and engaged in an inappropriate relationship with her. The record further shows that Educator violated Standard 10 of the Code of Ethics for Educators. Again, Educator hugged A.M., called her nicknames, picked her up, pulled her into his lap and engaged in private conversations with her. Further, Educator called A.M.'s father and attempted to cast aspersions on her at a time when her complaints were becoming known. Educator also discussed this matter with other students. As such, in this situation Educator failed to follow generally recognized professional standards. Further, Educator was unable to function professionally when the allegations became known. Educator engaged in a pattern of behavior which was detrimental to the health, welfare discipline and morals of A.M. and other affected students.

DECISION -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 hereby rejected the Initial Decision entered in this matter. In so doing, the Commission noted that some of the facts relied upon by the ALJ were not supported by the record. The Commission concluded that a sanction is appropriate in this particular case because a No Probable Cause finding as recommended by the Administrative Law Judge does not reflect the seriousness with which the Commission views the Educator's violation of the rules applicable to educators. The Commission hereby **ORDERED** that the Georgia educator certificate held by BRIAN HACKETT shall be **SUSPENDED** for a period of 90 Contract Days to begin February 23, 2009 and shall conclude September 8, 2009.

PSC ACTION: Approved

Abstention: Joy Hawkins, Maria Bradley

VIII. CHAIR'S REPORT

Chair Wilkes presented the following:

A. Our next commission meeting will be held at Two Peachtree Street on Thursday, March 12, 2009 in our 5th floor boardroom. There will be a special session held at 11:00 on on-line programs on Wednesday, March 11, 2009 in our 5th floor boardroom.

IX. ADJOURNMENT

Chair Wilkes called for the meeting to be adjourned at 12:20.

PSC ACTION: Approved