

# MINUTES

## PROFESSIONAL STANDARDS COMMISSION

DHR Board Room

Two Peachtree Street

Atlanta, Georgia 30303-3141

Thursday, November 13, 2003

The Georgia Professional Standards Commission (PSC) met on Thursday, November 13, 2003, at 9 a.m.

### **Members Present**

Gary Bechtel  
Amy Denty  
Mary Gomez

Carolyn Lee Hart  
Gwenda Johnson  
Dottie McClain

Maria Miller  
Janet Scott  
Dr. Craig Smith  
Gary Walker

### **Members Absent**

Terri DeLoach  
Bo Slack

### **I. CALL TO ORDER**

Chair Denty 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. RECOGNITION OF VISITORS**

Chair Denty recognized the visitors.

- Margaret Elliott, Professional Association of Georgia Educators
- Mike McGonigle, Georgia Association of Educators (GAE)
- Gayle Wooten, Professional Association of Georgia Educators
- John Hooper, GSSA
- Ann Duffy, Board of Regents
- Mary Chandler, UGA
- Suzanne Hart-Cheatum
- Pamela Nutt, Former Commissioner
- John Culbreath, Former Commissioner
- Elizabeth Kidd, Former Commissioner
- Smith Pass, Former Commissioner
- Sylvia Hooker, Former Commissioner
- Mary Gendernalik Cooper, GSW
- Linda Kwin DeVitis, GC & SU
- Del Dillon
- Melvin Goldstein, Attorney
- Terrence Thomas, Attorney

### **III. ADOPTION OF AGENDA**

Chair Denty called for approval of the agenda.

**MOTION:** (Miller / McClain) To approve agenda.

**PSC ACTION:** Approved

**IV. APPROVAL OF MINUTES**

Chair Denty called for approval of the minutes from the October 9, 2003, Commission meeting.

**MOTION:** (McClain / Gomez) To approve the minutes.

**PSC ACTION:** Approved

**V. SERVICE AWARDS**

Chair Denty presented a service award to Mr. Edwin B. Aaron for five years of service.

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

Commissioner Janet Scott 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 November 12, 2003, meeting and brought the following recommendations on behalf of the Committee excluding cases 4, 7, 9, 19, 20, 22 and 24:

<b>PC #</b>	<b>Case Number</b>	<b>STANDARD(S)</b>	<b>EERC Recommendation</b>
<b>1</b>	03-08-197 Applicant	Criminal Acts Professional Conduct	No Probable Cause
<b>2</b>	03-08-205	Criminal Acts Professional Conduct Failure to Make a Required Report Misrepresentation or Falsification	Revocation
<b>3</b>	03-08-226 Applicant	Criminal Acts Professional Conduct	Denial
<b>4</b>	03-08-228	Criminal Acts Professional Conduct Abuse of Students	Revocation
<b>5</b>	03-08-290	Criminal Acts Professional Conduct Failure to Make a Required Report	Suspension for Six Months
<b>6</b>	03-09-427	Criminal Acts Professional Conduct	Reprimand
<b>7</b>	03-10-497 Applicant	Criminal Acts Professional Conduct	No Probable Cause
<b>8</b>	03-07-152	Abuse of Students Professional Conduct	Revocation

<b>PC #</b>	<b>Case Number</b>	<b>STANDARD(S)</b>	<b>EERC Recommendation</b>
<b>9</b>	03-08-298	Abuse of Students Professional Conduct	Suspension for Two Years
<b>10</b>	03-08-299	Abuse of Students Professional Conduct	Revocation
<b>11</b>	03-09-335	Abuse of Students Professional Conduct	Suspension for Six Months
<b>12</b>	03-09-337	Abuse of Students Professional Conduct	Revocation
<b>13</b>	03-09-339	Abuse of Students Professional Conduct	Suspension for One Year
<b>14</b>	03-09-397	Alcohol or Drugs	Warning
<b>15</b>	03-07-154	Misrepresentation or Falsification Professional Conduct	Suspension for One Year
<b>16</b>	03-07-155	Abuse of Students Misrepresentation or Falsification Professional Conduct	Suspension for One Year
<b>17</b>	03-08-257 Applicant	Abuse of Students Misrepresentation or Falsification Professional Conduct	Denial
<b>18</b>	03-08-262	Misrepresentation or Falsification Professional Conduct	Reprimand
<b>19</b>	03-08-263	Misrepresentation or Falsification Professional Conduct	Suspension for One Month
<b>20</b>	03-08-286	Misrepresentation or Falsification Professional Conduct	Suspension for Six Months
<b>21</b>	03-09-340	Misrepresentation or Falsification Professional Conduct	Suspension for Three Months
<b>22</b>	03-09-381	Misrepresentation or Falsification Professional Conduct	Suspension for Three Months
<b>23</b>	03-08-261	Public Funds and Property Improper Remunerative Conduct Professional Conduct	Revocation
<b>24</b>	03-08-271	Public Funds and Property	Warning
<b>25</b>	03-05-2128	Abandonment of Contract	Suspension for Six Months
<b>26</b>	03-08-267	Abandonment of Contract	No Probable Cause
<b>27</b>	03-09-318	Abandonment of Contract	Suspension for Six Months
<b>28</b>	03-09-322	Abandonment of Contract	No Probable Cause
<b>29</b>	03-09-323	Abandonment of Contract	Suspension for Six Months
<b>30</b>	03-08-229	Failure to Make a Required Report Misrepresentation or Falsification Professional Conduct	No Probable Cause

<b>PC #</b>	<b>Case Number</b>	<b>STANDARD(S)</b>	<b>EERC Recommendation</b>
<b>31</b>	03-08-265 Applicant	Failure to Make a Required Report Misrepresentation or Falsification Criminal Acts Professional Conduct	Denial
<b>32</b>	03-09-319	Failure to Make a Required Report Misrepresentation or Falsification Criminal Acts	Reprimand
<b>33</b>	03-09-336	Failure to Make a Required Report Misrepresentation or Falsification <del>Criminal Acts</del> Professional Conduct	Warning
<b>34</b>	03-09-349	Failure to Make a Required Report Misrepresentation or Falsification	Reprimand
<b>35</b>	03-09-358	Failure to Make a Required Report Misrepresentation or Falsification	Warning
<b>36</b>	03-09-360	Failure to Make a Required Report Misrepresentation or Falsification	Reprimand
<b>37</b>	03-09-400	Failure to Make a Required Report Misrepresentation or Falsification	Warning
<b>38</b>	03-09-401	Failure to Make a Required Report Misrepresentation or Falsification	Warning
<b>39</b>	03-09-403	Failure to Make a Required Report Misrepresentation or Falsification	Suspension for Six Months
<b>40</b>	03-10-460	Failure to Make a Required Report Misrepresentation or Falsification	Warning
<b>41</b>	03-10-463	Failure to Make a Required Report Misrepresentation or Falsification	Warning
<b>42</b>	03-10-464	Failure to Make a Required Report Misrepresentation or Falsification	Warning
<b>43</b>	03-10-466	Failure to Make a Required Report Misrepresentation or Falsification	Warning
<b>44</b>	03-10-467	Failure to Make a Required Report Misrepresentation or Falsification	Reprimand
<b>45</b>	03-10-468	Failure to Make a Required Report Misrepresentation or Falsification	Warning
<b>46</b>	03-10-469	Failure to Make a Required Report Misrepresentation or Falsification	Reprimand
<b>47</b>	03-10-470	Failure to Make a Required Report Misrepresentation or Falsification	Warning
<b>48</b>	03-10-471	Failure to Make a Required Report Misrepresentation or Falsification	Warning
<b>49</b>	03-10-472	Failure to Make a Required Report Misrepresentation or Falsification	Warning
<b>50</b>	03-10-474	Failure to Make a Required Report Misrepresentation or Falsification	Warning

<b>PC #</b>	<b>Case Number</b>	<b>STANDARD(S)</b>	<b>EERC Recommendation</b>
<b>51</b>	03-10-475	Failure to Make a Required Report Misrepresentation or Falsification	Warning
<b>52</b>	03-10-476	Failure to Make a Required Report Misrepresentation or Falsification	Warning
<b>53</b>	03-10-478	Failure to Make a Required Report Misrepresentation or Falsification	Warning
<b>54</b>	03-08-258	Professional Conduct	Reprimand
<b>55</b>	03-08-269	Professional Conduct	Suspension for Six Months
<b>56</b>	03-08-282 Applicant	Professional Conduct	Reprimand
<b>57</b>	03-08-291	Professional Conduct Abuse of Students	Reprimand
<b>58</b>	03-08-293	Failure to Make a Required Report Misrepresentation or Falsification	Warning
<b>59</b>	03-09-361	Failure to Make a Required Report Misrepresentation or Falsification	Warning
<b>60</b>	03-09-389	Failure to Make a Required Report Misrepresentation or Falsification	Warning

**PSC ACTION:** Approved

**Case # 4**

To accept the EERC recommendation for Revocation.

**PSC ACTION:** Approved

**Case # 7**

To accept the EERC recommendation for No Probable Cause.

**PSC ACTION:** Approved

**Case # 9**

**MOTION:** (Smith / Miller) To amend the EERC recommendation from a Suspension for Two Years to a Suspension for Three Years.

**PSC ACTION:** Approved

Opposed: Gary Bechtel, Gary Walker, Carolyn Hart

To adopt case # 9 as an amended motion.

**PSC ACTION:** Approved

Opposed: Gary Bechtel, Gary Walker, Carolyn Hart

**Case # 19**

To accept the EERC recommendation of a One Month Suspension.

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**PSC ACTION:** Approved

Opposed: Carolyn Hart

**Case # 20**

**MOTION:** (Walker / Scott) To amend the EERC recommendation from a Suspension for Six Months to a Suspension for One Month.

**PSC ACTION:** Approved

Opposed: Carolyn Hart

Abstention: Maria Miller

To adopt case # 20 as an amended motion.

**PSC ACTION:** Approved

Abstention: Maria Miller

Opposed: Carolyn Hart

**Case # 22**

To accept the EERC recommendation of a Three Month Suspension.

**PSC ACTION:** Approved

**Case # 24**

To accept the EERC recommendation of a Warning.

**PSC ACTION:** Approved

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

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<b>Case Number</b>	<b>Ethical Violation</b>	<b>ALJ Initial Decision</b>	<b>EERC Recomm.</b>
02-10-1123	Professional Conduct Public Funds and Property	Suspension for Five Months	Accept
02-07-225	Professional Conduct	Reprimand	Accept
02-04-1814	Professional Conduct: Testing	Reprimand	Accept
02-09-752	Misrepresentation or Falsification Failure to Make a Required Report Action Taken in Another State Abuse of Students	Denial	Accept

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**PSC ACTION:** Approved

3. Ms. Scott reported that the Educator Ethics Review Committee reviewed 6 ***Petitions-Certificate Issues*** and brought the following recommendations on behalf of the Committee:

<b>Case Number</b>	<b>Educator</b>	<b>Nature of Petition</b>	<b>Previous Decision (Violation)</b>	<b>EERC Recomm.</b>
03-9-334	Cynthia Johnson	Right to Reapply	Revocation - June 27, 2000	Grant
03-07-151	Kenneth Cobb	Right to Reapply	Denied – Jan. 4, 2001	Deny
03-09-425	George Lyle	Right to Reapply	Denied – July 13, 2001	Grant
03-08-295	Deborah Clayton	Right to Reapply	Denied – March 24, 2003 Rule Waiver Granted – August 14, 2003 (Allowed Applicant to Petition Early)	Grant
01-08-358	Deborah Cox	Rule Waiver	Renewal Application Denied – October, 1995 Revocation of Certificate Issued in Error - May 27, 2003	Grant
03-07-68	Gary Lewis	Right to Reapply	Denied - Sept. 14, 1999	Deny

**PSC ACTION:** Approved

4. Ms. Scott reported that the Educator Ethics Review Committee reviewed 21 *Settlement Agreements* and brought the following recommendations on behalf of the Committee:

<b>Case Number</b>	<b>Sanction</b>	<b>Violation</b>	<b>EERC Recommendation</b>
03-4-1945	Warning	Failure to Make a Required Report	Accept
03-05-2091	Revocation	Misrepresentation or Falsification: Criminal History	Accept
03-05-2182	Reprimand	Criminal Acts; Abuse of Students; Professional Conduct	Accept
03-06-2325	Warning	Misrepresentation or Falsification: Grading Professional Conduct	Accept
03-06-2326	Warning	Failure to Make a Required Report	Accept
03-06-2329	Reprimand	Misrepresentation or Falsification: Criminal History Professional Conduct	Accept
03-06-2330	Reprimand	Professional Conduct	Accept
03-06-2402	Reprimand	Professional Conduct; Abuse of Students	Accept
03-06-2405	Reprimand	Professional Conduct; Abuse of Students	Accept
03-07-006	Warning	Professional Conduct	Accept
03-07-011	Warning	Failure to Make a Required Report	Accept
03-07-079	Reprimand	Misrepresentation or Falsification: Criminal History	Accept
03-07-090	Warning	Misrepresentation or Falsification: Adverse Action	Accept
03-07-095	Warning	Failure to Make a Required Report	Accept
03-07-102	Warning	Misrepresentation or Falsification: Criminal History	Accept
03-07-133	Reprimand	Failure to Make a Required Report	Accept
03-07-135	Warning	Misrepresentation or Falsification: Criminal History	Accept
		Criminal Acts; Professional Conduct; Failure to Make a Required Report	Accept
		Misrepresentation or Falsification: Criminal History	Accept

03-7-147	Reprimand	Misrepresentation or Falsification: Adverse Action	Accept
03-8-182	Revocation***	Criminal Acts; Abuse of Students; Professional Conduct	Accept
03-8-185	Reprimand	Criminal Acts; Professional Conduct	Accept
03-8-220	Suspension – 6 Months	Abandonment of Contract	Accept
03-9-392	Revocation***	Abuse of Students; Professional Conduct	Accept

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

**PSC ACTION:** Approved

5. Ms. Scott reported that the Educator Ethics Review Committee reviewed 8 *Negotiated Settlement Agreements* and brought the following recommendations on behalf of the Committee:

<b>Case Number</b>	<b>Violation</b>	<b>Probable Cause Finding</b>	<b>EERC Recomm.</b>
02-10-979	Criminal Acts; Abuse of Students; Professional Conduct	Revocation	Accept
03-01-1428	Abuse of Students; Professional Conduct	Suspension – Two Years	Accept
03-01-1512	Professional Conduct	Warning	Accept
03-02-1707	Professional Conduct; Abuse of Students	Suspension – One Year Total Suspension: All Three Cases 18 Months	Reject
02-7-263	Professional Conduct; Abuse of Students	Warning	Accept
02-6-2178	Misrepresentation or Falsification: Evaluation / Grades	Reprimand	Accept
02-4-1703	Misrepresentation or Falsification: Testing	Revocation	Accept
02-12-1348	Misrepresentation or Falsification: Testing Professional Conduct	Reprimand	Accept

**PSC ACTION:** Approved

6. The Educator Ethics Review Committee recommended approval of the *Preliminary Investigative Determination Report* consisting of 99 new complaints received during the months of October and November 2003:

**PSC ACTION:** Approved

7. The Educator Ethics Review Committee recommended approval of the *Extensions to Investigations Report* consisting of 20 cases.

Case Number    Case Number    Case Number    Case Number

03-05-2155	03-09-333	03-10-437	03-10-486
03-08-297	03-08-259	03-10-457	03-10-487
03-09-341	03-08-296	03-10-458	03-10-491
03-08-273	03-09-351	03-10-473	03-10-493
03-08-284	03-09-408	03-10-477	03-10-494

**PSC ACTION:** Approved

**8. APPLICATIONS FOR CERTIFICATION REPORT**

The Educator Ethics Review Committee recommended to approve an no probable cause determination on 59 cases reflected on the *Applications 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 has 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 8 *Student Loan Suspensions* and 14 *Student Loan Reinstatements*.

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

The Commission reviewed the report, which advised of 10 cases now closed without an appeal for a hearing before an Administrative Law Judge. The report also advised the Commission that there were 2 cases closed without an appeal for a review hearing before the Commission.

**VII. RECOGNITION OF FORMER COMMISSIONERS**

Chair Denty presented a framed picture of the Capitol to the following former commissioners:

Sylvia Hooker, Pam Nutt, Elizabeth Kidd, Smith Pass, John Culbreath

**VIII. REVIEW HEARINGS**

- |                         |                              |
|-------------------------|------------------------------|
| 1. Suzanne Hart-Cheatum | - Educator (Case # 02-7-347) |
| Wayne Magnum            | - Hearing Officer            |
| Kathryn Allen           | - PSC Attorney               |
| Melvin Goldstein        | - Attorney                   |

**MOTION:** (Miller / Gomez) To go into Executive Session and allow PSC staff and PSC Attorney (Penny Hannah, Vicky Brantley and Lisa Hartzler) to remain.

**ACTION:** Approved

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**MOTION:** (Scott / Miller) To come out of Executive Session and reconvene the Regular Session.

**ACTION:** Approved

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

**PSC ACTION:** Approved

Opposed: Gary Bechtel, Gary Walker, Craig Smith

- |                     |                               |
|---------------------|-------------------------------|
| 2. Charles J. Smith | - Educator (Case # 01-10-783) |
| Wayne Magnum        | - Hearing Officer             |
| Penny Hannah        | - PSC Attorney                |
| Terence Thomas      | - Attorney                    |

**MOTION:** (McClain / Miller) To go into Executive Session and allow PSC staff (Vicky Brantley and Lisa Hartzler) to remain.

**ACTION:** Approved

**MOTION:** (Walker / Bechtel) To come out of Executive Session and reconvene the Regular Session.

**ACTION:** Approved

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

**PSC ACTION:** Approved

## **IX. EXECUTIVE SECRETARY REPORT**

The Executive Secretary presented the following:

- A. A list of dates and locations for upcoming commission meetings was handed out and discussed.
- B. Presented an article entitled "Georgia is not 50<sup>th</sup> on the SAT".
- C. Charles (Chuck) Topetzes has resigned from the Professional Standards Commission and has taken the position of Chief of Staff with the Speaker' Office.
- D. The mail-out for next month's meeting will go out on November 25<sup>th</sup>. The proposed rule changes will be included and everyone is asked to please review it carefully.
- E. Presented an article entitled "Lifting the Barrier" by Frederick M. Hess, published in Education Next, which told about certification barriers.
- F. Carolyn Hart brought up Testing issues and the amount of cases that are appearing before the Ethics Committee. Dr. Toth has spoken with Superintendent Cox and Stuart Bennett of the Department of Education to try and arrange for someone to speak at the commission meeting so that the commissioners will have a better understanding of what is involved in Testing. This will not take place until we have a full commission, so that it will not have to be repeated.

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**G.** The Educator Preparation division met with the U.S. Department of Education on November 6<sup>th</sup>. The U.S. Department of Education said that we seemed to be far ahead of other states in implementing the Title IIA Highly Qualified Teachers and paraprofessionals. They were all commended.

**X. ADJOURNMENT**

**MOTION:** (McClain / Gomez) To adjourn the meeting.

**PSC ACTION:** The meeting adjourned at 12:05 pm.