

MINUTES

PROFESSIONAL STANDARDS COMMISSION

Two Peachtree Street

Atlanta, Georgia

September 8, 2011

The Georgia Professional Standards Commission (PSC) met on Thursday, September 8, 2011, at 12:30 p.m.

Members Present

Julia Bernath

Marci Cawthon

Alice Clements

Penny Elkins

Dr. Adrian Epps

Heath Garrett

Bill Haskin

Meredith Hodges

Christy McGill

Bettina Polite Tate

Rose Powell

Dr. Lawrence Walters

Pam Walker

Dr. Debbie Wilkes

Pam Williams

Valerie Williams

Members Absent

Stephanie Leggett

David Johnson

I. CALL TO ORDER

Chair Wilkes called the meeting to order at 12:45 p.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: (Pam Walker / Dr. Penny Elkins) To approve the agenda.

PSC ACTION: Approved

III. APPROVAL OF MINUTES

Chair Wilkes called for approval of the minutes from the July 14, 2011, Commission meeting.

PSC ACTION: Approved

IV. VISITORS

Chair Wilkes welcomed the visitors.

- Tayia Donald, Georgia Association of Educators (GAE)
- Tricia Audrain, Georgia Association of Educators (GAE)
- Clayton Gibson
- Linda Fortson, Warren Fortson Law Office
- Vic Verdi, Mercer University
- Jeannette Dubyak, Argosy University

- Delores Banks, Argosy University

V. EMPLOYEE SERVICE AWARD

Chair Wilkes and Kelly Henson presented Sheila Dodson (15 years) with a Service Award, thanked her for her service and Kelly read the following:

Sheila started working for the state of Georgia with the Secretary of State’s office in June of 1996 as an Administrative Clerk in the Support Division. She came to the Professional Standards Commission in June 2001 as a Clerk 2. She advanced to an Information Specialist and in 2007 was promoted to Office Manager for the Imaging and Mail department.

In addition to the 13 specific duties associated with managing the Imaging and Mail area, she:

1. Processes Waiver requests entering them into Peachnet and sending out correspondence and certificate to the educator and correspondence to the school system
2. Sends potential Ethic’s cases to the Ethics Division
3. Orders supplies for the certification division
4. Issues a Temporary Social Security number to applicants that do not have one
5. Notarizes documents for the certification division and other divisions as needed;

Sheila is extremely professional and approaches her work every day with a smile. She is always willing to assist her colleagues and collaborate with others to accomplish certification and PSC goals. Her work schedule is heavy but she always kindly accepts important requests from others. She has earned respect from colleagues throughout the agency.

VI. COMMITTEE REPORTS

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

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

Ms. Powell reported that the Committee reviewed 61 **Probable Cause** cases during its September 7 and 8, 2011, meeting and brought the following recommendations on behalf of the Committee:

<u>CASE</u>	<u>STANDARDS VIOLATED</u>	<u>RECOMMENDATION</u>
11-06-1267	1	Reprimand
11-07-068	1	Deny
11-08-253	1	NPC
10-8-117	5, 10, Law	Suspension - 1 year
10-8-149	4, 7, 10, DoE	NPC
10-8-150	4, 7, 10, DoE	Reprimand
10-12-606	2, 10, Unfit	Suspension - 1 Year

CASE	STANDARDS VIOLATED	RECOMMENDATION
10-12-624	4, 10	Suspension - 5 Days
10-12-625	10	Suspension - 20 Days
11-1-654	2, 10	Suspension - 20 Days
11-1-673	4, 5, 10	Suspension - 1 Year
11-1-713	4, 7, 10, DoE	Suspension - 1 Year
11-1-714	4, 7, 10, DoE	Suspension - 90 Days
11-1-715	4, 7, 10, DoE	Suspension - 1 Year
11-1-716	4, 7, 10, DoE	Suspension - 1 Year
11-1-717	4, 7, 10, DoE	Revoke
11-1-718	4, 7, 10, DoE	Suspension - 2 Years
11-1-719	4, 7, 10, DoE	Suspension - 2 Years
11-2-737	2, 4, 7, 10, Unfit	Suspension - 90 Days
11-2-800	10	Reprimand
11-2-801	10	Suspension - 1 Year
11-2-803	2, 10	NPC
11-3-811	2, 10	Suspension - 5 Days
11-3-816	4, 10	Suspension - 20 Days
11-3-818	2, 10	Suspension - 90 Days
11-3-838	5, 10	Reprimand
11-3-851	2, 4, 10	Revoke
11-3-859	10, Ga Law	Suspension - 20 Days
11-3-898	2, 10	Suspension - 90 Days
11-4-917	2, 10	Suspension - 20 Days
11-4-959	2, 4, 9, 10	NPC
11-4-963	2, 10	Reprimand
11-4-964	2, 10	Reprimand
11-4-975	2, 10	Suspension - 20 Days
11-4-980	1, 2, 10, Unfit	Revoke
11-4-1009	10, Other St.	Reprimand
11-4-1021	2, 10	Reprimand
11-4-1022	2, 10	Revoke
11-4-1026	1, 10, Unfit	Revoke
11-4-1041	4, 10	Suspension - 20 Days
11-4-1061	2, 10, Unfit	Revoke
11-4-1064	10, Unfit	Revoke
11-5-1070	10, 11	Reprimand
11-5-1071	4, 10	Suspension - 5 Days
11-5-1080	2, 10, Unfit	Suspension - 1 year

<u>CASE</u>	<u>STANDARDS VIOLATED</u>	<u>RECOMMENDATION</u>
11-5-1086	1, 6	Extend
11-5-1091	7, 10, 11	Suspension - 2 Years
11-5-1096	1	NPC
11-5-1103	1, 3, 4, 10	Suspension - 1 year
11-5-1116	3, 10	Suspension - 2 Years
11-5-1135	2, 9, 10	NPC
11-5-1136	2, 9, 10	NPC
11-5-1137	2, 10	Suspension - 3 Days
11-5-1153	1	Revoke
11-5-1158	1, 10, Law	Suspension - 2 Years
11-6-1208	5, 10	Suspension - 20 Days
11-6-1229	7, 10, 11	Reprimand
11-6-1258	3, 10	Suspension - 1 Year
11-6-1270	4, 10	NPC
11-07-60	10	NPC
11-07-67	1, 10, Law	Revoke

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

<u>CASE</u>	<u>STANDARDS VIOLATED</u>	<u>ALJ SANCTION</u>	<u>EERC RECOMMEND</u>
10-1-731	1, 2, 4, 10	Revocation	Accept

3. Ms. Powell reported that the Educator Ethics Review Committee reviewed 4 *Petitions Issues* and brought the following recommendations on behalf of the Committee:

<u>CASE</u>	<u>PETITIONER</u>	<u>PREVIOUS SANCTION</u>	<u>EERC RECOMMENDATION</u>
10-11-472	William Hendricks	VS - Sept 6, 2001	Extend
11-4-1063	Kendra Harris	Denial - Jan. 15, 2004	Extend
11-5-1074	Robert Canady	Revocation - July 26, 2006	Extend
11-6-1259	Donna Carter	Revocation - April 16, 2004	Extend

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

CASE	SANCTION	EERC RECOMMENDATION
11-1-690	Suspension - 20 days	Accept
11-2-736	Suspension - 1 Year	Accept
11-4-1059	Suspension - 20 days	Accept
11-5-1185	Suspension - 10 days	Accept
11-6-1286	Suspension - 1 Year	Accept

5. Ms. Powell reported that the Educator Ethics Review Committee reviewed 31 *Negotiated Settlement Agreements* and brought the following recommendations on behalf of the Committee:

CASE	NEGOTIATED SANCTION	EERC RECOMMENDATION
08-10-453	Suspension 30 days	Accept
08-10-471	Suspension 3 Years	Accept
09-1-807	Suspension 5 days	Accept
09-4-1086	Suspension 2 days	Accept
09-4-1171	Suspension 6 months	Accept
09-5-1247	Suspension 10 days	Reject
09-5-1284	NPC	Reject
09-7-100	Suspension 5 days	Accept
09-8-201	Voluntary Surrender	Accept
09-9-297	NPC	Accept
09-9-334	Suspension 20 days	Accept
10-3-1001	NPC	Reject
10-4-1012	Reprimand	Reject
10-4-1062	Reprimand	Accept
10-5-1153	Reprimand	Accept
10-5-1182	Suspension 10 days	Accept
10-6-1282	NPC	Accept
10-6-1384	Suspension 90 days	Accept
10-6-1389	Suspension 5 days	Accept
10-9-301	Suspension 20 days	Accept
10-9-310	NPC	Accept
10-10-348	NPC	Accept
10-10-386	Suspension 10 days	Accept
10-11-455	Suspension 3 Years	Accept
10-11-522	Suspension 5 days	Accept
11-1-662	Suspension 1 Year	Accept
11-1-678	Suspension 1 Year	Accept
11-1-682	NPC	Accept
11-2-724	NPC	Accept
11-3-860	Suspension 60 days	Accept
11-3-867	NPC	Accept

11-3-885	Reprimand	Accept
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6. OTHER BUSINESS

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

<u>CASE</u>	<u>EDUCATOR</u>	<u>PROPOSED</u>	<u>Findins of Fact from the Original Case</u>	<u>Recommend</u>
09-4-1062	Gloria Cartee	Susp - 20 days	During the 2008-2009 school year, the Educator improperly administered the Georgia Alternative Assessment to three special education students. (Suspension: September 12, 2011 - October 14, 2011)	Accept
11-1-663	Pamela Barbour	Hold New App	No service on educator.	Hold New App
11-5-1119	During the course of the PSC investigation of this issue the investigator discovered that the educator has possibly falsified GAA portfolios. The investigation is being expanded to include this allegation.			Expand
11-7-97	The educator, a substitute teacher, was accused by a second grade student of kissing the student of kissing the student and placing his hands down her clothing and touching her vagina. The local district attorney is not pursuing criminal charges at this time. The PSC has recently discovered that the educator has an entry on the NASDTEC clearinghouse indicating he received adverse action in the form of a Denial from Hawaii in 2008.			Investigate
11-9-268	Falsified AYP information			Investigate

7. The Educator Ethics Review Committee recommended approval of the *Preliminary Investigative Determination Report* consisting of 214 new complaints received during the months of July 2011 and August 2011.

8. EXTENSIONS – PRELIMINARY INVESTIGATIVE DETERMINATIONS

The Educator Ethics Review Committee recommended approval of the 72 Extensions - Preliminary Investigative Determinations consisting of the following:

11-7-2	11-7-11	11-7-22	11-7-36	11-7-45	11-7-78	11-7-90	11-7-99
11-7-3	11-7-12	11-7-23	11-7-37	11-7-46	11-7-82	11-7-91	11-8-100
11-7-4	11-7-13	11-7-24	11-7-38	11-7-47	11-7-83	11-7-92	11-8-101
11-7-5	11-7-14	11-7-25	11-7-39	11-7-48	11-7-84	11-7-93	11-8-102
11-7-6	11-7-15	11-7-26	11-7-40	11-7-49	11-7-85	11-7-94	11-8-103
11-7-7	11-7-17	11-7-27	11-7-41	11-7-50	11-7-86	11-7-95	11-8-104
11-7-8	11-7-18	11-7-28	11-7-42	11-7-51	11-7-87	11-7-96	11-8-105

11-7-9	11-7-20	11-7-34	11-7-43	11-7-76	11-7-88	11-7-97	11-8-106
11-7-10	11-7-21	11-7-35	11-7-44	11-7-77	11-7-89	11-7-98	11-8-107

9. EXTENSIONS - INVESTIGATIONS

The Educator Ethics Review Committee recommended granting and *Investigative Extension* to the following 94 *Written Complaints* and 05 *Application cases*:

WRITTEN COMPLAINT EXTENSIONS							
10-7-34	10-12-607	11-3-845	11-4-1046	11-5-1123	11-6-1193	11-6-1225	11-6-1273
10-9-311	10-12-611	11-4-915	11-4-1060	11-5-1124	11-6-1204	11-6-1227	11-6-1274
10-11-478	11-1-646	11-4-978	11-4-1066	11-5-1125	11-6-1205	11-6-1228	11-7-54
10-11-502	11-2-735	11-4-982	11-4-1068	11-5-1131	11-6-1209	11-6-1232	11-7-58
10-11-511	11-2-775	11-4-999	11-5-1075	11-5-1132	11-6-1211	11-6-1234	11-7-59
10-11-512	11-2-793	11-4-1000	11-5-1076	11-5-1138	11-6-1212	11-6-1236	11-7-63
10-11-513	11-2-794	11-4-1017	11-5-1085	11-5-1148	11-6-1214	11-6-1237	11-7-69
10-11-514	11-2-804	11-4-1027	11-5-1098	11-5-1149	11-6-1220	11-6-1252	11-7-72
10-11-515	11-2-806	11-4-1031	11-5-1117	11-5-1175	11-6-1221	11-6-1255	11-7-73
10-12-553	11-3-815	11-4-1032	11-5-1118	11-5-1176	11-6-1222	11-6-1256	11-7-81
10-12-562	11-3-834	11-4-1036	11-5-1119	11-6-1191	11-6-1223	11-6-1271	
10-12-569	11-3-838	11-4-1037	11-5-1122	11-6-1192	11-6-1224	11-6-1272	
APPLICATION CASE EXTENSIONS							
10-12-623	11-3-876	11-6-1249	11-6-1261	11-6-1278			

10. APPLICATIONS FOR CERTIFICATION REPORT

The Educator Ethics Review Committee recommended to approve a no probable cause determination on 24 cases reflected on the *Applications for Certification Report*.

11. VOLUNTAY SURRENDER/VOLUNTARY DENIAL

The Commission reviewed 1 *Voluntary Surrender* in which an Educator/Applicant voluntarily accepted a sanction of Revocation or Denial prior to the submission of an investigative case summary for a Probable Cause Determination.

CASE	STANDARDS VIOLATED	SANCTION	EERC RECOMMENDATION
11-6-1243	2, 10	Voluntary Surrender	Accept

12. REVIEW HEARING EXTENSIONS

The Commission reviewed the *Review Hearing Extensions Report* concerning 1 hearing case. An Administrative Law Judge rendered an Initial Decision on this case. 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 July 14, 2011 through September 8, 2011. There were 10 certificates that had been *reinstated* because restitution is now being made on those student loans. The Commission was also advised that there were no issues where notification had been received to suspend but releases were received prior to the actual suspension being implemented.

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 Educator Ethics Review Committee report as presented by Rose Powell excluding case #'s 11-1-716, 11-3-838, 11-2-724, 11-3-898 and 11-08-253:

PSC ACTION: Approved

Abstention: Julia Bernath and Dr. Adrian Epps – Probable Cause Case # 11-3-838

Probable Cause Case # 11-1-716

MOTION: (Valerie Williams / Rose Powell) To accept a One Year Suspension.

PSC ACTION: Approved

Abstention: Heath Garrett

Negotiated Consent Order Case # 11-2-724

MOTION: (Dr. Penny Elkins / Pam Walker) To accept a No Probable Cause.

PSC ACTION: Approved

Probable Cause Case # 11-3-898

MOTION: (Dr. Adrian Epps / Pam Walker) To accept a 90 Day Suspension with no acceptance of retro-active credit.

PSC ACTION: Approved

Probable Cause Application Case # 11-08-253

MOTION: (Pam Walker / Rose Powell) To accept a No Probable Cause.

PSC ACTION: Approved

B. Educator Preparation Standing Committee

Committee Chair, Dr. Penny Elkins, presented the report of the Educator Preparation Standing Committee.

	Unit Number	Standards	Detailed Approval Recommendations	Additional Action Required
1.	6441 [0911]	1-8	The Committee recommends Continuing Approval for the GaTAPP program. All Standards Met.	

2.	5080 [0911]	2, 3, 4 & 6	1. The Committee recommends that the Progress Report is Satisfactory in addressing the area for improvements in Standard 2, Standard 3, Standard 4 and Standard 6 for the School Nutrition Director Program.	That the brochure indicated in the Progress Report be submitted when published as an indication of continued progress of the School Nutrition Director Program.
			2. The Committee recommends that the Standard 4 Area for Improvement remain for the School Nutrition Director Program.	

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

PSC ACTION: Approved

VII. RULES

Anne Marie Fenton presented the Certification and Educator Preparation rules for adoption.

MOTION: (Julia Bernath / Meredith Hodges) To (1) amend the current rules in Chapter 505-2 Certification, effective October 15, 2011, as follows: 505-2-.20, 505-2-.38, and 505-2-.252; (2) adopt the current rules in Chapter 505-2 Certification, effective October 15, 2011, as follows: 505-2-.208 and 505-2-.209; (3) amend the current rules in Chapter 505-3 Educator Preparation, effective October 15, 2011, as follows: 505-3-.83; and (4) adopt the current rules in Chapter 505-3 Educator Preparation, effective October 15, 2011, as follows: 505-3-.53, 505-3-.54, and 505-3-.59.

ACTION: Approved

VIII. RESOLUTION – EARLY LEARNING CHALLENGE APPLICATION

MOTION: (Julia Bernath / Meredith Hodges) To adopt the Resolution in support of Georgia’s application for the Race to the Top Early Learning Challenge as presented by Kelly Henson.

ACTION: Approved

IX. REVIEW HEARING

- 1. Clayton Gibson - Educator Case # 10-1-772
- Joan Roach - Hearing Officer
- Rebecca Mick - PSC Attorney
- Clayton Gibson represented himself -Educator Attorney

MOTION: (Dr. Adrian Epps / Rose Powell) To go into Executive Session and allow PSC staff (Gary Walker, Kevin Shumake, Kim Anderson, Nancy Teele and Tanis Miller) to remain.

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ACTION: Approved

MOTION: (Dr. Penny Elkins / Meredith Hodges) To come out of Executive Session and reconvene the Regular Session.

ACTION: Approved

MOTION: (Rose Powell / Valerie Williams) 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 hereby adopted and incorporated by reference herein and made the Final Decision of the Commission with the following specification. The Commission ordered that the certificate held by Clayton Richard Gibson be suspended for 20 consecutive contract days with time being served retroactively.

ACTION: Approved

Abstention: Pam Williams, Heath Garrett

X. ADJOURNMENT

Chair Wilkes called for the meeting to be adjourned at 2:36 p.m.

PSC ACTION: Approved