

MINUTES

PROFESSIONAL STANDARDS COMMISSION

DHR Board Room

Two Peachtree Street

Atlanta, Georgia 30303-3141

June 12, 2003

The Georgia Professional Standards Commission (PSC) met on Thursday, June 12, 2003.

Members Present

Sue Sehgal

Amy Denty

Mary Gomez

Pamela Thomas

Dottie McClain

Gwenda Johnson

Gary Walker

Tony Natson

Maria Miller

Janet Scott

Members Absent

Angela Finn

Terri DeLoach

I. CALL TO ORDER

Chair Denty called the meeting to order at 9:05 a.m. and led the Pledge of Allegiance to the U.S. flag and a moment of silence.

II. ADOPTION OF AGENDA

Chair Denty called for approval of the agenda which included hearing the Educator Preparation report before the Educator Ethics report.

MOTION: (Johnson / Miller) To approve agenda.

PSC ACTION: Approved

III. APPROVAL OF MINUTES

Chair Denty called for approval of the minutes from the May 8, 2003, Commission meeting and noted that the date on the first sentence on the first page of the minutes had been changed to reflect the following: The Georgia Professional Standards Commission (PSC) met on Thursday, May 8, 2003.

MOTION: (Thomas / Miller) To approve the minutes.

PSC ACTION: Approved

IV. RECOGNITION OF VISITORS

Chair Denty recognized the visitors.

- Reese Parker, Thomas University
- Gayle Wooten, Professional Assoc. of GA. Educators
- Mike McGonigle, Georgia Association of Educators (GAE)
- S. Jill Fields, Atlanta Public Schools
- Towanda Henderson
- Ann Duffy, Board of Regents
- Christine Smith, Office of Planning and Budget
- William Churchill, Attorney for Curtis Jasper
- Curtis Jasper
- Carol Denmark

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V. PSC AWARDS

Chair Denty gave out PSC service awards to the following:

Gwynn Heslop – 25 Years of Service

Robert Maxson - 15 Years of Service

VI. COMMITTEE REPORTS

A. Educator Preparation Standing Committee

Commissioner, Pam Thomas, presented the report of the Educator Preparation Standing Committee.

1. Thomas University

The Standing Committee for Educator Preparation recommends the following for Thomas University: (a) Continuing Approval with Conditions, Option I, for the Professional Education Unit and the Early Childhood and Middle Grades Education programs and (b) Developmental Provisional Approval, Option I, for all secondary education programs reviewed. A report is due in six months addressing standards unmet.

PSC ACTION: Approved

2. Toccoa Falls College

The Standing Committee for Educator Preparation recommends Continuing Approval for the Professional Education Unit and programs reviewed for Toccoa Falls College.

PSC ACTION: Approved

3. Emmanuel College

The Standing Committee for Educator Preparation recommends that the Emmanuel College progress report demonstrates satisfactory progress and stipulations may be removed.

PSC ACTION: Approved
Abstention: Gwenda Johnson

4. Wesleyan College

The Standing Committee for Educator Preparation recommends that the Wesleyan College progress report demonstrates satisfactory progress and remaining stipulation be removed.

PSC ACTION: Approved

5. Instructional Technology course Approvals

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The Standing committee for Educator Preparation recommends the following for agencies seeking approval for technology courses to meet the special Georgia instructional technology requirement.

Approval – Kennesaw State University (a) English – English 7741: Technology and Media in English and Language Arts (b) Mathematics – math 7719: Technology and Mathematics

Approval with Stipulations (corrective action to be completed by July 3, 2003) – Calhoun County Board of Education – Technology Integration for Educators

PSC ACTION: Approved

6. Technology Course Stipulation Removal – Southwest Georgia

The Standing Committee for Educator Preparation recommends removal of stipulations placed upon the Instructional Technology courses at Southwest Georgia RESA by the Commission.

PSC ACTION: Approved

7. Atlanta Public Schools

The Standing Committee for Educator Preparation recommends Denial of Approval for the Professional Education Unit and programs for the Atlanta Public School system.

PSC ACTION: Approved

B. 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.

1. Ms. Scott reported that the Committee reviewed 60 ***Probable Cause*** cases during its June 11, 2003, meeting and brought the following recommendations on behalf of the Committee excluding case #30, # 44, #48 and 54:

PC #	Case Number	STANDARD(S)	EERC Recommendation
1	03-03-1830	Criminal Acts Professional Conduct	Extend Probable Cause Determination until August 14, 2003
2	03-03-1849	Criminal Acts Professional Conduct	Warning
3	03-03-1875	Criminal Acts Professional Conduct	No Probable Cause
4	03-03-1876	Criminal Acts Professional Conduct	No Probable Cause

PC #	Case Number	STANDARD(S)	EERC Recommendation
5	03-04-1914	Criminal Acts Professional Conduct	Warning
6	03-04-1975	Criminal Acts Professional Conduct	Extend Probable Cause Determination until August 14, 2003
7	03-04-1985 Applicant	Criminal Acts Professional Conduct	Warning
8	03-02-1697	Abuse of Students Professional Conduct	Revocation
9	03-03-1727	Abuse of Students Professional Conduct	Revocation
10	03-03-1749	Abuse of Students Professional Conduct	Reprimand
11	03-03-1795	Abuse of Students Professional Conduct	Warning
12	03-03-1805	Abuse of Students Criminal Acts Professional Conduct	Revocation
13	03-03-1821	Abuse of Students Professional Conduct	Reprimand
14	03-03-1880	Abuse of Students Professional Conduct	Suspension for Three Months
15	03-03-1885	Abuse of Students Misrepresentation or Falsification Professional Conduct	Revocation
16	03-03-1889	Abuse of Students Public Funds and Property Professional Conduct	Suspension for Six Months
17	03-04-1902	Abuse of Students Professional Conduct	Suspension for Six Months
18	03-04-1929	Abuse of Students Professional Conduct	Warning
19	03-04-1931	Alcohol or Drugs Professional Conduct	Suspension for Six Months
20	03-04-1932	Alcohol or Drugs Professional Conduct	Suspension for Six Months
21	03-03-1782 Applicant	Misrepresentation or Falsification Failure to Make a Required Report Criminal Acts Professional Conduct	Denial
22	03-03-1887	Misrepresentation or Falsification Public Funds and Property Professional Conduct	Revocation
23	03-03-1897	Misrepresentation or Falsification	No Probable Cause
24	03-03-1898	Misrepresentation or Falsification	No Probable Cause

PC #	Case Number	STANDARD(S)	EERC Recommendation
25	03-03-1899	Misrepresentation or Falsification Failure to Make a Required Report	Warning
26	03-04-1904	Misrepresentation or Falsification Professional Conduct	Reprimand
27	03-04-1926	Misrepresentation or Falsification Abandonment of Contract Professional Conduct	Suspension for Six Months
28	03-04-1927	Misrepresentation or Falsification Failure to Make a Required Report Professional Conduct	No Probable Cause
29	03-04-1928	Misrepresentation or Falsification Professional Conduct	No Probable Cause
30	03-04-1937	Misrepresentation or Falsification	Suspension for Three Months
31	03-04-1903	Public Funds and Property	Reprimand
32	03-04-1910	Public Funds and Property Professional Conduct	Revocation
33	03-02-1691	Abandonment of Contract	Suspension for Six Months
34	03-03-1892	Abandonment of Contract	Suspension for Six Months
35	03-03-1746	Failure to Make a Required Report Professional Conduct	No Probable Cause
36	03-03-1747	Failure to Make a Required Report Professional Conduct	No Probable Cause
37	03-03-1757	Failure to Make a Required Report	No Probable Cause
38	03-03-1798	Failure to Make a Required Report Misrepresentation or Falsification	Warning
39	03-03-1809	Failure to Make a Required Report Misrepresentation or Falsification Criminal Acts	Reprimand
40	03-03-1881	Failure to Make a Required Report Misrepresentation or Falsification	No Probable Cause
41	03-03-1893	Failure to Make a Required Report Misrepresentation or Falsification	Warning
42	03-03-1894	Failure to Make a Required Report Misrepresentation or Falsification	Warning
43	03-04-1915	Failure to Make a Required Report Misrepresentation or Falsification	Warning
44	03-04-1919	Failure to Make a Required Report Misrepresentation or Falsification	Extend Probable Cause Determination until August 14, 2003
45	03-04-1920	Failure to Make a Required Report Misrepresentation or Falsification	Warning
46	03-04-1945	Failure to Make a Required Report Misrepresentation or Falsification	Extend Probable Cause Determination until August 14, 2003

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PC #	Case Number	STANDARD(S)	EERC Recommendation
47	03-04-1948	Failure to Make a Required Report Misrepresentation or Falsification	Warning
48	03-04-1954	Failure to Make a Required Report Misrepresentation or Falsification	Extend Probable Cause Determination until August 14, 2003
49	03-04-1983 Applicant	Failure to Make a Required Report Misrepresentation or Falsification Criminal Acts	Denial
50	03-04-2037	Failure to Make a Required Report Misrepresentation or Falsification	No Probable Cause
51	03-02-1668	Professional Conduct Abuse of Students	Reprimand
52	03-02-1689	Professional Conduct	Reprimand
53	03-02-1705	Professional Conduct	Reprimand
54	03-03-1806	Professional Conduct	Suspension for One Week
55	03-03-1807	Professional Conduct	Suspension for Three Months
56	03-03-1811	Professional Conduct Abuse of Students	Suspension for Three Months
57	03-03-1814	Professional Conduct	Reprimand
58	03-03-1851	Professional Conduct	Reprimand
59	03-03-1890	Professional Conduct	Reprimand
60	03-04-1935	Professional Conduct Abuse of Students	Reprimand

PSC ACTION: Approved

Case # 30

MOTION: (Walker / Miller) To amend the EERC recommendation from a Suspension for Three Months to an Extended Probable Cause Determination until August 14, 2003.

PSC ACTION: Approved

Case # 44

MOTION: (McClain / Gomez) To issue a Warning.

PSC ACTION: Approved

Case # 48

MOTION: (Walker / Thomas) To issue a Warning.

PSC ACTION: Approved

Case # 54

MOTION: (McClain / Thomas) To amend the recommendation to a Reprimand.

PSC ACTION: Approved

Opposed: Sue Sehgal, Maria Miller, Gary Walker

2. Ms. Scott reported that the Educator Ethics Review Committee reviewed 8 *Initial Decisions* and brought the following recommendations on behalf of the Committee:

Case Number	Ethical Violation	ALJ Initial Decision	EERC Recomm.
02-05-1979	Abandonment of Contract	Reprimand	Review
01-12-986	Criminal Acts, Abuse of Students; Professional Conduct	Revocation	Accept
02-03-1572	Abandonment of Contract	No Probable Cause	Review
01-08-358	Criminal Acts	Revocation	Review
02-07-172	Criminal Acts	Denial	Accept
	Failed to Make a Required Report		
02-06-2474	Abuse of Students Professional Conduct	Revocation	Accept
02-06-2242	Misrepresentation or Falsification: Testing Irregularity	Warning	Accept
02-09-964	Misrepresentation or Falsification: Compliant Reports Professional Conduct	Warning	Accept

PSC ACTION: Approved

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

Case Number	Educator	Nature of Petition	Previous Decision (Violation)	EERC Recomm.
03-03-1808	Utaff Gordon	Right to Reapply	Revocation – 8/5/1999 Tested Positive for Cocaine	Deny
02-09-728	Floyd Peters	Motion for Stay	Suspension – May 23, 2003 – May 23, 2004	Deny
03-2-1565	Billy Wilson	Right to Reapply	Revocation - 12/2/1999 Abuse of Students	Deny

PSC ACTION: Approved

4. Ms. Scott reported that the Educator Ethics Review Committee reviewed 35 *Settlement Agreements* and brought the following recommendations on behalf of the Committee:

Case Number	Sanction	Violation	EERC Recommendation
03-01-1475	Suspension for One Month	Public Funds & Property Professional Conduct	Accept

Case Number	Sanction	Violation	EERC Recommendation
03-01-1476	Suspension for One Month	Misrepresentation or Falsification Professional Conduct	Accept
03-01-1479	Suspension for One Month	Public Funds & Property Professional Conduct	Accept
03-01-1487	Warning	Failure to Make a Required Report Misrepresentation or Falsification	Accept
03-01-1488	Suspension for One Year	Professional Conduct Criminal Acts	Accept
03-01-1489	Reprimand	Abuse of Students Professional Conduct	Accept
03-01-1509	Suspension for One Month	Professional Conduct	Accept
03-01-1533	Reprimand	Abuse of Students Professional Conduct	Accept
03-01-1557	Warning	Alcohol or Drugs	Accept
03-01-1558	Suspension for Six Months	Abandonment of Contract	Accept
03-01-1562	Revocation	Alcohol or Drugs Professional Conduct Abuse of Students	Accept
03-02-1566	Denial	Abandonment of Contract	Accept
03-02-1596	Suspension for One Month	Abuse of Students Professional Conduct	Accept
03-02-1599	Denial	Abandonment of Contract	Accept
03-02-1613	Suspension for One Month	Public Funds & Property	Accept
03-02-1667	Reprimand	Abuse of Students Professional Conduct	Accept
03-02-1669	Warning	Public Funds & Property Professional Conduct	Accept
03-02-1670	Warning	Public Funds & Property Professional Conduct	Accept
03-02-1671	Warning	Public Funds & Property Professional Conduct	Accept
03-02-1680	Reprimand	Misrepresentation or Falsification Professional Conduct	Accept
03-02-1685	Warning	Failure to Make a Required Report Misrepresentation or Falsification	Accept
03-02-1687	Warning	Failure to Make a Required Report Misrepresentation or Falsification	Accept
03-02-1688	Reprimand	Professional Conduct	Accept
03-02-1696	Warning	Abuse of Students Professional Conduct	Accept
03-03-1713	Warning	Professional Conduct	Accept
03-03-1717	Warning	Abuse of Students Professional Conduct	Accept
03-03-1722	Reprimand	Alcohol or Drugs	Accept

Case Number	Sanction	Violation	EERC Recommendation
03-03-1724	Revocation***	Criminal Acts	Accept
03-03-1726	Suspension for One Month	Professional Conduct	Accept
03-03-1745	Suspension for Three Months	Professional Conduct	Accept
03-03-1799	Warning	Failure to Make a Required Report	Accept
		Misrepresentation or Falsification	
03-03-1832	Warning	Failure to Make a Required Report	Accept
		Misrepresentation or Falsification	
03-03-1861	Warning	Failure to Make a Required Report	Accept
		Misrepresentation or Falsification	
03-04-1944	Revocation***	Abuse of Students	Accept
		Professional Conduct	
03-04-2015	Revocation***	Abuse of Students	Accept
		Professional Conduct	

*****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 7 *Negotiated Settlement Agreements* and brought the following recommendations on behalf of the Committee:

Case Number	Violation	Probable Cause Finding	Negotiated Proposal	EERC Recomm.
02-12-1341	Professional Conduct	Suspension for One Month	No Probable Cause	Accept
02-07-344	Abandonment of Contract	Suspension for Six Months	Warning	Accept
02-10-1030	Misrepresentation or Falsification	Denial	Administratively Close	Accept
02-09-872	Professional Conduct	Suspension for One Month	Suspension for One Month	Accept
02-6-2243	Misrepresentation or Falsification	Reprimand	Reprimand	Accept
01-08-271	Criminal Acts; Professional Conduct	Revocation	Revocation	Accept
02-06-2357	Abuse of Students; Criminal Acts; Professional Conduct	Revocation	Revocation	Accept

PSC ACTION: Approved

6. The Educator Ethics Review Committee recommended approval of the *Preliminary Investigative Determination Report* consisting of 98 new complaints, 1 change and 2 additional charges received during the months of May and June 2003, excluding case #10, #11, #29 and #30.

PSC ACTION: Approved

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Case # 10, 11, 29 and 30

MOTION: (Scott / Miller) An investigation is not warranted.

PSC ACTION: Approved

Opposed: Mary Gomez, Dottie McClain

7. The Educator Ethics Review Committee recommended approval of the *Extensions to Investigations Report* consisting of 6 cases.

<u>Case Number</u>
03-02-1661
03-03-1812
03-02-1676
03-03-1822
03-04-2023
03-05-2093

PSC ACTION: Approved

8. **APPLICATIONS FOR CERTIFICATION REPORT**

The Educator Ethics Review Committee recommended approval for no probable cause findings on 34 cases on the *Applications for Certification Report*.

PSC ACTION: Approved

9. **REVIEW HEARING EXTENSIONS**

The Commission reviewed the report, which advised of 9 *Review Hearing Extensions*. 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. **COLLEGE / UNIVERSITY PREPARATION PROGRAM**

The Commission reviewed the quarterly *College/University Preparation Program Report* that reflected sanctions taken against certificates for certain violations of the code of ethics during the months of March, April and May of 2003. The report also reflected which college or university prepared the educators that received a sanction.

11. **STUDENT LOAN SUSPENSION / REINSTATEMENTS**

The Commission reviewed the report, which advised of 18 *Student Loan Reinstatements and 11 Student Loan Suspensions*.

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

The Commission reviewed the report, which advised of 12 cases closed by Operation of Law.

VII. REVIEW HEARINGS

1. Curtis Jasper - Educator (Case # 01-10-779)
Wayne Magnum - Hearing Officer

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Penny Hannah - PSC Attorney

William Churchill - Attorney

MOTION: (Thomas / McClain) To go into Executive Session and allow PSC staff (Vicky Brantley, Cassandra Moore and Lisa Hartzler) to remain.

ACTION: Approved

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

Opposed: Pam Thomas, Tony Natson, Gary Walker, Gwenda Johnson

2. Towanda Henderson - Educator (Case # 02-03-1613)

Wayne Magnum - Hearing Officer

Penny Hannah - PSC Attorney

Michael McGonigle - Attorney

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

ACTION: Approved

MOTION: (Thomas / Walker) To adopt the Findings of Fact and Conclusions of Law reached by the Administrative Law Judge with the following additional language added to Section II. Findings of Fact, Number 1., following the word assertions.

that on or about January 22, 2002, Respondent completed an application to the Professional Standards Commission to "Add a Field" to her teaching certificate. Respondent answered "yes" to the question whether she had ever been "convicted of a felony or misdemeanor or pled nolo contendere, or are you now under investigation for such offenses, other than a minor traffic offense? For purposes of this application, DUI/DWIs should be reported." On March 26, 2002, the Respondent was instructed to provide a written explanation for her response and provide a criminal background from her local law enforcement agency. The Respondent failed to provide an explanation or a criminal background.

PSC ACTION: Approved

3. Carol Denmark - Educator (Case # 01-02-1174) (*pro se*).

Wayne Magnum - Hearing Officer

Penny Hannah - PSC Attorney

MOTION: (McClain / Scott) To go into Executive Session and allow PSC staff (Vicky Brantley, Cassandra Moore and Lisa Hartzler) to remain.

ACTION: Approved

MOTION: (Thomas / Walker) To adopt the Findings of Fact and Conclusions of Law reached by the Administrative Law Judge.

PSC ACTION: Approved

VIII. EXECUTIVE SECRETARY REPORT

The Executive Secretary presented the following:

A. Initiation of Rules (presented by F.D. Toth)

MOTION: (Walker / Miller) To initiate Rule 505-1-.08.

PSC ACTION: Approved

B. Adoption of Rules (presented by Vicky Brantley)

MOTION: (Walker / Miller) To adopt Rule 505-6-.01.

PSC ACTION: Approved

C. Travel – It was requested that all Commissioners hand in any travel reimbursables that they might have since it is our fiscal year end.

D. All Commissioners whose term ends on July 2003, are permitted to serve on the committee until a replacement has been appointed.

E. The National Association of State Directors of Teacher Education & Certification (“NASDTEC”) annual conference was held in Seattle on June 8-11, 2003. Dr. Toth gave a brief report on the conference.

IX. CHAIR’S REPORT

The Chair, Amy Denty, did not present a report.

X. ADJOURNMENT

MOTION: (Thomas / Johnson) To adjourn the meeting.

PSC ACTION: The meeting adjourned at 12:25 pm.