

MINUTES

PROFESSIONAL STANDARDS COMMISSION

Lake Blackshear Resort

Cordele, Georgia

March 13, 2008

The Georgia Professional Standards Commission (PSC) met on Thursday, March 13, 2008, at 9 a.m.

Members Present

Maria Bradley	Lee Muns	Jeannie Tucker
Sallie Bullock	Dr. Mary Outlaw	Hester Vasconcelos
Stephen Dartt	Rose Powell	Dr. Wanda West
Maria Miller	Dr. Craig Smith	Dr. Debbie Wilkes

Members Absent

Gary Bechtel	Jean Ebron	Dr. Louisa Moffitt
Emily Jennette	Pamela Greenway	

I. CALL TO ORDER

Chair Wilkes called the meeting to order at 9:00 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: (Miller / West) To approve agenda.

PSC ACTION: Approved

III. APPROVAL OF MINUTES

Chair Wilkes called for approval of the minutes from the February 14, 2008 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
- Harold Chambers, Coastal Plains RESA
- Scott Chestnutwood, Coastal Plains RESA
- Kathy Walker, Coastal Plains RESA

V. COMMITTEE REPORTS

A. Educator Ethics --Recommendations and Actions on Cases

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

1. Ms. Miller reported that the Committee reviewed 32 **Probable Cause** cases during its March 12, 2008, meeting and brought the following recommendations on behalf of the Committee:

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#	CASE #	Applicant	STANDARDS VIOLATED	RECOMMENDATION
1	07-6-1548	Property Rights	Criminal Acts	Warning
2	07-9-204	Property Rights	Criminal Acts Misrepresentation or Falsification	Reprimand
3	07-11-431	Property Rights	Criminal Acts Misrepresentation or Falsification	Reprimand
4	07-11-433	APPLICANT	O.C.G.A. §20-3-295	Denial
5	07-11-435	APPLICANT	Criminal Acts	Reprimand
6	07-12-514	APPLICANT	Criminal Acts Misrepresentation or Falsification	Reprimand
7	07-12-516	APPLICANT	Criminal Acts Abuse of Students Professional Conduct Action Taken in Another State	Reprimand
8	07-12-518	Property Rights	Criminal Acts Failure to Make a Required Report Professional Conduct Action Taken in Another State	Revocation
9	06-5-1223	Property Rights	Professional Conduct Other Good and Sufficient Cause	No Probable Cause
10	07-5-1249	Property Rights	Abuse of Students Professional Conduct	Reprimand
11	07-5-1333	Property Rights	Criminal Acts Professional Conduct	Revocation
12	07-6-1516	Property Rights	OCGA 20-2-989.20 Misrepresentation or Falsification Professional Conduct	No Probable Cause
13	07-6-1517	Property Rights	OCGA 20-2-989.20 Misrepresentation or Falsification Professional Conduct	No Probable Cause
14	07-7-69	Property Rights	Criminal Acts Abuse of Students Professional Conduct	Revocation
15	07-8-162	Property Rights	DOE Rule160-3-1-.07 Confidential Information Professional Conduct	Suspension – 20 Contract Days
1	07-6-1548	Property Rights	Criminal Acts	Warning
2	07-9-204	Property Rights	Criminal Acts Misrepresentation or Falsification	Reprimand
3	07-11-431	Property Rights	Criminal Acts Misrepresentation or Falsification	Reprimand
4	07-11-433	APPLICANT	O.C.G.A. §20-3-295	Denial
5	07-11-435	APPLICANT	Criminal Acts	Reprimand
6	07-12-514	APPLICANT	Criminal Acts Misrepresentation or Falsification	Reprimand
7	07-12-516	APPLICANT	Criminal Acts Abuse of Students Professional Conduct Action Taken in Another State	Reprimand

#	CASE #	Applicant	STANDARDS VIOLATED	RECOMMENDATION
8	07-12-518	Property Rights	Criminal Acts Failure to Make a Required Report Professional Conduct Action Taken in Another State	Revocation
9	06-5-1223	Property Rights	Professional Conduct Other Good and Sufficient Cause	No Probable Cause
10	07-5-1249	Property Rights	Abuse of Students Professional Conduct	Reprimand
11	07-5-1333	Property Rights	Criminal Acts Professional Conduct	Revocation
12	07-6-1516	Property Rights	OCGA 20-2-989.20 Misrepresentation or Falsification Professional Conduct	No Probable Cause
13	07-6-1517	Property Rights	OCGA 20-2-989.20 Misrepresentation or Falsification Professional Conduct	No Probable Cause
14	07-7-69	Property Rights	Criminal Acts Abuse of Students Professional Conduct	Revocation
15	07-8-162	Property Rights	DOE Rule160-3-1-.07 Confidential Information Professional Conduct	Suspension – 20 Contract Days
16	07-8-171	Property Rights	Abuse of Students Professional Conduct	Suspension – 1 Year
17	07-8-172	Property Rights	Public Funds and Property Professional Conduct	Revocation
18	07-8-173	Property Rights	Criminal Acts Abuse of Students Professional Conduct	Revocation
19	07-9-217	Property Rights	Misrepresentation or Falsification Professional Conduct	Reprimand
20	07-10-337	Property Rights	Abuse of Students Professional Conduct	Reprimand
21	07-10-345	Property Rights	Abandonment of Contract Professional Conduct	Suspension – 90 Contract Days
22	07-11-422	Property Rights	Misrepresentation or Falsification Professional Conduct	Suspension – 90 Contract Days
23	07-11-424	Property Rights	Abandonment of Contract Professional Conduct	Suspension – 90 Contract Days
24	07-11-448	Property Rights	Abuse of Students Professional Conduct	Suspension – 20 Contract Days
25	07-12-573	Property Rights	Misrepresentation or Falsification Professional Conduct	Suspension – 10 Contract Days
26	07-12-574	Property Rights	Misrepresentation or Falsification Professional Conduct	No Probable Cause
27	07-12-576	Property Rights	Alcohol or Drugs Professional Conduct	Reprimand
28	07-12-580	Property Rights	Public Funds and Property	Suspension – 20 Contract Days
29	07-12-598	Property Rights	Abuse of Students Professional Conduct	Revocation
30	07-12-619	Property Rights	Abuse of Students Professional Conduct Other Good and Sufficient Cause	Suspension – 20 Contract Days

#	CASE #	Applicant	STANDARDS VIOLATED	RECOMMENDATION
31	07-12-621	Property Rights	Abuse of Students Professional Conduct	Revocation
32	07-8-117	Property Rights	Professional Conduct	Extend Probable Cause Determination for 30 Additional Days

PSC ACTION: Approved

2. Ms. Miller reported that the Educator Ethics Review Committee reviewed 6 ***Initial Decisions*** and brought the following recommendations on behalf of the Committee:

CASE #	STANDARDS VIOLATED	PROBABLE CAUSE SANCTION	ADMINISTRATIVE LAW JUDGE SANCTION	RECOMMENDATION
04-10-516	Criminal Acts Misrepresentation or Falsification Failure to Make a Required Report	Denial	Denial	Accept
05-2-1116	Criminal Acts Misrepresentation or Falsification Professional Conduct	Revocation	Revocation	Accept
06-7-3	Misrepresentation or Falsification Public Funds and Property Professional Conduct	Suspend – 20 Contract Days	Suspend – 6 Months	Accept
06-9-220	Criminal Acts	Revocation	Suspend: Indefinitely (* Eligible to Petition after 2 years with stipulations.)	Accept
06-11-500	Criminal Acts Alcohol or Drugs Failure to Make a Required Report Professional Conduct	Revocation	Revocation	Accept
06-12-661	Criminal Acts	Revocation	Revocation	Accept

PSC ACTION: Approved

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

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CASE NUMBER	REQUEST	PREVIOUS SANCTION	PREVIOUS VIOLATION	RECOMMENDATION
07-9-215	Right to Reapply	Denial: 5/13/04	Misrepresentation or Falsification Professional Conduct	Deny
07-10-347	Right to Reapply	Denial: 10/17/03	Criminal Acts Professional Conduct	Deny
07-11-405	Right to Reapply	Revoked: 5/13/04	Abuse of Students	Deny
07-12-604	Right to Reapply	Revoked: 11/13/04	Criminal Acts Abuse of Students Professional Conduct	Deny
08-1-633	Right to Reapply	Denial: 07/16/04	Abuse of Students Professional Conduct	Deny
08-1-651	Right to Reapply	Revoked: 7/14/05	Criminal Acts Professional Conduct	Grant

PSC ACTION: Approved

4. Ms. Miller reported that the Educator Ethics Review Committee reviewed 12 *Settlement Agreements* and brought the following recommendations on behalf of the Committee:

#	CASE NUMBER	SANCTION	RECOMMENDATION
1	07-5-1263	Suspension - 1 Year 03/31/08 – 03/31/09	Accept
2	07-6-1568	Reprimand	Accept
3	07-8-130	Reprimand	Accept
4	07-8-135	Reprimand	Accept
5	07-9-212	Suspension - 5 Contract Days 03/31/08 – 04/04/08	Accept
6	07-10-323	Reprimand	Accept
7	07-10-331	Suspension - 1 Year 03/31/08 – 03/31/09	Accept
8	07-11-384	Revocation	Accept
9	07-11-387	Reprimand	Accept
10	07-11-445	Suspension - 1 Year 03/31/08 – 03/31/09	Accept
11	07-11-457	Reprimand	Accept
12	07-12-511	Reprimand	Accept

PSC ACTION: Approved

5. Ms. Miller reported that the Educator Ethics Review Committee reviewed 19 *Negotiated Settlement Agreements* and brought the following recommendations on behalf of the Committee:

CASE NUMBER	STANDARDS VIOLATED	PROBABLE CAUSE SANCTION	NEGOTIATED SANCTION	RECOMMENDATION
04-4-1517	Misrepresentation or Falsification Professional Conduct	Suspension - 6 Months	Warning	Accept
04-9-333	Abandonment of Contract	Suspension - 6 Months	Suspension - 6 Months	Accept
04-10-448	Professional Conduct	Warning	No Probable Cause	Accept
05-6-1888	Public Funds and Property Professional Conduct	Revocation	Suspension -10 Contract Days	REJECT
06-3-1017	Abuse of Students Professional Conduct	Reprimand	Reprimand	Accept
06-4-1146	Misrepresentation or Falsification Public Funds and Property Professional Conduct	Suspension -10 Contract Days	Reprimand	Accept
06-8-166	Public Funds and Property Professional Conduct	Reprimand	Reprimand	Accept
06-9-255	Professional Conduct	Reprimand	No Probable Cause	Accept
06-9-256	Professional Conduct	Reprimand	No Probable Cause	Accept
06-9-257	Professional Conduct	Reprimand	No Probable Cause	Accept
06-10-366	Alcohol or Drugs Professional Conduct	Revocation	Suspension - 18 Months	Accept
07-1-798	Criminal Acts Professional Conduct	Reprimand	Reprimand	Accept
07-1-814	Criminal Acts Misrepresentation or Falsification	Revocation	Suspension - 3 Months	REJECT
07-5-1277	Confidential Information Professional Conduct	Suspension -20 Contract Days	Suspension -10 Contract Days	Accept
07-5-1304	Public Funds and Property Professional Conduct	Suspension -10 Contract Days	No Probable Cause	REJECT
07-5-1305	Misrepresentation or Falsification Professional Conduct	Suspension -20 Contract Days	Suspension -5 Contract Days	REJECT
07-5-1507	Criminal Acts Misrepresentation or Falsification Failure to Make a Required Report	Revocation	No Probable Cause	REJECT
07-6-1520	Failure to Make a Required Report Professional Conduct	Reprimand	No Probable Cause	Accept
07-6-1538	Professional Conduct	Reprimand	No Probable Cause	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	RECOMM.
07-12-562	Revocation	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 February and March

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2008.

PSC ACTION: Approved

8. EXTENSIONS – PRELIMINARY INVESTIGATIVE DETERMINATIONS

The Educator Ethics Review Committee recommended approval of the 20 Extensions - Preliminary Investigative Determinations consisting of the following:

#	CASE #	Complaint Received	#	CASE #	Complaint Received
1.	08-2-742	February 4, 2008	11.	08-2-752	February 5, 2008
2.	08-2-743	February 4, 2008	12.	08-2-753	February 6, 2008
3.	08-2-744	February 4, 2008	13.	08-2-754	February 6, 2008
4.	08-2-745	February 4, 2008	14.	08-2-755	February 6, 2008
5.	08-2-746	February 4, 2008	15.	08-2-756	February 7, 2008
6.	08-2-747	February 4, 2008	16.	08-2-757	February 8, 2008
7.	08-2-748	February 4, 2008	17.	08-2-758	February 8, 2008
8.	08-2-749	February 4, 2008	18.	08-2-759	February 11, 2008
9.	08-2-750	February 4, 2008	19.	08-2-760	February 12, 2008
10.	08-2-751	February 4, 2008	20.	08-2-761	February 12, 2008

PSC ACTION: Approved

9. EXTENSIONS - INVESTIGATIONS

The Educator Ethics Review Committee recommended granting and *Investigative Extension* to the following 67 Written Complaints and 65 Application cases:

WRITTEN COMPLAINT EXTENSIONS:

07-7-37	07-12-615	07-9-237	07-12-587	07-12-480	07-8-106	07-11-449
07-8-103	07-6-1373	07-10-298	07-12-620	07-12-566	07-8-122	07-12-482
07-8-108	07-6-1393	07-10-349	07-9-258	07-12-575	07-9-205	07-12-593
07-8-120	07-6-1577	07-11-383	07-9-259	07-12-610	07-9-210	07-12-594
07-9-229	07-6-1579	07-11-402	07-9-272	07-12-623	07-10-325	07-12-600
07-9-239	07-7-40	07-11-408	07-10-315	07-5-1340	07-10-332	07-12-618
07-11-385	07-8-110	07-11-423	07-11-390	07-6-1525	07-10-343	07-11-400
07-11-386	07-8-118	07-11-447	07-11-395	07-6-1526	07-11-389	
07-12-607	07-8-137	07-12-479	07-11-404	07-6-1582	07-11-406	
07-12-612	07-8-147	07-12-586	07-11-407	07-7-41	07-11-425	

APPLICATION CASE EXTENSIONS:

07-6-1639	07-12-527	07-12-543	07-12-556	08-1-680	08-1-692	08-1-702
07-6-1658	07-12-528	07-12-546	07-12-557	08-1-681	08-1-693	08-1-703
07-7-51	07-12-533	07-12-547	07-12-558	08-1-682	08-1-694	08-1-704
07-8-145	07-12-534	07-12-549	08-1-670	08-1-683	08-1-695	08-1-706
07-9-283	07-12-535	07-12-550	08-1-672	08-1-684	08-1-696	08-1-707
07-12-517	07-12-536	07-12-551	08-1-674	08-1-685	08-1-697	
07-12-520	07-12-537	07-12-552	08-1-675	08-1-687	08-1-698	
07-12-522	07-12-538	07-12-553	08-1-676	08-1-689	08-1-699	
07-12-525	07-12-540	07-12-554	08-1-677	08-1-690	08-1-700	
07-12-526	07-12-542	07-12-555	08-1-679	08-1-691	08-1-701	

PSC ACTION: Approved

10. **APPLICATIONS FOR CERTIFICATION REPORT**

The Educator Ethics Review Committee recommended to approve a no probable cause determination on 35 cases reflected on the *Applications for Certification Report*.

PSC ACTION: Approved

11. **REVIEW HEARING EXTENSIONS**

The Commission reviewed the *Review Hearing Extensions Report* concerning 6 hearing cases. An Administrative Law Judge rendered Initial Decisions on each case referenced in the report. The report indicates Orders were issued.

PSC ACTION: Approved

12. **OTHER BUSINESS**

The Educator Ethics Review Committee reviewed Probable Cause Determination case # 07-8-104. Due to an administrative/clerical error, the Commission failed to articulate at their February 14th, 2008 meeting which standards of the Code of Ethics had allegedly been violated. Due to this oversight, the same materials were resubmitted at the March 13, 2008 meeting so that a decision could be made regarding which standards are alleged to have been violated and to also affirm the sanction. Although, due process might not require that the educator be informed of the standards allegedly violated at the time a finding of probable cause is made, it has been the Commission's practice to do so. Therefore, the matter was resubmitted for review and it was determined that the violated standards include Criminal Acts, Failure to Make a Required Report and Professional Conduct. They also affirmed that a Suspension for a period of one year as recommended at the February 14, 2008 meeting is the appropriate sanction.

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#	Case Number	PROBABLE CAUSE DETERMINATION	1 - STANDARDS VIOLATED 2 - CONFIRM SANCTION
1	07-8-104	Suspension – 1 Year	Criminal Acts Failure to Make a Required Report Professional Conduct Suspension – one Year

PSC ACTION: Approved

13. STUDENT LOAN SUSPENSION / REINSTATEMENTS

The Commission reviewed the report, which indicated that there were 2 certificates suspended from February 14, 2008 through March 13, 2008. There were 8 certificates that had been *reinstated* because restitution is now being made on those student loans. There were 2 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 3 cases now closed without an appeal for a hearing before an Administrative Law Judge. The report also advised that there were 5 cases closed without an appeal for a review hearing before the Commission.

B. Educator Preparation

Commissioner Craig Smith spoke briefly about on-line programs.

VI. EXECUTIVE SECRETARY REPORT

The Executive Secretary presented the following:

A. Adoption of Rules

Phil Blackwell introduced the proposed rule changes to be adopted for the definition of the Leadership Position.

MOTION: (Muns / Smith) To amend and adopt the current rules in Chapter 505-2 Certification, effective April 15, 2008.

PSC ACTION: Approved

B. Dr. Gary Walker introduced Harold Chambers, Director of Coastal Plains RESA, who explained the PSC project on Alternative Preparation leading to Alternative Certification sponsored by his RESA. Scott Chestnutwood, Coastal Plains RESA provided additional details on the project. Kelly Henson elaborated on the Alternative Preparation/Certification plans.

C. Kelly Henson spoke briefly about the PSC Recruiting program. We have three recruiters, but two of the positions are currently vacant. We are currently conducting interviews. He stressed the need for PSC to have a closer working relationship with all statewide recruiting efforts.

D. Kelly Henson thanked the commission and others for the making the retreat so successful.

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E. Kelly Henson spoke briefly about House Bill 1321, which has passed the House and that the PSC would like to propose an amendment to the Senate.

MOTION: (Muns / Vasconcelos) To request that our Executive Secretary, Kelly Henson address the Senate Education Committee regarding the PSC's objection to House Bill 1321 as passed by the House.

PSC ACTION: Approved

VII. CHAIR REPORT

Chair Wilkes announced that the next commission meeting will be held on Thursday, April 10th, 2008, at 9 a.m. at Two Peachtree Street in the 5th floor boardroom

VIII. ADJOURNMENT

Chair Wilkes called for the meeting to be adjourned at 10:20 a.m.

PSC ACTION: Approved