

MINUTES

PROFESSIONAL STANDARDS COMMISSION

DHR Board Room
Two Peachtree Street
Atlanta, Georgia 30303-3141
November 14, 2002

The Georgia Professional Standards Commission (PSC) met on Thursday, November 14, 2002, at 9 a.m.

Members Present

Sylvia Hooker
Tony Natson
Mary Gomez
Pamela Hertzog
Pamela Thomas

Joseph Cadray
Gwenda Johnson
Elizabeth Kidd
Dottie McClain
Maria Miller

Pamela Nutt
Smith Pass
Janet Scott
Gary Walker

Members Absent

Terri DeLoach
Amy Denty

Sue Sehgal
Angela Finn

I. CALL TO ORDER

Dr. Gary Walker 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. RECOGNITION OF VISITORS

Dr. Gary Walker recognized the visitors.

- Mike McGougle, Georgia Association of Educators (GAE)
- Gayle Wooten, Professional Association of Georgia Educators
- Edie Belden, Professional Association of Georgia Educators
- Nicolette J. Wheeler, Junior ROTC
- Shalini A. Patel, Attorney for Mr. Glanton
- Danny Carpenter, Houston County Board of Education
- Ron Busbee, Houston County Board of Education
- Jody Grogan, Georgia Association of Educators (GAE)
- Benson Ham, Attorney for Mr. Corbin

III. ADOPTION OF AGENDA

Dr. Walker called for approval of the agenda.

MOTION: (Miller / Scott) To approve agenda.

PSC ACTION: Approved

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IV. APPROVAL OF MINUTES

Dr. Walker called for approval of the minutes from the November 14, 2002, Commission meeting.

MOTION: (Miller / Kidd) To approve the minutes as amended.

ACTION: Approved

V. OTHER BUSINESS

Dr. Gary Walker presented the following Professional Standards Commission employees with Service Awards:

Cassandra Moore	5 Years of Service
Jannice Thompson	25 Years of Service
Carolyn Childs	30 Years of Service

VI. REVIEW HEARINGS

- | | | |
|----|--------------------|--------------------------------|
| 1. | Charles F. Glanton | - Educator – Case # 01-03-1306 |
| | Wayne Magnum | - Hearing Officer |
| | Kathryn Allen | - PSC Attorney |
| | Shalini A. Patel | - Attorney |

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

ACTION: Approved

MOTION: (Thomas / Hertzog) To come out of Executive Session.

ACTION: Approved

The Commission reconvened the Regular Session.

MOTION: (Scott / Miller) To adopt the Findings of Fact found by the Administrative Law Judge as indicated in the Initial Decision and to adopt the Conclusions of Law reached by the Administrative Law Judge as indicated in the Initial Decision with the following changes.

II. Findings of Fact

The language in paragraph 1, 2, 3, 4, 5 and 7 of the Findings of Fact are adopted in their entirety.

The language in paragraph 6 of the Findings of Fact is deleted in its entirety and paragraph 7 of the Findings of Fact is renumbered paragraph 6.

The language in the second sentence of paragraph 8 of the Findings of Fact is deleted so that the paragraph states “The Georgia Professional Standards Commission alleged that Respondent failed to report an allegation of rape that was made to him on or around February 26, 2001 pursuant to O.C.G.A. §19-7-5 and the school protocol.” Also, the paragraph is renumbered paragraph 7.

II. Conclusions of Law

The language in paragraphs 1 and 2 of the Conclusions of Law are adopted in their entirety.

The language in paragraph 3 of the Conclusions of Law is deleted in its entirety.

The Commission adds a new paragraph 3 which reads as follows:

3.

The Commission concludes that there is sufficient evidence in the record to show that Petitioner sustained its burden to prove a violation of Standard 9 of the Code of Ethics (Failure to Make a Required Report). The Respondent's failure to report the incident as reported to him and questioning the child regarding the alleged suspected abuse as shown in the record is a violation of the Meriwether County School System Child Abuse/Neglect Reporting Protocol.

Order

1.

The Commission rejects the recommendation of the Administrative Law Judge as stated in the Initial Decision. The Commission concludes that based on a review of the record, the recommendation for a finding of no probable cause by the Administrative Law Judge does not adequately reflect that there was a violation of Standard 9 of the Code of Ethics (Failure to Make a Required Report). The Commission therefore **ORDERS** that the Educator's Georgia Educator Certificate be issued a reprimand and the reprimand be effective immediately.

2.

If the Respondent decides to appeal this decision, he must file a petition within 30 days after service of this Final Decision pursuant to O.C.G.A. § 50-13-19.

Abstention: Smith Pass and Sylvia Hooker

PSC ACTION: Approved

- | | | |
|----|-------------------|--------------------------------|
| 2. | Garland A. Corbin | - Educator – Case # 01-05-1557 |
| | Wayne Magnum | - Hearing Officer |
| | Kathryn Allen | - PSC Attorney |
| | Benson Ham | - Attorney |

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

ACTION: Approved

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MOTION: (Thomas / Kidd) To come out of Executive Session.

ACTION: Approved

The Commission reconvened the Regular Session.

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

PSC ACTION: Approved

VII. COMMITTEE REPORTS

A. Educator Preparation Standing Committee

Committee Chair, Pam Hertzog, presented the report of the Educator Preparation Standing Committee.

1. Recommendation to the Commission for Armstrong Atlantic State University – The Standing Committee for Educator Preparation recommends Continuing Approval for all Armstrong Atlantic State University's initial and advanced educator preparation programs.

PSC ACTION: Approved

2. Recommendation to the Commission for Oglethorpe University – The Standing Committee for Educator Preparation recommends Developmental Approval for Oglethorpe University's education unit and its Early Childhood Education Masters of Arts in Teaching program. A first report is due in two months and a second report due in six months addressing the indicated recommendations.

PSC ACTION: Approved

3. Recommendation to the Commission for Paine College – The Standing Committee for Educator Preparation recommends Developmental Approval for Paine College's education unit and programs. A report is due by May 15, 2003 addressing all areas for improvement cited by the BOE team.

PSC ACTION: Approved

4. Recommendation to the Commission for Mercer University – The Standing Committee for Educator Preparation recommends that the Mercer University progress report is unsatisfactory. A report is due by January 15, 2003 responding to all information requested by the Commission.

PSC ACTION: Approved

5. Recommendation to the Commission for Wesleyan College – The Standing Committee for Educator Preparation recommends that the Wesleyan College progress report is satisfactory. A report is due by February 15, 2003 responding to all information requested by the Commission.

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PSC ACTION: Approved

6. Recommendation to the Commission for removing the Technology stipulation for the Greater Atlanta Christian School – The Standing Committee for Educator Preparation recommends removal of the technology course stipulation for the Greater Atlanta Christian School.

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 68 ***Probable Cause*** cases during its November 13, 2002, meeting and brought the following recommendations on behalf of the Committee:

<u>PC #</u>	<u>Case Number</u>	<u>Standards Violated</u>	<u>EERC Recommendation</u>
1	01-11-872	Criminal Acts Abuse of Students Professional Conduct	Revocation
2	02-06-2335 Applicant	Criminal Acts Other Cause	No Probable Cause
3	02-06-2353	Criminal Acts Professional Conduct	Extend Probable Cause Determination Additional 30 Days
4	02-07-90	Criminal Acts Misrepresentation or Falsification	Extend Probable Cause Determination for Initial 60 Days
5	02-07-309 Applicant	Criminal Acts Professional Conduct	Denial
6	02-07-315 Applicant	Criminal Acts Professional Conduct	No Probable Cause
7	02-08-374	Criminal Acts Professional Conduct	Reprimand
8	02-08-391	Criminal Acts Professional Conduct	No Probable Cause
9	02-07-193	Abuse of Students Professional Conduct	Reprimand
10	02-07-362	Abuse of Students Professional Conduct	Revocation
11	02-08-502	Abuse of Students Failure to Make a Required Report Professional Conduct	Reprimand
12	02-08-634	Abuse of Students Criminal Acts Professional Conduct	Revocation
13	02-09-741	Abuse of Students Professional Conduct	Revocation
14	02-09-804	Abuse of Students Professional Conduct	Revocation
15	02-06-2189	Misrepresentation or Falsification	Revocation
16	02-06-2444	Misrepresentation or Falsification	Suspension for One Year
17	02-08-653	Public Funds and Property Professional Conduct	Suspension for Two Weeks
18	02-01-1199	Abandonment of Contract	Reprimand
19	02-07-345	Abandonment of Contract	Reprimand

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<u>PC #</u>	<u>Case Number</u>	<u>Standards Violated</u>	<u>EERC Recommendation</u>
20	02-08-393	Abandonment of Contract	Suspension for Six Months
21	02-08-504	Abandonment of Contract	No Probable Cause
22	02-08-509	Abandonment of Contract	Suspension for Six Months
23	02-08-540	Abandonment of Contract	Suspension for Six Months
24	02-08-565	Abandonment of Contract	No Probable Cause
25	02-08-566	Abandonment of Contract	No Probable Cause
26	02-08-568	Abandonment of Contract	No Probable Cause
27	02-08-569	Abandonment of Contract	Suspension for Six Months
28	02-08-571	Abandonment of Contract	Reprimand
29	02-09-737	Abandonment of Contract	No Probable Cause
30	02-09-738	Abandonment of Contract	Reprimand
31	02-09-739	Abandonment of Contract	Suspension for Six Months
32	02-09-806	Abandonment of Contract	No Probable Cause
33	02-06-2499	Failure to Make a Required Report Criminal Acts	Warning
34	02-07-84	Failure to Make a Required Report Criminal Acts	Warning
35	02-07-86	Failure to Make a Required Report Criminal Acts	Reprimand
36	02-07-101	Failure to Make a Required Report Criminal Acts	Reprimand
37	02-07-128	Failure to Make a Required Report Criminal Acts	Revocation
38	02-07-172 Applicant	Failure to Make a Required Report Criminal Acts	Denial
39	02-07-281	Failure to Make a Required Report Criminal Acts	Warning
40	02-07-301	Failure to Make a Required Report Criminal Acts	No Probable Cause
41	02-07-314	Failure to Make a Required Report Criminal Acts	Warning
42	02-08-382	Failure to Make a Required Report Criminal Acts	No Probable Cause
43	02-08-499	Failure to Make a Required Report Criminal Acts	No Probable Cause
44	02-08-665	Failure to Make a Required Report Criminal Acts	No Probable Cause
45	02-08-718 Applicant	Failure to Make a Required Report Criminal Acts	Warning
46	02-07-197	Professional Conduct Abuse of Students	Warning
47	02-07-200	Professional Conduct Abuse of Students	Reprimand
48	02-07-207	Professional Conduct Abuse of Students	No Probable Cause
49	02-07-215	Professional Conduct	No Probable Cause
50	02-07-222	Professional Conduct	No Probable Cause
51	02-07-225	Professional Conduct	Suspension for One Year
52	02-07-226	Professional Conduct	Reprimand
53	02-07-230	Professional Conduct Abuse of Students	No Probable Cause
54	02-07-232	Professional Conduct Misrepresentation or Falsification	No Probable Cause
55	02-07-234	Professional Conduct Abuse of Students	Reprimand

RECOMMENDED SUGGESTIONS

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<u>PC #</u>	<u>Case Number</u>	<u>Standards Violated</u>	<u>EERC Recommendation</u>
56	02-07-236 Applicant	Professional Conduct Abuse of Students	Warning
57	02-07-351	Professional Conduct	Reprimand
58	02-08-390	Professional Conduct	Extend Probable Cause Determination for Additional 30 Days
59	02-08-408	Professional Conduct Misrepresentation or Falsification Abuse of Students	No Probable Cause
60	02-08-409	Professional Conduct Misrepresentation or Falsification Abuse of Students	No Probable Cause
61	02-08-501	Professional Conduct	No Probable Cause
62	02-08-662 Paraprofessional	Professional Conduct	No Probable Cause
63	02-08-678	Professional Conduct Public Funds & Property	Warning
64	02-09-867	Professional Conduct	Reprimand
65	02-06-2290 Applicant	Action Taken In Another State	No Probable Cause
66	02-08-564	Action Taken In Another State Misrepresentation or Falsification Professional Conduct	No Probable Cause
67	02-08-419	Misrepresentation or Falsification Professional Conduct	No Probable Cause
68	02-6-2213	Misrepresentation or Falsification Failure to Make a Required Report	No Probable Cause

MOTION: (McClain / Johnson) To accept the EERC recommendation in cases 1-55, recommended suggestions cases 56 – 67 and in case #68 to amend the recommendation from No Probable Cause to Extend the Probable Cause Determination for the Initial 60 Days.

PSC ACTION: Approved

2. Ms. Scott reported that the Educator Ethics Review Committee reviewed 7 *Initial Decisions* and brought the following recommendations on behalf of the Committee:

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<u>Case Number</u>	<u>Ethics Violation</u>	<u>ALJ Recommendation</u>	<u>Recommendation</u>
01-10-621	Criminal Acts	Denial	Accept
01-09-484	Abandonment of Contract	Suspension for 6 Months	Accept
01-09-541	Action Against Out-of-State Certificate/ Misrep. & Falsification/Abandonment of Contract	Suspension for 3 Months	Accept
02-01-1181	Professional Conduct Abuse of Students Confidential Information	Revocation	Accept
01-11-881	Abandonment of Contract	Suspension for One Year	Accept
01-12-1112	Criminal Acts Abandonment of Contract	Suspension for Six Months	Accept
01-04-1476 & 02-06-2165	Abuse of Students Criminal Acts Professional Conduct	No Probable Cause	Review

PSC ACTION: Approved

3. Ms. Scott reported that the Educator Ethics Review Committee reviewed 1 *Petitions-Certificate Issues* and brought the following recommendations on behalf of the Committee:

<u>Case Number</u>	<u>Petition</u>	<u>Recommendation</u>
02-07-242	Right to Reapply	Deny

PSC ACTION: Approved

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

<u>CASE NUMBER</u>	<u>SANCTION</u>	<u>RECOMMENDATION</u>
02-3-1492	Revocation	Accept
02-4-1690	Reprimand	Accept
02-5-1877	Suspension for One Year	Accept
02-5-2013	Reprimand	Accept
02-6-2306	Warning	Accept
02-6-2349	Reprimand	Accept
02-6-2358	Reprimand	Accept
02-6-2472	Reprimand	Accept
02-6-2498	Warning	Accept
02-7-37	Warning	Accept
02-7-99	Warning	Accept
02-7-158	Reprimand	Accept
02-7-206	Warning	Accept
02-7-208	Warning	Accept
02-7-209	Suspension for One Week	Accept
02-7-211	Denial	Accept

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<u>CASE NUMBER</u>	<u>SANCTION</u>	<u>RECOMMENDATION</u>
02-7-227	Suspension for One Day	Accept
02-7-288	Warning	Accept
02-7-341	Suspension for Six Months	Accept
02-7-354	Warning	Accept
02-8-375	Warning	Accept

PSC ACTION: Approved

5. Ms. Scott reported that the Educator Ethics Review Committee reviewed 6 *Negotiated Settlement Agreements* and brought the following recommendations on behalf of the Committee:

<u>CASE NUMBER</u>	<u>NEGOTIATED SANCTION</u>	<u>RECOMMENDATION</u>
02-02-1482	Warning	Accept
00-11-804	Suspension for Six Months	Accept
01-12-1124	Reprimand	Accept
01-06-1864	Administratively Closed – Certificate Revoked 9/13/02	Accept
02-05-2043	Suspension for Six Months	Accept
02-05-1978	Warning	Accept

PSC ACTION: Approved

6. The Educator Ethics Review Committee reviewed the *Other Business* report which advised of a Briefing in Opposition on Petition for Writ of Certiorari to the Court of Appeals of Georgia having been filed by the PSC Attorney on Case # 98-8-207.

7. The Educator Ethics Review Committee recommended approval of the *Preliminary Investigative Determination Report* consisting of 73 new complaints received during November 2002:

PSC ACTION: Approved

8. The Educator Ethics Review Committee recommended approval of the *Extensions to Investigations Report* consisting of 155 cases.

PSC ACTION: Approved

9. **STUDENT LOAN SUSPENSION / REINSTATEMENTS**

The Commission reviewed the report, which advised of 32 *Student Loan Suspensions* and 13 *Student Loan Reinstatements*.

10. **FINAL DECISION BY OPERATION OF LAW**

The Commission reviewed the report, which advised of 9 cases *Closed by Operation of Law*.

11. **APPLICATIONS FOR CERTIFICATION REPORT**

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The Educator Ethics Review Committee recommended approval of 65 cases on the *Applications for Certification Report*.

PSC ACTION: Approved

VIII. EXECUTIVE SECRETARY REPORT

The Executive Secretary presented the following:

A. Announced that there would be a New Commissioners Orientation meeting after the Commission meeting had adjourned.

B. Special recognition was given to Amy Denty for appearing in Georgia Trend magazine as one of Georgia's rising stars, Pamela Nutt for receiving the Georgia Media Specialist of the year award and for Sue Sehgal as Director, Academic-Community Affairs and introducing the Carters at the Carter Partnership Award Ceremony.

C. Adoption of Rules

Dr. Fran Watkins, presented Rules 505-3-.19, 505-3-.46, 505-3-.51, and 505-3-.60 for approval of changes and adoption.

MOTION: (Hooker / Miller) To adopt Rules 505-3-.19, 505-3-.46, 505-3-.51, and 505-3-.60.

PSC ACTION: Approved

Phil Blackwell, presented current Rule 505-2.104, for approval to be rescinded.

MOTION: (McClain / Kidd) To rescind current Rule 505-2-104.

PSC ACTION: Approved

Phil Blackwell, presented Rules 505-2.17, 505-2-.52, 505-2-.71, 505-2-.75, 505-2-.80, 505-2-.83, 505-2-.86 and 505-2-.97, for approval to amend.

MOTION: (Hertzog / Miller) To amend Rules 505-2.17, 505-2-.52, 505-2-.71, 505-2-.75, 505-2-.80, 505-2-.83, 505-2-.86 and 505-2-.97.

PSC ACTION: Approved

Phil Blackwell, presented Rules 505-2.104, 505-2-.113 and 505-2-.114 for adoption.

MOTION: (McClain / Thomas) To adopt Rules 505-2.104, 505-2-.113 and 505-2-.114.

PSC ACTION: Approved

D. Tiered Certification – Announced that we will not move forward until we receive direction from the new administration.

IX. ADJOURNMENT

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MOTION: (Miller / Hertzog) To adjourn the meeting.

PSC ACTION: The meeting adjourned at 12:50 pm.