

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.

1. 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:

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

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

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

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

Case Number	Ethical Violation	ALJ Initial Decision	EERC Recomm.
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

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:

Case Number	Educator	Nature of Petition	Previous Decision (Violation)	EERC Recomm.
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:

Case Number	Sanction	Violation	EERC Recommendation
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 Misrepresentation or Falsification: Testing 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 Failure to Make a Required Report	Accept
03-07-095	Warning	Misrepresentation or Falsification: Criminal History Failure to Make a Required Report	Accept
03-07-102	Warning	Misrepresentation or Falsification: Criminal History Failure to Make a Required Report	Accept
03-07-133	Reprimand	Misrepresentation or Falsification: Criminal History Criminal Acts; Professional Conduct	Accept
03-07-135	Warning	Criminal Acts; Professional Conduct; Failure to Make a Required Report	Accept
		Misrepresentation or Falsification: Criminal History	

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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:

Case Number	Violation	Probable Cause Finding	EERC Recomm.
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

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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 50th 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 25th. 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 6th. 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.