

# MINUTES

## PROFESSIONAL STANDARDS COMMISSION

DHR Board Room  
Two Peachtree Street  
Atlanta, Georgia 30303-3141  
February 13, 2003

The Georgia Professional Standards Commission (PSC) met on Thursday, February 13, 2003, at 9 a.m.

### **Members Present**

Amy Denty	Elizabeth Kidd	Pamela Hertzog
Angela Finn	Dottie McClain	Mary Gomez
Sylvia Hooker	Maria Miller	Gary Walker
Janet Scott	Tony Natson	Terri DeLoach
Pamela Nutt		

### **Members Absent**

Joseph Cadray	Sue Sehgal
Pamela Thomas	Smith Pass
Gwenda Johnson	

### **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.

- Shelly Carder, Parent
- Gayle Wooten, Professional Association of Georgia Educators
- Mike McGouigle, Georgia Association of Educators (GAE)
- Alfred L. Evans, Jr., PSC Attorney
- Edie Belden, Professional Association of Georgia Educators
- D. Aileen Doll, AJC
- David Faulk
- G. Larry Bonner, Attorney for David Faulk

### **III. ADOPTION OF AGENDA**

Chair Denty called for approval of the agenda.

**MOTION:** (DeLoach / McClain) To approve agenda.

**PSC ACTION:** Approved

### **IV. APPROVAL OF MINUTES**

Chair Denty called for approval of the minutes from the January 9, 2003, Commission meeting.

**MOTION:** (Hertzog / Gomez) To approve the minutes.

**PSC ACTION:** Approved

## V. COMMITTEE REPORTS

### A. 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.

- Ms. Scott reported that the Committee reviewed 94 *Probable Cause* cases during its February 12, 2003, meeting and brought the following recommendations on behalf of the Committee with the exception of cases #27, #30 and #31:

<b>PC #</b>	<b>Case Number</b>	<b>STANDARD(S)</b>	<b>EERC Recommendation</b>
<b>1</b>	02-08-659	Criminal Acts Professional Conduct	Warning
<b>2</b>	02-08-680	Criminal Acts Professional Conduct	Suspension for One Year
<b>3</b>	02-09-735	Criminal Acts Professional Conduct	No Probable Cause
<b>4</b>	02-09-764	Criminal Acts Professional Conduct	Suspension for One Year
<b>5</b>	02-09-809	Criminal Acts Professional Conduct	Denial
<b>6</b>	02-09-821	Criminal Acts Professional Conduct	No Probable Cause
<b>7</b>	02-09-831	Criminal Acts Professional Conduct	No Probable Cause
<b>8</b>	02-09-849	Criminal Acts Professional Conduct	Denial
<b>9</b>	02-09-934	Criminal Acts Professional Conduct	Denial
<b>10</b>	02-09-943	Criminal Acts Professional Conduct	Denial
<b>11</b>	02-10-989	Criminal Acts Professional Conduct	Warning
<b>12</b>	02-10-1043	Criminal Acts Professional Conduct	Warning
<b>13</b>	02-10-1139	Criminal Acts Abuse of Students Professional Conduct	Revocation
<b>14</b>	02-10-1186	Criminal Acts Professional Conduct	No Probable Cause

<b>PC #</b>	<b>Case Number</b>	<b>STANDARD(S)</b>	<b>EERC Recommendation</b>
<b>15</b>	02-11-1223	Criminal Acts Professional Conduct	No Probable Cause
<b>16</b>	02-12-1343	Criminal Acts	Reprimand
<b>17</b>	03-01-1403	Misrepresentation or Falsification Criminal Acts Professional Conduct	Revocation
<b>18</b>	03-01-1414	Criminal Acts Professional Conduct	Denial
<b>19</b>	02-09-927	Abuse of Students	No Probable Cause
<b>20</b>	02-10-1115	Abuse of Students Professional Conduct	No Probable Cause
<b>21</b>	02-11-1228	Abuse of Students Criminal Acts Professional Conduct	Reprimand
<b>22</b>	02-11-1231	Abuse of Students Professional Conduct	Suspension for One Week
<b>23</b>	02-12-1314	Abuse of Students Professional Conduct	Reprimand
<b>24</b>	02-12-1318	Abuse of Students Professional Conduct	Revocation
<b>25</b>	02-12-1364	Abuse of Students Criminal Acts Professional Conduct	Reprimand
<b>26</b>	02-12-1322	Alcohol or Drugs	Suspension for Two Years
<b>27</b>	02-10-1120	Misrepresentation or Falsification	Reprimand
<b>28</b>	02-11-1227	Misrepresentation or Falsification	Reprimand
<b>29</b>	02-12-1348	Misrepresentation or Falsification Professional Conduct	Reprimand
<b>30</b>	02-11-1302	Misrepresentation or Falsification Public Funds and Property Professional Conduct	Reprimand
<b>31</b>	02-11-1303	Misrepresentation or Falsification Public Funds and Property Professional Conduct	Reprimand
<b>32</b>	02-12-1349	Misrepresentation or Falsification	No Probable Cause
<b>33</b>	02-09-752	Misrepresentation or Falsification Action Against Out-of-State Certificate Abuse of Students Professional Conduct Failure to Make a Required Report	Denial
<b>34</b>	02-12-1316	Public Funds and Property	Reprimand
<b>35</b>	02-11-1232	Abandonment of Contract	Suspension for Six Months
<b>36</b>	02-11-1233	Abandonment of Contract	Suspension for One Month
<b>37</b>	02-11-1236	Abandonment of Contract	Suspension for Six Months
<b>38</b>	02-11-1237	Abandonment of Contract	No Probable Cause
<b>39</b>	02-11-1238	Abandonment of Contract	Suspension for Six Months
<b>40</b>	02-12-1325	Abandonment of Contract	Suspension for Six Months

<b>PC #</b>	<b>Case Number</b>	<b>STANDARD(S)</b>	<b>EERC Recommendation</b>
<b>41</b>	02-08-537	Failure to Make a Required Report	Currently Extended until March 13, 2003
<b>42</b>	02-08-652	Failure to Make a Required Report Misrepresentation or Falsification	No Probable Cause
<b>43</b>	02-08-676	Failure to Make a Required Report Misrepresentation or Falsification	Warning
<b>44</b>	02-08-692	Failure to Make a Required Report Misrepresentation or Falsification	Warning
<b>45</b>	02-09-751	Failure to Make a Required Report Misrepresentation or Falsification	No Probable Cause
<b>46</b>	02-09-763	Failure to Make a Required Report Misrepresentation or Falsification	Warning
<b>47</b>	02-09-848	Failure to Make a Required Report Misrepresentation or Falsification	Warning
<b>48</b>	02-09-861	Failure to Make a Required Report Misrepresentation or Falsification	No Probable Cause
<b>49</b>	02-09-933	Failure to Make a Required Report Misrepresentation or Falsification	Reprimand
<b>50</b>	02-09-951	Failure to Make a Required Report Misrepresentation or Falsification	No Probable Cause
<b>51</b>	02-09-959	Failure to Make a Required Report Misrepresentation or Falsification	Warning
<b>52</b>	02-10-994	Failure to Make a Required Report Misrepresentation or Falsification	No Probable Cause
<b>53</b>	02-10-996	Failure to Make a Required Report Misrepresentation or Falsification	No Probable Cause
<b>54</b>	02-10-1030	Failure to Make a Required Report Misrepresentation or Falsification	Denial
<b>55</b>	02-10-1042	<del>Criminal Acts</del> Failure to Make a Required Report Misrepresentation or Falsification	Warning
<b>56</b>	02-10-1145	Failure to Make a Required Report Misrepresentation or Falsification	Warning
<b>57</b>	02-10-1148	Criminal Acts Failure to Make a Required Report Misrepresentation or Falsification	Denial
<b>58</b>	02-10-1152	Failure to Make a Required Report Misrepresentation or Falsification	No Probable Cause
<b>59</b>	02-11-1218	Failure to Make a Required Report Misrepresentation or Falsification	No Probable Cause
<b>60</b>	02-11-1221	Failure to Make a Required Report Misrepresentation or Falsification	Warning
<b>61</b>	02-11-1226	Failure to Make a Required Report	No Probable Cause
<b>62</b>	02-11-1287	Failure to Make a Required Report	No Probable Cause
<b>63</b>	02-11-1230	Failure to Make a Required Report Misrepresentation or Falsification Professional Conduct	Suspension for One Year
<b>64</b>	02-11-1254	Failure to Make a Required Report Misrepresentation or Falsification	No Probable Cause

<b>PC #</b>	<b>Case Number</b>	<b>STANDARD(S)</b>	<b>EERC Recommendation</b>
<b>65</b>	02-11-1282	Failure to Make a Required Report Misrepresentation or Falsification	Warning
<b>66</b>	02-11-1284	Failure to Make a Required Report Misrepresentation or Falsification	Warning
<b>67</b>	02-11-1285	Failure to Make a Required Report Misrepresentation or Falsification	Warning
<b>68</b>	02-11-1286	Failure to Make a Required Report Misrepresentation or Falsification	Warning
<b>69</b>	02-11-1288	Failure to Make a Required Report Misrepresentation or Falsification	Warning
<b>70</b>	02-11-1289	Failure to Make a Required Report Misrepresentation or Falsification	Warning
<b>71</b>	02-11-1290	Failure to Make a Required Report Misrepresentation or Falsification	No Probable Cause
<b>72</b>	02-11-1291	Failure to Make a Required Report Misrepresentation or Falsification	Warning
<b>73</b>	02-11-1292	Failure to Make a Required Report Misrepresentation or Falsification	Warning
<b>74</b>	02-11-1293	Failure to Make a Required Report Misrepresentation or Falsification	Warning
<b>75</b>	02-11-1294	Failure to Make a Required Report Misrepresentation or Falsification	No Probable Cause
<b>76</b>	02-12-1334	Failure to Make a Required Report Misrepresentation or Falsification	Warning
<b>77</b>	02-12-1371	Failure to Make a Required Report Misrepresentation or Falsification Criminal Acts	Warning
<b>78</b>	02-12-1378	Failure to Make a Required Report Misrepresentation or Falsification	Warning
<b>79</b>	02-09-938	Professional Conduct	No Probable Cause
<b>80</b>	02-09-945	Professional Conduct	No Probable Cause
<b>81</b>	02-10-973	Professional Conduct	No Probable Cause
<b>82</b>	02-10-978	Professional Conduct	Reprimand
<b>83</b>	02-10-1112	Professional Conduct	Warning
<b>84</b>	02-11-1197	Professional Conduct	No Probable Cause
<b>85</b>	02-11-1224	Professional Conduct	Warning
<b>86</b>	02-11-1242	Professional Conduct Failure to Comply with Monitoring Stipulations	Suspension for One Week
<b>87</b>	02-11-1246	Professional Conduct	No Probable Cause
<b>88</b>	02-12-1315	Professional Conduct	Warning
<b>89</b>	02-12-1339	Professional Conduct Failure to Make a Required Report	Revocation
<b>90</b>	02-12-1341	Professional Conduct <del>Failure to Make a Required Report</del>	Suspension for One Month
<b>91</b>	02-12-1344	Professional Conduct Abuse of Students	Suspension for One Year
<b>92</b>	02-12-1363	Professional Conduct	Warning
<b>93</b>	03-01-1419	Professional Conduct	No Probable Cause

<b>PC #</b>	<b>Case Number</b>	<b>STANDARD(S)</b>	<b>EERC Recommendation</b>
<b>94</b>	02-08-613	Action Against Our-of-State Certificate Misrepresentation or Falsification Professional Conduct	Denial

**PSC ACTION:** Approved

**Cases #27**

Sylvia Hooker raised concerns about the manner in which testing coordinators conduct themselves while giving the test, however, she did agree with the recommended EERC recommendation of Reprimand. Chair Amy Denty called for approval of the EERC recommendation.

**ACTION:** Approved

**Cases #30 #31**

Janet Scott asked Gary Walker to give a briefing on case #30 and #31.

**MOTION:** (Walker / Kidd) To amend the EERC recommendation from Reprimand to Warning.

**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:

<b>Case Number</b>	<b>Ethical Violation</b>	<b>ALJ Initial Decision</b>	<b>EERC Recomm.</b>
01-12-1154	Abuse of Students Professional Conduct	Reprimand	Accept
01-7-146	Misrepresentation or Falsification	Suspension – 1 Month	Accept
01-7-147	Misrepresentation or Falsification	Suspension – 1 Month	Accept
01-5-1609	Criminal Acts	Suspension - 1 Year	Accept
01-1-991	Criminal Acts	Suspension – 6 Months Monitoring – 2 Years	Accept
02-2-1420	Criminal Acts Professional Conduct	Denial	Accept
00-9-375	Criminal Acts Public Funds and Property Professional Conduct	Suspension – 6 Months	Accept

**PSC ACTION:** Approved

3. Ms. Scott reported that the Educator Ethics Review Committee reviewed 8 ***Negotiated Settlement Agreements*** and brought the following recommendations on behalf of the Committee with the exception of #5, case #02-06-2243:

	<b>Case Number</b>	<b>Violation</b>	<b>Probable Cause Finding</b>	<b>Negotiated Proposal</b>	<b>EERC Recomm</b>
1	02-02-1445	Abuse of Students; Professional Conduct	Denial	No Probable Cause (Dismissal)	Accept
2	99-9-301	Criminal Acts: Child Molestation	Revocation	No Probable Cause (Dismissal)	Accept
3	02-06-2350	Misrepresentation or Falsification Professional Conduct	Reprimand	No Probable Cause (Dismissal)	Accept
4	99-5-442	Criminal Acts (Waiver of Hearing)	Revocation	Revocation	Accept
5	02-06-2243	Misrepresentation or Falsification	Reprimand	Warning	Reject
6	02-04-1709	Misrepresentation or Falsification Professional Conduct	Suspension – 6 Months	Suspension – 3 Months	Accept
7	02-01-1354	Misrepresentation or Falsification	Warning	No Probable Cause (Dismissal)	Accept
8	01-11-869	Professional Conduct	Warning	No Probable Cause (Dismissal)	Accept

**PSC ACTION:** Approved

**Case # 02-06-2243**

Maria Miller asked for a discussion on this case. Following the discussion, Chair Amy Denty called for accepting the EERC recommendation to reject negotiated settlement for #5, case 02-06-2243.

**ACTION:** Approved

4. Ms. Scott reported that the Educator Ethics Review Committee reviewed 25 *Settlement Agreements* and brought the following recommendations on behalf of the Committee:

<b>Case Number</b>	<b>Sanction</b>	<b>Violation</b>	<b>EERC Recommendation</b>
02-7-220	Warning	Professional Conduct	Accept
02-8-489	Reprimand	Failure to Make a Required Report	Accept
02-8-491	Reprimand	Failure to Make a Required Report	Accept
02-8-534	Revocation	Criminal Acts; Failure to Make a Required Report	Accept
02-8-621	Warning	Misrepresentation or Falsification	Accept
02-8-638	Warning	Misrepresentation or Falsification	Accept
02-8-719	Suspension – Six Months	Abandonment of Contract	Accept
02-9-769	Revocation	Abuse of Students; Professional Conduct	Accept
02-9-869	Warning	Failure to Make a Required Report	Accept
02-10-1008	Reprimand	Professional Conduct	Accept
02-10-1011	Reprimand	Misrepresentation or Falsification	Accept
02-10-1107	Warning	Abuse of Students; Professional Conduct	Accept
02-10-1111	Warning	Confidential Information; Professional Conduct	Accept

<b>Case Number</b>	<b>Sanction</b>	<b>Violation</b>	<b>EERC Recommendation</b>
02-10-1124	Revocation	Misrepresentation or Falsification	Accept
02-10-1124	Suspension – Five Months	Public Funds and Property; Professional Conduct	Accept
02-10-1130	Suspension – Six Months	Abandonment of Contract	Accept
02-10-1160	Warning	Criminal Acts	Accept
02-10-1162	Reprimand	Professional Conduct; Abuse of Students	Accept
02-10-1164	Suspension - One Year	Criminal Acts; Professional Conduct	Accept
02-10-1166	Warning	Misrep. or Falsification; Professional Conduct	Accept
02-10-1167	Suspension – One Week	Misrep. or Falsification; Professional Conduct	Accept
02-10-1175	Suspension – Six Months	Abandonment of Contract	Accept
02-11-1187	Reprimand	Professional Conduct	Accept
02-11-1200	Suspension – Six Months	Abandonment of Contract	Accept
03-01-1423	Revocation***	Misrep. or Falsification; 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 1 *Other Business Report* and brought the following recommendation on behalf of the Committee:

<b>Case Number</b>	<b>EDUCATOR</b>	<b>DESCRIPTION</b>	<b>EERC Recomm.</b>
01-3-1372	James Hope	Application for Discretionary Appeal <i>Denied</i> by Court of Appeals	Accept Ruling Without Further Appeal (Final Decision: No Probable cause)

Commissioner Janet Scott advised that in light of the fact that the application for discretionary appeal was denied by the court of appeals and it is unlikely that the State Supreme Court would hear an appeal, the EERC recommends that we accept the ruling without further appeal. The Superior Court Judges’ decision of no probable cause stands as the final decision. The committee still believes that this is clearly a violation of the code of ethics.

**PSC ACTION:** Approved

6. The Educator Ethics Review Committee recommended approval of the *Preliminary Investigative Determination Report* consisting of 69 new complaints received during the months of January 2003 and early February 200.

**PSC ACTION:** Approved

7. The Educator Ethics Review Committee recommended approval of the *Extensions to Investigations Report* consisting of 21 cases.



<u>Case Number</u>	<u>Case Number</u>	<u>Case Number</u>
01-11-892	02-7-352	02-12-1392
01-12-1035	02-10-1168	
02-08-506	02-11-1283	
02-10-986	02-12-1321	
02-10-1163	02-12-1340	
02-12-1324	02-7-196	
02-12-1320	02-10-992	
02-12-1323	02-12-1342	
02-09-740	02-10-1177	
02-12-1359	02-12-1360	

**PSC ACTION:** Approved

**8. STUDENT LOAN SUSPENSION / REINSTATEMENTS**

The Commission reviewed the report, which advised of 39 *Student Loan Suspensions* and 15 *Student Loan Reinstatements*.

**9. FINAL DECISIONS BY OPERATION OF LAW**

The Commission reviewed the report, which advised of 11 cases closed by *Operation of Law*.

**10. APPLICATIONS FOR CERTIFICATION REPORT**

The Educator Ethics Review Committee recommended approval of 41 cases on the *Applications for Certification Report*.

**PSC ACTION:** Approved

**Discussion**

Angela Finn raised the issue of educators being referred to the PSC for an abandonment of contract because they have left the job to care for an ailing or elderly parent, a child or spouse and if it would be possible for the PSC to give school systems the guidelines that if there is a doctors confirmation of this, it would not be referred to the PSC. The discussion included the fact that all written complaints are handled on a case-by-case basis. If mitigating circumstances are found the sanction reflects those fact.

**VI. REVIEW HEARINGS**

1. David Faulk - Educator (Case # 01-8-397)
- Robin Clark - Hearing Officer
- Alfred L. Evans, Jr. - PSC Attorney
- G. Larry Bonner - Attorney for Educator

**MOTION:** (DeLoach / Hooker) 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

4/2/2003

Page 10

The Commission reconvened the Regular Session.

**MOTION:** (Scott / DeLoach) 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 is hereby adopted and incorporated by reference herein and made the Final Decision of the Commission with the following change: The sanction of a one-year suspension recommended by the Administrative Law Judge is rejected. We amend the Administrative Law Judge's decision to reflect that the suspension of the educator's Georgia certificate will be 8 months and 12 days (to end with the conclusion of the present suspension of his South Carolina teaching certificate). The Suspension shall begin on February 28, 2003 and conclude November 9, 2003.

**PSC ACTION:** Approved

## **VII. EXECUTIVE SECRETARY REPORT**

The Executive Secretary presented the following:

**A.** The former Chairman of the Professional Standard Commission, Dr. John Culbreath, has accepted a position as Dean of the College of Education at Albany State University.

**B.** Our April commission meeting will take place at Valdosta State University. Dr. Levy, Academic Vice President at Valdosta State University will host a supper for the commission on Wednesday night.

**C.** Dr. Toth announced that he had not yet met with Governor Perdue alone but that he had spoken with him at the 2003 Page Day on Capitol Hill Reception. He had also spoken with Ben Scafidi and he mentioned that Governor Perdue had said that the Professional Standards Commission will remain independent and that Dr. Toth will remain as the Executive Secretary.

**D.** The Certification division has responded well to the reorganization. Applications are no more than four days old. We do have 6 time-limited positions that will end in June. We are hoping that we will not lose them.

### **E. Initiate Rules**

Rick Eiserman introduced the "Initiate Rulemaking to Rescind/Amend/Adopt Professional Standards Commission Rules".

**MOTION:** (DeLoach / Natson) To initiate Rule 505-2-.06.

**PSC ACTION:** Approved

**MOTION:** (Hooker / Miller) To initiate Rule 505-2-.121.

**PSC ACTION:** Approved

**F.** Fran Watkins presented the following:

**MOTION:** (Walker / Hertzog) To approve a passing score of 456 for the Educational Testing Service (ETS) Praxis Paraprofessional Assessment, effective immediately.

4/2/2003

Page 11

**PSC ACTION:** Approved

**MOTION:** (McClain / Hertzog) To approve the new Praxis 0353 Education of Exceptional Students: Core Content Knowledge test for Interrelated Special Education certification with a recommended passing score of 153, beginning with a phase-in score schedule, effective July 1, 2003.

**PSC ACTION:** Approved

**MOTION:** (Scott / Hertzog) To approve the new School Leaders Licensure Assessment for Educational Leadership for Principals with the recommended passing score of 162, beginning with the phase-in score schedule, effective July 1, 2005. To continue the requirement of the Praxis 0410 Educational Leadership: Administration and Supervision test for all other areas of educational leadership certification.

**PSC ACTION:** Approved

**MOTION:** (Hertzog / Gomez) To approve the 80% Pass Rate on Praxis II Assessments as a condition for State Approval.

**PSC ACTION:** Approved

G. Dr Toth presented the following items for discussion:

- Out-of-State Teachers – Special Georgia Requirements
- Reading
- Middle Grades Certificates (4-8) Employed in Elementary Schools
- Middle Grades Connections Courses

H. Fran Watkins gave a presentation entitled “No Child Left behind (NCLB) Act of 2001”.

I. Cyndy Stephens gave a presentation entitled “2002 Status Report: Profile of Georgia’s Educator Workforce”.

## **VIII. CHAIR’S REPORT**

The Chair, Amy Denty, stated that she would not give a report.

## **IX. ADJOURNMENT**

**MOTION:** (Kidd / Hertzog) To adjourn the meeting.

**PSC ACTION:** The meeting adjourned at 1:05 pm.