

House Bill 590 (AS PASSED HOUSE AND SENATE)

By: Representatives Greene-Johnson of the 60<sup>th</sup>, Post 3, Williams of the 61<sup>st</sup>, Post 2, Watson of the 60<sup>th</sup>, Post 2, Stephenson of the 60<sup>th</sup>, Post 1, and Fludd of the 48<sup>th</sup>, Post 4

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to  
2 elementary and secondary education, so as to change certain provisions regarding the  
3 regulation of certificated professional personnel; to exempt teachers desiring to transfer to  
4 Georgia from other states from certain examinations in certain circumstances; to change  
5 certain provisions regarding specific course requirements; to change certain provisions  
6 regarding paraprofessionals and aides; to provide for related matters; to repeal conflicting  
7 laws; and for other purposes.

8 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

9 **SECTION 1.**

10 Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and  
11 secondary education, is amended by striking Code Section 20-2-200, relating to regulation  
12 of certified professional personnel and inserting in its place new Code Sections 20-2-200 and  
13 20-2-200.1 to read as follows:

14 "20-2-200.

15 (a) The Professional Standards Commission shall provide, by regulation, for certifying and  
16 classifying all certificated professional personnel employed in the public schools of this  
17 state. No such personnel shall be employed in the public schools of this state unless they  
18 hold certificates issued by the commission certifying their qualifications and classification  
19 in accordance with such regulations. The commission shall establish such number of  
20 classifications of other certificated professional personnel as it may find reasonably  
21 necessary or desirable for the operation of the public schools; provided, however, that such  
22 classifications shall be based only upon academic, technical, and professional training,  
23 experience, and competency of such personnel. The commission is authorized to provide  
24 for denying a certificate to an applicant, suspending or revoking a certificate, or otherwise  
25 disciplining the holder of a certificate for good cause after an investigation is held and  
26 notice and an opportunity for a hearing are provided the certificate holder or applicant in

1 accordance with subsection (d) of Code Section 20-2-984.5. The commission shall  
2 designate and define the various classifications of professional personnel employed in the  
3 public schools of this state that shall be required to be certificated under this Code section.  
4 Without limiting the generality of the foregoing, the term 'certificated professional  
5 personnel' is defined as all professional personnel certificated by the commission and  
6 county or regional librarians.

7 (b) The Professional Standards Commission shall establish rules and regulations for  
8 appropriate requirements and procedures to ensure high-quality certification standards for  
9 all Georgia educators while facilitating the interstate mobility of out-of-state certified  
10 educators.

11 (1) Requirements established for initial certification applicants new to the profession, to  
12 include out-of-state program completers with or without certificates and with no teaching  
13 experience, may include, but are not limited to, demonstrated satisfactory proficiency in  
14 the following: a test of broad general knowledge; a test of specific subject matter content  
15 or other professional knowledge appropriate to the applicant's field of certification;  
16 computer skill competency; standards of ethical conduct; and course work in the  
17 identification and education of children who have special educational needs.

18 (2) Requirements established for holders of valid, professional out-of-state certificates  
19 applying for their first Georgia certificate may include, but are not limited to the  
20 following: computer skill competency; course work in the identification and education  
21 of children who have special educational needs; recency of study; and standards of ethical  
22 conduct. These requirements may be completed during the validity period of the first  
23 Georgia certificate. At the time of application for the first Georgia certificate,  
24 satisfactory proficiency in subject matter content appropriate to the applicant's field of  
25 certification may be determined based on Professional Standards Commission approved  
26 tests or combinations of successful teaching experience and academic, technical, and  
27 professional preparation as outlined in rules of the Professional Standards Commission.

28 (3) Requirements for certification renewal shall be established to foster on going  
29 professional learning, enhance student achievement, and verify standards of ethical  
30 conduct. Such requirements may include, but are not limited to, professional learning  
31 related to school improvement plans or the applicant's field of certification and  
32 background checks. Individuals holding a valid Georgia life certificate or a valid  
33 National Board for Professional Teaching Standards certificate shall be deemed to have  
34 met state renewal requirements except those related to background checks.

35 (4) Requirements designating approved in-field assignment standards appropriate to the  
36 applicant's field of certification shall be established to ensure that educators are assigned  
37 to those areas for which they are properly prepared. These standards may be determined

1 based on reviews of state approved curriculum courses, state approved preparation  
 2 programs, and designated certificate fields.

3 (c) An individual who has received two unsatisfactory annual performance evaluations in  
 4 the previous five-year period pursuant to Code Section 20-2-210 shall not be entitled to a  
 5 renewable certificate prior to demonstrating that such performance deficiency has been  
 6 satisfactorily addressed, but such individual may apply to the commission for a  
 7 nonrenewable certificate.

8 ~~(b)(1) Before granting a renewable certificate to an applicant, the Professional Standards~~  
 9 ~~Commission shall require the applicant to demonstrate satisfactory proficiency on a test~~  
 10 ~~of specific subject matter or other professional knowledge appropriate to the applicant's~~  
 11 ~~field of certification.~~

12 ~~(2) Before granting a renewable certificate to an applicant, the commission is authorized~~  
 13 ~~to require the applicant to demonstrate satisfactory proficiency on a test of oral and~~  
 14 ~~written communication skills, a test of computer skill competency, and an assessment to~~  
 15 ~~demonstrate satisfactory on-the-job performance appropriate to the applicant's field of~~  
 16 ~~certification. Successful completion of the phase one InTech model training at a state~~  
 17 ~~educational technology training center or by a State Board of Education approved~~  
 18 ~~redelivery team shall be acceptable for certificate renewal purposes. The on-the-job~~  
 19 ~~performance of teachers shall be assessed by the instrument developed pursuant to Code~~  
 20 ~~Section 20-2-210. When used for initial renewable certification, the extended form~~  
 21 ~~version of such instrument shall be used with the following additional requirements: the~~  
 22 ~~applicant shall produce for the days to be observed a brief written lesson plan appropriate~~  
 23 ~~and sufficient for the demonstration of essential skills; the scheduling of observation~~  
 24 ~~periods and intervals between them shall be designed to allow the teacher an adequate~~  
 25 ~~opportunity to demonstrate the essential skills; at least one evaluator shall be external to~~  
 26 ~~the school system in which the assessment is taking place and each evaluator is certified~~  
 27 ~~by the commission as qualified to administer the assessment; on-the-job performance~~  
 28 ~~shall be evaluated on criteria set by the commission which will ensure demonstration of~~  
 29 ~~effective teaching practices.~~

30 ~~(3) An applicant shall be exempted from the written planning portion of the on-the-job~~  
 31 ~~assessment requirement pursuant to paragraph (2) of this subsection if:~~

32 ~~(A) The applicant has held a professional teaching or service certificate issued by any~~  
 33 ~~state in the United States at the baccalaureate degree level or higher and has~~  
 34 ~~satisfactorily performed appropriate duties on a full-time basis for at least five of the~~  
 35 ~~past eight years in regionally accredited private schools of this state or another state, or~~  
 36 ~~an accrediting agency with criteria and procedures equivalent to or greater than a~~  
 37 ~~regional accrediting association as determined solely by the Professional Standards~~

1 ~~Commission, or in public schools of this state or another state, or a combination~~  
2 ~~thereof; or~~

3 ~~(B) The applicant has held a professional leadership certificate issued by any state in~~  
4 ~~the United States at a level above the master's degree and has satisfactorily performed~~  
5 ~~appropriate leadership duties on a full-time basis for at least five of the past eight years~~  
6 ~~in regionally accredited private schools of this state or another state, or an accrediting~~  
7 ~~agency with criteria and procedures equivalent to or greater than a regional accrediting~~  
8 ~~association as determined solely by the Professional Standards Commission, or in~~  
9 ~~public schools of this state or another state, or a combination thereof.~~

10 ~~(4) Exemptions authorized pursuant to paragraph (3) of this subsection shall not apply~~  
11 ~~to those applicants who have taken the on-the-job assessment required for certification~~  
12 ~~more than five times. Any person who qualifies for the exemption granted under~~  
13 ~~subparagraph (A) or (B) of paragraph (3) of this subsection shall receive a nonrenewable~~  
14 ~~certificate valid for a maximum of three years. During those three years, said person shall~~  
15 ~~be eligible for a renewable certificate at such time said person demonstrates satisfactory~~  
16 ~~performance on the nonwritten portion of the required certification assessment. This~~  
17 ~~exemption shall in no way affect other certification requirements of this article or the~~  
18 ~~annual performance evaluation required pursuant to Code Section 20-2-210.~~

19 ~~(5) Before granting an initial renewable certificate to an applicant, the commission is~~  
20 ~~authorized to require the applicant to demonstrate satisfactory proficiency on a test of~~  
21 ~~broad general knowledge.~~

22 ~~(6) On any test or assessment required as a condition for receiving any renewable~~  
23 ~~certificate, each applicant shall have at least three opportunities to demonstrate the~~  
24 ~~required proficiency. Each applicant currently employed by a local unit of administration~~  
25 ~~who initially does not pass any required tests or assessments may request and thereby~~  
26 ~~shall be provided staff development assistance in the areas of identified deficiencies. An~~  
27 ~~applicant must achieve the required passing score on any of the required tests only once~~  
28 ~~for each certification level and field.~~

29 ~~(7) An individual holding a valid life certificate is exempt from the provisions of this~~  
30 ~~subsection for that certificate field.~~

31 ~~(8) An individual who has received two unsatisfactory annual performance evaluations~~  
32 ~~in the previous five-year period pursuant to Code Section 20-2-210 shall not be entitled~~  
33 ~~to a renewable certificate prior to demonstrating that such performance deficiency has~~  
34 ~~been satisfactorily addressed, but such individual may apply to the commission for a~~  
35 ~~nonrenewable certificate.~~

36 ~~(9) Before granting a renewable certificate required for teaching or for administering or~~  
37 ~~supervising a school system, school, or school program to an applicant who holds a valid~~

~~renewable certificate at the time of application, the commission shall require such applicant to demonstrate that he or she has worked as a teacher in a classroom for not less than five days during each school year preceding the expiration of such applicant's certificate or has completed a teacher training course approved by the commission.~~

~~(b.1) Upon certification from the National Board for Professional Teaching Standards, an applicant shall be deemed to have met state renewal requirements for the life of the teacher's national certificate.~~

~~(c)(1) The Professional Standards Commission shall grant a renewable certificate at the four-year level in a teaching field to an applicant who has not completed a teacher preparation program; provided, however, that such applicant meets the following conditions:~~

~~(A) Is the holder of a bachelor's degree from a regionally accredited college or university in a subject area field corresponding to an appropriate subject area certification classification established pursuant to subsection (a) of this Code section;~~

~~(B) Has satisfactorily completed a one-year supervised classroom internship involving the appropriate teaching field;~~

~~(C) Has obtained satisfactory results on tests and assessments pursuant to subsection (b) of this Code section otherwise required of applicants for such certification; and~~

~~(D) Has satisfied any additional requirements or standards of the alternative certification program established by rules or regulations of the Professional Standards Commission.~~

~~(2) The Professional Standards Commission shall establish rules and regulations to implement the requirements of this subsection as soon as practical.~~

~~(d)(1) The Professional Standards Commission shall grant a renewable certificate at the five-year level in a teaching field to an applicant who did not complete an undergraduate teacher preparation program; provided, however, that such applicant meets the following conditions:~~

~~(A) Is the holder of a master's degree or higher level degree from a regionally accredited college or university in a subject area field corresponding to an appropriate subject area certification classification established pursuant to subsection (a) of this Code section;~~

~~(B) Has satisfactorily completed a one-year supervised classroom internship involving the appropriate teaching field;~~

~~(C) Has obtained satisfactory results on tests and assessments pursuant to subsection (b) of this Code section otherwise required of applicants for such certification; and~~

~~(D) Has satisfied any additional requirements or standards of the alternative certification program established by rules or regulations of the Professional Standards Commission.~~

~~(2) The Professional Standards Commission shall establish rules and regulations to implement the requirements of this subsection as soon as practical.~~

(d) No applicant who is under review by the commission shall be allowed to withdraw his or her application for a certificate, permit, or other certification document without the written consent of the commission. The commission shall retain its authority over those applicants to proceed with the denial of the certificate, permit, or other certification document upon any ground provided by law, or to enter an order denying the certificate, permit, or other certification document upon any ground provided by law. The suspension or expiration of any certificate, permit, or certification document, or its surrender without the written consent of the commission, shall not deprive the commission of its authority to do any of the following:

(1) Institute or continue a disciplinary proceeding against the holder of a certificate, permit, or other certification document upon any ground provided by law;

(2) Enter an order suspending or revoking the certificate, permit, or other certification document; or

(3) Issue an admonition to the holder of a certificate, permit, or other certification document.

(e)(1) The Professional Standards Commission shall charge the following fees to persons who file applications with the commission under its regulations adopted pursuant to the authority of this Code section:

(A) For an applicant for initial certification who is not currently employed in Georgia public or private schools . . . . .	\$ 20.00
(B) For an applicant for initial certification who is not a graduate of an accredited education program from a Georgia college or university . . . . .	20.00
(C) For an applicant for a higher certificate when the applicant then holds a Georgia certificate but who is not currently employed in Georgia public or private schools . . . . .	20.00
(D) For an applicant for a certificate which adds a field or which endorses a certificate but who is not currently employed in Georgia public or private schools . . . . .	20.00
(E) For an applicant for a conditional certificate . . . . .	20.00
(F) For an applicant for the renewal of any certificate if the applicant is not currently employed by a public or private school in Georgia . . . . .	20.00

1 (G) For evaluating transcripts where certificates are not issued and for  
 2 issuing duplicate copies of certificates ..... 20.00

3 (2) The fees provided for in paragraph (1) of this subsection shall be paid by an applicant  
 4 by cashier’s check or money order as a condition for filing the application.

5 (3) The fees provided for in this subsection shall be paid by the commission into the  
 6 general funds of the state. The commission shall adopt regulations to carry out the  
 7 provisions of this subsection.

8 ~~(f) No applicant who is under review by the commission shall be allowed to withdraw his  
 9 or her application for a certificate, permit, or other certification document without the  
 10 written consent of the commission. The commission shall retain its authority over those  
 11 applicants to proceed with the denial of the certificate, permit, or other certification  
 12 document upon any ground provided by law, or to enter an order denying the certificate,  
 13 permit, or other certification document upon any ground provided by law. The suspension  
 14 or expiration of any certificate, permit, or certification document, or its surrender without  
 15 the written consent of the commission, shall not deprive the commission of its authority to  
 16 do any of the following:~~

17 ~~(1) Institute or continue a disciplinary proceeding against the holder of a certificate,  
 18 permit, or other certification document upon any ground provided by law;~~

19 ~~(2) Enter an order suspending or revoking the certificate, permit, or other certification  
 20 document; or~~

21 ~~(3) Issue an admonition to the holder of a certificate, permit, or other certification  
 22 document.~~

23 ~~(g)(f)~~ As used in this part, unless the context indicates otherwise, the term 'commission'  
 24 means the Professional Standards Commission established under Part 10 of Article 17 of  
 25 this chapter.

26 The commission shall not require a teacher from another state desiring to transfer to this  
 27 state to take a test of specific subject matter or a test of broad general knowledge to obtain  
 28 a renewable certificate if such teacher:

29 (1) Holds a valid, professional state educator’s certificate or license from a state that is  
 30 a party to the National Association of State Directors of Teacher Education and  
 31 Certification Interstate Contract; and

32 (2) Has a minimum of five years of satisfactory appraisals or ratings on any annual  
 33 performance evaluations.”



(e)(b) Each local unit of administration shall be required to provide all professional personnel certificated by the Professional Standards Commission 12 clock hours of in-service or continuing education in each calendar year, or meet requirements of the Southern Association of Colleges and Schools. Such in-service programs shall be developed by the local unit of administration in conjunction with such agencies as regional educational service agencies, colleges and universities, and other appropriate organizations. These programs shall be designed to address identified needs determined by appropriate personnel evaluation instruments. These programs shall also focus on improving the skills of certificated personnel that directly relate to improving student achievement. Records of attendance shall be maintained by local units of administration and shall be monitored by appropriate Department of Education staff."

### SECTION 3.

Said chapter is further amended by striking Code Section 20-2-204, relating to paraprofessionals and aides, and inserting in its place a new Code Section 20-2-204 to read as follows:

"20-2-204.

(a) As used in this Code section, the term:

~~(1) 'Aide' is defined as a person who may have less than professional training and who takes no independent actions and has no decision-making authority but performs routine tasks assigned by higher certificated personnel. An aide who works as an instructional aide shall possess the minimum of a high school diploma or a general educational development (GED) diploma.~~

~~(2) 'Licensed personnel' is defined as paraprofessionals and aides.~~

~~(3)~~(1) 'Paraprofessional' is defined as a person who may have less than professional-level certification, who relates in role and function to a professional and does a portion of the professional's job or tasks under the supervision of the professional, and whose decision-making authority is limited and regulated by the professional. Such a paraprofessional shall possess the minimum of a high school diploma or a general educational development (GED) diploma. If assigned to positions governed by federal regulations, the paraprofessional must meet specified federal hiring requirements.

~~(4)~~(2) 'Permitted personnel' is defined as persons who may not qualify for professional certificates, including retired teachers, but who function in the educational programs in the same manner as certificated personnel. Such personnel qualify for their positions on the basis of experience rather than formal education.

(b) The Professional Standards Commission shall provide for the classification of all ~~licensed~~ certified and permitted personnel employed in the public schools of this state, and

1 no such personnel shall be employed in the public schools of this state unless they meet  
2 such minimum criteria as developed by the commission; provided, however, that such  
3 classifications shall be based only upon academic, technical, and professional training and  
4 experience of such personnel. The commission is authorized to provide for revoking or  
5 denying a ~~license~~ certificate or permit for good cause after an investigation is conducted  
6 and notice and hearing is provided the ~~license~~ certificate or permit holder."

7 **SECTION 4.**

8 All laws and parts of laws in conflict with this Act are repealed.