

The Senate Education and Youth Committee offered the following substitute to HB 285:

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 6 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia
2 Annotated, relating to employment under the "Quality Basic Education Act," so as to provide
3 various requirements relating to the integrity and effectiveness of educators; to provide for
4 revision of certification renewal rules to take into account the impact of professional
5 learning; to provide for the development of a course on educator ethics; to revise provisions
6 relating to criminal background checks on school employees; to provide for related matters;
7 to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Part 6 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated,
11 relating to employment under the "Quality Basic Education Act," is amended in Code
12 Section 20-2-200, relating to regulation of certificated professional personnel by the
13 Professional Standards Commission, by adding a new paragraph to subsection (b) to read as
14 follows:

15 "(4.1) Prior to July 1, 2015, the Professional Standards Commission shall revise its
16 certification renewal rules established pursuant to paragraph (4) of this subsection, to
17 require demonstration of the impact of professional learning on educator performance and
18 student learning for purposes of certification renewal. Such revised rules shall be
19 effective beginning July 1, 2015. As part of the revision process, the Professional
20 Standards Commission shall establish a task force to determine the level of evidence
21 necessary for educators to demonstrate the impact of professional learning and how such
22 evidence will be collected and submitted for purposes of certificate renewal."

23 **SECTION 2.**

24 Said part is further amended by adding a new Code section to read as follows:

25 "20-2-207.
 26 The Georgia Department of Education and the Professional Standards Commission shall
 27 cooperatively develop an online course on educator ethics. Such course shall include
 28 information on the code of ethics for educators established by the Professional Standards
 29 Commission pursuant to Code Section 20-2-984.1. One area of emphasis in the course
 30 shall be best practices for administering state-mandated assessments."

31 **SECTION 3.**

32 Said part is further amended by revising Code Section 20-2-211.1, relating to clearance
 33 certificates issued by the Professional Standards Commission relating to fingerprint and
 34 criminal background checks, as follows:

35 "20-2-211.1.

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

37 (1) 'Clearance certificate' means a certificate issued by the Professional Standards
 38 Commission that verifies that an educator has completed fingerprint and criminal
 39 background check requirements as specified in this Code section and that the individual
 40 does not have a certificate that is currently revoked or suspended in Georgia or any other
 41 state; provided, however, that additional fingerprinting shall not be required for renewal
 42 of a clearance certificate or for educators who possess a professional educator certificate
 43 as of January 1, 2011. A clearance certificate shall be a renewable certificate valid for
 44 five years. Clearance certificates shall be subject to fees in accordance with subsection
 45 (e) of Code Section 20-2-200.

46 (2) 'Educator' means a teacher, school or school system administrator, or other education
 47 personnel who would, if not exempted pursuant to a charter under Article 31 or 31A of
 48 this chapter or an increased flexibility contract under Article 4 of this chapter, be required
 49 to hold a professional educator certificate, license, or permit issued by the Professional
 50 Standards Commission and persons who have applied for but have not yet received such
 51 a certificate, license, or permit.

52 (3) 'Local unit of administration' shall have the same meaning as in Code Section
 53 20-2-242 and shall also include state chartered special schools and commission charter
 54 schools.

55 (4) 'Professional educator certificate' means a certificate, license, or permit issued by the
 56 Professional Standards Commission that is based upon academic, technical, and
 57 professional training, experience, and competency of such personnel as provided for
 58 under Code Section 20-2-200.

59 (b)(1) On and after January 1, 2011, all educators employed by a local unit of
 60 administration shall hold a valid clearance certificate; provided, however, that an

61 educator who possesses a professional educator certificate as of January 1, 2011, shall not
62 be required to obtain a clearance certificate until his or her professional educator
63 certificate is up for renewal. A local unit of administration may employ an educator who
64 does not already hold a valid clearance certificate, provided the individual has applied for
65 a clearance certificate, for a maximum of 20 days in order to allow for the receipt of the
66 results of the criminal record check and issuance of the clearance certificate. The
67 requirements of this Code section shall be in addition to professional educator certificate
68 requirements unless such educator is employed by a school which is exempt from teacher
69 certification requirements pursuant to a charter under Article 31 or 31A of this chapter
70 or an increased flexibility contract under Article 4 of this chapter.

71 (2) Any other Code sections to the contrary notwithstanding, educators holding a valid
72 clearance certificate shall be subject to the code of ethics for educators as established
73 pursuant to Code Section 20-2-984.1 and shall be subject to Code Sections 20-2-984,
74 20-2-984.2, 20-2-984.3, 20-2-984.4, and 20-2-984.5.

75 (c) A local unit of administration shall ensure that all ~~noneducator~~ personnel employed by
76 such local unit of administration after January 1, 2011, shall be fingerprinted and have a
77 criminal record check performed. The local unit of administration shall have the authority
78 to employ such person for a maximum of 20 days in order to allow for the receipt of the
79 results of the criminal record check. The local unit of administration shall adopt policies
80 to provide for the subsequent criminal record checks of ~~noneducator~~ personnel continued
81 in employment in the local unit of administration.

82 (d)(1) Local units of administration shall have the authority and responsibility to order
83 criminal record checks pursuant to this Code section through the Georgia Crime
84 Information Center and the Federal Bureau of Investigation and shall have the authority
85 to receive the results of such criminal record checks. Local units of administration shall
86 also have the authority to forward the results of criminal record checks to the Professional
87 Standards Commission as necessary regarding potential violations of the code of ethics
88 for educators. The Professional Standards Commission shall also have the authority to
89 order criminal record checks pursuant to this Code section through the Georgia Crime
90 Information Center and the Federal Bureau of Investigation and shall have the authority
91 to receive the results of such criminal record checks.

92 (2) Fingerprints shall be in such form and of such quality as shall be acceptable for
93 submission to the National Crime Information Center under standards adopted by the
94 Federal Bureau of Investigation or the United States Department of Justice Georgia
95 Crime Information Center and the Federal Bureau of Investigation. It shall be the duty
96 of each law enforcement agency in this state to fingerprint those persons required to be
97 fingerprinted by this Code section.

98 (e) At the discretion of local units of administration, fees required for a criminal record
99 check by the Georgia Crime Information Center, ~~the National Crime Information Center,~~
100 ~~or the Federal Bureau of Investigation, or the United States Department of Justice~~ shall be
101 paid by the local unit of administration or by the individual seeking employment or making
102 application to the Professional Standards Commission.

103 ~~(f) It shall be the duty of the State Board of Education to submit this Code section to the~~
104 ~~Georgia Bureau of Investigation for submission to the Federal Bureau of Investigation and~~
105 ~~the United States Department of Justice for their consent to conduct criminal record checks~~
106 ~~through the National Crime Information Center as required by federal law, rules, or~~
107 ~~regulations. No criminal record checks through the National Crime Information Center~~
108 ~~shall be required by this Code section unless and until such consent is given.~~

109 ~~(g) Information provided by the Georgia Crime Information Center or the National Crime~~
110 ~~Information Center shall be used only for the purposes allowed by Code Section 35-3-35~~
111 ~~or by applicable federal laws, rules, or regulations.~~

112 ~~(h) The State Board of Education is authorized to adopt rules and regulations necessary~~
113 ~~to carry out the provisions of this Code section.~~

114 (f) The Professional Standards Commission is authorized to adopt rules and regulations
115 necessary to carry out the provisions of this Code section."

116

SECTION 4.

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