

## SENATE SUBSTITUTE TO HB 285

AS PASSED SENATE

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 amend Part 14 of Article 6  
 7 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to other  
 8 educational programs, so as to enact the "Rachel Sackett Act"; to authorize public school  
 9 students to participate in extracurricular activities at other public schools in their attendance  
 10 zone; to provide for definitions; to provide that the student is subject to the same rules and  
 11 regulations applicable to other students; to provide for rules and regulations; to provide for  
 12 related matters; to repeal conflicting laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 **SECTION 1.**

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

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

28  
29  
30  
31  
32  
33  
34  
35  
  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63

## SECTION 2.

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

"20-2-207.

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

## SECTION 3.

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

"20-2-211.1.

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

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

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

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

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

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

76 (2) Any other Code sections to the contrary notwithstanding, educators holding a valid  
77 clearance certificate shall be subject to the code of ethics for educators as established  
78 pursuant to Code Section 20-2-984.1 and shall be subject to Code Sections 20-2-984,  
79 20-2-984.2, 20-2-984.3, 20-2-984.4, and 20-2-984.5.

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

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

97 (2) Fingerprints shall be in such form and of such quality as shall be acceptable for  
98 submission to the National Crime Information Center under standards adopted by the  
99 Federal Bureau of Investigation or the United States Department of Justice Georgia  
100 Crime Information Center and the Federal Bureau of Investigation. It shall be the duty

101 of each law enforcement agency in this state to fingerprint those persons required to be  
102 fingerprinted by this Code section.

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

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

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

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

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

#### 121 SECTION 4.

122 Part 14 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated,  
123 relating to other educational programs, is amended by adding a new Code section to read as  
124 follows:

125 "20-2-319.3.

126 (a) This Code section shall be known and may be cited as the "Rachel Sackett Act."

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

128 (1) 'Charter school' means a local charter school, as defined in paragraph (7) of Code  
129 Section 20-2-2062, a state chartered special school, as defined in paragraph (16) of Code  
130 Section 20-2-2062, and a commission charter school, as defined in paragraph (2) of Code  
131 Section 20-2-2081.

132 (2) 'Nonenrolled student' means a student enrolled in a traditional public school, a charter  
133 school, or a virtual school who resides within the attendance zone of another public  
134 school but who is not enrolled in such school. For purposes of a charter school and a  
135 virtual school, the attendance zone shall be as designated in its charter.

136 (3) 'Public school' means, without limitation, a traditional public school and a charter  
137 school.

138 (4) 'Virtual school' means a charter school in which students attend all courses via the  
139 Internet or other electronic medium not involving on-site interaction with a teacher.

140 (c) A public school shall allow any nonenrolled student to participate in any  
141 extracurricular activity offered or conducted by such public school in the same manner as  
142 any student currently enrolled at such public school as long as the public school that the  
143 student is attending does not offer such extracurricular activity. A nonenrolled public  
144 school student desiring to participate in an extracurricular activity shall register with the  
145 principal of the public school, or his or her designee, such intent to participate in  
146 extracurricular activities of the public school in accordance with rules and regulations  
147 established by the State Board of Education. The final approval for such participation shall  
148 reside in the discretion of the principal which shall only be withheld with just cause in  
149 accordance with state board rules and regulations as established pursuant to subsection (e)  
150 of this Code section and in accordance with local board policies, or State Board of  
151 Education or Georgia Charter Schools Commission policies, for a state chartered special  
152 school or a commission charter school, respectively. If approval is not granted, the  
153 principal shall provide notice in writing to the student and his or her parent or guardian  
154 which shall include the reason the participation was not approved.

155 (d) A nonenrolled student shall comply with the same rules and requirements and be  
156 subject to the same code of conduct applicable to any student's participation in the same  
157 activity.

158 (e) The State Board of Education shall establish rules and regulations to implement the  
159 provisions of this Code section, including procedures to follow if the interest in an  
160 extracurricular activity at a particular public school exceeds the capacity of such activity."

161 **SECTION 5.**

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