

House Bill 285 (AS PASSED HOUSE AND SENATE)

By: Representatives Coleman of the 97<sup>th</sup>, Maxwell of the 17<sup>th</sup>, and Casas of the 103<sup>rd</sup>

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 provide for the development of a course on educator  
5 ethics; to revise provisions relating to criminal background checks on school employees; to  
6 amend Part 10 of Article 17 of Chapter 2 of Title 20 of the Official Code of Georgia  
7 Annotated, relating to professional standards for teachers, so as to revise provisions relating  
8 to expungement of records; to provide for related matters; to repeal conflicting laws; and for  
9 other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 style="text-align:center">**SECTION 1.**

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

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

25 **SECTION 2.**

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

27 "20-2-207.

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

33 **SECTION 3.**

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

37 "20-2-211.1.

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

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

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

54 (3) 'Local unit of administration' shall have the same meaning as in Code Section  
 55 20-2-242 and shall also include state chartered special schools and commission charter  
 56 schools.

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

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

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

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

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

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

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

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

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

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

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

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

#### 118 SECTION 4.

119 Part 10 of Article 17 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated,  
120 relating to professional standards for teachers, is amended by revising paragraph (3) of Code  
121 Section 20-2-982.1, relating to definitions, as follows:

122 "(3) 'Expungement' means the records are ~~sealed and labeled~~ destroyed pursuant to  
123 subsection (e) of Code Section 20-2-984.5 in accordance with an established records  
124 retention schedule."

#### 125 SECTION 5.

126 Said part is further amended by revising subsection (e) of Code Section 20-2-984.5, relating  
127 to preliminary investigations by the Professional Standards Commission, as follows:

128 "(e) If after reviewing the findings of the preliminary investigation the commission finds  
129 that no probable cause exists to recommend disciplinary action or the educator investigated  
130 is exonerated after a hearing, then all records of the commission's investigation and of any  
131 hearing by the ~~Department of Education or the State Board of Education~~ commission,

132 including all reports received pursuant to this subsection, made pursuant to this Code  
133 section and pertaining to the educator investigated shall be completely expunged."

134 **SECTION 6.**

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