

House Bill 354

By: Representatives Clark of the 101<sup>st</sup>, Coleman of the 97<sup>th</sup>, Tankersley of the 160<sup>th</sup>, Kaiser of the 59<sup>th</sup>, Morgan of the 39<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 20 of the Official Code of Georgia Annotated, relating to education, so as to  
2 revise terminology relating to early care and learning; to require the Department of Early  
3 Care and Learning to provide certain information to owners of early care and education  
4 programs; to authorize the department to administer certain programs; to expand the purposes  
5 of the "Georgia Professional Standards Act"; to revise related definitions; to revise the  
6 composition of the Professional Standards Commission to include representatives of early  
7 care and learning; to authorize the Professional Standards Commission to perform certain  
8 functions and services with respect to early care and education program personnel if funding  
9 is available; to provide for statutory construction; to amend various other titles of the Official  
10 Code of Georgia Annotated for purposes of conformity; to provide for related matters; to  
11 repeal conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

14 Title 20 of the Official Code of Georgia Annotated, relating to education, is amended by  
15 revising Code Section 20-1A-2, relating to definitions relative to early care and learning, as  
16 follows:

17 "20-1A-2.

18 As used in this chapter, the term:

19 (1) 'Board' means the Board of Early Care and Learning.

20 (2) 'Child care learning center' means ~~a day-care center that participates in Georgia's~~  
21 ~~Pre-K Program~~ any place operated by a person, society, agency, corporation, institution,  
22 or group wherein are received for pay for group care for less than 24 hours per day,  
23 without transfer of legal custody, 19 or more children under 18 years of age; provided,  
24 however, that this term shall not include a private school which provides kindergarten  
25 through grade 12 education, meets the requirements of Code Section 20-2-690, and is  
26 accredited by one or more of the entities listed in subparagraph (A) of paragraph (6) of

27 Code Section 20-3-519 and which provides care before, after, or both before and after the  
 28 customary school day to its students as an auxiliary service to such students during the  
 29 regular school year only.

30 (3) 'Commissioner' means the commissioner of ~~the Department of Early Care and~~  
 31 Learning early care and learning.

32 (4) 'Day-care center' means any place operated by a person, society, agency, corporation,  
 33 institution, or group wherein are received for pay for group care for less than 24 hours per  
 34 day, without transfer of legal custody, ~~19 or more children under 18 years of age;~~  
 35 provided, however, that this term shall not include a private school which provides  
 36 kindergarten through grade 12 education, meets the requirements of Code Section  
 37 20-2-690, and is accredited by one or more of the entities listed in subparagraph (A) of  
 38 paragraph (6) of Code Section 20-3-519 and which provides care before, after, or both  
 39 before and after the customary school day to its students as an auxiliary service to such  
 40 students during the regular school year only.

41 (5)(4) 'Department' means the Department of Early Care and Learning.

42 (6)(5) 'Early care and education programs' include all family day-care homes, group  
 43 day-care homes, ~~day-care centers~~, and child care learning centers, regardless of whether  
 44 such homes or centers offer education.

45 (7)(6) 'Early childhood' means the period of childhood from birth to age six.

46 (8)(7) 'Family day-care home' means a private residence operated by any person who  
 47 receives therein for pay for supervision and care fewer than 24 hours per day, without  
 48 transfer of legal custody, at least three but not more than six children under ~~18~~ 13 years  
 49 of age who are not related to such person and whose parents or guardians are not  
 50 residents in the same private residence; provided, however, that the total number of  
 51 unrelated children cared for in such home, for pay and not for pay, may not exceed six  
 52 children under 13 years of age at one time.

53 (9)(8) 'Group day-care home' means any place operated by any person or group wherein  
 54 are received for pay not less than seven nor more than 18 children under 18 years of age  
 55 for care and supervision for less than 24 hours per day."

## 56 SECTION 2.

57 Said title is further amended by revising paragraph (2) of subsection (d) of Code Section  
 58 20-1A-3, relating to the commissioner and the board of the Department of Early Care and  
 59 Learning, as follows:

60 "(2) Functions transferred to the department from the Department of Human Resources  
 61 (now known as the Department of Human Services) relating to day-care centers (now  
 62 known as child care learning centers), group day-care homes, family day-care homes, and

63 other functions as agreed upon by the department and the Department of Human  
 64 Resources (now known as the Department of Human Services) in accordance with Code  
 65 Section 20-1A-8;"

66 **SECTION 3.**

67 Said title is further amended by revising Code Section 20-1A-4, relating to the powers and  
 68 duties of the Department of Early Care and Learning, as follows:

69 "20-1A-4.

70 The Department of Early Care and Learning shall have the following powers and duties:

71 (1) To administer such programs and services as may be necessary for the operation and  
 72 management of voluntary pre-kindergarten, which shall be known as 'Georgia's Pre-K  
 73 Program';

74 (2) To administer such programs and services as may be necessary for the operation and  
 75 management of preschool and child development programs, such as Even Start and child  
 76 care regulation and food programs;

77 (3) To act as the agent of the federal government in conformity with this chapter and the  
 78 administration of any federal funds granted to the state to aid in the furtherance of any  
 79 functions of the department;

80 (4) To assist local units of administration in this state so as to assure the proliferation of  
 81 services under this chapter;

82 (5) To regulate early care and education programs in accordance with this chapter;

83 (6) To perform the functions set out in Code Section 20-1A-64, relating to improvement  
 84 of the quality, availability, and affordability of child care in this state;

85 (7) To serve as the Head Start state collaboration office;

86 (8) To establish and collect annual fees for licensure, registration, or commission of early  
 87 care and education programs. Such fees so established shall be reasonable and shall be  
 88 determined in such a manner that the total amount of fees established shall help defray  
 89 the direct and indirect costs to the department in performing such function. The  
 90 department shall remit all fees collected to the general fund of the state;

91 (9) To recommend in writing to the owner of any early care and learning program  
 92 licensed by the department that such program carry liability insurance coverage sufficient  
 93 to protect its clients. Any such program which after receiving such recommendation is  
 94 not covered by liability insurance shall post that fact in a conspicuous place in the  
 95 program and shall notify the parent or guardian of each child under the care of the  
 96 program in writing. Such notice shall be in at least 1/2 inch letters. Each such parent or  
 97 guardian must acknowledge receipt of such notice in writing and a copy of such  
 98 acknowledgment shall be maintained on file at the program at all times while the child

99 attends the program and for 12 months after the child's last date of attendance. Failure  
 100 to do so may subject the owner of the program to a civil fine of \$1,000.00 for each such  
 101 infraction;

102 (10) To administer any programs assigned to it administratively by the Governor  
 103 pursuant to his or her powers or any programs for which the Governor designates the  
 104 department as the lead agency in the state for a federal program;

105 ~~(9)~~(11) To perform any other functions as agreed upon between the department and the  
 106 Department of Human Resources (now known as the Department of Human Services),  
 107 pursuant to Code Section 20-1A-8;

108 ~~(10)~~(12) To perform any other functions as agreed upon between the department and the  
 109 Department of Education, in accordance with Code Section 20-1A-17; and

110 ~~(11)~~(13) To exercise the powers reasonably necessary to accomplish the purposes of this  
 111 chapter, including, but not limited to, contracting for services."

#### 112 **SECTION 4.**

113 Said title is further amended by revising Code Section 20-1A-9, relating to authority to  
 114 license and regulate day-care centers, group day-care homes, and family day-care homes  
 115 transferred to the Department of Early Care and Learning, as follows:

116 "20-1A-9.

117 The department shall succeed to all rights and responsibilities relating to licensure and  
 118 regulation of day-care centers (now known as child care learning centers), group day-care  
 119 homes, and family day-care homes, including such rules, regulations, policies, procedures,  
 120 and pending and finalized administrative orders of the Department of Human Resources  
 121 (now known as the Department of Human Services), the Georgia Child Care Council, and  
 122 the Office of State Administrative Hearings, where applicable, which are in effect on  
 123 September 30, 2004, and which relate to the functions transferred to the department  
 124 pursuant to Code Section 20-1A-8. Such rights, responsibilities, licenses issued pursuant  
 125 to previous law, procedures, and orders shall remain in effect until amended, repealed,  
 126 superseded, or nullified by the commissioner. Such rules, regulations, and policies shall  
 127 remain in effect until amended, repealed, superseded, or nullified by the board."

#### 128 **SECTION 5.**

129 Said title is further amended by revising subsections (b), (i), (k)(2), (m), and (v) of Code  
 130 Section 20-1A-10, relating to regulation of early care and education programs, as follows:

131 "~~(b) Day-care centers and child~~ Child care learning centers operated as part of a local  
 132 church ministry or a nonprofit religious school or a nonprofit religious charitable  
 133 organization may notify the department annually and be commissioned in lieu of being

134 licensed upon request for commission. Commissioned ~~day-care centers~~ and child care  
 135 learning centers shall operate in accordance with the same procedures, standards, rules, and  
 136 regulations which are established by the board for the operation of licensed ~~day-care~~  
 137 ~~centers~~ and child care learning centers. Any ~~day-care center~~ or child care learning center  
 138 operated as part of a local church ministry or a nonprofit religious school or a nonprofit  
 139 religious charitable organization may elect to apply for a commission as provided for in  
 140 subsection (c) of this Code section."

141 "(i) Group day-care homes, ~~day-care centers~~, and child care learning centers shall provide  
 142 a minimum of 35 square feet of usable space consisting of indoor play areas, rest areas, and  
 143 dining facilities for each child present in the facility. ~~Day-care centers and child~~ Child care  
 144 learning centers will be allowed to designate in writing to the department two one-hour  
 145 periods daily during which 25 square feet of usable space per child for children aged three  
 146 years and older may be provided. Notwithstanding the limitation to 18 children prescribed  
 147 in Code Section 20-1A-2, group day-care homes will be allowed to designate in writing to  
 148 the department two one-hour periods daily during which 25 square feet of usable space per  
 149 child for children aged three years and older may be provided. Notwithstanding the  
 150 limitation to six children prescribed in Code Section 20-1A-2, a family day-care home  
 151 operator may care for two additional children aged three years and older for two designated  
 152 one-hour periods daily. Notwithstanding the provisions of this subsection, all other  
 153 applicable rules and regulations shall apply."

154 "(2) On and after May 12, 2010, the following annual fees shall apply to applications  
 155 for licensure, registration, or commission as a ~~day-care center~~, child care learning  
 156 center, group day-care home, or family day-care home:

157	(A) Capacity of fewer than 25 children . . . . .	\$ 50.00
158	(B) Capacity of 26 to 50 children . . . . .	100.00
159	(C) Capacity of 51 to 100 children . . . . .	150.00
160	(D) Capacity of 101 to 200 children . . . . .	200.00
161	(E) Capacity of more than 200 children . . . . .	250.00"

162 "(m) The department shall refuse to issue a license, registration, or commission upon a  
 163 showing of:

- 164 (1) Noncompliance with the rules and regulations for ~~day-care centers~~, family day-care  
 165 homes, group day-care homes, or child care learning centers which are designated in  
 166 writing to the facilities as being related to children's health and safety;
- 167 (2) Flagrant and continued operation of an unlicensed, unregistered, or uncommissioned  
 168 facility in contravention of the law;

169 (3) Prior license, registration, or commission denial or revocation within one year of  
170 application; or

171 (4) Failure to pay the annual fee for licensure, registration, or commission of early care  
172 and education programs."

173 "(v) The term 'licensed ~~day-care center~~ child care learning center' shall include a  
174 ~~commissioned day-care center~~ and commissioned child care learning center and any  
175 references in this Code to a licensed ~~day-care center~~ child care learning center, including  
176 criminal, administrative, and civil provisions applicable to licensed ~~day-care centers~~ child  
177 care learning centers, shall include and apply to ~~commissioned day-care centers~~ and  
178 commissioned child care learning centers unless otherwise provided in this Code section."

179 **SECTION 6.**

180 Said title is further amended by revising paragraph (1) of Code Section 20-1A-30, relating  
181 to definitions for background checks for early care and education programs, as follows:

182 "(1) 'Center' means a ~~day-care center~~, group day-care home, family day-care home, or  
183 child care learning center which is required to be licensed or registered under Article 1  
184 of this chapter."

185 **SECTION 7.**

186 Said title is further amended by revising paragraph (7) of subsection (a) of Code Section  
187 20-1A-61, relating to the Child Care Council, as follows:

188 "(7) One member shall represent licensed or commissioned church or synagogue  
189 ~~day-care centers~~ child care learning centers;"

190 **SECTION 8.**

191 Said title is further amended by revising Code Section 20-2-982, relating to the purpose of  
192 the "Georgia Professional Standards Act," as follows:

193 "20-2-982.

194 The following constitute the major purposes of this part:

195 (1) To simplify and make more efficient the process of certifying educational personnel  
196 in Georgia;

197 (2) To attract the highest possible number of qualified personnel to become educators in  
198 Georgia;

199 (3) To promote the hiring of qualified educators from other states to work in Georgia  
200 schools;

- 201 (4) To improve the level of preparation of educators, both pre-service and in-service, by  
 202 requiring for purposes of certification those essential skills and that knowledge needed  
 203 to deliver effective education;
- 204 (5) To adopt standards of professional performance and a code of professional ethics for  
 205 educators, both of which shall represent standards of performance and conduct which are  
 206 generally accepted by educators of this state;
- 207 (6) To investigate reports of specified criminal conduct, violations of professional or  
 208 ethical codes of conduct, and violations of certain rules, regulations, and policies by  
 209 school system educators, and, if funding is available, early care and education program  
 210 personnel;
- 211 (7) To enforce the requirement that local school systems promptly report specified  
 212 criminal conduct of and violations of the code of ethics for educators by school system  
 213 educators to the commission, and if funding is available, to enforce the requirement that  
 214 the Department of Early Care and Learning promptly reports specified criminal conduct  
 215 of and violations of the code of ethics for educators by early care and education program  
 216 educators to the commission; and
- 217 (8) To impose disciplinary action or a denial of a certificate against an educator."

218

**SECTION 9.**

219 Said title is further amended by revising Code Section 20-2-982.1, relating to definitions  
 220 relative to the "Georgia Professional Standards Act," as follows:

221 "20-2-982.1.

222 As used in this part, the term:

223 (1) 'Certificate' means any certificate, license, permit, or other certification document  
 224 issued by the commission.

225 (2) 'Commission' means the Professional Standards Commission.

226 (3) 'Early care and education program' has the same meaning as in Code Section  
 227 20-1A-2.

228 ~~(2)~~(4) 'Educator' means teachers and school or school system administrators and other  
 229 education personnel of this state who hold certificates, permits, or other certification  
 230 documents, including clearance certificates, issued by the ~~Professional Standards~~  
 231 ~~Commission~~ commission and persons who have applied for but have not yet received or  
 232 have been denied such certificates, permits, or other certification documents from the  
 233 ~~Professional Standards Commission~~ commission.

234 ~~(3)~~(4) 'Expungement' means the records are destroyed pursuant to subsection (e) of Code  
 235 Section 20-2-984.5 in accordance with an established records retention schedule.

236 ~~(4)~~(5) 'Local board' means the board of education of any local school system.

237 ~~(5)~~(6) 'Local school system' means any county school system or any independent school  
 238 system of a municipality.  
 239 ~~(6)~~(7) 'Local superintendent' means the school superintendent of any local school system.  
 240 ~~(7)~~(8) 'State board' means the State Board of Education.  
 241 ~~(8)~~(9) 'State superintendent' means the State School Superintendent.  
 242 ~~(9)~~(10) 'Teaching' means any professional service rendered or performed by an  
 243 educator."

#### 244 **SECTION 10.**

245 Said title is further amended by revising Code Section 20-2-983, relating to the creation;  
 246 composition; terms, qualifications, appointment, and removal of members; and filling of  
 247 vacancies for the Professional Standards Commission, as follows:

248 "20-2-983.

249 (a) The Professional Standards Commission existing June 30, 1991, is abolished and the  
 250 term of office of the members of such abolished commission shall expire July 1, 1991. A  
 251 new Professional Standards Commission is created and attached to the Office of Planning  
 252 and Budget for administrative purposes only. The commission shall consist of ~~18~~ 20  
 253 members to be appointed by the Governor, subject to the provisions of subsections (b) and  
 254 (c) of this Code section. The term of office of members of the commission shall be three  
 255 years; ~~except the initial appointments shall begin July 1, 1991, and shall be: six for one~~  
 256 ~~year, six for two years, and six for three years.~~ Members of the commission may serve  
 257 until their successors are appointed and qualified. A member may be reappointed to the  
 258 commission only one time. Vacancies shall be filled for unexpired terms in the same  
 259 manner as the original appointments. If a member for any reason discontinues employment  
 260 or service in the category from which he or she was appointed, that person may not be  
 261 eligible for reappointment to the commission as a representative of that category. If a  
 262 member elects to take employment outside the State of Georgia, that person is no longer  
 263 eligible to serve on the commission. The Governor may remove any member from the  
 264 commission for misconduct or malfeasance in office, incapacity, or neglect of duty. All  
 265 members of the commission are to be confirmed by the Senate. Any appointment made by  
 266 the Governor when the Senate is not in session shall be effective until the appointment is  
 267 acted upon by the Senate.

268 (b) The membership of the commission shall consist of:

269 (1) Nine teachers, not more than one of whom shall be from a state or regionally  
 270 accredited private school, holding a valid professional certificate; including at least two  
 271 classroom teachers assigned within the grades kindergarten through five, two classroom

- 272 teachers assigned within the grades six through eight, and two classroom teachers  
 273 assigned within grades nine through 12;
- 274 (2) Two administrators actively engaged in administration and holding a valid  
 275 professional certificate;
- 276 (3) Two faculty members from state or regionally approved ~~teacher-education~~ educator  
 277 preparation institutions;
- 278 (4) Two members of local boards of education; ~~and~~
- 279 (5) Three representatives of business or other private sector groups with an interest in  
 280 improving Georgia public schools;
- 281 (6) One educator from an early care and education program; and
- 282 (7) One faculty member from a state or accredited higher education institution that  
 283 focuses on the education and development of children eligible for enrollment in early care  
 284 and education programs.
- 285 (c) Appointments shall be made by the Governor with consideration given to nominees  
 286 submitted by professional educator organizations and other education organizations.
- 287 (d) All members of the commission, except representatives of ~~teacher-education~~ educator  
 288 preparation institutions or other higher education institutions, members of local boards of  
 289 education, and the representatives of business or other private sector groups, shall hold  
 290 valid professional Georgia teaching certificates and shall have been actively engaged in  
 291 teaching or providing related educational, administrative, or supervisory services in an  
 292 approved school or approved institution of higher education with state or regionally  
 293 approved ~~teacher-education~~ educator preparation programs for at least three years  
 294 immediately preceding appointment. All members of the commission shall be residents of  
 295 the State of Georgia.
- 296 (e) The commission may remove any commissioner from office for neglect of duty,  
 297 incompetency, or revocation or suspension of his or her certificate issued by the  
 298 Professional Standards Commission or when such commissioner ceases to be employed full  
 299 time as an educator in the capacity and position from which he or she was appointed. After  
 300 such removal, or in the event of a vacancy due to death, resignation, or for any other  
 301 reason, the Governor shall appoint a successor as provided in this Code section to serve the  
 302 unexpired term."

303

**SECTION 11.**

304 Said title is further amended by revising Code Section 20-2-984, relating to the authority to  
 305 create and implement standards and procedures for certifying educational personnel;  
 306 recommending standards and procedures for certification; continuation of teaching  
 307 certificates; and restrictions relating to the Professional Standards Commission, as follows:

308 "20-2-984.

309 (a) The commission shall create and implement standards and procedures for certifying  
310 educational personnel as qualified for a certificate to practice in the public schools of  
311 Georgia, including the following:

312 (1) Procedures for limiting the number and types of certificates to the fewest possible  
313 consistent with providing qualified ~~teachers~~ educators for Georgia's schools;

314 (2) In-service training and related requirements needed to renew or maintain  
315 certification;

316 (3) Multiple or alternative routes to professional ~~teacher~~ educator certification; and

317 (4) Requirements, including appropriate examinations and assessments, for acquiring and  
318 maintaining certification pursuant to Code Section 20-2-200.

319 (b) The commission shall recommend to the board of regents and private colleges and  
320 universities standards and procedures for preparing educational personnel to qualify for  
321 initial and renewable certification to practice in the public schools of Georgia, including  
322 the following:

323 (1) Pre-service preparation;

324 (2) Approval of ~~teacher-education~~ educator preparation programs, both graduate and  
325 undergraduate;

326 (3) Approval of programs of alternative certification; and

327 (4) The creation of innovative programs designed to increase the number of minority  
328 ~~teachers~~ educators entering the profession.

329 (c) All certificates in force in this state which were issued by the state board prior to July  
330 1, 1991, shall continue in full force and effect, subject to all the terms and conditions under  
331 which they were issued, until they expire by virtue of their own limitations or until their  
332 terms or conditions are modified by action of the commission. All such certificates issued  
333 by the state board prior to July 1, 1991, shall be deemed to have been issued by the  
334 commission for purposes of any law or regulation relating to such certificates.

335 (d) The commission shall not have authority over the compensation, benefits, or working  
336 conditions of educational personnel in the public schools of Georgia; provided, however,  
337 that the commission shall have the authority to make recommendations to the State Board  
338 of Education regarding compensation as it relates to certification.

339 (e) Upon the written request of the commissioner of early care and learning and upon final  
340 approval by the Board of Early Care and Learning, provided adequate funding is available,  
341 the commission may create and implement standards and procedures for certifying  
342 personnel as qualified for a certificate to practice in an early care and education program  
343 in the State of Georgia, including the following:

- 344 (1) Procedures for limiting the number and types of certificates to the fewest possible  
 345 consistent with providing qualified educators for Georgia's early care and education  
 346 programs;
- 347 (2) In-service training and related requirements needed to renew or maintain  
 348 certification;
- 349 (3) Multiple or alternative routes to professional educator certification; and
- 350 (4) Requirements, including appropriate examinations and assessments, for acquiring and  
 351 maintaining certification.
- 352 (e.1) Upon the written request of the commissioner of early care and learning and upon  
 353 final approval by the Board of Early Care and Learning, provided adequate funding is  
 354 available, the commission may recommend standards and procedures for preparing  
 355 personnel to qualify for initial and renewable certification to practice in an early care and  
 356 education program in the State of Georgia, including the following:
- 357 (1) Pre-service preparation;
- 358 (2) Approval of educator preparation programs, both graduate and undergraduate;
- 359 (3) Approval of programs of alternative certification; and
- 360 (4) The creation of innovative programs designed to increase the number of minority  
 361 educators entering the profession. ~~Reserved.~~
- 362 (f) The commission shall have the authority to deny, revoke, or suspend certification or  
 363 renewal of a school system or early care and education program educator as provided for  
 364 in Code Section 20-2-984.5.
- 365 (g) The commission shall have the authority to issue formal warnings, reprimands,  
 366 monitoring, or any combination thereof to educators as provided for in Code Section  
 367 20-2-984.5.
- 368 (h) The commission may provide consultative services pertaining to the teaching  
 369 profession to anyone who has a vested interest in education and make recommendations  
 370 to the state board or to local boards which will promote an improvement in the teaching  
 371 profession. The commission shall be authorized to hold meetings for the purposes of  
 372 determining recommendations pursuant to this subsection; and, at such meetings, the  
 373 commission may receive testimony from educators or other persons interested in the  
 374 improvement of the teaching profession; but the investigative powers of the commission  
 375 may not be exercised pursuant to the authority of this subsection.
- 376 (i) Nothing in this Code section shall be construed to require the commission to provide  
 377 any services or perform any duties with regard to the Department of Early Care and  
 378 Learning or early care and education program educators; provided, however, that the  
 379 commission is authorized to perform such duties if adequate funds are available and  
 380 provided by the Department of Early Care and Learning for such purposes."

381 **SECTION 12.**

382 Said title is further amended by revising Code Section 20-2-984.2, relating to reports of  
 383 criminal offenses to local boards of education; requests by local boards for investigation; and  
 384 immunity relating to the Professional Standards Commission, as follows:

385 "20-2-984.2.

386 (a) Superintendents, associate or assistant superintendents, or directors of personnel shall  
 387 make an immediate written report to the local board of education upon receiving a written  
 388 report from any identified school system personnel or parent or custodian of a child  
 389 enrolled in the school system that any school system educator employed by the local unit  
 390 of administration has committed any of the following specifically identified crimes:

391 (1) Murder, voluntary manslaughter, aggravated assault, aggravated battery, or  
 392 kidnapping, as defined in Chapter 5 of Title 16;

393 (2) Any sexual offense, as provided for in Code Sections 16-6-1 through 16-6-17 or  
 394 Code Sections 16-6-20 through 16-6-22.2;

395 (3) Any sexual exploitation of a minor as provided for in Code Section 16-12-100;

396 (4) Any offense involving marijuana or a controlled substance, as provided for in  
 397 Chapter 13 of Title 16;

398 (5) Any offense involving theft, as provided for in Articles 1 and 2 of Chapter 8 of Title  
 399 16; or

400 (6) Unlawfully operating a motor vehicle after being declared a habitual violator for  
 401 violating Code Section 40-5-54, 40-6-391, 40-6-392, or 40-6-394 or any combination of  
 402 such Code sections.

403 (b) If the local board of education determines that the matters reported under subsection  
 404 (a) of this Code section warrant investigation, then the local board of education shall,  
 405 within a reasonable period of time but not later than 30 days from receipt of the report,  
 406 transmit such report to the commission with a request for investigation. The reporting  
 407 administrator and the local board of education shall have a good faith, reasonable basis to  
 408 believe that the incident occurred or evidence exists and shall, in the written report, set  
 409 forth such basis and detail the nature of the incident, evidence, and names of any and all  
 410 known witnesses; and in so reporting the administrator and the local board shall be immune  
 411 from any civil or criminal liability that might otherwise be incurred or imposed.

412 (c) Directors of early care and education programs shall make a written report to the  
 413 commission within a reasonable period of time but no later than 30 days from receipt of a  
 414 written report from any identified early care and education program personnel or parent or  
 415 custodian of a child enrolled in an early care and education program that any educator  
 416 employed by the early care and education program has committed any of the following  
 417 specifically identified crimes:

- 418 (1) Murder, voluntary manslaughter, aggravated assault, aggravated battery, or  
 419 kidnapping, as defined in Chapter 5 of Title 16;
- 420 (2) Any sexual offense, as provided for in Code Sections 16-6-1 through 16-6-17 or  
 421 Code Sections 16-6-20 through 16-6-22.2;
- 422 (3) Any sexual exploitation of a minor as provided for in Code Section 16-12-100;
- 423 (4) Any offense involving marijuana or a controlled substance, as provided for in  
 424 Chapter 13 of Title 16;
- 425 (5) Any offense involving theft, as provided for in Articles 1 and 2 of Chapter 8 of Title  
 426 16; or
- 427 (6) Unlawfully operating a motor vehicle after being declared a habitual violator for  
 428 violating Code Section 40-5-54, 40-6-391, 40-6-392, or 40-6-394 or any combination of  
 429 such Code sections.
- 430 (c.1) A director who submits a report pursuant to subsection (c) of this Code section shall  
 431 have a good faith, reasonable basis to believe that the incident occurred or evidence exists  
 432 and shall, in the written report, set forth such basis and detail the nature of the incident,  
 433 evidence, and names of any and all known witnesses; and in so reporting the director shall  
 434 be immune from any civil or criminal liability that might otherwise be incurred or imposed.
- 435 (d) The willful failure of any such local school system administrator to comply with  
 436 subsection (a) of this Code section or of any early care and education program director to  
 437 comply with subsection (c) of this Code section shall be grounds for the commission's  
 438 recommending to the local board of education or the State Board of Education, or both,  
 439 imposition on the administrator or director of any of the disciplinary actions set forth in  
 440 Code Section 20-2-984.5.
- 441 ~~(d)~~(e) The reporting requirements set forth in this Code section are in addition to and not  
 442 a substitute for any and all other reporting requirements related to child abuse which exist  
 443 under Georgia law.
- 444 (f) Nothing in this Code section shall be construed to require the commission to provide  
 445 any services or perform any duties with regard to the Department of Early Care and  
 446 Learning or early care and education program educators; provided, however, that the  
 447 commission is authorized to perform such duties if adequate funds are available and  
 448 provided by the Department of Early Care and Learning for such purposes."

449

**SECTION 13.**

450 Said title is further amended by revising Code Section 20-2-984.3, relating to preliminary  
 451 investigations of violations; requirement for automatic investigation; and investigation of  
 452 sexual offenses relating to the Professional Standards Commission, as follows:

453 "20-2-984.3.

454 (a) Upon receipt of a written request from a local board, the state board, the Department  
 455 of Early Care and Learning, or one or more individual residents of this state, the  
 456 commission shall be authorized to investigate:

457 (1) Alleged violations by an educator of any law of this state pertaining to educators or  
 458 the profession of education;

459 (2) Alleged violations by an educator of the code of ethics of the commission;

460 (3) Alleged violations by an educator of rules, regulations, or policies of the state board  
 461 or the commission;

462 (4) Complaints alleging a failure by an educator to meet or comply with standards of  
 463 performance of the commission or the state board; or

464 (5) Complaints alleging that an educator has been convicted of any felony, of any crime  
 465 involving moral turpitude, of any other criminal offense involving the manufacture,  
 466 distribution, trafficking, sale, or possession of a controlled substance or marijuana as  
 467 provided for in Chapter 13 of Title 16, or of any other sexual offense as provided for in  
 468 Code Sections 16-6-1 through 16-6-17 or Code Section 16-6-20, 16-6-22.2, or 16-12-100  
 469 in the courts of this state or any other state, territory, or country or in the courts of the  
 470 United States. As used in this paragraph, the term 'convicted' shall include a finding or  
 471 verdict of guilty or a plea of nolo contendere, regardless of whether an appeal of the  
 472 conviction has been sought; a situation where first offender treatment without  
 473 adjudication of guilt pursuant to the charge was granted; and a situation where an  
 474 adjudication of guilt or sentence was otherwise withheld or not entered on the charge or  
 475 the charge was otherwise disposed of in a similar manner in any jurisdiction.

476 (b) The commission shall decide whether to conduct a preliminary investigation pursuant  
 477 to this Code section within 30 days of the request unless an extension is granted pursuant  
 478 to the procedure outlined in subsection (b) of Code Section 20-2-984.5. The commission  
 479 may appoint a committee of its membership with the power to transact and carry out the  
 480 business and duties of the commission when deciding whether to conduct a preliminary  
 481 investigation.

482 (c) When an educator admits on a Professional Standards Commission application to  
 483 having resigned or being discharged for committing a felony or misdemeanor involving  
 484 moral turpitude or being under investigation by law enforcement authorities for such  
 485 conduct or for committing a breach of the code of ethics or for a violation of state  
 486 education laws or having a criminal history or having had a surrender, denial, revocation,  
 487 or suspension of a certificate or being the subject of an investigation or adverse action  
 488 regarding a certificate, an investigation will automatically open without notification to the  
 489 commission and with written notification to the educator.

490 (d) Notwithstanding the requirements of this Code section, the staff of the commission  
 491 shall be authorized, without notification to the commission, to immediately open an  
 492 investigation submitted to the commission by the commissioner of early care and learning  
 493 or his or her designee or by a local school superintendent, with approval of the local board  
 494 of education, of a complaint by or on behalf of a student or of a child enrolled in an early  
 495 care and education program against an educator alleging a sexual offense, as provided for  
 496 in Code Sections 16-6-1 through 16-6-17 or Code Section 16-6-20, 16-6-22.2, or  
 497 16-12-100.

498 (e) Nothing in this Code section shall be construed to require the commission to provide  
 499 any services or perform any duties with regard to the Department of Early Care and  
 500 Learning or early care and education program educators; provided, however, that the  
 501 commission is authorized to perform such duties if adequate funds are available and  
 502 provided by the Department of Early Care and Learning for such purposes."

503

#### SECTION 14.

504 Said title is further amended by revising Code Section 20-2-984.4, relating to preliminary  
 505 investigations; powers of investigator; limitations; notice; change of address; and withdrawal  
 506 of application relating to the Professional Standards Commission, as follows:

507 "20-2-984.4.

508 (a) If the commission agrees to investigate matters reported under Code Section  
 509 20-2-984.2 or ~~Code Section~~ 20-2-984.3, an investigator of the commission shall conduct  
 510 a preliminary investigation of the reported matters to determine if probable cause exists to  
 511 recommend disciplinary action. Prior to beginning such investigation, the commission shall  
 512 send written notification to the Department of Early Care and Learning or to the local board  
 513 employing the educators of the following:

514 (1) The names and addresses of the parties making the complaint that gave rise to the  
 515 proposed investigation;

516 (2) The names of the educators employed by the local board or early care and education  
 517 program who are proposed to be investigated; and

518 (3) An explanation of the complaint made against the educators employed by the local  
 519 board or early care and education program.

520 (b) In conducting an investigation authorized by this Code section, the commission shall:

521 (1) Be authorized to conduct plenary hearings;

522 (2) Have the power to administer oaths and affirmations;

523 (3) Have the power to issue subpoenas in the name of the commission to compel the  
 524 attendance of witnesses and the production of documents and any other things to be used  
 525 as evidence. Such subpoenas shall be served in any manner now or hereafter provided for

526 service of subpoenas issued by the superior courts. In the event any person fails or refuses  
527 to obey a subpoena issued under this paragraph, such failure or refusal shall constitute  
528 contempt of the commission. Upon application by the commission to the superior court  
529 of the county wherein such person resides or is found, the superior court shall have  
530 power, after notice and hearing, to adjudge such person in contempt and to punish such  
531 person by a fine not exceeding \$300.00 or by imprisonment not exceeding 20 days or by  
532 both such fine and imprisonment and to enter such other orders and take such other action  
533 as may be necessary to enforce compliance with and obedience to the subpoena. At such  
534 hearing, the person subpoenaed shall be entitled to make any defense and to show any  
535 valid reason why he or she failed or refused to comply with the subpoena; and

536 (4) Have the power to access criminal histories of educators through the Georgia Crime  
537 Information Center and the National Crime Information Center. This access shall include  
538 a GCIC terminal. Information provided by GCIC or NCIC shall be used in accordance  
539 with Code Section 35-3-35 and with applicable federal and state laws, rules, or  
540 regulations.

541 (c) The investigation conducted pursuant to this Code section is limited to the matters  
542 asserted in the written complaint unless additional written complaints are filed. The  
543 commission shall be authorized to investigate any matters raised in any such additional  
544 complaints while investigating the original complaint.

545 (d) Prior to being contacted by an investigator, but in no event later than the completion  
546 of the investigation conducted pursuant to this Code section, the educator shall receive  
547 written notification that he or she is the subject of an investigation and shall also receive  
548 written notification of the allegations against him or her. In addition, the educator shall be  
549 notified that the investigation shall be limited to those allegations unless additional written  
550 allegations are filed.

551 (d.1) Upon the educator's receipt of written notification that an educator is the subject of  
552 such investigation, it shall be the duty of the educator to notify the commission in writing  
553 of any change in the educator's home or employment address until the commission issues  
554 a final decision in the matter. During this period, the mailing by certified mail of any  
555 notice, correspondence, or order regarding an investigation or disciplinary action to the last  
556 address specified by the educator after receiving written notice of the investigation or, if  
557 the commission has not received a change of address from the educator, the address at  
558 which the educator received written notification of an investigation, shall constitute proper  
559 notice to the educator. If the commission has been notified in writing that the educator is  
560 represented by legal counsel, the commission shall also send a copy of any notice to the  
561 educator's legal counsel. Notice by certified mail pursuant to this subsection shall be  
562 complete upon mailing.

563 (e) In no event shall a preliminary investigation take longer than 60 days without written  
 564 permission from the commission, at which time a written finding of probable cause, or that  
 565 no probable cause exists, must be made to the commission.

566 (f) No applicant who is under investigation by the commission shall be allowed to  
 567 withdraw his or her application for a certificate, permit, or other certification document  
 568 without the written consent of the commission. The commission shall retain its authority  
 569 over those applicants to proceed with the denial of the certificate, permit, or other  
 570 certification document upon any ground provided by law. The suspension or expiration of  
 571 any certificate, permit, or certification document, or its surrender without the written  
 572 consent of the commission, shall not deprive the commission of its authority to do any of  
 573 the following:

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

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

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

580 (g) Nothing in this Code section shall be construed to require the commission to provide  
 581 any services or perform any duties with regard to the Department of Early Care and  
 582 Learning or early care and education program educators; provided, however, that the  
 583 commission is authorized to perform such duties if adequate funds are available and  
 584 provided by the Department of Early Care and Learning for such purposes."

585 **SECTION 15.**

586 Said title is further amended by revising subsection (d) of Code Section 20-2-988, relating  
 587 to the duties and authority of the Professional Standards Commission, as follows:

588 "(d) The commission has the authority to appoint panels of educators, including public  
 589 school classroom teachers, to serve as members of teams visiting institutions and school  
 590 systems having ~~teacher-education~~ educator preparation programs for purposes associated  
 591 with the process of approving said programs. The commission shall also have the authority  
 592 to review any report of such teams and to determine whether or not programs proposed for  
 593 its approval meet its adopted criteria."

594 **SECTION 16.**

595 Code Section 36-87-2 of the Official Code of Georgia Annotated, relating to the authority  
 596 of counties and municipal corporations to participate in programs, is amended by revising  
 597 subsection (c) as follows:

598 "(c) State agencies rating applications from counties and municipal corporations for federal  
 599 funding of the construction of ~~day-care facilities~~ child care learning centers shall, to the  
 600 extent allowed under applicable federal laws or regulations, give priority to those ~~day-care~~  
 601 ~~centers~~ child care learning centers located in or adjacent to industrial parks."

602 **SECTION 17.**

603 Code Section 42-1-12 of the Official Code of Georgia Annotated, relating to the State Sexual  
 604 Offender Registry, is amended by revising paragraphs (6) and (10.1) of subsection (a) as  
 605 follows:

606 "(6) 'Child care facility' means all public and private pre-kindergarten facilities, ~~day-care~~  
 607 ~~centers~~, child care learning centers, preschool facilities, and long-term care facilities for  
 608 children."

609 "~~(10.1)~~(6.1) '~~Day-care center~~ Child care learning center' shall have the same meaning as  
 610 set forth in paragraph ~~(4)~~(2) of Code Section 20-1A-2."

611 **SECTION 18.**

612 Code Section 49-5-12 of the Official Code of Georgia Annotated, relating to licensing and  
 613 inspection of child welfare agencies, is amended by repealing subsection (t) in its entirety.

614 **SECTION 19.**

615 The following Code sections of the Official Code of Georgia Annotated are amended by  
 616 replacing "day-care center", "day-care centers", and "Day-care centers" wherever any of  
 617 these terms occur with "child care learning center", "child care learning centers", and  
 618 "Child-care learning centers", respectively:

619 (1) Code Section 16-12-1.1, relating to child, family, or group-care facility operators  
 620 prohibited from employing or allowing to reside or be domiciled persons with certain past  
 621 criminal violations;

622 (2) Code Section 20-2-771, relating to immunization of students;

623 (3) Code Section 25-2-13, relating to buildings presenting special hazards to persons or  
 624 property; requirements as to construction, maintenance, and use generally; effect of rules,  
 625 regulations, and fire safety standards issued before April 1, 1968; and power of local  
 626 governing authorities;

627 (4) Code Section 31-41-3, relating to definitions relative to lead poisoning prevention;

628 (5) Code Section 33-2-8.1, relating to purpose of Code section; preparation by  
 629 Commissioner of supplemental report on property and casualty insurance; contents of  
 630 report; and request for information;

- 631 (6) Code Section 42-1-17, relating to definitions; residency restrictions for sexual  
632 offenders; and penalties;
- 633 (7) Code Section 45-18-70, relating to the establishment and operation of a Capitol Hill  
634 day-care center; and
- 635 (8) Code Section 49-5-13, relating to private day-care centers not required to meet federal  
636 adult-child ratio.

637 **SECTION 20.**

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