

Rules
of
Professional Standards Commission
Ethics Division
Chapter 505-6

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505-6-.01 THE CODE OF ETHICS FOR EDUCATORS

(1) Introduction. The Code of Ethics for Educators defines the professional behavior of educators in Georgia and serves as a guide to ethical conduct. The Professional Standards Commission has adopted standards that represent the conduct generally accepted by the education profession. The code protects the health, safety and general welfare of students and educators, ensures the citizens of Georgia a degree of accountability within the education profession, and defines unethical conduct justifying disciplinary sanction.

(2) Definitions

(a) "Certificate" refers to any teaching, service, or leadership certificate, license, or permit issued by authority of the Professional Standards Commission.

(b) "Educator" is a teacher, school or school system administrator, or other education personnel who holds a certificate issued by the Professional Standards Commission and persons who have applied for but have not yet received a certificate. For the purposes of the Code of Ethics for Educators, "educator" also refers to paraprofessionals, aides, and substitute teachers.

(c) "Student" is any individual enrolled in the state's public or private schools from preschool through grade 12 or any individual between and including the ages of 3 and 17.

(d) "Complaint" is any written and signed statement from a local board, the state board, or one or more individual residents of this state filed with the Professional Standards Commission alleging that an educator has breached one or more of the standards in the Code of Ethics for Educators. A "complaint" will be deemed a request to investigate.

(e) "Revocation" is the invalidation of any certificate held by the educator.

(f) "Denial" is the refusal to grant initial certification to an applicant for a certificate.

(g) "Suspension" is the temporary invalidation of any certificate for a period of time specified by the Professional Standards Commission.

(h) "Reprimand" admonishes the certificate holder for his or her conduct. The reprimand cautions that further unethical conduct will lead to a more severe action.

(i) "Warning" warns the certificate holder that his or her conduct is unethical. The warning cautions that further unethical conduct will lead to a more severe action.

(j) "Monitoring" is the quarterly appraisal of the educator's conduct by the Professional Standards Commission through contact with the educator and his or her employer. As a condition of monitoring, an educator may be required to submit a criminal background check (GCIC). The Commission specifies the length of the monitoring period.

(3) Standards

(a) Standard 1: Criminal Acts - An educator should abide by federal, state, and local laws and statutes. Unethical conduct includes but is not limited to the commission or conviction of a felony or of any crime involving moral turpitude. As used herein, conviction includes a finding or verdict of guilty, or a plea of *nolo contendere*, regardless of whether an appeal of the conviction has been sought; a situation where first offender treatment without adjudication of guilt pursuant to the charge was granted; and a situation where an adjudication of guilt or sentence was otherwise withheld or not entered on the charge or the charge was otherwise disposed of in a similar manner in any jurisdiction.

(b) Standard 2: Abuse of Students - An educator should always maintain a professional relationship with all students, both in and outside the classroom. Unethical conduct includes but is not limited to:

1. committing any act of child abuse, including physical and verbal abuse;
2. committing any act of cruelty to children or any act of child endangerment;
3. committing or soliciting any unlawful sexual act;
4. engaging in harassing behavior on the basis of race, gender, sex, national origin, religion or disability;
5. soliciting, encouraging, or consummating an inappropriate written, verbal, or physical relationship with a student; and
6. furnishing tobacco, alcohol, or illegal/unauthorized drugs to any student or allowing a student to consume alcohol, or illegal/unauthorized drugs.

(c) Standard 3: Alcohol or Drugs - An educator should refrain from the use of alcohol or illegal or unauthorized drugs during the course of professional practice. Unethical conduct includes but is not limited to:

1. being on school premises or at a school-related activity involving students while under the influence of, possessing, using, or consuming illegal or unauthorized drugs; and
2. being on school premises or at a school-related activity involving students while documented as being under the influence of, possessing, or consuming alcoholic beverages. A school-related activity includes, but is not limited to, any activity sponsored by the school or school system (booster clubs, parent-teacher organizations, or any activity designed to enhance the school curriculum i.e. Foreign Language trips, etc).

(d) Standard 4: Misrepresentation or Falsification - An educator should exemplify honesty and integrity in the course of professional practice. Unethical conduct includes but is not limited to:

1. falsifying, misrepresenting, omitting or erroneously reporting professional qualifications, criminal history, college or staff development credit and/or degrees, academic award, and employment history when applying for employment and/or certification or when recommending an individual for employment, promotion, or certification;
2. falsifying, misrepresenting, omitting or erroneously reporting information submitted to federal, state, and other governmental agencies;
3. falsifying, misrepresenting, omitting or erroneously reporting information regarding the evaluation of students and/or personnel ;
4. falsifying, misrepresenting, omitting or erroneously reporting reasons for absences or leaves; and
5. falsifying, misrepresenting, omitting or erroneously reporting information submitted in the course of an official inquiry/investigation.

(e) Standard 5: Public Funds and Property - An educator entrusted with public funds and property should honor that trust with a high level of honesty, accuracy, and responsibility. Unethical conduct includes but is not limited to:

1. misusing public or school-related funds;

2. failing to account for funds collected from students or parents;
3. submitting fraudulent requests for reimbursement of expenses or for pay;
4. co-mingling public or school-related funds with personal funds or checking accounts; and
5. using school property without the approval of the local board of education/governing board.

(f) Standard 6: Improper Remunerative Conduct - An educator should maintain integrity with students, colleagues, parents, patrons, or businesses when accepting gifts, gratuities, favors, and additional compensation. Unethical conduct includes but is not limited to:

1. soliciting students or parents of students to purchase equipment, supplies, or services from the educator or to participate in activities that financially benefit the educator unless approved by the local board of education/governing board;
2. accepting gifts from vendors or potential vendors for personal use or gain where there may be the appearance of a conflict of interest;
3. tutoring students assigned to the educator for remuneration unless approved by the local board of education/governing board or superintendent; and
4. coaching, instructing, promoting athletic camps, summer leagues, etc. that involves students in an educator's school system and from whom the educator receives remuneration unless approved by the local board of education/governing board or the superintendent. These types of activities must be in compliance with all rules and regulations of the Georgia High School Association.

(g) Standard 7: Confidential Information - An educator should comply with state and federal laws and local school board/governing board policies relating to the confidentiality of student and personnel records standardized test material and other information covered by confidentiality agreements. Unethical conduct includes but is not limited to:

1. sharing of confidential information concerning student academic and disciplinary records, personal confidences, health and medical information, family status and/or income, and assessment/testing results unless disclosure is required or permitted by law;
2. sharing of confidential information restricted by state or federal law;
3. violation of confidentiality agreements related to standardized testing including copying or teaching identified test items, publishing or distributing test items or answers, discussing test items, violating local school system or state directions for the use of tests or test items, etc.;
4. violation of other confidentiality agreements required by state or local policy.

(h) Standard 8: Abandonment of Contract - An educator should fulfill all of the terms and obligations detailed in the contract with the local board of education or education agency for the duration of the contract. Unethical conduct includes but is not limited to:

1. abandoning the contract for professional services without prior release from the contract by the employer, and
2. willfully refusing to perform the services required by a contract.

(i) Standard 9: Failure to Make a Required Report - An educator should file reports of a breach of one or more of the standards in the Code of Ethics for Educators, child abuse (O.C.G.A. §19-7-

5), or any other required report. Unethical conduct includes but is not limited to:

1. failure to report all requested information on documents required by the Commission when applying for or renewing any certificate with the Commission.

2. failure to make a required report of a violation of one or more standards of the Code of Ethics for educators of which they have personal knowledge as soon as possible but no later than ninety (90) days from the date the educator became aware of an alleged breach unless the law or local procedures require reporting sooner.

3. failure to make a required report of any violation of state or federal law soon as possible but no later than ninety (90) days from the date the educator became aware of an alleged breach unless the law or local procedures require reporting sooner. These reports include but are not limited to: murder, voluntary manslaughter, aggravated assault, aggravated battery, kidnapping, any sexual offense, any sexual exploitation of a minor, any offense involving a controlled substance and any abuse of a child if an educator has reasonable cause to believe that a child has been abused.

(j) Standard 10: Professional Conduct - An educator should demonstrate conduct that follows generally recognized professional standards. Unethical conduct is any conduct that impairs the certificate holder's ability to function professionally in his or her employment position

(4) Reporting

(a) Educators are required to report a breach of one or more of the Standards in the Code of Ethics for Educators as soon as possible but no later than ninety (90) days from the date the educator became aware of an alleged breach unless the law or local procedures require reporting sooner. Educators should be aware of local policies and procedures and/or the chain of command for reporting unethical conduct. Complaints filed with the Professional Standards Commission must be in writing and must be signed by the complainant (parent, educator, personnel director, superintendent, etc.).

(b) The Commission notifies local and state officials of all disciplinary actions. In addition, suspensions and revocations are reported to national officials, including the NASDTEC Clearinghouse.

(5) Disciplinary Action

(a) The Professional Standards Commission is authorized to suspend, revoke, or deny certificates, to issue a reprimand or warning, or to monitor the educator's conduct and performance after an investigation is held and notice and opportunity for a hearing are provided to the certificate holder. Any of the following grounds shall be considered cause for disciplinary action against the holder of a certificate:

1. unethical conduct as outlined in The Code of Ethics for Educators, Standards 1-10 (PSC [Rule 505-6-.01](#));

2. disciplinary action against a certificate in another state on grounds consistent with those specified in the Code of Ethics for Educators, Standards 1-10 (PSC [Rule 505-6-.01](#));

3. order from a court of competent jurisdiction or a request from the Department of Human Resources that the certificate should be suspended or the application for certification should be denied for non-payment of child support (O.C.G.A. §19-6-28.1 and §19-11-9.3);

4. notification from the Georgia Higher Education Assistance Corporation that the educator is in default and not in satisfactory repayment status on a student loan guaranteed by the Georgia Higher Education Assistance Corporation (O.C.G.A. §20-3-295);

5. suspension or revocation of any professional license or certificate

6. violation of any other laws and rules applicable to the profession (O.C.G.A. §16-13-111); and

7. any other good and sufficient cause that renders an educator unfit for employment as an educator.

(b) An individual whose certificate has been revoked, denied, or suspended may not serve as a volunteer or be employed as an educator, paraprofessional, aide, substitute teacher or in any other position during the period of his or her revocation, suspension or denial for a violation of The Code of Ethics.

Authority O.C.G.A. § 20-2-200; 20-2-981 through 20-2-984.5

505-6-.02 REINSTATEMENT OR RENEWAL OF A SUSPENDED OR REVOKED CERTIFICATE

(1) Re-application following the denial of a certificate.

(a) If an application is denied according to the stipulations of 505-6-.01 (5) (a) 3. and 4., a certificate will automatically be granted upon notification by the court, DHR, or the Georgia Higher Education Assistance Corporation to do so provided current certification requirements are met.

(b) If application for a certificate is denied on the same grounds for which a certificate may be revoked or suspended, except under stipulations addressed in 505-6-.01 (5) (a) 3. and 4., any subsequent application for a certificate will not be considered earlier than two years from the date of the denial. Any subsequent petition may not be filed earlier than one year from the date of the previous denial. However, the commission in its discretion may establish a shorter time period before re-application

(c) Any person whose certificate has been denied may petition for the right to reapply for a certificate by submitting sufficient evidence to the Professional Standards Commission that the reason or reasons for the denial have ceased to be a factor in the performance or conduct of the educator seeking a certificate. The Commission may consider the request based solely upon the written submission of the educator or his/her authorized representative and without conducting an oral hearing. If the Commission approves the petition to apply for a certificate, then the individual must satisfy all current certification requirements.

(2) Reinstatement of a suspended certificate.

(a) If the certificate was suspended according to the stipulations of 505-6-.01 (5) (a) 3. and 4., it will be reinstated automatically when the commission is notified by the court, DHR, or the Georgia Higher Education Assistance Corporation to do so provided the certificate has not expired during the period of suspension. If the certificate has expired, current applicable PSC certification requirements must be met prior to reinstatement.

(b) A suspended certificate is automatically reinstated at the end of the suspension period, provided that it did not expire during that time. If the certificate expired during the period of suspension, a new certificate may be secured at the end of the suspension period by making application and by meeting the current applicable certification requirements of the Professional Standards Commission.

(c) Any person whose certificate has been suspended may petition for early reinstatement of a suspended certificate or for early renewal of an expired certificate by submitting sufficient evidence to the Professional Standards Commission that the reason or reasons for the suspension have ceased to be a factor in the performance or conduct of the educator seeking reinstatement. The Commission may consider the request based solely upon the written submission of the educator or his/her authorized representative and without conducting an oral hearing.

(3) Revocation of a certificate is permanent subject to the following provisions:

- (a) Any person whose certificate has been revoked may petition for the right to apply for a new certificate by submitting sufficient evidence to the Professional Standards Commission that the reason or reasons for the revocation have ceased to be a factor in the performance or conduct of

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the educator seeking a new certificate. The Commission may consider the request based solely upon the written submission of the educator or his/her authorized representative.

- (b) A period of three years must elapse from the date of the certificate revocation before a petition to apply for a new certificate will be considered. If the initial petition to apply for a new certificate is denied, any subsequent petition to apply for a new certificate may not be filed earlier than two years from the date of the previous denial. The Professional Standards Commission reserves the right to consider the time to apply after the initial three-year period on a case-by-case basis. If the Professional Standards Commission approves the petition to apply for a new certificate, then the individual must satisfy all current certification requirements.

Authority O.C.G.A. §20-2-200; 20-2-981 through 20-2-984.5.

505-6-.03 CHANGE OF ADDRESS**Effective October 15, 2002**

(1) Upon the educator's receipt of written notification that an educator is the subject of an investigation, it shall be the duty of the educator to notify the Commission in writing of any change in the educator's home or employment address until the Commission issues a final decision in the matter.

(2) During this period, the mailing by certified mail of any notice, correspondence, or order regarding an investigation or disciplinary action to the last address specified by the educator after receiving written notice of the investigation, or if the commission has not received a change of address from the educator, the address at which the educator received written notification of an investigation shall constitute proper service upon the educator. If the commission has been notified in writing that the educator is represented by legal counsel, the commission shall also send a copy of any notice to the educator's legal counsel. Notice by certified mail pursuant to O.C.G.A. § 20-984.4 (d.1) shall be complete upon mailing.

Authority O.C.G.A. 20-2-982; 20-2-984; 20-2-984.4; 20-2-200; 50-13-13; and 50-13-18

505-6-.05 REVIEW OF INITIAL DECISION OF ADMINISTRATIVE LAW JUDGE

(1) Purpose. The purpose of this rule is to specify the procedures for a review of the initial decision of a hearing officer pursuant to a request from the educator or the Professional Standards Commission.

(2) Either the educator or the commission may seek review of the initial decision of the hearing officer pursuant to O.C.G.A. 50-13-17(a). If the educator files a timely motion for review of the initial decision of the hearing officer, the educator shall include therein a statement of the reasons for seeking review and alleged errors made by the hearing officer in the initial decision. The commission's review will be limited to those issues raised by the educator in the educator's motion for review or by the commission in its order for review.

(3) Upon the filing of a timely motion by the educator seeking review, or upon the filing of a timely order for review by the commission on its own motion, notice of the date and time for the review shall be served on the educator or counsel for the educator and staff counsel for the commission.

(4) The commission may appoint a hearing officer for review, other than the hearing officer who entered the initial decision, who shall preside over the review proceedings and control the conduct of the review hearing. In acting as presiding officer, the hearing officer for review shall rule on all procedural and evidentiary questions that arise during the course of the review. At the direction of the commission, the hearing officer for review shall draft the final decision for the commission.

(5) On review, the commission shall have all the powers it would have in making the initial decision, and in its discretion shall have the power to take additional testimony or remand the case to the original hearing officer for such purpose, as provided in the Administrative Procedure Act O.C.G.A. 50-13-17 and in accordance with this rule. The educator or educator's counsel and counsel for the commission shall docket any motion, including motions to present additional evidence, at least fourteen (14) days before the date set for the review hearing. Responses to any such motions shall be docketed at least seven (7) days before the date set for the review hearing.

(a) Motions to present additional evidence or to remand the case to the original hearing officer for such purpose shall be granted only if the additional evidence is material and there was good cause for failing to present such evidence before the original hearing officer. The hearing officer for review who acts as presiding officer over the review proceeding shall enter an order as to the legal sufficiency of all motions, including motions for the presentation of additional evidence, prior to the review hearing.

(b) Unless the Commission has granted a motion to present additional evidence, the Commission shall not receive any additional evidence by testimony or through documents at the Review Hearing. When represented by counsel at the Review Hearing, only counsel for the educator is permitted to make oral argument on behalf of the educator. When represented by counsel, unless the Commission has granted a motion to allow the additional testimony of the educator at the Review Hearing, the educator may not make a statement to the Commission, and any questions of the educator by the Commission shall be directed to the educator's counsel. During oral argument, questions by the Commission and the responses thereto shall not exceed the scope of the record under review unless the Commission has granted a motion to present additional evidence.

(6) Oral argument up to 20 minutes per side is permitted in the review hearing. Additional time for argument must be requested in writing and docketed at least fourteen (14) days before the date set for the review hearing.

(7) Once the review hearing is concluded, the commission shall deliberate as to the final decision. Neither the hearing officer for review, nor the educator nor his/her counsel, nor the staff counsel arguing the review shall be present during or participate in the deliberations or voting on the final decision. Provided, however, that during the course of the deliberations the commission may seek or obtain legal

advice of the commission's counsel or make an inquiry on the record concerning either procedure or the merits of the case in the presence of all parties.

(8) At the conclusion of the deliberations, the decision of the commission shall be announced in open session, unless the sanction imposed by the decision is made confidential by statute, in which case it shall be announced in camera to the educator and counsel for the parties. The commission may take the matter under advisement and continue the deliberations until a date certain if deemed necessary due to the commission's agenda or the complexity of the issues.

Authority O.C.G.A. 20-2-982; 20-2-984; 20-2-200; 20-2-984.5; 50-13-17; 50-13-41; 43-1

505-6-.07 EDUCATOR MONITORING

(1) Monitoring is the quarterly appraisal of an educator's conduct by the Commission through contact with the educator and his/her employer for a period of time specified by the Commission. Monitoring may be the only disciplinary action or may be used in conjunction with some other action (i.e., suspension, reprimand, warning).

(2) When the Commission approves a final decision that includes monitoring, the period of monitoring begins on the first day after the effective date of the decision in which the educator is employed in a Georgia public or private school.

(3) Educators who have received the monitoring sanction must advise the Commission of any change in their residence and/or employment status. Failure to so inform the Commission or failure to respond to requests regarding residence or employment status shall be deemed a violation of the monitoring sanction.

(4) During the period of monitoring, the educator's place of employment will be contacted quarterly through the educator to determine the educator's conduct. Monitoring may include a review of the educator's conduct, personnel records, and any records of appropriate law enforcement agencies. As a condition of monitoring, an educator may be required to submit a criminal background check (GCIC).

(5) Should the Commission receive information that the educator has failed to comply with the monitoring conditions or with the law and rules regulating his/her practice as an educator during the period of monitoring, it shall be considered grounds for additional disciplinary action against the educator's certificate.

Authority O.C.G.A. § 20-2-984; 20-2-984.5

505-6-.08 STUDENT LOANS**Effective 10/1/01**

(1) Upon receipt of a written request from the Georgia Higher Education Assistance Corporation that an educator's certificate, be suspended or the application for certification be denied pursuant to O.C.G.A. §20-3-295, the Professional Standards Commission shall automatically suspend or deny an educator's certificate.

(2) The educator's certificate shall be automatically reinstated or, if the application for certification was denied, shall be granted, provided current certification requirements are met, upon receipt of a written notice of release from the Georgia Higher Education Assistance Corporation notifying the Professional Standards Commission that the educator is in satisfactory repayment status pursuant to O.C.G.A. § 20-3-295, provided the certificate has not expired during the period of suspension. If the certificate has expired, current applicable certification requirements must be met prior to reinstatement.

Authority O.C.G.A. § 20-3-295

Effective October 15, 2002

505-6-.09 INVESTIGATION INSTITUTED BY SELF-REFERRAL

(1) When an educator admits on a Professional Standards Commission application to having resigned or being discharged for committing a felony or misdemeanor involving moral turpitude or being under investigation by law enforcement authorities for such conduct or for committing a breach of the code of ethics or for a violation of state education laws or having a criminal history or having had a surrender, denial, revocation or suspension of a certificate or being the subject of an investigation or adverse action regarding a certificate, an investigation will automatically open without notification to the commission and with written notification to the educator pursuant to O.C.G.A. § 20-984.3 (5) (c).

Authority O.C.G.A. § 20-2-200; 20-984; 20-984.3