

505-2-.42 CLEARANCE CERTIFICATE

Nature of Amendment(s):

- Substantive
 Clarification
 Further Definition

Discussion:

It is proposed that GaPSC Rule 505-2-.42 CLEARANCE CERTIFICATE, dated July 1, 2014, be AMENDED to revise the validity period from five (5) years, to match the end validity of the base field and to clarify language relating to the definition of an educator and qualifying for the certificate.

Current/Amended Sections(s):

(Additions are underlined in bold type; deletions are marked through.)

(1) Purpose. The Clearance certificate verifies that an educator employed in Georgia has successfully completed fingerprint and criminal background check requirements and has no convictions of any felony; any crime involving moral turpitude; any other criminal offense involving the manufacture, distribution, trafficking, sale or possession of a controlled substance or marijuana; or any sexual offense; and does not have a certificate or license that is currently revoked or suspended in Georgia or any other state. There are no academic requirements necessary to qualify for this certificate and it does not authorize the holder to be considered in-field for any position. Employees of charter, waiver and Investing in Educational Excellence (IE²) schools must hold a Clearance certificate even if not required to hold any other certification. All holders of this certificate are subject to the Georgia Code of Ethics for Educators (See GaPSC Rule 505-6-.01 THE CODE OF ETHICS FOR EDUCATORS).

(a) Georgia statute requires all educators employed by a local unit of administration (LUA) on and after January 1, 2011 to hold a valid Clearance certificate.

(b) The definition of 'Educator' for this rule is: **means** teachers, school or LUA administrators and other education personnel of this state who **would if not exempted pursuant to a charter or a or strategic waiver application be required to** hold certificates, **licensure**, permits or other certification documents, including Clearance certificates, issued by the Georgia Professional Standards Commission (GaPSC) and persons who have applied for but have not yet received or have been denied such certificates, licensure, permits or other certification documents from the GaPSC.

1. The definition of 'Local unit of administration (LUA)' for this rule shall have the same meaning as in Code Section 20-2-242 and shall also include state chartered special schools and commission charter schools.

(2) Requirements. To qualify for the Clearance Certificate, the educator must:

- (a) Be employed by a Georgia LUA;
- (b) Have satisfactorily completed fingerprint and criminal background check requirements as outlined in paragraph (5) below;
- (c) Not hold an educator certificate that is currently revoked or suspended in Georgia or any other state;
- (d) **Not hold or have held a Georgia certificate and are under investigation by the GaPSC; and**
- (e) Have the Clearance certificate requested by the LUA.

(3) Validity. The Clearance certificate is valid for **a maximum of** five (5) years. It may be renewed through the LUA upon completion of a Georgia (GCIC) criminal background check and following application procedures outlined in GaPSC Rule 505-2-.27 CERTIFICATION APPLICATION PROCEDURES.

(a) The end validity of the Clearance Certificate will match the expiration date of the base certificate field(s).

(4) Classification. The Clearance Certificate is not an educator certificate and is not part of the Interstate Agreement to be accepted by other states.

(5) Implementation.

(a) On January 1, 2011, educators holding a professional educator certificate who are already employed by an LUA are not required to obtain a Clearance certificate until their professional certificate is renewed. To renew the professional certificate and add the Clearance certificate, the employing LUA shall conduct the required Georgia (GCIC) criminal background check. After the employing local unit of administration receives the criminal background results and the educator completes application procedures, the employer shall submit the information electronically to the GaPSC and the certificate shall be renewed and the Clearance certificate issued. No additional fingerprinting shall be required for renewal of the Clearance certificate.

(b) As of January 1, 2011, educators holding a professional educator certificate who are newly employed by an LUA are required to obtain a Clearance certificate at the time of new employment.

(c) As of January 1, 2011, educators who do not hold a valid certificate, license or permit issued by the GaPSC who are newly employed by an LUA shall be fingerprinted, have a criminal background check completed by the employing LUA and obtain a Clearance certificate. This includes educators hired for positions which would, if not exempted by charter, waiver or an increased flexibility contract (IE²), be required to hold a professional educator certificate, license or permit.

(d) Should the Clearance certificate holder move to a different employing LUA, it is not necessary to obtain a new Clearance certificate until expiration of the certificate. The new employing LUA may still require fingerprinting for employment purposes.

(6) Reporting Procedures. LUAs shall report the results of criminal background checks to the GaPSC through the appropriate procedures available to authorized personnel through the www.gapsc.org web site.

Authority O.C.G.A. 20-2-200; 20-2-211.1