

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

Nature of Amendment(s):

☒ Substantive
☐ Clarification
☐ Further Definition

Discussion:

It is proposed that GaPSC Rule 505-6-.01 THE CODE OF ETHICS FOR EDUCATORS, dated January 1, 2023, be AMENDED to remove outdated references to the Department of Human Resources and make necessary revisions.

Current/Amended Sections(s):

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

(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 Georgia Professional Standards Commission (GaPSC) has adopted standards that represent the conduct generally accepted by the education profession. The code defines unethical conduct justifying disciplinary sanction and provides guidance for protecting the health, safety and general welfare of students and educators, and assuring the citizens of Georgia a degree of accountability within the education profession.

(2) Definitions.

- (a) "Breach of contract" occurs when an educator fails to honor a signed contract for employment with a school/school system by resigning in a manner that does not meet the guidelines established by the GaPSC.
- (b) "Certificate" refers to any teaching, service, or leadership certificate, license, or permit issued by authority of the GaPSC.
- (c) "Child endangerment" occurs when an educator disregards a substantial and/or unjustifiable risk of bodily harm to the student.
- (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 GaPSC 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) "Educator" is a teacher, school or school system administrator, or other education personnel who holds a certificate issued by the GaPSC 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.
- (f) "Inappropriate" is conduct or communication not suitable for an educator to have with a student. It goes beyond the bounds of an educator-student relationship.
- (g) "Physical abuse" is physical interaction resulting in a reported or visible bruise or injury to the student.
- (h) "Student" is any individual enrolled in the state's public, or private schools from preschool through grade 12 or any individual under the age of 18. For the purposes of the Code of Ethics for Educators, the enrollment period for a graduating student ends on August 31 of the school year of graduation.

(3) Standards.

- (a) Standard 1: **Legal Compliance** - An educator shall 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; of any other criminal offense involving the manufacture, distribution, trafficking, sale, or possession of a controlled substance or marijuana as provided for in Chapter 13 of Title 16; or of any other sexual offense as provided for in Code Section 16-6-1 through 16-6-17, 16-6-20, 16-6-22.2, or 16-12-100; or any other laws applicable to the profession. 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: **Conduct with Students** - An educator shall 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 any sexual act with a student or soliciting such from a student;
 4. Engaging in or permitting harassment of or misconduct toward a student;
 5. Soliciting, encouraging, or consummating an inappropriate written, verbal, electronic, or physical relationship with a student;
 6. Furnishing tobacco, alcohol, or illegal/unauthorized drugs to any student; or
 7. Failing to prevent the use of alcohol or illegal or unauthorized drugs by students under the educator's supervision (including but not limited to at the educator's residence or any other private setting).
- (c) Standard 3: **Alcohol or Drugs** - An educator shall 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 or Local Unit of Administration (LUA)/school district premises or at a school or a LUA/school district-related activity while under the influence of, possessing, using, or consuming illegal or unauthorized drugs; and
 2. Being on school or LUA/school district premises or at a school-related activity involving students while under the influence of, possessing, or consuming alcohol. 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).
- (i) For the purposes of this standard, an educator shall be considered "under the influence" if the educator exhibits one or more of the following indicators, including but not limited to: slurred speech,

enlarged pupils, bloodshot eyes, general personality changes, lack of physical coordination, poor motor skills, memory problems, concentration problems, etc.

- (d) **Standard 4: Honesty** - An educator shall exemplify honesty and integrity in the course of professional practice. Unethical conduct includes but is not limited to, falsifying, misrepresenting, or omitting:
1. Professional qualifications, criminal history, college or staff development credit and/or degrees, academic award, and employment history;
 2. Information submitted to federal, state, local school districts and other governmental agencies;
 3. Information regarding the evaluation of students and/or personnel;
 4. Reasons for absences or leaves;
 5. Information submitted in the course of an official inquiry/investigation; and
 6. Information submitted in the course of professional practice.
- (e) **Standard 5: Public Funds and Property** - An educator entrusted with public funds and property shall 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 or documentation for reimbursement of expenses or for pay (including fraudulent or purchased degrees, documents, or coursework);
 4. Co-mingling public or school-related funds with personal funds or checking accounts; and
 5. Using school or school district property without the approval of the local board of education/governing board or authorized designee.
- (f) **Standard 6: Remunerative Conduct** - An educator shall 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, or school or LUA/school district personnel, 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 or authorized designee;
 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 authorized designee; 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 authorized designee. 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 shall comply with state and federal laws and state school board policies relating to the confidentiality of student and personnel records, standardized test material and other information. Unethical conduct includes but is not limited to:
1. Sharing of confidential information concerning student academic and disciplinary records, 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.; and
 4. Violation of other confidentiality agreements required by state or local policy.
- (h) **Standard 8: Required Reports** - An educator shall file with the ~~Georgia Professional Standards Commission~~ **GaPSC** 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 to the GaPSC all requested information on documents required by the ~~Commission~~ **GaPSC** when applying for or renewing any certificate with the ~~Commission~~ **GaPSC**;
 2. Failure to make a required report of a an alleged or proven violation of one or more standards of the Code of Ethics for ~~e~~**E**ducators 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; and
 3. Failure to make a required report of any alleged or proven violation of state or federal law 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. 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.
- (i) **Standard 9: Professional Conduct** - An educator shall demonstrate conduct that follows generally recognized professional standards and preserves the dignity and integrity of the education profession. Unethical conduct includes but is not limited to a resignation that would equate to a breach of contract; any conduct that impairs and/or diminishes the certificate holder's ability to function professionally in his or her employment position; ~~or~~ behavior or conduct that is detrimental to the health, welfare, discipline, or morals of students; or failure to supervise a student(s).

- (j) Standard 10: **Testing** - An educator shall administer state-mandated assessments fairly and ethically. Unethical conduct includes but is not limited to:

1. Committing any act that breaches Test Security; and
2. Compromising the integrity of the assessment.

(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 legal requirements and local policies and procedures for reporting unethical conduct. Complaints filed with the GaPSC must be in writing and must be signed by the complainant (parent, educator, or other LUA/school district employee, etc.).
- (b) The ~~Commission~~ **GaPSC** notifies local and state officials of all disciplinary actions. In addition, suspensions and revocations are reported to national officials, including the **National Association of State Directors of Teacher Education and Certification (NASDTEC)** Clearinghouse.

(5) Disciplinary Action.

- (a) The GaPSC 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 educator:
1. Unethical conduct as outlined in The Code of Ethics for Educators, Standards 1-10 (GaPSC Rule [505-6-.01](#));
 2. Disciplinary action against a certificate on grounds consistent with those specified in the Code of Ethics for Educators, Standards 1-10 (GaPSC Rule [505-6-.01](#));
 3. Order from a court of competent jurisdiction or a request from the Department of Human ~~Resources~~ **Services** 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. Suspension or revocation of any professional license or certificate;
 5. Violation of any other laws and rules applicable to the profession (O.C.G.A. §16-13-111); and
 6. 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 **for Educators**. The superintendent and the educator designated by the superintendent/Local Board of Education shall be responsible for assuring that an individual whose certificate has been revoked, denied, or suspended is not employed or serving in any capacity in their district. Both the superintendent and the superintendent's designee must hold GaPSC certification. Should the superintendent's certificate be revoked, suspended, or denied,

the Board of Education shall be responsible for assuring that the superintendent whose certificate has been revoked, suspended, or denied is not employed or serving in any capacity in their district.

- (c) The GaPSC is authorized to determine no probable cause as provided in O.C.G.A. § 20-2-984.4(e) and § 20-2-984.5(e) if:
 - 1. After a preliminary investigation is concluded it is unlikely that there exists a preponderance of the evidence necessary to prove at a hearing that a violation occurred; or
 - 2. After a hearing the administrative law judge makes a determination that there is not a preponderance of the evidence necessary to prove that a violation occurred.
- (d) The GaPSC is authorized to determine no further action is necessary pursuant to O.C.G.A. § 20-2-984.5(a) if after review of the report of the preliminary investigation, sanctions should not be imposed.

(6) Sanctions.

- (a) As outlined in O.C.G.A. § 20-2-984.5(c), the GaPSC has the discretion to issue a probable cause sanction against an educator. Common violations and associated sanctions can be found in the accompanying GaPSC Guidance.
 - 1. Denial is the refusal to grant initial certification to an applicant for a certificate;
 - 2. Monitoring is the quarterly appraisal of the educator's conduct by the GaPSC through contact with the educator and his or her employer. As a condition of monitoring, an educator may be required to submit *periodic* criminal background check (GCIC). The ~~Commission~~ **GaPSC** specifies the length of the monitoring period;
 - 3. Reprimand admonishes the certificate holder for his or her conduct. The reprimand cautions that further unethical conduct will lead to a more severe action;
 - 4. Revocation is the permanent invalidation of any certificate held by the educator. A Voluntary Surrender is equivalent to and has the same effect as a revocation. A Voluntary Surrender shall *be accepted and* becomes effective upon receipt by the GaPSC;
 - 5. Suspension is the temporary invalidation of any certificate for a period of time specified by the GaPSC; and
 - 6. Warning informs the certificate holder that his or her conduct is unethical. The warning cautions that further unethical conduct will lead to a more severe action.

(7) Application Procedures.

- (a) "Yes" answers to Personal Affirmation Questions (PAQs) require submission of information identified in the accompanying GaPSC Guidance.
- (b) With respect to an initial applicant, an application and corresponding ethics case that is initiated pursuant to O.C.G.A. § 20-2-984.3(c) will automatically close and be placed on hold if the applicant fails to submit requested documentation to the Ethics Division within 45 days of the request to the applicant. The application will be placed on hold in anticipation of the submission

of a new application and the applicant's responding to any requests for documentation in a timely fashion.

Authority O.C.G.A. § 20-2-200