

505-6-.02 PROCEDURES FOR INVALIDATED OR DENIED CERTIFICATION

Nature of Amendment(s):

☒ Substantive
☐ Clarification
☐ Further Definition

Discussion:

It is proposed that GaPSC Rule 505-6-.02 PROCEDURES FOR INVALIDATED OR DENIED CERTIFICATION dated April 15, 2021, be AMENDED to remove outdated references to the Georgia Higher Education Assistance Corporation and the Department of Human Resources.

Current/Amended Sections(s): (Additions are underlined in bold type; deletions are marked through.)

(1) Reinstatement of a suspended certificate.

- (a) If the certificate was suspended according to the stipulations of **GaPSC Rule 505-6-.01 THE CODE OF ETHICS FOR EDUCATORS** ~~505-6-.04 (5) (a) 3. and 4.,~~ it will be reinstated automatically when the **Georgia Professional Standards Commission (GaPSC)** is notified by a the court **of competent jurisdiction or the Department of Human Services 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 GaPSC certification requirements must be met prior to reinstatement.
- (b) A suspended certificate is automatically reinstated at the end of the suspension period, provided 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 **GaPSC** ~~Georgia 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 ~~Georgia Professional Standards Commission~~ **GaPSC** 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 ~~GaPSC 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. Petitions are not contested matters under the Administrative Procedures Act and; therefore, do not afford educators due process rights.

(2) 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- (a) Any person whose certificate has been revoked may petition for the right to apply for a new certificate by submitting sufficient evidence to the ~~Georgia Professional Standards Commission~~ **GaPSC** that the reason or reasons for the revocation have ceased to be a factor in the performance or conduct of the educator seeking a new certificate. The ~~Commission~~ **GaPSC** may consider the request based solely upon the written submission of the educator or his/her authorized representative. This provision does not apply to a person whose case falls under paragraph (2)(c).
- (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. Petitions are not contested matters under the

Administrative Procedures Act and; therefore, do not afford educators due process rights. The ~~Georgia Professional Standards Commission~~ **GaPSC** reserves the right to consider the time to apply after the initial three-year period on a case-by-case basis. If the **GaPSC** ~~Georgia Professional Standards Commission~~ approves the petition to apply for a new certificate, then the individual must satisfy all current certification requirements.

- (c) Any person whose certificate was revoked for one of the following reasons shall not be eligible to petition for the right to reapply:
1. Engaging in an inappropriate relationship with a student that included physical contact;
 2. Being convicted of, notwithstanding the form of the judgment or withheld judgment, felony cruelty to children;
 3. Being convicted of, notwithstanding the form of the judgment or withheld judgment, any misdemeanor or felony sexual act committed against a student; or
 4. Providing a controlled substance to a student or engaging in the use of a controlled substance with a student; or
 5. Being dishonorably discharged from the United States armed forces for desertion.

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

- (a) If an application is denied according to the stipulations of GaPSC Rule [505-6-.01 THE CODE OF ETHICS FOR EDUCATORS](#) ~~{(5) (a) 3.-and 4.}~~, a certificate will automatically be granted upon notification by a the court of competent jurisdiction or the Department of Human Services ~~Department of Human Resources, or the Georgia Higher Education Assistance Corporation~~ to do so provided current certification requirements are met.
- (b) Any person whose certificate has been denied may petition for the right to reapply for a certificate by submitting sufficient evidence to the ~~Georgia Professional Standards Commission~~ **GaPSC** 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~~ **GaPSC** 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~~ **GaPSC** approves the petition to apply for a certificate, then the individual must satisfy all current certification requirements. This provision does not apply to a person whose case falls under paragraph (3)(d).
- (c) If application for a certificate is denied on the same grounds for which a certificate may be revoked or suspended, except under the stipulations addressed in GaPSC Rule [505-6-.01 THE CODE OF ETHICS FOR EDUCATORS](#) ~~{(5) (a) 3.-and 4.}~~, any petition to apply for certification will not be considered earlier than two years from the date of the denial. If the initial petition to apply for certification is denied, any subsequent petition may not be filed earlier than one year from the date of the previous denial. Petitions are not contested matters under the Administrative Procedures Act and; therefore, do not afford educators due process rights.
- (d) Any person who is convicted of, notwithstanding the form of the judgment or withheld judgment, any of the following offenses shall not be eligible to petition for the right to reapply:
1. Any act that requires an individual's inclusion on the Sex Offender Registry;
 2. Any act, other than misdemeanor Vehicular Homicide, that is considered homicide;
 3. Any misdemeanor or felony sexual act committed against a student;

4. Any act of enticing, luring, or exploiting a student; or
5. Being dishonorably discharged from the United States armed forces for desertion.

Authority O.C.G.A. §20-2-200