

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It is proposed that GaPSC Rule 505-2-.42 CLEARANCE CERTIFICATE, dated January 1, 2021, be RESCINDED and a rule with the same number and title be INITIATED to adjust formatting and update assessment titles.

- (1) **Summary.** The Clearance certificate verifies that an individual employed in a Georgia public charter school, charter system, or strategic waiver system 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 or allow experience earned while holding the certificate to be used toward certification. Employees of a charter school, charter system, or strategic waiver system 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 individuals employed on or after January 1, 2011, by a local unit of administration (LUA) in a position that would require certification without utilization of charter waivers to hold a valid Clearance certificate.
1. The definition of 'educator' for this rule means teacher, school or school system administrator, or other education personnel who would, if not exempted pursuant to a charter, be required to hold an educator certificate, license or permit issued by the GaPSC and individuals who have applied for but have not yet received such certificate, license, or permit.
 2. The definition of Georgia's local unit of administration (LUA) for this rule reflects the same meaning as defined in Code Section 20-2-242 and includes state-chartered special schools and commission charter schools.

(2) Requirements.

(a) Issuance:

1. Employed by a Georgia local unit of administration (LUA).
2. Have satisfactorily completed fingerprint and criminal background check requirements, and have no open, pending or potential investigations with the GaPSC Ethics Division.
3. Not hold a certificate or license that is currently revoked or suspended in Georgia or any other state.
4. Pass the GACE Ethics for Teachers Assessment if GaPSC certification is exempted pursuant to a charter or strategic waiver.
5. Have the Clearance certificate requested by the employed Georgia local unit of administration (LUA) following procedures outlined in GaPSC [Rule 505-2-.27 CERTIFICATION APPLICATION, MyPSC AND TEST ELIGIBILITY PROCEDURES](#), and

(b) Renewal:

1. Employed by a Georgia local unit of administration.
2. Verify completion of a Georgia (GCIC) criminal background check.
3. Verify completion of professional learning requirements as outlined by the employing local unit of administration.
4. Have the Clearance certificate requested by the employed Georgia local unit of administration (LUA) following procedures outlined in GaPSC [Rule 505-2-27 CERTIFICATION APPLICATION, MyPSC AND TEST ELIGIBILITY PROCEDURES](#), and

(3) Classification.

- (a) The Clearance Certificate is not a professional educator certificate and is not part of the National Association of State Directors of Teacher Education and Certification (NASDTEC) Interstate Agreement.

(4) Validity.

- (a) The Clearance certificate is valid for five (5) years.
 1. A Clearance certificate issued to an individual holding another unexpired certificate is only valid for the remaining validity period of the existing certificate.
 2. Should the Clearance certificate holder move to a different employing local unit of administration, it is not necessary to obtain a new Clearance certificate until the expiration of the certificate. The new employing local unit of administration may still require fingerprinting for employment purposes.

(6) Reporting Procedures.

- (a) Local units of administration must report the results of criminal background checks to the GaPSC through the appropriate procedures available to authorized personnel through www.gapsc.org.

(7) In-Field Statement (See GaPSC Rule [505-2-.40 IN-FIELD ASSIGNMENT](#)).

- (a) Individuals holding a Clearance certificate do not meet certification in-field requirements.

Authority O.C.G.A. § 20-2-200.