Georgia Rules and Regulations
Administrative Bulletin for March 2024

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Final rules filed with the Georgia Secretary of State during the month of *March 2024:*

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111. RULES OF DEPARTMENT OF COMMUNITY HEALTH	111-2-2-.20	amended	Feb. 14, 2024	Mar. 5
290. RULES OF DEPARTMENT OF HUMAN SERVICES	290-9-2-.01 --- 290-9-2-.15	amended	Feb. 28, 2024	Mar. 19
300. RULES OF GEORGIA DEPARTMENT OF LABOR	300-2-4-.01, 300-2-4-.03, 300-2-4-.08	amended	Mar. 20, 2024	Mar. 31
	300-2-4-.09	amended	Mar. 20, 2024	Mar. 31
	300-2-7-.06	amended	Mar. 20, 2024	Mar. 31
391. RULES OF GEORGIA DEPARTMENT OF NATURAL RESOURCES	391-2-3-.02	amended	Feb. 29, 2024	Mar. 20

Department 80. RULES OF DEPARTMENT OF BANKING AND FINANCE

Chapter 80-13. TRUST COMPANIES

Subject 80-13-1. TRUST COMPANIES

80-13-1-.01 Definitions

(1) As used in Chapters 80-13-1, the terms that are defined in O.C.G.A. § 7-1-4 shall have the identical meaning.

(2) As used in Chapters 80-13-1, the below terms shall be defined as follows unless the term is otherwise defined in a specific rule:

(a) "External auditor" means an outside compensated, Certified Public Accountant (CPA) that is independent or works for an entity that is independent of the institution being audited.

(b) "Fiduciary account" means an account administered by a trust company when it is acting in a fiduciary capacity including, but not limited to, a trustee, executor, administrator, registrar of stocks and bonds, transfer agent, guardian, receiver, custodian under a uniform gifts to minor act, investment advisor if the trust company receives a fee for the investment advice, any capacity in which the trust company possess investment discretion on behalf of another, or any other similar capacity designated as such by the Department.

(c) "Independent" means an auditor must be personally and financially independent from the trust company's employees, members of the board of directors, and members of their immediate families.

(d) "Investment discretion" means, with respect to an account, the sole or shared authority (whether or not that authority is exercised) to determine what securities or other assets to purchase or sell on behalf of the account.

(e) "Service Contract" shall mean a contract executed by a trust company and a third party service provider to provide financial services, whether direct or indirect, to the trust company.

(f) "Third party service provider" shall mean any provider of financial services to a trust company as authorized by O.C.G.A. § 7-1-72.

Cite as Ga. Comp. R. & Regs. R. 80-13-1-.01

AUTHORITY: O.C.G.A. § 7-1-61.

HISTORY: Original Rule entitled "Definitions" adopted. F. June 29, 2017; eff. July 19, 2017.

Amended: F. July 7, 2023; eff. July 27, 2023.

Note: Rule 80-13-1-.01, correction of administrative error, incorrect version of the Rule was inadvertently posted and appeared on the Rules and Regulations website, entitled "Administrative Fines", July 2023 through March 2024. The correct Rule, entitled "Definitions", was updated on the Rules and Regulations website March 2024, and the original filed and effective date (i.e., F. July 7, 2023; eff. July 27, 2023) retained. Effective March 5, 2024.

Department 160. RULES OF GEORGIA DEPARTMENT OF EDUCATION

Chapter 160-1.

Subject 160-1-4. GRANT PROGRAMS

160-1-4-.320 Georgia Parent Mentor Partnership Grant

1. **Purpose of Grant.** The purpose of the Georgia Parent Mentor Partnership Grant is to provide funding to local educational agencies ("LEA") for parent mentors to support family engagement with families who have students with Individualized Education Programs ("IEP").

2. **Terms and Conditions.** Grants are awarded through a competitive process. Eligible LEAs must submit an application and a budget to support the proposed expenditures. During the grant period, grant recipients must comply with the Individuals with Disabilities Education Act ("IDEA") and all federal and state rules and regulations implementing IDEA. Grant recipients must also produce a report at the conclusion of the grant period. Grant funds must be used to support parent mentor salary, travel or conference costs, professional learning opportunities, supplies, or any combination thereof to support family engagement among families of individual students with IEPs. Grant award funds are one-time funds and must be used during the fiscal year in which the funds are awarded. There is no allowability for carryover.

3. **Eligible Recipients.** All LEAs are eligible to apply.

4. **Criteria for Award.** Applications are reviewed by the Georgia Department of Education for adherence to the terms and conditions described above as well as required documentation and evidence of support. Funding will be awarded based on rank (the highest score first) and available funding.

5. **Directions and Deadlines for Applying.** Eligible LEAs must complete and submit the application located on the GaDOE Grant Opportunities webpage. Information regarding submission instructions and the deadline will also be provided on the GaDOE Opportunities Grants webpage.

Cite as Ga. Comp. R. & Regs. R. 160-1-4-.320

AUTHORITY: O.C.G.A. § 20-2-240**.**

HISTORY: Original grant description entitled "Georgia Parent Mentor Partnership Grant" submitted Mar. 7, 2024.

Department 300. RULES OF GEORGIA DEPARTMENT OF LABOR

Chapter 300-2. EMPLOYMENT SECURITY LAW

Subject 300-2-4. UNEMPLOYMENT INSURANCE BENEFIT PAYMENTS

300-2-4-.01 Filing a Claim for Regular Unemployment Insurance Benefits

Pursuant to the provisions of O.C.G.A. Sections 34-8-190, 34-8-191, and 34-8-195, filing claims:

(a) Total and part-total claims. Total and part-total claims must be filed by an individual in the manner specified by the department. After filing a claim, an individual is required to register for work as provided in GDOL Rule 300-2-4-.02 and report to the department on the claim as provided in GDOL Rule 300-2-4-.03.

(b) Partial claims (employer filed claims). Employer filed claims must be filed by an employer as provided in GDOL Rule 300-2-4-.09. After filing a claim, both the employer and the individual are required to report to the department on the claim as provided in GDOL Rule 300-2-4-.03.

Cite as Ga. Comp. R. & Regs. R. 300-2-4-.01

AUTHORITY: O.C.G.A. §§ 34-2-6(a)(4)**,** 34-8-70(b)**,** 34-8-191**,** 34-8-195(a)(2)**.**

HISTORY: Original Rule entitled "Goggles" was filed and effective on May 18, 1965.

Amended: Rule renumbered as 300-3-4-.01 and Rule 300-1-4-.01, entitled "Regulations Pertaining to Job Insurance Payments (Claimants)" renumbered as 300-2-4-.01. Filed May 20, 1966; effective June 8, 1966.

Amended: Rule repealed and a new Rule entitled "Regular Unemployment Insurance Payments" adopted. Filed October 16, 1974; effective November 5, 1974.

Amended: Rule repealed and a new Rule of same title adopted. Filed June 29, 1979; effective July 19, 1979.

Amended: Rule repealed and a new Rule of same title adopted. Filed October 24, 1983; effective November 13, 1983.

Amended: Filed January 9, 1989; effective January 29, 1989.

Repealed: New Rule of same title adopted. F. Aug. 28, 1992; eff. Sept. 17, 1992.

Amended: Rule retitled "Regular Unemployment Insurance Benefit Payments." F. Jun. 25, 1998; eff. July 15, 1998.

Amended: F. Jan. 24, 2020; eff. Jan. 19, 2020, as specified by the Agency.

Amended: F. June 1, 2023; eff. June 1, 2023, as specified by the Agency.

Amended: New title, "Filing a Claim for Regular Unemployment Insurance Benefits." F. Mar. 20, 2024; eff. Mar. 31, 2024, as specified by the Agency.

300-2-4-.03 Reporting Requirements on Claims

(1) Total and part-total claims.

(a) Weekly certification of eligibility.

1. To request payment for a week of unemployment insurance benefits after filing a claim, an individual shall timely complete a weekly certification of eligibility as directed by the department.

2. Timely weekly certification.

(i) An individual must wait until a benefit week has ended to request a benefit payment for such week.

(ii) An individual may request a week of benefit payments no later than two weeks after the end of such benefit week, provided, however, that an individual may not request payment for any claim week ending before the date the initial benefit claim was filed.

(iii) Failure to request a week of benefit payment on time will result in an individual being considered ineligible for benefits for that week.

(iv) Failure to request three or more consecutive weeks of benefit payments may result in an individual being required to reopen their claim by filing a new application for benefits.

(b) Reporting on work search. An individual is required to conduct an active work search during each week that benefits are claimed and report on such work search activities as directed by the department. Unemployment benefits shall cease to be payable for failure to conduct an active work search or timely report on work search activities to the department.

(c) Reporting on any other matter affecting eligibility. An individual is required to timely report as directed by the department on any matter which, in the discretion of the department, may affect eligibility for benefits. Unemployment benefits shall cease to be payable for failure to timely report to the department.

(2) Partial claims (employer filed claims).

(a) Weekly certification of eligibility. To request payment for a week of unemployment insurance benefits for which an employer has filed an employer filed claim on behalf of an individual, an individual may be required to complete a weekly certification of eligibility as directed by the department.

(b) Reporting. Both the employer and the individual shall report as directed by the department on any other matter affecting eligibility in the same manner as for total or part-total claims. Unemployment benefits shall cease to be payable for failure of either to timely report to the department.

(3) For reasons found to constitute good cause, a claimant unable to report to the department as directed may be permitted to report within the two (2) day period following the date the claimant was directed to report. Good cause is defined as circumstances beyond the claimant's control, such as:

(a) An "act of God" or similar event which prevented the claimant from timely reporting;

(b) Death of an individual's immediate family member.

(i) The reporting requirements shall be waived for the day of the death and for four (4) consecutive calendar days thereafter.

(ii) As used in this rule, "immediate family member", means a spouse, child, stepchild, adopted child, grandchild, parent, grandparent, brother or sister of the individual or his or her spouse and the spouse of any of the foregoing; or

(c) Personal illness or disability of a temporary nature of claimant or a dependent family member which occurred in such a way to prevent the claimant from timely reporting, and the claimant made diligent efforts to give notice to the department prior to the time for the scheduled reporting date.

(4) Notwithstanding any provision of this rule, any notice of appeal must be filed within the time limitations specified in Chapter 5 of these rules.

Cite as Ga. Comp. R. & Regs. R. 300-2-4-.03

AUTHORITY: O.C.G.A. §§ 34-2-6(a)(4)**,** 34-8-70**,** 34-8-190**,** 34-8-191**.**

HISTORY: Original Rule entitled "Protection from Hot Metals" was filed and effective on May 18, 1965.

Amended: Rule renumbered as 300-3-4-.03 and Rule 300-1-4-.03, entitled "Regulations Pertaining to Supplemental Payments" renumbered as 300-2-4-.03. Filed May 20, 1966; effective June 8, 1966.

Amended: Rule repealed and a new Rule entitled "Employer Supplemental Payments" adopted. Filed October 16, 1974; effective November 5, 1974.

Amended: Rule repealed and a new Rule of same title adopted. Filed June 29, 1979; effective July 19, 1979.

Amended: Rule repealed and a new Rule of same title adopted. Filed October 24, 1983; effective November 13, 1983.

Amended: Rule entitled "Employer Supplemental Payments" renumbered as 300-2-4-.05 and a new Rule entitled "Reporting Requirements on Claims" adopted. Filed January 9, 1989; effective January 29, 1989.

Repealed: New Rule of same title adopted. F. Aug. 28, 1992; eff. Sept. 17, 1998.

Amended: F. Jun. 25, 1998; eff. July 15, 1998.

Amended: F. Jan. 24, 2020; eff. Jan. 19, 2020, as specified by the Agency.

Amended: F. June 1, 2023; eff. June 1, 2023, as specified by the Agency.

Amended: F. Mar. 20, 2024; eff. Mar. 31, 2024, as specified by the Agency.

300-2-4-.08 Overpayments

(1) Repayment. An individual shall be required to repay an overpayment of unemployment compensation unless a written application for waiver is filed with the department and approved by the Commissioner or the Commissioner's designee.

(2) Methods of collection. In the discretion of the department, an overpayment may be collected in any manner provided by law for the general collection of debts, the collection of debts owed a governmental entity, or any other method of collection specifically authorized in Chapter 8 of Title 34, the Employment Security Law.

(3) Overpayment waiver.

(a) Waiver not permitted.

1. Fraud overpayment. An application for waiver shall not be accepted for any overpayment the department determined was the result of fraud attributable to the individual.

2. Federal law. An application for waiver shall not be approved when waiver would be prohibited by federal law or regulation, regardless of an individual's fault.

(b) Timeliness of waiver request.

1. An application for waiver shall not be approved if it is filed later than fifteen (15) calendar days following the release date of the Notice of Overpayment, provided, however, that the time limitation may be extended upon a showing of extenuating circumstances which prevented the filing of a timely application for waiver by the individual and such circumstances were beyond the individual's control.

2. Special rule for Covid-19 Pandemic overpayments.

(i) For any Notice of Overpayment that established an overpayment for one or more claim weeks ending February 8, 2020, through June 26, 2021, the fifteen (15) day time limitation to file an application for waiver of overpayment may, in the discretion of the Commissioner or the Commissioner's designee, be waived.

(ii) An individual whose application for waiver of overpayment was denied prior to April 15, 2022, for failure to file a timely application for waiver of overpayment may request a redetermination; provided, however, that only overpayment weeks ending February 8, 2020, through June 26, 2021, shall be eligible for redetermination. A redetermination with respect to eligible weeks shall be made in accordance with the provisions of this rule.

(c) Suspension of collections. Collection of an overpayment will be suspended upon the filing of an application for waiver and while the application for waiver is pending.

(d) Requirements for approval of waiver.

1. An application for waiver of overpayment of unemployment compensation shall be approved only if:

(i) The individual is determined to be without fault in the cause of the overpayment; and

(ii) Repayment of the overpayment is determined to be contrary to equity and good conscience.

2. An individual shall be determined to be at fault in the cause of the overpayment if the individual brought about such overpayment by the presentation of false or misleading statements or representations, whether or not such action has been determined fraudulent, when such individual could have or should have known the presentation of such information was false or misleading.

3. Repayment of the overpayment shall be determined contrary to equity and good conscience if:

(i) The individual provides satisfactory evidence of circumstances showing repayment would genuinely work a financial hardship on the individual, such that recovery of the overpayment would result directly in the individual's loss of or inability to obtain the minimal necessities of food, medicine, and shelter for a substantial period of time and such circumstances may be expected to endure for the foreseeable future; and

(ii) The individual provides satisfactory evidence that he or she has no reasonable prospect of future employment or ability to repay the overpayment in the future, due to age, disability, or other good cause.

(e) Burden of proof. The burden of proof shall be on the individual to show the requirements for waiver are met. The individual must specify on the application for waiver why they were without fault in the cause of the overpayment, why repayment would be contrary to equity and good conscience, and include supporting documentation.

(f) Applications for waiver considered on own individual merits. The department shall consider each individual's waiver application separately on its own merits, with due consideration of the facts and circumstances of each individual case; provided, however, that this limitation shall not apply if the federal government authorizes and approves the department to issue a blanket waiver to a group of similarly situated individuals.

(g) Decision and appeal rights. The Commissioner or the Commissioner's designee shall notify each individual in writing whether the application for waiver of overpayment has been approved or denied. The decision of the Commissioner or the Commissioner's designee shall become final unless the individual appeals the decision within 15 days after the notice was mailed or otherwise delivered to the individual.

(h) Refunds. Upon approval of an application for waiver, the department shall not refund any amount collected on the applicable overpayment unless federal law or regulations specifically require a refund to be issued, in which case only those amounts required by federal law or regulations shall be refunded.

(i) Effect of judicial proceedings. A waiver of an unemployment insurance overpayment may be issued by the department in whole or in part upon the finding of a court of law having proper subject matter jurisdiction which rules that error existed in the information utilized to establish such overpayment, whether or not such overpayment was determined to be fraudulent in nature. Additionally, if a court finds repayment of an overpayment should be waived by virtue of discharge in bankruptcy under federal bankruptcy law, waiver will be granted.

(4) Federal conformity. This rule shall apply and be given effect only to the extent it is consistent with federal law and regulations, and would not create a federal conformity issue.

Cite as Ga. Comp. R. & Regs. R. 300-2-4-.08

AUTHORITY: O.C.G.A. §§ 34-2-6(a)(4)**,** 34-8-70(b)**,** 34-8-254(c)**.**

HISTORY: Original Rule entitled "Waiver of Overpayments" adopted F. Aug. 28, 1992; eff. Sept. 17, 1992.

Amended: F. Jun. 25, 1998; eff. July 15, 1998.

Amended: F. Jan. 10, 2012; eff. Jan. 30, 2012.

Repealed: New Rule entitled "Overpayments. Amended" adopted. F. Oct. 1, 2013; eff. Oct. 21, 2013.

Amended: F. Sept. 29, 2014; eff. Oct. 19, 2014.

Amended: F. Aug. 13, 2020; eff. Aug. 13, 2020, as specified by the Agency.

Amended: F. Feb. 9, 2021; eff. Mar. 1, 2021.

Amended: F. Dec. 28, 2021; eff. Jan. 1, 2022, as specified by the Agency.

Amended: F. Mar. 31, 2022; eff. Apr. 1, 2022, as specified by the Agency.

Amended: F. June 1, 2023; eff. June 1, 2023, as specified by the Agency.

Amended: F. Mar. 20, 2024; eff. Mar. 31, 2024, as specified by the Agency.

300-2-4-.09 Employer Filed Partial Unemployment Claims

(1) Claim filing. Employer filed partial unemployment claims may be filed by an employer with respect to any complete pay-period week during which an otherwise full-time employee works less than full-time due to lack of work only, and earns an amount not exceeding:

(a) The individual's unemployment insurance weekly benefit amount, if known, plus Non-deductible Earnings, or

(b) The maximum weekly benefit amount provided in the Employment Security Law, plus Non-deductible Earnings, if the individual's unemployment insurance weekly benefit amount is not known.

(2) Approval of claims. Payments shall be made for partial unemployment only upon the approval of the Commissioner. Approval shall be based upon the conditions set forth in these regulations.

(3) Effect of approved claim. A properly completed and approved employer filed partial unemployment claim shall constitute a claim for unemployment insurance benefits on behalf of an employee with respect to the week of partial unemployment covered by the claim.

(4) Notice of approval. The Department will furnish the employer with notice of the approval of the initial employer filed partial claims; however, because employer filed partial unemployment claims are employer-initiated claims based upon lack of work, such employers will not receive Form DOL-1199FF (notice of initial claim) with respect to these claims. The employer will receive its quarterly notification of charges against its account as provided by O.C.G.A. Section 34-8-157(d) and O.C.G.A. Section 34-8-159.

(5) Permitted duration of claims. Six (6) consecutive weeks of total unemployment immediately following a week of full-time or part-time employment may be claimed by an employer. Following those six (6) consecutive weeks of total unemployment, an employer who requests permission and shows justifiable cause may, upon approval of the Commissioner, file employer filed partial unemployment claims for four (4) additional weeks of total unemployment, provided the employer provides a firm return to work date for such employees within the four (4) week time period.

(6) Required notification to employee. The employer shall immediately advise the employee to report to the Department for the purpose of registering for work and reporting on his or her claim upon the earliest of:

(a) The employer being unable to provide a firm return to work date;

(b) The expiration of the approved time period for acceptance of employer filed partial unemployment claims passes; or

(c) The employer ceases filing employer filed partial unemployment claims for any totally unemployed worker.

(7) Filing requirements.

(a) The Commissioner may require the filing of all employer filed partial unemployment claims electronically.

(b) The employer shall complete an affidavit in such form as approved by the Commissioner with respect to the employer filed partial unemployment.

(c) An employee may be required to complete an applicant profile, identity verification, and a weekly certification of eligibility to receive payment for a week of partial unemployment.

(8) Limitations on employer filed partial claims. Employer filed partial unemployment claims shall not be submitted or allowed for:

(a) Unemployment due to any cause other than lack of work;

(b) Vacation days regardless of whether such vacation days were requested by the employee or established by the employer, except that such claims are permitted during an employer company shutdown or employer established vacation period when such shutdown or vacation period is due to circumstances outside the employer's control which directly affect the employer's business operations;

(c) Regular breaks in seasonal employment, except that employer filed partial unemployment claims may be filed when unusual circumstances require a break in employment at a time of normal, non-seasonal work;

(d) Any claim week:

1. Ending more than thirty (30) days in the past; or

2. Ending within 5 years of the date the employer's account was newly registered with the department;

(e) Any employee:

1. Who has any other issue as to entitlement of unemployment benefits, in which case, the employee will be required to file their own individual claim for benefits;

2. Who is engaged in Part-time Employment as defined in these rules (in other words, employer filed partial claims may only be filed for an employee engaged in Full-time Employment - an employee engaged in Part-time Employment must file their own individual claim for benefits); or

3. For whom an employer has not reported wages to the Department on at least one prior tax and wage report; or

(f) Any employer with delinquent quarterly tax and wage reports or delinquent taxes, reimbursements in lieu of contributions, assessments, penalties, or interest owed to the Department.

(9) Waiver of limitations. In the discretion of the Commissioner, the limitations set forth in paragraph (8) may be waived. Waiver requests should be submitted in writing to UI Claims Administration.

(10) Fraud and abuse. Any employer found by the Commissioner to have abused the purpose and intent of the employer filed partial claims program or found to have filed a fraudulent employer filed partial claim shall, in the discretion of the Commissioner or the Commissioner's designee, be restricted from filing employer filed partial claims and any employer filed partial claims previously filed by the employer may be cancelled. In addition to the criminal penalties provided in the Employment Security Law, the Department may require repayment by the employer of any amounts paid for fraudulent employer filed partial unemployment claims filed by the employer.

Cite as Ga. Comp. R. & Regs. R. 300-2-4-.09

AUTHORITY: O.C.G.A. §§ 34-8-2-6(a)(4)**,** 34-8-47**,** 34-8-70(b)**,** 34-8-190**.**

HISTORY: Original Rule entitled "Partial Unemployment" adopted. F. Jun. 25, 1998; eff. Jul. 15, 1998.

Amended: Title changed to "Partial Unemployment. Amended." F. Sept. 29, 2014; eff. Oct. 19, 2014.

Amended: ER. 300-2-4-0.1-.09(1). F. Dec. 9, 2016; eff. Dec. 9, 2016, the date of adoption, to remain in effect for a period of 120 days or until the adoption of a permanent Rule covering the same subject matter superseding this ER, as specified by the Agency.

Amended: ER. 300-2-4-0.2-.09(1). F. Apr. 7, 2017; eff. Apr. 9, 2017, to remain in effect for a period of 120 days or until the adoption of a permanent Rule covering the same subject matter superseding this ER, as specified by the Agency.

Amended: ER. 300-2-4-0.3-.09(1). F. Aug. 7, 2017; eff. Aug. 7, 2017, to remain in effect for a period of 120 days or until the adoption of a permanent Rule covering the same subject matter superseding this ER, as specified by the Agency.

Amended: ER. 300-2-4-0.3-.09(1) repealed. Permanent Rule adopted. F. Sept. 1, 2017; eff. Sept. 1, 2017, as specified by the Agency.

Amended: ER. 300-2-4-0.5-.09(1). F. Mar. 16, 2020; eff. Mar. 16, 2020, to remain in effect for a period of 120 days or until the adoption of a permanent Rule covering the same subject matter superseding this ER, as specified by the Agency.

Repealed: ER. 300-2-4-0.5-.09(1). F. Mar. 19, 2020; eff. Mar. 19, 2020, as specified by the Agency.

Amended: ER. 300-2-4-0.8-.09(1). F. Mar. 19, 2020; eff. Mar. 19, 2020, to remain in effect for a period of 120 days or until the adoption of a permanent Rule covering the same subject matter superseding this ER, as specified by the Agency.

Amended: ER. 300-2-4-0.13-.09(1). F. July 17, 2020; eff. July 19, 2020, to remain in effect for a period of 120 days or until the adoption of a permanent Rule covering the same subject matter superseding this ER, as specified by the Agency.

Amended: ER. 300-2-4-0.16-.09(1). F. Nov. 17, 2020; eff. Nov. 17, 2020, to remain in effect for a period of 120 days or until the adoption of a permanent Rule covering the same subject matter superseding this ER, as specified by the Agency.

Amended: F. Feb. 9, 2021; eff. Mar. 1, 2021.

Amended: F. Mar. 23, 2021; eff. Apr. 12, 2021.

Amended: New title, "Partial Unemployment." F. June 1, 2023; eff. June 1, 2023, as specified by the Agency.

Amended: New title, "Employer Filed Partial Unemployment Claims." F. Mar. 20, 2024; eff. Mar. 31, 2024, as specified by the Agency.

Department 300. RULES OF GEORGIA DEPARTMENT OF LABOR

Chapter 300-2. EMPLOYMENT SECURITY LAW

Subject 300-2-7. REQUIREMENTS FOR EMPLOYEES AND EMPLOYERS

300-2-7-.06 Notices Required From Employers Furnishing Separation Information

(1) Employers are required to complete Form DOL-800, "Separation Notice", for each worker separated regardless of the reason for separation (except when mass separation Form DOL-402 and Form DOL-402A notices are filed).

(a) The "Separation Notice" must be completed, signed by the employer or authorized agent, dated and delivered to the separated employee in electronic or hard copy format on the last day of work in accordance with printed instructions on the Form DOL-800.

(b) If the employee is no longer available at the time employment ceases, thus preventing the employer from delivering the notice to the separated employee on the last day of work, the notice shall be mailed to the last known address of the employee within three (3) days of the date that the separation occurred or became known to the employer.

(c) A copy of Form DOL-800, properly executed by the former employer as required by Georgia law, shall be presented to the Georgia Department of Labor local office by any individual filing a claim for unemployment insurance.

(2) The employer, if it is the most recent employer as defined by O.C.G.A. Section 34-8-43, may receive a Form DOL-1199FF or DOL-403FF, "Notice of Claim Filed and Request for Separation Information".

(a) If the Form DOL-800 was presented, the employer may respond and provide separation information on Form DOL-1199FF or Form DOL-403FF if they wish to do so. This shall constitute a timely response to the claim.

(b) If the Form DOL-800 was not presented, in order to be considered a timely response to the claim, the employer must respond to the claimant's statement on the Form DOL-403FF or Form DOL-1199FF in the manner prescribed herein and in accordance with the instructions printed on the Form 403FF or Form DOL-1199FF.

(3) Form DOL-800 or Form DOL-403FF or Form DOL-1199FF must be signed and otherwise complete for the employer's account to be considered as a timely response to the claim.

Cite as Ga. Comp. R. & Regs. R. 300-2-7-.06

AUTHORITY: O.C.G.A. §§ 34-2-6-(a)(4)**,** 34-8-70(b)**,** 34-8-190(c)**.**

HISTORY: Original Rule entitled "Applicability of the Act and These Rules and Regulations" adopted. F. and eff. May 18, 1965.

Repealed: New Rule entitled "Partial Unemployment" adopted. F. May 20, 1966; eff. June 8, 1966.

Repealed: New Rule entitled "Notice Required from Employers Furnishing Separation Information" adopted. F. Oct. 16, 1974; eff. Nov. 5, 1974.

Amended: F. Aug. 29, 1975; eff. Sept. 18, 1975.

Amended: F. Nov. 4, 1976; eff. Nov. 24, 1976.

Repealed: New Rule of same title adopted. F. June 29, 1979; eff. July 19, 1979.

Repealed: New Rule entitled "Employer Notice of Refusal of Suitable Work" adopted. F. Oct. 24, 1983; eff. Nov. 13, 1983.

Repealed: New Rule entitled "Notices Required from Employers Furnishing Separation Information" adopted. F. Apr. 5, 1991; eff. Apr. 25, 1991.

Repealed: New Rule of same title adopted. F. Aug. 28, 1992; eff. Sept. 17, 1992.

Amended: F. June 25, 1998; eff. July 15, 1998.

Amended: F. Mar. 20, 2024; eff. Mar. 31, 2024, as specified by the Agency.

Department 360. RULES OF GEORGIA COMPOSITE MEDICAL BOARD

Chapter 360-32. NURSE PROTOCOL AGREEMENTS PURSUANT TO O.C.G.A. SECTION 43-34-25

360-32-.05 Additional Requirements Regarding Physician Delegation to an APRN

(1) The delegating physician shall be available for immediate consultation with the advanced practice registered nurse. If the delegating physician is not available, the delegating physician for purposes of consultation may designate another physician who concurs with the terms of the nurse protocol agreement as provided in O.C.G.A. 43-34-25.

(2) The delegating physician shall document and maintain a record of direct onsite observation of the practice of the APRN, conducted at least once annually, except for physicians with protocols that qualify under O.C.G.A. § 43-34-25(g.1). Additionally, the delegating physician shall conduct a review of medical records on a quarterly basis; this review may be conducted via telecommunications to monitor quality of care being provided to the patients.

(3) The delegating physician shall make certain that the medical acts provided by the APRN pursuant to the protocol agreement are:

(a) Commensurate with the education, training, experience, and competence of the APRN:

1. A delegating physician shall therefore ensure that an APRN to whom he delegates prescriptive receives pharmacology training appropriate to the delegating physician's scope of practice at least annually. Documentation of such training shall be maintained by the physician and provided to the Board upon request.

2. A delegating physician who fails to comply with subparagraph (3)(a)1. of this rule by delegating prescriptive to an APRN who has not received pharmacology training appropriate to the delegating physician's scope of practice at least annually may be subject to disciplinary action.

(b) Within the scope of practice, specialty area or field and certification of the APRN;

(c) Within the comparable specialty area or field of the delegating physician; and

(d) Well documented in accurately maintained patient specific medical records.

(4) The delegating physician is responsible for all the medical acts performed by the APRN.

(5) A delegating physician shall notify the Board within ten (10) working days of the date of termination of a nurse protocol agreement with the delegating physician and APRN.

(6) In the event of the death or departure of a delegating physician, an APRN must notify the Board within 7 days. If a designated physician is available according to an approved protocol agreement, he or she may serve as the delegating physician for up to 60 days (from the date of death or departure) until a new protocol agreement is approved by the Board. In the event that there is no designated physician, the APRN will not have prescriptive authority until a new signed protocol agreement is submitted to the Board.

(7) The Board may request at any time to review the nurse protocol agreement and any supporting documentation. Failure to provide this written information to the Board within 30 days shall be a basis for and may result in disciplinary action. The Board may require changes in these documents if the Board determines that they do not comply with O.C.G.A. 43-34-25 and/or accepted standards of medical practice.

Cite as Ga. Comp. R. & Regs. R. 360-32-.05

AUTHORITY: O.C.G.A. §§ 43-1-19**,** 43-1-25**,** 43-34-5**,** 43-34-25

HISTORY: Original Rule entitled "Additional Requirements Regarding Physician Delegation to an APRN" adopted. F. Dec. 12, 2006; eff. Jan. 1, 2007.

Amended: F. Mar. 12, 2007; eff. Apr. 1, 2007.

Repealed: New Rule of same title adopted. F. Oct. 6, 2009; eff. Oct. 26, 2009.

Repealed: New Rule of the same title adopted. F. Dec. 13, 2019; eff. Jan. 2, 2020.

Amended: F. Mar. 19, 2024; eff. Apr. 8, 2024.

Department 360. RULES OF GEORGIA COMPOSITE MEDICAL BOARD

Chapter 360-34. VACCINE PROTOCOL AGREEMENTS

360-34-.01 Definitions

As used in this Chapter, the following definitions apply:

(1) 'Administer' means the provision of a unit dose of vaccine by a pharmacist or nurse pursuant to a vaccine order contained in a vaccine protocol agreement with a physician.

(2) 'Adverse event' means an event that is a negative consequence of the administration of vaccine by a pharmacist or nurse that results in an unintended reaction, injury, or illness, which may or may not have been preventable.

(3) 'Board' means the Georgia Composite Medical Board.

(4) 'Nurse' means a registered professional nurse as defined in paragraph (9) of Code Section 43-26-3. The term shall also mean a licensed practical nurse as defined in paragraph (5) of Code Section 43-26-32 who is regularly employed by a physician who actively engaged in the private practice of medicine.

(5) 'Pharmacist' means an individual licensed under Chapter 4 of Title 26 to engage in the practice of pharmacy in the State of Georgia.

(6) 'Pharmacy intern' means a pharmacy intern as defined in paragraph (19) of Code Section 26-4-5.

(7) 'Pharmacy technician' means a pharmacy technician as defined in paragraph (32) of Code Section 26-4-5.

(8) 'Physician' means an individual holding a current license to practice medicine and surgery in this state and whose principal place of practice is located in this state.

(9) 'Vaccine' means

(a) A vaccine that is included on the adult immunization schedule recommended by the Advisory Committee on Immunization Practices (ACIP) of the federal Centers for Disease Control and Prevention administered to an individual 18 years of age or older;

(b) An influenza vaccine administered to an individual 13 years of age or older; and

(c) Any vaccine administered to an individual 13 years of age or older for an illness that has resulted in a public health emergency, as defined in Code Section 31-12-1.1.

(10) 'Vaccine order' means a prescription drug order, contained in a vaccine protocol agreement, issued by a physician for a group of patients that meet a certain criteria and to be administered by a pharmacist or a nurse. A vaccine order shall also mean a prescription drug order, contained in a vaccine protocol agreement, for epinephrine issued by a physician for a group of patients that meet a certain criteria and to be administered by a pharmacist or a nurse only upon the occurrence of an actual or perceived anaphylactic adverse reaction to the administered vaccine provided that the vaccine protocol agreement sets forth the signs and symptoms that warrant the administration of epinephrine.

(11) 'Vaccine protocol agreement' means a written document mutually agreed upon and signed by a physician and a pharmacist or by a physician and a nurse, by which document the physician prescribes a vaccine and epinephrine, if determined appropriate by the physician, by means of a vaccine order for administration by a pharmacist or a nurse.

Cite as Ga. Comp. R. & Regs. R. 360-34-.01

AUTHORITY: O.C.G.A. §§ 26-4-5**,** 43-26-32**,** 43-34-5**,** 43-34-26.1**.**

HISTORY: Original Rule entitled "Definitions" adopted. F. Sept. 14, 2015; eff. Oct. 4, 2015.

Amended: F. Jan. 26, 2023; eff. Feb. 15, 2023.

Amended: F. Mar. 19, 2024; eff. Apr. 8, 2024.

360-34-.05 Requirements of the Vaccine Protocol Agreement

The protocol agreement must:

(1) Contain the current names, addresses, telephone numbers, and professional license numbers of the physician and the pharmacist or nurse;

(2) Contain a provision for immediate consultation with the physician or an alternate physician;

(3) Require the pharmacist or nurse to take a complete case history and determine whether a patient has had a physical examination within the past year;

(4) Provide that no vaccine shall be administered to a patient with any condition for which the vaccine is contraindicated;

(5) Require the pharmacist or nurse to provide the vaccine recipient with the appropriate and current Vaccine Information Statement (VIS) as provided by the federal Centers for Disease Control and Prevention;

(6) Require the pharmacist or nurse to provide written information to the vaccine recipient developed by the Department of Public Health on the importance of having and periodically seeing a primary care physician;

(7) Require the pharmacist or nurse to retain documentation of each dose administered with such documentation to include the following:

(a) the administering pharmacist's or nurse's name, address, telephone number and professional license number;

(b) the name, dose, manufacturer, and lot number of the vaccine;

(c) the vaccine recipient's name, address, date of birth, and telephone number;

(d) the date of administration and injection site;

(e) the signed and dated consent form that acknowledges receipt of the VIS, consents to the administration of the vaccine and authorizes the pharmacist or nurse to notify the vaccine recipient's primary care provider of the vaccine administered to the vaccine recipient; and

(f) any adverse events or complications that occur;

(8) Require the pharmacist or nurse to make documented reasonable efforts to obtain the name of the vaccine recipient's primary care provider and to notify such primary care provider of the vaccine administered by the pharmacist or nurse within 72 hours of the administration;

(9) Require the pharmacy or nurse to administer the vaccine to a patient in a private room, area with a privacy screen or other interior area in which the patient's privacy can be maintained unless there is a declared public health emergency or where immunizations are being administered for purposes of training for a short period of time;

(10) Prohibit the administration of the vaccine to a patient while the patient is in his or her personal vehicle;

(11) Require the pharmacist, nurse, or his or her designee to check the Georgia Registry of Immunization Transactions and Services prior to administration of the vaccine and to enter the patient's vaccine information in the vaccination registry within the time designated by the Department of Public Health; provided, however, that a pharmacist, nurse, or his or her designee shall not be required to check the Georgia Registry of Immunization Transactions and Services during:

(a) A public health emergency, as defined in Code Section 31-12-1.1, for any vaccine administered to address the cause of the threat of an illness or health condition or the infectious agent or biological toxin which resulted in such public health emergency; or

(b) A vaccination event for influenza that is anticipated to serve 75 or more patients;

(12) Require that the vaccine recipient remain under observation for not less than 15 minutes immediately subsequent to the administration of the vaccine;

(13) Contain procedures to follow in the event of an adverse event or complication;

(14) Provide for prioritization of vaccine recipients in the event of a limitation in the supply of the vaccine;

(15) Require that the pharmacist or nurse maintains individual liability insurance coverage in an amount not less than $250,000 to cover claims arising from the administration of vaccines, or has individual coverage from his/her employer's liability insurance in an amount not less than $250,000 to cover claims arising from the administration of vaccines;

(16) Require that the pharmacist or nurse maintain a copy of the proof of insurance with the name of the insurer and policy number onsite at his or her primary location;

(17) Require that the pharmacist or nurse post proof of the vaccine protocol agreement, including a list of the vaccines authorized to be administered, in a conspicuous location within the pharmacy or other setting in which the vaccine is being administered;

(18) Require the submission of a signed and notarized affidavit by the pharmacist or nurse to the physician attesting to:

(a) the maintenance of liability insurance;

(b) current certification in Basic Cardiac Life Support, and for pharmacists, verification of completion of immunology training;

(c) the maintenance of a copy of the vaccine protocol agreement; and

(d) the identification of the locations where the pharmacist or nurse will be administering vaccinations pursuant to the protocol;

(19) Provide that the pharmacist cannot delegate the administration of the vaccine to another individual except a pharmacy intern or a qualified pharmacy technician under his/her direct supervision, provided that approval of such authorization of qualified pharmacy technicians is included in the vaccine protocol agreement between the physician and pharmacist, and that the nurse cannot delegate the administration of the vaccine except a registered professional nurse may delegate the administration to a licensed practical nurse under the direct on-site supervision of the registered professional nurse; and

(20) Provide for the expiration, renewal, or revision of the protocol on at least a biennial basis.

Cite as Ga. Comp. R. & Regs. R. 360-34-.05

AUTHORITY: O.C.G.A §§ 26-4-5**,** 31-12-3.1**,** 43-34-5**,** 43-34-26.1**.**

HISTORY: Original Rule entitled "Requirements of the Vaccine Protocol Agreement" adopted. F. Sept. 14, 2015; eff. Oct. 4, 2015.

Repealed: New Rule of same title adopted. F. Dec. 20, 2015; eff. Jan. 9, 2016.

Amended: F. Jan. 26, 2023; eff. Feb. 15, 2023.

Amended: F. Mar. 19, 2024; eff. Apr. 8, 2024.

Department 375. RULES OF DEPARTMENT OF DRIVER SERVICES

Chapter 375-3. DRIVER LICENSE SERVICES

Subject 375-3-1. GENERAL PROVISIONS

375-3-1-.02 Applications and Supporting Documentation

(1) Customers applying for issuance or renewal of any driver's license, permit, or identification card issued by the Department shall complete a written application in a form to be determined by the Department. Such application shall require the applicant to indicate the following:

(a) Whether he or she has ever been issued a driver's license by the State of Georgia or any other state or agency, and if so, the date and place of issuance with the license number, if known;

(b) Whether any previously issued license, whether issued by the State of Georgia or any other state or licensing agency, has ever been revoked, suspended or canceled, or whether any application for a motor vehicle driver's license has ever been denied. The application shall state the cause for revocation, suspension, cancellation or denial, the circumstances surrounding the action taken, the number of times such action has been taken and whether the license has been re-issued or application granted; and

(2) Applications executed pursuant to paragraph (1) shall include a declaration under penalty of perjury that the information contained in the application is true and correct.

(3) Each application must be supported by documentation of the customer's identity, specifically his or her name and date of birth. Documents that are acceptable include the following:

(a) Valid, unexpired U.S. passport;

(b) Certified copy of a birth certificate filed with the State Office of Vital Statistics or equivalent agency in the customer's state of birth;

(c) Consular Report of Birth Abroad issued by the U.S. Department of State, Form FS-240, DS-1350 or FS-545;

(d) Valid, unexpired Permanent Resident Card (Form I-551) issued by the U.S. Department of Homeland Security (DHS) or Immigration and Naturalization Service (INS);

(e) Unexpired Employment Authorization Document (Form I-766/EAD) issued by the DHS;

(f) Unexpired foreign passport with a valid unexpired U.S. visa affixed accompanied by the approved I-94 form documenting the applicant's most recent admittance into the United States;

(g) Certificate of Naturalization issued by the DHS, Form N-550 or N-570;

(h) Certificate of Citizenship, Form N-560 or N-561, issued by the DHS; or

(i) An uncertified copy of a state-issued birth certificate or a hospital or other commemorative birth certificate for a birth in the State of Georgia if such can be verified electronically with the records of the Georgia Department of Public Health. The driver's license, permit or identification card issued by the Department shall reflect the full legal name reflected on such documentation. If a customer's name has changed from the name listed in the document presented in satisfaction of this paragraph, such change must be supported by documentation in the form of a marriage license, marriage license application, divorce decree, adoption decree, or other court order. Original or certified copies of documents are required.

(4) Each customer may be required to provide documentation of his or her Social Security number in one of the following forms:

(a) Social Security card;

(b) DDS approved application pursuant to paragraph (1); or

(c) other approved documentation which contains the customer's Social Security number.

(5) Social security numbers provided pursuant to paragraph (4) shall be verified as required by 6 C.F.R. § 37.11(e)(2) and 6 C.F.R. § 37.13(b)(2). This paragraph shall not apply to non-U.S. citizen customers who are not eligible for issuance of a Social Security number due to their ineligibility to work pursuant to their immigration status. Customers claiming this exemption must provide documentation thereof from the Social Security Administration.

(6) Each customer must provide two documents to substantiate residence in the State of Georgia. Such documents must contain the customer's name and residence address, and they must be dated by the sender or postmarked within six months prior to the date on which they are presented. Renewal customers who are providing such documentation to satisfy the requirements of 6 C.F.R. § 37.11 may utilize any previously issued driver's license, permit, or identification card, and they may submit such documents electronically so long as the address reflected therein matches the address already reflected on such person's most recently issued driver's license, permit, or identification card.

The following forms of documentation are examples of what can be used to satisfy the proof of residence requirement.

This is not an exhaustive list as acceptable document types are subject to change.

*** Mortgage Documents**

*** Lease**

*** Military Housing Agreement Letter**

*** Utility Bills** - Dated within previous six months. Utility bill for services installed at your residential address (water, sewer, gas, electricity, cable/satellite TV, Internet, telephone/cell phone, or garbage collection). **Please redact account numbers.**

*** Motor Vehicle Information** - Vehicle Registration or Title, Insurance policy or Insurance Card with address displayed.

*** Documents Issued by Federal, State or Local Governments - From current or preceding calendar year**

(7) Each customer must provide documentation of his or her citizenship or lawful status in the United States. Pursuant to 6 C.F.R. § 37.3 a person has lawful status if he or she presents proof that he or she is a citizen or national of the United States; or an alien: lawfully admitted for permanent or temporary residence in the United States; with conditional permanent resident status in the United States; who has an approved application for asylum in the United States or has entered into the United States in refugee status; who has a valid nonimmigrant status in the United States; who has a pending application for asylum in the United States; who has a pending or approved application for temporary protected status (TPS) in the United States; who has approved deferred action status; or who has a pending application for lawful permanent residence (LPR) or conditional permanent resident status.

(a) The following documents shall suffice as proof of citizenship:

(i) Valid, unexpired U.S. passport;

(ii) Certified copy of a birth certificate filed with the State Office of Vital Statistics or equivalent agency in the customer's state of birth;

(iii) Consular Report of Birth Abroad issued by the U.S. Department of State, Form FS-240, DS-1350 or FS-545;

(iv) Certificate of Naturalization issued by the DHS, Form N-550 or N-570; or

(v) Certificate of Citizenship, Form N-560 or N-561, issued by the DHS.

(b) A valid, unexpired Permanent Resident Card (Form I-551) issued by the DHS or USCIS shall suffice as proof of lawful status in the United States. Non-U.S. citizen customers whose identities are proven using an unexpired Employment Authorization Document (Form I-766/EAD) issued by DHS; or an unexpired foreign passport with a valid, unexpired U.S. visa affixed accompanied by the approved I-94 form documenting the applicant's most recent admittance into the United States; or a REAL ID driver's license or identification card issued in compliance with the standards established by 6 C.F.R. § 37.11 must also present a second verifiable document issued by the DHS or other Federal agencies demonstrating lawful status as determined by USCIS. All documentation of lawful status is required to be verified with the DHS' Systematic Alien Verification for Entitlements Program (SAVE) in the manner prescribed in 6 C.F.R. § 37.13.

(8) (a) The Department shall not accept documents issued outside the United States except foreign passports. Notwithstanding the foregoing, if a customer cannot, for reasons beyond his or her control, present any other document as proof of his or her name, including changes thereto, such documentation shall be accepted pursuant to the foregoing exception process. Such documentation must be printed in English or translated into English by a professional translating service, non-profit corporation, consular official of the country of issuance, or other entity approved by the Department. The original certified document and the original English translation document must be presented to the Department.

(b) Customers who have been designated as asylees by the United States Department of Homeland Security may satisfy the requirements for proof of identity, lawful status in the United States, and residence by providing the following:

(i) Original I-94 indicating asylee status; and

(ii) Proof of residence as set forth in paragraph (6).

(c) Customers who have been designated as refugees by the United States Department of Homeland Security may satisfy the requirements for proof of identity, lawful status in the United States, and residence by providing the following:

(i) If the applicant is a refugee initially placed in the State of Georgia upon arrival in the United States:

1) Original I-94 indicating refugee status;

2) Reception and placement form identifying agency responsible for settling applicant in the State of Georgia; and

3) Refugee Affidavit form bearing notarized signature of representative of the placement agency identified in the reception and placement form submitted to satisfy paragraph (8)(c)(i)(2) and containing applicant's residence address. The Department will notarize said forms at the Customer Service Center at which the applicant applies for said initial issuance if the placement agency does not have a notary on staff.

(ii) If the applicant is a refugee age 18 or over who was initially placed in a state other than Georgia upon arrival in the United States, but who has since moved to the State of Georgia:

1) Original I-94 indicating refugee status;

2) Driver's license or identification card issued by previous state of residence; and

3) Proof of residence as set forth in paragraph (6).

(iii) If the applicant is a refugee under age 18 who was initially placed in a state other than Georgia upon arrival in the United States, but who has since moved to the State of Georgia:

1) Original I-94 indicating refugee status; and

2) Proof of residence as set forth in paragraph (6).

(d) If the applicant is an inmate being released from a Georgia Department of Corrections (GDC) Facility and is unable to present the required two proofs of residence, he or she may prove his or her residence address by a GDC Official submitting the Address Verification Form for Georgia Department of Corrections. The GDC Official should complete this form and submit it to the Department according to a mutually agreed upon protocol between the Department and GDC. The completed and accepted form may serve as proof of residence. The Address Verification Form for Georgia Department of Corrections must be prescribed and designated by the Department solely. The form shall only be submitted by a GDC Official and will not be accepted if received by the Department directly from the inmate (applicant) or another representative.

(e) If the applicant is a probationer, parolee or person who has been released from the custody of the Georgia Department of Corrections within the last 60 days, and he or she is unable to provide one or both documents needed to prove his or her residence, he or she may prove his or her residence address by submitting confirmation thereof from an employee of the Department of Corrections or the State Board of Pardons and Paroles on the form prescribed and designated by the Department.

(f) If the applicant is a resident of a nursing home or other medical care facility, and he or she is unable to provide both documents needed to prove his or her residence, he or she may prove his or her residence address as the address of such nursing home or medical care facility based upon confirmation thereof from the nursing home or medical care facility on its letterhead. Such confirmation must include the customer's name and date of birth, the address of the nursing home, the name and phone number of a representative thereof, and the signature of such representative.

(g) If the applicant is a homeless individual, he or she may utilize the address of a homeless shelter or other service provider upon confirmation thereof from the homeless shelter or care provider. Such confirmation must include the customer's name and date of birth, the address of the homeless shelter or care provider, the name and phone number of a representative thereof, and the signature of such representative.

(h) If the applicant is in the care of the Department of Human Services or the Department of Juvenile Justice, he or she may prove his or her residence address by submitting confirmation thereof from an employee of thereof.

(i) If the applicant is age 70 or more, he or she may prove his or her name and date of birth utilizing an original discharge document from the military or a statement from the Social Security Administration containing the customer's name and date of birth.

(i) If the applicant became a United States citizen pursuant to the Child Citizenship Act of 2000 upon his or her adoption by a Georgia resident, then he or she may satisfy the requirements for proving his or her identity and citizenship by presenting a State of Georgia Certificate of Foreign Birth.

(k) If the applicant is age 60 or more and has held a Georgia driver's license, permit, or identification card for at least 20 years prior to making application for renewal thereof, he or she may prove his or her name and date of birth utilizing an original discharge document from the military or a statement from the Social Security Administration containing the customer's name and date of birth.

(l) As provided in 6 C.F.R. Part 37, if for reasons beyond the control of an applicant who has satisfied citizenship and is renewing their Georgia drivers' license, permit, or identification card cannot provide an identity document, the Department may accept a Georgia Driver's license, permit or identification card that is valid or has been expired less than two years provided it bears the name that has previously been and continues to verify through the Social

Security Administration and the applicants' photographs continue to match without incident, and use of such card is approved by an authorized managing supervisor of the Department.

(m) In the event a customer is unable to satisfy the documentary requirements set forth herein, he or she may propose the use of alternative documents. Such requests shall contain a specific explanation of why the customer is unable to provide the documents, a showing that the alternative documents are equivalent to the documents required in the regulation and include copies of the documents proposed. The Department shall not accept alternative documentation as proof of lawful status in the United States.

(9) Customers applying for the renewal of a driver's license, permit or identification card by means other than personal appearance, shall be authorized to do so pursuant to Ga. Comp. R. & Regs. R. 375-3-2-.04.

Cite as Ga. Comp. R. & Regs. R. 375-3-1-.02

AUTHORITY: O.C.G.A. §§ 40-5-4**,** 40-5-101**,** 40-16-2**,** 40-16-3**.**

HISTORY: Original Rule entitled "Documentation Required for Initial Issuance" adopted. F. Sept. 1, 2004; eff. Sept. 21, 2004.

Amended: F. Dec. 14, 2005; eff. Jan. 3, 2006.

Amended: F. Sept. 11, 2006; eff. Oct. 1, 2006.

Repealed: New Rule of same title adopted. F. Mar. 22, 2007; eff. Apr. 11, 2007.

Amended: F. Oct. 10, 2007; eff. Oct. 30, 2007.

Repealed: New Rule entitled "Documentation Required for Issuance" adopted. F. Nov. 23, 2009; eff. Dec. 13, 2009.

Repealed: New Rule entitled "Applications and Supporting Documentation" adopted. F. Mar. 30, 2012; eff. Apr. 19, 2012.

Amended: F. Jan. 22, 2013; eff. Feb. 11, 2013.

Amended: F. Jan. 21, 2014; eff. Feb. 10, 2014.

Amended: F. Apr. 24, 2014; eff. May 14, 2014.

Amended: F. Aug. 20, 2014; eff. Sept. 9, 2014.

Amended: F. Nov. 18, 2014; eff. Dec. 8, 2014.

Amended: F. Sept. 15, 2015; eff. Oct. 5, 2015.

Amended: F. Sept. 20, 2016; eff. Oct. 10, 2016.

Amended: F. June 1, 2020; eff. June 21, 2020.

Amended: F. Oct. 15, 2020; eff. Nov. 4, 2020.

Amended: F. June 16, 2021; eff. July 6, 2021.

Amended: F. Mar. 15, 2023; eff. Apr. 4, 2023.

Amended: F. Mar. 25, 2024; eff. April 14, 2024.

Department 391. RULES OF GEORGIA DEPARTMENT OF NATURAL RESOURCES

Chapter 391-2. COASTAL RESOURCES

Subject 391-2-3. COASTAL MARSHLANDS PROTECTION

391-2-3-.02 Regulation of Upland Component of a Project

(1) **Findings and Purpose**.

(a) Findings. In promulgating this Rule, the Board declares the following:

1. Georgia's coastal marshlands have long been recognized by the General Assembly and the Board as a vital natural resource system, a vital area of the state, and essential to maintain the health, safety, and welfare of all the citizens of the State.

2. The Coastal Marshlands Protection Act (CMPA) provides a grant of authority to the Board of Natural Resources and Coastal Marshlands Protection Committee to regulate certain activities that affect or have the potential to affect the coastal marshlands of the state, to ensure the values and functions of the coastal marshlands are not impaired and to protect the public interest.

3. Stormwater management measures, impervious surface coverage standards, and marshlands buffer design and maintenance measures as applied to projects which are subject to permitting under the Coastal Marshlands Protection Act are warranted so as to protect this vital area and to protect the public interest.

(b) Purpose. The purpose of these Rules is to implement the authority of the Board of Natural Resources to promulgate rules and regulations for permitting under and enforcement of the Coastal Marshlands Protection Act. This Chapter establishes procedures and criteria to be applied by the Coastal Marshlands Protection Committee when reviewing applications for a permit to remove, fill, dredge, drain, or otherwise alter any marshlands or construct or locate any structure on or over marshlands within the estuarine area of the state.

(2) **Definitions used in this Rule**.

(a) "Applicant" means any person who files a permit application under the Coastal Marshlands Protection Act.

(b) "Coastal marshlands" or "marshlands" means any marshland intertidal area, mud flat, tidal water bottom, or salt marsh in the State of Georgia within the estuarine area of the state, whether or not the tidewaters reach the littoral areas through natural or artificial watercourses. "Vegetated marshlands" shall include those areas upon which grow one, but not necessarily all, of the following: salt marsh grass (*Spartina alterniflora*), black needlerush (*Juncus roemerianus*), saltmeadow cordgrass (*Spartina patens*), big cordgrass (*Spartina cynosuroides*), saltgrass (*Distichlis spicata*), coast dropseed (*Sporobolus virginicus*), bigelow glasswort (*Salicornia bigelovii*), woody glasswort (*Salicornia virginica*), saltwort (*Batis maritima*), sea lavender (*Limonium nashii*), sea oxeye (*Borrichia frutescens*), silverling (*Baccharis halimifolia*), false willow (*Baccharis angustifolia*), and high-tide bush (*Iva frutescens*). The occurrence and extent of salt marsh peat at the undisturbed surface shall be deemed to be conclusive evidence of the extent of a salt marsh or a part thereof.

(c) "Committee" means the Coastal Marshlands Protection Committee.

(d) "Effective impervious cover" is the percentage derived when total impervious area is adjusted to reflect the fact that a site design results in the actual impervious surface characteristics of a site with a lower total impervious area, supported by scientific and engineering studies and findings.

(e) "Estuarine area" means all tidally influenced waters, marshes, and marshlands lying within a tide-elevation range from 5.6 feet above mean tide level and below.

(f) "Greenspace" means vegetative upland or wetland that remains in its natural state or has been developed only to the extent consistent with natural ecological systems protection.

(g) "Impervious surface" means any surface such as pavement, roofs, roadways or other surface material through which water does not permeate.

(h) "Marshlands buffer" means a zone or strip of land of a specified width along the riparian border of the project that serves as a protective setback.

(i) "Marshlands component of the project" means the part of the project in an estuarine area or any structure on or over an estuarine area, including but not limited to marinas, community docks, bridges, piers, and bulkheads, requiring a permit under the Coastal Marshlands Protection Act pursuant to O.C.G.A. Section 12-5-286.

(j) "Nonstructural Stormwater Management Practice" means any naturally occurring or planted vegetation or other pervious component of a stormwater management plan that provides for, or enhances, stormwater quality and/or reduces stormwater quantity or provides other stormwater management benefits.

(k) "Person" means any individual, partnership, corporation, municipal corporation, county, association, or public or private authority, and shall include the State of Georgia, its political subdivisions, and all its departments, boards, bureaus, commissions, or other agencies, unless otherwise specifically exempted by the Coastal Marshlands Protection Act.

(l) "Project" means the proposed construction or maintenance activity identified in an application for a marshlands permit within the contemplation of the Coastal Marshlands Protection Act. A project may consist of two components: a marshlands component and an upland component, as defined herein.

(m) "Stormwater Treatment" means a process of remediation, reduction and/or elimination of the undesirable characteristics of runoff including, but not limited to, peak runoff rate, velocity, volume, and quantity of solids and pollutants.

(n) "Total Impervious Area" means all impervious surface in a specified area as calculated as a percent of the total area.

(o) "Untreated Stormwater" means runoff that is discharged without previously being managed by one or a combination of techniques that remediate, reduce and/or eliminate undesirable characteristics of the runoff.

(p) "Upland" means lands that are neither coastal marshlands nor wetlands.

(q) "Upland component of the project" is all those service areas, amenities, and recreational areas associated with marinas, community docks, commercial docks, fishing piers, boat ramps and bridges located inland of the Coastal Marshlands Protection Act jurisdiction line, that serve or augment the functioning of the marshlands component of the project, such as, but not limited to, dry stack boat storage; dockmaster shop; fuel storage and delivery facilities to serve the marshlands component of the project; and restrooms intended for users of the marshlands component of the project. This term may extend to and cover such facilities adjacent to or in proximity to the marshlands component of the project that are intended to serve exclusively or primarily the users of the marshlands component of the project if the Committee finds in its sole discretion that such facility is likely to alter the marshlands.

(r) "Wetlands" means areas that are inundated or saturated by surface or ground water often and long enough to support and under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions, such as swamps, marshes, bogs, and floodplains.

(3) **Procedure for Determining Project Boundaries**. The applicant shall delineate the boundaries of the proposed project. Such boundaries shall be subject to review and validation by the staff of the Department of Natural

Resources to ensure that the entire project is delineated. Such boundaries shall be included in the application proposed for consideration by the Committee. In this regard, the applicant shall submit documentation identifying all areas that are planned to be used in connection with the project which is delineated, to allow the Coastal Marshlands Protection Committee to verify the extent of the project.

(4) **Marshlands Buffers for Upland Component of the Project**.

(a) There is established a 50-foot marshlands buffer applicable to the upland component of the project as measured horizontally inland from the coastal marshland-upland interface, which is the Coastal Marshlands Protection Act jurisdiction line, so as to ensure the project does not result in the filling or other alteration of the coastal marshlands.

(b) The applicant for a permit under the Coastal Marshlands Protection Act and these rules shall certify adherence to soil and erosion control responsibilities, which, for purposes of the Coastal Marshlands Protection Act shall include recognition of and compliance with the following requirements unless in conflict with a criterion or exception established by the Environmental Protection Division of the Department of Natural Resources.

1. Except as provided in subparagraph 2. of this paragraph and paragraphs (d) and (g) below, no land-disturbing activities within the project boundaries shall be conducted within the 50-foot marshlands buffer, and such marshlands buffer shall remain in its natural, undisturbed state of vegetation, so as to naturally treat stormwater during both construction and post construction phases of the upland component of the project.

2. Land disturbance and construction of structures within the 50-foot marshlands buffer in the upland component of the project shall be limited to the following:

(i) Construction and maintenance of temporary structures necessary for construction of the marshlands component of the project;

(ii) Construction and maintenance of permanent structures that are required for the functionality of and/or provide permanent access to the marshlands component of the project; and

(iii) Planting and grading with vegetated materials within the marshlands buffer to enhance stormwater management, such as erosion and sediment control measures, and to allow pedestrian access for passive recreation.

(c) After such land disturbing activities associated with (b)2.(i) above are completed, and except as allowed for in (b)2.(ii) and (iii) above, the marshlands buffer must be restored to and maintained in a natural vegetated state or in a vegetated state at least as protective or better than pre-construction conditions, subject to hand trimming and thinning as authorized in the permit.

(d) Already existing impervious surfaces and structures within the marshlands buffer area may remain and be maintained, provided the replacement, modification or upgrade does not increase any encroachment upon the required marshlands buffer in effect at the time of the replacement, modification or upgrade.

(e) Marshlands buffers shall be designed, installed and/or maintained sufficiently such that stormwater discharge to coastal marshlands from the marshlands buffer is managed according to the policy, criteria, and information including technical specifications and standards in the Coastal Stormwater Supplement to the Georgia Stormwater Management Manual, 1st Edition, April 2009.

(f) Nothing in this Rule shall be construed to limit the power or authority of the Director of the Environmental Protection Division.

(g) The Coastal Marshlands Protection Committee, in its sole discretion, is authorized to grant a permit that includes an exception to the 50-foot marshlands buffer if the Committee finds that three conditions are met:

1. Application of the marshlands buffer requirement will create a substantial hardship on the applicant; and

2. The purpose, function and treatment capabilities of the marshlands buffer can be or has been achieved by alternative means, such that the stormwater discharge to coastal marshlands from the marshlands buffer is managed according to the policy, criteria, and information including technical specifications and standards in the Coastal Stormwater Supplement to the Georgia Stormwater Management Manual, 1st Edition, April 2009, and is protective of water quality; and

3. Consistent with the purpose and reasonable use of the proposed project, the smallest practicable encroachment into the marshlands buffer is being utilized;

4. For purposes of this part, substantial hardship means a significant, site-specific and demonstrable condition exists that precludes the project from being constructed. The Coastal Marshlands Protection Committee shall consider the following factors in their evaluation of whether a substantial hardship exists:

(i) If the applicant complies with the required marshlands buffer width, the property cannot practicably be used for the proposed project. Merely proving that the exception would permit a greater profit from the property shall not be considered adequate justification for an exception; and

(ii) The substantial hardship results from application of the marshlands buffer width to the property separately or in conjunction with other factors such as unrelated deed restrictions, other state, federal or local government restrictions or ordinances; and

(iii) The substantial hardship is due to the physical nature of the applicant's property, such as its size, shape, or topography; and

(iv) The applicant or predecessor in title did not, by deed, covenant, or other voluntary act after March 26, 2007, create a situation where the application of the marshlands buffer would create a substantial hardship on the applicant.

(5) **Stormwater Management Standards for the Upland Component of the Project**.

(a) There shall be no discharge of untreated stormwater from developed or disturbed areas, whether surface or piped, to coastal marshlands from the upland component of the project. The Committee is authorized to waive this requirement if the Committee finds that the site or project characteristics prohibit treatment, there is no practicable alternative, and it has minimal adverse impact.

(b) In addition to the requirements of Section (5)(a) above, discharged stormwater from the upland component of the project shall be managed according to the policy, criteria, and information including technical specifications and standards in the Coastal Stormwater Supplement to the Georgia Stormwater Management Manual, 1st Edition, April 2009.

(c) As a component of the stormwater treatment system, greenspace shall be retained and interconnected where practicable and appropriate.

(d) The use of non-structural stormwater management and stormwater better site design practices, such as those listed in the Coastal Stormwater Supplement to the Georgia Stormwater Management Manual, 1st Edition, April 2009, shall be utilized to the maximum extent practicable.

(6) **Impervious Surface**. Pervious surfaces shall be used to the maximum extent practicable, and total impervious area shall be minimized with the goal of achieving no more than 15% effective impervious cover where practicable taking into account existing structures that are part of the project and the available land area that is part of the upland component of the project.

(7) **Required Information**. The Coastal Marshlands Protection Committee shall establish an application checklist to assist applicants. A copy of the application checklist may be obtained by contacting the Committee at its administrative headquarters: Coastal Resources Division, One Conservation Way, Suite 300, Brunswick, Georgia 31520, 912-264-7218.

Cite as Ga. Comp. R. & Regs. R. 391-2-3-.02

AUTHORITY: O.C.G.A. Title 12, O.C.G.A. § 12-5-285**.**

HISTORY: Original Rule entitled "Permit Procedures" adopted as R. 391-4-12-.02. F. Jan. 15, 1975; eff. Feb. 4, 1975.

Repealed: New Rule of same title renumbered as R. 391-2-3-.02. F. Dec. 28, 1979; eff. Jan. 17, 1980.

Repealed: F. June 26, 1992; eff. July 16, 1992.

Amended: New Rule entitled "Regulation of Upland Component of a Project" adopted. F. Mar. 6, 2007; eff. Mar. 26, 2007.

Amended: F. July 25, 2007; eff. August 14, 2007.

Amended: F. May 5, 2011; eff. May 25, 2011.

Amended: F. Feb. 29, 2024; eff. Mar. 20, 2024.

Note: Correction of typographical error in Rule History only, in accordance with title change cited in March 6, 2007 filing, *"**Amended:** New Rule entitled "Regulations of Upland Component of a Project" adopted. F. Mar. 6, 2007; eff. Mar. 26, 2007*." corrected to *"**Amended:** New Rule entitled "Regulation of Upland Component of a Project" adopted. F. Mar. 6, 2007; eff. Mar. 26, 2007."* Effective March 20, 2024.

Department 505. PROFESSIONAL STANDARDS COMMISSION

Chapter 505-3. EDUCATOR PREPARATION RULES

505-3-.77 Educational Leadership Program

(1) **Purpose**. This rule states field-specific content standards and requirements for approving programs that prepare individuals to serve in educational leadership positions in P-12 schools and Local Units of Administration (LUAs), and supplements requirements in GaPSC Rule 505-3-.01 REQUIREMENTS AND STANDARDS FOR APPROVING EDUCATOR PREPARATION PROVIDERS AND EDUCATOR PREPARATION PROGRAMS. The term leadership position refers to those positions requiring leadership certification as determined by the employing LUA for placement on the state salary schedule.

(2) **Two-tiered Educational Leadership Preparation**.

(a) Tier I, or entry level certification, in the field of Educational Leadership shall prepare candidates for entry leadership positions that include P-12 school level positions below the principal and district level positions that do not supervise principals.

(b) Tier II, or advanced level certification, in the field of Educational Leadership shall prepare candidates for advanced leadership positions that include P-12 school level principals or the equivalent, superintendents, or other LUA staff who supervise principals.

(c) The Educator Preparation Provider (EPP) must seek and receive GaPSC approval to offer Tier I and Tier II preparation programs and shall comply with all GaPSC reporting requirements for preparation programs. The EPP shall offer both a Tier I and a Tier II program.

(3) **Preparation Program Requirements**.

(a) To receive approval, a GaPSC-approved EPP shall offer Tier I and Tier II Educational Leadership preparation programs described in program planning forms, catalogs, syllabi, and on websites conforming to the following Georgia Educational Leadership Standards, which are adapted from the Professional Standards for Educational Leaders (PSEL) published in 2015 by the National Policy Board for Educational Administration. The elements accompanying the standards are adapted from PSEL Standards. Although programs shall be designed upon the PSEL Standards and as required by GaPSC Rule 505-3-.01, the Teacher Assessment on Performance Standards (TAPS) in relation to instructional leadership (see GaPSC Rule 505-3-.01 paragraph (e) 3. (i)), EPPs are advised to consider additional standards in developing program curricula and clinical experiences at the appropriate level (Tier I or Tier II), such as the Learning Forward Standards for Professional Learning, Georgia Teacher Leadership Standards (GaPSC Rule 505-3-.72 TEACHER LEADERSHIP PROGRAM), the Model Principal Supervisor Standards, and the evaluation standards comprising the Georgia Teacher Keys Effectiveness System (TKES) and the Georgia Leader Keys Effectiveness System (LKES), and the standards delineated in GaPSC Rule 505-3-.03 FOUNDATIONS OF READING, LITERACY, AND LANGUAGE. GaPSC and Georgia Department of Education (GaDOE) rules are often focused on implementation of such standards; candidates shall complete preparation programs prepared to implement programs and processes that address such standards. Professional learning as described in the GaPSC certificate renewal rule (GaPSC Rule 505-2-.36 RENEWAL REQUIREMENTS) and continuous improvement as described in GaDOE rules and processes shall be addressed in the leadership preparation curriculum and clinical experiences. The elements accompanying the standards inform and support the practice of the educational leader by illustrating some, but not all, leadership practices that define the standards in practice. Programs will be assessed at the standard level. Effective leaders:

1. Develop, advocate, and enact a shared mission, vision, and core values of high-quality education and academic success and well-being of each student. Education leaders build consensus among all stakeholders to develop an educational mission, vision, and core values of what students should know and do as a consequence of their schooling, as well as what it means for students to become well-adjusted, contributing members of society. Building

such a vision supported by core values can require reconciling possibly competing perspectives among all members of the school community. Based on this vision, leaders work with school and community members to establish the school's mission, and to plan, implement, monitor, and evaluate impact to promote continuous and sustainable improvement. Effective leaders:

(i) Using relevant data and in collaboration with school and community members, develop an educational mission, vision, and statement of core values for the school to promote student success and well-being.

(ii) In collaboration with members of the school and the community and using relevant data, develop and promote a vision for student success and well-being by articulating, advocating, and cultivating core values that define the school's culture, and stress the imperative of child-centered education; high expectations and student support; fair access, opportunity, and advancement for all students; openness, caring, and trust; and continuous improvement.

(iii) Utilize best practices to strategically identify, implement, and evaluate actions to achieve the vision, mission, and core values for the school.

(iv) Ensure core values support processes and procedures that allow all students access to the most effective teachers and an instructional program that will ensure they are college and career ready.

(v) Develop a systematic, inclusive, and comprehensive process to review, revise, and communicate the school's mission, vision, and core values, and respond to changing expectations and opportunities for the school, and changing needs and situations of students.

(vi) Develop shared understanding of and commitment to mission, vision, and core values within the school and the community.

(vii) Monitor communications and actions to build and sustain school and community alignment with the shared vision, mission, and core values.

(viii) Model and pursue the school's mission, vision, and core values in all aspects of leadership.

2. Act ethically and according to professional norms to promote each student's academic success and well-being. Educational leaders are professionals who ensure personnel are equipped with professional understanding of the school's mission and the professional norms that must be followed to ensure student success and well-being. Leaders have an understanding of ethical principles to guide actions and decision-making, which must be within the boundaries of professional practice. Leaders foster the development of a school culture that nurtures understanding of professional conduct and ethics, and have a professional responsibility to take an intentional approach to ensure not only regulatory enforcement, but also ethics education, outreach, and prevention. Effective leaders:

(i) Act ethically and professionally in personal conduct, relationships with others, decision-making, stewardship of the school's resources, and all aspects of school leadership.

(ii) Act according to and promote the professional norms of integrity, fairness, transparency, trust, collaboration, perseverance, learning, and continuous improvement.

(iii) Place children at the center of education and accept responsibility for each student's academic success and well-being.

(iv) Safeguard and promote the values of democracy, individual freedom and responsibility, and fairness.

(v) Lead with interpersonal and communication skill, social-emotional insight, and understanding of all students' and staff members' backgrounds and cultures.

(vi) Provide moral direction for the school and promote ethical and professional behavior among faculty and staff.

3. Strive for fairness of educational opportunity and responsive practices to promote each student's academic success and well-being. Education leaders create a school culture that values learner differences. Students are known, accepted, valued, and empowered to reach their full potential. The school's culture supports a climate in which students are healthy, safe, and supported. The culture defines high expectations, encourages trust, and expects all to be responsible participants; as a result, all students thrive. Effective leaders:

(i) Ensure that each student feels a sense of belonging, is treated fairly and respectfully, and is accepted and valued as an active member of the school community.

(ii) Recognize, respect, and employ each student's strengths, differences, and culture as assets for teaching and learning.

(iii) Analyze data to ensure that each student has equitable access to effective teachers, learning opportunities, academic and social support, and other resources needed for college/career readiness.

(iv) Develop and communicate expectations and codes of conduct to address student behavior in a positive, and fair manner.

(v) Eliminate barriers associated with race, class, culture and language, gender and sexual orientation, and disability or special status.

(vi) Utilize a variety of strategies to examine and address assumptions and beliefs that may conflict with vision, mission, core values, and goals.

(vii) Incorporate knowledge of the social, cultural, leadership, and political dynamics of the school community to cultivate a positive academic learning environment.

(viii) Promote the preparation of students to live productively in and contribute to the varied cultural contexts of a global society.

(ix) Act with cultural competence and responsiveness in their interactions, decision making, and practice.

4. Develop and support intellectually rigorous and coherent systems of curriculum, instruction, and assessment to promote each student's academic success and well-being. Effective educational leaders develop and support intellectually rigorous and coherent systems of curriculum, instruction, and assessment to maximize each student's growth and learning. Education leaders promote the use of rigorous curricula, which set high expectations for students and are aligned to academic standards. They seek to maximize student learning through authentic and differentiated pedagogy, systems of support, and effective assessment strategies that inform instruction. They develop and coordinate these systems in ways that create opportunities to personalize the academic program to meet individual student needs. The effectiveness of implementation and the impact of these systems on student learning are evaluated. Effective leaders:

(i) Promote the mission, vision, and core values of the school, embody high expectations for student learning, and align curriculum, instruction, and assessment with academic standards that are responsive to the needs of all learners.

(ii) Align and focus systems of curriculum, instruction, and assessment within and across grade levels to promote student academic success, love of learning, the identities and habits of learners, and healthy sense of self.

(iii) Promote instructional and assessment practice that is consistent with knowledge of learning, learner growth and development, effective pedagogy, and the needs of each student.

(iv) Guide the selection and implementation of evidence-based teaching strategies, curricular materials, educational technologies, and other resources appropriate to address all student populations.

(v) Ensure instructional practice that is intellectually challenging, authentic to student experiences, aligned to student strengths, and is differentiated and personalized.

(vi) Collaboratively model and promote with all stakeholders a culture of high expectations for all students.

(vii) Promote the effective use of technology.

(viii) Employ valid assessments that are consistent with knowledge of child learning and development and technical standards of measurement.

(ix) Monitor and evaluate the use of diagnostic, formative, and summative assessment to provide timely and accurate feedback to students and parents, and to inform instructional practices.

5. Cultivate a welcoming, caring, and supportive school community that promotes the academic success and well-being of each student. Education leaders build a school culture and climate that supports students being known and valued. The learning environment is personalized so students feel encouraged to engage with others as active learners. In such an environment learners are willing to take chances in their learning since a support system has been built to reinforce student learning. Effective leaders:

(i) Build and maintain a safe, caring, and healthy school environment that meets the academic, social, emotional, and physical needs of each student.

(ii) Create and sustain a school environment in which each student is known, accepted and valued, trusted and respected, cared for, and encouraged to be an active and responsible member of the school community.

(iii) Provide coherent systems of academic and social supports, services, extracurricular activities, and accommodations to meet the range of learning needs of each student.

(iv) Promote adult-student, student-peer, and school-community relationships that value and support academic learning and positive social and emotional development.

(v) Cultivate and reinforce student engagement in school and positive student conduct.

(vi) Infuse the school's learning environment with the cultures and languages of the school's community.

6. Develop the professional capacity and practice of school personnel to promote each student's academic success and well-being. Education leaders support the professional learning of effective, caring teachers and leaders who are able to work with students productively in the classroom and who can collaboratively lead a school or district. Building an effective staff requires careful personnel recruitment, selection, assignment of responsibilities, support, evaluation, and retention. Developing the professional skills of educators involves such activities as coaching, creating supportive conditions, and fostering a professional learning community. Effective leaders:

(i) Recruit, hire, assign, support, develop, and retain effective and caring teachers and other professional staff and form them into an educationally effective faculty in an equitable manner based on school needs, and local, state, and federal requirements.

(ii) Plan for and manage staff turnover and succession, providing opportunities for effective induction including mentoring of new personnel by carefully selected and trained mentors.

(iii) Develop teachers' and staff members' professional knowledge, skills, and practice through differentiated opportunities for learning and growth, guided by understanding of professional and adult learning and development.

(iv) Foster continuous improvement of individual and collective instructional capacity to achieve outcomes envisioned for each student.

(v) Deliver actionable feedback about instruction and other professional practice through valid, research-anchored systems of supervision and evaluation to support the development of teachers' and staff members' knowledge, skills, and practice.

(vi) Empower and motivate teachers and staff to the highest levels of professional practice and to continuous learning and improvement.

(vii) Recognize the achievements of highly effective teachers and others by developing the capacity, opportunities, and support for teacher leadership and leadership from other members of the school.

(viii) Promote the personal and professional health, well-being, and work-life balance of faculty and staff.

(ix) Address their own learning and effectiveness through reflection, study and improvement, maintaining a healthy work-life balance.

7. Foster a professional community of teachers and other professional staff to promote each student's academic success and well-being. Education leaders promote each student's academic success and well-being by creating and supporting a professional community of teachers. Building a community of teachers and other professional staff includes creating effective workplace conditions, promoting collective engagement and responsibility, and mutual accountability. Creating professional communities of teachers and other professional staff includes job-embedded opportunities that promote collaborative examination of practice and focuses on improvement of programs and practices. Effective leaders:

(i) Foster supportive workplace conditions for teachers and other professional staff that promote effective professional development, practice, and student learning.

(ii) Empower and entrust teachers and staff with collective responsibility for meeting the academic, social, emotional, and physical needs of each student, pursuant to the mission, vision, and core values of the school.

(iii) Establish and sustain a professional culture of engagement and commitment to shared vision, goals, and objectives pertaining to the education of the whole child; high expectations for professional work; ethical and equitable practice; trust and open communication; collaboration, collective efficacy, and continuous individual and organizational learning and improvement.

(iv) Promote mutual accountability among teachers and other professional staff for each student's success and the effectiveness of the school as a whole.

(v) Develop and support open, productive, caring, and trusting working relationships among leaders, faculty, and staff to promote professional capacity and the improvement of practice.

(vi) Design and implement job-embedded and other opportunities for professional learning collaboratively with faculty and staff.

(vii) Provide roles, structures, opportunities, and norms to support collaborative examination of practice, collegial feedback, and collective learning.

(viii) Encourage faculty-initiated improvement of programs and practices.

(ix) Use data, including student performance data, to evaluate the impact professional learning has on the faculty and staff, the school/district, and student learning.

8. Engage families and the community in meaningful, reciprocal, and mutually beneficial ways to promote each student's academic success and well-being. Education leaders build and sustain productive relationships with families and other community partners in the government, non-profit, and private sectors. They promote understanding, appreciation, and use of the community's cultural, social, and intellectual resources. They

communicate regularly and openly with families and community partners, and seek their input and support for continuous improvement efforts. Effective leaders:

(i) Are approachable, accessible, and welcoming to all families and community members.

(ii) Create and sustain positive, collaborative, and productive relationships with families and the community for the benefit of students.

(iii) Engage in regular and open two-way communication with families and the community about the school, students, needs, challenges, and accomplishments.

(iv) Maintain a presence in the community to understand its strengths and needs, develop productive relationships, and engage its resources for the school.

(v) Create means for the school community to partner with families to support student learning in and out of school.

(vi) Build and sustain mutually beneficial productive partnerships with public and private sectors to share resources and promote school improvement and student learning.

(vii) Create an environment that values differences, serves as a resource for families and the school community, and welcomes family engagement in school activities.

(viii) Understand, value, and employ the community's cultural, social, intellectual, and political resources to promote student learning and school improvement.

(ix) Advocate publicly for the needs and priorities of the school, district, students, families, and the community.

(x) Work with the community to collect and analyze data on economic, social, and other emerging issues that impact district and school planning, programs, and structures.

9. Manage school operations and resources to promote each student's academic success and well-being. Education leaders are responsible for the effective, efficient, equitable, and ethical management of schools and districts. Their responsibilities include garnering and allocating resources, monitoring and addressing internal and external regulatory requirements, developing organizational policies and practices, and other administrative duties that maintain the continued viability of the school or district. Effective leaders:

(i) Institute, manage, and monitor operations and administrative systems that promote the mission and vision of the school.

(ii) Strategically manage staff resources, assigning and scheduling teachers and staff to roles and responsibilities that optimize their professional capacity to address each student's learning needs.

(iii) Seek, acquire, and manage fiscal, physical, and other resources to support curriculum, instruction, and assessment; student learning community; professional capacity and community; and family and community engagement.

(iv) Are responsible, ethical, and accountable stewards of the school's monetary and nonmonetary resources, engaging in effective budgeting and accounting practices.

(v) Protect teachers' and other staff members' work and learning from disruption.

(vi) Employ technology to improve the quality and efficiency of operations and management.

(vii) Develop and maintain data and communication systems to deliver actionable information for classroom and school improvement.

(viii) Know, comply with, and help the school community understand local, state, and federal laws, rights, policies, and regulations to promote student success.

(ix) Develop and manage relationships with feeder and connecting schools for enrollment management and curricular and instructional articulation.

(x) Develop and manage productive relationships with the central office and school board.

(xi) Develop and administer systems for fair and equitable management of conflict among students, faculty and staff, leaders, families, and community.

(xii) Manage governance processes and internal and external politics toward achieving the school's mission and vision.

10. Act as agents of continuous improvement to promote each student's academic success and well-being. Educational leaders foster an environment among stakeholders where data are analyzed and used to continuously improve the academic and social success of the students, staff, and the community of learners. Leaders ensure a systematic and collaborative process that promotes a culture of school improvement and accountability. This plan, do, check, act process is created with input from all stakeholders. The leader uses current and relevant research and effectively gathers, analyzes, and interprets student data from multiple sources to promote a shared vision for instructional improvement that engages all stakeholders in decision-making that drives and sustains school improvement for each student. Effective leaders are willing to make difficult decisions and confront adverse situations to promote student academic success and well-being. Effective leaders:

(i) Use a systematic continuous improvement process to achieve the vision, fulfill the mission, and promote the core values of the school.

(ii) Create a continuous improvement culture within the school and community that promotes mutual commitment and accountability for student success.

(iii) Develop the capacity of staff to effectively lead strategic teams in a systematic process of school improvement.

(iv) Employ situationally-appropriate strategies for improvement, including transformational and incremental, adaptive approaches and attention to different phases of implementation.

(v) Build the capacity of staff to assess the value and applicability of emerging educational trends and the findings of research for school improvement.

(vi) Develop systematic processes of data collection, management, and analysis to determine root causes and inform the decision-making process.

(vii) Adopt a systems perspective ensuring alignment among improvement efforts and within all aspects of school organization, programs, and services.

(viii) Manage uncertainty, risk, competing initiatives, and politics of change with courage and perseverance, providing support and encouragement, and openly communicating the need for, process for, and outcomes of improvement efforts.

(ix) Develop and promote leadership among teachers and staff for inquiry, experimentation and innovation, and initiating and implementing improvement.

(b) Tier I. Educational Leadership preparation programs leading to entry level certification may be offered by GaPSC-approved EPPs as Master's degree programs or non-degree granting certification-only programs for educators who already hold Master's degrees. To receive approval, a GaPSC-approved EPP shall offer an educator preparation program for entry level preparation described in program planning forms, catalogs, syllabi, and on websites meeting the following requirements:

1. Program Admission. EPPs shall determine admission requirements for Tier I entry level preparation programs in addition to the minimum requirements established in the rule.

2. Program Curriculum. Programs leading to Tier I Entry Level Educational Leadership certification shall address all the GEL Standards referenced in paragraph (3) (a), but shall place emphasis on standards related specifically to practices designed to directly impact the improvement of teaching and learning.

3. Partnerships. A partnership agreement shall be established with LUAs, agencies, or other organizations for the purpose of collaborative work to ensure program curriculum and clinical experiences address LUA leadership preparation needs and to continuously examine program effectiveness. Such partnerships shall permit candidate self-selection for Tier I programs provided the partner district has the capacity to mentor the candidate and the candidate meets program admission criteria. A regular and systematic plan agreeable to the partner districts and the EPP shall be established for updating partnership agreements to ensure continuous improvement of the preparation program.

4. Candidate Support. At a minimum, Tier I candidates shall receive mentoring by a leader who is actively employed in a leadership position in the P-12 school or LUA and who has been trained to be a leader mentor. In addition, candidates shall receive EPP support through group coaching or other means whereby candidates have opportunities to interact with program staff and other candidates for reflection, feedback, and support related to their performances in the field.

(c) Tier II. Educational Leadership preparation programs leading to Tier II advanced level certification may be offered by GaPSC-approved EPPs as education specialist or doctoral degree programs, or as non-degree certification-only programs for educators who already hold an education specialist degree, a doctoral degree, or a GaPSC-issued certificate at Level 6 or 7. To receive approval, a GaPSC-approved EPP shall offer a performance-based educator preparation program described in program planning forms, catalogs, syllabi, and on websites meeting the following requirements:

1. Program Admission. EPPs shall require potential candidates to:

(i) Hold Tier I entry level certification or hold a Tier II certificate if that certificate is based on completion of an Educational Leadership program that led to a Georgia L or PL certificate;

(ii) Serve in a leadership position (see (1) Purpose above for the definition of the term, leadership position) at either the P-12 school or LUA level (or agency or organization equivalent to LUA level) that will enable the candidate to fully meet the program's clinical requirements. Candidates who do not serve in a leadership position as described above may be enrolled if the EPP and employer establish a formal, written agreement specifying the candidate will be released from other responsibilities for two full days per week or the equivalent to allow the candidate sufficient time to participate in and successfully complete clinical work. Employees of state education or human service agencies, RESAs, universities or technical colleges, and employees of education or human service non-profit organizations may also pursue Tier II Educational Leadership certification as long as the employer has established a partnership with a GaPSC-approved EPP and in the partnership agreement agrees to meet all requirements specified in this rule; and

(iii) Meet program admission criteria, and admission criteria specified by the EPP and in the partnership agreements with employers of potential candidates.

2. Program Curriculum. Programs leading to Tier II Educational Leadership certification shall address all standards through clinical performances required in the program. In coursework emphasis shall be on those standards not emphasized in the Tier I program.

3. Partnerships. A partnership agreement shall be established with the employing LUA, agency, or organization of each candidate for the purpose of ensuring candidates will be able to meet Tier II level clinical requirements. Partnership agreements:

(i) Shall be developed collaboratively by the LUA, agency, or organization and the program provider;

(ii) Shall establish mutually agreed upon responsibilities; and

(iii) Shall be regularly and systematically updated to ensure continuous improvement of the preparation program and its partnerships.

4. Candidate Support. The clinical work of each Tier II candidate shall be supervised by a candidate support team. At a minimum, the candidate support team shall be composed of the candidate, a trained and qualified leadership coach, a trained P-12 school or LUA mentor, and an EPP representative. (The leadership coach may serve as both the coach and the EPP representative provided the coach is employed by the EPP). These individuals shall work as a team to meet candidate and program needs.

(4) **Clinical Practice Requirements and Candidate Performance Expectations.**

(a) Tier I Entry Leader Preparation.

1. Clinical Practice. Tier I Clinical Practice shall include 250 clock hours (in certification-only and degree programs) in addition to performances required in courses and shall consist of significant opportunities for candidates to synthesize and apply the knowledge, and practice and develop the skills identified in the standards through field experiences cooperatively developed by the candidate, mentor, and EPP advisor. Field experiences shall engage candidates in substantial, standards-based work in a variety of settings. In Tier I programs candidates shall, at a minimum, observe leaders at all levels — elementary, middle, high school, and central office.

2. Performance Expectations. Candidates in Tier I entry level preparation programs shall demonstrate at a proficient level the knowledge, skills, and dispositions required for entry level educational leaders by demonstrating performance proficiency in the Georgia Educational Leadership Standards referenced in paragraph (3) (a).

(b) Tier II Advanced Level Leader Preparation.

1. Tier II Clinical Practice - Residency. Tier II programs shall be performance-based, and as such, shall be designed around leadership performances. Courses shall be designed to support performances. Candidates in Tier II preparation programs shall participate in performance-based experiences in courses as well as during an extended residency (in certification-only and degree programs). The extended residency shall consist of 750 clock hours of extended, job-embedded residency work. This work provides significant opportunities for candidates to synthesize and apply the knowledge, and practice and develop the skills identified in the standards through substantial, sustained, standards-based work in real settings in real time (actual P-12 school and LUA settings or similar settings for candidates employed in agencies or organizations not classified as P-12 schools or LUAs). Such a residency shall be planned and guided cooperatively by the EPP and LUA or employer through candidate support teams that develop and manage individual induction plans for each candidate.

2. Performance Expectations. Candidates in Tier II preparation programs shall demonstrate knowledge, skills, and dispositions required for advanced level educational leaders by demonstrating performance proficiency in the standards referenced in paragraph (3) (a). The candidate's program shall be planned and guided cooperatively by the EPP and LUA, agency, or organization personnel. The EPP shall be responsible for using formative assessments throughout the program to assess candidate progress. Candidate performances shall be designed as follows:

(i) Candidates shall demonstrate the ability to accept genuine responsibility for leading, facilitating, and making decisions typical of those made by principals, supervisors of principals, and superintendents. The residency experiences shall provide candidates with substantial responsibilities that increase over time in amount and complexity and involve direct interaction and involvement with appropriate staff, students, parents, and community leaders, including school board members. The preponderance of experiences shall engage candidates in leading rather than observing or participating;

(ii) Candidates shall participate in a performance-based residency cooperatively planned and guided by a candidate support team during the course of the program, including assessment of candidate application of knowledge, skills, and leadership dispositions;

(iii) Candidates shall apply skills and knowledge articulated in national and state standards for educational leaders in experiences designed to accommodate candidates' individual needs;

(iv) Candidates shall demonstrate performances in settings that allow for the demonstration of a wide range of relevant knowledge, skills, and dispositions while working with faculty and other LUA personnel, students, parents, and appropriate community organizations such as social service groups, local businesses, community organizations, parent groups, and school boards; and

(v) Candidates' performances shall be planned cooperatively by the candidate support team and provide appropriate opportunities to apply skills, knowledge, and research contained in the standards.

(5) **Testing Requirements.**

(a) Tier I Entry Level. Candidates completing an entry level preparation program shall be required to take the GACE content assessment in Educational Leadership. A passing score on the state-approved content assessment is not required for program completion; however, candidates shall attempt the assessment prior to program completion, and a passing score is required for state entry level certification in Educational Leadership.

(b) Tier II Advanced Level Preparation. Candidates completing a Tier II program shall be required to take the Georgia Performance Assessment for Educational Leadership (PASL). A passing score on the state-approved performance assessment is not required for program completion; however, candidates shall attempt the assessment prior to program completion, and a passing score is required for Tier II certification in Educational Leadership.

(c) Candidates who enroll in a GaPSC-approved Tier I Educational Leadership program must pass the Georgia Ethics for Educational Leadership Assessment prior to beginning program coursework. Any candidate enrolling in a Tier II program who did not pass the Ethics Assessment prior to enrolling in a Tier I program must pass the assessment prior to beginning Tier II program coursework.

(6) **Conversion of Previously Issued Leadership Certificates to "PL" and/or Tier II Certificates**.

(a) Educators who hold "L" certificates may convert to "PL" certificates by completing a GaPSC-approved certification-only Tier II program in Educational Leadership or a Tier II degree program if the educator holds only Level 5 certification. Such a program shall be performance-based and shall include extensive residency experiences meeting the requirements described in this rule. Educators who hold "FLD704 Educational Leadership (P-12)" certificates are exempted from meeting requirements to hold any position requiring Educational Leadership certification.

(b) Educators holding a PL certificate (FLD706 Building Level or FLD707 System Level; FLD706 and FLD707 were combined and became FLD710 after July 1, 2015) are eligible to hold any position requiring leadership certification. Holders of PL - Building Level or PL - System level shall not be required to meet any additional requirements for leadership certification.

(7) **Continuous Improvement as Part of the Program Approval Process.**

(a) As part of the continuous improvement cycle required by GaPSC Program Approval Standards (2023), EPPs are advised to engage partner school districts in regularly reviewing program effectiveness. In addition, as a formative measure, EPPs are advised to engage in a mid-cycle review using peers and partners as reviewers; such reviews will have no regulatory consequences. Mid-cycle formative reviews will use a valid and reliable process such as *Quality Measures.*

Cite as Ga. Comp. R. & Regs. R. 505-3-.77

AUTHORITY: O.C.G.A. § 20-2-200**.**

HISTORY: Original Rule entitled "School Counselor Program" adopted. F. Dec. 18, 1991; eff. Jan. 7, 1992.

Repealed: F. Dec. 16, 1992; eff. July 1, 1993, as specified by the Agency.

Amended: New Rule entitled "Safety and Driver Education Endorsement Program" adopted. F. Oct. 24, 2005; eff. Nov. 15, 2005, as specified by the Agency.

Repealed: New Rule entitled "Educational Leadership Program" adopted. F. Apr. 24, 2014; eff. May 15, 2014, as Specified by the Agency.

Repealed: New Rule of same title adopted. F. Mar. 25, 2015; eff. Apr. 15, 2015, as specified by the Agency.

Amended: F. Dec. 21, 2015; eff. Jan. 15, 2016, as specified by the agency.

Repealed: New Rule of same title adopted. F. June 25, 2018; eff. July 15, 2018.

Amended: F. Dec. 11, 2020; eff. Jan. 1, 2021, as specified by the Agency.

Amended: F. June 21, 2023; eff. July 1, 2023, as specified by the Agency.

Amended: F. Mar. 22, 2024; eff. Apr. 15, 2024, as specified by the Agency.

Department 515. RULES OF GEORGIA PUBLIC SERVICE COMMISSION

Chapter 515-9. SAFE INSTALLATION AND OPERATION OF NATURAL GAS TRANSMISSION AND DISTRIBUTION SYSTEMS

Subject 515-9-4. ENFORCEMENT PROCEDURES UNDER THE GEORGIA UNDERGROUND FACILITY PROTECTION ACT

515-9-4-.11.1 Civil Penalties for Local Governing Authorities (Tiered Penalty Structure)

(1) Definitions:

For the purpose of this rule and the assessment and enforcement of civil penalties under this Chapter 515-9-4 of the Commission's Utility Rules, the following definitions apply:

(a) "Local governing authority" means a county, municipality or local authority created by or pursuant to general, local or special Act of the General Assembly or by the Constitution of the State of Georgia, and any local authority that is created or activated by an appropriate ordinance or resolution of the governing body of a county or municipality individually or jointly with other political subdivisions of this state that provide service that includes but not limited to road and street construction and maintenance, water supply and distribution, waste- water, sewage, and storm-water collection and disposal.

(b) "Willful noncompliance" means intentional or knowing refusal or failure to perform, or comply with, a duty created or imposed by statute or by this Commission's Utility Rules. "Willful noncompliance" also includes bad faith or a conscious indifference to the consequences of failure to comply with GUFPA or this Commission's rules issued thereunder. A local governing authority's failure to file a timely response to a notice of probable violation of the Act or the Commission's Utility Rules shall constitute a presumption of willful noncompliance by a local governing authority receiving such notice, which presumption may be rebutted by evidence demonstrating that the local governing authority did not receive actual or constructive notice of its alleged violation of the Act.

(c) "Refusal to comply" means that an underground facility owner or operator does not respond in the Positive Response Information System ("PRIS") to a locate request, does not respond to a direct telephone call to locate their facilities, or other such direct refusal. "Refusal to comply" does not mean a case where the volume of requests or some other mitigating circumstance prevents the underground facility owner or operator from locating in accordance with O.C.G.A. § 25-9-7. "Refusal to comply" also means a refusal or failure to file a timely response to a notice of probable violation of the Act or of the Commission's Utility Rules; and such refusal or failure shall constitute a presumption of a local governing authority's "willful refusal to comply," which presumption may be rebutted by evidence demonstrating that the local governing authority did not receive actual or constructive notice of its alleged violation of the Act.

(2) Enforcement Procedures for Violations of the Act by Local Governing Authorities.

(a) Notice of Probable Violation and Request for Information. Upon receipt of a complaint or other information concerning a probable violation of the Act by a local governing authority, the Commission Staff shall conduct a preliminary investigation of such complaint or information; and as part of such preliminary investigation, the Commission's investigator may send notice of a probable violation and a request for information to the local governing authority. The authority receiving such notice and request for information shall respond within thirty (30) days to such notice and request. The Commission's request for information may request any or all of the following information:

1. Submission of written explanations, information or other materials in response to the allegations;

2. Information concerning the size, annual budget, and gross receipts of the authority;

3. Where applicable and available, the total number of underground facility connections and types of utilities within the territory of the local governing authority;

4. Total number of locate tickets received annually by the local governing authority;

5. The number of locate codes and calls made annually to the local governing authority from the UPC; and

6. When applicable, the number of customers whose service may have been interrupted as a result of the violations and the duration of such interruption.

Such list is not meant to be exhaustive, and the Commission's investigator may request additional information during his or her investigation. Responses shall be due within thirty (30) days after receipt of such notice and request from the local governing authority, unless such time is extended by the Commission or its investigator pursuant to a written request from the local governing authority before the expiration of such thirty (30) day period.

As noted in Paragraph (1) of this Rule, failure of the alleged violator to respond in a timely manner to the Commission investigator's notice of probable violation(s) and provide to the Commission the information requested shall constitute a presumption of willful noncompliance with the Act or applicable Commission rules on the part of the non-responding recipient of such notice and request, but such presumption may be rebutted by evidence demonstrating that the local governing authority did not receive actual or constructive notice of its alleged violation of the Act.

(b) Proposed Compliance Order. At any time during the investigation, the Commission's investigator may submit a written compliance order to the local governing authority, and the local governing authority may respond during the investigation or proceedings as follows:

1. The authority may agree to the Commission's proposed compliance order, if such proposed order has not been withdrawn by the Commission;

2. The authority may object to the proposed compliance order and submit written explanations, information or other materials in response to the allegations in the notice of probable violation; and the authority can request:

(i) review before the GUFPA Advisory Committee; or

(ii) an informal conference with the Commission Staff; or

(iii) a full evidentiary hearing before the Commission or its duly appointed hearing officer.

(c) Commission Staff Action. After investigation, the Commission's investigator may take appropriate action to enforce the Act and the Commission's rules issued thereunder, including any or all of the following:

1. Recommend no action and terminate the investigation;

2. Recommend that a warning letter be issued to the person alleged to have committed the violation ("the respondent");

3. Enter settlement negotiations with the respondent; and upon reaching agreement on settlement terms, the Commission Staff shall present such proposed settlement agreement to the Commission for its acceptance or rejection;

4. Recommend training be required (in lieu of or in addition to any otherwise recommended civil penalties, or any portion thereof) for violations of the Act;

5. Recommend that the Commission assess civil penalties for violations of the Act in accordance with O.C.G.A. § 25-9-13 and in accordance with the tiered penalty structure set forth below in Paragraph (3) of this Rule.

(d) Notices. All notices under the Act from the Commission to any local governing authority shall be sent by certified mail (return receipt requested). A signed delivery receipt or post office return marked refused or unclaimed shall constitute a presumption of notice to and legal service upon the local governing authority to whom it is addressed; however, such presumption may be rebutted by evidence demonstrating that the local governing authority did not receive actual or constructive notice of its alleged violation of the Act.

(3) Tiered Structure to Be Utilized in Assessing Civil Penalties against Local Governing Authorities for Violations of the Act.

(a) Factors To Be Considered. When determining to recommend assessment of a civil penalty, the Commission's investigators shall consider the following factors in applying the tiered penalty structure established in Subparagraph (3) (b) of this Rule:

1. The nature, circumstances and gravity of the violation, (including, but not limited to, adverse impact on the area, the general public and customers);

2. The degree of the respondent's culpability;

3. The respondent's history of prior offenses;

4. The respondent's ability to pay;

5. Any good faith effort by the Authority respondent in attempting to achieve compliance;

6. The effect on the respondent's ability to continue in business;

7. The number of locate tickets and locate call and codes received annually by the local governing authority;

8. The cost of the local government's compliance with the statute or rule violated;

9. The number of customers whose services may have been interrupted by the local governing authority's violation and the duration of such interruption; and

10. The size, annual budget, gross receipts, number of underground facility connections and types of connections and types of utilities within the territory of the local governing authority and whether owned or operated by such authority.

(b) Tiered Penalty Structure. The tiered penalty structure set forth below takes into account many of the above-mentioned factors by focusing on the number of employees employed by the local governing authority, or the number of underground facility, water and sewer connections a local governing authority has, which are functions and indicators of such authority's population, gross revenues, customer base, service area and annual budget. In determining the tier classification for a local governing authority, the Commission's investigators shall look to the number of underground facility, water and sewer connections such local governing authority has in making such determination. In cases where the local governing authority has no connections, the Commission's investigator shall determine the tier by the number of employees employed by such local governing authority in underground facility, road maintenance, water and sewer or public works functions (including contract personnel who perform work for the authority). Along with the considerations delineated in Subparagraph (a) of this Subsection (3), such tier classifications shall be made as follows:

Tiered Penalty Structure:

1. Tier One

Authorities that have 25,000 or less total underground facility, water and sewer connections or that employ 1 through 25 people in underground facility, road maintenance, water, sewer or public works functions (including contractor personnel), may be assessed a penalty of up to $500 per violation for the first three and up to $1,000 per violation thereafter not to exceed $10,000 total per rolling 12-month period.

2. Tier Two

Authorities that have more than 25,000 but less than 50,000 total underground facility, water and sewer connections or that employ 26 through 50 people in underground facility, road maintenance, water, sewer or public works functions (including contractor personnel), may be assessed a penalty of up to $750 per violation for the first three and up to $1,250 per violation thereafter not to exceed $20,000 total per rolling 12-month period.

3. Tier Three

Authorities that have 50,000 or more, but less than 100,000 total underground facility, water and sewer connections, or that employ 51 through 75 people in underground facility, road maintenance, water, sewer or public works functions (including contractor personnel), may be assessed a penalty of up to $1,000 per violation for the first three and up to $1,500 per violation thereafter not to exceed $30,000 total per rolling 12-month period.

4. Tier Four

Authorities that have 100,000 or more, but less than 200,000 total underground facility, water and sewer connections or that employ 76 through 100 people in underground facility, road maintenance, water, sewer or public works functions (including contractor personnel), may be assessed a penalty of up to $1,500 per violation for the first three and up to $2,500 per violation thereafter not to exceed $40,000 total per rolling 12-month period.

5. Tier Five

Authorities that have 200,000 or more total underground facility, water and sewer connections or that employs 101 or more people in underground facility, road maintenance, water, sewer or public works functions (including contractor personnel), may be assessed a penalty of up to $2,000 per violation for the first three and up to $5,000 per violation thereafter not to exceed $50,000 total per rolling 12-month period.

The tiered penalty structure shall be established as a maximum. No minimum penalty is specified.

(4) Commission Discretion in Assessing Civil Penalties against Local Governing Authorities.

Nothing set forth elsewhere in this Rule shall require the Commission or its investigators to assess civil penalties against a local governing authority for violations of the Act or the Commission's Utility Rules. Under each penalty tier, the investigator may recommend training. If the investigator finds that a probable violation has occurred, the investigator may recommend training in lieu of all or any portion of any otherwise recommended civil penalties for any local governing authority's violation. The investigator shall provide suggestions for corrective action to any person requesting such assistance on behalf of a local governing authority. Upon determination after investigation, the Commission's investigator may, subject to Commission review and approval, make recommended offers of settlement to the respondent or make recommended findings for assessment of civil penalties or other corrective action, subject to respondent's right to hearing thereon before the Advisory Committee and/or the Commission.

Cite as Ga. Comp. R. & Regs. R. 515-9-4-.11.1

AUTHORITY: O.C.G.A. § 46-2-30**.**

HISTORY: Original Rule entitled "Civil Penalties for Local Governing Authorities (Tiered Penalty Structure)" adopted. F. Mar. 29, 2006; eff. Apr. 18, 2006.

Amended: F. Dec. 21, 2006; eff. Jan. 10, 2007.

Amended: F. Dec. 22, 2023; eff. Jan. 11, 2024.

Note: Correction of non-substantive typographical errors, subparagraph (2)(c)4., *"...(in lie of ..."* corrected to *"...(in lieu of ..."*; subparagraph (3)(b)4., *"...up to $1500..."* corrected to *"...up to $1,500..."*; paragraph (4), *"...against a local governing for..."* corrected to *"...against a local governing authority for..."*, *"...on behalf of a local governing Upon..."* corrected to *"...on behalf of a local governing authority. Upon..."*, as requested by the Agency. Effective March 5, 2024.

515-9-4-.14 Georgia Underground Marking Standards

(1) White Lining.

(a) **Scope**. This Rule shall have statewide application; provided, however, that any municipal or county governing authority in this State may adopt, by resolution or ordinance, more stringent requirements relating to white lining, but no local governing authority may adopt less stringent marking standards requirements.

(b) **Purpose**. The purpose of white lining the area to be located is to allow everyone involved with the dig site to know the exact location of the proposed excavation. White lining the excavation site is an excellent way to assist the underground facilities or underground facility locators in marking lines in the work area right the first time and in less time. This technique eliminates speculation by the locator about where the excavation will take place and will often enable the underground facility or its agent to locate faster and more accurately. In short, pre-marking the area and the extent of the intended excavation can reduce delays and the time it takes to conduct the locate.

(c) **Background**. White lining is a practice that has been widely used in the United States where the National Transportation Board concluded that pre-marking is a practice that helps prevent excavation damage. The procedure simply involves an excavator using white paint to indicate the route or area that is going to be excavated, such that the locator then knows exactly how much marking is required and where. White lining reduces confusion about what underground facilities need to be marked or not marked.

(d) **Directive to UPC.** Pursuant to O.C.G.A. §§ 25-9-4(a)(1), 25-9-6(a)(1) and (b), 25-9-7(a)(2), and 25-9-13(f) and pursuant to Commission Utility Rule 515-9-6-.01, the Utilities Protection Center, Inc. ("UPC" or "One-Call Center") is hereby directed to establish policies and procedures which identify when white lining is required. Examples of areas to be white lined are smaller (involving only a portion of a particular address) or linear excavations such as telecommunication drops and lines, service lines (such as for water, gas, electricity and sewer), utility pits, cuts and repairs, curb repairs, bore holes, directional boring pathways, pole and signage placements, etc. Such examples are merely explanatory of the type of excavation where white lining is appropriate and are not meant to be exclusive.

(e) **Exceptions to White Lining**. Unless otherwise required by applicable municipal or county ordinance, white lining will not be required in the following situations:

1. Any large project so designated in accordance with GPSC Rule 515-9-4-.13;

2. Any jobsite that can be described with such particularity as required by O.C.G.A. 25-9-6(b); and

3. "Emergencies" and "extraordinary circumstances" as such terms are defined in O.C.G.A. § 25-9-3(10) and O.C.G.A. § 25-9-3(14), respectively, are [pursuant to O.C.G.A. § 25-9-12] statutory exceptions to O.C.G.A. § 25-9-6(a) requirement for obtaining a locate ticket prior to commencing mechanized excavation and, hence, also exceptions to the requirement for white lining under this Rule. However, if a particular emergency notification is later determined not to have been an emergency or an extraordinary circumstance, then the excavator's failure to procure a locate ticket before excavating will be treated as a violation of O.C.G.A. § 25-9-6 and of this Rule as per O.C.G.A. § 25-9-12. Also, pre-excavation emergency locate ticket requests (that is, a requests for a locate ticket on an expedited basis sooner than the prescribed statutory time limit) will not be an exception to white lining as required in this Rule.

(f) **White Lining Symbols as Directions to Locator**. White lining proposed dig sites that will follow a single path or trench shall be marked using white lines and/or arrows and shall be located for twenty (20) feet on either side of the white line and for twenty (20) feet outward beyond the designate "START" and "END" of such linear white line. Therefore, it is important to identify the starting & ending points.

(g) **Identification of White Lining Excavator**. In order to enable the locating underground facility or its locators to quickly identify the requested locate at the job site and expedite the locating process, each excavator when white lining shall identify himself or itself by labeling the white line area with the excavator's name or the applicable locate ticket number or both.

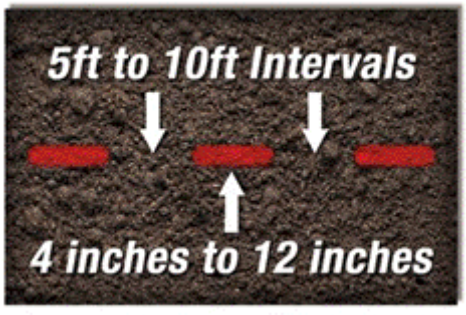
(2) Facility Marking by or for Utilities.

(a) "No conflict" with the excavation should only be communicated by facility owners through the Positive Response Information System (PRIS). No marks or messages with paint or stakes should be left at the proposed excavation if there is no conflict.

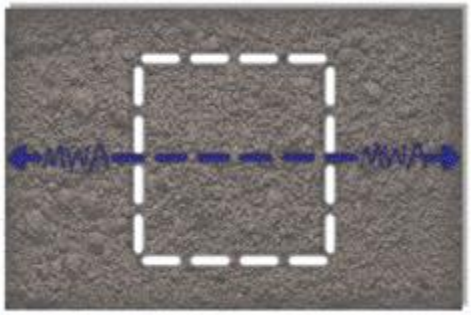
(b) **Underground Facility Markings**. Facility owners or their locate contractors shall indicate underground facilities by placing their UPC alpha code, along with the type material (if known) that the facility consists of, at the beginning and end of locates. Also, arrows should be placed at the ends of markings to indicate that the underground facility continues. In accomplishing the locate task, the line locator shall use industry-approved and generally accepted methods of locating.

1. To avoid confusion on long runs, the marks shall be frequent enough to identify the owner.

2. Location marks shall be 4 to 12 inches in length and at intervals of 5 to 10 feet.



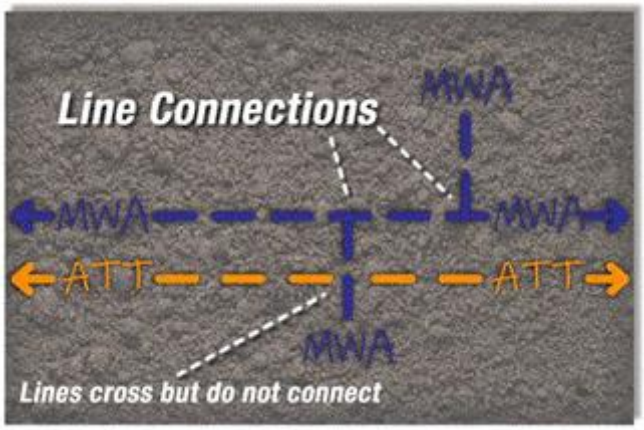
3. The line locator (person marking the lines) shall extend marks outside the proposed work area by 25 feet if those facilities extend outside the proposed excavation area.



4. In environmental conditions such as but not limited to, rain, snow, wet or marshy areas and or temporary surface conditions, flags will be used in addition to paint markings. Flags and/or stakes cannot be used as a substitution to paint markings and offsets. It will be the facility owner's decision to use flags and or stakes in addition to paint markings.

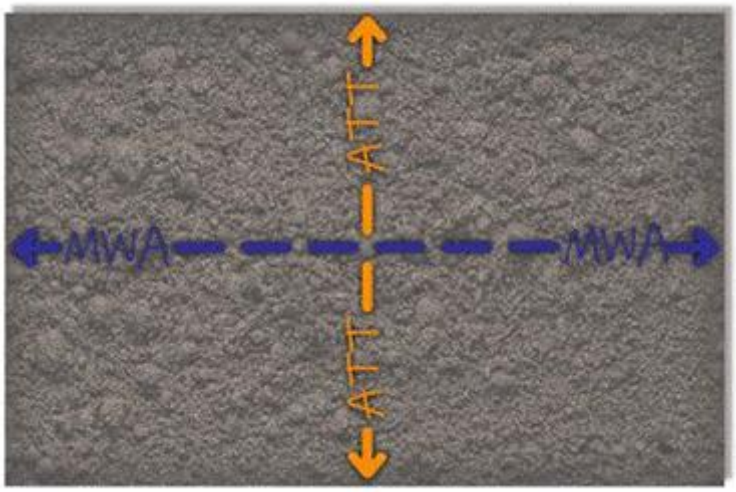
5. Dead ends, stub-outs, termination points, etc., shall be marked as follows:

6. Lines that have connections (e.g., T's or Y's) or changes in directions shall be clearly indicated. Marks indicating lines or connections shall clearly show the intersection and path of the line or connection. Marks that show changes in direction shall be placed closer together for more clarity and accuracy.



7. Manholes and valves shall be identified by using a circle and letters if they are not visible (dirt covering valve boxes or pavement covering manhole cover).

8. Facilities that cross but do not intersect shall be marked as described to indicate such installation manner.



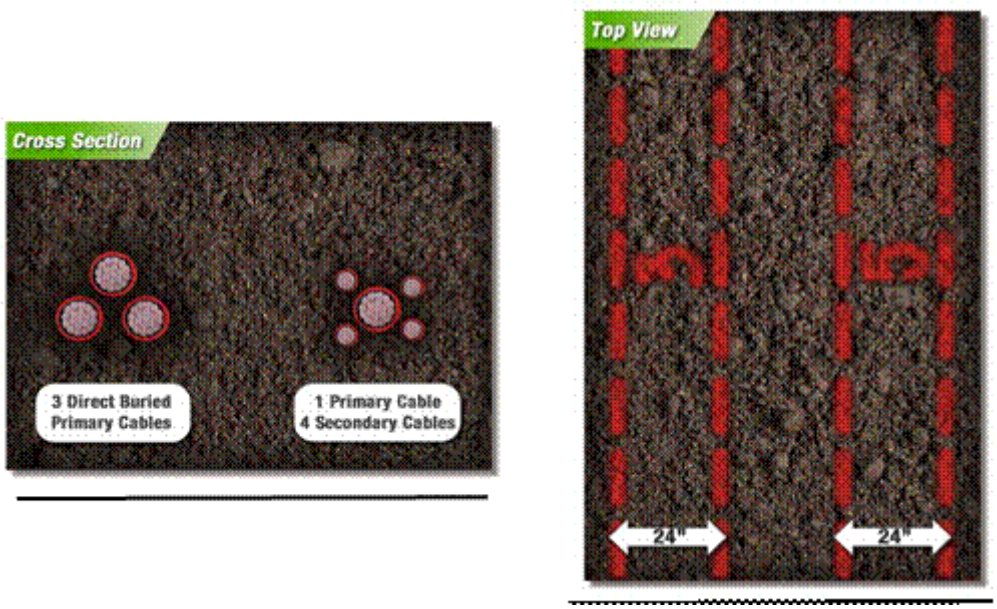
9. Unlocatable sewer laterals, installed prior to 2006, shall be marked by placing a green triangle on the sewer main and, if the location of the tap for such unlocatable sewer lateral is known, by placing a green "T" or "Y" or other appropriate symbol at the tap pointing generally toward the address served by such unlocatable sewer lateral.

10. Single facilities, including direct buried facilities, should be marked by placing marks over the approximate center of the facility.

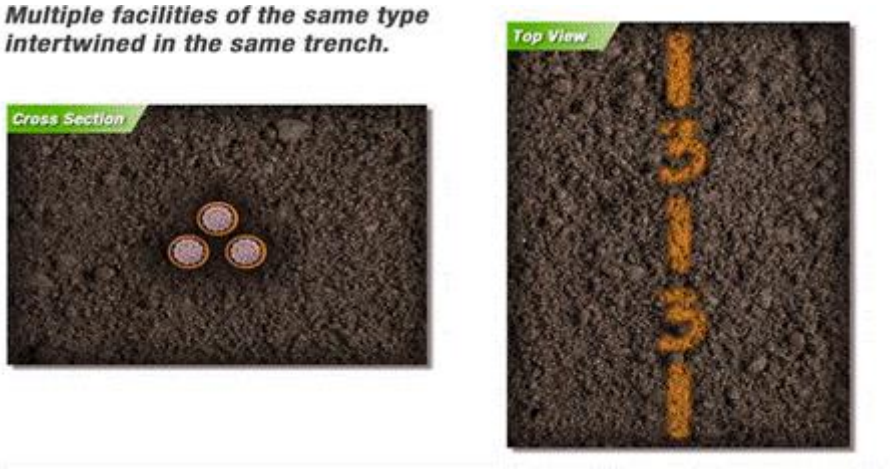
11. One or multiple facilities housed in a single conduit should be marked with one single mark per conduit.

12. If the facility to be marked has a diameter greater than 12", the size of the facility shall be indicated if known.

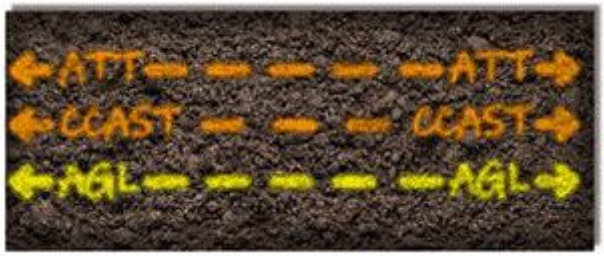
13. Multiple direct buried electric facilities where the separation does not allow for a separate tone for each facility, but the number of the facilities is known should be marked by corridor marks not to exceed 24 inches. The marks shall indicate the number of facilities in the corridor.



14. Multiple facilities of the same type other than electric that are bundled and intertwined in the same trench shall be marked over the approximate center of the facilities. The marks shall indicate the number of facilities in the corridor.



15. When facilities share the same trench, they shall be heavily identified and separated enough so that they can be readily identified. This would apply to lines that share the same color code. For example, cable television & telephone lines:

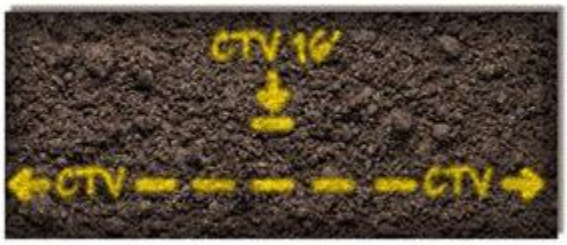


16. Duct structures are multiple conduits stacked or side by side, installed at the same time, in a singular trench or bore path, that may or may not be encased with a protective structure. These facilities shall be marked by using a dot with parallel boundary on each side of the dot.

Duct structures marked in excess of 36 inches in total will require the underground facility notify the excavator and identify the size of the marked.

Any duct structure marked in excess of its actual size will be considered overmarked and will be considered a probable violation of the Marking Standards.

17. In areas where there is a strong likelihood that any or all marker types showing line location would be destroyed, offsets shall be placed on a permanent surface. However, offsets should be used only in conjunction with marks placed above a facility. Offset spacing should be every third or fourth mark. For example, the following mark would indicate the line is 16 feet from the end of the arrow.



18. In areas where cables are spliced, the facilities should be located individually as far as possible on both sides of the splice. When the signal is distorted due to the near proximity to the splice a circle with "SP" should indicate the area of distortion or "splice pit".

19. The tolerance zone as defined in O.C.G.A 25-9-3 (34) is measured from the edge of the facility and is not based on the location of the marks.

20. Traffic Control and Traffic Management Devices will be marked orange for the communication facilities and red for the electric facilities. To clearly distinguish these devices from other communication and electric facilities, facility owners or their locate contractors shall indicate these facilities by placing their UPC alpha code, and a dash followed by "TC" for Traffic Control Devices and "TM" for Traffic Management Devices.

When electric and communication are bundled and intertwined in the same conduit, it shall be marked over the approximate center of the facility using red paint with the UPC alpha code and a dash followed by "TC" for Traffic Control Devices and/or "TM" for Traffic Management Devices.

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AUTHORITY: O.C.G.A. § 46-2-30**.**

HISTORY: Original Rule entitled "Georgia Underground Marking Standards" adopted. F. Oct. 3, 2007; eff. Oct. 23, 2007.

Amended: F. Dec. 22, 2023; eff. Jan. 11, 2024.

Note: Correction of non-substantive and administrative typographical errors, subparagraph (1)(b), *"White-lining the excavation..."* corrected to *"White lining the excavation..."*, as requested by the Agency; subparagraphs (2)(b)18. and 20., "splice pit" diagram moved from subparagraph (2)(b)20. to subparagraph (2)(b)18., as originally filed. Effective March 5, 2024.