Georgia Rules and Regulations
Administrative Bulletin for January 2026

OFFICE OF SECRETARY OF STATE
ADMINISTRATIVE PROCEDURE DIVISION
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Final rules filed with the Georgia Secretary of State during the month of *January 2026:*

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Department	Rules List	Action	Filed	Effective
40. RULES OF GEORGIA DEPARTMENT OF AGRICULTURE	40-20-1-.01	amended	Dec. 16, 2025	Jan. 5
80. RULES OF DEPARTMENT OF BANKING AND FINANCE	80-14-4-.02	non-substantive change	Jan. 26, 2026	Jan. 26
110. RULES OF GEORGIA DEPARTMENT OF COMMUNITY AFFAIRS	110-11-1-.24 --- 110-11-1-.30	amended	Dec. 2, 2025	Jan. 1
	110-11-1-.31	amended	Dec. 2, 2025	Jan. 1
	110-12-8-.01 --- 110-12-8-.04	adopted	Nov. 25, 2025	Jan. 1
	110-12-9-.01 --- 110-12-9-.04	adopted	Nov. 25, 2025	Jan. 1
295. JOINT SECRETARY, PROFESSIONAL LICENSING BOARDS	295-2-.04, 295-2-.07, 295-2-.08, 295-2-.10, 295-2-.19	amended	Dec. 31, 2025	Jan. 20
300. RULES OF GEORGIA DEPARTMENT OF LABOR	300-2-4-.13	adopted	Dec. 31, 2025	Jan. 1
505. PROFESSIONAL STANDARDS COMMISSION	505-2-.11, 505-2-.42, 505-2-.153, 505-2-.159 --- 505-2-.162, 505-2-.165 --- 505-2-.170	amended	Dec. 11, 2025	Jan. 1
	505-2-.171	repealed	Dec. 11, 2025	Jan. 1
	505-2-.174 --- 505-2-.179, 505-2-.181, 505-2-.182, 505-2-.184 --- 505-2-.186, 505-2-.188 --- 505-2-.190	amended	Dec. 11, 2025	Jan. 1
	505-2-.196, 505-2-.197	adopted	Dec. 11, 2025	Jan. 1
	505-3-.82	amended	Dec. 11, 2025	Jan. 1
511. RULES OF GEORGIA DEPARTMENT OF PUBLIC HEALTH	511-9-2-.01, 511-9-2-.02, 511-9-2-.07, 511-9-2-.11, 511-9-2-.14	amended	Dec. 19, 2025	Jan. 18
	511-9-2-.20	adopted	Dec. 19, 2025	Jan. 18

Department 80. RULES OF DEPARTMENT OF BANKING AND FINANCE

Chapter 80-14. INSTALLMENT LOANS

Subject 80-14-4. LICENSING

80-14-4-.02 Restrictions of Employment and Licensing

(1) No person who has been an owner, director, trustee, or executive officer of a licensee that has had its license revoked, denied, or suspended, may perform any of those roles at another licensee for five years from the date of the final order.

(2) Felony convictions; restrictions on the employee and the licensee:

(a) Licensees are responsible for ensuring that no persons who have been convicted of a felony as set forth in O.C.G.A. § 7-3-42 are covered employees or direct the affairs of their business.

(b) O.C.G.A. § 7-3-42 provides for remedies to cure a felony conviction. These remedies must be completed and in place prior to employment. Hiring or continuing to employ a covered employee with an unremedied felony conviction subjects a licensee to revocation of its license.

(c) For purposes of O.C.G.A. §§ 7-3-31 and 7-3-42, "agent" means any person who appears to the public or to a regulatory agency as acting for or on behalf of a licensee to the extent the licensee is engaged in the business of making installment loans.

(d) If a licensee discovers that a covered employee or director/officer is a felon at the time of hire or subsequently becomes a felon and has not satisfactorily cured the conviction, the violation of O.C.G.A. § 7-3-42 must be immediately corrected or the license will be subject to revocation. Such individuals with felony convictions are ineligible for an employee exemption and are in violation of O.C.G.A. §§ 7-3-4 and 7-3-50. The licensee employer is also in violation of O.C.G.A. § 7-3-4 in such circumstance.

(e) A cease and desist order to a person for failure to meet the employee exemption due to a violation of the felony provisions of O.C.G.A. § 7-3-42 shall become final in 30 days without a hearing pursuant to O.C.G.A. § 7-3-45. Such a person must show within those 30 days, by certified court documents that the record is erroneous, or, that the cure provisions in O.C.G.A. § 7-3-42 were completed prior to employment, in order to stop the order from becoming final. In the event such proof is provided, the order will be rescinded.

(3) Cease and desist orders may be issued against persons required to be licensed or against employees of those parties. All of the provisions of O.C.G.A. §§ 7-3-45 and 7-3-46, including injunction, apply to actions against all such persons.

(4) For purposes of O.C.G.A. §§ 7-3-31 and 7-3-43(b)(1), "misrepresentation" means making a false statement of a substantive fact or intentionally engaging in any conduct which leads to a false belief which is material to the transaction.

Cite as Ga. Comp. R. & Regs. R. 80-14-4-.02

AUTHORITY: O.C.G.A. § 7-3-51.

HISTORY: Original Rule entitled "Restrictions on Employment and Licensing" adopted. F. Aug. 19, 2020; eff. Sept. 8, 2020.

Amended: F. June 18, 2025; eff. July 8, 2025.

Note: Correction of subparagraph (2)(a) to add "felony as set forth in O.C.G.A. § 7-3-" omitted in error when Rule was initially updated on Rules and Regulations website (F. June 18, 2025; eff. July 8, 2025). Correction eff. Jan. 26, 2026.

Department 140. GEORGIA CRIME INFORMATION CENTER COUNCIL

Chapter 140-1. ORGANIZATION

140-1-.01 Organization

(1) There is a director responsible for development, maintenance and operation of GCIC.

(2) There is a GCIC Council responsible for providing guidance. The director or designee shall attend GCIC Council meetings.

(3) All legal notices and correspondence regarding administrative proceedings shall be addressed to the director and sent to the GCIC mailing address listed on the GBI website.

(4) The Rules of the GCIC Council rest on the authority of state and federal law.

Cite as Ga. Comp. R. & Regs. R. 140-1-.01

AUTHORITY: O.C.G.A. §§ 35-3-30**,** 35-3-31**,** 35-3-32**.**

HISTORY: Original Rule entitled "Organization" adopted. F. Feb. 25, 1976; eff. Mar. 16, 1976.

Repealed: New Rule of same title adopted. F. Jan. 7, 1983; eff. Feb. 1, 1983, as specified by the Agency.

Repealed: New Rule of same title adopted. F. Sept. 6, 1984; eff. Oct. 8, 1984, as specified by the Agency.

Repealed: New Rule of same title adopted. F. July 2, 1986; eff. July 22, 1986.

Repealed: New Rule of same title adopted. F. Nov. 7, 1990; eff. Nov. 27, 1990.

Repealed: New Rule of same title adopted. F. Mar. 4, 1998; eff. Mar. 24, 1998.

Amended: F. Sept. 5, 2002; eff. Sept. 25, 2002.

Repealed: New Rule of same title adopted. F. Sept. 25, 2007, eff. Oct. 15, 2007.

Amended: F. Jan. 23, 2026; eff. Feb. 12, 2026.

140-1-.02 General Definitions

(1) All words defined in O.C.G.A. § 35-3-30 have the same meaning for these Rules.

(2) The following definitions apply to these Rules.

(a) Access to Criminal Justice Information (CJI) - The physical or logical (electronic) ability, right or privilege to view, modify, or make use of CJI.

(b) Administration of Criminal Justice - Activities involving the detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision or rehabilitation of accused persons or criminal offenders. It also includes criminal identification activities; the collection, storage and dissemination of criminal history record information; and criminal justice employment.

(c) CJIS Security Policy (CJISSECPOL) - The Federal Bureau of Investigation (FBI) CJIS Security Policy document as published by the FBI CJIS Information Security Officer.

(d) Contractor - A private business, agency or individual that has entered into an agreement for the administration of criminal justice or non-criminal justice functions with a criminal justice or a non-criminal justice agency.

(e) Criminal History Record Information (CHRI) - Information collected by criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, information, or other formal criminal charges, and any disposition arising there from including acquittal, sentencing, correctional supervision and release. Such term also includes the age and sex of each victim as provided by criminal justice agencies. The term does not include identification information, such as fingerprint records not related to an arrest, to the extent that such information does not indicate involvement of the individual in the criminal justice system.

(f) Criminal Justice Agency (CJA) - The courts, a governmental agency, or any subunit thereof that performs the administration of criminal justice pursuant to a statute or executive order and allocates a substantial part of its annual budget to the administration of criminal justice. State and federal Inspectors' General Offices are included.

(g) Criminal Justice Information (CJI) - Criminal justice information is the abstract term used to refer to all the data provided necessary for law enforcement agencies to perform their mission and enforce the laws, including but not limited to biometric, identity history, person, organization, property (when accompanied by any personally identifiable information), and case/incident history data. In addition, CJI refers to the FBI CJIS-provided data necessary for civil agencies to perform their mission; including but not limited to data used to make hiring decisions.

(h) Disposition - The result of criminal proceedings including information disclosing those arresting agencies that elected not to refer the matter to a prosecutor or that a prosecutor elected not to commence criminal proceedings and disclosing the nature of the termination in proceedings or, information disclosing the reason for such postponement.

(i) Georgia Crime Information Center (GCIC) - As created by O.C.G.A. § 35-3-31.

(j) Georgia Criminal Justice Information System Network (Georgia CJIS network) - The statewide data communications network that provides criminal justice and other authorized agencies access to computerized databases maintained by Georgia agencies, agencies in other states, the FBI CJIS Division, and Nlets.

(k) Hearing - A right of GCIC and parties affected by any GCIC action to present formally or informally, relevant information, testimony, documents, evidence and arguments as to why specified actions should or should not be taken.

(l) National Crime Information Center (NCIC) - An information system that stores CJI that can be queried by appropriate federal, state, and local law enforcement and other criminal justice agencies.

(m) Non-Criminal Justice Agency (NCJA) - Any agency that does not meet the definition of a criminal justice agency.

(n) Secondary Dissemination - The exchange of CJI from a releasing agency to an authorized recipient agency when the recipient agency has not been previously identified in a formal information exchange agreement.

(o) International Justice and Public Safety Network (Nlets) - The public safety network used for the secure exchange of law enforcement, criminal justice, and public safety-related information nationally and internationally.

Cite as Ga. Comp. R. & Regs. R. 140-1-.02

AUTHORITY: O.C.G.A. § 35-3-30**;** 28 CFR 20.3**; FBI CJIS Security Policy as amended.**

HISTORY: Original Rule entitled "General Definitions" adopted. F. Feb. 25, 1976; eff. Mar. 16, 1976.

Repealed: New Rule of same title adopted. F. Jan. 7, 1983; eff. Feb. 1, 1983, as specified by the Agency.

Repealed: New Rule of same title adopted. F. Sept. 6, 1984; eff. Oct. 8, 1984; as specified by the Agency.

Repealed: New Rule of same title adopted. F. July 2, 1986; eff. July 22, 1986.

Amended: F. Jan. 6, 1988; eff. Jan. 27, 1988, as specified by the Agency.

Repealed: New Rule of same title adopted. F. Nov. 7, 1990; eff. Nov. 27, 1990.

Repealed: New Rule of same title adopted. F. Mar. 4, 1998; eff. Mar. 24, 1998.

Amended: F. Sept. 5, 2002; eff. Sept. 25, 2002.

Repealed: New Rule of same title adopted. F. Sept. 25, 2007, eff. Oct. 15, 2007.

Amended: F. Jan. 23, 2026; eff. Feb. 12, 2026.

140-1-.03 Administrative Declaratory Rulings

(1) Availability of declaratory ruling. Any person whose legal rights are impaired by the application of any statutory provision or any GCIC Rule or order may petition GCIC and request a declaratory ruling. GCIC will not render advisory opinions, resolve questions that are moot or hypothetical or otherwise act hereunder except in actual controversies or in other cases upon which a superior court would be required to act under the Georgia declaratory judgement statutes as construed by the appellate courts of Georgia.

(2) Form of petition. Each petition filed with GCIC shall be in writing and include:

(a) The petitioner's name, email address, and mailing address of the petitioner.

(b) The full test of the statute, rule or order upon which a ruling is requested.

(c) A detailed statement of all pertinent facts necessary for determination.

(d) The petitioner's contention, if any, as to the applicability of cited legal authorities that authorize, support or require a decision in accordance therewith.

(e) A detailed statement setting forth the petitioner's interest in the matter. The statement shall be verified under oath by, or on behalf of, the petitioner.

(3) Proceedings on petition. If GCIC decides that a decision can be made on the petition without further proceedings, a summary decision shall be rendered. Otherwise, parties shall be notified and the matter reviewed in an informal hearing.

(4) Informal interpretations and rulings.

(a) Any person may request GCIC to interpret or otherwise rule informally upon the applicability of any pertinent statute or Rule by personal appearance at GCIC, by email, or letter addressed to the director.

Cite as Ga. Comp. R. & Regs. R. 140-1-.03

AUTHORITY: O.C.G.A. § 50-13-9.

HISTORY: Original Rule entitled "Administrative Declaratory Rulings" adopted. F. Feb. 25, 1976; eff. Mar. 16, 1976.

Repealed: New Rule of same title adopted. F. Jan. 7, 1983; eff. Feb. 1, 1983, as specified by the Agency.

Repealed: New Rule of same title adopted. F. Sept. 6, 1984; eff. Oct. 8, 1984, as specified by the Agency.

Repealed: New Rule of same title adopted. F. July 2, 1986; eff. July 22, 1986.

Repealed: New Rule of same title adopted. F. Nov. 7, 1990; eff. Nov. 27, 1990.

Repealed: New Rule of same title adopted. F. Mar. 4, 1998; eff. Mar. 24, 1998.

Amended: F. Sept. 5, 2002; eff. Sept. 25, 2002.

Repealed: New Rule of same title adopted. F. Sept. 25, 2007, eff. Oct. 15, 2007.

Amended: F. Jan. 23, 2026; eff. Feb. 12, 2026.

140-1-.04 Petition for Adoption of Rules

(1) Form of petition. Each petition for adoption of Rules pursuant to the Georgia Administrative Procedure Act shall be filed with GCIC in writing under oath and include:

(a) The petitioner's name, email address, and mailing address.

(b) The full text of the Rule(s) requested to be amended, repealed or promulgated.

(c) A detailed statement of why such Rule should be amended, repealed or promulgated, including a statement of the petitioner's interest in the matter.

(d) Citations of legal authorities, if any, that authorize, support or require the action requested by the petitioner.

(2) Proceedings on petition. The GCIC Council shall consider each petition at regularly scheduled meetings. The Council may decline to act or may initiate Rule making or Rule changing proceedings in accordance with the Georgia Administrative Procedure Act. The Council shall notify the petitioner by email and certified mail of its decision and shall state its reasons if it declines to act.

Cite as Ga. Comp. R. & Regs. R. 140-1-.04

AUTHORITY: O.C.G.A. § 50-13-9**.**

HISTORY: Original Rule entitled "Petition for Adoption of Rules" adopted. F. Feb. 25, 1976; eff. Mar. 16, 1976.

Repealed: New Rule of same title adopted. F. Jan. 7, 1983; eff. Feb. 1, 1983; as specified by the Agency.

Repealed: New Rule of same title adopted. F. Sept. 6, 1984; eff. Oct. 8, 1984, as specified by the Agency.

Repealed: New Rule of same title adopted. F. July 2, 1986; eff. July 22, 1986.

Repealed: New Rule of same title adopted. F. Nov. 7, 1990; eff. Nov. 27, 1990.

Repealed: New Rule of same title adopted. F. Mar. 4, 1998; eff. Mar. 24, 1998.

Repealed: New Rule of same title adopted. F. Sept. 25, 2007, eff. Oct. 15, 2007.

Amended: F. Jan. 23, 2026; eff. Feb. 12, 2026.

140-1-.05 Approval and Disciplinary Procedures

(1) Information exchange and service from GCIC. Agencies and persons shall access and/or obtain information from GCIC upon request and approval from the director as permitted by state or applicable federal law.

(2) Notification and resolution of violations. Agency heads shall provide the director with written notification of security violations for CJI committed by employees of their agencies or agencies over which they exercise management control. When the director receives notification of a potential violation, the appropriate agency head shall be informed of the allegation and initiate an investigation. The director and the agency head shall agree on a resolution, based on the results of the investigation, which is documented and signed. The GCIC Council shall review and approve the resolution as the final disposition or request a modification. If the modification is accepted by the director and agency head, the resolution will be considered the final disposition. Suspension proceedings are possible when there is failure to agree on a resolution satisfactory to the GCIC Council and concerned parties.

(3) **Suspension.** The director may cause services rendered by GCIC to be immediately suspended if a satisfactory resolution cannot be reached between the director and the parties concerned. Notification shall be provided to the GCIC Council and concerned parties.

(4) **Reinstatement.** Upon petition, the director may reinstate full or partial service pending a final decision by the GCIC Council, if the reinstatement will not create a security risk.

(5) Contested cases. Hearings and appeals regarding refusals by the director to exchange information or provide services pursuant to this Rule shall be conducted pursuant to the Georgia Administrative Procedure Act and the following:

(a) Initiating a contested case. Any agency or person legally entitled to contest a refusal to exchange information or provide services under this Rule may do so by filing a request for hearing with the director. The request shall include the name, email, and mailing address of the party filing the request and all other interested parties, a detailed statement of the contested facts, a statement describing the relief sought, and the name, email, and post office address of counsel, if represented by counsel.

(b) Limitations on right to hearing. A hearing upon a refusal to exchange information or provide services upon a request for reinstatement of suspended services shall be granted as a matter of right at any time while service suspended. A petition for such a hearing may be denied only when the petition presents no substantial grounds that have not been previously presented. The GCIC Council may, at its discretion, allow extensions of time and amendment of requests for good cause.

(c) Responses to hearing request. The GCIC Council will respond to all requests for hearings with scheduling notices or orders denying requests and reasons for denials.

(d) Motions. An application to the director or the GCIC Council to enter an order or to act, after filing a request for a hearing, shall be made by motion that shall be in writing stating the specific grounds therefore and setting forth the action or order sought. No motion shall be ruled upon except when the case-in-chief is ruled upon, unless the moving party specifically requests a ruling at some other time and the Council deems such a ruling appropriate.

(e) Hearings. Three members of the GCIC Council appointed by the chairman or designee shall conduct hearings in contested cases. Following each hearing, Council members shall notify the director and each party of their findings. Each party shall have twenty (20) days following the issuance of findings to file written exceptions and briefs. At the next scheduled hearing, the director and parties shall have an opportunity to present oral arguments. The Council shall then issue a final decision.

(6) Notwithstanding anything previously stated, if it appears that the provisions of O.C.G.A. § 35-3-38 have been violated, the director or the GCIC Council may refer the matter to the appropriate prosecuting authority.

Cite as Ga. Comp. R. & Regs. R. 140-1-.05

AUTHORITY: O.C.G.A. §§ 35-3-32**,** 35-3-33**;** 42 U.S.C. 3771**;** 28 CFR 20.21**.**

HISTORY: Original Rule entitled "Approval and Disciplinary Procedures" adopted. F. Feb. 25, 1976; eff. Mar. 16, 1976.

Repealed: New Rule of same title adopted. F. Jan. 7, 1983; eff. Feb. 1, 1983, as specified by the Agency.

Repealed: New Rule of same title adopted. F. Sept. 6, 1984; eff. Oct. 8, 1984, as specified by the Agency.

Repealed: New Rule of same title adopted. F. July 2, 1986; eff. July 22, 1986.

Repealed: New Rule of same title adopted. F. Nov. 7, 1990; eff. Nov. 27, 1990.

Repealed: New Rule of same title adopted. F. Mar. 4, 1998; eff. Mar. 24, 1998.

Amended: F. Sept. 5, 2002; eff. Sept. 25, 2002.

Repealed: New Rule of same title adopted. F. Sept. 25, 2007, eff. Oct. 15, 2007.

Amended: F. Jan. 23, 2026; eff. Feb. 12, 2026.

140-1-.06 Repealed

Cite as Ga. Comp. R. & Regs. R. 140-1-.06

AUTHORITY: O.C.G.A. § 35-3-37**.**

HISTORY: Original Rule entitled "Contested Cases Governed by Express Statutory Provisions" adopted. F. Feb. 25, 1976; eff. Mar. 16, 1976.

Repealed: New Rule of same title adopted. F. Jan. 7, 1983; eff. Feb. 1, 1983, as specified by the Agency.

Repealed: New Rule of same title adopted. F. Sept. 6, 1984; eff. Oct. 8, 1984, as specified by the Agency.

Repealed: New Rule of same title adopted. F. July 2, 1986; eff. July 22, 1986.

Repealed: New Rule of same title adopted. F. Nov. 7, 1990; eff. Nov. 27, 1990.

Repealed: New Rule of same title adopted. F. Mar. 4, 1998; eff. Mar. 24, 1998.

Repealed: New Rule of same title adopted. F. Sept. 25, 2007; eff. Oct. 15, 2007.

Amended: F. Jan. 23, 2026; eff. Feb. 12, 2026.

Department 140. GEORGIA CRIME INFORMATION CENTER COUNCIL

Chapter 140-2. PRACTICE AND PROCEDURE

140-2-.01 Scope

The Rules of the GCIC Council apply to all agencies or persons with access to, or that operate systems which are used to process, store, or transmit CJI, as defined in Georgia law and Rule 140-1-.02. These Rules provide minimum standards associated with the creating, accessing, viewing, modifying, transmitting, disseminating, storing, and destroying CJI. Entities engaged in the exchange of fingerprint-based CHRI for non-criminal justice purposes are also governed by the standards promulgated by these Rules.

Cite as Ga. Comp. R. & Regs. R. 140-2-.01

AUTHORITY: O.C.G.A § 35-3-32.

HISTORY: Original Rule entitled "Scope" adopted. F. Feb. 25, 1976; eff. Mar. 16, 1976.

Repealed: New Rule of same title adopted. F. Jan. 7, 1983; eff. Feb. 1, 1983, as specified by the Agency.

Repealed: New Rule of same title adopted. F. Sept. 6, 1984; eff. Oct. 8, 1984, as specified by the Agency.

Repealed: New Rule of same title adopted. F. July 2, 1986; eff. July 22, 1986.

Repealed: New Rule of same title adopted. F. July 7, 1988; eff. July 27, 1988.

Repealed: New Rule of same title adopted. F. Nov. 7, 1990; eff. Nov. 27, 1990.

Amended: F. Dec. 2, 1992; eff. Dec. 22, 1992.

Amended: F. Sept. 5, 2002; eff. Sept. 25, 2002.

Repealed: New Rule of same title adopted. F. Sept. 25, 2007, eff. Oct. 15, 2007.

Amended: F. Jan. 23, 2026; eff. Feb. 12, 2026.

140-2-.02 Access, Use, and Dissemination of Criminal Justice Information

(1) The GBI, and principally GCIC, is statutorily responsible for the operation and management of the Georgia CJIS network.

(2) Criminal justice agencies, contractors pursuant to an agreement with a criminal justice agency, and other authorized agencies may access the Georgia CJIS network for an authorized purpose, as prescribed by state and federal law.

(3) Criminal justice agencies may exchange CJI with other criminal justice agencies, authorized governmental non-criminal justice agencies, and authorized contractors.

(a) Paper or computerized logs shall be maintained for all secondary disseminations of CHRI when released to another authorized agency or person.

(4) Criminal justice agencies may disseminate Georgia CHRI to private persons, businesses, public agencies, political subdivisions, authorities, and other entities, including state or federal licensing and regulatory agencies or their designated representatives upon receipt of a signed consent form as formatted by GCIC.

(a) Criminal justice agencies must advise Georgia CHRI recipients that use of the information shall be limited to the intended purpose for which received.

(5) Authorized governmental entities may receive fingerprint-based CHRI based on state or federal law.

(6) CJI shall not be disseminated except as provided by law and these Rules.

Cite as Ga. Comp. R. & Regs. R. 140-2-.02

AUTHORITY: O.C.G.A. §§ 35-3-34**,** 35-3-35**,** 35-3-38**; FBI Security Policy, as amended.**

HISTORY: Original Rule entitled "Data Security Requirements for Criminal Justice Information" adopted. F. Feb. 25, 1976; eff. Mar. 16, 1976.

Repealed: New Rule of same title adopted. F. Jan. 7, 1983; eff. Feb. 1, 1983, as specified by the Agency.

Repealed: New Rule of same title adopted. F. Sept. 6, 1984; eff. Oct. 8, 1984, as specified by the Agency.

Repealed: New Rule entitled "Security Policy for Criminal Justice Information" adopted. F. July 2, 1986; eff. July 22, 1986.

Repealed: New Rule of same title adopted. F. Nov. 7, 1990; eff. Nov. 27, 1990.

Repealed: New Rule of same title adopted. F. Mar. 4, 1998; eff. Mar. 24, 1998.

Amended: F. Sept. 5, 2002; eff. Sept. 25, 2002.

Repealed: New Rule of same title adopted. F. Sept. 25, 2007, eff. Oct. 15, 2007.

Repealed: New Rule entitled "Access, Use, and Dissemination of Criminal Justice Information" adopted. F. Jan. 23, 2026; eff. Feb. 12, 2026.

140-2-.03 Security of Criminal Justice Information

(1) Agencies and persons must comply with the security controls set forth in the CJISSECPOL. Each agency must establish and maintain written policies and procedures to ensure adherence to such requirements.

(2) Agencies shall properly screen individuals, as prescribed by the CJISSECPOL, prior to authorizing access to CJI.

(3) Persons shall sign the GCIC Awareness Statement. Additionally, personnel must sign an amended statement should the content change by act of law, action by the director, or other official act.

(4) Entities shall establish and maintain a written disciplinary policy for violations of these Rules and the CJISSECPOL.

(5) Entities shall establish and maintain a written disaster policy.

(6) CJI regardless of its source, shall not be altered, obtained, copied, destroyed, delayed, misplaced, misfiled, given, bought or sold when the intent of such action is to obstruct justice or facilitate the violation of any law or these Rules.

(7) Agencies administratively responsible for the supervision of persons assumes liability for misuse of data received from or through the Georgia CJIS network.

Cite as Ga. Comp. R. & Regs. R. 140-2-.03

AUTHORITY: O.C.G.A. §§ 35-3-30**,** 35-3-32**; FBI CJIS Security Policy as amended.**

HISTORY: Original Rule entitled "Completeness and Accuracy of Criminal Record Information" adopted. F. Feb. 25, 1976; eff. Mar. 16, 1976.

Repealed: New Rule of same title adopted. F. Jan. 7, 1983; eff. Feb. 1, 1983, as specified by the Agency.

Repealed: New Rule of same title adopted. F. Sept. 6, 1984; eff. Oct. 8, 1984, as specified by the Agency.

Repealed: New Rule of same title adopted. F. July 2, 1986; eff. July 22, 1986.

Amended: F. Jan. 6, 1988; eff. Jan. 27, 1988, as specified by Agency.

Repealed: New Rule of same title adopted. F. July 7, 1988; eff. July 27, 1988.

Repealed: New Rule of same title adopted. F. Nov. 7, 1990; eff. Nov. 27, 1990.

Repealed: New Rule entitled "Completeness and Accuracy of Criminal Justice Information" adopted. F. Mar. 4, 1998; eff. Mar. 24, 1998.

Amended: F. Sept. 5, 2002; eff. Sept. 25, 2002.

Repealed: New Rule of same title adopted. F. Sept. 25, 2007, eff. Oct. 15, 2007.

Repealed: New Rule entitled "Security of Criminal Justice Information" adopted. F. Jan. 23, 2026; eff. Feb. 12, 2026.

140-2-.04 Georgia Criminal History Record Information Reporting

(1) The GBI, and principally GCIC, is statutorily responsible for the establishment, operation, and management of the state computerized criminal history repository.

(2) Each agency arresting or taking a person into custody shall capture fingerprints, descriptions, photographs, and any other pertinent identification data on a person charged with an offense described in O.C.G.A. § 35-3-33.

(a) Only law enforcement personnel may obtain fingerprints and complete the data fields necessary to submit an arrest record to GCIC. At no time should an arrested person or an inmate of a jail or correctional institution assist in obtaining fingerprints or completing data fields.

(3) Such data shall be transmitted electronically to GCIC via a certified device within the timeframe required by state law. Agencies are responsible for the completeness and accuracy of transmitted data.

(4) Arresting agencies shall forward the offender tracking number (OTN), charge tracking number (CTN), and other associated information to appropriate prosecutors or courts.

(5) Agencies making a disposition decision shall electronically transmit disposition information in a manner and format as required by GCIC. Information shall be transmitted within the timeframe required by state law. Agencies are responsible for the completeness and accuracy of transmitted data.

Cite as Ga. Comp. R. & Regs. R. 140-2-.04

AUTHORITY: O.C.G.A. §§ 15-11-79.2**,** 15-11-81**,** 15-11-82**,** 15-11-83**,** 35-3-33**,** 35-3-36**;** 28 C.F.R. 20.21**.**

HISTORY: Original Rule entitled "Criminal Justice Information Exchange and Dissemination" adopted. F. Feb. 25, 1976; eff. Mar. 16, 1976.

Amended: F. June 11, 1976; eff. July 1, 1976.

Amended: F. July 29, 1976; eff. August 18, 1976.

Amended: F. Aug. 25, 1976; eff. Sept. 14, 1976.

Amended: F. June 10, 1977; eff. June 30, 1977.

Amended: F. May 26, 1978; eff. July 1, 1978, as specified by the Agency.

Repealed: New Rule of same title adopted. F. Jan. 7, 1983; eff. Feb. 1, 1983, as specified by the Agency.

Repealed: New Rule of same title adopted. F. Sept. 6, 1984; eff. Oct. 8, 1984, as specified by the Agency.

Repealed: New Rule of same title adopted. F. July 2, 1986; eff. July 22, 1986.

Repealed: New Rule of same title adopted. F. Jan. 6, 1988; eff. Jan. 27, 1988, as specified by the Agency.

Repealed: New Rule of same title adopted. F. July 7, 1988; eff. July 27, 1988.

Repealed: New Rule of same title adopted. F. Nov. 7, 1990; eff. Nov. 27, 1990.

Amended: F. Dec. 4, 1991; eff. Dec. 24, 1991.

Amended: F. Mar. 4, 1992; eff. Mar. 24, 1992.

Amended: F. Dec. 2, 1992; eff. Dec. 22, 1992.

Repealed: New Rule of same title adopted. F. Mar. 4, 1998; eff. Mar. 24, 1998.

Amended: F. Oct. 13, 1999; eff. Nov. 2, 1999.

Amended: F. Oct. 12, 2000; eff. Nov. 1, 2000.

Amended: F. Sept. 5, 2002; eff. Sept. 25, 2002.

Repealed: New Rule of same title adopted. F. Sept. 25, 2007, eff. Oct. 15, 2007.

Repealed: New Rule entitled "Georgia Criminal History Record Information Reporting" adopted. F. Jan. 23, 2026; eff. Feb. 12, 2026.

140-2-.05 The Georgia Protective Order Registry

(1) The GBI, and principally GCIC, is statutorily responsible as the repository of the state protective order registry for its establishment, operation, and management.

(2) The courts of the state, and other judicial authorities recognized under state law for issuing protective orders, are statutorily responsible for performing registry related functions e.g., scanning issued orders, entering required data, and electronically transmitting a copy of the order, modification, or dismissal to the registry.

(a) The superior court clerk must provide the relevant sheriff's office with a copy of its orders transmitted to the registry.

(3) Each sheriff's office is statutorily responsible for performing registry related functions e.g., modifying, validating, and removing orders made on their behalf and responding to hit confirmation requests based on such orders.

Cite as Ga. Comp. R. & Regs. R. 140-2-.05

AUTHORITY: O.C.G.A. §§ 19-13-50**,** 19-13-51**,** 19-13-52**,** 19-13-53 **et seq.**

HISTORY: Original Rule entitled "Security and Privacy of Criminal Justice Information" adopted. F. Feb. 25, 1976; eff. Mar. 16, 1976.

Repealed: New Rule of same title adopted. F. Jan. 7, 1983; eff. Feb. 1, 1983, as specified by the Agency.

Repealed: New Rule of same title adopted. F. Sept. 6, 1984; eff. Oct. 8, 1984, as specified by the Agency.

Repealed: New Rule of same title adopted. F. July 2, 1986; eff. July 22, 1986.

Repealed: New Rule entitled "Integrity of Criminal Justice Information" adopted. F. Nov. 7, 1990; eff. Nov. 27, 1990.

Repealed: New Rule of same title adopted. F. Mar. 4, 1998; eff. Mar. 24, 1998.

Repealed: New Rule of same title adopted. F. Sept. 25, 2007; eff. Oct. 14, 2007.

Repealed: New Rule entitled "The Georgia Protective Order Registry" adopted. F. Jan. 23, 2026; eff. Feb. 12, 2026.

140-2-.06 The State Sexual Offender Registry

(1) The GBI, and principally GCIC, is statutorily responsible as the repository of the state sexual offender registry for its establishment, operation, and management.

(2) Agencies described in O.C.G.A. § 42-1-12 shall provide data on sexual offenders in a manner prescribed by GCIC.

(3) Each sheriff's office must maintain accurate information on all registered sexual offenders residing within its jurisdiction, as required by law.

(4) Each sheriff's office must update information on all registered sexual offenders, as required by law.

Cite as Ga. Comp. R. & Regs. R. 140-2-.06

AUTHORITY: O.C.G.A. § 42-1-12**.**

HISTORY: Original Rule entitled "Criminal History Logs" adopted F. Feb. 25, 1976; eff. Mar. 16, 1976.

Repealed: New Rule of same title adopted. F. Jan. 7, 1983; eff. Feb. 1, 1983, as specified by the Agency.

Repealed: New Rule of same title adopted. F. Sept. 6, 1984; eff. Oct. 8, 1984, as specified by the Agency.

Repealed: New Rule of same title adopted. F. July 2, 1986; eff. July 22, 1986.

Repealed: New Rule of same title adopted. F. July 7, 1988; eff. July 27, 1988.

Repealed: New Rule of same title adopted. F. Nov. 7, 1990; eff. Nov. 27, 1990.

Amended: F. Dec. 2, 1992; eff. Dec. 22, 1992.

Repealed: New Rule of same title adopted. F. Apr. 16, 1993; eff. May 6, 1993.

Repealed: New Rule entitled "Criminal Dissemination Logs" adopted. F. Mar. 4, 1998; eff. Mar. 24, 1998.

Amended: F. Sept. 5, 2002; eff. Sept. 25, 2002.

Repealed: New Rule of same title adopted. F. Sept. 25, 2007, eff. Oct. 15, 2007.

Repealed: New Rule entitled "The State Sexual Offender Registry" adopted. F. Jan. 23, 2026; eff. Feb. 12, 2026.

140-2-.07 The State Uniform Crime Reporting Program

(1) The GBI, and principally GCIC, is statutorily responsible as the repository of the state uniform crime reporting program for its establishment, operation, and management.

(2) All criminal justice agencies are required to participate in and submit data to the uniform crime reporting program. Additionally, law enforcement agencies are required to submit Georgia specific reports. All reports must be submitted in a manner and format as prescribed by GCIC.

Cite as Ga. Comp. R. & Regs. R. 140-2-.07

AUTHORITY: O.C.G.A. §§ 17-4-20.1**,** 17-4-20.2**,** 35-3-33**,** 35-3-36**; U.S. DOJ/FBI UCR Handbook, 1984.**

HISTORY: Original Rule entitled "Audit Procedures" adopted. F. Feb. 25, 1976; eff. Mar. 16, 1976.

Repealed: New Rule of same title adopted. F. Jan. 7, 1983; eff. Feb. 1, 1983, as specified by the Agency.

Repealed: New Rule of same title adopted. F. Sept. 6, 1984; eff. Oct. 8, 1984, as specified by the Agency.

Repealed: New Rule of same title adopted. F. July 2, 1986; eff. July 22, 1986.

Repealed: New Rule of same title adopted. F. Nov. 7, 1990; eff. Nov. 27, 1990.

Repealed: New Rule of same title adopted. F. Dec. 2, 1992; eff. Dec. 22, 1992.

Amended: F. Apr. 16, 1993; eff. May 6, 1993.

Repealed: New Rule of same title adopted. F. Mar. 4, 1998; eff. Mar. 24, 1998.

Amended: F. Sept. 5, 2002; eff. Sept. 5, 2002.

Repealed: New Rule of same title adopted. F. Sept. 25, 2007, eff. Oct. 15, 2007.

Repealed: New Rule entitled "The State Uniform Crime Reporting Program" adopted. F. Jan. 23, 2026; eff. Feb. 12, 2026.

140-2-.08 Record Integrity

(1) Agencies that enter or cause entry of records in the computerized files of the Georgia CJIS network or NCIC files are responsible for record accuracy, completeness, and validation. Records shall be entered in the timeframe prescribed by state and federal law.

(2) Agencies utilizing the Georgia CJIS network shall have supporting documentation for each entry and use appropriate agency identifiers, codes, formats, and operating procedures as provided in current GCIC and NCIC documentation.

(a) Supporting documentation may be provided after a record entry is made in emergency situations where prompt record entry is critical to apprehension or recovery. Supporting documentation must be provided within the prescribed timeframe.

(b) Agencies shall retain supporting documentation until the record is cleared, canceled, or purged.

(3) Agency heads are responsible for ensuring current GCIC and NCIC documentation is used as authoritative Georgia CJIS network operational directives and persons are trained in record entry, maintenance, validation, and removal.

(4) Agencies with NCIC record entries are required to participate in the validation program, as administered by GCIC.

Cite as Ga. Comp. R. & Regs. R. 140-2-.08

AUTHORITY: O.C.G.A. §§ 35-3-33**,** 35-3-36**.**

HISTORY: Original Rule entitled "Physical Security Standards for Criminal Justice Agencies" was filed on February 25, 1976; effective March 16, 1976.

Amended: Rule repealed and a new Rule of same title adopted. Filed January 7, 1983; effective February 1, 1983; as specified by the Agency

Amended: Rule repealed and a new Rule of same title adopted. Filed September 6, 1984; effective October 8, 1984, as specified by the Agency.

Amended: Rule repealed and a new Rule entitled "Physical Security Standards" adopted. Filed July 2, 1986; effective July 22, 1986.

Repealed: New Rule of same title adopted. F. Nov. 7, 1990; eff. Nov. 27, 1990.

Amended: F. Dec. 4, 1991; eff. Dec. 24, 1991.

Amended: F. Dec. 2, 1992; eff. Dec. 22, 1992.

Repealed: New Rule, same title, adopted. F. Mar. 4, 1998; eff. Mar. 24, 1998.

Amended: Filed Sept. 5, 2002; eff. Sept. 25, 2002.

Repealed: New Rule of same title adopted. F. Sept. 25, 2007, eff. Oct. 15, 2007.

Repealed: New Rule entitled "Record Integrity" adopted. F. Jan. 23, 2026; eff. Feb. 12, 2026.

140-2-.09 Compliance and Training

(1) Agency heads must ensure persons with access to the Georgia CJIS network or data received through the network are specifically trained. Training must be conducted in the manner and format as prescribed by GCIC.

(2) Agency heads are responsible for ensuring current GCIC and NCIC documentation is used as authoritative Georgia CJIS network operational directives and for developing agency specific policies and procedures relating to Georgia CJIS network operations.

(3) CJAs and NCJAs will receive at least thirty (30) calendar days advance notification and must participate in periodic audits to assess and enforce compliance with state and federal law.

(4) Agencies shall provide facility access, documentation and resources as required for audit.

Cite as Ga. Comp. R. & Regs. R. 140-2-.09

AUTHORITY: O.C.G.A. § 35-3-33**.**

HISTORY: Original Rule entitled "Personnel Security Standards for Criminal Justice Agencies" adopted. F. Feb. 25, 1976; eff. Mar. 16, 1976.

Repealed: New Rule of same title adopted. F. Jan. 7, 1983; eff. Feb. 1, 1983, as specified by the Agency.

Repealed: New Rule of same title adopted. F. Sept. 6, 1984; eff. Oct. 8, 1984, as specified by the Agency.

Repealed: New Rule entitled "Personnel Security Standards" adopted. F. July 2, 1986; eff. July 22, 1986.

Repealed: New Rule of same title adopted. F. Nov. 7, 1990; eff. Nov. 27, 1990.

Amended: F. Dec. 2, 1992; eff. Dec. 22, 1992.

Repealed: New Rule of same title adopted. F. Mar. 4, 1998; eff. Mar. 24, 1998.

Amended: F. Sept. 5, 2002; eff. Sept. 25, 2002.

Repealed: New Rule of same title adopted. F. Sept. 25, 2007, eff. Oct. 15, 2007.

Repealed: New Rule entitled "Compliance and Training" adopted. F. Jan. 23, 2026; eff. Feb. 12, 2026.

140-2-.10 Sanctions

(1) CJAs and NCJAs are subject to GCIC administrative sanctions for violating laws governing operation of the Georgia CJIS network, these Rules, and for the violation of GCIC and FBI policies and operational directives.

(2) Administrative sanctions may be imposed on individual violators with a minimum requirement set by GCIC.

(3) Individual violators may be subject to criminal prosecution when their actions constitute violations of criminal state or federal statutes.

Cite as Ga. Comp. R. & Regs. R. 140-2-.10

AUTHORITY: O.C.G.A. §§ 16-9-90 **et seq.,** 35-3-32**,** 35-3-38**;** 18 U.S.C. 641**,** 1030**,** 1343**,** 1951**,** 1952**.**

HISTORY: History. Original Rule entitled "Procedures Whereby An Individual May Access His Criminal History Record File" adopted F. Feb. 25, 1976; eff. Mar. 16, 1976.

Repealed: New Rule entitled "Procedures for an Individual to Inspect His Criminal History Record File" adopted. F. Jan. 7, 1983; eff. Feb. 1, 1983, as specified by the Agency.

Repealed: New Rule of same title adopted. F. Sept. 6, 1984; eff. Oct. 8, 1984, as specified by the Agency.

Repealed: New Rule of same title adopted. F. July 2, 1986; eff. July 22, 1986.

Amended: F. July 7, 1988; eff. July 27, 1988.

Repealed: New Rule of same title adopted. F. Nov. 7, 1990; eff. Nov. 27, 1990.

Amended: F. Dec. 2, 1992; eff. Dec. 22, 1992.

Repealed: New Rule of same title adopted. F. Mar. 4, 1998; eff. Mar. 24, 1998.

Amended: Rule entitled "Procedures for Criminal Record Inspection by Record Subjects". F. Sept. 5, 2002; eff. Sept. 25, 2002.

Repealed: New Rule of same title adopted. F. Sept. 25, 2007, eff. Oct. 15, 2007.

Repealed: New Rule entitled "Sanctions" adopted. F. Jan. 23, 2026; eff. Feb. 12, 2026.

140-2-.11 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 140-2-.11

AUTHORITY: O.C.G.A. §§ 35-3-32**,** 35-3-33**,** 35-3-34**,** 35-3-35**,** 35-3-38**.**

HISTORY: Original Rule entitled "Security Requirements for Criminal Justice Information in a Data Processing Environment" adopted. F. Feb. 25, 1976; eff. Mar. 16, 1976.

Repealed: New Rule of same title adopted. F. Jan. 7, 1983; eff. Feb. 1, 1983, as specified by the Agency.

Repealed: New Rule of same title adopted. F. Sept. 6, 1984; eff. Oct. 8, 1984, as specified by the Agency.

Repealed: New Rule of same title adopted. F. July 2, 1986; eff. July 22, 1986.

Repealed: New Rule of same title adopted. F. Nov. 7, 1990; eff. Nov. 27, 1990.

Amended: F. Dec. 2, 1992; eff. Dec. 22, 1992.

Amended: F. Apr. 16, 1993; eff. May 6, 1993.

Repealed: New Rule of same title adopted. F. Mar. 4, 1998; eff. Mar. 24, 1998.

Amended: F. Sept. 5, 2002; eff. Sept. 25, 2002.

Repealed: New Rule of same title adopted. F. Sept. 25, 2007, eff. Oct. 15, 2007.

Repealed: F. Jan. 23, 2026; eff. Feb. 12, 2026.

140-2-.12 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 140-2-.12

AUTHORITY: O.C.G.A. §§ 17-4-20.1**,** 35-3-33**,** 35-3-36**.**

HISTORY: Original Rule entitled "Uniform Crime Reporting" adopted. F. Jan. 7, 1983; eff. Feb. 1, 1983, as specified by the Agency.

Repealed: New Rule of same title adopted. F. Sept. 6, 1984; eff. Oct. 8, 1984, as specified by the Agency.

Repealed: New Rule of same title adopted. F. July 2, 1986; eff. July 22, 1986.

Repealed: New Rule of same title adopted. F. July 7, 1988; eff. July 27, 1988.

Repealed: New Rule of same title adopted. F. Nov. 7, 1990; eff. Nov. 27, 1990.

Repealed: New Rule of same title adopted. F. Dec. 4, 1991; eff. Dec. 24, 1991.

Amended: F. Dec. 2, 1992; eff. Dec. 22, 1992.

Repealed: New Rule of same title adopted. F. Mar. 4, 1998; eff. Mar. 24, 1998.

Amended: F. Sept. 5, 2002; eff. Sept. 25, 2002.

Repealed: New Rule of same title adopted. F. Sept. 25, 2007, eff. Oct. 15, 2007.

Repealed: F. Jan. 23, 2026; eff. Feb. 12, 2026.

140-2-.13 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 140-2-.13

AUTHORITY: O.C.G.A. §§ 35-3-33**,** 35-3-36**,** 40-11-2**.**

HISTORY: Original Rule entitled "Wanted/Missing Persons and Stolen Property" adopted. F. Sept. 6, 1984; eff. Oct. 8, 1984, as specified by the Agency.

Repealed: New Rule of same title adopted. F. July 2, 1986; eff. July 22, 1986.

Amended: F. Jan. 6, 1988; eff. Jan. 27, 1988, as specified by the Agency.

Repealed: New Rule entitled "Wanted/Missing Persons and Stolen/Abandoned Property" adopted. F. July 7, 1988; eff. July 27, 1988.

Repealed: New Rule of same title adopted. F. Nov. 7, 1990; eff. Nov. 27, 1990.

Amended: F. Dec. 2, 1992; eff. Dec. 22, 1992.

Repealed: New Rule entitled "Wanted/Missing Persons and Stolen/ Abandoned Serial Numbered Property" adopted. F. Mar. 4, 1998; eff. Mar. 24, 1998.

Amended: F. Sept. 5, 2002; eff. Sept. 25, 2002.

Repealed: New Rule of same title adopted. F. Sept. 25, 2007, eff. Oct. 15, 2007.

Repealed: F. Jan. 23, 2026; eff. Feb. 12, 2026.

140-2-.14 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 140-2-.14

AUTHORITY: O.C.G.A. §§ 35-3-33**,** 35-3-36**.**

HISTORY: Original Rule entitled "Validation Procedures for Wanted/ Missing Person and Stolen Property Records" adopted. F. Sept. 6, 1984; eff. Oct. 8, 1984, as specified by the Agency.

Repealed: New Rule of same title adopted. F. July 2, 1986; eff. July 22, 1986.

Repealed: New Rule of same title adopted. F. July 7, 1988; eff. July 27, 1988.

Repealed: New Rule of same title adopted. F. Nov. 7, 1990; eff. Nov. 27, 1990.

Amended: F. Dec. 2, 1992; eff. Dec. 22, 1992.

Repealed: New Rule of same title adopted. F. Mar. 4, 1998; eff. Mar. 24, 1998.

Amended: F. Sept. 5, 2002; eff. Sept. 25, 2002.

Repealed: New Rule of same title adopted. F. Sept. 25, 2007, eff. Oct. 15, 2007.

Repealed: F. Jan. 23, 2026; eff. Feb. 12, 2026.

140-2-.15 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 140-2-.15

AUTHORITY: O.C.G.A. §§ 35-1-8**,** 35-3-4**,** 35-3-33**,** 35-3-36**.**

HISTORY: Original Rule entitled "Special Handling Provisions for Missing and Unidentified Deceased Persons" adopted. F. Sept. 6, 1984; eff. Oct. 8, 1984, as specified by the Agency.

Repealed: New Rule of same title adopted. F. July 2, 1986; eff. July 22, 1986.

Repealed: New Rule of same title adopted. F. July 7, 1988; eff. July 27, 1988.

Repealed: New Rule of same title adopted. F. Nov. 7, 1990; eff. Nov. 27, 1990.

Amended: F. Dec. 4, 1991; eff. Dec. 24, 1991.

Repealed: New Rule entitled "Procedures for Handling Missing and Unidentified Deceased Persons" adopted F. Mar. 4, 1998; eff. Mar. 24, 1998.

Amended: F. Sept. 5, 2002; eff. Sept. 25, 2002.

Repealed: New Rule of same title adopted. F. Sept. 25, 2007, eff. Oct. 15, 2007.

Repealed: F. Jan. 23, 2026; eff. Feb. 12, 2026.

140-2-.16 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 140-2-.16

AUTHORITY: O.C.G.A. § 35-3-33**.**

HISTORY: Original Rule entitled "Training" adopted. F. July 2, 1986; eff. July 22, 1986.

Repealed: New Rule of same title adopted. F. July 7, 1988; eff. July 27, 1988.

Repealed: New Rule of same title adopted. F. Nov. 7, 1990; eff. Nov. 27, 1990.

Amended: F. Dec. 2, 1992; eff. Dec. 22, 1992.

Repealed: New Rule of same title adopted. F. Mar. 4, 1998; eff. Mar. 24, 1998.

Amended: F. Sept. 5, 2002; eff. Sept. 25, 2002.

Repealed: New Rule of same title adopted. F. Sept. 25, 2007, effective Oct. 15, 2007.

Repealed: F. Jan. 23, 2026; eff. Feb. 12, 2026.

140-2-.17 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 140-2-.17

AUTHORITY: O.C.G.A. §§ 16-11-172**,** 35-3-32**,** 35-3-34**,** 35-3-38**.**

HISTORY: Original Rule entitled "Sanctions" adopted. F. Dec. 4, 1991; eff. Dec. 24, 1991.

Repealed: New Rule entitled "Georgia Instant Background Checks for Firearms Purchases" adopted. F. Mar. 4, 1998; eff. Mar. 24, 1998.

Amended: F. Sept. 5, 2002; eff. Sept. 25, 2002. Repealed: New Rule entitled "Brady Handgun Violence Prevention Act" adopted. F. Sept. 25, 2007, eff. Oct. 15, 2007.

Repealed: F. Jan. 23, 2026; eff. Feb. 12, 2026.

140-2-.18 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 140-2-.18

AUTHORITY: O.C.G.A. § 42-1-12**.**

HISTORY: Original Rule entitled "The Georgia Sexually Violent Offender Registry" adopted. F. Mar. 4, 1998; eff. Mar. 24, 1998.

Amended: F. Sept. 5, 2002; eff. Sept. 25, 2002.

Repealed: New Rule of same title adopted. F. Sept. 25, 2007, eff. Oct. 15, 2007.

Repealed: F. Jan. 23, 2026; eff. Feb. 12, 2026.

140-2-.19 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 140-2-.19

AUTHORITY: O.C.G.A. § 19-13-50**.**

HISTORY: Original Rule entitled "Sanctions" adopted. F. Mar. 4, 1998, eff. Mar. 24, 1998.

Repealed: New Rule entitled "The Georgia Protective Order Registry" adopted. F. Sept. 25, 2007, effective Oct. 15, 2007.

Repealed: F. Jan. 23, 2026; eff. Feb. 12, 2026.

140-2-.20 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 140-2-.20

AUTHORITY: O.C.G.A. §§ 16-9-90**,** 35-3-32**,** 35-3-38**.**

HISTORY: Original Rule entitled "Sanctions" adopted. F. Sept. 25, 2007, eff. Oct. 15, 2007.

Repealed: F. Jan. 23, 2026; eff. Feb. 12, 2026.

Department 160. RULES OF GEORGIA DEPARTMENT OF EDUCATION

Chapter 160-4.

Subject 160-4-8. STUDENT SUPPORT

160-4-8-.09 Student Advisement

(1) **DEFINITIONS.**

(a) **Apprenticeship** - a structured program that connects school-based occupational instruction and related paid work-site experiences in order to prepare students for the world of work. Students are able to receive a high school diploma, a postsecondary certificate, or degree or industry certification.

(b) **Articulation** - an agreement between a high school and a postsecondary institution regarding the awarding of both secondary and postsecondary credit for a dual enrollment course.

(c) **Cooperative education** - structured student learning in a paid work position while concurrently enrolled in a related Career, Technical and Agriculture Education class, which connects career interests to academic and occupational learning in cooperation with business and industry.

(d) **Dual enrollment** - a program through which high school students take courses from an eligible state public or private postsecondary institution while still enrolled as a high school student and receive credit both at the high school and at the postsecondary institution.

(e) **Individualized education program (IEP) -** a written statement for each child with a disability that states the present level of academic achievement and functional performance. The IEP is developed, reviewed, and revised in accordance with the Individuals with Disabilities Education Act, as amended.

(f) **Individual college and career plan** - a student specific plan developed detailing the courses necessary for a high school student to graduate from high school and to successfully transition to postsecondary education and the work force.

(g) **Internship -** a structured placement, either short term or long term, which enables a student to connect career interests to academic and occupational learning in cooperation with business and industry in a paid or non-paid position.

(h) **Joint enrollment** - an arrangement whereby a high school student is enrolled in a postsecondary institution while continuing to pursue his or her high school diploma. Joint enrollment coursework earns postsecondary credit only.

(i) **Local educational agency (LEA)** - any local school system, any charter school subject to the provisions of Article 31 or 31A of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, and any completion special school subject to the provisions of Article 31C of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, including the Department of Juvenile Justice school system.

(j) **Mentoring** - support and guidance provided to students through relationships with adults who advise and act as role models for students.

(k) **Service learning** - a teaching method in which guided or classroom learning is deepened through service to others in a process that provides structured time for reflection on the service experience and demonstration of the skills and knowledge acquired.

(l) **Teacher as advisor -** a teacher or professional educator in the school who assists a small group of students and their parents or guardians to set postsecondary goals and help them prepare programs of study, track academic progress and provide advisement and support as needed.

(2) **REQUIREMENTS.**

(a) Each local educational agency (LEA) shall provide students in grades 6-12 counseling, advisement, career exploration, career interest inventories, and information to assist them evaluating academic skills and career interests.

(b) Each LEA shall ensure that each student develops an individual college and career plan before the end of the second semester of the eighth grade. The individual college and career plan shall be developed in consultation with the student's parents, guardians, or individuals appointed by the student's parents or guardians to serve as their designee.

(c) Each LEA shall provide guidance, advisement, and counseling to each high school student that will enable the student to successfully complete his or her individual college and career plan and prepare him or her for a seamless transition to postsecondary study, further training, or employment.

(d) Each student's individual college and career plan shall:

1. Include rigorous academic core subjects and focused course work in mathematics and science or in humanities, fine arts, and foreign language or sequenced career pathway coursework;

2. Incorporate provisions of a student's Individualized Education Program (IEP), where applicable;

3. Align educational and broad career goals and the student's course of study;

4. Be based on the student's selected academic and career focus area as approved by the student's parent or guardian;

5. Include experience-based career oriented learning experiences, which may include but not be limited to, internships, apprenticeships, mentoring, cooperative education, and service learning;

6. Include opportunities for postsecondary studies through articulation, dual enrollment, and joint enrollment;

7. Allow flexibility to change the course of study but remain sufficiently structured to meet graduation requirements and qualify the student for admission to postsecondary education;

8. Be approved by the student and the student's parent or guardian with guidance from the student's school counselor or teacher advisor; and

9. Be reviewed and revised, if appropriate, upon approval by the student and the student's parent or guardian with guidance from the student's school counselor or teacher advisor.

(e) An individual college and career plan may be changed at any time throughout a student's high school career upon approval by the student and the student's parent or guardian with guidance from the student's school or teacher advisor.

Cite as Ga. Comp. R. & Regs. R. 160-4-8-.09

AUTHORITY: O.C.G.A. §§ 20-2-131**;** 20-2-151(b)**;** 20-2-281(b)**;** 20-2-326**;** 20-2-327**.**

HISTORY: Original Rule entitled "Student Advisement" adopted. F. Sept. 27, 1990; eff. Oct. 17, 1990.

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Department 160. RULES OF GEORGIA DEPARTMENT OF EDUCATION

Chapter 160-4.

Subject 160-4-9. INNOVATIVE PROJECTS

160-4-9-.05 Charter Schools Petition Process

(1) **CHARTER PETITION PROCESS**.

(a) **LETTERS OF INTENT**. All start-up applicants intending to submit a charter petition for local board of education (local board) consideration, shall use the Office of Charter School Compliance (OCSC) template to submit a letter of intent to both the OCSC and to the appropriate local board(s) at least six (6) months prior to the date on which the petition will be submitted to the OCSC. Petitioners should consult the OCSC website and consult with the applicable local school district(s) (local district) for timelines and requirements. Failure to submit a letter of intent shall not preclude an applicant from submitting a petition provided the applicant requests and receives a waiver for the letter of intent from both the OCSC and local district(s). Non-renewing local charter schools are required to give their authorizer and OCSC notice of intent not to renew by January 1st of the final year of their charter contract.

(b) **CHARTER PETITION TIMELINE**.

1. Start-up Applications. By September 1 of each year, every local district shall publish a timeline for submitting and reviewing start-up petitions on its respective website. The timeline must:

(i) Establish a final petition submission deadline that is on or before January 1, unless the OCSC approves an alternative deadline in advance.

(ii) Identify the time frame between when the local board approves the charter petition and when the charter school is expected to begin serving students (pre-opening period). The pre-opening period shall be at least six (6) months and shall not be more than twelve (12) months, unless the OCSC approves a longer or shorter pre-opening period in advance.

(iii) Require the local board to, by majority vote, approve or deny a petition no later than June 30.

2. Renewal Applications. By August 1 of each year, every local authorizer shall publish a timeline for submitting and reviewing renewal charter petitions on its respective website. The timeline must:

(i) Establish a final renewal petition submission deadline that is on or before the first Tuesday in January, unless the OCSC approves an alternative deadline in advance.

(ii) Require the local board to, by majority vote, approve or deny renewal petitions prior to March 1.

(c) **CHARTER SCHOOL PETITION**. The OCSC shall create and make available start-up and renewal charter petitions which must be used by petitioners when applying to local boards. The OCSC will specify the form and format for petition submission to both the local board and OCSC. No district may require submission of paper copies of completed petitions, change petition submission dates without sufficient notice, or otherwise create obstacles to faithful implementation of this Rule. No local board may require that assurances or agreements be made a condition of approval other than those assurances that are part of the three-party charter contract issued by the OCSC unless approved in advance by OCSC.

(d) **CHARTER PETITION SUBMISSIONS TO LOCAL BOARDS**.

1. Local boards shall adopt policies and publish deadlines regarding submission of charter petitions that are consistent with the timeline and requirements for charter petitions as outlined in this Rule. The OCSC may request that a local board revise any policy that precludes the uniform application of this Rule. Such policies shall provide for an in-person panel interview by the local district to provide the local district an opportunity to hear from the petitioner directly about local district concerns or clarifications the local district needs.

2. Pursuant to O.C.G.A. § 20-2-2064(b), a local board must, by a majority vote, approve or deny a petition no later than ninety (90) days after its submission, unless the petitioner and the local board mutually agree, in writing, on a specific reasonable extension period. Extensions may only be granted for the purpose of revising or clarifying petitions already reviewed by the local district. The extension, if granted, may not extend the local board's vote to approve or deny a petition beyond June 30th without advance written approval from the OCSC.

3. If the local board denies a petition directly by a vote of the local board to deny or indirectly by failing to vote within the requisite ninety (90) day review period, it must, within twenty (20) days of the denial, provide a written statement of denial to the petitioner and to the State Board of Education. A written statement of denial shall specifically state the reasons for denial and include a list of the deficiencies in the petition relevant to O.C.G.A. § 20-2-2063. If the local board cites that approval is not in the public interest, the written statement of denial shall include a detailed description of why approval is not in the public interest.

4. Unless granted written approval by the OCSC of an alternate approach to accomplishing these petition review goals, within the ninety (90) days a local district has to review a charter petition, the local district shall:

(i) With OCSC's approval, disqualify any legally insufficient or incomplete petitions in writing to the petitioner. Notice of disqualification must be sent out within ten days of petition receipt.

(ii) Use the OCSC-approved rubric for evaluating charter petitions.

(iii) Set clear and reasonable dates for receipt of additional and/or clarifying material from petitioners.

(iv) Notify petitioners of petition recommendation at least 48 hours prior to local board vote.

5. If a local board denies a petition, notice must be sent to OCSC within 10 days of denial. The local board or the petitioner may request mediation by submitting a written request to the State Board of Education within thirty (30) days of the final denial. If the other party agrees to the mediation, the State Board of Education, or Charter Advisory Committee if directed by the State Board of Education to do so, may assign a mediator to assist in resolving issues which led to the denial of the petition by the local board.

(e) **CHARTER PETITION SUBMISSIONS TO THE OCSC**.

1. The petitioner shall deliver an approved petition to the OCSC for review within 30 days of approval by a local board. Charter petitioners shall ensure that petitions adhere to all application requirements and related timelines as established by the OCSC pursuant to O.C.G.A. § 20-2-2063 and as outlined in this Rule. Petitioners that have applied to a local district must also provide a copy of their petition to the OCSC within thirty (30) days of submitting their petition to the local district. Petitioners should consult the OCSC website for applicable timelines and requirements. Failure to comply with timelines or requirements may delay or prohibit consideration of the petition until the following school year's petition review cycle.

2. The local board shall furnish the OCSC with all relevant documents produced or created during the local petition process including, but not limited to: completed rubrics, clarification requests and responses, mail, email, texts or other communication between the local school district and the petitioner.

(f) **CHARTER PETITION REVIEW PROCEDURES BY THE OCSC**.

1. The OCSC shall process all charter petitions submitted to the OCSC on behalf of the State Board of Education as outlined in this Rule.

2. The OCSC shall coordinate with the Charter Advisory Committee, as applicable, to facilitate their review of petitions and their subsequent recommendations to the State Board of Education.

3. The OCSC reserves the right to reject incomplete and/or legally insufficient charter petition submissions.

4. The OCSC staff shall first review petitions to determine if they are complete and meet the legal requirements for submission, not so as to require approval but so as to allow further review.

5. If a charter petition is deemed to be deficient, the petition shall be rejected and the petitioner notified of the reasons for that rejection.

6. Those petitioners who have submitted a petition that is deemed to be complete and to meet the legal requirements for submission, shall attend an interview with OCSC staff as part of the petition review process. A majority of the members of the charter school governing board are required to be in attendance at the interview.

7. The OCSC shall make recommendations to the State Board of Education for approval or denial of a charter contract and shall specify to the State Board of Education the reasons for its recommendation.

(i) The maximum term for initial charter contracts approved by the State Board of Education shall be five years. Ten-year contracts may be approved for renewing charter schools that have met standards to be determined and published by OCSC.

8. Existing charter schools may not apply for renewal to a new authorizer. Existing charter schools seeking to switch authorizers must apply to the new authorizer as a new petitioner. Existing charter schools may petition the State Charter Schools Commission (SCSC) for approval as provided by O.C.G.A § 20-2-2063.3(b)(2) or by O.C.G.A. § 20-2-2085 and in accordance with the policies and processes of the SCSC.

9. The local school governing team of a system charter school may petition to become a conversion charter school, not subject to the terms of the system charter. In the event that a system charter school becomes a conversion charter, the system shall reflect that change in their annual report.

(g) **REVIEW PROCEDURES FOR OCSC REVIEW OF NEW AND RENEWAL CHARTERS GRANTED BY THE STATE CHARTER SCHOOLS COMMISSION**.

1. The OCSC may make recommendations to the State Board of Education regarding the State Board of Education's affirmation or overrule of all new or renewal charters, and where the recommendation is to overrule the SCSC's decision, shall specify the reasons for its recommendation to overrule the SCSC.

(2) **CHARTER PETITION APPLICATION REQUIREMENTS FOR ALL CHARTER APPLICANTS**. All charter school petition applications shall meet the following minimum requirements pursuant to O.C.G.A. § 20-2-2063. Additionally, Charter school petition applications shall meet all formatting requirements included in the application.

(a) **Start-up Applications**.

1. STATEMENT OF INTENT. A description of how the proposed charter school promotes the legislative intent of the charter schools program to "increase student achievement through academic and organizational innovation," in accordance with O.C.G.A. § 20-2-2061.

2. STATEMENT OF GOALS AND OBJECTIVES.

3. DESCRIPTION OF INTENDED USE OF WAIVERS.

4. PARENTAL AND COMMUNITY INVOLVEMENT.

5. DESCRIPTION OF THE EDUCATIONAL PROGRAM. It must include a description of how the school will serve the following:

(i) Students with Disabilities.

(ii) English Language Learners.

(iii) Gifted and Talented Students.

6. DESCRIPTION OF ASSESSMENT METHODS.

7. DESCRIPTION OF SCHOOL OPERATIONS.

8. DEMONSTRATION OF FISCAL FEASIBILITY AND CONTROLS.

9. DESCRIPTION OF GOVERNANCE STRUCTURE.

(b) **Renewal Applications**.

1. DEMONSTRATION OF PERFORMANCE IN MEETING CONTRACT GOALS.

2. ROOT CAUSE ANALYSIS OF UNMET CONTRACT GOALS.

3. PLANNED PROGRAMMATIC, OPERATIONAL, AND FINANCIAL CHANGES.

(3) **ADDITIONAL PETITION REQUIREMENTS FOR CONVERSION APPLICANTS ONLY**. In addition to the requirements of Part 2 of this Rule, all start-up conversion charter school petitions shall include the following components:

(a) A statement that the petitioner has held the appropriate votes by secret ballot as required pursuant to O.C.G.A. § 20-2-2064(a)(1) and (2), and a description of the procedures and outcome of those votes.

1. For purposes of the vote required pursuant to O.C.G.A. § 20-2-2064(a)(1)(A), each faculty or instructional staff member shall have a single vote.

2. For purposes of the vote required pursuant to O.C.G.A. § 20-2-2064(a)(1)(B), a student's parent(s) or guardian(s) shall collectively have one vote for each student enrolled in the school although parents of students at the school who are eligible to vote as faculty or instructional staff shall also have a single vote in the vote required pursuant to O.C.G.A. § 20-2-2064(a)(1)(B).

(b) A statement detailing the innovations that shall materially distinguish the conversion charter from the school's pre-conversion model and that require the flexibility offered through the charter model. If an innovation is already implemented at other district schools, it can still be considered innovative for the charter school applicant.

(c) A statement detailing the conversion charter's plan to operate with substantial autonomy. This statement shall include a description of how financial resources will be managed, how human resources will be managed, how personnel will be evaluated; and a description of school governance and the extent to which parents, community members, and other stakeholders will participate in the governance of the school. The petition shall describe all policies, procedures, and practices that will materially distinguish the conversion school from the school's pre-conversion model.

(d) A statement from the applicable local school system detailing the district's plan to ensure the conversion charter school will operate with substantial autonomy, and how the district will ensure its effective support of the charter

school, including what, if any, changes it will make to its central office to ensure that the charter school is properly supported and operates with substantial autonomy.

(4) **CHARTER PETITION REQUIREMENTS FOR JOINTLY AUTHORIZED APPLICANTS**.

(a) Two or more local boards may jointly authorize a local charter school pursuant to O.C.G.A. § 20-2-2063(c). The local boards may authorize the charter school by one of the following methods:

1. Each local board shall approve the charter petition before it is submitted to the State Board of Education; or

2. One local board shall submit the petition and enter into an interagency agreement with the other local board(s). Such interagency agreement must specify how local revenues shall be allocated to the charter school. The agreement shall become an attachment to the jointly authorized charter petition.

(b) The OCSC shall prescribe how the authorizing districts will calculate for jointly authorized charter schools in accordance with the Single Statewide Accountability System.

(c) Petitions involving two or more local boards shall follow the same requirements as other charter petitions, as outlined in Part 2 above, and shall also include the following components:

1. A statement specifying which entity shall be the fiscal agent for the jointly authorized charter school.

2. A statement from the applicable local boards guaranteeing that the base per-pupil amount at which it will fund the charter school is the amount identified in the locally approved petition budget as long as the school system receives the state and local revenues upon which the approved school budget is based.

3. An agreement detailing the involvement and responsibilities of each local board regarding the jointly authorized charter school.

(5) **CHARTER PETITION REQUIREMENTS FOR CHARTER HIGH SCHOOL CLUSTER APPLICANTS**.

(a) A high school and all the middle and elementary schools whose students matriculate to that high school may act as a single charter petitioner to convert to charter school status pursuant to O.C.G.A. § 20-2-2063(b). The charter high school cluster petition may include new and existing start-up charter schools, conversion charter schools, and renewals thereof. A charter high school cluster petition must address petition requirements for each school as described in Part 2 above, as applicable. A high school cluster must be governed by a nonprofit charter school governing board. In addition, the petition must include the following components:

1. A statement that the petitioner has held the appropriate votes by secret ballot as required pursuant to O.C.G.A. § 20-2-2064(a)(1) and (2), and a description of the procedures and outcome of those votes.

(i) For purposes of the vote required pursuant to O.C.G.A. § 20-2-2064(a)(1)(A), each faculty or instructional staff member shall have a single vote.

(ii) For purposes of the vote required pursuant to O.C.G.A. § 20-2-2064(a)(1)(B), a student's parent(s) or guardian(s) shall collectively have one vote for each student enrolled in the school.

2. A statement detailing the rationale for petitioning as a high school cluster, such as innovations that will materially distinguish the charter cluster from the cluster's pre-conversion model and that require the flexibility offered through the charter model.

3. A description of how the charter high school cluster as a whole shall be held accountable for performance goals stated in the charter.

Cite as Ga. Comp. R. & Regs. R. 160-4-9-.05

AUTHORITY: O.C.G.A. §§ 20-2-161**,** 20-2-167.1**,** 20-2-240**,** 20-2-2062**,** 20-2-2063**,** 20-2-2063.1**,** 20-2-2063.3**,** 20-2-2072 **through** 20-2-2074**,** 20-2-2081**.**

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Amended: F. Nov. 7, 2014; eff. Nov. 27, 2014.

Repealed: New Rule of same title adopted. F. Sep. 25, 2015; eff. Oct. 15, 2015.

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Amended: F. Mar. 30, 2017; eff. Apr. 19, 2017.

Amended: F. Aug. 24, 2017; eff. Sept. 13, 2017.

Amended: F. May 8, 2025; eff. May 28, 2025.

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160-4-9-.06 Charter Authorizers, Financing, Management, and Governance Training

(1) **RESPONSIBILITIES OF CHARTER AUTHORIZERS**.

(a) **RESPONSIBILITIES OF LOCAL BOARDS OF EDUCATION**. Local boards of education ("local boards") shall provide control and management of local charter schools pursuant to O.C.G.A. § 20-2-2065(b)(2) and State Board of Education Rule 160-4-9-.06.

1. This control and management shall include the following responsibilities for local charter schools:

(i) Pre-Charter award or charter renewal:

(I) Review and act on local charter school petitions;

(ii) Post-Charter award or charter renewal:

(I) Monitor a new local charter school's pre-operational period for timely implementation of ready-to-open benchmarks related to facilities, school personnel, enrollment procedures, curriculum and instruction, operations and fiscal management, and governance. In the event the charter school governing board does not meet the ready-to-open benchmarks, the local board may postpone the school's opening by up to one year. An assurance to the OCSC by the local district of a new school having achieved ready-to-open status is required before the new school may open.

(II) Enforce clear expectations for, and ensure achievement of, performance goals set forth in the charters;

(III) Ensure that local charter schools are fiscally sound and operating in accordance with Generally Accepted Government Auditing Standards, including annually reviewing budgets as needed;

(IV) Ensure that charter schools comply with Governmental Accounting Standards Board (GASB) Statements and Interpretations, which constitute Generally Accepted Accounting Principles (GAAP) for financial reporting.

(V) Ensure that local charter schools submit required financial information in accordance with the policies and deadlines established by the local school system for inclusion in the system's annual Financial Review Report (DE046) to the Georgia Department of Education;

(VI) Ensure that local charter schools comply with the accountability provision of O.C.G.A. § 20-14-30 *et seq.* and federal accountability requirements;

(VII) Evaluate a local charter school's performance annually in relation to the expectations and goals set forth in the charter using the OCSC's Local Charter Performance Framework and take appropriate action based on this evaluation;

(VIII) Coordinate with the State Board of Education and the OCSC in monitoring and supporting any local charter schools identified as turnaround eligible schools pursuant to O.C.G.A. § 20-14-45.

(IX) Develop termination processes that:

I. Provide the charter school governing board with timely notification of the prospect of and reasons for termination of a charter;

II. Allow the charter school governing board a reasonable amount of time to prepare a response;

III. Allow for a public hearing;

IV. Require the local school system to submit documentation and to produce witnesses at the public hearing who can testify to the reasons for termination;

V. Provide the charter school governing board with an opportunity to submit documents, produce witnesses, and give testimony challenging the reasons given for termination and to argue for continuation of the charter at a public meeting held for that purpose;

VI. Allow the charter school governing board to be represented by its own counsel, to call witnesses on its behalf, and to confront witnesses, and challenge documents, statements or reports against continuation of the charter;

VII. After a reasonable period for deliberation, require a final determination to be made and conveyed in writing to the charter school governing board and the State Board of Education. Such final determination must clearly articulate the reasons for the final decision;

VIII. Ensure the charter school maintains custody of active student records if the school's charter authorization is terminated by the local board of education and transferred to the State Charter Schools Commission pursuant to O.C.G.A. § 20-2-2063.3.

(X) Allow local charter schools to exercise substantial autonomy over decisions affecting the school. The nonprofit governing board of a charter school shall have authority to make personnel decisions, including selection of the principal or school leader; financial decisions and resource allocation decisions, including establishing the number and type of personnel, curriculum costs, supply costs, equipment costs and maintenance and operations costs; selection of a curriculum and accompanying instructional materials; establishment and monitoring of the achievement of school improvement goals, including approval of the school improvement plan and oversight of its implementation; and operations that are consistent with school improvement goals. The local board shall only override decisions of a local charter school's governing board in those areas where the local board has constitutional authority and has a reasonable belief that a decision will be substantially detrimental to students;

(XI) Allow a charter school that has passed the Department of Education facility inspection and holds a valid certificate of occupancy to occupy its building and ensure that no other licensure to operate the school, including, but not limited to, a business license, professional license, or occupational tax certificate is required; provided, however, that any for profit vendor of the charter school shall be subject to any applicable local requirements relating to doing business in this state. Charter schools shall be subject to all applicable zoning, planning, and building permitting requirements when constructing or renovating a facility;

(XII) Provide to the charter school, for inclusion in the locally approved charter petition, the base per-pupil amount that it will receive upon execution of the contract as long as the school system receives state and local revenues upon which the approved school budget is based;

(XIII) Distribute applicable federal, state, and local funding to local charter schools in a timely manner and in accordance with law; ensure that funds are spent according to applicable laws, rules, policies, and guidelines, including requirements for monitoring the use of federal funds;

(XIV) Ensure that the requirements of the Individuals with Disabilities Education Act (IDEA) are met. The local board(s) must have a plan to ensure that the local school system shall:

I. Serve students with disabilities attending the local charter school in the same manner as it serves all other students with disabilities in its other local schools. Nothing in this section shall prevent a local board(s) from providing services to students with disabilities at a central location, if that is standard practice for students with disabilities from other schools in the local school system.

II. Provide funds to local charter schools on the same basis as it provides funds to its other local schools, including proportional distribution based on relative enrollment of children with disabilities.

III. Ensure that individuals employed as special education teachers in local charter schools have a bachelor's degree and are either certified in special education or hold a special education license.

IV. Ensure that the requirements of all other applicable federal laws are met.

(XV) Provide, upon request, the name and address of each unused facility located in the school district that it governs.

2. ANNUAL REPORTING

(i) Each local board that oversees a local charter school shall submit to the State Board of Education and post on its website an annual report including the following:

(I) The authorizer's strategic vision for chartering and progress towards achieving that vision.

(II) Annual start-up and renewal petition process timing as indicated in 160-4-9-.05.

(III) The academic performance of all operating charter schools overseen by the authorizer, according to the performance expectations set forth in the charter, for inclusion in the annual report to the General Assembly pursuant to O.C.G.A. § 20-2-2070.

(IV) The financial performance of all operating charter schools overseen by the authorizer, according to the performance expectations set forth in the charter, for inclusion in the annual report to the General Assembly pursuant to O.C.G.A. § 20-2-2070.

(V) The status of all charter school applications, including applications (A) pending review; (B) approved, and, for each, the date on which the school will open or did open; and (C) denied, and, for each, the reasons for the denial.

(VI) All charter schools that have closed within the past year, and, for each, the reason for closure.

(VII) The authorizing functions provided by the authorizer to the public charter schools under its purview, including the authorizer's itemized operating costs and expenses associated with providing its authorizer functions.

(b) **RESPONSIBILITIES OF THE STATE BOARD OF EDUCATION**. The State Board of Education shall have the following supervisory duties pursuant to O.C.G.A. § 20-2-2063:

1. Review and act on local charter school petitions;

2. Review State Charter Schools Commission decisions in accordance with O.C.G.A. § 20-2-2083(a)(1) and take action, as appropriate;

3. Ensure the provision of technical assistance to local school systems in successfully administering their responsibilities as described in (1) above;

4. Ensure that each charter school uses the OCSC's template to submit an annual report that outlines the previous year's progress no later than November 1 of each year. The report shall contain, but is not limited to:

(i) An indication of progress toward the goals as included in the charter;

(ii) Academic data for the previous year, including state academic accountability data, such as standardized test scores and other such progress data;

(iii) Updated contact information for the governing board and the administrator;

(iv) Audit report or unaudited financial statements;

(v) Proof of current Georgia nonprofit status;

(vi) Proof of compliance with State Board of Education Governing Board training requirements for Charter Schools as outlined in State Board of Education Rule 160-4-9-.06 and in Part 4 below.

(vii) Any other supplemental information that the charter school chooses to include or that the state board requests, that demonstrates that school's success.

5. Ensure that OCSC provides technical assistance to petitioners submitting planning, implementation, facility grants, new and renewal charter petitions, petition renewal applications, and any other programs authorized by applicable law.

6. Create and maintain a strategic plan and policy for the state's charter schools program.

7. Jointly establish with the State Charter Schools Commission a code of principles and standards of charter school authorizing to guide local boards of education, the State Board, and the State Charter Schools Commission in meeting high-quality authorizing practices pursuant to O.C.G.A. § 20-2-2063.3. The State Board of Education shall provide for or approve training for its staff and local board of education members on this code of principles and standards of charter school authorizers.

8. Provide for the annual review of local boards of education by an independent party for adherence to the principles and standards of charter school authorizing practices adopted by the State Board of Education pursuant to O.C.G.A. § 20-2-2063.3. This review shall detail the participation of the local board of education in training on the principles and standards of charter school authorizers.

9. Ensure that the OCSC annually assigns authorizers to one of four categories, and that the OCSC develops definitions for the categories (first time authorizer, exemplary authorizer, adequate authorizer, and authorizer needs improvement).

10. Ensure that the OCSC provides focused technical assistance to those authorizers not in the exemplary category, including, but not limited to, assistance in the review of decisions made by those authorizers in their oversight of local charter schools such as charter petition denials, non-renewals, and terminations.

11. Provide an annual report on the status of the state's charter school program to the General Assembly, pursuant to O.C.G.A. § 20-2-2070.

(2) **CHARTER SCHOOL OPERATIONS**

(a) **CHARTER SCHOOL EMPLOYMENT**. A local charter school may utilize teachers, other instructional staff, and non-instructional staff who are employees of an education service provider only if the governing board of such charter school retains the authority to select and dismiss such teachers, other instructional staff, and non-instructional staff from service at the local charter school. The governing board of a local charter school shall remain responsible and accountable for all operations, compliance, and performance of any employees of an education service provider utilized by such local charter schools.

(b) **CHARTER SCHOOL OPENING**. A new local charter school must implement all of the ready-to-open benchmarks related to facilities, school personnel, enrollment procedures, curriculum and instruction, operations and fiscal management, and governance before it will be permitted to open. In the event the charter school governing board does not meet the ready-to-open benchmarks, the local board may postpone the school's opening by up to one year. An assurance to the OCSC by the local district of a new school having achieved ready-to-open status is required before the new school may open.

(c) **CHARTER SCHOOL FACILITY EXPANSION**. A charter school shall not add or expand facilities during the term of its charter contract without prior written approval from the Georgia Department of Education. A charter school adding or expanding facilities during its charter term shall adhere to all facility site and building approval requirements. Charter schools utilizing multiple sites or facilities must comply with all open enrollment requirements provided in rule and law.

(d) **CHARTER SCHOOL TEACHER/LEADER EVALUATIONS**. All charter schools shall utilize the performance evaluation system adopted by the State Board pursuant to O.C.G.A. § 20-2-210. Each charter school shall employ at least two individuals credentialed to administer the teacher evaluation system. Each charter school shall employ or have on its governing board at least two individuals credentialed to administer the leader evaluation system. An individual becomes credentialed in the performance evaluation system by successfully completing the training provided by the Georgia Department of Education. No charter school may delegate the evaluation of its school leader or other employees to any individual or entity that is not employed by the charter school or is a member of its governing board.

1. Charter schools shall have the flexibility to implement a tiered teacher evaluation system and to define the measures needed to fulfill the requirements of the teacher and leader evaluations pursuant to State Board rule 160-5-1-.37 and O.C.G.A § 20-2-210, including:

(i) For teachers of record who teach courses that are subject to annual state assessments aligned with state standards, define any additional professional growth measures beyond measurements based on multiple student growth indicators, evaluations and observations, and standards of practice that shall count for 20 percent of the evaluation.

(ii) For teachers of record who teach courses that are not subject to annual state assessments aligned with state standards, define any:

(I) Student growth indicators, including the school or local school system total score on the annual state assessments that shall count for 30 percent of the evaluation; and

(II) Additional professional growth measures beyond measurements based on multiple student growth indicators, evaluations and observations, and standards of practice that shall count for 20 percent of the evaluation.

(iii) For principals and assistant principals, define the combination of achievement gap closure, Beat the Odds, and College and Career Readiness Performance Index data that shall count for 20 percent of the evaluation; and

(iv) Implement a tiered evaluation system, in which reduced observations of certain teachers of record may be conducted to provide additional time for evaluators to coach and mentor new teachers and teachers with a performance rating of 'Needs Development' or 'Ineffective' pursuant to paragraph (4) of O.C.G.A § 20-2-210.

(e) **CHARTER SCHOOL PUBLIC RECORDS**. Each charter school governing boards shall maintain its adopted policies, budgets, meeting schedule, meeting agendas, and meeting minutes, and shall make such documents

available for public inspection pursuant to the Georgia Open Records Act, O.C.G.A. § 50-18-70 *et seq*. A charter school shall utilize a school website and ensure that the following information, at a minimum, is available on the website:

1. Governing Board membership.

2. Governing Board and committee meeting calendar.

3. Meeting agendas for upcoming Governing Board and committee meetings.

4. Meeting minutes for past Governing Board and committee meetings unless the Georgia Open Meetings Act, O.C.G.A. § 50-14-1, limits their publication. Minutes shall be available on the charter school's website within ten (10) business days after Governing Board approval and for the duration of the charter.

5. Procedure for contacting the charter school's Governing Board and most senior school administrator.

6. Any admissions application utilized by the charter school and notification of enrollment and admissions procedures, including the date, time, and location of any upcoming enrollment lottery.

7. A summary or line item version of the proposed and adopted annual operating budget pursuant to O.C.G.A. § 20-2-167.1.

8. The school's monthly financial statements.

9. The school's Charter Contract.

(3) **CHARTER SCHOOL FUNDING**

(a) **CHARTER SCHOOL FUNDING CALCULATIONS**. Charter school funding calculations shall be pursuant to the following:

1. A local charter school shall be eligible for federal, state, and local funds pursuant to O.C.G.A. § 20-2-2068.1 and § 20-2-2090, as appropriate.

2. For the purpose of local charter schools, the Department of Education shall determine the allotment of state funds and federal funds for the LEA in which the charter school is physically located, pursuant to O.C.G.A. § 20-2-2068.1, or to the local board(s) stipulated as the fiscal agent in the charter. For state charter schools, the school shall serve as its own fiscal agent.

3. Pursuant to O.C.G.A. § 20-2-2068.1(a) the local board(s) and the State Board of Education shall treat a local charter school no less favorably than other local schools located within the applicable local system unless otherwise provided by law, including with respect to the provision of funds for instruction, school administration, transportation, food services and where feasible, building programs. Funds for transportation and food service shall be provided in accordance with the Local Units of Administration (LUA) Manual. A local charter school may request the OCSC to order mediation if it believes the local board(s) is treating the charter school less favorably than other local schools.

4. Pursuant to O.C.G.A. § 20-2-2068.1(c), the local board(s) shall calculate and distribute the funding for the start-up charter school on the basis of its actual or projected enrollment in the current school year according to an enrollment count procedure or projection method outlined in the terms of the charter. This shall include funding on the basis of its actual or projected enrollment in the current school year in the charter school's first year of operation and in any year that the charter school significantly expands its enrollment. The local school system shall distribute to each local charter school the proportionate amount of federal funds for which the school is eligible under each federal program; provided, however, that these funds may be provided through the provision of in-kind services to the school by the school system upon agreement between the parties and memorialized in the charter contract.

5. Pursuant to O.C.G.A. § 20-2-2068.1(c.3), the local board(s) shall publish in a prominent location on its website the calculation of earnings to each local charter school made in accordance with subsections (a), (b), and (c) of the Code section, including federal funds received by each local charter school.

(b) **CHARTER SCHOOL FACILITIES FUNDS**. Charter school facilities funds shall be awarded pursuant to O.C.G.A. § 20-2-2068.2. In each year in which charter school facilities funds are appropriated by the General Assembly for charter school facilities, the State Board of Education shall allocate the funds among eligible charter schools pursuant to accompanying grant Guidance.

(c) **CHARTER SCHOOL CAPITAL FINANCING**. In each year in which charter school capital financing funds are appropriated by the General Assembly pursuant to O.C.G.A § 20-2-2095 *et. seq.*, the State Board of Education shall establish a grant program in the form of matching funds for qualified charter school contributions, pursuant to accompanying grant guidance.

1. The State Board of Education shall determine the maximum amount of matching funds authorized for each dollar of funds donated to a qualified charter school organization for any single charter school project. In so doing, the State Board of Education shall take into account local revenue, special-purpose local-option sales tax (SPLOST) and bond funding and shall view such local revenue and funding favorably in determining the amount of grant funds to authorize.

2. The matching grant funds shall apply to any eligible funds donated to a qualified charter school organization within the three (3) year period immediately preceding an appropriation by the General Assembly.

(d) **CHARTER SCHOOL GRANTS**. Charter school competitive grant applicants shall adhere to all application requirements and related timelines. In order to qualify for any charter school grant, applicants must meet all eligibility requirements. The OCSC shall have the right to determine eligibility for all grants and to adjust grant application procedures. Applications that do not meet eligibility requirements shall not be considered. All charter school grants shall be administered according to procedures outlined in the grant application.

(e) **CHARTER SCHOOL ANNUAL OPERATING BUDGET**. Charter school governing boards, shall follow O.C.G.A. § 20-2-167.1 when adopting an annual operating budget.

(f) **CHARTER SCHOOL OUTSTANDING DEBTS**. If a local charter school is not renewed or is terminated, the nonprofit governing board shall be responsible for all outstanding debts of that school. Neither the State Board of Education nor the local school system shall be liable for any debts of the school in the event that the charter is not renewed or is terminated. A local school system shall not assume the debt from any contract for services made between the governing body of the charter school and a third party, unless otherwise agreed in writing.

(4) **MANAGEMENT OF CHARTER CONTRACTS.**

(a) **EXECUTION OF CHARTER CONTRACTS**. Approved nonprofit governing boards for local charter schools shall return a fully executed charter contract to the OCSC within sixty (60) days of receipt.

(b) **CHARTER TRAINING**. Charter schools shall attend any required training. At the authorizer's discretion, charter schools may be required to attend any additional training that the authorizer deems necessary and proper for the successful operation of the charter school.

(c) **AMENDING A LOCAL CHARTER CONTRACT**. Pursuant to O.C.G.A. § 20-2-2067.1, the terms of a local charter contract may be amended as follows:

1. The contract for a local charter school may be amended during the term of the charter upon the approval of the local board(s), State Board of Education, and the charter school governing board. Additional information and instructions for requesting an amendment may be obtained from the OCSC. All amendments must comply with requirements as established by the OCSC.

(i) Amendment requests that originate with the charter school governing board shall be submitted to the local board(s). The local board(s) shall, by a majority vote, approve or deny the proposed amendment no later than sixty (60) days after the local board(s) request is received, unless the local board(s) and the charter school governing board agree to extend the amendment review beyond sixty (60) days.

(ii) Amendment requests that originate with the local school board shall be submitted to the charter school governing board. The charter school governing board shall, by a majority vote, approve or deny the proposed amendment no later than sixty (60) days after the request is received unless the charter school governing board and the local board(s) agree to extend the amendment review beyond sixty (60) days.

(I) If the local board(s) and the charter school governing board agree to the amendment, the charter school shall forward the amendment to the OCSC for State Board of Education action.

(II) If the local board(s) and the charter school governing board do not agree to the amendment, the State Board of Education may recommend mediation upon the agreement of both the local board(s) and the charter school governing board. If mediation is unsuccessful, the charter continues in its unamended form.

(iii) For amendment requests that originate with the State Board of Education, the OCSC shall notify the charter school governing board and the local board(s) of the State Board's request to amend the charter.

(I) The charter school governing board and the local board(s) shall each, by a majority vote, approve or deny the proposed amendment no later than sixty (60) days after the request is received unless they agree to extend the review beyond sixty (60) days.

(II) If the local board(s) and the charter school governing board agree to the amendment, the charter school shall forward the approval to the OCSC for State Board of Education action.

(III) If the local board(s) and/or the charter school governing board do not agree to the amendment, the OCSC may recommend mediation upon the agreement of the local board(s) and the charter school governing board.

(IV) If mediation is unsuccessful, the charter continues in its un-amended form.

2. All charter contracts are subject to applicable federal and state laws, rules, and regulations and shall be deemed amended to reflect applicable changes to these laws upon the effective date of any such change.

(d) **PLACING A LOCAL CHARTER SCHOOL ON PROBATIONARY STATUS**

1. OCSC, or local board(s) of education, with OCSC approval, may place a charter school on probation. if it has reason to believe that any of the following have occurred or are imminent:

(i) A failure to comply with any recommendation or direction of the state board with respect to O.C.G.A. § 20-14-41;

(ii) A failure to adhere to any material term of the charter, including but not limited to the performance goals set forth in the charter;

(iii) A failure to meet generally accepted government accounting standards;

(iv) A violation of applicable federal, state, or local laws or court orders;

(v) The existence of substantial evidence that the continued operation of the charter school could be contrary to the best interest of the students or the community; or

(vi) A failure to comply with any provisions of O.C.G.A. § 20-2-2065;

(vii) The governing board has demonstrated an inability to provide effective leadership to oversee the operation of the charter school; and

(viii) A failure to disclose material information regarding violations or potential violations of any material term of the charter or applicable federal, state, or local laws or court orders.

(ix) A failure to meet one or more of the academic, financial, and operational standards given in the Local Charter's Performance Framework.

(x) The school is identified as a turnaround eligible school as defined in O.C.G.A. § 20-14-45.

(xi) Any other reason that would lead to the eventual termination of the charter if not resolved.

2. In the event that a charter school is placed on probation, the following shall apply:

(i) The OCSC and/or the local board of education shall provide written notice to the charter school of the reasons for such placement, not later than five days after the placement;

(ii) No later than thirty (30) days after the date of such placement, the local charter school shall file with the OCSC and the local board of education a corrective action plan that addresses the reasons outlined for the probation and timeline for remedying those issues;

(iii) The OCSC, with input from the local board of education, may approve the corrective action plan as submitted or impose any additional terms of probation on the school that it deems necessary;

(iv) The charter school shall implement the approved corrective action plan;

(v) During the term of probation, the OCSC may require the school to file interim reports concerning any matter deemed relevant to the probationary status of the school, including financial reports or statements.

(vi) The OCSC may amend the length of the probation based on the status of the interim reports.

3. A charter school may be taken off probation upon fulfilling the terms of its corrective action plan and upon the OCSC's determination that the conditions which precipitated the probation no longer exist and that no new conditions exist which would necessitate probationary status.

4. In the event that the charter school does not file or implement the approved corrective action plan within the required time period, or does not comply with the terms within the required time period, the State Board of Education or local board(s), as applicable, may move to terminate the charter.

5. No charter school on probation may enroll new students without the consent of the OCSC.

(e) **TERMINATING A LOCAL CHARTER**.

1. Pursuant to O.C.G.A § 20-2-2068, the State Board of Education may terminate a local charter school if requested by a majority of parents or guardians of enrolled students *or* a majority of the faculty and instructional staff employed at the charter school; if requested by the charter school governing board; if requested by the local board(s); or upon determination by the State Board of Education by its own audit or other means.

(i) If requested by a majority of parents or guardians of enrolled students *or* a majority of the faculty and instructional staff employed at the charter school:

(I) The group requesting the termination, must, within thirty (30) days of the public meeting held pursuant to O.C.G.A. § 20-2-2068(a)(1)(A) or (B), submit a petition for termination to the State Board of Education, with a copy to the local board(s), which shall include the following:

I. A written statement detailing the reasons for termination pursuant to O.C.G.A. § 20-2-2068(a)(2)(A)-(G), including supporting documentation;

II. Documentation showing that a public meeting and vote were held in accordance with the requirements of O.C.G.A. § 20-2-2068(a)(1)(A) or (B);

III. A copy of the minutes of the public meeting where the termination request was voted upon;

IV. A written statement signed by a member of the group requesting termination. The statement shall specify that an identical copy of the materials has also been provided to the appropriate officials at the charter school. Appropriate officials shall include, at a minimum, the principal of the school, the president of the governing board, and the superintendent of the local board(s) of education that serves as the fiscal agent for the charter school; and

V. Any other pertinent information.

(II) The charter school governing board and local board(s) shall have thirty (30) days from receipt of the petition for termination to provide the State Board of Education with a written response to the petition.

(III) Upon receipt of the above records, and if requested by the charter school governing board or the local board(s) within thirty (30) days of such receipt, the State Board of Education may conduct a hearing prior to rendering a decision. If no such request is made within thirty (30) days of the State Board of Education's receipt of these records, all parties waive their right to a hearing and the State Board of Education may vote based upon information submitted by the parties or the State Board of Education may decide to hold a hearing prior to taking a vote.

(IV) If the State Board of Education votes to sustain the charter, it may consider the termination request and supporting documentation as a factor in its renewal decision.

(ii) For termination requests originating with the charter school governing board:

(I) The governing board must file a petition for termination with both the local board(s) and the State Board of Education within thirty (30) days of the vote to request termination.

(II) The petition for termination shall include:

I. A succinct statement of the reasons for the termination request;

II. The record of the vote taken by the charter school governing board.

(III) Upon receipt of the above records, and if requested by the local board(s) or the State Board of Education within thirty (30) days of such receipt, the State Board of Education may conduct a hearing prior to rendering a decision. If no such request is made within thirty (30) days of the State Board of Education's receipt of these records, all parties waive their right to a hearing and the State Board of Education may vote based upon information submitted by the parties or the State Board of Education may decide to hold a hearing prior to taking a vote.

(IV) If the State Board of Education votes to sustain the charter, it may consider the termination request and supporting documentation as a factor in its renewal decision.

(iii) For termination requests originating with the local board(s):

(I) Upon determining the existence of any ground for termination pursuant to O.C.G.A. § 20-2-2068(a)(2), the local board(s) shall provide appropriate notice of proposed termination to the charter school governing board as well as an opportunity for a hearing, if applicable, on the proposed termination in accordance with the policies established pursuant to (1)(a)(2)(v) of this Rule. If the local board(s) decides to move forward with termination, it must file a petition for termination with the State Board of Education within thirty (30) days of the determination.

(II) The request shall include a succinct statement of the reasons for the termination request, the transcript of the public hearing, including witness testimony to support its reasons for termination, other evidence as applicable, and the record of the vote taken by the local board(s) of education to terminate the charter;

(III) The local board(s) shall send a copy of all of the above to the charter school governing board at the same time as such documents are filed with the State Board of Education.

(IV) The State Board of Education shall treat all requests for termination from the local board(s) in accordance with O.C.G.A. § 20-2-1160.

I. The State Board of Education shall uphold the decision of the local board(s) if it finds sufficient evidence to sustain the decision.

II. The State Board of Education shall render a final written decision and shall notify the parties accordingly.

(iv) For termination requests initiated by the State Board of Education:

(I) The State Board of Education shall notify the charter school and the local board(s) of its intention to convene a hearing for the purpose of determining whether the charter school is in violation of a provision of O.C.G.A. § 20-2-2068(a)(2). The notification shall include the specific provisions of O.C.G.A. § 20-2-2068(a)(2) that the charter school is alleged to have violated and shall contain all information contained in O.C.G.A. § 50-13-13(a)(2).

I. If after receiving the notification, the charter school decides to surrender its charter contract instead of proceeding with the termination process, the governing board of the charter school shall provide to the State Board of Education a record of the vote taken by the governing board approving the surrender.

(II) The charter school and the local board(s) shall have thirty (30) days from the date of State Board of Education notification to submit one of the following to the State Board of Education:

I. A written response that addresses each of the allegations set forth in the notice and waives its right to a hearing by requesting the State Board of Education render a decision based on the written record; or

II. A written response that addresses each of the allegations set forth in the notice and requests the State Board of Education schedule a hearing to render a decision.

(III) If the charter school chooses to respond to the notice but waives its right to a hearing by requesting the State Board of Education render a decision based on the written record, the local board(s) and the OCSC shall have ten (10) days to reply to the charter school's response and raise any objections to the hearing waiver request. If no objections are raised and the State Board of Education renders a decision on the written record, the decision shall be based upon: (1) the State Board of Education's notice to convene a hearing for the purpose of charter termination, (2) the school's response, (3) any response by the local board of education, (4) any reply of the OCSC or local board of education to the school's request to waive the hearing, and (5) any evidence contained therein noticed as proof by the State Board of Education. If objections are raised, the State Board of Education shall take those objections into consideration and determine whether the hearing should be waived.

(IV) If the charter school provides a written response that addresses each of the allegations set forth in the notice and requests the State Board of Education schedule a hearing to render a decision, the State Board of Education or designated hearing officer shall conduct a hearing and render a decision.

(V) If the hearing is conducted by a designated hearing officer, the hearing officer shall make a recommendation to the State Board of Education for consideration prior to the State Board rendering a decision.

(VI) If the charter school requests an expedited hearing, it shall notify the State Board of Education in writing within the 30-day response period. The local board(s) and the OCSC shall have five (5) days to reply to the charter school's request and raise any objections to the expedited hearing. If the expedited hearing request is approved, the State

Board of Education shall schedule a hearing and, if necessary, set a timeline for the charter school's submittal of a substantive response to the notice and a rebuttal by the local board(s) of education and the OCSC.

(VII) If the charter school does not respond within the 30-day time period, then it waives it right to a hearing. The State Board of Education may render a decision as permitted under O.C.G.A. § 20-2-2068(a)(2).

2. In cases where the physical and/or mental health, safety, or welfare of students or staff of a charter school is in danger or where the charter school has experienced financial irregularities, any party to the charter or the State Board of Education may make an emergency termination request. The State Board of Education, through a regular or called meeting, may temporarily suspend the operations of the charter school until a termination hearing can be conducted. Depending on the nature of the danger or financial irregularity, the State Board of Education may request that the local board(s) assign the charter school students to another public school or take over operations of the charter school.

3. Upon termination of the charter for a local charter school, all assets of the terminated local charter school purchased using state or federal grant funds, and all unencumbered state or federal grant funds awarded by the State Board of Education, shall revert to the local district and shall not be used by the school or its nonprofit governing board to satisfy liabilities.

4. Once a decision is made to terminate or not renew a charter, the local charter school and the local board(s) shall notify affected charter school students and parents/guardians of the impending charter school closing and their public school choice options no later than one week after the decision is made to terminate or not renew the charter.

(5) **GOVERNANCE TRAINING**. Pursuant to O.C.G.A. § 20-2-2072, the members of the governing board of each local charter school shall participate in initial training for boards of newly approved local charter schools and annual training thereafter.

(a) **TRAINING REQUIREMENTS**.

1. Annually, all governing board members of local charter schools must complete six (6) hours of training, as described below, that is conducted by a provider approved by the State Board of Education:

(i) Three (3) hours of sound fiscal and budget management for charter schools;

(ii) One (1) hour on best practices on charter school governance and the constitutional and statutory requirements relating to public records and meetings;

(iii) One (1) hour of updates to the legal requirements of applicable statutes, rules, regulations, and policies; and

(iv) One (1) hour on oversight of charter school performance, academic accountability, or related topics.

2. During each of the first two (2) years that a member serves on the governing board of a local charter school, the member must complete an additional six (6) hours of training related to the basics of charter schools, accountability, financial governance, and effective governing board service that is conducted by a provider approved by the State Board of Education.

3. The OCSC may require additional governance training for board members of local charter schools that are on probation, have not met standards on the Local Comprehensive Performance Framework, or have demonstrated other academic, financial, or compliance concerns identified by the OCSC.

4. The OCSC shall provide guidance on implementation of these requirements, including but not limited to, training topics required for New Local Charter School Governing Board Members and defining the members subject thereto.

(b) **TRAINING CONTENT FOR CREDIT HOURS**:

1. Training credit hours will be awarded only on approved content aligned with the State Board of Education governance standards for charter schools.

(c) **TRAINING PROVIDERS**

1. Training Provider Rationale: The State Board of Education has adopted "State Board of Education governance standards for charter school boards" as the basis for charter school governing board member training. The approved charter school Training Providers will conduct charter school governing board member training utilizing curricula aligned with the State Board of Education governance standards for charter school governing boards and which meet identified areas for improvement as submitted in charter school governing boards' training program.

2. Charter school Training Providers wishing to provide charter school governing board training must be approved by the State Board of Education. To be considered for such approval, charter school Training Providers shall provide to the OCSC the following:

(i) Overview of the individual(s) or entity wishing to provide training.

(ii) Experience in providing charter school governing board training with references.

(iii) Instructors' qualifications.

(iv) Name(s) of training course(s).

(v) Length of training course(s).

(vi) Syllabus, which includes standard(s) to which each course is aligned.

(vii) Probable delivery method for delivery of content (whole board, large or small group, virtual, etc.).

(viii) Proposed location(s) of training course(s).

(ix) Fees (if any) to be charged for each training course.

(x) Participant evaluations of each training course.

(xi) List of charter school governing board members who participate in each training course.

(xii) Assurances that a trainer will not provide training to charter school governing board members who are immediate members of the trainer's family without obtaining prior approval from the State School Superintendent or his designee. For the purpose of this assurance, immediate family members shall include a spouse, child, sibling, parent, or the spouse of a child, sibling or parent.

3. The local school district shall not provide governing board training to charter schools under its control and management.

(d) **OFFICE OF CHARTER SCHOOL COMPLIANCE PROVISIONS**

1. The OCSC will:

(i) Receive assurance of the adopted charter school governing board training program plan.

(ii) Recommend Training Providers and courses for training credit for State Board of Education approval.

(iii) Periodically review the charter school governing board training program requirements and make recommendations for improvement.

(iv) Within three (3) months of the required assurance date of the charter school governing board training program plan publish the approved Training Providers and courses approved for training credit.

(v) Report to the State Board of Education annually on compliance with the training program requirements by members of charter school boards of education.

2. The OCSC shall create, and the State Board of Education shall adopt, a model code of ethics for members of charter school governing boards. Such model code of ethics shall also include appropriate consequences for violation of a provision or provisions of such code. The State Board of Education may periodically adopt revisions to such model code as it deems necessary.

(i) Within three months of adoption by the State Board of Education of a model code of ethics pursuant to subsection (4)(d)(2) of this rule, each charter school governing board shall adopt a code of ethics that includes, at a minimum, such model code of ethics. Each charter school governing board shall incorporate into its code of ethics any revisions adopted by the State Board of Education to the model code of ethics pursuant to (4)(d)(2) of this rule within three months of adoption of such revisions. Each charter school governing board member shall sign the adopted Code of Ethics.

3. No person shall be eligible to serve on a charter school governing board unless he or she:

(i) Has read and understands, as shown by signing, the code of ethics and the conflict of interest provisions applicable to members of a charter school governing board; and

(ii) Has agreed to annually disclose compliance with the State Board of Education's policy on training for members of charter school governing boards, the code of ethics of the charter school governing board, and the conflict of interest provisions applicable to members of the charter school governing board. Such disclosures shall be included in the charter school's annual report to the OCSC.

(iii) Charter school governing boards shall refer to the OCSC for additional guidance on charter schools governance training standards, a model code of ethics, and a model conflict of interest policy.

4. The OCSC, on behalf of the State Board of Education, shall develop training standards consistent with the law, and publish them on the OCSC website.

Cite as Ga. Comp. R. & Regs. R. 160-4-9-.06

AUTHORITY: O.C.G.A §§ 14-3-101**,** 20-2-880**,** 20-2-910**,** 20-2-1185**,** 20-2-2061 **through** 20-2-2074**,** 20-2-2080 **through** 20-2-2083**,** 20-2-2085 **through** 20-2-2086**,** 20-2-2088**,** 20-2-2090 **through** 20-2-2092**,** 20-2-2095.1 **through** 20-2-2095.5**,** 20-14-30 **through** 20-14-41**,** 20-2-204**,** 20-2-161**,** 20-2-164**,** 20-2-167.1**,** 50-14-1**,** 50-13-13**,** 50-18-70**.**

HISTORY: Original Rule entitled "Charter Authorizers, Financing and Management" adopted. F. Sep. 7, 2011; eff. Sept. 28, 2011.

Amended: New title "Charter Authorizers, Financing, Management, and Governance Training." F. Nov. 7, 2014; eff. Nov. 27, 2014.

Repealed: New Rule of same title adopted. F. Sep. 25, 2015; eff. Oct. 15, 2015.

Amended: F. Aug. 18, 2016; eff. Sept. 7, 2016.

Amended: F. Mar. 30, 2017; eff. Apr. 19, 2017.

Amended: F. Aug. 24, 2017; eff. Sept. 13, 2017.

Amended: F. Jan. 15, 2026; eff. Feb. 4, 2026.

Department 180. GEORGIA PROFESSIONAL ENGINEERS AND LAND SURVEYORS BOARD

Chapter 180-2. APPLICATIONS

180-2-.01 General

(1) All applications shall be made to the Board through the licensing portal available on the Board's website. Applications made otherwise will not be accepted.

(2) An application will not be considered on file or complete, until the Board has received all data pertinent to the application. It is the applicant's responsibility to ensure that the Board receives all necessary data, including the established fee, reference forms, education transcripts, and other required documents.

(3) Applicants applying for licensure as a Land Surveyor are required to submit a minimum of four plats or maps which meet Georgia minimum technical standards. Two shall be boundary surveys, and two shall be topographic or elevation surveys. Each plat or map shall include a unique certification by the sealing land surveyor certifying that the applicant prepared the plat under their direct supervision. Comity applicants may submit plats or maps prepared and sealed by the applicant in another state. These plats should be edited appropriately to meet the standards and requirements of the State of Georgia before submittal to the Board.

Cite as Ga. Comp. R. & Regs. R. 180-2-.01

AUTHORITY: O.C.G.A. §§ 43-1-25**,** 43-15-1**,** 43-15-4**,** 43-15-6**,** 43-15-9**,** 43-15-10**,** 43-15-13**,** 43-15-15**.**

HISTORY: Original Rule entitled "Grouping of Applications" adopted. F. and eff. June 30, 1965.

Amended: F. July 25, 1972; eff. August 14, 1972.

Amended: ER. 180-2-0.2-.01 entitled "General" adopted. F. and eff. July 31, 1975.

Amended: Permanent Rule adopted. F. Nov. 4, 1975; eff. Nov. 24, 1975.

Amended: F. Aug. 9, 1990; eff. Aug. 29, 1990.

Amended: F. July 22, 2002; eff. August 11, 2002.

Amended: F. Sept. 16, 2003; eff. Oct. 6, 2003.

Amended: F. Jan. 15, 2026; eff. Feb. 4, 2026.

180-2-.02 Board Action on Applications

(1) Notice of the Board's action approving or rejecting an application will be given to an applicant at the email address on file with the Board.

(2) In the event the Board makes a preliminary determination that grounds may exist for rejection of an application under O.C.G.A. 43-15-15(b), it will give notice of that determination to the applicant at the email address on file with the Board. The applicant so notified may request a hearing before the Board in accordance with the Administrative Procedure Act.

(3) In the event the Board rejects an application on any ground other than those set forth in O.C.G.A. 43-15-15(b) or 43-15-19, no formal hearing will be permitted before the Board. The Board may, in its sole discretion and upon the applicant's request, permit an applicant an informal conference with the Board or with a designated member thereof for the purpose of permitting the applicant to explain, but not to supplement, his/her application. No recording of such a conference will be permitted.

(4) In the event the Board rejects an application based on insufficient experience and/or education, the applicant should not file a new application until such time as the minimum period of deferment has expired. [A period of deferment may be imposed by the Board in accordance with O.C.G.A. 43-15-15(c)]. However, the applicant may file prior to the end of the deferment period if; in the applicant's opinion, there have been substantive changes in the rate in which experience has been earned or education obtained. The new information may be filed either as a new application or as a supplement to the original application. In either case, the required fee shall accompany each application submitted.

(5) For applications requiring that the applicant be examined, experience will be considered through the date on which such application was notarized. Experience earned between the date the application was filed and date of the next examination will be considered valid only if the applicant remains in the same, equivalent or higher position in which he/she was employed at the time of filing and may only be claimed when the applicant files a new application or supplemental application as applicable. It is the responsibility of the applicant to keep the Board informed of substantive changes in job duties and responsibilities.

Cite as Ga. Comp. R. & Regs. R. 180-2-.02

AUTHORITY: O.C.G.A. §§ 43-1-2**,** 43-1-25**,** 43-15-4**,** 43-15-6**,** 43-15-9**,** 43-15-10**,** 43-15-13**,** 43-15-15**.**

HISTORY: Original Rule entitled "Form of Applications" adopted. F. and eff. June 30, 1965.

Amended: F. July 25, 1972; eff. August 14, 1972.

Amended: ER. 180-2-0.2-.02 entitled "Timeliness" adopted. F. and eff. July 31, 1975.

Amended: Permanent Rule adopted. F. Nov. 4, 1975; eff. Nov. 24, 1975.

Amended: F. Aug. 9, 1990; eff. August 29, 1990.

Repealed: New Rule of same title adopted. F. Sept. 16, 2003; eff. Oct. 6, 2003.

Repealed: New Rule entitled "Board Action on Applications" adopted. F. Jan. 15, 2026; eff. Feb. 4, 2026.

180-2-.03 Examinations, General

(1) With exception of a locally prepared examination on hydrology and the legal aspects of land surveying in Georgia, all examinations will be in accordance with the National Council of Examiners for Engineering and Surveying (NCEES).

(2) Examinations may be taken only after the applicant has met the other minimum requirements as set forth in O.C.G.A. 43-15-8 and 43-15-9 and has been approved by the Board for admission to the examination as follows:

(a) Fundamentals of Engineering. Consists of an examination on the fundamentals of engineering. Passing this examination qualifies the examinee for an engineer-in-training certificate, provided he/she has met all other requirements for certification by this Chapter.

(b) Principles and Practice of Engineering Passing this examination qualifies the examinee for registration as a professional engineer, provided he/she has met the other requirements for registration required by this Chapter. Applicants shall designate the branch of engineering in which they intend to practice. The Board, after consideration

of the designation and a review of the experience and other information listed in the application, shall identify the appropriate NCEES exam to be administered to the Applicant.

1. Except as provided in paragraph (2), the Applicant will be directed to take the eight-hour NCEES exam that is applicable to the branch of engineering identified by the Applicant.

2. If the Applicant designates that he/she will engage in the branch identified as structural engineering or the Applicant's experience is deemed to be within the branch of structural engineering, the Applicant shall be directed to take the NCEES 16-hour Structural Engineering Exam.

For purposes of this rule, "structural engineering" shall be defined as engaging in the design or analysis of "Designated Structures. "Designated Structures" are defined as follows:

(i) For buildings and other structures requiring a building permit as required by the International Building Code, adopted edition, with Georgia Amendments in current effect in the state of Georgia, a Designated Structure is any building or other structure which meets any one of the following criteria:

(I) Any building structure which has risk Category of III or IV in accordance with Table 1604.5 of the International Building Code, adopted edition, with Georgia Amendments.

(II) Any building structure which has a covered gross area of 100,000 square feet or greater or has an occupied floor elevation that is 45 feet or more above the average ground level of the building.

(III) Any building structure which with height to least width aspect ratio of the structural lateral load resisting system greater than or equal to seven.

(IV) Any building structure which is designed using nonlinear time history analysis or with special seismic energy dissipation systems.

(ii) For bridges and other related transportation structures, a Designated Structure is one that is considered to be a "complex bridge", as described in the Georgia Department of Transportation Consultant Prequalification Manual, which includes the following:

(I) Bridges of spans longer than 300 feet

(II) Tunnels

(III) Cable-stayed bridges

(IV) Suspension bridges

(V) Movable bridges

(VI) Trusses with spans longer than 300 feet

(VII) Arch bridges

(VIII) Segmental bridges

(IX) Balance-cantilever bridges

(X) Other bridges requiring unique analytical methods or design features not commonly addressed in standards set forth by the American Association of State Highway and Transportation Officials.

3. Civil Engineering applicants who engage in the design of structural elements but will not perform Structural Engineering as defined in Paragraph (2), will be directed to take the eight-hour Civil Breadth and Structural Depth exam.

(c) Fundamentals of Land Surveying. Consists of an examination on the elementary disciplines of land surveying. Passing this examination qualifies the examinee for a land surveyor-in-training certificate provided he/she has met all other requirements for certification of this Chapter.

(d) Principles and Practice of Land Surveying and the Laws of Georgia. This examination tests the applicant's understanding of the theory and practice of land surveying. This examination may be taken after passage of the Fundamentals of Land Surveying Examination.

(e) Laws and History of Land Surveying in Georgia. This examination tests the applicant's knowledge and proficiency in the laws of Georgia which apply to land surveying as well as the history of the land division systems of Georgia.

(f) Hydrology. This examination is available to land surveyors who meet the requirements of O.C.G.A. 43-15-13.1 to become recognized as a Land Surveyor whose licensure is "Hydrology and Design Authorized". This examination tests the applicant's knowledge and proficiency in the engineering principles of hydrology, open channel flow, pressurized flows, sanitary sewer collection, and stormwater management.

(3) After administration of an examination, the contents of the examination will be treated as confidential and will not be disclosed, except in such circumstances and under such conditions as may be approved by the Board. No reuse, copying or reproduction in any manner of any portion of the examination materials is permitted without the Board's permission.

(4) The Board will not conduct with examinees reviews of any portion of any examination. Further, the Board will not permit an examination to be re-scored.

(5) In case of an applicant seeking registration by comity under O.C.G.A. 43-15-16, the Board shall review the prior experience of the applicant in determining which exam is required for licensure in Georgia.

Cite as Ga. Comp. R. & Regs. R. 180-2-.03

AUTHORITY: O.C.G.A. §§ 43-1-25**,** 43-15-4**,** 43-15-6**,** 43-15-8**,** 43-15-11**,** 43-15-12**,** 43-15-13**,** 43-15-15**.**

HISTORY: Original Rule entitled "Fees" adopted. F. and eff. June 30, 1965.

Amended: F. July 25, 1972; eff. August 14, 1972.

Amended: ER. 180-2-0.2-.03 entitled "Board Action on Applications" adopted. F. and eff. July 31, 1975.

Amended: Permanent Rule of same title adopted. F. Nov. 4, 1975; eff. Nov. 24, 1975.

Amended: F. Aug. 9, 1990; eff. Aug. 29, 1990.

Amended: F. Nov. 26, 2001; eff. Dec. 16, 2001.

Amended: F. Sept. 16, 2003; eff. Oct. 6, 2003.

Repealed: New Rule entitled "Examinations, General" adopted. F. Jan. 15, 2026; eff. Feb. 4, 2026.

Department 180. GEORGIA PROFESSIONAL ENGINEERS AND LAND SURVEYORS BOARD

Chapter 180-4. LAND SURVEYOR AND LAND SURVEYOR INTERN

180-4-.01 Education

(a) The Board's approval or disapproval of the applicant's education as required under O.C.G.A. § 43-15-13 will be made upon the applicant's submission of his/her application to the Board.

(b) Eighteen semester hours of land surveying course work must be earned at an accredited and recognized college or university acceptable to the board. The required eighteen hours shall not include necessary prerequisites that are required prior to said land surveying courses.

Cite as Ga. Comp. R. & Regs. R. 180-4-.01

AUTHORITY: O.C.G.A. §§ 43-1-25**,** 43-15-4**,** 43-15-6**,** 43-15-13**,** 43-15-15**.**

HISTORY: Original Rule was filed and effective June 30, 1965.

Amended: Original Rule entitled "Curricula Accepted by Board" repealed by Emergency Rule entitled "General." Filed and effective on July 31, 1975, for a period of 120 days or until a permanent Rule covering the same subject matter has been adopted superseding this Emergency Rule.

Amended: Permanent Rule adopted. Filed November 4, 1975; effective November 24, 1975.

Repealed: New Rule entitled "Education" adopted. F. Aug. 9, 1990; eff. Aug. 29, 1990.

Amended: F. Jan. 15, 2026; eff. Feb. 4, 2026.

180-4-.02 Experience

In evaluating experience offered by an applicant to qualify under O.C.G.A. § 43-15-13, the Board will consider the following factors:

(a) Prior Education. The applicant's prior education at the time the experience was acquired will be considered. Land surveying experience gained prior to completion of at least nine hours of the required eighteen semester hours of land surveying course work shall be credited to the applicant at a maximum rate of 50% credit, and at the discretion of the board.

(b) Kind of Experience.

1. The experience should involve the special knowledge of the mathematical and physical sciences including those of the land surveying profession. It should also involve the preparation and interpretation of maps, plats, and other related data, as used in the land surveying profession.

2. A maximum of one year of experience equivalent may be granted for successful completion of undergraduate or graduate studies in a curriculum of land surveying, geomatics, civil engineering, civil engineering technology, or law, provided that any such education record to be applied as experience equivalent is in addition to the education used to meet the education requirement for O.C.G.A. § 43-15-13.

(c) Quality of Experience.

1. The quality of experience should demonstrate that the applicant has developed technical skills and initiative in the correct application of land surveying. The experience should also demonstrate sound judgment in the application of principles and in review of such applications of principles by others. It should also indicate the capacity to assume responsibility for work of a highly technical character.

2. Experience credit will not be granted if the experience is determined by the Board to be the unlicensed practice of land surveying.

3. For experience evaluated in regard to O.C.G.A. § 43-15-13,"responsible charge" shall consist of working independently in a leadership and/or decision-making role where the applicant is directly responsible for progress of land surveying projects, provided however that all such experience shall be under the direct supervisory control on a daily basis by a professional land surveyor as required by O.C.G.A. § 43-15-22. Work in responsible charge reflects the applicant's ability to take land surveying projects from beginning to finished product and shall demonstrate the ability to competently complete all research prior to field work, competently perform a compliant field traverse that adequately identifies all applicable field evidence and elements of possession, properly analyze all field work through thorough calculations and evaluation, and prepare maps and plats that adequately depict all required elements of such maps and plats. A minimum of twenty-four months of the required experience shall be in the form of an apprenticeship. Said apprenticeship shall consist of work experience in responsible charge of land surveying projects under the direct supervision and tutelage of a professional land surveyor and will not be recognized as beginning until at least nine of the eighteen required semester hours of land surveying course work have been successfully completed. The board shall provide an endorsement form specifically for the supervising professional land surveyor regarding the apprenticeship of the applicant. The apprenticeship shall be strictly full-time work experience. The supervising professional land surveyor shall agree to focusing on the applicant's proficiency in a minimum of 3 prescribed skill sets and evaluate the applicant on such proficiency at the conclusion of the apprenticeship. The prescribed skill sets shall be boundary surveying, topographic surveying, and a third skill set to be chosen from GPS/GNSS surveying, Geographic Information Systems, construction layout, or photogrammetry (which may include LIDAR collection and laser scanning) or other skill sets acceptable to the Board. The supervising professional land surveyor must attest that in his or her opinion the applicant is competent to practice land surveying in the state of Georgia.

(d) Scope. The experience should demonstrate sufficient breadth and scope within the basic land surveying field rather than highly specialized technical skill in a very narrow and limited branch of that field.

(e) Progression. The record of work experience should indicate successive and continued progress from initial work of simple character to recent work of greater complexity, difficulty, and responsibility.

(f) Capacity and Viewpoint. The record of experience should indicate that the applicant has attained those attributes of clear thinking and keen analysis essential to competence.

Cite as Ga. Comp. R. & Regs. R. 180-4-.02

AUTHORITY: O.C.G.A. §§ 43-1-25**,** 43-15-4**,** 43-15-6**,** 43-15-13**,** 43-15-15**.**

HISTORY: Original Rule was filed and effective on June 30, 1965.

Amended: Original Rule entitled "Acceptance by Advanced Degree" repealed by Emergency Rule entitled "Education." Filed and effective on July 31, 1975, for a period of 120 days or until a permanent Rule covering the same subject matter has been adopted superseding this Emergency Rule.

Amended: Permanent Rule adopted. Filed November 4, 1975; effective November 24, 1975.

Repealed: New Rule entitled "Experience" adopted. F. Aug. 9, 1990; eff. Aug. 29, 1990.

Repealed: New Rule of the same title adopted. F. Apr. 4, 2011; eff. Apr. 24, 2011.

Amended: F. Jan. 15, 2026; eff. Feb. 4, 2026.

Department 180. GEORGIA PROFESSIONAL ENGINEERS AND LAND SURVEYORS BOARD

Chapter 180-6. RULES OF PROFESSIONAL CONDUCT

180-6-.03 Rules of Practice

(1) The engineer or land surveyor shall perform services only in areas of his/her competence. The engineer or land surveyor shall undertake to perform engineering or land surveying assignments only when qualified by education or experience in the specific technical field of professional engineering or land surveying involved.

(2) The engineer or land surveyor may accept an assignment requiring education or experience outside of his/her own field of competence, but only to the extent that his/her services are restricted to those phases of the project in which he/she is qualified. All other phases of such project shall be performed by qualified associates, consultants or employees who shall sign, seal, and be responsible for such other phases or technical segments of the project.

(3) The professional engineer who develops the design criteria and engineering concept for a project, provides analysis, and is responsible for the preparation of the construction documents shall be responsible for the design of the project within his/her contractual area of engineering services and shall be known as the engineer of record.

(4) In the event that a professional engineer who is not the engineer of record is used for specific portions of the work, that individual shall be a registered engineer in the State of Georgia and shall seal, sign, and date his/her own reports, calculations, and drawings. He/she shall coordinate his/her work with the engineer of record and shall be responsible to the engineer of record for that specific portion of the project design. He/she shall be known as the specialty engineer.

(5) The engineer or land surveyor shall not affix his/her signature and/or seal to any engineering or land surveying plan, document, or plat unless such plan, document, or plat is prepared by the registrant or an individual in the employ of the registrant. All plans, documents, and plats prepared by non-registrants must be prepared under the direct supervisory control of the registrant on a daily basis.

(6) The term "Direct supervisory control" as referenced in O.C.G.A. § 43-15, as related to engineering shall require the certifying registrant to provide guidance and direction to personnel in the preparation of engineering plans, documents, or drawings in each phase of the preparation of the calculations, drawings, specifications, reports, and all other work products completed by said personnel. "Personnel" shall be defined as any registrant or non-registrant employee or contract registrant or non-registrant (whether full-time or part-time) or sub-consultant to the certifying registrant who are members of the team producing work product to be certified by the certifying registrant. The term "Direct supervisory control" referenced in O.C.G.A. § 43-15, as related to land surveying, shall require the certifying land surveying registrant to provide daily guidance and direction to personnel in the performance and calculations related to field work and the preparation of land surveying drawings and other related documents. Land surveying personnel must be employed and managed directly by a registrant or firm licensed to practice land surveying in Georgia. Direct supervisory control may be typically established at a location (address) where both the certifying registrant and personnel are employed and there is a direct connection between the certifying registrant and the personnel. If the certifying registrant and the personnel are not located at the same location, then the certifying registrant must be able to demonstrate how direct supervisory control is maintained over the personnel and how the certifying registrant and the personnel maintain a direct connection for the direct supervisory control of the engineering or surveying work as indicated above, if requested by the Board. Satisfactory proof of direct supervisory control from the certifying registrant over the personnel includes, but is not limited to, written guidance or directions to the personnel; written records of ongoing communication during the project; and work product mark-ups by the certifying registrant to the personnel. The Board shall determine if such direct supervisory control provided by the certifying registrant is acceptable to the Board.

(7) In the event a question arises as to the competence of an engineer or land surveyor to perform an assignment, the Board may require him/her to submit to an appropriate examination, as determined by the Board. That action by the Board shall be required only if the question cannot be otherwise resolved to the Board's satisfaction.

(8) Renovation or the retrofitting of a building or structure is considered as the practice of engineering when the work involves the addition or reduction of weight or loading; analysis of structural systems or members; removal or addition of structural elements; analysis of drainage systems on or below the roof surface; changes to the drainage characteristics; or changes required for the building or structure to conform to current jurisdictional building codes. Nothing in this rule is intended to restrict the normal practice by registered architects. Nothing in this rule is intended to restrict the normal practice of roofing contractors insofar as repairing or the replacement of like kind of roofing systems so long as no additional weight is added.

Cite as Ga. Comp. R. & Regs. R. 180-6-.03

AUTHORITY: O.C.G.A. §§ 43-1-25**,** 43-15-4**,** 43-15-6**, and** 43-15-22**.**

HISTORY: Original Rule entitled "Rules of Practice" was filed and effective as Emergency Rule on July 31, 1975, to remain in effect for a period of 120 days or until a permanent Rule covering the same subject matter has been adopted superseding this Emergency Rule.

Amended: Permanent Rule adopted. Filed November 4, 1975; effective November 24, 1975.

Amended: F. Aug. 9, 1990; eff. Aug. 29, 1990.

Repealed: New Rule of same title adopted. F. Feb. 25, 1993; eff. Mar. 17, 1993.

Repealed: New Rule of same title adopted. F. Jan. 17, 1996; eff. Feb. 6, 1997.

Amended: F. Nov. 13, 1997; eff. Dec. 3, 1997.

Amended: F. May 30, 2017; eff. June 19, 2017.

Amended: F. Jan. 12, 2026; eff. Feb. 1, 2026.

Department 180. GEORGIA PROFESSIONAL ENGINEERS AND LAND SURVEYORS BOARD

Chapter 180-11. CONTINUING PROFESSIONAL COMPETENCY

180-11-.06 Recordkeeping

To ensure compliance with continuing education requirements, the Board shall randomly audit a number of registrants. Registrants licensed by way of examination or comity, shall be exempt from continuing education requirements for their first renewal period. A registrant found not to have satisfied continuing education requirements shall, after notice and hearing, be subject to an initial $500.00 fine. Furthermore, a registrant found not to have remedied continuing education deficiencies six (6) months after such fine shall, after notice and hearing, be subject to, at the discretion of the Board, suspension of the registrant's license until such time as the registrant satisfies the Board that registrant has become compliant with continuing education requirements. Maintaining records to be used to support PDH's claimed is the responsibility of the registrant. Records required include:

(a) A log showing the type of activity, sponsoring organization, location, duration, instructor's, or speaker's name, and PDH's earned.

(b) Attendance verification records in the form of completion certificates; or other documents supporting evidence of attendance; or records as maintained by professional organizations; or other similar repositories designated by the Board.

(c) The log and records described in Rule 180-11-.06(a) and (b) must be maintained for a period of four (4) years and copies may be requested by the Board for audit verification purposes.

Cite as Ga. Comp. R. & Regs. R. 180-11-.06

AUTHORITY: O.C.G.A. §§ 43-1-25**,** 43-15-4**,** 43-15-6**,** 43-15-19**.**

HISTORY: Original Rule entitled "Recordkeeping" adopted. F. Jul. 8, 1996; eff. July 28, 1996.

Amended: F. Jan. 15, 2026; eff. Feb. 4, 2026.

Department 375. RULES OF DEPARTMENT OF DRIVER SERVICES

Chapter 375-3. DRIVER LICENSE SERVICES

Subject 375-3-1. GENERAL PROVISIONS

375-3-1-.07 Knowledge Tests

(a) Applicants for all classes of licenses and non-commercial instruction permits must receive a grade of at least 75 points out of a possible 100 on the appropriate test examining their understanding of official traffic control devices, knowledge of safe driving practices and the traffic laws of Georgia. The applicant will be considered to have failed the examination for cheating on any portion of the tests.

(b) For motorcycle permits (MP), the knowledge test score shall be valid for one (1) calendar year.

(c) The MP is valid for six (6) months from the date of issuance and is limited to one renewal.

Cite as Ga. Comp. R. & Regs. R. 375-3-1-.07

AUTHORITY: O.C.G.A. §§ 40-5-4**,** 40-5-24(c)**.**

HISTORY: Original Rule entitled "Knowledge Texts" adopted. F. Apr. 18, 2006; eff. May 8, 2006.

Amended: F. Jan. 28, 2026; eff. Feb. 17, 2026.

Department 375. RULES OF DEPARTMENT OF DRIVER SERVICES

Chapter 375-5. DRIVER TRAINING AND DRIVER IMPROVEMENT

Subject 375-5-1. DRIVER IMPROVEMENT

375-5-1-.02 Definitions

(1) The following words and phrases, whenever used in this Chapter, shall have the meaning as in this section ascribed to them unless where used in the context thereof shall clearly indicate to the contrary or unless otherwise defined in the section of which they are part.

Applicant - Any person who has submitted an application to become a certified Driver Improvement Clinic owner or instructor.

Cancellation - The annulment or termination of a certification by formal action of the Department because of some error or defect in the certification, or because the certificate holder was not entitled to such certification. The cancellation of a certification is without prejudice, and an application for a new certification may be made at any time after such cancellation.

Certification - Written authorization from the Department to any owner or instructor at a Driver Improvement Clinic, which allows the holder to operate a clinic, or to provide instruction.

Clinic Location - Any certified location where a student receives Driver Improvement Clinic services in person.

Clinic Requirements - Any provision of state or federal law, rule, regulation, or operations guidelines of the Department; or administrative or judicial order that applies to Clinics or Instructors.

Department - The Department of Driver Services.

Instructor - Any individual who is certified by the Department to give instruction for the purpose of meeting the requirements of "The Georgia Driver Improvement Act".

Fine - A monetary punishment of up to $1,000 for each violation of the Rules and Regulations.

Online Platform - A digital service that facilitates interactions between instructors and students via the internet.

Owner - Any person who has a controlling interest and/or legal responsibility in a Driver Improvement Clinic.

Person - Any individual, agent, representative, governing or operating authority, board, organization, partnership, agency, association, corporation, or other entity, whether public or private.

Policies and Procedures - The directions, forms, and instructions established by the Department to implement these rules and regulations.

Remote Classroom - A certified program's online classroom where synchronous instruction is provided by an instructor certified by the Department.

Revocation - The permanent termination of certification by formal action of the Department.

Satellite Location - a certified program location that is separate from the main program location.

Student - Any person who has signed a Driver Improvement contract and takes the prescribed course.

Suspension - The temporary withdrawal of certification by formal action of the Department for a specific period of time.

Synchronous Instruction - Instructors and students interact using a specific online platform at a specific time.

Cite as Ga. Comp. R. & Regs. R. 375-5-1-.02

AUTHORITY: L. 1973, Act 1495, (Ga. Code Title 68D); O.C.G.A. §§ 33-9-42**,** 40-5-83**,** 40-5-88.

HISTORY: Original Rule entitled "Definitions" adopted. F. June 10, 2002; eff. June 30, 2002.

Amended: F. Feb. 20, 2003; eff. Mar. 12, 2003.

Amended: F. July 19, 2016; eff. August 8, 2016.

Amended: F. Jan. 28, 2026; eff. Feb. 17, 2026.

375-5-1-.03 Exclusions

(1) No employee of the Department, or any immediate family member to include but not limited to a spouse, child, stepchild, parent, or stepparent of such employee, shall be an owner, operator, instructor, or employee of a Clinic.

(2) No judge, public or private probation officer, public or private probation employee or agent, bail bondsman, employee or agent of a bonding company, law enforcement or peace officer, employee of a court in this or any or any other state, or any immediate family member to include but not limited to a spouse, child, stepchild, or parent of such employee thereof, shall be an owner, operator, instructor or employee.

(3) No Person shall be certified by the Department if his or her Certification as a Clinic Owner, or Instructor could pose an actual, potential, or implied conflict of interest due to the existence of any relationship that would place such Person in a position to exert undue influence on, exploit, take undue advantage of, or breach the confidentiality of any Student or potential student.

(4) No Person who is neither a United States citizen nor a non-citizen who is lawfully present in the United States shall be certified by the Department as a Clinic Owner or Instructor.

(5) Any Clinic Owner or Instructor shall notify the Department if he or she has a change in his or her immigration status that creates an exclusion, as defined in this chapter, within five (5) business days immediately following such event. The Department may suspend, revoke, or cancel any Clinic Owner or Instructor Certification upon receipt of such notice.

(6) Any Clinic Owner or Instructor shall notify the Department if he or she, or his or her spouse, dependent child, or dependent stepchild has a change in employment status that creates an exclusion, as defined in this chapter, within five (5) business days immediately following such event. The Department may suspend, revoke, or cancel any Clinic Owner or Instructor Certification upon receipt of any such notice.

Cite as Ga. Comp. R. & Regs. R. 375-5-1-.03

AUTHORITY: O.C.G.A. §§ 40-5-80**,** 40-5-81**,** 40-5-82**,** 40-5-83**.**

HISTORY: Original Rule entitled "Department of Motor Vehicle Safety Employees and Other Members and/or Employees of the Criminal Justice System" adopted. F. June 10, 2002; eff. June 30, 2002.

Amended: New title "Department of Driver Services Employees and Other Members and/or Employees of the Criminal Justice System." F. July 19, 2016; eff. August 8, 2016.

Amended: New title "Exclusions." F. Jan. 28, 2026; eff. Feb. 17, 2026.

Department 505. PROFESSIONAL STANDARDS COMMISSION

Chapter 505-2. CERTIFICATION

Rule 505-2-.183. Work-based Learning Endorsement

(1) Eligibility Requirements.

(a) To be eligible for the Professional or Five-Year Induction Work-Based Learning Endorsement, an individual must hold a level four (4) or higher renewable Professional or Five-Year Induction certificate in any teaching field and complete other requirements outlined in GaPSC Rule 505-2-.14 ENDORSEMENTS.

(b) To be eligible for the Three-Year Non-Renewable or Three-Year Induction Work-Based Learning Endorsement, an individual must hold a level four (4) or higher Professional or Five-year Induction certificate in any teaching field and have the certificate requested by the employing Georgia local unit of administration (LUA) following procedures outlined in GaPSC Rule 505-2-.27 CERTIFICATION APPLICATION, MyPSC AND TEST ELIGIBILITY PROCEDURES.

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

(a) An individual with the Work-Based Learning Endorsement is in-field to coordinate those programs in grades 6-12.

(b) Each state-approved curriculum course, with specified certificate fields that are designated as in-field, may be found under Certification/Curriculum Assignment Policies (CAPS) on the GaPSC website at www.gapsc.com.

AUTHORITY: O.C.G.A. § 20-2-200.

HISTORY: Original Rule entitled "Work-Based Learning Endorsement" adopted. F. Jun. 11, 2014; eff. July 1, 2014, as specified by the Agency.

Amended: F. Dec. 11, 2025; eff. Jan. 1, 2026, as specified by the Agency.

Department 511. RULES OF GEORGIA DEPARTMENT OF PUBLIC HEALTH

Chapter 511-6. FOOD AND LODGING ESTABLISHMENTS

Subject 511-6-1. FOOD SERVICE

511-6-1-.01 Definitions

(1) **"Accredited program"** means a food protection manager certification program that has been evaluated and listed by an accrediting agency as conforming to national standards for organizations that certify individuals. It refers to the certification process and is a designation based upon an independent evaluation of factors such as the sponsor's mission; organizational structure; staff resources; revenue sources; policies; public information regarding program scope, eligibility requirements, re-certification, discipline and grievance procedures; test development and administration. Accredited programs does not refer to training functions or educational programs.

(2) **"Adulterated"** has the meaning stated in the Federal Food, Drug, and Cosmetic Act, § 402.

(3) **"Approved"** means acceptable to the Health Authority based on a determination of conformity with principles, practices, and generally recognized standards that protect public health.

(4) **"Asymptomatic"** means without obvious symptoms, not showing or producing indications of a disease or other medical condition, such as an individual infected with a pathogen but not exhibiting or producing any signs or symptoms of vomiting, diarrhea, or jaundice. It includes not showing symptoms because symptoms have resolved or subsided, or because symptoms never manifested.

(5) **"Authorization to operate"** means approval from a county board of health to operate within its jurisdiction for a mobile food service establishment that is permitted in another county that is referred to as the county of origin.

(6) **"a_w"** means water activity which is a measure of the free moisture in a food, is the quotient of the water vapor pressure of the substance divided by the vapor pressure of pure water at the same temperature and is indicated by the symbol a_w.

(7) **"Balut"** means an embryo inside a fertile egg that has been incubated for a period sufficient for the embryo to reach a specific stage of development after which it is removed from incubation before hatching.

(8) **"Base of operation"** means a fixed location with a food service permit from which a mobile food service unit, extended food service unit, "pop-up" food service operation, or catering food service establishment operates. Mobile food service units operating in conjunction with a restaurant shall obtain a separate base of operation permit in addition to the restaurant's fixed food service permit. A restaurant's fixed food service permit shall not serve as the base of operation permit for the mobile food service unit.

(9) **"Beverage"** means a liquid for drinking, including water.

(10) **"Bottled drinking water"** means water that is sealed in bottles, packages, or other containers and offered for sale for human consumption, including bottled mineral water.

(11) **"Casing"** means a tubular container for sausage products made of either natural or artificial (synthetic) material.

(12) **"Catering operation"** means the provision of a specific menu and quantity of food for service to a consumer, pursuant to a contract, at a site such as a consumer's home, motion picture filming location, or other event site. Food

served during a catering operation may be prepared all or in part at the base of operation and transported to the service site, or it may be prepared and served at the service site.

(13) **"Catering food service establishment"** means a permitted food service establishment that has been approved by the Health Authority to perform catering operations. A catering food service establishment shall operate from a base of operation within the State of Georgia, and its permit shall be issued by the Health Authority in the county in which its base of operation is located. A catering food service establishment may include one or more mobile catering units and other components which allow for the preparation and service of food at the service site; however, the term shall not include operations such as temporary food service establishments or extended food service establishments, and shall not include delivery of food (for example, pizza) by a food service establishment to a consumer.

(14) **"Certification"** means a document certifying that an individual has completed an approved food safety training program and has passed a professionally validated food safety examination.

(15) **"Certification number"** means the unique identification number issued by the Shellfish Control Authority to each dealer for each location. Each certification number shall consist to a one-to-five digit Arabic number preceded by the two letter State abbreviation and followed by a two-letter abbreviation for the type of activity or activities the dealer is qualified to perform in accordance with this provision of the National Shellfish Sanitation Program using the terms in the following tables:

Table A. Certifications

Acronym	Term
SP	Shucker Packer
RP	Repacker
SS	Shellstock Shipper
RS	Reshipper
DP	Depuration

Table B. Permits

Acronym	Term
PHP	Post-Harvest Processing
AQ	Aquaculture
WS	Wet Storage

(16) **"Certified Food Safety Manager (CFSM)"** means the owner or manager of a food service establishment who has successfully completed a food safety training program approved by the Department and passed a professionally validated CFSM examination that is accredited by the Conference for Food Protection or other accrediting agency as conforming to national standards for organizations that certify individuals.

(17) **"CFR"** means Code of Federal Regulations.

(18) **"CIP"** means cleaned in place by the circulation or flowing by mechanical means through a piping system of a detergent solution, water rinse, and sanitizing solution onto or over equipment surfaces that require cleaning, such as the method used, in part, to clean and sanitize a frozen dessert machine. It does not include the cleaning of equipment such as band saws, slicers, or mixers that are subjected to in-place manual cleaning without the use of a CIP system.

(19) **"Color additive"** has the meaning stated in the Federal Food, Drug, and Cosmetic Act, § 201(t) and 21 CFR 70.3(f).

(20) **"Commercially Processed"** means making food from one or more ingredients for the purpose of manufacturing, packaging, labeling or storing that food for human consumption to subsequently provide that food for sale or distribution to other business entities.

(21) **"Commingle"** means the act of combining different lots of molluscan shellfish.

(22) **"Comminuted"** means reduced in size by methods including chopping, flaking, grinding, or mincing. It includes fish or meat products that are reduced in size and restructured or reformulated such as gefilte fish, gyros, ground beef, and sausage and a mixture of two or more types of meat that have been reduced in size and combined, such as sausages made from two or more meats.

(23) **"Conditional employee"** means a potential food employee to whom a job offer is made, conditional on responses to subsequent medical questions or examinations designed to identify potential food employees who may be suffering from a disease that can be transmitted through food and done in compliance with Title 1 of the Americans with Disabilities Act of 1990.

(24) **"Confirmed disease outbreak"** means a foodborne disease outbreak in which laboratory analysis of appropriate specimens identifies a causative agent and epidemiological analysis implicates the food as the source of the illness.

(25) **"Consumer"** means a person who is a member of the general public, takes possession of food, is not functioning in the capacity of an operator of a food service establishment or food processing plant and does not offer the food for resale.

(26) **"Core item"** means a provision in this Chapter that is not designated as a priority item or a priority foundation item. It includes an item that usually relates to general sanitation, operational controls, sanitation standard operating procedures (SSOPs), facilities or structures, equipment design, or general maintenance.

(27) **"Corrosion-resistant material"** means a material that maintains acceptable surface cleanability characteristics under prolonged influence of the food to be contacted, the normal use of cleaning compounds and sanitizing solutions, and other conditions of the use environment.

(28) **"Counter-mounted equipment"** means equipment that is not portable and is designed to be mounted off the floor on a table, counter, or shelf.

(29) **"County Board of Health"** means a Board of Health established pursuant to O.C.G.A. § 31-3-1.

(30) **"County of origin"** means the permitting county for a mobile food service establishment. This is the same county where a mobile food service unit's base of operation is located.

(31) **"Critical control point"** means a point or procedure in a specific food system where loss of control may result in an unacceptable health risk.

(32) **"Critical item"** means a provision of this Chapter, that if in noncompliance, is more likely than other violations to contribute to food contamination, illness, or environmental health hazard and may create an imminent health hazard.

(33) **"Critical limit"** means the maximum or minimum value to which a physical, biological, or chemical parameter must be controlled at a critical control point to minimize the risk that the identified food safety hazard may occur.

(34) **"Cut leafy greens"** means fresh leafy greens whose leaves have been cut, shredded, sliced, chopped, or torn. The term "leafy greens" includes iceberg lettuce, romaine lettuce, leaf lettuce, butter lettuce, baby leaf lettuce (i.e., immature lettuce or leafy greens), escarole, endive, spring mix, spinach, cabbage, kale, arugula and chard. The term "leafy greens" does not include herbs such as cilantro or parsley.

(35) **"Dealer"** means a person who is authorized by a shellfish control authority for the activities of shellstock shipper, shucker-packer, repacker, reshipper, or depuration processor of molluscan shellfish according to the provisions of the National Shellfish Sanitation Program.

(36) **"Department"** means the Georgia Department of Public Health.

(37) **"Disclosure"** means a written statement that clearly identifies the animal-derived foods which are, or can be ordered, raw, undercooked, or without otherwise being processed to eliminate pathogens, or items that contain an ingredient that is raw, undercooked, or without otherwise being processed to eliminate pathogens.

(38) **"District standard trainer"** means an Environmental Health Specialist (EHS) appointed by a District Environmental Health Director to train and standardize other EHS in conducting risk based inspections of food service establishments and to monitor their inspection activities as well. In addition, these individuals must successfully complete a standardization exercise and receive standardization certification from the State Environmental Health Section.

(39) **"Drinking water"** means water that meets criteria as specified in 40 CFR 141 - National Primary Drinking Water Regulations, is traditionally known as "potable water", and includes the term "water" except where the term used connotes that the water is not potable, such as "boiler water," "mop water," "rainwater," "wastewater," and "nondrinking" water.

(40) **"Dry storage area"** means a room or area designated for the storage of packaged or containerized bulk food that is not time/temperature control for safety food and dry goods such as single-service items.

(41) **"Easily cleanable"** means a characteristic of a surface that allows effective removal of soil by normal cleaning methods; is dependent on the material, design, construction, and installation of the surface; and varies with the likelihood of the surface's role in introducing pathogenic or toxigenic agents or other contaminants into food based on the surface's approved placement, purpose, and use. The application of this general criterion will depend on the purpose of the surface (e.g., food preparation counter, floor, consumer table, etc.).

(42) **"Easily movable"** means portable, mounted on casters, gliders, or rollers, or provided with a mechanical means to safely tilt a unit of equipment for cleaning. It also means having no utility connection, a utility connection that disconnects quickly, or a flexible utility connection line of sufficient length to allow the equipment to be moved for cleaning of the equipment and adjacent area.

(43) **"Egg"** means the shell egg of avian species such as a chicken, duck, goose, guinea, quail, ratites or turkey and does not include a balut, or the egg of reptile species such as alligator, or an egg product.

(44) **"Egg product"** means all, or a portion of, the contents found inside eggs separated from the shell and pasteurized in a food processing plant, with or without added ingredients, intended for human consumption, such as dried, frozen or liquid eggs. It does not include food which contains eggs only in a relatively small proportion such as cake mixes.

(45) **"Emergency operations plan"** is a detailed operations plan outlining how a food service establishment may continue operations in the event an imminent health hazard exists because of an emergency such as a fire, flood, interruption of electrical or water service for two or more hours, sewage malfunction, misuse of poisonous or toxic materials, onset of apparent foodborne illness outbreak, gross unsanitary occurrence or condition, or other circumstances that may endanger public health. The operation plan should demonstrate and outline procedures and actions of how food service management, such as the food service permit holder, person in charge, and food service staff will ensure food can continue to be prepared and served safely without comprising the public's health. The plan should demonstrate how the facility can provide potable water, temperature control, cleaning and sanitizing, and general sanitization when resources may not be available during the event.

(46) **"Employee"** means the permit holder, person in charge, food employee, person having supervisory or management duties, person on the payroll, family member, volunteer, person performing work under contractual agreement, or other person working in a food service establishment.

(47) **"Enough"** means occurring in such quantity and quality or scope as to fully satisfy demand or need.

(48) **"EPA"** means the U.S. Environmental Protection Agency.

(49) **"Equipment"** means an article that is used in the operation of a food service establishment such as a freezer, grinder, hood, ice maker, meat block, mixer, oven, reach-in refrigerator, scale, sink, slicer, stove, table, temperature measuring device for ambient air, warewashing machine, or other similar devices. It does not include apparatuses used for handling or storing large quantities of packaged foods that are received from a supplier in a cased or overwrapped lot, such as hand trucks, forklifts, dollies, pallets, racks, and skids.

(50) **"Exclude"** means to prevent a person from working as an employee in a food service establishment or entering a food service establishment as an employee.

(51) **"Extended food service unit"** means a stationary trailer, kiosk or similar unit operating as an extension of and under the managerial authority of a permitted food service establishment located on the same property.

(52) **"Extensively remodeled"** means any changes involving structure or location of walls, openings, floors or counters, or modification of plumbing, mechanical or electrical components other than fixtures or in the equipment's layout, arrangement and installation of a food service establishment that the resulting construction, layout, and equipment and installation significantly differs from what was originally approved by the Health Authority at the time of the Health Authority's issuance of a permit. It does not include minor cosmetic changes such as painting, moving equipment for detailed cleaning, detailed cleaning of physical facilities, replacing carpeting in the dining area, or repairing damage to walls, floors, and ceilings.

(53) **"Facilitator"** means a third-party entity which manages "pop-up" food service operations through permitted food service establishments at an approved location within a building or enclosed courtyard.

(54) **"FDA"** means the U.S. Food and Drug Administration.

(55) **"Fish"** means fresh or saltwater finfish, crustaceans and other forms of aquatic life (including alligator, frog, aquatic turtle, jellyfish, sea cucumber, and sea urchin and the roe of such animals) other than birds or mammals, and all mollusks, if such animal life is intended for human consumption. It includes an edible human food product derived in whole or in part from fish, including fish that have been processed in any manner.

(56) **"Fixed food service establishment"** means a permitted food service establishment that is not mobile.

(57) **"Follow-up inspection"** means a complete inspection of a food service establishment by the Health Authority to determine compliance with this Chapter and its enforcement purposes in response to findings of the previous routine inspection.

(58) **"Food"** means a raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption, or chewing gum.

(59) **"Food additive"** has the meaning stated in the Federal Food, Drug, and Cosmetic Act § 201(s) and 21 CFR 170.3(e)(1).

(60) **"Foodborne disease outbreak"** means the occurrence of two or more cases of a similar illness resulting from the ingestion of a common food.

(61) **"Food-contact surface"** means a surface of equipment or a utensil with which food normally comes into contact or a surface of equipment or a utensil from which food may drain, drip, or splash into a food or onto a surface normally in contact with food.

(62) **"Food employee"** means an individual working with unpackaged food, food equipment or utensils, or food-contact surfaces.

(63) **"Food processing plant"** means a commercial operation that manufactures, packages, labels, or stores food for human consumption, and provides food for sale or distribution to other business entities such as food processing plants or food service establishments. A food processing plant does not include a food service establishment.

(64) **"Food service establishment"** means public or private establishments which prepare and serve meals, lunches, short orders, sandwiches, frozen desserts, or other edible products directly to the consumer either for carry out or service within the establishment. Such term includes restaurants; coffee shops; cafeterias; short order cafes; luncheonettes; taverns; lunchrooms; places which retail sandwiches or salads; soda fountains; mobile food service establishments; industrial cafeterias; catering establishments; and similar facilities by whatever name called. Within

a food service establishment, there may be a food sales component, not separately operated. This food sales component shall be considered as part of the food service establishment. Such term shall not include the following:

(a) A "food sales establishment" as defined in the O.C.G.A. Section 26-2-21 and subject to regulation by the Georgia Commissioner of Agriculture, except as otherwise in this paragraph.

(b) The food service component of any food sales establishment defined in O.C.G.A. Section 26-2-21;

(c) Any outdoor recreation activity sponsored by the state, a county, a municipality, or any department or entity thereof, any outdoor or indoor (other than school cafeteria food service) public school function, or any outdoor private school function;

(d) Any organization which is operating on its own property or on the property of a party that has provided written consent for the use of such property for such purpose and which is exempt from taxes under O.C.G.A. Section 48-7-25(a)(1) or under Section 501(d) or paragraphs (1) through (8) or paragraph (10) of Section 501 (c) of the Internal Revenue Code for the purpose of operating a house or other residential structures where seriously ill or injured children and their families are provided temporary accommodations in proximity to their treatment hospitals and where food is prepared, served, transported, or stored by volunteer personnel;

(e) Establishments for the preparation and serving of meals, lunches, short orders, sandwiches, frozen desserts, or other edible products if such preparation or serving is an authorized part of and occurs upon the site of an event which:

1. Is sponsored by a political subdivision of this state;

2. Is held on the property of such sponsor or on the property of a party that has provided written consent for use of such property for such event; and

3. Lasts 120 hours or less; or

(f) Nonprofit food sales and food service provided under a permit issued pursuant to O.C.G.A 26-2-391.

(g) **"Cottage food operator"** or **"cottage food production operation"** as defined in O.C.G.A. § 26-2-470 and governed by Article 19 of Chapter 2 of Title 26.

(65) **"Food service manager"** means any person who supervises or trains a food service worker to follow all food safety regulations. The manager shall be an employee of the permitted food service establishment.

(66) **"Food vending location"** means a fixed property location where a mobile food service unit or extended food service unit parks to offer its food products to its consumer or a route along a street that a mobile food service unit travels and periodically stops, at predetermined dates and times, to offer its food products to its consumers. The established boundaries of a City, County, the State of Georgia, or any combination thereof, shall not be used to define a food vending location.

(67) **"Game animal"** means an animal, the products of which are food, that is not classified as livestock, sheep, swine, goat, horse, mule, or other equine in 9 CFR 301.2 - Definitions, or as poultry, or fish. It includes mammals such as reindeer, elk, deer, antelope, water buffalo, bison, rabbit, squirrel, opossum, raccoon, nutria, or muskrat, and nonaquatic reptiles such as land snakes, but does not include ratites.

(68) **"General public"** means all individuals who have access to facilities that prepare and serve or sell food, including but not limited to, beneficiaries of governmental or private charitable feeding programs such as soup kitchens; and residents and employees of institutions that provide meals to their residents or employees either with or without direct payment to the institution by the residents or employees such as nursing homes, personal care homes with 25 or more beds, and residential childcare institutions with 13 or more children. It does not include:

(a) Residents of private homes or home environments where residents take part in preparing and serving their own meals;

(b) Guests in private homes; or

(c) Participants in a pot-luck dinner, covered dish supper, or similar event in which the food is prepared or contributed by the participants.

(69) **"General use pesticide"** means a pesticide that is not classified by EPA for restricted use as specified in 40 CFR 152.175 - Pesticides Classified for Restricted Use.

(70) **"Grade A standards"** means the requirements of the United States Public Health Service/FDA "Grade A Pasteurized Milk Ordinance" with which governs certain fluid and dry milk and milk products.

(71) **"HACCP plan"** means a written document that specifies the formal procedures for following the Hazard Analysis Critical Control Point principles developed by The National Advisory Committee on Microbiological Criteria for Foods.

(72) **"Handwashing sink"** means a lavatory, a basin or vessel for washing, a wash basin, or a plumbing fixture especially placed for use in personal hygiene and designed for the washing of the hands and it includes an automatic handwashing facility.

(73) **"Hazard"** means a biological, chemical, or physical property that may cause an unacceptable consumer health risk.

(74) **"Health Authority"** means the Department, or a County Board of Health acting as its agent.

(75) **"Health practitioner"** means a physician licensed to practice medicine, or if allowed by law, a nurse practitioner, physician assistant, or similar medical professional.

(76) **"Hermetically sealed container"** means a container that is designed and intended to be secure against the entry of microorganisms and, in the case of low acid canned foods, to maintain the commercial sterility of its contents after processing.

(77) **"Highly susceptible population"** means persons who are more likely than other people in the general population to experience foodborne disease because they are immunocompromised, preschool age children, or older adults and obtaining food at a facility that provides services such as custodial care, health care, or assisted living, such as a child or adult day care center, kidney dialysis center, hospital or nursing home, or nutritional or socialization services such as a senior center.

(78) **"Imminent health hazard"** means a product, practice, circumstance, or event that may pose a significant risk of injury or illness to food service employees or to members of the public if not promptly corrected or halted.

(79) **"Incubator food service establishment"** means a food service establishment properly sized, designed, equipped, and managed to foster other food industry entrepreneurs, such as caterers, by covering the capital startup-cost through the provision of a commercial food service kitchen. These commercial food service kitchen facilities are rented to incubatees/members on a separation of time and space basis. The incubator food service establishment, also known as a kitchen incubator or shared kitchen, enables a food service operation to develop to the stage where it may invest in its own commercial food service establishment equipment and facilities. At the time of adoption of this Chapter, there are two basic types of incubator food service establishments:

(a) **Business Model A**. A single food service establishment operation that has a single permit holder and incubatees/members are considered to be contractual employees of the permit holder that utilize the food service establishment. In this business model, the layout is an open kitchen in which the incubatees/members operate on a separation of time and space basis.

(b) **Business Model B**. A business relationship in which incubates/members operate within build-out-units and are considered to be contractual employees of a permit holder on a separation of time and space basis. In this business model, the incubator food service establishment must qualify for a permit and would be responsible for the overall facility and each incubatee/member must obtain a permit to operate within the build out units on a separation of time and space basis.

(80) **"Incubatee/Member"** means a food industry entrepreneur who is operating under the authority and active managerial control of a permit holder of an incubator food service establishment on a separation of time and space basis.

(81) **"Initial inspection"** means an inspection of a food service establishment conducted by the Health Authority to determine the food service establishment's compliance with applicable Law and this Chapter for the purpose of the issuance of a permit.

(82) **"Injected"** means manipulating meat by introducing a solution into its interior by processes that are referred to as "injecting," "pump marinating," or "stitch pumping".

(83) **"In-Shell Product"** means non-living, processed shellfish with one or both shells present.

(84) **"Intact Meat"** means a cut of whole muscle(s) meat that has not undergone comminution, injection, mechanical tenderization, vacuum tumbling with solutions, reconstruction, cubing or pounding.

(85) **"Juice"** means the liquid expressed or extracted from one or more fruits or vegetables, purees of the edible portions of one or more fruits or vegetables, or any concentrates of such liquid or puree. It includes juice as a whole beverage, an ingredient of a beverage and a purée as an ingredient of a beverage, but does not include, for purposes of HACCP, liquids, purées, or concentrates that are not used as beverages or ingredients of beverages.

(86) **"Kitchenware"** means food preparation and storage utensils. It does not include tableware.

(87) **"Key drop deliveries"** means a type of delivery in which distributors place products into food service establishments outside of its normal, business hours or when the establishment is closed.

(88) **"Law"** means applicable local, state, and federal statutes, regulations, and ordinances.

(89) **"Limited food preparation"** means no combining of ingredients except the addition of seasonings, toppings or condiments.

(90) **"Linens"** means fabric items such as cloth hampers, cloth napkins, tablecloths, wiping cloths, and work garments including cloth gloves.

(91) **"Major food allergen"** means milk, egg, fish (such as bass, flounder, cod, and including crustacean such as crab, lobster, or shrimp), tree nuts (such as almonds, pecans, or walnuts), wheat, peanuts, soybeans and sesame; or a food ingredient that contains protein derived from a food specified in this definition. It does not include any highly refined oil derived from a major food allergen or any ingredient derived from such highly refined oil; or any ingredient that is exempt under the petition or notification process specified in the Food Allergen Labeling and Consumer Protection Act of 2004 (Public Law 108-282).

(92) **"Meat"** means the flesh of animals used as food including the dressed flesh of cattle, swine, sheep, or goats and other edible animals. It does not include fish, poultry, or wild game animals.

(93) **"Mechanically tenderized"** means manipulating meat by piercing with a set of needles, pins, blades or any mechanical device, which breaks up muscle fiber and tough connective tissue, to increase tenderness. This includes injection, scoring, and processes which may be referred to as "blade tenderizing", "jaccarding", "pinning", or "needling."

(94) **"mg/L"** means milligrams per liter, which is the metric equivalent of parts per million (ppm).

(95) **"Mobile catering unit"** means a trailer, pushcart, vehicle or other similar conveyance operating as part of a permitted catering food service establishment. This term shall include any conveyance used in conjunction with a catering operation, whether or not food is prepared or served in the conveyance.

(96) **"Mobile food service establishment"** means a mobile food service unit operating from a single base of operation and under the managerial authority of one permit holder.

(97) **"Mobile food service unit"** means an independent trailer, motor driven or manually propelled pushcart, food truck, watercraft, movable portable structure, vehicle vendor or any other similar conveyance which is not connected to a permanent water supply or sewer disposal system and from which food is offered for sale or service.

(98) **"Molluscan shellfish"** means any edible species of fresh or frozen oysters, clams, mussels, and scallops or edible portions thereof, except when the scallop product consists only of the shucked adductor muscle. Molluscan shellfish includes shellstock, shucked shellfish and in-shell products.

(99) **"Non-continuous cooking"** means the cooking of food in a food establishment using a process in which the initial heating of the food is intentionally halted so that it may be cooled and held for complete cooking at a later time prior to sale or service. Non-continuous cooking does not include cooking procedures that only involve temporarily interrupting or slowing an otherwise continuous cooking process.

(100) **"Packaged"** means bottled, canned, cartoned, securely bagged or securely wrapped, whether packaged in a food service establishment or a food processing plant. It does not include a wrapper, carry-out box or other nondurable container used to containerize food with for the purpose of protecting food during or delivery to the consumer.

(101) **"Permit"** means the document issued by the Health Authority that authorizes a person to operate a food service establishment and signifies satisfactory compliance with these rules.

(102) **"Permit holder"** means the person who possesses a valid permit to operate a food service establishment and is legally responsible for the operation of the food service establishment such as the owner, the owner's agent, or other person.

(103) **"Person or Persons"** means any individual, firm, partnership, corporation, trustee, or association, or combination thereof.

(104) **"Person in charge"** means the permit holder, the certified food safety manager (CFSM), or individual present at a food service establishment who is responsible for managing food safety of the operation at the time of inspection. If no individual has been designated as the person in charge at the time of inspection, then any employee present may be considered the person in charge by the Health Authority.

(105) **"Personal care items"** means items or substances that may be poisonous, toxic or a source of contamination and are used to maintain or enhance a person's health, hygiene or appearance. They include items such as medicines; first aid supplies; cosmetics; and toiletries such as toothpaste and mouthwash.

(106) **"pH"** means the symbol for the negative logarithm of the hydrogen ion concentration, which is a measure of the degree of acidity or alkalinity of a solution. Values between zero and seven indicate acidity and values between seven and fourteen indicate alkalinity. The value for pure distilled water is seven, which is considered neutral.

(107) **"Physical facilities"** means the structure, playground areas, and interior surfaces of a food service establishment including accessories such as soap and towel dispensers and attachments such as light fixtures and heating or air conditioning system vents.

(108) **"Plumbing fixture"** means a receptacle or device that is permanently or temporarily connected to the water distribution system of the premises and demands a supply of water from the system or discharges used water, waste materials, or sewage directly or indirectly to the drainage system of the premises.

(109) **"Plumbing system"** means the water supply and distribution pipes; plumbing fixtures and traps; soil, waste, and vent pipes; sanitary and storm sewers and building drains, including their respective connections, devices, and appurtenances within the premises; and water-treating equipment.

(110) **"Poisonous or toxic materials"** means substances that are not intended for ingestion and are included in any one of these categories:

(a) Cleaners and sanitizers, which include cleaning and sanitizing agents and agents such as caustics, acids, drying agents, polishes and other chemicals; Pesticides, except sanitizers, which include substances such as insecticides and rodenticides;

(b) Substances necessary for the operation and maintenance of the establishment such as nonfood grade lubricants and personal care items that may be deleterious to health; or

(c) Substances that are not necessary for the operation and maintenance of the establishment and are on the premises for retail sale, such as petroleum products and paints.

(d) "Restricted Use Pesticide" means a pesticide product that contains the active ingredients specified in 40 CFR 152.175 Pesticides classified for restricted use, and that is limited to use by or under the direct supervision of a certified applicator.

(111) **"Pop-up food service operation"** means the sale of food to a limited group of customers by a permitted food service establishment, coordinated through a facilitator, at an off-site location within a building or enclosed courtyard that has been approved by the Health Authority.

(112) **"Poultry"** means any domesticated bird (chickens, turkeys, ducks, geese, guineas, ratites, or squabs), whether live or dead, as defined in 9 CFR 381.1 - Poultry Products Inspection Regulations, Definitions, Poultry; and any migratory waterfowl or game bird, pheasant, partridge, quail, grouse, or pigeon, whether live or dead, as defined in 9 CFR 362.1 - Voluntary Poultry Inspection Regulations, Definitions.

(113) **"Premises"** means and includes all physical buildings, appurtenances, parking lots and all property owned or used by the food service establishment.

(114) **"Preparation of food"** means to put together or make by combining ingredients and processing food for final service.

(115) **"Primal cut"** means a basic major cut into which carcasses and sides of meat are separated, such as a beef round, pork loin, lamb flank, or veal breast.

(116) **"Priority item"** means a provision in this Chapter whose application contributes directly to the elimination, prevention or reduction to an acceptable level, hazards associated with foodborne illness or injury and there is no other provision that more directly controls the hazard. Priority item includes items with a quantifiable measure to show control of hazards such as cooking, reheating, cooling, and handwashing. Priority items are identified in this Chapter with a superscript P - ^{P}.

(117) **"Priority foundation item"** means a provision in this Chapter whose application supports, facilitates or enables one or more priority items. It includes an item that requires the purposeful incorporation of specific actions, equipment or procedures by industry management to attain control of risk factors that contribute to foodborne illness or injury such as personnel training, infrastructure or necessary equipment, HACCP plans, documentation or record keeping, and labeling. Priority foundation items are identified in this Chapter with a superscript Pf - ^{Pf}.

(118) **"Public water system"** has the meaning stated in 40 CFR 141 - National Primary Drinking Water Regulations.

(119) **"Pushcart"** means a human propelled, self-contained, enclosed food service cart that operates at predetermined locations as approved by the Health Authority. Its menu is limited to the preparation and serving of hot dogs or fully cooked encased sausages requiring reheating only, condiments such as commercially prepared chili dispensed from approved dispensers, and commercially prepared, prepackaged, time/temperature control for safety foods such as burritos and tamales, served in their original packaging, requiring reheating only or limited to serving non-time/temperature control for safety foods.

(120) **"Ratite"** means a flightless bird such as an emu, ostrich, or rhea.

(121) **"Ready-to-eat food"** means food that is in a form that is edible without additional preparation to achieve food safety; is a raw or partially cooked animal food and the consumer is advised; or is prepared in accordance with a variance that is granted, and may receive additional preparation for palatability or aesthetic, epicurean, gastronomic, or culinary purposes. It includes:

(a) Raw animal food that is cooked as specified under DPH Rule 511-6-1-.04(5)(a) or (b) or frozen as specified under DPH Rule 511-6-1-.04(5)(e);

(b) Raw fruits and vegetables that are washed;

(c) Plant foods that are cooked for hot holding;

(d) All time/temperature control for safety food that is cooked to the temperature and time required for the specific food and cooled;

(e) Plant food for which further washing, cooking, or other processing is not required for food safety, and from which rinds, peels, husks, or shells, if naturally present are removed;

(f) Substances derived from plants such as spices, seasonings, and sugar;

(g) A bakery item such as bread, cakes, pies, fillings, or icing for which further cooking is not required for food safety;

(h) The following products that are produced in accordance with USDA guidelines and that have received a lethality treatment for pathogens: dry, fermented sausages, such as dry salami or pepperoni; salt-cured meat and poultry products, such as prosciutto ham, country cured ham, and Parma ham; and dried meat and poultry products, such as jerky or beef sticks; and

(i) Foods manufactured as specified in 21 CFR Part 113 - Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers.

(j) "Ready-to-eat food" does not include:

i. Commercially packaged food that bears a manufacturer's cooking instructions; and

ii. Food for which the manufacturer has provided information that it has not been processed to control pathogens.

(122) **"Reduced oxygen packaging"** means the reduction of the amount of oxygen in a package by removing oxygen; displacing oxygen and replacing it with another gas or combination of gases; or otherwise controlling the oxygen content to a level below that normally found in the atmosphere (approximately 21% at sea level); and a process specified in this definition that involves a food for which the hazards Clostridium botulinum or Listeria monocytogenes require control in the final packaged form. It includes:

(a) Vacuum packaging, in which air is removed from a package of food and the package is hermetically sealed so that a vacuum remains inside the package;

(b) Modified atmosphere packaging, in which the atmosphere of a package of food is modified so that its composition is different from air, but the atmosphere may change over time due to the permeability of the packaging material or the respiration of the food. Modified atmosphere packaging includes reduction in the proportion of oxygen, total replacement of oxygen, or an increase in the proportion of other gases such as carbon dioxide or nitrogen;

(c) Controlled atmosphere packaging, in which the atmosphere of a package of food is modified so that until the package is opened, its composition is different from air, and continuous control of that atmosphere is maintained, such as by using oxygen scavengers or a combination of total replacement of oxygen, nonrespiring food, and impermeable packaging material;

(d) Cook chill packaging, in which cooked food is hot filled into impermeable bags that are then sealed or crimped closed. The bagged food is rapidly chilled and refrigerated at temperatures that inhibit the growth of psychrotrophic pathogens; or

(e) Sous vide packaging, in which raw or partially cooked food is vacuum packaged in an impermeable bag, cooked in the bag, rapidly chilled, and refrigerated at temperatures that inhibit the growth of psychrotrophic pathogens.

(123) **"Refuse"** means solid waste that is not carried by water through the sewage system.

(124) **"Reminder"** means a written statement concerning the health risk of consuming animal foods raw, undercooked, or without otherwise being processed to eliminate pathogens.

(125) **"Re-service"** means the transfer of food that is unused and returned by a consumer after being served or sold and in the possession of the consumer, to another person.

(126) **"Restrict"** means to limit the activities of a food employee so that there is no risk of transmitting a disease that is transmissible through food and the food employee does not work with exposed food, clean equipment, utensils, linens, or unwrapped single-service or single-use articles.

(127) **"Restricted egg"** means any check, dirty egg, incubator reject, inedible, leaker, or loss as defined in 9 CFR 590.

(128) **"Restricted use pesticide"** means a pesticide product that contains the active ingredients specified in 40 CFR 152.175 - Pesticides Classified for Restricted Use and that is limited to use by or under the direct supervision of a certified applicator.

(129) **"Risk"** means the likelihood that an adverse health effect will occur within a population as a result of a hazard in a food.

(130) **"Routine inspection"** means the first complete inspection of a food service establishment conducted by the Health Authority after the initial inspection for issuance of a permit. For purposes of routine enforcement of this Chapter, it is also the normal routine monitoring of the food service establishment by the Health Authority to assess satisfactory compliance with the provisions of the Chapter.

(131) **"Safe material"** means:

(a) An article manufactured from or composed of materials that may not reasonably be expected to result, directly or indirectly, in their becoming a component or otherwise affecting the characteristics of any food;

(b) An additive that is used as specified in Sections 409 of the Federal Food, Drug, and Cosmetic Act; or

(c) Other materials that are not additives and that are used in conformity with applicable regulations of the Food and Drug Administration.

(132) **"Sanitization"** means the application of cumulative heat or chemicals on cleaned food-contact surfaces that, when evaluated for efficacy, is sufficient to yield a reduction of 5 logs, which is equal to a 99.999% reduction of representative disease microorganisms of public health importance.

(133) **"Sealed"** means free of cracks or other openings that allow the entry or passage of moisture.

(134) **"Service animal"** means an animal such as a guide dog or signal dog, that has been specifically trained to provide assistance to an individual with a disability as determined by the Americans with Disabilities Act.

(135) **"Servicing area"** means an operating base location to which a mobile food service unit or transportation vehicle returns at least once daily for such things as vehicle and equipment cleaning, discharging liquid or solid wastes, refilling water tanks and ice bins, and boarding food.

(136) **"Sewage"** means liquid waste containing animal or vegetable matter in suspension or solution and may include liquids containing chemicals in solution.

(137) **"Shellfish certification number"** means a unique combination of letters and numbers assigned by a shellfish control authority to a molluscan shellfish dealer according to the provisions of the National Shellfish Sanitation Program.

(138) **"Shellfish control authority"** means a state, federal, foreign, tribal, or other government entity legally responsible for administering a program that includes certification of molluscan shellfish harvesters and dealers for interstate commerce.

(139) **"Shellstock"** means live molluscan shellfish in the shell.

(140) **"Shiga toxin - producing *Escherichia coli* "** (STEC) means any *E. coli* capable of producing Shiga toxins (also called verocytotoxins). STEC infections can be asymptomatic or may result in a spectrum of illness ranging from mild non-bloody diarrhea, to hemorrhagic colitis (i.e., bloody diarrhea), to hemolytic uremic syndrome (HUS - a type of kidney failure). Examples of serotypes of STEC include *E. coli* O157:H7; *E. coli* O157:NM; *E. coli* O26:H11; *E. coli* O145:NM; *E. coli* O103:H2; and *E. coli* O111:NM. STEC are sometimes referred to as VTEC (verocytotoxigenic *E. coli*) or as EHEC (enterohemorrhagic *E. coli*). EHEC are a subset of STEC which can cause hemorrhagic colitis or HUS.

(141) **"Shucked shellfish"** means molluscan shellfish that have both shells removed.

(142) **"Single-service articles"** means tableware, carry-out utensils, cups, lids or closures, plates, napkins, doilies, bags, containers, placemats, stirrers, straws, toothpicks, and wrappers that are intended to be used once by one person and then discarded.

(143) **"Single-use articles"** means utensils and bulk food containers designed and constructed to be used once and discarded. It includes items such as wax paper, butcher paper, plastic wrap, formed aluminum food containers, jars, plastic tubs or buckets, bread wrappers, pickle barrels, ketchup bottles and number ten cans which are not considered durable and cannot be cleaned and sanitized by an approved method.

(144) **"Slacking"** means the process of moderating the temperature of a food such as allowing a food to gradually increase from a temperature of -23°C (-10°F) to -4°C (25°F) in preparation for deep-fat frying or to facilitate even heat penetration during the cooking of previously block-frozen food such as shrimp.

(145) **"Smooth"** means a surface that has no roughness or projections that render it difficult to clean or maintain in a sanitary condition.

(146) **"Special food service operation"** means a mobile food service establishment, an extended food service establishment, a temporary food service establishment, a "pop-up" food service operation, a catering food service establishment, or an incubator food service establishment.

(147) **"State Office Standard-Trainer"** means State Environmental Health Office personnel at the Program Consultant level who have been appointed by the State Food Service Program Director to train and standardize district appointed environmental health specialist to become District Standard-Trainers and to monitor district standardization activities as well. In addition, these individuals must successfully complete a standardization exercise and receive standardization certification from the State Environmental Health Section and/or United States Food and Drug Administration (FDA) prior to being assigned duties and responsibilities of a standard-trainer.

(148) **"Table-mounted equipment"** means equipment that is not portable and is designed to be mounted off the floor on a table, counter, or shelf.

(149) **"Tableware"** means eating, drinking, and serving utensils for table use such as flatware including forks, knives, and spoons; hollowware including bowls, cups, serving dishes, and tumblers; and plates.

(150) **"Temperature measuring device"** means a thermometer, thermocouple, thermistor, or other device that indicates the temperature of food, air, or water.

(151) **"Temporary food service establishment"** means a food service establishment that operates at the same location for a period of no more than 14 consecutive days in conjunction with a single event or celebration.

(152) **"Time/Temperature Control for Safety food" (formerly "potentially hazardous food" or "PHF")**

(a) "Time/Temperature Control for Safety food" means a food that requires Time/Temperature Control for Safety (TCS) to limit pathogenic microorganism growth or toxin formation.

(b) "Time/Temperature Control for Safety food" includes an animal food that is raw or heat-treated; a plant food that is heat-treated or consists of raw seed sprouts, cut melons, cut leafy greens, cut tomatoes or mixtures of cut tomatoes that are not modified in a way so that they are unable to support pathogenic microorganism growth or toxin formation, or garlic-in-oil mixtures that are not modified in a way so that they are unable to support pathogenic microorganism growth or toxin formation; and except as specified in 3.(iv) of this definition, a food that because of the interaction of its a_w and pH values is designated as Product Assessment required (PA) in Table A or B of this definition:

Table A. Interaction of pH and a_w for control of spores in food heat-treated to destroy vegetative cells and subsequently packaged.

a_w values	**pH values**		
	4.6 or less	> 4.6 - 5.6	> 5.6
< 0.92	non-TCS food*	non-TCS FOOD	non-TCS FOOD
> 0.92 - .95	non-TCS food	non-TCS FOOD	PA**
> 0.95	non-TCS food	PA	PA

* TCS food means Time/Temperature Control for Safety food

** PA means Product Assessment required

Table B. Interaction of pH and a_w for control of vegetative cells and spores in food not heat-treated or heat-treated but not packaged.

a_w values	**pH values**			
	< 4.2	4.2 - 4.6	> 4.6 - 5.0	> 5.0
< 0.88	non-TCS food*	non-TCS food	non-TCS food	non-TCS food
> 0.88 - 0.90	non-TCS food	non-TCS food	non-TCS food	PA**
> 0.90 - 0.92	non-TCS food	non-TCS food	PA	PA
0.92	non-TCS food	PA	PA	PA

* TCS food means Time/Temperature Control for Safety food

** PA means Product Assessment required

(c) "Time/Temperature Control for Safety food" does not include:

1. An air-cooled hard-boiled egg with shell intact, or an egg with shell intact that is not hard-boiled, but has been pasteurized to destroy all viable *salmonellae*;

2. A food in an unopened hermetically sealed container that is commercially processed to achieve and maintain commercial sterility under conditions of non-refrigerated storage and distribution;

3. A food that because of its pH or a_w value, or interaction of Aw and pH values, is designated as a non-TCS food in Table A or B of this definition;

4. A food that is designated as Product Assessment required (PA) in Table A or B of this definition and has undergone a Product Assessment showing that the growth or toxin formation of pathogenic microorganisms that are reasonably likely to occur in that food is precluded due to:

(i) Intrinsic factors including added or natural characteristics of the food such as preservatives, antimicrobials, humectants, acidulants, or nutrients,

(ii) Extrinsic factors including environmental or operational factors that affect the food such as packaging, modified atmosphere such as reduced oxygen packaging, shelf life and use, or temperature range of storage and use, or

(iii) A combination of intrinsic and extrinsic factors; or

5. A food that does not support the growth or toxin formation of pathogenic microorganisms even though the food may contain a pathogenic microorganism or chemical or physical contaminant at a level sufficient to cause illness or injury.

(153) **"Tobacco Product"** has the meaning stated in the Federal Food, Drug and Cosmetic Act § 201(rr) (21 U.S.C. § 321(rr)).

(154) **"USDA"** means the U.S. Department of Agriculture.

(155) **"Utensil"** means a food-contact implement or container used in the storage, preparation, transportation, dispensing, sale, or service of food, such as kitchenware or tableware that is multiuse, single-service, or single-use; gloves used in contact with food; temperature sensing probes of food temperature measuring devices; and probe-type price or identification tags used in contact with food.

(156) **"Variance"** means a written document issued by the Department that authorizes a modification or waiver of one or more requirements of this Chapter if, in the opinion of the Department, a health hazard or nuisance will not result from the modification or waiver.

(157) **"Vehicle vender"** means a foodservice unit mounted on a vehicle registered with the Georgia Department of Revenue, Division of Motor Vehicles and approved for street usage, designed to be readily movable, and which serves multiple locations on a daily basis along a route which is approved by the Health Authority. It operates on a grab-and-go basis in which the consumer selects packaged food from holding equipment and pays the driver of the vehicle. The majority of food is processed, packaged in individual portions, and labeled at the base of operation for service to the consumer. However, some foods may be purchased for sale from licensed food distributors.

(158) **"Vending machine"** means a self-service device that, upon insertion of a coin, paper currency, token, card, or key, or by optional manual operation, dispenses unit servings of food in bulk or in packages without the necessity of replenishing the device between each vending operation.

(159) **"Vending machine location"** means the room, enclosure, space, or area where one or more vending machines are installed and operated and includes the storage areas and areas on the premises that are used to service and maintain the vending machines.

(160) **"Warewashing"** means the cleaning and sanitizing of utensils and food-contact surfaces of equipment.

(161) **"Whole-muscle, intact beef"** means whole muscle beef that is not injected, mechanically tenderized, reconstructed, or scored and marinated, from which beef steaks may be cut.

Cite as Ga. Comp. R. & Regs. R. 511-6-1-.01

AUTHORITY: O.C.G.A. §§ 31-2A-6**,** 26-2-373**,** 26-2-379**.**

HISTORY: Original Rule entitled "Definitions" adopted. F. Oct. 9, 2015; eff. Oct. 29, 2015.

Amended: F. July 24, 2018; eff. August 13, 2018.

Amended: F. Oct. 1, 2018; eff. Oct. 21, 2018.

Amended: F. Sep. 25, 2020; eff. Oct. 16, 2020, as specified by the Agency.

Amended: F. Jan. 25, 2023; eff. Feb. 24, 2023, as specified by the Agency.

Amended: F. Jan. 13, 2025; eff. Feb. 12, 2025, as specified by the Agency.

Amended: F. Jan. 27, 2026; eff. Feb. 22, 2026, as specified by the Agency.

Department 622. SUBSEQUENT INJURY TRUST FUND

Chapter 622-2. PROCEDURES FOR PRO RATA REFUND OF ASSESSMENTS AND FINAL ACCOUNTING OF SUBSEQUENT INJURY TRUST FUND

622-2-.01 Procedures for Pro Rata Refund of Assessments and Final Accounting of Subsequent Injury Trust Fund

The purpose of this amended Rule is to establish procedures for the pro rata refund of assessments as provided by O.C.G.A Section 34-9-358, to transfer the Board of Trustees to the Department of Insurance, and for the final accounting of the financial affairs of the fund as required by O.C.G.A. Section 34-9-368.

(1) **Suspension of Assessments to Fund by Insurers and Self-Insurers.** The suspension of assessments authorized by the Administrator on January 18, 2019 shall continue in effect until such time as a completed actuarial survey shows that further assessments are needed for all bona fide claims that are to be paid by the fund. If said suspension of assessments is rescinded and assessments required, said assessments shall resume in the manner and amount authorized by Code Section 34-9-358(c).

(2) **Payment of Assessments to Fund by Insurers and Self-Insurers.** The payment of assessments pursuant to Code Section 34-9-358 shall terminate when all claims made for injuries occurring on and prior to June 30, 2006 have been fully paid or otherwise resolved.

(3) **Pro-Rata Refund of Assessments.** In order to receive a pro rata refund pursuant to Code Section 34-9-358(f) at the time that all eligible claims have been paid and all related administrative costs have been accrued or paid and a balance remains in the fund, all insurers or self-insurers must have been in good standing and not delinquent in the payment of any assessments required by Code Section 34-9-358.

(4) **Board of Trustees.** Effective January 1, 2026 the Board of Trustees of the Subsequent Injury Trust Fund shall report to the Commissioner of Insurance. The Board of Trustees shall continue to have all authority granted by, and administer the fund pursuant to, Code Section 34-9-354(d).

(5) **Transfer to the Department of Insurance.** The fund shall transfer to the Department of Insurance effective January 1, 2026; provided, however, that pursuant to Code Section 34-9-352, it shall be maintained by the Department of Insurance for the sole purpose of making payments in accordance with the provisions of Code Section 34-9-350, et seq. until such time as all claims made for injuries occurring on and prior to June 30, 2006 have been fully paid or otherwise resolved. Thereafter any unexpended funds shall be disposed of pursuant to Code Section 34-9-358(f).

(6) **Final Accounting.** At such time as all claims made for injuries occurring on and prior to June 30, 2006 have been fully paid or otherwise resolved, the Administrator shall authorize a final accounting of the financial affairs of the fund, to be performed by an independent third-party professional.

(7) **No Loss Portfolio Transfer.** No loss portfolio transfer or other reinsurance agreement shall be made unless and until an actuarial survey is completed by an independent third-party actuary establishing that the projected liability for all active claims exceeds 95% of the fund.

Cite as Ga. Comp. R. & Regs. R. 622-2-.01

AUTHORITY: O.C.G.A. §§ 34-9-354**;** 34-9-358**;** 34-9-368**.**

HISTORY: Original Rule entitled "Dissolution of the Board of Trustees" adopted. F. May 19, 2025; eff. June 8, 2025.

Amended: New title, "Procedures for Pro Rata Refund of Assessments and Final Accounting of Subsequent Injury Trust Fund." F. Jan. 14, 2026; eff. Feb. 3, 2026.