Rules and Regulations of the State of Georgia

Department 506 PROFESSIONAL PRACTICES COMMISSION

Current through Rules and Regulations filed through November 6, 2026

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ADMINISTRATIVE HISTORY

The **Administrative History** following each Rule gives the date on which the Rule was originally filed and its effective date, as well as the date on which the any amendment or repeal was filed and its effective date. Principal abbreviations used in the Administrative History are as follows:

f. - filed

eff. - effective

R. - Rule (Abbreviated only at the beginning of the control number)

Ch. - Chapter (Abbreviated only at the beginning of the control number)

ER. - Emergency Rule

Rev. - Revised

Chapter 506-1, entitled "Definitions," containing Rule 506-1-.01, was filed May 5, 1989; effective May 25, 1989.

Chapter 506-2, entitled "Organization, Method of Operation, and Public Information," containing Rules 506-2-.01 to 506-2-.03, was filed May 5, 1989; effective May 25, 1989.

Chapter 506-3, entitled "Procedures," containing Rules 506-3-.01 to 506-3-.08, was filed May 5, 1989; effective May 25, 1989.

Chapters 506-1 to 506-3 have been amended and Chapters 506-4 and 506-5 adopted. Filed April 7, 1994; effective April 27, 1994.

Cite as Ga. Comp. R. & Regs. R. dept. 506, ADMINISTRATIVE HISTORY

Chapter 506-1. GENERAL PROVISIONS.

Rule 506-1-.01. Definitions.

The following terms as used in these rules shall have the following meanings unless clearly indicated otherwise by the content:

(a) **Commission.** The Professional Practices Commission of the State of Georgia.

(b) **Elementary School.** School settings designated by grade levels kindergarten through eight (K-8).

(c) **Local Board.** Any board of Education of a country, city, independent, or area school system.

(d) **Local Superintendent.** The Superintendent of Schools of a Local School System.

(e) **Professional Standards Commission.** The Professional Standards Commission of the State of Georgia.

(f) **Secondary School.** School settings designated by grade levels nine through twelve (9-12).

(g) **State Board.** The Board of Education of the State of Georgia.

(h) **State Department.** The State Department of Education of the State of Georgia.

(i) **State Superintendent.** The State Superintendent of Schools of the State of Georgia.

(j) **Teacher.** (Sometimes also referred to as "educator.") Any holder of a valid Georgia Educator Certificate issued by the Professional Standards Commission.

(k) **Teaching.** Any professional service, including administrative and supervisory activities, rendered or performed by a teacher.

Cite as Ga. Comp. R. & Regs. R. 506-1-.01
Authority: O.C.G.A. Sec. 20-2-790, *et seq.*
History. Original Rule Entitled "Definitions" was f. May 5, 1989; eff. May 25, 1989.
Amended: F. Apr. 7, 1994; eff. Apr. 27, 1994.

Chapter 506-2. ORGANIZATION, METHOD OF OPERATION, AND PUBLIC INFORMATION.

Rule 506-2-.01. Organization.

(1) The Commission.

(a) Membership.

1. **Composition.** The Commission is composed of seventeen members as follows: four elementary school teachers, four secondary school teachers, one elementary school principal, one secondary school principal, two Local Superintendents, one representative of the State Department, and four professional educators who shall represent the educational profession at large.

2. **Qualifications.** To be eligible for appointment as a member of the Commission, a person shall be a citizen of the United States and a resident of this State; be certified by the Professional Standards Commission for teaching in this State; except for the representative of the State Department, be employed in the public schools of this State at the time of appointment; and except for the representative of the State Department, have been employed as an educator in the public schools of this State for at least five years immediately preceding his or her appointment.

3. **Nomination.** A panel of three nominees of each position on the Commission shall be submitted to the State Superintendent by the recognized state-wide professional educational organizations. From this submitted list of nominees, the State Superintendent shall recommend the appointment of an educator for membership on the Commission to the Georgia Board of Education, which shall appoint such nominee to the Commission for a term of three years. A Commissioner shall be eligible for reappointment, but no person shall serve on the Commission for more than two full terms.

4. **Oath.** Immediately after appointment and before entering into their official duties, each member of the Commission shall take or subscribe to the following oath:

   I, _____, a citizen of the United States and a resident of this State, and being an employee of _____ and the recipient of public funds for services as such employee, do solemnly swear or affirm that I am not the holder of any unaccounted for public money due this State; that I am not the holder of any office of trust under the government of the United States except postmaster, nor any one of the states, nor of any foreign state; that I am otherwise qualified to hold the office of member of the Professional Practices Commission according to the Constitution and laws of Georgia; that I will faithfully and impartially perform all the duties of office to which I have been appointed; that I will serve to the best of my ability the public interest in improving the teaching profession in Georgia, ever keeping the welfare and general good of students before me. I will observe and support the Constitution of the United

States and the State of Georgia and all laws, rules, and regulations attendant thereon; and I will, in the performance of the office, commit myself to judge my colleagues and be judged by them in accordance with the provisions of law, regulation, and the rules of the Georgia Professional Practices Commission. So help me God.

5. **Compensation.** The members of the Commission receive no compensation for their services but shall be reimbursed for their actual and necessary expenses, as provided by law, incurred in the performance of their official duties and for mileage at the same rate as State officials and employees. A member of the Commission who is an employee of the State Department or of a local board shall be permitted to attend Commission meetings and perform other Commission duties without loss of income or other benefits. A Local Board which employs a member of the Commission and employs a person to replace such member during his or her performance of Commission duties or incurs other additional expenses as a result of such performance shall be reimbursed for the actual amount of expenses so incurred.

6. **Privileged Utterances.** When acting in good faith in the course of their duties at meetings or hearings of the Commission, members shall be privileged in their utterances.

7. **Removal and Vacancies.** The Commission may remove any Commissioner from office of neglect of duty, incompetency, or revocation or suspension of his or her certificate issued by the Professional Standards Commission or when such Commissioner ceases to be employed full-time as an educator in the capacity and position from which he or she was appointed. After such removal, or in the event of a vacancy due to death, resignation, or for any other reason, the State Board shall appoint a successor in the same manner as the predecessor was appointed to serve the unexpired term.

(b) **Officers.** The members of the Commission shall elect from their number a Chairperson and a Vice-Chairperson both of whom shall serve two-year terms. The Chairperson shall preside at all meetings of the Commission and shall not vote in any matters except in the event of a tie. In the absence of the Chairperson, the Vice-Chairperson shall preside and function as appropriate at any necessary meetings which the Chairperson would normally attend. The Chairperson and Vice-Chairperson shall be members of the Executive Committee.

(c) **Executive Committee.** The Executive Committee shall be composed of five members; namely, the Chairperson, the Vice-Chairperson, and three Commissioners, all of whom shall serve two-year Committee terms. Executive Committee members shall be elected by the members of the Commission in the last regularly scheduled Commission meeting of each calendar year. Staggered

terms on the Executive Committee shall be provided. The responsibilities of the Executive Committee include, but are not limited to, making findings of probable cause in certain case investigations and making recommendations to the Commission concerning policy, budget matters, official opinions, agenda of meetings and giving appropriate consideration to all matters and case work coming before the Commission.

(d) **Standing Committees.** For the purposes of efficiently carrying out its duties, the Commission shall be divided into committees as deemed necessary, and two shall be designated as Standing Committees. The Chairperson and the membership of the committees shall be appointed by the Chairperson of the Commission. It will be the duty of the committees to make recommendations to the Commission on matters referred to the committees by the Chairperson of the Commission. The following committees shall be Standing Committees:

1. **Interpretation Committee.** The Interpretation Committee shall be composed of five members.

2. **Review Committee.** The Review Committee shall be composed of three members and an alternate.

(e) Meetings.

1. **Time, Place and Date of Regular Meetings.** The Commission conducts four regular meetings each calendar year or the second Friday of the months of March, July, October and December in the Offices of the Professional Practices Commission, Suite 2010, Building 20, Executive Park West, N.E., Atlanta, Georgia 30329. All regular meetings begin at the hour of 10:00 a.m. and are preceded by a meeting of the Executive Committee which meets at the same location at the hour of 8:30 a.m.

2. **Open Meetings Requirements.** The Commission shall post notice of any meeting conducted by the Commission or its committees at its regular meeting place and will give due notice for any changes in regular meetings except under special circumstances which call for an emergency meeting. An agenda detailing the subjects acted upon and naming the members present at the meetings will be provided and made available to the public within two business days of adjournment of every meeting. Minutes will be promptly recorded and made available to the public once approved but no later than immediately after the next meeting.

(2) The Executive Director and Staff of the Commission.

(a) **The Executive Director.** The Commission shall employ an Executive Director who shall serve as the chief executive officer of the Commission. The Executive Director shall be an unclassified member of the State Merit System and shall be a

member of the Employee's Retirement System of Georgia. All employer contributions to the retirement system and for social security for the Executive Director shall be paid from funds appropriated for the operation of the Commission. The Executive Director's initial year of employment shall be on a working test status, after which severance of work services by the employer shall occur only for just cause as determined by the Commission through the utilization of similar procedures detailed in O.C.G.A Sections 20-2-940, *et seq*.

(b) **The Staff.** The Executive Director shall employ, subject to confirmation by the Executive Committee, such professional and clerical staffs may be necessary to administer and carry out the responsibilities and functions of the Commission. The professional and clerical staff shall have such titles and duties as may be assigned by the Executive Director and shall be members of the unclassified service of the State Merit System. The staff shall be members of the Employee's Retirement System of Georgia. All employer contributions to the Retirement System and for social security of such employees shall be paid from the funds appropriated for the operation of the Commission. All professional and clerical staff shall be on a working test during initial year of employment, after which termination of the employment relationship by the employer shall occur only for just cause as determined by the Commission through the utilization of similar procedures detailed in O.C.G.A. Sections 20-2-940, *et seq.*

(c) **Officers.** The Executive Director of the Commission shall make provision for appropriate professional offices for himself/herself and the staff of the Commission. These offices are currently located at Suite 2010, Building 20, Executive Park West, N.E., Atlanta, Georgia 30329.

(d) **Consultants.** The Executive Director may employ such consultants as he/she may deem fit for the execution of the responsibilities and functions of the Commission.

(e) **Hearing Officers.** The Executive Director may employ such members of the State Bar of Georgia to serve as hearing officers as he/she may deemed fit for the execution of the responsibilities and functions of the Commission.

(3) **Relationship of the Commission to the State Board.** The Commission, although appointed by the State Board on the recommendation of the State Superintendent, s an entirely separate and distinct governmental body designed to establish and uphold ethical and professional standards within the teaching profession. The Commission is assigned to the Georgia Department of Education for administrative purposes only. As such, the Commission is authorized to exercise its quasi-judicial, rule-making, or policy-making functions independently of the State Department without approval or control of the State Department; to prepare its budget and submit its budgetary request through the State Department; and to employ its own personnel. The State Department shall provide record-keeping, reporting, and related administrative and clerical functions for the Commission; and include in the departmental budget the Commission's budgetary

requests as a separate part of the budget and exactly as prepared and submitted to the State Department by the Commission. The assignment of the Commission to the State Department for administrative purposes means only that the State Department shall be that department through which the Commission deals with the State. The Commission retains its separate identity as an instrumentality of the State. The State Department is authorized, only with the approval of the Commission, to perform for the Commission such functions as it requests.

(4) **Funding and Receipt of Gifts and Grants.** The funds necessary to carry out the duties and responsibilities of the Commission shall come from funds appropriated to the Commission by the General Assembly of Georgia or otherwise made available to the Commission. The Commission may accept gifts or grants of funds or property or services from other source.

(5) **Rules and Regulations.** The Commission is authorized to adopt such rules and regulations as it deems necessary. Its rules and regulations shall be adopted pursuant to and in conformity with the applicable provisions of the Georgia Administrative Procedure Act. The Commission shall, by regulation, adopt standards of performance and a code of ethics for educators.

Cite as Ga. Comp. R. & Regs. R. 506-2-.01
Authority: O.C.G.A. Secs. 20-2-790, *et seq.*; 50-14-1, *et seq.*; 20-2-200(a), 988(a).
History. Original Rule entitled "Organization" was f. May 5, 1989; eff. May 25, 1989.
Amended: F. Apr. 7, 1994; eff. Apr. 27, 1994.

Rule 506-2-.02. Method of Operation.

(1) **Adoption and Maintenance of Standards of Performance and a Code of Ethics.** It shall be the duty of the Commission to adopt and maintain standards of performance and code of ethics for educators. The standards of performance and code of ethics shall represent standards of performance and conduct which are generally accepted by educators of this State. In adopting the standards of performance and code of ethics, the Commission shall seek the advice of educators of this State. The standards of performance and code of ethics adopted by the Commission shall be limited to professional performance and professional ethics. Upon the adoption by the Commission of the standards of performance and the code of ethics, educators of this State shall be obliged to meet and comply with such standards of performance and to abide by such code of ethics.

(2) Investigations and Recommendations in Disciplinary Actions.

(a) **Jurisdiction.** Upon request as provided in subparagraph (b) below, the Commission shall be authorized to investigate:

1. **Violations of the Law.** Alleged violations by an educator of any law of this State pertaining to educators or the profession of education;

2. **Violations of Ethics.** Alleged violations by an educator of the code of ethics of the Commission;

3. **Violations of Rules.** Alleged violations by an educator of rules, regulations or policies of the State Board, the Professional Standards Commission, the Commission, or of a Local Board; or

4. **Failure to Meet Standards.** Alleged failures by an educator to meet or comply with standards of performance or code of ethics of the Commission, the State Board, The Professional Standards Commission, or a Local Board.

(b) **Requests.** The Commission shall not be authorized on its own motion to make an investigation pursuant to subparagraph (a) above, but may make such an investigation:

1. **Local Board.** Upon the request of a Local Board;

2. **State Board.** On the request of the State Board;

3. **Professional Standards Commission.** On the request of the Professional Standards Commission.

4. **Residents.** Upon the request of one or more individual residents of this State.

(c) **Notification.** If the Commission agrees to make an investigation pursuant to an request made pursuant to subparagraphs 2., 3., or 4. of subparagraph (b) above, and if the proposed investigation involves one or more educators employed by a Local Board, the Commission shall, prior to beginning such investigation, notify, in writing, the Local Board employing the educator(s) of the following:

1. **Complainants.** The names and addresses of the parties making the complaint that gave rise to the proposed investigation;

2. **Employees.** The names of the educators employed by the Local Board who are proposed to be investigated; and 3. **Explanation.** An explanation of the complaint made against the educators employed by the Local Board.

(d) **Conduct of the Investigations.** In making an investigation as authorized by these regulations, the Commission shall:

1. **Hearings.** Be authorized to conduct probable cause and plenary hearings;

2. **Oaths.** Have the power to administer oaths and affirmations; and

3. **Subpoenas.** Have the power to issue subpoenas in the name of the Commission to compel the attendance of witnesses and the production of documents and other things to be used as evidence. Such subpoenas shall be served in any manner now or hereafter provided for service of subpoenas issued by the Superior Courts. In the event any person fails or refuses to obey a subpoena issued under this subparagraph, such failure or refusal shall constitute contempt of the Commission. Upon application by the Commission to the Superior Court of the Country wherein such person resides or is found, the Superior Court shall have power, after notice and hearing, to adjudge such person in contempt and to punish such person by a fine not exceeding three hundred dollars or by imprisonment not exceeding twenty days or by both such fine and imprisonment and to enter such other orders and make such other action as may be necessary to enforce compliance with obedience to the subpoena. At any such hearing, the person subpoenaed shall be entitled to make any defense and to show any valid reason why he failed or refused to comply with the subpoena.

(e) **Recommendations.** Upon its completion of any investigation authorized by these rules, the Commission may furnish to the Local Board, the State Board, the Professional Standards commission, or any combination of these, findings of fact, conclusions of law, and recommendations. Based on its findings of fact and conclusions of law, the Commission may recommend that no action be taken against the educators involved if the Commission, in its investigation, found that the complaints against the educators were not justified. If the Commission, in its investigation, found justification for the complaints against the educators involved, it may recommend any combination of the following actions:

1. **Warning and Reprimand.** That the educators be warned or reprimanded;

2. **Termination, Suspension or Non-Renewal of Contracts.** That the contracts of the educators be terminated, suspended, or not renewed; or

3. **Suspension, Revocation or Denial of Certificate.** That the certificate of the educator be suspended, revoked or the application for a certificate be denied.

(3) **Hearings on Behalf of Local Boards.** In any case in which a Local Board seeks to terminate or suspend the contract of employment of a teacher, principal, or other employee having a contract for a definite term, the Local Board may request that the Commission serve as a tribunal to hear the case. In such an instance, the Commission shall appoint a tribunal which shall hear the matter and shall file its findings, conclusions, and recommendations with the Local Board within five days of the conclusion of the

hearing, unless waived by the consent of both parties, and the Local Board shall render its decision thereon.

(4) **Consultative Services.** In addition to making recommendations to Local Boards, the State Board, or to the Professional Standards Commission, the Commission may provide consultative services pertaining to the teaching profession to anyone who has a vested interest in education and may make recommendations to the Local Boards, or to the State Board, or the Professional Standards Commission, which will promote an improvement in the teaching profession. The Commission shall be authorized to hold meetings for the purposes of determining recommendations pursuant to this subsection; and at such meetings, the Commission may receive testimony from educators or other persons interested in the improvement of the teaching profession; but the powers of the Commission to conduct probable cause and plenary hearings, to administer oaths and affirmations, and to issue subpoenas shall not be exercised pursuant to the authority of this subparagraph.

Cite as Ga. Comp. R. & Regs. R. 506-2-.02
Authority: O.C.G.A Secs. 20-2-790, *et seq.*; 20-2-940(e)(1).
History. Original Rule entitled "Method of Operation" was f. May 5, 1989; eff. May 25, 1989.
Amended: F. Apr. 7 1994; eff. Apr. 27, 1994.

Rule 506-2-.03. Public Information.

(1) Obtaining Information from the Commission.

(a) **Obtaining Information Documents from the Commission Files.** The Commission complies with all requirements of the Georgia Open Records Act and takes its dual obligations pursuant to that Act seriously: the Commission seeks to provide documents to the public that are within the public domain and seeks to maintain confidential that to which the public has no legitimate claim and the disclosure of which might constitute an unwarranted invasion of personal privacy. To obtain a determination whether certain documents are within the files of the Commission and whether they are subject to disclosure, the public may direct a written request to the Executive Director, specifying the name and address of the person requesting the documents and a description of the documents requested. The request may be delivered personally or by mail; however, the Commission will respond within three days of receipt of such a request by first class mail. The response will inform the person requesting the documents whether the requested documents exists; whether the requested documents can be disclosed; and a timetable for providing the disclosure. Those requesting documentary information from the Commission will be charged $.25 per page for copying costs and a reasonable charge for the search, retrieval and other direct administrative costs for complying with a request. The hourly charge shall not exceed the salary of the lowest paid full-time employee who has the necessary skill and training to perform

the request; provided, however, no charge shall be made for the first quarter hour of this work. The Commission shall utilize the most economical means available for providing copies of public records.

(b) **Obtaining other Information from the Commission.** Telephonic or oral requests for such information as the Executive Director and his staff may have are welcomed. The public may directly call the offices of the Commission for such information. Neither the Executive Director, his staff, nor the Commission will provide any information on pending investigations.

(c) **Rules Available.** All rules and all other written statements of policy or interpretations formulated, adopted or used by the Commission in the discharge of its functions are available for public inspection at the offices of the Commission during business hours.

(d) **Orders Available.** All final orders, decisions and opinions of the Commission, except those which are confidential or privileged, are available for public inspection at the offices of the Commission during normal business hours.

(2) **Making Submissions to the Commission.** Information concerning investigations may be submitted to the Commission either orally or in writing. If the submission is made orally, it should be made to the investigator assigned to the matter and made in writing to the Executive Director.

(3) **Making Requests of the Commission.** Anyone requesting the Commission to make an investigation, serve as tribunal, provide consultative services, or render opinions concerning the standards or code of ethics, shall do so in writing to the Executive Director. In exigent circumstances, the request may be made orally or telephonically and followed by a written request. In no instance will the Commission take action without a written request.

Cite as Ga. Comp. R. & Regs. R. 506-2-.03
Authority: O.C.G.A. Secs. 20-2-790, *et seq.*; 50-18-70, *et seq.*
History. Original Rule entitled "Public Information" was f. May 5, 1989; eff. May 29, 1989.
Amended: F. Apr. 7, 1994; eff. Apr. 27, 1994.

Chapter 506-3. PROCEDURES.

Rule 506-3-.01. Opinions of the Commission Interpreting the Code of Ethics.

(1) **General.** As a part of its duty to adopt a code of ethics for teachers which represents the standards of conduct generally accepted by teachers in this State, the Commission issues opinions on the application of the code to specific situations. Any citizen of this State

may request such an opinion. Requests by teachers (including administrators at all levels) and members of the General Assembly will be responded to with official opinions of the Commission. These official opinions will be researched and drafted by the staff of the Commission and will have the approval of the Commission. The Commission views official opinions to be binding on it. Requests by all others will be responded to with unofficial opinions of the Commission. The unofficial opinions will be researched and drafted by the staff of the Commission and will have the approval of the Executive Director. The Commission does not view unofficial opinions as binding on it. Both the Commission and the Executive Director may issue official or unofficial opinions on their own without request.

(2) **Content of the Request.** A person seeking an opinion shall send a letter or other written communication clearly entitled "Request for Opinion" to the Executive Director of the Commission, Building 20, Suite 2010, Executive Park West, N.E., Atlanta, Georgia 30329, providing the following: the name, address, and capacity (teacher, member of the General Assembly, or citizen) of the person requesting the opinion; a concise statement of the facts giving rise to the requests; a statement of the names, addresses, and phone numbers of the persons who may provide additional information; a statement of whether the facts giving rise to the request are the subject of any disciplinary action, complaint, lawsuit, administrative case, or other contested action in any tribunal and a description of such action; and the signature of the person requesting the opinion.

(3) **Requests for Opinions Not Treated as Complaints.** This opinion procedure is not in any way to be constructed as a complaint process. It is anticipated that opinions will be requested before the questioned action is taken so that the Commission may provide guidance.

(4) **Publication.** All opinions will be published.

Cite as Ga. Comp. R. & Regs. R. 506-3-.01
Authority: O.C.G.A. Secs. 20-2-790, *et seq.*; 20-2-795.
History. Original Rule entitled "Opinions of the Commission Interpreting the Code of Ethics" was f. May 5, 1989; eff. May 25, 1989.
Amended: F. Apr. 7, 1994; eff. Apr. 27, 1994.

Rule 506-3-.02. Investigations and Recommendations as to Disciplinary Actions.

(1) Procedures for Suspension or Revocation of Certificates.

(a) Investigation.

1. **General.** Upon receipt of information from the State Board, the Professional Standards Commission, the State Superintendent, the State Department, or Local Board, a local superintendent, any certified educator, or any

individual resident of this State, who has cause to believe that a holder of a Georgia Educator Certificate has committed any offense for which the penalty is suspension or revocation of a certificate as provided in paragraph (3) below, the Commission shall conduct an investigation into the matter for the purpose of determining whether probable cause exists to believe that the educator has committed an act which warrants suspension or revocation proceedings to be instituted.

2. **Report.** Such investigation ordered by the Executive Director shall yield a written report to be submitted to the Executive Committee for probable cause determination.

3. **Probable Cause.** If no probable cause is found, the Executive Director shall advise the person requesting the investigation or providing information of such findings. No further proceedings shall be had in the matter and the case shall be closed. If the Executive Committee finds probable cause, the Executive Director shall direct the filing of a Petition for Revocation or Suspension of Educator Certificate.

(b) Petition.

1. **Contents.** Upon the finding of probable cause, the Executive Director shall file a formal Petition for a suspension or revocation of the certificate with the Commission. The Chairperson of the Commission shall be named Petitioner, and the certificate holder shall be named Respondent throughout the proceedings. The Petition for suspension or revocation of the certificate shall set forth the name and last known address of the educator charged, certificate number held by such educator, the particular act or acts of conduct or performance for which the certificate is sought to be suspended or revoked, and the Petition shall further contain a prayer specifying relief sought by the Petitioner.

2. **Service of the Petition and Other Papers.** The Petition may be served on the Respondent personally by a process server appointed by the Commission or by Certified Mail, return receipt requested with delivery limited to the addressee only. Service is deemed perfected upon the date of personal service, proof of which shall be filed by the process server with the Commission, or upon the date of personal service, proof of which shall be the receipt returned to the Commission. Service of all other papers after service of the Petition may be made by first class mail addressed to the last known address of the Respondent or to his/her attorney with sufficient postage affixed thereto. Service of all other papers is deemed perfected on the date of mailing.

3. **Transmittal Letter.** The Petition shall be accompanied by a letter of transmittal to include notification that: the Respondent may answer the Petition, which Answer may include all defenses and pleadings by the Respondent and must include a request for hearing, if so desired. In the alternative, the Respondent may request that he/she be permitted to surrender his/her certificate by filing a Declaration of Request to Surrender. The request shall be presented to the Professional Standards Commission with the recommendation of the Commission. The Answer or Declaration of Request to Surrender must be filed with the Commission on or before 20 days following the date of service of the Petition on the Respondent. If no Answer or Declaration of Surrender of Educator Certificate is filed with the Commission within the specified time, the Respondent shall be deemed to have admitted the allegations of the Petition. In such event, the Petition will be placed on the Professional Standards Commission agenda for final action.

(c) Hearing.

1. **General.** If a timely request for a hearing is received, the Executive Director or the Commission shall set the time and place for the hearing and shall notify the parties by formal Notice of Hearing accordingly. Notice of Hearing shall be served 20 days prior to the time set forth for the hearing. A Petition or Answer may be amended up to 14 days prior to the hearing. After such time any amendment may be made only with permission from the hearing officer when justice requires. The Petitioner shall prosecute the matter before a hearing tribunal constituted by three members of the Commission, none of whom has participated in nor was an informed party in any preliminary investigation or proceeding in the matter. The Petitioner shall retain an attorney from the staff of the Attorney General's office to represent him/her before the tribunal. The Commission shall appoint a disinterested member of the State Bar of Georgia to serve as hearing officer for the tribunal. The hearing will be conducted in all respects consistent with the requirements of the Georgia Administrative Procedure Act.

2. **Notice of Hearing.** The Notice of Hearing shall contain:

   (i) **Time and Location.** Time, place, and nature of the proceeding;

   (ii) **Jurisdiction.** The legal authorization and jurisdiction under which the hearing is to be held;

   (iii) **Legal Citations.** A reference to the particular section of the statutes and policies, rules, or regulations involved;

(iv) **Statement of the Case.** A short and plain statement of the matters asserted;

(v) **Subpoenas.** A statement as to the right of any party to subpoena witnesses and documentary evidence through the Commission.

3. **Venue.** The hearing shall be held in the school district in which the Respondent was employed at the time the alleged offense(s) occurred, or, in the alternative, in Atlanta, Georgia, as the official headquarters of the Commission. Change of venue may be requested for cause and will be so ordered if both parties concur or if deemed necessary by the hearing tribunal upon advice of the hearing officer.

4. Nature and Style of Hearing.

   (i) **Contested Case.** The hearing for suspension or revocation of certificate shall be adversary in character and shall constitute a contested case.

   (ii) **Discovery.** Discovery shall not be available to the parties.

   (iii) **Evidence.** Evidence shall be submitted and ruled upon according to the provisions set forth in the Georgia Administrative Procedure Act.

   (iv) **Record.** All proceedings shall be recorded by stenographic or electronic device and made part of the record.

5. Conduct of Hearing.

   (i) **Presiding Officer.** The hearing shall be conducted by the chairperson of the hearing tribunal. The chairperson shall have authority to administer oaths and affirmations, to regulate the course of the hearing, to set the time and place for continued hearings, to fix the time for filing briefs and memoranda, and to reprimand or exclude from the hearing any person for any improper conduct committed in the presence of the hearing tribunal.

   (ii) **Hearing Officer.** The hearing officer shall have the authority to administer oaths and affirmations if so directed by the presiding officer and to rule on all matters of law, including but not limited to disposition of motions, objections, and other matters concerning the conduct of the proceedings.

(iii) **Testimony.** All testimony given at the hearing shall be under oath.

(iv) **Order of Presentation.** The Petitioner shall present its evidence or testimony first, after which the Respondent shall be entitled to present his/her evidence or testimony. The opposing party shall be entitled to cross-examine any witness. Either party shall be entitled to present rebuttal testimony or evidence.

(v) **Burden of Persuasion and the Burden of Producing Evidence.** The burden of persuasion shall be that of the Petitioner by a preponderance of the credible evidence. The burden of producing evidence initially shall be that of the Petitioner to establish the ground(s) for revocation or suspension. Thereafter the burden shall shift to the Respondent to show why the certificate should not be provoked or suspended, even if the purported ground(s) is (are) establish.

(vi) **Oral Presentations.** Either party may be allowed to make opening statements and closing arguments.

(d) Decision.

1. **Report of the Tribunal.** After conclusion of the hearing, the hearing tribunal shall make a report to the Professional Standards Commission for action through the Executive Director. Said report shall be part of the record and shall be served on all parties in the matter. The report shall include findings of fact as to each charge enumerated in the Petition, conclusions of law, and recommendations as to whether the Respondent's certificate should be suspended or revoked, and as to the period of time to be applied.

2. **Exceptions.** Within 30 days after service of the report, the party may file with the Commission exceptions to said report which will become part of the record and will be submitted to the Professional Standards Commission for consideration and final action. Such proceedings before the Professional Standards Commission shall be conducted pursuant to Professional Standards Commission rules.

(2) Procedures for Denial of Certificates.

(a) Investigation.

1. **General.** Upon receipt of information from the Professional Standards Commission, the State Board, the State Superintendent, the State Department, a Local Board, a local superintendent, any certified educator, or

any individual resident of this State, who has cause to believe that an applicant for a Georgia Educator Certificate has committed any offense for which the penalty is denial of a certificate as provided in subparagraph (3), below, the Commission shall conduct an investigation into the matter for the purpose of determining whether the application for teaching certificate should be denied.

2. **Report.** Such investigation shall yield a recommendation that the application be denied or that a certificate be issued. In that event the recommendation is that the application be denied, the following procedures shall be applied:

(b) **Notification.** The Executive Director shall serve notice on the applicant in the manner of service of a Petition of the decision to recommend denial; of the reason(s) on which the decision is based; of the applicant's right to contest the decision by requesting a hearing, which request must be in writing and must be filed within 10 days following service of the notice of proposed denial; that failure to contest denial within the prescribed time will result in the forwarding of the recommendation to the Professional Standards Commission for final action.

(c) **Hearing.** If a timely request for a hearing is received, the Executive Director shall set the time and place of the hearing and shall notify the parties by Notice of Hearing accordingly. Notice of Hearing shall be served 20 days prior to the time set forth for the Hearing. A Petition or Answer may be amended up to 14 days prior to the hearing. After such time any amendment may be made only with permission from the hearing officer when justice requires. The hearing shall be conducted in accordance with the procedures governing hearings for suspension and revocation of certificates with the exception of venue and burden of producing evidence. As to venue, the hearing shall be held in Atlanta, Georgia, as the official headquarters of the Commission, or, in the alternative, any site that is mutually agreed upon by the parties. As to burden of producing evidence, the burden of producing evidence establishing the ground(s) for denial shall be the Petitioners'. Thereafter, the burden shall shift to the Respondent to show why the certificate should be granted, even if the purported ground(s) is (are) established.

(d) Decision.

1. **Report of the Tribunal.** After the conclusion of the hearing, the hearing tribunal shall make a report through the Executive Director to the Professional Standards Commission for action. Said report shall be a part of the record and shall be served on all parties in the matter. The report shall include findings of fact as to each reason for proposed denial, conclusions of law, and recommendations as to whether the Respondent's certificate should be denied.

2. **Exceptions.** Within 30 days after service of the report, the party may file with the Commission exceptions to said report, which will become part of the record and will be submitted to the Professional Standards Commission for consideration and final action. Such proceedings conducted by the Professional Standards Commission shall be conducted pursuant to the Professional Standards Commission rules.

3. **Grounds for Revocation, Suspension and Denial.** The following constitute grounds for revocation, suspension, or denial of a certificate.

   (a) **Fraud.** Obtaining or attempting to obtain a teacher certificate by fraudulent means or through misrepresentation of material facts.

   (b) **Incapacity.** Physical, mental or emotional incapacity or unfitness.

   (c) **Moral Turpitude.** Commission of an act constituting moral turpitude.

   (d) **Felony or Misdemeanor.** Conviction, plea of guilty, or a plea of nolo contendere for violation of a law punishable as a felony or misdemeanor, other than a minor traffic violation.

   (e) **Incompetency.** Incompetency to discharge assigned duties in the area or areas for which the educator is certified.

   (f) Violation of Ethics. Violation of Code of Professional Ethics for Educators.

   (g) **Revocation in Another State.** Revocation of a teaching certificate in another state on grounds consistent with those specified in this subparagraph.

   (h) **Personal Misconduct.** Personal conduct which seriously reduces the certificate holder's effectiveness in his/her employment position or which is detrimental to the health, welfare, discipline, or morals of pupils.

   (i) **Breach of Contract.** Breach of contract of employment by abandonment of the work assignment without first being released from the contract of employment by a Local Board; however, the suspension for such abandonment shall not exceed one year for the first offense commencing on the day the order of the Professional Standards Commission is entered into record.

   (j) **Other Good Cause.** Any other good and sufficient cause.

(4) **Reapplication After Initial Certificate Denial.** In the event an application for a certificate has been denial on grounds which a certificate may be revoked or suspended, any subsequent application for a certificate shall not be filed earlier than two years from the date of the initial denial. On appeal, the Commission may exercise discretion on a case-by-case basis in considering the time to reapply after the initial denial.

(5) **Reinstatement After Suspension.** Any person whose certificate has been suspended may petition for early reinstatement of a suspended certificate or for early renewal of an expired certificate by submitting competent evidence to the Commission that the reason or reasons for the suspension have ceased to be a factor in the performance or conduct of the educator seeking reinstatement. The Commission shall make a recommendation regarding reinstatement to the Professional Standards Commission.

(6) **Reapplication After Revocation.** Any person whose certificate has been revoked may petition for the right to apply for a new certificate by submitting competent evidence to the Commission that the reason or reasons for the revocation have ceased to be a factor in the performance or conduct of the educator seeking a new certificate. The Commission shall make a recommendation regarding such application to the Professional Standards Commission. A period of three years shall have elapsed from the date of the certificate revocation before a petition to apply for a new certificate shall be considered by the Commission. If such initial petition to apply for a new certificate is denied, any subsequent petition to apply for a new certificate shall not be filed earlier than two years from the date of the previous denial order. The Commission reserves the discretion to consider the time to apply after the initial three-year waiting period on a case-by-case basis.

Cite as Ga. Comp. R. & Regs. R. 506-3-.02
Authority: O.C.G.A. Secs. 20-2-790, *et seq.*; 20-2-200(a).
History. Original Rule entitled "Investigations and Recommendations as to Disciplinary Actions" was f. May 25, 1989; eff. May 25, 1989.
Amended: F. Apr. 7, 1994; eff. Apr. 27, 1994.

Rule 506-3-.03. Hearings on Behalf of Local Boards.

(1) **General.** When serving as a tribunal on behalf of a Local Board hearing a matter involving the termination or nonrenewal of a contract of employment or demotion of a teacher, principal, or other employee having a contract for a definite term, the Commission will follow the rules and procedures utilized by such Local Board for such hearings. The Georgia Administrative Procedure Act shall not apply.

(2) **Grounds for Termination or Suspension.** The contract of employment of a teacher, principal or other employee having a contract for a definite term may be nonrenewed, terminated or suspended for the following reasons: Incompetency; Willful neglect of duties; Immorality; Inciting, Encouraging or counseling students to violate any valid state law, municipal ordinance, or policy or rule of the Local Board: To reduce staff due to loss

of students or cancellation of programs; Failure to secure and maintain necessary educational training; or Any other good and sufficient cause.

(3) **Notice.** Before the discharge or suspension of a teacher, principal, or other employee having a contract of employment for a definite term, written notice of the charges shall be served at least 10 days before the date set for hearing and shall state:

(a) **Cause.** The cause or causes for his/her discharge, suspension, or demotion in sufficient detail to enable him/her fairly to show any error that may exist therein.

(b) **Witnesses and Evidence.** The names of the known witnesses and a concise summary of the evidence. The names of new witnesses shall be given as soon as practicable.

(c) **Time and Place.** The time and place where the hearing thereon will be held.

(d) **Subpoenas.** That the charged teacher or other person, upon request, shall be furnished with compulsory process or subpoenas legally requiring the attendance of witnesses and the production of documents and other papers as provide by law.

(4) **Service.** All notices required relating to suspension from duty shall be served either personally or by certified mail. All notices required relating to demotion, termination, non-renewal of contract, or reprimand shall be served by certified mail. Service shall be deemed to be perfected when the notice is deposited in the United States mail addressed to the last known address of the addressee with sufficient postage affixed to the envelope.

(5) **Counsel and Subpoenas.** Any teacher, principal, or other person against whom charges have been brought shall be entitled to be represented by counsel and, upon request shall be entitled to have subpoenas or other compulsory process issued for attendance of witnesses and the production of documents and other evidence. Such subpoenas and compulsory process shall be issued in the name of the Local Board and shall be signed by the Chairperson or Vice-Chairperson of the Local Board. In all other respects, such subpoenas and other compulsory process shall be subject to the requirements of law.

(6) Hearing.

(a) **Request.** In the event that the Local Board seeks to have the Commission served as a tribunal for hearing the matter, the Local Board must so request in writing. The Executive Director shall designate a tribunal of Commission members to consists of not less than three nor more than five impartial persons possessed of academic expertise to conduct a hearing and to submit its findings and recommendations to the Local Board for its decision.

(b) **Report.** The hearing shall be reported at the Local Board's expense. An original and two copies shall be filed in the Office of the Local Superintendent. In the event of an appeal to the State Board, the original shall be transmitted to the State Board as required by its rules.

(c) **Oath.** Oath or affirmation shall be administered to all witnesses by the Chairperson of the tribunal or his designee, or by the Hearing Officer if so requested by the Chairperson. Such oath shall be as follows: You do solemnly swear (or affirm) that the evidence shall be the truth, the whole truth, and nothing but the truth. So help you God.

(d) **Evidence.** All questions relating to admissibility of evidence or other legal matters shall be decided by the Chairperson or presiding officer, subject to the right of either party to appeal to the full hearing tribunal; provided, however, the parties by agreement may stipulate that some disinterested members of the State Bar of Georgia shall decide all questions of evidence and other legal issues arising before the tribunal. In all hearings, the burden of proof shall be on the school system, and it shall have the right to open and to conclude. Except as otherwise provided herein, the same rules governing non-jury trials in the Superior Courts shall prevail.

(7) **Decisions and Appeals.** The tribunal shall file its findings and recommendations with the Local Board within five days of the conclusion of the hearing unless otherwise stipulated by the parties, and the Local Board shall render its decision thereon within ten days after receipt of the transcript. Appeals may be taken to the State Board in accordance with O.C.G.A. Section 20-2-1160, as now or hereafter amended and the rules and regulations of the State Board governing appeals.

Cite as Ga. Comp. R. & Regs. R. 506-3-.03
Authority: O.C.G.A. Secs. 20-2-790, *et seq.*; 20-2-940, *et seq.*
History. Original Rule entitled "Hearings on Behalf of Local Boards" was f. May 5, 1989; eff. May 25, 1989.
Amended: F. Apr. 7, 1994; eff. Apr. 27, 1994.

Rule 506-3-.04. Consultative Services.

(1) **General.** As part of its duty to maintain high standards for the teaching profession in Georgia, the Commission provides consultative services and technical assistance. Any citizen of this State may request such services and assistance, though the Commission will determine, based upon the nature of the request, the response that it shall provide. The consultative services and technical assistance will be performed by the Executive Director and the staff of the Commission under the direction of the Executive Director. The Commission does not view opinions expressed by the Executive Director and its staff as binding on it.

(2) **Content of Requests.** A person seeking consultative services or technical assistance shall send a letter or other written communication clearly entitled "Request for Consultative Services" or "Request for Technical Assistance" to the Executive Director of the Professional Practices Commission, Suite 2010, building 20, Executive Park West, N.E., Atlanta, Georgia 30329, providing the following: the name, address, and capacity

(teacher, administrator, board member, or citizen) of the person requesting the services; a concise statement of the facts giving phone numbers of persons who may provide additional information; a statement whether the facts giving rise to the request are the subject of any disciplinary action, complaint, lawsuit, administrative case or other contested action in any tribunal and the description of such action; and the signature of the person requesting the services.

(3) **Request for Services Not a Complaint Procedure.** This procedure is not in any way to be construed as a compliant process. It is anticipated that consultative services and technical assistance will be requested before any questioned action is taken so that the Commission may provide guidance.

Cite as Ga. Comp. R. & Regs. R. 506-3-.04
Authority: O.C.G.A. Sec. 20-2-790, *et seq.*
History. Original Rule entitled "Consultative Services" was f. May 5, 1989; eff. May 25, 1989.
Amended: F. Apr. 7, 1994; eff. Apr. 27, 1994.

Rule 506-3-.05. Public Information.

(1) **General.** Request for information concerning the files or documents of the Commission shall be pursuant to the requirements of the Georgia Open Records Act. There are no other formal procedures to request public information.

(2) **Telephone Inquiries to the Executive Director and Staff.** Informal inquiries by telephone to the Executive Director and staff of the Commission are welcomed. Inquiries will be responded to by available staff members. However, neither the Executive Director nor a member of the staff will comment upon pending investigations or cases.

(3) **Conferences with the Executive Director and Staff.** Informal conferences with the Executive Director and the staff may be arranged as necessary. Neither the Executive Director nor a member of the staff will comment upon pending investigations or cases.

(4) **Requests Directly to Commissioners.** The everyday business of the Commission is carried out by the Executive Director and the staff of the Commission. Commissioners are not authorized to discuss or otherwise comment on pending investigations and/or hearings with the public; therefore, direct inquiries to Commissioners are discouraged and such should be referred to the Executive Director or staff member.

Cite as Ga. Comp. R. & Regs. R. 506-3-.05
Authority: O.C.G.A. Sec. 20-2-790, *et seq.*
History. Original rule entitled "Public Information" was f. May 5, 1989; eff. May 25, 1989.
Amended: F. Apr. 7, 1994; eff. Apr. 27, 1994.

Rule 506-3-.06. Petition for a Rule.

(1) **General.** Any interested person may petition the Commission requesting the promulgation, amendment, or repeal of a rule. The petition shall be submitted in writing to the Executive Director at the offices of the Commission.

(2) **Form of Petition.** The petition need not follow any particular form. The petition should be clearly designated "Petition for Promulgation, Amendment, or Repeal of a Rule," shall state the nature of the request, the reasons for the request, and have the name, address and signature of the person making the request.

(3) **Consideration and Disposition.** The Executive Director shall review the petition and develop a proposed response. The petition and proposed response shall be submitted to the Executive Committee which shall rule on the petition. Within 30 days after submission of a petition, the Executive Committee shall either deny the petition in writing, stating its reasons for the denial, or shall initiate rule-making proceedings in accordance with the Georgia Administrative Procedure Act.

Cite as Ga. Comp. R. & Regs. R. 506-3-.06
Authority: O.C.G.A. Secs. 20-2-790, *et seq.*; 50-13-9.
History. Original rule entitled "Petition for a Rule" was f. May 5, 1989; eff. May 25, 1989.
Amended: F. Apr. 7, 1994; eff. Apr. 27, 1994.

Rule 506-3-.07. Petition for a Declaratory Ruling.

(1) **General.** Any interested person may petition the Commission requesting a declaratory ruling as to the applicability of any statutory provision or any rule or order of the agency. The petition shall be submitted in writing to the Executive Director of the Commission.

(2) **Form of Petition.** The petition need not follow any particular form. The petition should be clearly designated "Petition for Declaratory Ruling," shall state the nature of the request, the reasons for the request, and have the name, address, and signature of the person making the request.

(3) **Consideration and Disposition.** The Executive Director shall review the petition and develop a proposed ruling. The petition and proposed ruling shall be submitted to the Executive Committee which shall rule on the petition. Within 30 days after submission of a petition, the Executive Committee, acting on behalf of the Commission, shall make a ruling of the petition. Rulings disposing of such petitions have the same status as decisions or orders in contested cases.

Cite as Ga. Comp. R. & Regs. R. 506-3-.07
Authority: O.C.G.A. Secs. 20-2-790, *et seq.*; 50-13-11.
History. Original Rule entitled "Petition for a Declaratory Ruling" was f. May 5, 1989; eff. May 25, 1989.
Amended: F. Apr. 7, 1994; eff. Apr. 27, 1994.

Rule 506-3-.08. Forms and Instructions.

No specific forms are required for any matters which are filed with the Commission. Models or guides for pleadings in contested cases and for other communications to the Commission are available on request for a copying fee.

Cite as Ga. Comp. R. & Regs. R. 506-3-.08
Authority: O.C.G.A. Secs. 20-2-790, *et seq.*
History. Original Rule entitled "Forms and Instructions" was f. May 5, 1989; eff. May 25, 1989.
Amended: F. Apr. 7, 1997; eff. Apr. 27, 1994.

Chapter 506-4. STANDARDS OF COMPETENT PROFESSIONAL PERFORMANCE.

Rule 506-4-.01. General.

(1) **Intent of the Chapter.** The standards listed in this chapter are held to be the generally accepted minimal standards of the education profession in Georgia and are therefore declared to be the basis for reviewing the performance of professional educators. It is the intent of the Professional Practices Commission that the standards set forth in this Chapter shall apply to those who teach in classrooms and those who supervise and provide administrative services and provide administrative services to those who teach in classrooms. Professional reviewers appointed by the Commission shall review professional performance and form opinions of the quality of professional service rendered. The reviewers shall relate such opinions by sworn testimony before the Commission in any hearing where professional competency is an issue provided that reviewers qualify as expert witnesses before the Commission. Testimony therefrom shall be based on the standards included in this Chapter. No finding of professional incompetency shall be made except where a preponderance of evidence exists of such incompetency. Professional reviewers, upon proper request as authorized by law, may be appointed by the Executive Director of the Commission to review professional performance and form opinions of the quality of professional service rendered and make corrective recommendations. Such professional reviews shall be conducted for the sole purpose of remediating professional performance to improve the quality of education.

(2) **Supplementary Definitions.** In an effort to promote understanding and consistency within the provisions of this Chapter, in addition to the definitions provide in Chapter 1 of these Rules, the following words and terms, when used in this Chapter, shall have the following meanings:

(a) **Administrative.** Pertaining to the execution, application or management of persons or things.

(b) **Appeal.** A request for a nonjudicial review of an action related to grievances, complaints, conditions or situations.

(c) **Available.** That which can be used or obtained.

(d) **Certificate, Certified, Certification.** These terms and similar terms are references to the certificate issued by the Professional Standards Commission to Certified Personnel as defined below.

(e) **Certified Personnel.** These positions required to be certified by the implementation of the provisions of O.C.G.A. Section 20-2-200.

(f) **Communication Skills.** The capacity, ability or art of giving and receiving, through any of the senses, information, ideas and attitudes.

(g) **Competent.** The ability or fitness to discharge the required duties as set forth in this Chapter.

(h) **Complainant.** That party by whom, or on whose behalf, a complaint is filed.

(i) **Complaint.** A problem involving professional performance or relationship where the ultimate solution is normally within the province of the profession.

(j) **Designated Task.** The duty or assignment for which a person is responsible at any given time.

(k) **Diagnosis.** Identification of needs, strengths and weaknesses through examination, observation and analysis.

(l) **Educator.** Any person engaged in the instructional program, including those engaged in the instructional program, including those engaged in teaching, administering and supervising, who is required to be certified.

(m) **Effective.** Producing a definite or desired result.

(n) **Hearing.** Commission proceedings for the formulation of a recommendation to the Georgia Board of Education, to a Local Board or to the Professional Standards Commission.

(o) **Hearing Committee.** The three Commission members appointed to the Hearing Committee.

(p) **Hearing Officer.** Qualified member of the Georgia Bar competent by reason of training or experience.

(q) **Management.** Controlling, supervising and guiding the efforts of others.

(r) **Order.** The whole or any part of the final decision of the Professional Standards Commission.

(s) **Party.** Individuals, partnerships, corporations, associations, departments of education or public or private organizations of any character, and any agency allowed to intervene in a Commission proceeding.

(t) **Person.** Anyone who is seeking to establish or maintain certification as defined above.

(u) **Policy.** Authorized expressions of public intent reflecting the general principles guiding the efforts of the school system or school toward approved goals.

(v) **Preponderance of Evidence.** A superiority of weight.

(w) **Reasonable.** Just and proper; ordinary or usual; fit and appropriate to the end in view.

(x) **Respondent.** The party against whom the complaint is made.

Cite as Ga. Comp. R. & Regs. R. 506-4-.01
Authority: O.C.G.A. Secs. 20-2-790, *et seq.*; 20-2-795.
History. Original Rule entitled "General" adopted. F. Apr. 7, 1994; eff. Apr. 27, 1994.

Rule 506-4-.02. Professional Performance Standards.

(1) **Administrative and Supervisory Requirements.** Competent educators must possess the administrative and supervisory abilities and skills necessary to complete the designated task.

(a) Each Competent Educator.

1. **Records.** Each educator shall keep records for which he/she is responsible in accordance with law and the accepted practices of the school system;

2. **Supervision.** Each educator shall supervise others in accordance with law and the accepted practices of the school system; and

3. **Community Groups.** Each educator shall recognize the role and function of community agencies and groups as they relate to the school.

(b) Each Competent Teacher.

1. **Materials.** Each teacher shall utilize available instructional materials and equipment necessary to accomplish the designated task; and

2. **Policy.** Each teacher shall adhere to and enforce school law, State Board Rules, Local Board policies, administrative policies of the school, Professional Standards Commission Rules, and Professional Practices Commission Rules.

(c) Each Competent Administrator.

1. **Materials.** Each administrator shall use available instructional personnel, materials and equipment necessary to accomplish the designated task;

2. **Policy.** Each administrator shall adhere to and enforce school law, State Board Rules, Local Board policies, Professional Standards Commission Rules, and Professional Practices Commissions Rules; and

3. **Communication.** Each administrator shall use suitable channels of communication when interacting with teachers, community agencies and groups.

(2) **Analysis of Individual Needs and Potential.** Each competent educator shall utilize or promote the utilization of acceptable techniques to analyze the needs and potential of individuals.

(3) Instructional Procedures.

(a) **Each Competent Educator.** Each competent educator shall seek accomplishment of the designated task through selection and utilization of appropriate instructional procedures.

1. **Atmosphere.** Each educator shall create an atmosphere which fosters interest and enthusiasm for learning and teaching;

2. **Procedures.** Each educator shall use procedures appropriate to accomplish the designated task; and

3. **Expression of Ideas.** Each educator shall encourage expressions of ideas, opinions and feelings.

(b) Each Competent Teacher.

1. **Create Interest.** Each teacher shall create interest through the use of materials and techniques appropriate to the varying abilities and background of students; and

2. **Utilize Student Interest.** Each teacher shall utilize individual student interests and abilities when planning and implementing instruction.

(c) Each Competent Administrator.

1. **Create Interest.** Each administrator shall support the creation of interest by providing the materials, equipment and encouragement necessary for the teacher to accomplish the designated task; and

2. **Assignments.** Each administrator shall make assignments of tasks and duties in light of individual abilities and specialties.

(4) **Communication Skills.** Within the limits prescribed by his or her assignment and role each competent educator shall communicate effectively with students and other educators.

(a) Each Competent Educator.

1. **Relevant Information.** Each educator shall use information and materials that are relevant to the designated task;

2. **Relevant Language.** Each educator shall use language and terminology which are relevant to the designated task;

3. **Appropriate Language.** Each educator shall use language which reflects an understanding of the abilities of the individual or group;

4. **Task Designation.** Each educator shall assure that the task is understood;

5. **Feedback.** Each educator shall use feedback techniques which are relevant to the designated task;

6. **Extract Ideas.** Each educator shall extract major ideas or themes from the statements of others; and

7. **Encourage Clear Ideas.** Each educator shall encourage each individual to state his or her ideas clearly.

(5) Management Techniques.

(a) Each Competent Educator.

1. **Discipline.** Each educator shall resolve discipline problems in accordance with law, State Board rules, Local Board policies, administrative regulations and accepted school policies;

2. **Consistency.** Each educator shall maintain consistency in the application of policy and practice;

3. **Management Techniques.** Each educator shall use management techniques which are appropriate to the particular setting, such as group work, seat work, lecture, discussion, individual projects and others; and

4. **Standards.** Each educator shall develop and maintain standards of conduct.

(6) **Competence in Specialization.** Each competent educator shall possess knowledge, within his/her area of specialization, to a degree within his/her record of professional preparation and shall be able to show evidence of having an awareness of current development in his or her field.

(7) **Evaluation of Learning and Goal Achievement.** A competent educator accepts responsibility commensurate with the delegated authority to evaluate learning and goal achievement.

(a) Each Competent Educator.

1. **Techniques.** Each educator shall utilize several types of evaluative techniques;

2. **Feedback.** Each educator shall provide frequent and prompt feedback concerning the success of learning and goal achievement efforts;

3. **Analysis.** Each educator shall analyze and interpret effectively the results of evaluation for judging instruction, the achievement of stated goals or the need for further diagnosis;

4. **Utilization.** Each educator shall utilize the results of evaluation for planning, counseling and program modification; and

5. **Explain.** Each educator shall explain methods and procedures of evaluation to those concerned.

(8) **Human and Interpersonal Relationships.** A competent educator shall possess effective human and interpersonal relation skills.

(a) Each Competent Educator.

1. **Differing Views.** Each educator shall encourage others to hold and express differing opinions or ideas;

2. **Not Misinterpret.** Each educator shall not knowingly misinterpret the statement of others;

3. **Not Disrespect.** Each educator shall not show disrespect for, nor lack of acceptance of, others;

4. **Leadership.** Each educator shall provide leadership and direction for others by appropriate example;

5. **Constructive Criticism.** Each educator shall offer constructive criticism when necessary;

6. **Comply.** Each educator shall comply with reasonable requests and orders given by and with proper authority;

7. **Unreasonable Tasks.** Each educator shall not assign unreasonable tasks; and

8. **Exercise Authority.** Each educator shall demonstrate self-confidence and self-sufficiency in exercising authority.

(9) **Personal Requirements.** In assessing the mental or physical health of educators, no decision adverse to the educator shall be made except on the advice or testimony of personnel competent to make such judgment by reason of training, licensure and experience. However, certain behaviors are held to be probable cause for examination.

(a) Each Competent Educator.

1. **Physical Ability.** Each educator shall be able to engage in physical activity appropriate to the designated task, except for temporary disability;

2. **Communication Skill.** Each educator shall be able to communicate effectively so as to accomplish the designated task;

3. **Emotional Control.** Each educator shall appropriately control his or her emotions; and

4. **Intellectual Ability.** Each educator shall possess and demonstrate sufficient intellectual ability to perform designated tasks.

Cite as Ga. Comp. R. & Regs. R. 506-4-.02
Authority: O.C.G.A. Secs. 20-2-790*et seq.*; 20-2-795.
History. Original Rule entitled "Professional Performance Standards" adopted. F. Apr. 7, 1994; eff. Apr. 27, 1994.

Chapter 506-5. CODE OF ETHICS FOR EDUCATORS.

Rule 506-5-.01. General.

(1) **Preamble.** Educators, on whom the development and perpetuation of knowledge depends, recognize their primary responsibility is to students. As members of the teaching profession, educators also recognize their responsibility to the educational system, to the profession, and to the citizenry. These principles establish the elements of professional behavior in light of these responsibilities. These principles are intended to aid educators individually and collectively in maintaining a high level of ethical conduct. These principles are standards by which educators are able to determine the propriety of their conduct in their relationships with students, with colleagues, and with the public.

(a) **Purpose.** These principles are intended to serve educators as a guide to ethical conduct. They provide a sound basis for solution of many problems which arise in educators' relationships with students, with other educators, and with the public. Undoubtedly, interpretation of these principles by an appropriate authority will be required at times. As a rule, however, educators who are capable, honest, intelligent and vigilant, and who conduct their affairs in the light of their own conscientious interpretation of these principles should have no difficulty in the discharge of their ethical responsibilities.

(b) **Principles Applicable to All.** There is but one code of ethics for all certified educators.

(c) **Ethics are Principles.** The wide extent of an unethical practice does not make it ethical or ethically acceptable, for "Ethics" has to do with principles. For the same reason, a procedure or conduct unethical in one area of the State cannot be ethical under the same circumstances in another.

(2) **Introduction.** The Professional Teaching Practices Act, O.C.G.A. Section 20-2-790, *et seq.,* provides that the practice of teaching and the rendering of administrative and supervisory services are recognized and declared to be professional services affected with the public interest. Teaching is declared to be a profession in this State with all similar rights, responsibilities, and privileges accorded other recognized professions. The distinguishing characteristics of a profession as opposed to occupations or trades, include not only a special knowledge and education but a requirement that its members adhere to an ethical code of professional behavior. It is the responsibility of the profession to develop an ethical code of conduct which shall define the professional behavior of educators in this State.

(a) The General Assembly of Georgia has charged the Professional Practices Commission, the body responsible for enforcing the Professional Teaching Practices act, with the duty of adopting a code of professional ethics for educators which represents the standards of conduct generally accepted by the education profession in this State. This Code is established by the Professional Practices Commission to discharge that duty. This Code is intended to set forth the conduct that is related to the educator's performance of professional responsibilities that is considered to be proper ethical behavior, as well as defining that conduct which is

considered by the education profession to be unethical and justifying disciplinary sanction.

(b) It is the intent of this Code:

(1) to protect the health, safety, and general welfare of students and educators within the State of Georgia;

(2) to assure the citizens of the State that the education profession is accountable for acts of unprofessional conduct of its members; and

(3) to define and provide notice to educators within the State of Georgia of acts of unprofessional conduct for which they are accountable pursuant to O.C.G.A. Section 20-2-790, *et seq.*

(c) A professional ethical code defines the responsibilities of the professional and thus differs from a personal and ethical code in the area of its application. While an individual educator's personal and professional ethical codes may coincide, this code does not seek to regulate personal conduct. This Code addresses the professional responsibilities of educators. The provisions of this Code are not intended to be applicable to the private conduct of an educator except where the educator's role as a private person is not distinguishable from the role as an educator and the fulfillment of the professional obligations.

(d) The ethical standards of professional conduct may exceed but are never less than, nor contrary to, those required by law. Violation of law may subject the educator to civil or criminal liability, as provided in this Code of Ethics, in local board of education policy, or the Rules of the Professional Standards Commission. Revocation of a teaching certificate is the maximum penalty which may be imposed by the teaching profession on an educator who violates the ethical standards of the profession.

(e) An educational administrator is first a teacher. The primary responsibilities of the administrator are to advance the education of students, and therefore, are not different from those of the classroom teacher, although the amount of time spent by the administrator and classroom teacher on various duties and the perspective of the administrator may vary. As a consequence, this Code should be construed as applying to all educators who hold a valid Georgia Educator Certificate issued by the Professional Standards Commission or its predecessor authority, the Georgia Board of Education. Where the Code may present a specific concern(s) for the administrator, those particular concerns will be detailed.

(3) Supplementary Definitions.

(a) **Educator.** See **Teacher,** Rule 506-1-.01(9).

(b) **Student.** The term means the following:

1. Any individual enrolled in a course of study in an elementary, middle, or secondary school;

2. Any individual receiving instruction in a school or program operated by or under the jurisdiction of the Department of Human Resources, the Department of Children and Youth Services, the Georgia Department of Education, or any other state agency; or

3. Any individual formerly enrolled in a course of study in an elementary, middle, or secondary school who is under eighteen years of age and who has not fulfilled secondary school graduation requirements.

(c) **Colleague.** Any person with whom the educator has a professional relationship and includes fellow workers and employees, regardless of their status as educators.

(d) **Supervisor.** Any person who possesses the authority to evaluate or direct the performance of a colleague.

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Rule 506-5-.02. The Code of Ethics.

This Code is in three parts: "Canons," "Ethical Considerations" and "Standards of Conduct," each of which is designed to complement the other. "Canons" are the aspirations of the profession. Because they represent the ideal, it is recognized that educators may fall short of these principles. The "Ethical Considerations," although not themselves a binding code of conduct, should be used by educators in interpreting the "Standards of Conduct" to ensure that the educator always acts within the confines of ethical professional behavior. The "Standards of Conduct" establish mandatory prohibitions and requirements. These Standards are binding on educators. Violation of these Standards may subject an educator to investigation by the Professional Practices Commission and disciplinary action by the Professional Standards Commission and/or by the local board of education.

(a) Canon I: An Educator Should Strive Always to Improve the Educational System.

1. **Ethical Consideration: EC 1-1.** An educator should develop and maintain an effective educational relationship with all students, parents and educators. To have an effective educational relationship with a student, an educator must have an advanced knowledge, consistent with the educator's level of formal training, of the area in which the educator is to perform professional services and a strong desire to

use that advanced knowledge and training to improve educational opportunities for all students.

2. **Ethical Consideration: EC 1-2.** The educational system is the institution through which educators are able to teach students. The professional educator should support and work to improve the educational system. An educator should work with colleagues, either independently or through association with others, to assure necessary improvement in educational services.

3. **Ethical Consideration: EC 1-3.** Support of the educational system does not require uncritical agreement with all educational and board policies. Constructive criticism offered in a professional manner is an appropriate way to seek improvement of the educational system. An educator should also respect the right of others to exercise independent thought and to express constructive criticism in an appropriate and professional manner.

4. **Ethical Consideration: EC 1-4.** A supervisor should recognize the value of the views of colleagues as to educational policy and, as appropriate, utilize other viewpoints in shaping policy and making decisions.

5. **Ethical Consideration: EC 1-5.** Educators fulfilling the role of judge or tribunal member concerning actions of students or other educators should base their decisions only on the evidence and information presented during formal hearings. While serving as members of a tribunal, educators should avoid conduct which would create the appearance of impropriety in their decision making. An educator should never pressure, coerce or otherwise limit a colleague's expression of professional opinion or judgment in a statutory or regulatory decision making procedure, such as those required under federal and state special education laws, or in response to an educator's testimony or evidence in any school related due process forum.

(b) Canon II: An Educator Should Act to Improve the Educator's Personal Abilities and to Improve the Educator's School Environment.

1. **Ethical Consideration: EC 2-1.** An educator recognizes that continued study is necessary not only to retain certification but also to maintain one's professional abilities. An educator seeks continually to improve his/her proficiency. All educators should endeavor to support and foster individual professional improvement.

2. **Ethical Consideration: EC 2-2.** The beginning point in the support and improvement of the educational system is the improvement of the educator's own professional competence. Continued study, both formal and informal, is necessary for the professional to maintain competence and improve skill. It is only from a position of individual professional competence that the educator can work effectively to support and improve the educational system.

3. **Ethical Consideration: EC 2-3.** An effective employment relationship between the educator and the local school system is essential to the educational relationship between educator and student. Both contracting parties must interact honestly and in good faith. An educator should not execute a contract he/she does not intend or knows he/she will be unable to fulfill. An educator should not abandon the professional duties the educator has contracted to deliver except in an emergency beyond the control of the educator. An educator should be honest in making application for employment. An educator should not assist anyone in deceiving a supervisor, a board of education or other employer concerning that person's credentials or qualifications.

(c) Canon III: An Educator should Always Maintain a Proper Professional Relationship with Students and Colleagues.

1. **Ethical Consideration: EC 3-1.** An effective educational relationship with students is essential to a productive learning environment. The educator must develop and maintain this relationship through sound educational practices and exemplary conduct. The classroom must provide a climate in which learning can take place. An educator should be creative in developing an effective educational relationship with students. An educator truthfully and without bias evaluates and/or assigns grades to students.

2. **Ethical Consideration: EC 3-2.** An educator protects students from conditions that are detrimental to learning, health, or safety. An educator who has a reasonable basis to believe that a student has been abused as defined by law should make such reports as are required by law and are necessary to ensure the safety and well-being of the student.

3. **Ethical Consideration: EC 3-3.** The educator should maintain an appropriate educational relationship with all students, both in and outside the classroom. An educator should never solicit, encourage or consummate a romantic or physical relationship or sexual contact with any student, whether the student is over the age of majority or is in the educator's class or school. An educator should never touch a student in an inappropriate way or manner, either out of anger or with an intent to harm the student or for personal gratification.

4. **Ethical Consideration: EC 3-4.** In the administration of discipline and otherwise, an educator treats all students with dignity and in compliance with all the policies of the educator's employing school district.

5. **Ethical Consideration: EC 3-5.** An educator does not disclose confidential information concerning students except to preserve the health, safety and welfare of the students or others, in emergency situations, as lawfully directed by a supervisor or as otherwise required by law. Educational personnel respect and recognize the confidentiality rights of students and others in accordance with provisions of valid administrative regulations as well as state and federal statutes. Unless authorized by

statute, policy or at the lawful direction of his/her supervisors, an educator should not destroy, remove or alter educational records.

6. **Ethical Consideration: EC 3-6.** An educator should not accept any gift, gratuity, favor or additional compensation which might impair or appear to impair or influence professional decisions or actions. An educator, except as authorized by his/her board of education, should not tutor for compensation a student in the educator's class. An educator should never use position or influence to profit personally from students, their families, or from colleagues.

(d) Canon IV: An Educator Should Assist in Maintaining the Professional Competence of the Education Profession.

1. **Ethical Consideration: EC 4-1.** Entry into the teaching profession is regulated by the certification process of the Professional Standards Commission. The Certification process is designed to maintain minimum competency standards for the profession. The integrity of the profession is dependent upon the accuracy of the credentials and information on which the certification determinations are made.

2. **Ethical Consideration: EC 4-2.** An educator should provide accurate, truthful and complete information to the Professional Standards Commission and to the local school system concerning his/her certification transactions or satisfaction of in-service or continuing education credit requirements. An educator should not assist anyone or further the application of anyone in providing inaccurate or untruthful information to the State Board of Education, the local school system, the Professional Standards Commission or the Professional Practices Commission concerning any individual's application or eligibility for professional certification.

3. **Ethical Consideration: EC 4-3.** An educator upon request should provide any information he/she has to the Professional Standards Commission and/or the Professional Practices Commission which would warrant or support the suspension, revocation or denial of a certificate, license or teaching credential of any other educator.

(e) Canon V: An Educator Should Assist in Maintaining the Integrity of the Profession.

1. **Ethical Consideration: EC 5-1.** Essential in maintaining the integrity of the teaching profession is the upholding of the Code of Ethics for Educators and the Standards of Professional Performance. All educators will seek to adhere to this Code and the Standards and should be acquainted with the provisions of this Code.

2. **Ethical Consideration: EC 5-2.** An educator is concerned with maintaining the integrity of the teaching profession and should not tolerate actions of others which violate the provisions of this Code. An educator who possesses knowledge that another educator has violated the Standards of Conduct of this Code should report

such information to local educational authorities and to the Professional Practices Commission.

3. **Ethical Consideration: EC 5-3.** An educator should be accurate, complete and truthful in all information submitted in the course of an investigation by a governmental agency regarding students or colleagues; however, the educator is entitled to refuse to give evidence against himself/herself which may tend to incriminate the educator as defined by the Fifth Amendment to the U.S. Constitution and no adverse inference may be drawn from the exercise of the right, except as may be authorized by law.

4. **Ethical Consideration: EC 5-4.** When faced with a situation which may violate this Code, an educator should seek the assistance and counsel of experienced colleagues. In situations where there is any reasonable difference in the opinions as to the meaning or interpretation of this Code, educators should seek guidance from the Professional Practices Commission, before engaging in the questioned activity.

(f) Canon VI: A Supervisor Should Exemplify the Best Qualities of an Educator.

1. **Ethical Consideration: EC 6-1.** The supervisor should be a leader who articulates distinct goals and who displays the ability and authority necessary to guide educators and students to work toward these goals. A supervisor recognizes the value of those colleagues who seek to improve their competence and supports their efforts within the capacities of the system.

2. **Ethical Consideration: EC 6-2.** A supervisor serves as an educator through example. A supervisor should be fair and consistent in exercising authority and act with prudence and without arbitrariness or capriciousness. A supervisor should not use authority to expose colleagues or subordinates to unwarranted embarrassment or to otherwise impair their professional dignity. A supervisor should truthfully and without bias evaluate educators. A supervisor should endeavor to follow the legal requirements of due process, when applicable, in disciplining subordinates and students. A supervisor should be honest in the representations he/she makes to an educator applying for employment.

3. **Ethical Consideration:** EC 6-3. A supervisor should not use his/her professional position for personal gain or profit. A supervisor should never solicit or accept any gift, gratuity, favor or additional compensation which might impair or appear to impair or influence professional decisions or actions.

4. **Ethical Consideration: EC 6-4.** A supervisor should not require or direct a colleague to violate any provision of this code, or any rights of a student, parent, educator or citizen. A supervisor should not assign or delegate to another educator responsibility beyond the scope of that educator's qualifications and credentials unless such delegation or assignment is otherwise authorized by policy or required

by law. A supervisor does not request or expect any teacher, student or colleague to take action that the administrator knows or should know is contrary to law.

5. **Ethical Consideration: EC 6-5.** A supervisor should award or recommend the award of positions to the employing governmental body on the basis of law, policy, professional qualifications and/or the needs of the system. A supervisor should never retaliate against, or coerce or intimidate any educator for exercising of legal right or for adhering to any ethical consideration or standard of conduct. A supervisor should not retaliate against, or coerce or intimidate a colleague for his/her assistance or support of a parent or of a student in the exercise of any right protected by law.

(g) **Standards of Conduct.** The Standards of Conduct to be observed by educators are set forth below. These Standards establish mandatory prohibitions and requirements. These Standards are binding on educators. Any violation of these Standards may subject an educator to investigation by the Professional Practices Commission and disciplinary action by the Professional Standards Commission and/or by the local board of education.

1. **Standard 1: Disregard or Abandonment of Generally Recognized Professional Standards.** Any act in flagrant disregard or clear abandonment of generally recognized professional standards, as adopted by this Commission pursuant to O.C.G.A Section 20-2-795, in the course of any of the following professional practices is an unethical act:

   (i) Assessment, treatment, instruction, or supervision of students;

   (ii) Employment or evaluation of personnel; or

   (iii) Management of monies or property.

2. **Standard 2: Dishonesty.** An educator shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation in the performance of professional duties.

3. **Standard 3: Misrepresentation or Falsification in the Course of Professional Practice.** Any falsification or deliberate misrepresentation, including omission of a material fact by an educator concerning any of the following is an unethical act:

   (i) Statement of professional qualifications;

   (ii) Application or recommendation for professional employment, promotion, or certification, not including a recommendation pursuant to a settlement of disputed facts;

   (iii) Application or recommendation for college or university admission, scholarship, grant, academic award, or similar benefit;

(iv) Representation of completion of college or staff development credit;

(v) Evaluation or grading of students and/or personnel, not including an evaluation or recommendation pursuant to a settlement of disputed facts;

(vi) Submission of financial or program compliance reports submitted to state, federal or other governmental agencies;

(vii) Submission of information in the course of an official inquiry by the employing school district or the Professional Practices Commission related to acts of unprofessional conduct; provided, however, that an educator shall be entitled to decline to give evidence against himself/herself if such evidence may tend to incriminate the educator as that term is defined by the Fifth Amendment to the United States Constitution and Article 1, Section 1, Paragraph 16 of the Georgia Constitution; or

(viii) Submission of information in the course of an investigation by a law enforcement agency or by child protective services regarding school related criminal activity; provided, however, that an educator shall be entitled to decline to give evidence against himself/herself in any such investigation if the same may tend to incriminate the educator as that term is defined by the Fifth Amendment of the U.S. Constitution, and Article 1, Section 1, Paragraph 16 of the Georgia Constitution.

4. **Standard 4: Improper Remunerative Conduct.** The solicitation of students or parents of students to purchase equipment, supplies, or services from the educator in a private remunerative capacity is unethical. An educator shall not tutor for remuneration students assigned to his/her classes, unless approved by the local board of education or the superintendent. An educator shall not exploit professional relationships with students, colleagues, parents, school patrons, businesses or school board members for personal gain or private advantage.

5. **Standard 5: Abuse of Students.** Unethical conduct includes the commission by an educator of any sexual exploitation or abusive act with or to a student as defined below:

(i) Any unlawful sexual act;

(ii) Any solicitation of any unlawful sexual act, whether written, verbal or physical;

(iii) Any act of child abuse, as defined by law;

(iv) Any act of sexual harassment, as defined by law; or

(v) Any solicitation, encouragement or consummation of a romantic or physical relationship with a student, or any sexual contact with a student. The definition of the term "romantic relationship" includes "dating" a student or otherwise being involved in an inappropriate social relationship.

6. **Standard 6: Confidential Information.** An educator shall keep in confidence personally identifiable information regarding students or their family members that has been obtained in the course of professional service, unless disclosure is required by law or is necessary for the personal safety of the student or others.

7. **Standard 7: Unconstitutional or Discriminatory Acts.** Unethical conduct includes any willful or malicious violation of the constitutional or civil rights of a student or colleague by an educator.

8. **Standard 8: Failure to Make a Required Report.** Unethical conduct includes the failure by an educator to make a report required by O.C.G.A. Section 20-2-795.1; Section 19-7-5 or 20-2-1184. Also included herein, the failure by an educator to notify the Professional Practices Commission of a professional colleague's conduct which clearly is in violation of the Standards of Conduct as promulgated by the Professional Practices Commission or conduct which constitutes a basis for the revocation, suspension or denial of the educator's Georgia Educator Certificate.

9. Standard 9: Alcohol or Controlled Substance Abuse. Unethical conduct includes:

   (i) Being under the influence of, possessing, using or consuming on school premises or at school-sponsored activity a Schedule I controlled substance, as defined by O.C.G.A Section 16-13-25; or a Schedule II, III, IV, or V controlled substance, as defined by O.C.G.A Sections 16-13-26 through 16-13-29, without a prescription authorizing such use;

   (ii) Being under the influence of, possessing, using or consuming an alcoholic beverage on school premises or at a school-sponsored activity involving students; or

   (iii) Furnishing alcohol or controlled substance to any student(s). Unprofessional conduct includes the unlawful furnishing of alcohol or a controlled substance(s), as defined in O.C.G.A. Section 16-13-21, to any student by an educator.

10. **Standard 10: Criminal Acts.** Any act which constitutes a criminal offense of moral turpitude, including misdemeanors other than minor traffic offenses, or a felony under the laws of the United States or of any state is an unethical act.

11. **Standard 11: Public Funds and Property.** The misuse of public funds or property, or funds of a school related organization by an educator is unethical. The

failure to account for funds collected by an educator from students or parents is unethical. The fraudulent submission of requests for reimbursement of expenses or for pay is unethical.

12. **Standard 12: Unauthorized Professional Practice.** Any act performed as an employee in a position for which certification is required by rules of the Professional Standards Commission during any period in which the individual's teaching, service, or leadership certificate has been suspended or revoked.

13. **Standard 13: Abandonment of Contract for Professional Services.** Unethical conduct includes the abandonment of a contract for professional services, or the willful refusal to perform the services required by a contract, without the prior approval of the employer, except in case of an emergency beyond the control of the employee.

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