

House Bill 86 (AS PASSED HOUSE AND SENATE)

By: Representatives Benton of the 31<sup>st</sup>, Stovall of the 74<sup>th</sup>, Greene of the 151<sup>st</sup>, Gambill of the 15<sup>th</sup>, and Moore of the 1<sup>st</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Part 11 of Article 17 of Chapter 2 of Title 20 of the Official Code of Georgia  
2 Annotated, relating to complaints policy for teachers and other school personnel, so as to  
3 provide a separate appeals process for certain performance ratings contained in personnel  
4 evaluations for teachers who accepted a school year contract for the fourth or subsequent  
5 consecutive school year; to provide for the establishment of appeals policies by local units  
6 of administration; to provide for appeals hearings to be conducted by independent third  
7 parties or system administrators; to require local units of administration to submit copies of  
8 their complaint policies to the Department of Education; to provide for an effective date; to  
9 provide for related matters; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 style="text-align:center">**SECTION 1.**

12 Part 11 of Article 17 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated,  
13 relating to complaints policy for teachers and other school personnel, is amended by revising  
14 Code Section 20-2-989.7, relating to matters not subject to complaint, as follows:

15 "20-2-989.7.

16 (a)(1) Except as otherwise provided in paragraph (2) of this subsection, the ~~The~~  
17 performance ratings contained in personnel evaluations conducted pursuant to Code  
18 Section 20-2-210, professional development plans, and job performance shall not be  
19 subject to complaint under the provisions of this part; provided, however, that this shall  
20 not apply to procedural deficiencies on the part of the local school system or charter  
21 school in conducting an evaluation pursuant to Code Section 20-2-210.

22 (2) For teachers who have accepted a school year contract for the fourth or subsequent  
23 consecutive school year, summative performance ratings of 'Unsatisfactory' or  
24 'Ineffective' contained in personnel evaluations conducted pursuant to Code Section  
25 20-2-210, procedural deficiencies on the part of the local school system or charter school  
26 in conducting an evaluation pursuant to Code Section 20-2-210, and job performance

27 shall be subject to appeal pursuant to this paragraph. Local units of administration shall  
28 establish an appeals policy that shall allow a teacher to appeal a summative performance  
29 rating of 'Unsatisfactory' or 'Ineffective.' Such appeals policy shall include a method and  
30 reasonable timelines for filing an appeal that minimize the burden on both parties, a  
31 statement that a teacher shall not be the subject of any reprisal as a result of filing an  
32 appeal pursuant to this paragraph, a provision that an appeal hearing may be conducted  
33 by an independent third party or by an administrator in the system office on behalf of the  
34 school official or local unit of administration, and a method to receive the decision of the  
35 independent third party or system administrator. Should any reprisal occur, the teacher  
36 may refer the matter to the Professional Standards Commission. Each local unit of  
37 administration shall submit a copy of its appeals policy established pursuant to this  
38 paragraph to the Department of Education no later than July 1, 2021, and any time  
39 thereafter if material changes are made to such policy.

40 (3) The termination, nonrenewal, demotion, suspension, or reprimand of any employee,  
41 as set forth in Code Section 20-2-940, and the revocation, suspension, or denial of  
42 certificates of any employee, as set forth in Code Section 20-2-984.5, shall not be subject  
43 to complaint under the provisions of this part.

44 (b) A certified employee who chooses to appeal under Code Section 20-2-1160 shall be  
45 barred from pursuing the same complaint under this part."

46 **SECTION 2.**

47 This Act shall become effective on July 1, 2021.

48 **SECTION 3.**

49 All laws and parts of laws in conflict with this Act are repealed.