

The House Committee on Education offers the following substitute to HB 86:

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 related matters; to
9 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, performance ratings of 'Unsatisfactory,' 'Ineffective,' or 'Needs
24 Development' 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 performance rating of
 29 'Unsatisfactory,' 'Ineffective,' or 'Needs Development.' Such appeals policy shall include
 30 a method and reasonable timelines for filing an appeal that minimize the burden on both
 31 parties, a statement that a teacher shall not be the subject of any reprisal as a result of
 32 filing an appeal pursuant to this paragraph, a provision that an appeal hearing may be
 33 conducted by an independent third party or by an administrator in the system office on
 34 behalf of the school official or local unit of administration, and a method to receive the
 35 decision of the independent third party or system administrator. Should any reprisal
 36 occur, the teacher may refer the matter to the Professional Standards Commission. Each
 37 local unit of administration shall submit a copy of its appeals policy established pursuant
 38 to this paragraph to the Department of Education no later than September 1, 2019, and
 39 any time 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 All laws and parts of laws in conflict with this Act are repealed.