

The Senate Committee on Education and Youth offered 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 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, performance ratings of 'Unsatisfactory' or 'Ineffective' contained  
24 in personnel evaluations conducted pursuant to Code Section 20-2-210, procedural  
25 deficiencies on the part of the local school system or charter school in conducting an  
26 evaluation pursuant to Code Section 20-2-210, and job performance shall be subject to

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