

## House Bill 81

By: Representatives Lucas of the 105<sup>th</sup>, Cummings of the 19<sup>th</sup>, Hugley of the 113<sup>th</sup>, Greene of the 134<sup>th</sup>, Reece of the 11<sup>th</sup> and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to  
2 elementary and secondary education, so as to provide for the acquisition of certain rights  
3 relating to demotion or nonrenewal of contract for a school year under certain circumstances  
4 for persons first becoming teachers on or after July 1, 2000; to repeal conflicting laws; and  
5 for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and  
9 secondary education, is amended by striking Code Section 20-2-942, relating to procedures  
10 for nonrenewal after acceptance by a teacher of a school year contract for a fourth  
11 consecutive year, and inserting in lieu thereof the following:

12 "20-2-942.

13 (a) As used in this Code section, the term:

14 (1) 'Local board of education' or 'local board' means a county or independent board of  
15 education, a board of education of an area school system, or any agent with the authority  
16 to act on behalf of any such board.

17 (1.1) 'School administrator' means any professional school employee certificated by the  
18 Professional Standards Commission who is required to hold a leadership certificate and  
19 is assigned to a leadership position pursuant to rules of the State Board of Education,  
20 Department of Education, Professional Standards Commission, or requirements of local  
21 policy or job description.

22 (2) 'School year' means a period of at least 180 school days beginning in or about  
23 September and ending in or about June.

24 (3) 'School year contract' means a contract of full-time employment between a teacher  
25 and a local board of education covering a full school year. A contract of employment for  
26 a portion of a school year shall not be counted as a school year contract, nor shall

1 contracts of employment for portions of a school year be cumulated and treated as a  
2 school year contract. A contract of employment for any time outside a school year shall  
3 not be counted as a school year contract, nor shall contracts of employment for time  
4 outside a school year be cumulated and treated as a school year contract. A school year  
5 contract is deemed included within a contract of full-time employment between a teacher  
6 and a local board of education covering a full calendar or fiscal year.

7 (4) 'Teacher' means any professional school employee certificated by the Professional  
8 Standards Commission, but not including school administrators.

9 (b)(1) A teacher who accepts a school year contract for the fourth consecutive school  
10 year from the same local board of education may be demoted or the teacher's contract  
11 may not be renewed only for those reasons set forth in subsection (a) of Code Section  
12 20-2-940.

13 (2) In order to demote or fail to renew the contract of a teacher who accepts a school year  
14 contract for the fourth or subsequent consecutive school year from the same local board  
15 of education, the teacher must be given written notice of the intention to demote or not  
16 renew the contract of the teacher. Such notice shall be given by certified mail or statutory  
17 overnight delivery as provided in subsection (c) of Code Section 20-2-940. Such notice  
18 shall contain a conspicuous statement in substantially the following form:

19 You have the right to certain procedural safeguards before you can be demoted or  
20 dismissed. These safeguards include the right to notice of the reasons for the action  
21 against you and the right to a hearing. If you desire these rights you must send to the  
22 school superintendent by certified mail or statutory overnight delivery a statement that  
23 you wish to have a hearing; and such statement must be mailed to the school  
24 superintendent within 20 days after this notice was mailed to you. Your rights are  
25 governed by subsection (b) of Code Section 20-2-211, Code Section 20-2-940, and  
26 Code Sections 20-2-942 through 20-2-947, and a copy of this law is enclosed.

27 A copy of subsection (b) of Code Section 20-2-211, Code Section 20-2-940, this Code  
28 section, and Code Sections 20-2-943 through 20-2-947 shall be enclosed with the notice.

29 A teacher who is so notified that he or she is to be demoted or that his or her contract will  
30 not be renewed has the right to the procedures set forth in subsections (b) through (f) of  
31 Code Section 20-2-940 before the intended action is taken. A teacher who has the right  
32 to these procedures must serve written notice on the superintendent of the local board  
33 employing the teacher within 20 days of the day the notice of the intended action is  
34 served that he or she requests a hearing. In order to be effective, such written notice that  
35 the teacher requests implementation of such procedures must be served by certified mail  
36 or statutory overnight delivery as provided in subsection (c) of Code Section 20-2-940.  
37 Within 14 days of service of the request to implement the procedures, the local board

1 must furnish the teacher a notice that complies with the requirements of subsection (b)  
2 of Code Section 20-2-940.

3 (3) A teacher is deemed to have accepted a fourth consecutive school year contract if,  
4 while the teacher is serving under the third consecutive school year contract, the local  
5 board does not serve notice on the teacher by April 15 that it intends not to renew the  
6 teacher's contract for the ensuing school year, and the teacher does not serve notice in  
7 writing on the local board of education by May 1 of the third consecutive school year that  
8 he or she does not accept the fourth consecutive school year contract.

9 (4) A teacher who has satisfied the conditions set forth in paragraph (1) of this subsection  
10 who is subsequently employed by another local board of education and who accepts a  
11 second consecutive school year contract from the local board at which the teacher is  
12 subsequently employed may be demoted or the teacher's contract may not be renewed  
13 only for those reasons set forth in subsection (a) of Code Section 20-2-940. The  
14 provisions set forth in paragraph (2) of this subsection shall likewise apply to such a  
15 teacher.

16 (5) A teacher is deemed to have accepted a second consecutive school year contract if,  
17 while the teacher is serving under the first school year contract, the local board does not  
18 serve notice on the teacher by April 15 that it intends not to renew the teacher's contract  
19 for the ensuing school year, and the teacher does not serve notice in writing on the local  
20 board of education by May 1 of the first school year that he or she does not accept the  
21 second consecutive school year contract.

22 (6) Local boards shall make contract offers available to teachers for a minimum ten-day  
23 review period. A teacher accepts the contract by signing and returning it any time during  
24 the ten-day period.

25 (7)(A) Professional certificated personnel employed by a county or independent local  
26 school system that becomes consolidated with or merged into another county or  
27 independent local school system as provided in Article 8 of this chapter or otherwise  
28 shall retain their employment, except as provided in subparagraph (B) of this paragraph,  
29 in the newly created, or surviving, school system. Said professional certificated  
30 personnel shall retain and carry over all the rights already accrued and earned in the  
31 professional certificated personnel's prior school system and as set forth in this  
32 paragraph.

33 (B) Any reductions in staff due to loss of students or cancellation of programs in the  
34 newly created, or surviving, school system necessitated by the consolidation or merger  
35 shall be made first in preference of retaining professional certificated personnel on the  
36 basis of uniformly applied criteria set forth in local school board policies of the newly  
37 created, or surviving, school system.

1 (c)(1) A person who first becomes a school administrator on or after April 7, 1995, shall  
2 not acquire any rights under this Code section to continued employment with respect to  
3 any position of school administrator. A school administrator who had acquired any rights  
4 to continued employment under this Code section prior to April 7, 1995, shall retain such  
5 rights:

6 (A) In that administrative position which such administrator held immediately prior to  
7 such date; and

8 (B) In any other administrative position to which such administrator has been  
9 involuntarily transferred or assigned,

10 and only in such positions shall such administrator be deemed to be a teacher for the  
11 purpose of retaining those rights to continued employment in such administrative  
12 positions.

13 (2) A teacher who had acquired any rights to continued employment under this Code  
14 section prior to April 7, 1995, and who is or becomes a school administrator without any  
15 break in employment with the local board for which the person had been a teacher shall  
16 retain those rights under this Code section to continued employment in the position as  
17 teacher with such local board.

18 (2.1) A local board of education may enter into an employment contract with a school  
19 administrator for a term not to exceed three years. During the term of any such contract,  
20 that school administrator may not be demoted except as provided in the other subsections  
21 of this Code section and may not be terminated or suspended except as provided in Code  
22 Section 20-2-940, but the school administrator shall have no right to renewal of such  
23 contract. The rights provided under such contracts by this paragraph shall be in addition  
24 to any rights which a school administrator may otherwise have under the other provisions  
25 of this subsection.

26 (3) Nothing in this subsection shall affect positions which, prior to April 7, 1995, had no  
27 rights to continued employment under this Code section, including coach, athletic  
28 director, finance officer, comptroller, business manager, nurse, department head or  
29 chairperson, and similar positions. Nothing in this subsection shall impair the rights of  
30 teachers or school administrators with respect to their employment under annual  
31 contracts, including but not limited to those rights under Code Section 20-2-940.

32 (4) Notwithstanding the other provisions of this subsection, a local board of education  
33 may, as part of its personnel policies, adopt or modify a tenure policy which may include  
34 the same policies and procedures for the nonrenewal of contracts for any class or category  
35 of school administrators that exist for the nonrenewal of contracts for teachers as set forth  
36 in this Code section. Before any adoption or modification of a tenure policy, the local

1 board shall hold a public hearing after at least 30 days' notice published in the local legal  
2 organ.

3 (d) A person who first ~~becomes~~ became a teacher on or after July 1, 2000, shall ~~not~~ acquire  
4 ~~any~~ rights under this Code section to continued employment ~~with respect to any position~~  
5 as a teacher. A teacher who had acquired any rights to continued employment under this  
6 Code section prior to July 1, 2000, shall retain such rights."

7 **SECTION 2.**

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