

House Bill 250 (AS PASSED HOUSE AND SENATE)

By: Representatives Maxwell of the 17th, Jones of the 46th, Rogers of the 26th, Casas of the 103rd, Dickson of the 6th, and others

A BILL TO BE ENTITLED
AN ACT

To amend Part 10 of Article 17 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to professional standards, so as to revise certain provisions relating to preliminary investigations of violations; to provide for investigations by commission staff of a complaint by a student against an educator alleging a sexual offense without commission notification; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Part 10 of Article 17 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to professional standards, is amended by revising subsection (a) of Code Section 20-2-984.3, relating to preliminary investigations of violations, as follows:

“(a) Upon receipt of a written request from a local board, the state board, or one or more individual residents of this state, the commission shall be authorized to investigate:

(1) Alleged violations by an educator of any law of this state pertaining to educators or the profession of education;

(2) Alleged violations by an educator of the code of ethics of the commission;

(3) Alleged violations by an educator of rules, regulations, or policies of the state board or the commission;

(4) Complaints alleging a failure by an educator to meet or comply with standards of performance of the commission or the state board; or

(5) Complaints alleging that an educator has been convicted of any felony, or of any crime involving moral turpitude, of any other criminal offense involving the manufacture, distribution, trafficking, sale, or possession of a controlled substance or marijuana as provided for in Chapter 13 of Title 16, or of any other sexual offense as provided for in Code Section 16-6-1 through 16-6-17, 16-6-20, 16-6-22.2, or 16-12-100 in the courts of this state or any other state, territory, or country or in the courts of the United States. As used in this paragraph, the term 'convicted' shall include a finding or verdict of guilty or

1 a plea of nolo contendere, regardless of whether an appeal of the conviction has been
2 sought; a situation where first offender treatment without adjudication of guilt pursuant
3 to the charge was granted; and a situation where an adjudication of guilt or sentence was
4 otherwise withheld or not entered on the charge or the charge was otherwise disposed of
5 in a similar manner in any jurisdiction."

6 **SECTION 2.**

7 Said part is further amended by adding a new subsection to Code Section 20-2-984.3, relating
8 to preliminary investigations of violations, to read as follows:

9 "(d) Notwithstanding the requirements of this Code section, the staff of the commission
10 shall be authorized, without notification to the commission, to immediately open an
11 investigation submitted to the commission by a local school superintendent, with approval
12 of the local board of education, of a complaint by a student against an educator alleging a
13 sexual offense, as provided for in Code Sections 16-6-1 through 16-6-17, 16-6-20,
14 16-6-22.2, or 16-12-100."

15 **SECTION 3.**

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