

Senate Bill 491

By: Senator Hill of the 32nd

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 certain notices for disciplinary or  
3 evaluation proceedings or conferences; to provide that the person shall have the right to be  
4 accompanied at the proceeding or conference by a nonattorney representative; to provide that  
5 the person shall have the right to record the proceeding or conference; to provide a definition;  
6 to provide for related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and  
10 secondary education, is amended by revising subsection (a) of Code Section 20-2-210,  
11 relating to annual performance evaluation, as follows:

12 "(a) All personnel employed by local units of administration, including school  
13 superintendents, shall have their performance evaluated annually by appropriately trained  
14 evaluators. All such performance evaluation records shall be part of the personnel  
15 evaluation file and shall be confidential. In the case of local school superintendents, such  
16 evaluations shall be performed by the local board of education. Certificated professional  
17 personnel who have deficiencies and other needs shall have professional development plans  
18 designed to mitigate such deficiencies and other needs as may have been identified during  
19 the evaluation process. Progress relative to completing the annual professional  
20 development plan shall be assessed during the annual evaluation process. Certificated  
21 personnel shall be provided at least two business days' notice of any disciplinary  
22 proceeding or disciplinary conference except in extraordinary circumstances which make  
23 such notice impossible or impractical and which shall be documented in writing, shall be  
24 permitted to be accompanied by a nonattorney representative of the person's choosing, and  
25 shall be permitted to record the proceeding or conference. As used in this Code section,  
26 a 'disciplinary proceeding' or 'disciplinary conference' is a meeting with a supervisor or

27 human resources representative regarding suspension, termination, or placement on a  
28 professional development plan or an investigation under the state code of ethics. The state  
29 board shall develop a model annual evaluation instrument for each classification of  
30 professional personnel certificated by the Professional Standards Commission. The local  
31 units of administration are authorized to use the models developed by the State Board of  
32 Education."

33 **SECTION 2.**

34 Said chapter is further amended by revising subsection (e) of Code Section 20-2-940, relating  
35 to grounds and procedure for terminating or suspending contract of employment, by adding  
36 a new paragraph to read as follows:

37 "(5) In addition to or in lieu of counsel as provided in subsection (d) of this Code section,  
38 a teacher, principal, or other employee having a contract of employment for a definite  
39 term may be accompanied by a nonattorney representative of the person's choosing and  
40 shall be permitted to record the hearing."

41 **SECTION 3.**

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