

House Bill 86 (COMMITTEE SUBSTITUTE)

By: Representatives Benton of the 31st, Stovall of the 74th, Greene of the 151st, Gambill of the 15th, and Moore of the 1st

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 for a separate complaint review process for certain performance ratings contained
4 in personnel evaluations for teachers and for clearly alleged procedural deficiencies related
5 thereto; to provide for the establishment of evidence-based complaint review policies by
6 local units of administration; to provide for reviews to be conducted by independent third
7 parties or administrators designated by a local unit of administration; to require local units
8 of administration to submit copies of their complaint review policies to the Department of
9 Education; to 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, this shall not~~
20 ~~apply to procedural deficiencies on the part of the local school system or charter school~~
21 ~~in conducting an evaluation pursuant to Code Section 20-2-210.~~

22 (2)(A) For teachers who have received a summative performance evaluation rating of
23 'Unsatisfactory,' 'Ineffective,' or 'Needs Development,' such performance evaluation
24 rating and any clearly alleged procedural deficiencies by the local unit of
25 administration, the school, or an evaluator in conducting a performance evaluation
26 pursuant to Code Section 20-2-210 shall be subject to review pursuant to this

27 paragraph. Local units of administration shall establish a complaint review policy that
 28 shall allow a teacher to have a summative performance evaluation rating of
 29 'Unsatisfactory,' 'Ineffective,' or 'Needs Development' reviewed by an independent third
 30 party or an administrator designated by the local unit of administration, who shall be
 31 trained in the evaluation process. Such complaint review policy shall provide, at a
 32 minimum, for the following:

33 (i) A prescribed method and reasonable timelines for filing and reviewing a teacher's
 34 written complaint that minimize the burden on the teacher, the teacher's evaluator and
 35 other school personnel, the local unit of administration, and the independent third
 36 party reviewer or the designated administrator;

37 (ii) An opportunity for the teacher and the designated representative of the local unit
 38 of administration to submit to the independent third party reviewer or the designated
 39 administrator clear and relevant evidence that directly relates to the subject of the
 40 complaint;

41 (iii) The method and manner for the written decision of the independent third party
 42 or designated administrator to be delivered to the teacher and the local unit of
 43 administration; and

44 (iv) A statement that a teacher shall not be the subject of any reprisal as a result of
 45 filing a complaint pursuant to this paragraph. Should any reprisal occur, the
 46 complaining teacher may refer the matter to the Professional Standards Commission.

47 (B) Each local unit of administration shall submit a copy of its complaint review policy
 48 established pursuant to this paragraph to the Department of Education no later than
 49 October 1, 2020, and any time thereafter if material changes are made to such policy.

50 (3) The termination, nonrenewal, demotion, suspension, or reprimand of any employee,
 51 as set forth in Code Section 20-2-940, and the revocation, suspension, or denial of
 52 certificates of any employee, as set forth in Code Section 20-2-984.5, shall not be subject
 53 to complaint under the provisions of this part.

54 (b) A certified employee who chooses to appeal under Code Section 20-2-1160 shall be
 55 barred from pursuing the same complaint under this part."

56 **SECTION 2.**

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