

**NOTICE OF PROPOSED REVISION TO THE RULES AND REGULATIONS OF THE OFFICE OF
STATE ADMINISTRATIVE HEARINGS**

TO ALL INTERESTED PERSONS AND PARTIES:

Notice is hereby given that, pursuant to the authority set forth below, the Chief Judge of the Office of State Administrative Hearings proposes to amend three rules and add two new rules to Chapters 616-1-1 and 616-1-2 of the Rules and Regulations of the Office of State Administrative Hearings (OSAH). The three proposed amended rules (1) recognize additional options for continuing judicial education, (2) provide clarity to parties regarding computation of time, and (3) address the procedure for seeking review of decisions. The two proposed new rules relate to hearings under O.C.G.A. §§ 17-22-1 – 17-21-12 (the Wrongful Conviction and Incarceration Compensation Act).

Attached to this notice are synopses of each of the proposed rules (Attachment 1), a marked copy of the proposed amendments with underlined and struck-through language indicating the proposed changes (Attachment 2), and an unmarked copy of the each of the proposed rules (Attachment 3).

This notice and its attachments are being mailed to all persons who have requested in writing that they be placed on a mailing list. The notice and attachment may also be reviewed during normal business hours (Monday- Friday, 8:00 a.m. to 4:30 p.m.), excluding official state holidays, at OSAH's front desk, located at 225 Peachtree Street, N.E., Suite 400, Atlanta, Georgia 30303, or on OSAH's website, www.osah.ga.gov.

OSAH will hear public comment on the proposed rules during a hearing at the following date, time and location:

DATE: October 6, 2025

TIME: 1:00 P.M.

**LOCATION: COURTROOM 3
 OFFICE OF STATE ADMINISTRATIVE HEARINGS
 225 PEACHTREE ST. NE, SUITE 400
 ATLANTA, GA 30303**

The proposed rule will be considered for adoption on October 16, 2025, at 8:30 a.m. at OSAH's offices, 225 Peachtree Street, N.E., Suite 400, Atlanta, Georgia 30303.

The adoption date is set for October 16, 2025, with an effective date of November 5, 2025. To ask questions or submit data, views, or arguments orally or in writing, please contact Jessica Wang at telephone number (404) 463-1035 or email address jwang@osah.ga.gov. Promulgation of rules is pursuant to O.C.G.A. §§ 17-22-7(d), 50-13-4, and 50-13-40(c).

This 16th day of September, 2025.



MICHAEL MALIHI

**Chief Judge
Office of State Administrative Hearings**

ATTACHMENT 1

**SYNOPSIS OF PROPOSED REVISIONS TO THE RULES AND REGULATIONS OF
THE OFFICE OF STATE ADMINISTRATIVE HEARINGS, Chapters 616-1-1 and 616-1-2**

(1) Rule 616-1-1-.05 Continuing Judicial Education

Purpose of Proposed Amendment:

To provide two additional options for fulfilling the annual requirement for continuing judicial education.

Main Feature of Proposed Amendment:

The existing rule requires twelve hours of credit for continuing judicial education each year, one hour of which must be related to the Code of Judicial Conduct. The proposed amendment provides two additional options for fulfilling this requirement. The amended rule states that one hour of the twelve must be related to the Code of Judicial Conduct or legal or judicial ethics or legal or judicial professionalism. The two additional options align with the options provided in Georgia Uniform Superior Court Rule 43.1.

(2) Rule 616-1-2-.05 Computing Time

Purpose of Proposed Amendment:

To express the rule in clearer language.

Main Feature of Proposed Amendment:

The revised rule tracks language used in O.C.G.A. §§ 1-3-1 and 9-11-6 to explain how to calculate a period of time that is measured in days.

(3) Rule 616-1-2-.39 Review of Decisions

Purpose of Proposed Amendment:

To clarify the procedure for providing records for judicial review.

Main Feature of Proposed Amendment:

The revised rule clarifies the procedure for providing the record for judicial review of final decisions. For cases that fall under the Superior and State Court Appellate Practice Act (O.C.G.A. §§ 5-3-1 – 5-3-21), the revised rule tracks language in O.C.G.A. § 5-3-7(h) and O.C.G.A. § 5-3-15(a) to emphasize that the petition is to be served on the Clerk within 5 days after it is filed in the reviewing court, that the record will be transmitted within 30 days of such service, and that the petitioning party is responsible for providing the Clerk with the case number assigned by the reviewing court. For cases that fall under 20 U.S.C. § 1415(i) and 34 C.F.R. § 300.516(c), the revised rule cites these provisions, which set forth the process for review of final decisions in special education due process hearings.

(4) Rule 616-1-2-.45 Submitting a Claim for Wrongful Conviction and Incarceration Compensation

Purpose of New Rule:

To establish the procedure for submitting a claim for wrongful conviction and incarceration compensation.

Main Feature of New Rule:

The proposed rule provides that claims under the Wrongful Conviction and Incarceration Compensation Act (O.C.G.A. §§ 17-22-1 – 17-22-12) shall be submitted using the Court's prescribed form.

(5) Rule 616-1-2-.46 Annual Adjustment of Dollar Amounts for Wrongful Conviction and Incarceration Compensation

Purpose of New Rule:

The purpose of this new rule is to align with O.C.G.A. § 17-22-7(d) of the Wrongful Conviction and Incarceration Compensation Act, which requires the Court, beginning in January of 2026, and annually thereafter, to adjust the dollar amounts specified in O.C.G.A. § 17-22-7(a) and states that the Consumer Price Index may be used in making such adjustments.

Main Feature of New Rule:

This new rule states that the Court will use the Consumer Price Index for All Urban Consumers (CPI-U), U.S. City Average, All Items, published by the Bureau of Labor Statistics of the United States Department of Labor, to adjust the dollar amounts as required by O.C.G.A. § 17-22-7(d), to reflect the effect of annual inflation or deflation on the cost of living that citizens of this state experienced in the prior calendar year.

ATTACHMENT 2

616-1-1-.05 Continuing Judicial Education

- (1) The minimum continuing judicial education requirement for a Judge is as follows:
 - (a) A Judge shall obtain twelve (12) hours of credit annually for instruction from an approved continuing judicial or legal education program.
 - (b) A Judge who earns more than twelve (12) hours of credit in a year may, with express approval of the Chief Judge, apply the excess credit to the requirement for the succeeding year.
 - (c) Of the twelve (12) hours of credit obtained each year, at least one (1) hour of credit shall relate to the Code of Judicial Conduct or legal or judicial ethics or legal or judicial professionalism.
 - (d) The Chief Judge may exempt a Judge from the continuing judicial education requirement upon a finding of undue hardship. To obtain an exemption, a Judge shall file a request for exemption with the Chief Judge no later than the first day of December for the year the exemption is sought.
- (2) A Judge may receive credit by participating in Continuing Judicial Education programs of the Court. A Judge who seeks credit for attending programs listed in subparagraphs (a) through (e) shall provide to the Chief Judge in advance of attendance a description of the program for which credit is sought. A Judge may receive credit by participating in one or more of the following:
 - (a) programs sponsored by the Institute of Continuing Legal Education accredited by the State Bar of Georgia's Commission on Continuing Lawyer Competency;
 - (b) programs sponsored by the Institute of Continuing Judicial Education;
 - (c) courses sponsored by the National Judicial College or any American Bar Association accredited law school, whether for credit or not;
 - (d) programs sponsored by the National Association of the Administrative Law Judiciary and its affiliates; or
 - (e) other education programs approved in advance of attendance by the Chief Judge.
- (3) A Judge shall receive one (1) hour of credit for each hour of attendance in a program listed in paragraph (2), three (3) hours of credit for each hour of teaching in such a program, six (6) hours of credit for each hour of instruction when a handout is prepared and distributed, and two (2) hours of credit for each hour as a panelist.
- (4) A Judge shall file a compliance report with the Chief Judge no later than the end of the second week in December of the year for which the report is submitted.

Authority O.C.G.A. Sec. 50-13-40(c).

616-1-2-.05 Computing Time

- (1) When a period of time set forth in these Rules is measured in days, the first day shall not be counted but the last day shall be counted; and, if the last day falls on a Saturday or Sunday, or another day on which the Court is closed, the time period shall run until the end of the next business day.

~~Any period of time set forth in these Rules shall begin on the first day following the day of the act that initiates the time period. When the last day of the time period is a day on which the Court is closed, the time period shall run until the end of the next business day.~~

- (2) Whenever a party has a right or requirement to act or respond to service of notice or other document by another party within a period prescribed by these Rules and not otherwise specified by law, three (3) calendar days shall be added to that prescribed period if the notice or document is served by first class mail.
- (3) For good cause shown, the Court, either on its own motion or on a party's motion, may change any time limit prescribed or allowed by these Rules that is not otherwise specified by law. The Court shall notify all parties of any determination to change a time period.

Authority O.C.G.A. Sec. 50-13-40(c) and 50-13-41.

616-1-2-.39 Review of Decisions

- (1) **Agency Review of Initial Decisions.** Upon receipt of a copy of an application for agency review, the Clerk shall compile and certify the record of the hearing and transmit it to the Reviewing Agency, as defined in Rule 27, and any other parties of record in the case.
- (2) **Judicial Review of Final Decisions.**
 - (a) Upon receipt of being served with a copy of a petition for judicial review pursuant to the Superior and State Court Appellate Practice Act, the Clerk shall compile and certify the record of the hearing and transmit it to the reviewing court within 30 days. The petition shall be served on the Clerk within five days after it is filed in the reviewing court, and it shall contain the case number assigned by the reviewing court. The Clerk also shall provide an electronic copy of this certified record to all parties of record in the case.
 - (b) Upon notice that a party is bringing a civil action in state court or federal district court pursuant to 20 U.S.C. § 1415(i) (34 C.F.R. § 300.516(c)), the Clerk shall compile and certify the record of the hearing and provide an electronic copy to all parties of record in the case.

Authority O.C.G.A. Sec. 50-13-40(c) and 50-13-41.

ATTACHMENT 3

616-1-1-.05 Continuing Judicial Education

- (1) The minimum continuing judicial education requirement for a Judge is as follows:
 - (a) A Judge shall obtain twelve (12) hours of credit annually for instruction from an approved continuing judicial or legal education program.
 - (b) A Judge who earns more than twelve (12) hours of credit in a year may, with express approval of the Chief Judge, apply the excess credit to the requirement for the succeeding year.
 - (c) Of the twelve (12) hours of credit obtained each year, at least one (1) hour of credit shall relate to the Code of Judicial Conduct or legal or judicial ethics or legal or judicial professionalism.
 - (d) The Chief Judge may exempt a Judge from the continuing judicial education requirement upon a finding of undue hardship. To obtain an exemption, a Judge shall file a request for exemption with the Chief Judge no later than the first day of December for the year the exemption is sought.
- (2) A Judge may receive credit by participating in Continuing Judicial Education programs of the Court. A Judge who seeks credit for attending programs listed in subparagraphs (a) through (e) shall provide to the Chief Judge in advance of attendance a description of the program for which credit is sought. A Judge may receive credit by participating in one or more of the following:
 - (a) programs sponsored by the Institute of Continuing Legal Education accredited by the State Bar of Georgia's Commission on Continuing Lawyer Competency;
 - (b) programs sponsored by the Institute of Continuing Judicial Education;
 - (c) courses sponsored by the National Judicial College or any American Bar Association accredited law school, whether for credit or not;
 - (d) programs sponsored by the National Association of the Administrative Law Judiciary and its affiliates; or
 - (e) other education programs approved in advance of attendance by the Chief Judge.
- (3) A Judge shall receive one (1) hour of credit for each hour of attendance in a program listed in paragraph (2), three (3) hours of credit for each hour of teaching in such a program, six (6) hours of credit for each hour of instruction when a handout is prepared and distributed, and two (2) hours of credit for each hour as a panelist.
- (4) A Judge shall file a compliance report with the Chief Judge no later than the end of the second week in December of the year for which the report is submitted.

Authority O.C.G.A. Sec. 50-13-40(c).

616-1-2-.05 Computing Time

- (1) When a period of time set forth in these Rules is measured in days, the first day shall not be counted but the last day shall be counted; and, if the last day falls on a Saturday or Sunday, or another day on which the Court is closed, the time period shall run until the end of the next business day.
- (2) Whenever a party has a right or requirement to act or respond to service of notice or other document by another party within a period prescribed by these Rules and not otherwise specified by law, three (3) calendar days shall be added to that prescribed period if the notice or document is served by first class mail.
- (3) For good cause shown, the Court, either on its own motion or on a party's motion, may change any time limit prescribed or allowed by these Rules that is not otherwise specified by law. The Court shall notify all parties of any determination to change a time period.

Authority O.C.G.A. Sec. 50-13-40(c) and 50-13-41.

616-1-2-.39 Review of Decisions

- (1) **Agency Review of Initial Decisions.** Upon receipt of a copy of an application for agency review, the Clerk shall compile and certify the record of the hearing and transmit it to the Reviewing Agency, as defined in Rule 27, and any other parties of record in the case.
- (2) **Judicial Review of Final Decisions.**

 - (a) Upon being served with a copy of a petition for judicial review pursuant to the Superior and State Court Appellate Practice Act, the Clerk shall compile and certify the record of the hearing and transmit it to the reviewing court within 30 days. The petition shall be served on the Clerk within five days after it is filed in the reviewing court, and it shall contain the case number assigned by the reviewing court. The Clerk shall provide an electronic copy of this certified record to all parties of record in the case.
 - (b) Upon notice that a party is bringing a civil action in state court or federal district court pursuant to 20 U.S.C. § 1415(i) (34 C.F.R. § 300.516(c)), the Clerk shall compile and certify the record of the hearing and provide an electronic copy to all parties of record in the case.

Authority O.C.G.A. Sec. 50-13-40(c) and 50-13-41.

Rule 616-1-2-.45 Submitting a Claim for Wrongful Conviction and Incarceration Compensation

Claims for compensation for wrongful conviction and incarceration shall be submitted using the Court's prescribed form. A copy of the form is available on the Court's website or by contacting the Clerk. The Chief Judge may prescribe the means by which claims are accepted.

Authority O.C.G.A. Sec. 17-22-11; 50-13-40(c); 50-13-41.

Rule 616-1-2-.46 Annual Adjustment of Dollar Amounts for Wrongful Conviction and Incarceration Compensation

Pursuant to O.C.G.A. § 17-22-7(d), beginning in January of 2026, and each year thereafter, the Court is required to adjust the dollar amounts specified in O.C.G.A. § 17-22-7(a) to reflect the effect of annual inflation or deflation on the cost of living that citizens of this state experienced in the prior calendar year. For such purpose, the Court will use the Consumer Price Index for All Urban Consumers (CPI-U), U.S. City Average, All Items, published by the Bureau of Labor Statistics of the United States Department of Labor. In accordance with the requirements of O.C.G.A. § 17-22-7(d), in January of each year, the Court will determine the new amounts, based on the Bureau's January release of the CPI-U for the immediately preceding December of the prior calendar year, and will make that information available on its website, osah.ga.gov.

Authority O.C.G.A. Sec. 17-22-7; 50-13-40(c); 50-13-41.