

House Bill 818

By: Representatives Jordan of the 96<sup>th</sup>, Taylor of the 134<sup>th</sup>, Hugley of the 133<sup>rd</sup> and Pelote of the 149<sup>th</sup>

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 enact a bill of rights for Georgia teachers; to  
3 provide for related matters; to repeal conflicting laws; and for other purposes.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

5 style="text-align:center">**SECTION 1.**

6 Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and  
7 secondary education, is amended by inserting in Subpart 2 of Part 6 of Article 6, relating to  
8 conditions of employment for the purposes of the "Quality Basic Education Act," a new Code  
9 section to be designated Code Section 20-2-221 to read as follows:

10 "20-2-221.

11 Notwithstanding any other provision of law to the contrary, each teacher serving in the  
12 public schools of Georgia shall have the following rights as a condition of employment:

13 (1) Each certified teacher in Georgia shall have the right to freedom of speech and the  
14 right to associate with an educational organization, association, or union. This freedom  
15 of speech and freedom of association shall not be abridged and a teacher shall not suffer  
16 reprisal for exercising these rights;

17 (2) Support of the educational system does not require uncritical agreement with all  
18 educational and board policies. Constructive criticism offered in a professional manner  
19 is an appropriate way to seek improvement of the educational system. School board  
20 members and administrators shall respect the right of a teacher to exercise independent  
21 thought and to express constructive criticism in an appropriate and professional manner;

22 (3) A certified teacher shall not be coerced, threatened, or intimidated to change a  
23 student's grade if, in the opinion of the teacher, the student truly earned that grade;

24 (4) A certified teacher's professional judgment, discretion, and wisdom shall be  
25 respected by the administrators. If, in the professional judgment of a teacher, a student  
26 needs to be removed from the regular classroom environment because the student's

1 misconduct is materially and substantially disrupting the learning processes of the other  
2 students or because the student is displaying impudent and defiant behavior, the  
3 administrator shall respect the teacher's professional discretion in this matter. At the  
4 minimum, the student shall not be returned to the classroom on that particular day. The  
5 administrator shall not undermine the teacher's authority in the classroom by putting the  
6 student's testimony on par with the teacher's nor shall the administrator question the  
7 teacher's account of what happened in front of one or more students;

8 (5) A certified teacher has a right to file a grievance about an evaluation if, in the opinion  
9 of the teacher, the evaluation was unfair, false, or biased. Administrators shall not  
10 evaluate teachers in a punitive, manipulative, or retributive manner;

11 (6) Each certified teacher, in concert with teacher colleagues at the school, shall be  
12 afforded the opportunity to participate in an annual evaluation on each administrator at  
13 his or her school. These evaluations shall be conducted in a way that assures each teacher  
14 complete confidentiality and anonymity. These evaluations shall be forwarded to the  
15 superintendent who in turn shall send copies of all the evaluations to each school board  
16 member;

17 (7) No certified teacher shall be discriminated against in any manner or form on the basis  
18 of race, gender, age, religion, nationality, disability, or exercise of the freedom of speech  
19 or association;

20 (8) No certified teacher shall be the object of administrative favoritism nor shall the  
21 certified teacher be treated capriciously or arbitrarily. No certified teacher shall be  
22 exposed to unwarranted embarrassment nor have his or her professional dignity impaired;

23 (9) Each certified teacher shall be afforded access to an equitable transfer policy; and

24 (10) The teacher of the year at each school shall be nominated and selected solely by the  
25 anonymous votes of the certified teachers at the school."

## 26 SECTION 2.

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