

House Bill 815

By: Representatives Jordan of the 77<sup>th</sup> and Mitchell of the 88<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 certificated teacher  
12 serving in the public schools of Georgia shall have the following rights as a condition of  
13 employment:

14 (1) Constructive criticism offered in a professional manner is an appropriate way to seek  
15 improvement of the educational system. School board members and administrators shall  
16 respect the right of a teacher to exercise independent thought and to express constructive  
17 criticism in an appropriate and professional manner;

18 (2) Each teacher in Georgia shall have the right to associate with an educational  
19 organization, association, or union. This freedom of association shall not be abridged and  
20 a teacher shall not suffer reprisal for exercising this right;

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

23 (4) If, in the professional judgment of a teacher, a student needs to be removed from the  
24 regular classroom environment because the student's misconduct is materially and  
25 substantially disrupting the learning processes of the other students, the administrator  
26 shall respect the teacher's professional judgment. At the minimum, the student shall not

1 be returned to the classroom on that particular day. The administrator shall not  
2 undermine the teacher's authority in the classroom by questioning the teacher's account  
3 of what happened in front of one or more students;

4 (5) A teacher has a right to file a grievance about an evaluation if, in the opinion of the  
5 teacher, the evaluation was unfair, false, or retaliatory for the exercise of a right granted  
6 by this Code section;

7 (6) Each teacher shall be afforded the opportunity to participate in an annual evaluation  
8 of each administrator at his or her school. These evaluations shall be conducted in a way  
9 that assures each teacher complete confidentiality and anonymity. These evaluations  
10 shall be forwarded to the superintendent who in turn shall send copies of all the  
11 evaluations to each school board member;

12 (7) No teacher shall be discriminated against on the basis of the teacher's race, gender,  
13 age, religion, nationality, disability, or exercise of the freedom of association;

14 (8) No teacher shall be the object of capricious or arbitrary treatment;

15 (9) Upon transfer to a different school system, a teacher's service in any public school of  
16 the state shall receive full credit for purposes of calculating the teacher's eligibility for  
17 any local supplement to salary; and

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

## 20 SECTION 2.

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