

House Bill 1316

By: Representatives Jordan of the 77th, Reece of the 11th, Setzler of the 35th, Abdul-Salaam of the 74th, Mitchell of the 88th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Subpart 2 of Part 6 of Article 6 of Chapter 2 of Title 20 of the Official Code of
2 Georgia Annotated, relating to conditions of employment for the purposes of the "Quality
3 Basic Education Act," so as to enact a bill of rights for Georgia teachers; to require annual
4 evaluations of principals and assistant principals by teachers; to provide for related matters;
5 to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Subpart 2 of Part 6 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia
9 Annotated, relating to conditions of employment for the purposes of the "Quality Basic
10 Education Act," is amended by adding a new Code section to read as follows:

11 "20-2-221.

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

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

19 (2) Each teacher in Georgia shall have the right to associate or not to associate with an
20 educational professional organization or association. Such right shall not be abridged,
21 and a teacher shall not suffer reprisal for exercising such right;

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

24 (4) If, in the professional judgment of a teacher, a student needs to be removed from the
25 regular classroom environment because the student's misconduct is materially and
26 substantially disrupting the learning processes of the other students, the administrator

27 shall respect the teacher's professional judgment. At minimum, the student shall not be
 28 returned to the classroom on that particular day. The administrator shall not undermine
 29 the teacher's authority in the classroom by questioning the teacher's account of what
 30 happened in front of one or more students;

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

34 (6) Each teacher shall be afforded the opportunity to participate in an annual evaluation
 35 of each principal and assistant principal at his or her school in accordance with subsection
 36 (e) of Code Section 20-2-210. These evaluations shall be conducted in a way so as to
 37 ensure each teacher's confidentiality and anonymity. These evaluations shall be
 38 forwarded to the superintendent who in turn shall send copies of all the evaluations to
 39 each member of the local board of education;

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

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

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

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

48 **SECTION 2.**

49 Said subpart is further amended by revising subsection (e) of Code Section 20-2-210, relating
 50 to annual performance evaluations, as follows:

51 "(e) In addition to the evaluation by a trained evaluator provided for in subsection (a) of
 52 this Code section, the local school system ~~may~~ shall require each principal and assistant
 53 principal of a school to have his or her performance evaluated annually by the teachers in
 54 the school. Such evaluations by teachers shall be confidential, solicited and recorded on an
 55 anonymous basis, and made available only to the local school superintendent and the local
 56 board of education. Such evaluations shall not be subject to Article 4 of Chapter 18 of Title
 57 50."

58 **SECTION 3.**

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