

Senate Bill 320

By: Senators Hill of the 32nd, Thompson of the 33rd, Rogers of the 21st, Hooks of the 14th and James of the 35th

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 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) School board members and administrators shall respect the right of a teacher to  
15 exercise independent thought and to express constructive criticism in an appropriate and  
16 professional manner;

17 (2) If, in the professional judgment of a teacher, a student needs to be removed from the  
18 regular classroom environment because the student's misconduct is materially and  
19 substantially disrupting the learning processes of the other students, the administrator  
20 shall respect the teacher's professional judgment. At the minimum, the student shall not  
21 be returned to the classroom on that particular day. The administrator shall not  
22 undermine the teacher's authority in the classroom by questioning the teacher's account  
23 of what happened in front of one or more students;

24 (3) A tenured teacher has a right to file a grievance about an annual evaluation if, in the  
25 opinion of the teacher, the evaluation was unfair, false, or retaliatory for the exercise of  
26 a right granted by this Code section;

27 (4) Each teacher shall be afforded the opportunity to participate in an annual evaluation  
28 of each administrator at his or her school. These evaluations shall be conducted in a way  
29 that assures each teacher complete confidentiality and anonymity. These evaluations  
30 shall be forwarded to the superintendent who in turn shall send copies of all the  
31 evaluations to each school board member;

32 (5) The teacher of the year at each school shall be nominated and selected solely by the  
33 anonymous votes of the teachers at the school;

34 (6) A teacher shall be permitted to have an individual, who shall not be an attorney, of  
35 the teacher's choosing present in any disciplinary proceeding or conference; a teacher  
36 shall, except in extraordinary circumstances, be provided with reasonable advance notice  
37 of such proceeding or conference; and a teacher shall be allowed to record the conference  
38 or proceeding; and

39 (7) If a local board of education shall fail to hold a hearing and render a decision as  
40 required under Part 11 of Article 17 of this chapter within the required time frames, then  
41 the complaint shall be considered settled in favor of the complainant and the last  
42 requested relief shall be granted. The State School Superintendent shall enforce this  
43 paragraph upon appeal by the complainant within 60 working days of either the  
44 expiration of the maximum time allowed to the local board of education by law or written  
45 notice of refusal of the local board of education to hold a hearing for any reason. The  
46 State School Superintendent shall take all steps necessary including, without limitation,  
47 the withholding of state funds to the local board of education until such time as the local  
48 board of education fully and completely grants the relief awarded under this paragraph.  
49 In the event that the local board of education initially grants the relief as required in this  
50 paragraph and subsequently acts in a manner contrary to such relief, the State School  
51 Superintendent shall retain jurisdiction, responsibility, and authority to enforce the relief  
52 as specified in this paragraph. The time frames may only be extended by mutual  
53 agreement in writing by the parties. In the event that the school system is closed for a  
54 number of days due to weather or other emergency, the days in all timelines may be  
55 extended only in an equal or lesser number of days by written notification by either party  
56 within five days of the reopening of the school system."

57 **SECTION 2.**

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