

House Bill 327

By: Representatives Jordan of the 77<sup>th</sup>, Mitchell of the 88<sup>th</sup>, and Scott of the 76<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 require annual evaluations of principals and assistant principals by teachers; to revise  
4 provisions relating to a teacher's authority to remove a student from the classroom; to revise  
5 a provision relating to personnel matters not subject to complaint; to prohibit requiring or  
6 coercing a teacher to change a student grade or test score; to provide for related matters; to  
7 repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and  
11 secondary education, is amended by adding a new Code section to read as follows:

12 "20-2-222.

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

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

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

23 (3) A teacher shall not be coerced, threatened, or intimidated to change a student's grade  
24 or test score if, in the opinion of the teacher, the student earned such grade or test score,  
25 in accordance with Code Section 20-2-989.20 or to provide answers to a question on the  
26 assessment before or during the assessment, give unauthorized additional time to take the

27 assessment, indicate to a student taking the assessment that an answer is incorrect and  
 28 allow a student an opportunity to correct the answer, assist a student to change or correct  
 29 an answer to the assessment, or otherwise assist a student to take such assessment in a  
 30 prohibited manner;

31 (4) If, in the professional judgment of a teacher, a student needs to be removed from the  
 32 regular classroom environment because the student's misconduct is materially and  
 33 substantially disrupting the learning processes of the other students, the administrator  
 34 shall respect the teacher's professional judgment. At a minimum, the student shall not be  
 35 returned to the classroom on that particular day. The administrator shall not undermine  
 36 the teacher's authority in the classroom by questioning the teacher's account of what  
 37 happened in front of one or more students;

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

41 (6) Each teacher shall be afforded the opportunity to participate in an annual evaluation  
 42 of each principal and assistant principal at his or her school in accordance with  
 43 subsection (e.1) of Code Section 20-2-210. These evaluations shall be conducted in a  
 44 way so as to ensure each teacher's confidentiality and anonymity. These evaluations shall  
 45 be forwarded to the superintendent who in turn shall send copies of all the evaluations to  
 46 each member of the local board of education;

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

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

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

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

55 **SECTION 2.**

56 Said chapter is further amended in Code Section 20-2-210, relating to annual performance  
 57 evaluations, by adding a new subsection to read as follows:

58 "(e.1) The local school system shall require each principal and assistant principal of a  
 59 school to have his or her performance evaluated annually by the teachers in the school.  
 60 Such evaluations by teachers shall be confidential, solicited and recorded on an anonymous  
 61 basis, and made available only to the local school superintendent and the local board of  
 62 education. Such evaluations shall not be subject to Article 4 of Chapter 18 of Title 50."

**SECTION 3.**

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64 Said chapter is further amended by revising subsections (b) and (c) of Code Section  
65 20-2-738, relating to authority of a teacher over classroom, as follows:

66 "(b) A teacher shall have the authority to remove from his or her class a student whose  
67 misconduct is materially and substantially disrupting the learning processes of other  
68 students who repeatedly or substantially interferes with the teacher's ability to communicate  
69 effectively with the students in the class or with the ability of the student's classmates to  
70 learn, where the student's behavior is in violation of the student code of conduct, provided  
71 that the teacher has previously filed a report pursuant to Code Section 20-2-737 or if the  
72 teacher determines that such the behavior of the student poses an immediate threat to the  
73 safety of the student's classmates or the teacher. Each school principal shall fully support  
74 the authority of every teacher in his or her school to remove a student from the classroom  
75 under this Code section. Each school principal shall implement the policies and procedures  
76 of the superintendent and local board of education relating to the authority of every teacher  
77 to remove a student from the classroom and shall disseminate such policies and procedures  
78 to faculty, staff, and parents or guardians of students. The teacher shall file with the  
79 principal or the principal's designee a report describing the student's behavior, in one page  
80 or less, by the end of the school day on which such removal occurs or at the beginning of  
81 the next school day. The principal or the principal's designee shall, within one school day  
82 after the student's removal from class, send to the student's parents or guardians written  
83 notification that the student was removed from class, a copy of the report filed by the  
84 teacher, and information regarding how the student's parents or guardians may contact the  
85 principal or the principal's designee.

86 (c) If a teacher removes a student from class pursuant to subsection (b) of this Code  
87 section, the principal or the principal's designee shall discuss the matter with the teacher  
88 and the student by the end of the school day on which such removal occurs or at the  
89 beginning of the next school day. The principal or the principal's designee shall give the  
90 student oral or written notice of the grounds for his or her removal from class and, if the  
91 student denies engaging in such conduct, the principal or the principal's designee shall  
92 explain the evidence which supports his or her removal from class and give the student an  
93 opportunity to present his or her explanation of the situation. If, after such discussions, the  
94 principal or the principal's designee seeks to return the student to the teacher's class and the  
95 teacher gives his or her consent, the student shall be returned to the class, but in no event  
96 on the day in which the removal occurred, and the principal or the principal's designee may  
97 take action to discipline the student, as may be warranted, pursuant to paragraph (1) of  
98 subsection (e) of this Code section. If, after such discussions, the principal or the  
99 principal's designee seeks to return the student to the teacher's class and the teacher

100 withholds his or her consent to the student's return to his or her class, the principal or the  
 101 principal's designee shall determine an appropriate temporary placement for the student by  
 102 the end of the first school day following such removal and shall also take steps to convene  
 103 a meeting of a placement review committee. The placement review committee shall  
 104 convene by the end of the second school day following such removal by the teacher and  
 105 shall issue a decision by the end of the third school day following such removal by the  
 106 teacher. An appropriate temporary placement for the student shall be a placement that, in  
 107 the judgment of the principal or the principal's designee, provides the least interruption to  
 108 the student's education and reflects other relevant factors, including, but not limited to, the  
 109 severity of the behavior that was the basis for the removal, the student's behavioral history,  
 110 the student's need for support services, and the available education settings; provided,  
 111 however, that the student shall not be returned to the class of the teacher who removed him  
 112 or her, as an appropriate temporary placement, unless the teacher gives his or her consent.  
 113 The temporary placement shall be in effect from the time of removal until the decision of  
 114 the placement review committee is issued or, if applicable, a placement determination is  
 115 made pursuant to paragraph (2) of subsection (e) of this Code section."

116 **SECTION 4.**

117 Said chapter is further amended by revising subsection (a) of Code Section 20-2-989.7,  
 118 relating to personnel matters not subject to complaint, as follows:

119 ~~"(a) The performance ratings contained in personnel evaluations conducted pursuant to~~  
 120 ~~Code Section 20-2-210, professional development plans, and job performance shall not be~~  
 121 ~~subject to complaint under the provisions of this part.~~ The termination, nonrenewal,  
 122 demotion, suspension, or reprimand of any employee, as set forth in Code Section  
 123 20-2-940, and the revocation, suspension, or denial of certificates of any employee, as set  
 124 forth in Code Section 20-2-984.5, shall not be subject to complaint under the provisions of  
 125 this part."

126 **SECTION 5.**

127 Said chapter is further amended by revising subsection (a) of Code Section 20-2-989.20,  
 128 relating to prohibition against requiring or coercing a teacher to change student grades, as  
 129 follows:

130 "(a) No classroom teacher shall be required, coerced, intimidated, or disciplined in any  
 131 manner by the local board of education, superintendent, or any local school administrator  
 132 to change the grade or a test score of a student if, in the opinion of the teacher, the student  
 133 earned such grade or test score. This subsection shall not apply when a teacher has failed  
 134 to comply with grading or scoring policies or rules adopted by the local board of education

135 or written procedures established by an individual school that are applicable to the grading  
136 or scoring process, unless such policy, rule, or procedure would require a student be given  
137 a grade or test score different ~~than~~ from the actual grade or test score achieved. A violation  
138 of this Code section shall constitute an ethics violation reportable to the Professional  
139 Standards Commission pursuant to Part 10 of this article."

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**SECTION 6.**

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