

Free Speech Rights for Educators and Students in Georgia

In 2022, the Georgia Legislature passed HB 1084, a classroom censorship law that prohibits public school and public charter school employees from “espousing personal political beliefs” on any of nine “divisive concepts.” The vague law creates barriers to how teachers and other school employees can teach about topics and materials that concern race. While HB 1084 has many confusing elements, state law cannot violate the federal Constitution. For this reason, where state law is unclear, federal Constitutional law can provide helpful guidance. If HB 1084 is used or enforced in a way that you think may interfere with your First Amendment rights or the rights of students, contact the Southern Poverty Law Center and ACLU-GA at TeachTruth@splcenter.org.

YOUR RIGHTS

Every person has the right to free speech. This includes both the right to expression as well as the right to receive information and ideas.

Every person has the right to due process, which is the right to be treated fairly by the government.

Laws and rules must be written to be clear enough that the ordinary person can follow them. If your school or district creates new policies to comply with HB 1084, you must be able to read the rules and have a clear understanding of what you can and cannot do.

If you are a K-12 public school teacher in your fourth school year at the same school, you may have tenure or additional employment protections under the law. Your school may be required to follow specific procedures established by law before the administration can demote or re you.

As a school employee, your right to free speech depends on whether you are speaking as a private person or as a public employee.

- If you are speaking as a private person (i.e., outside of school in your personal capacity), your speech is generally more protected than it would be if you were speaking at school or as a part of your official school duties.
- If you are speaking as an employee, then your right to free speech is more limited. Your school and district should set out clear rules for employee speech.

IF YOU EXPERIENCE DISCIPLINE, RETALIATION, OR NEGATIVE CONSEQUENCES DUE TO HB 1084 ENFORCEMENT:

- Write down everything you remember, including the names of the people involved and a detailed timeline surrounding the incident.
- Preserve any messages or other communications from the people involved. This includes official correspondence, emails, text messages, etc.
- Contact the Southern Poverty Law Center via email at TeachTruth@splcenter.org. The Southern Poverty Law Center, ACLU of Georgia, and ACLU Speech, Privacy, and Technology Project are working together, and we may be able to help. An attorney-client relationship does not form when you contact us.
- Research your school’s code of conduct, faculty policy, and complaint process to file a complaint.
- Contact an employment attorney to go over the facts of your case.