

“Right to Work” and Life or Death for Georgia Teachers

Austin McNeill Brown

As of July 15th, government officials in Georgia are pushing for public schools to open as soon as August 3rd, while COVID-19 cases soar nationwide, exceeding 65,000 confirmed cases in a single day. Many of the cases in this latest surge are reported in the South, including Florida, the new epicenter of the pandemic in the U.S. and one of Georgia’s border states.^{1,2} The Georgia Educators Association has made the recommendation that local health data should steer efforts to reopen schools. However, there are few legal options for teachers to advocate for a concise, data-driven plan to reopen schools, or to challenge the reckless state mandate to reopen without adequate preparation.³ Like most southern states, Georgia is a “right to work” state, in which teachers can be fired and even have their state license revoked if they plan to strike or utilize collective bargaining.⁴ Some school districts are trying to cope by delaying openings and creating digital options for students as an interim measure. This issue brief discusses how the coronavirus pandemic has shed a light on the harmful consequences of “right to work” laws for Georgia’s teachers.

The Political Challenge

Georgia governor Brian Kemp has abdicated all public health responsibilities regarding COVID-19. Following consistent messaging with President Trump, Kemp insists that schools fully open as though the country is not in the midst of a public health crisis. Governor Kemp has not mandated that masks be worn by students and educators nor mandated social-distancing measures within the schools themselves.⁵ Kemp has even worked against local leaders who are trying to protect their cities.⁶ Kemp recently nullified local ordinances requiring facemasks and filed a lawsuit against Atlanta Mayor Keisha Lance Bottom to block the city from enforcing its mask mandate. Ironically, Atlanta is home to the Centers for Disease Control, an apolitical institution which has come under fire from the Trump administration for making public health recommendations that run counter to the president’s preferred narrative. For teachers, resisting or protesting the reopening of schools in a “right to work” state like Georgia could mean losing employment and licensure, and even debarment from state employment.⁴ At the peak spread of the coronavirus and as hospital space dwindles in the state’s beleaguered healthcare system, teachers find themselves with the impossible choice between resisting and risking their jobs versus complying and risking their lives.⁷

The Scale of the Problem

Georgia’s population is starkly divided between metropolitan areas like Atlanta and rural areas throughout the rest of the state. Rejection of Medicaid expansion in the state has led to the closure of rural hospitals in many counties.⁸ In March, hospitals like Grady Memorial in Atlanta, were already overburdened before the current surge in COVID-19 cases (see Table 1).⁹

According to state data from July 15, hospitalizations due to the virus are more likely for older individuals. However, Georgia has had over 8,000 confirmed cases of coronavirus in children under the age of 18, including 164 hospitalizations and one death.¹⁰ Georgians under 30 are the most common age group to be students at public schools and universities, and the 18-29-year-old cohort constitutes the largest group of confirmed cases at 25,000 individuals (see Figure 1).

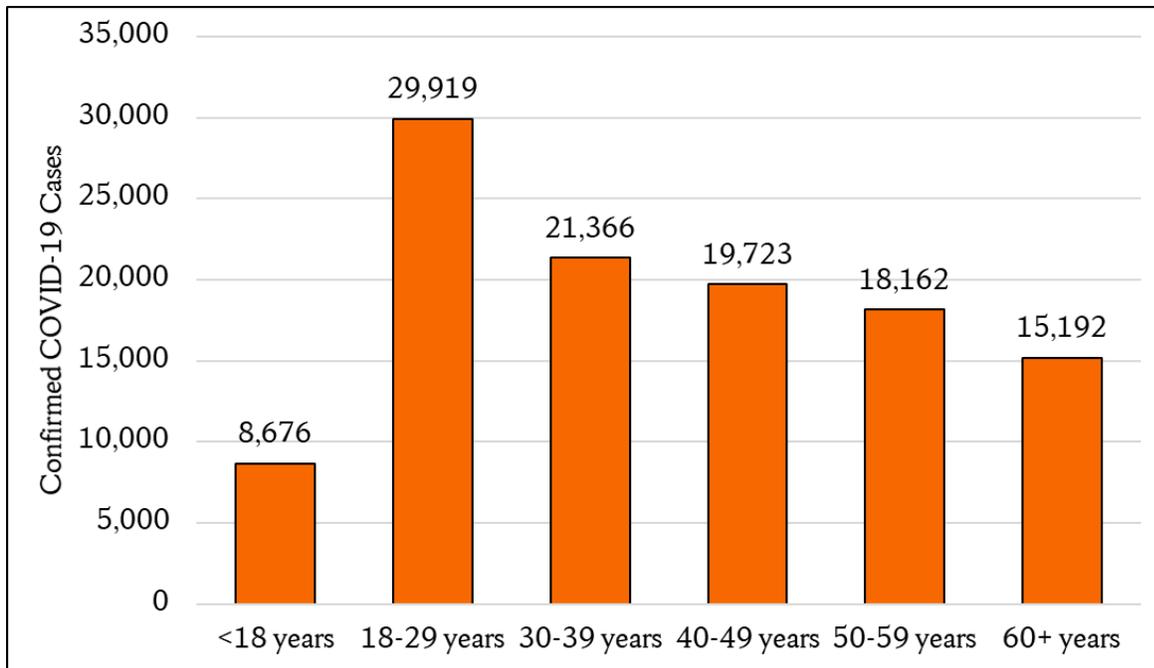


Figure 1. Confirmed COVID-19 Cases in Georgia by Age Group (as of July 15, 2020)
 Data Source: Georgia Department of Public Health, <https://dph.georgia.gov/covid-19-daily-status-report>

For perspective on the impact this may have as schools open next month, the Atlanta public school system alone has over 50,000 students.¹¹ This does not include the adjacent counties (see Table 1) or the University of Georgia System, which has over 100,000 students in the metro area. Kennesaw State University, Georgia State University, and the Georgia Institute of Technology have a combined student population of over 98,000 and are less than 20 miles apart in the 9th largest metropolitan area in the country, home to 6 million people. According to real-time data sources, there is a 13% positive test return rate, poor contacting tracing at 9%, and ICU capacity in the Atlanta metro counties is at nearly 100% (see Table 1).⁷ The situation is alarming before the upcoming school term has even started. With virtually no state or national leadership coordinating an organized response to the virus or a plan for returning to schools, the Atlanta metro area presents significant potential for an explosive outbreak of the virus.

Table 1. Confirmed COVID-19 Cases and Deaths and ICU Capacity in Metro-Atlanta Counties

County	Confirmed COVID-19		Infection Rate (Cases per 100,000 pop)	Hospitalizations	ICU Headroom Usage	Risk of ICU Overload
	Cases	Deaths				
Gwinnett County	12,897	195	1328.0	1499	100%	Critical
Fulton County	12,584	335	1144.9	1385	84%	Critical
DeKalb County	9,308	187	1173.5	1192	45%	Low
Cobb County	7,972	260	1008.4	1061	100%	Critical
Hall County	4,242	65	2055.7	550	88%	Critical
Cherokee County	2,014	48	755.4	222	100%	Critical
Forsyth County	1,312	16	519.6	141	100%	Critical

Data Sources: Case, death, and hospitalization data (as of 07/17/20) are from Georgia Department of Public Health. (<https://dph.georgia.gov/covid-19-daily-status-report>). ICU usage is from COVID Act Now, <https://covidactnow.org/us/ga/county 7/10/20>.

Teachers are in an Impossible Situation

The State of Georgia is a so-called "right to work" state. It lacks a substantial union to advocate for workplace health and safety for teachers and school staff. Teachers risk their employment, licensure, and even their retirement if they refuse to abide by state policies.⁴ Classes begin as early as August 3rd and educators have been instructed to return to work as if there is not an ongoing pandemic. School districts have been given no additional resources to reorganize classrooms or incorporate shielding. There have been no requirements for social distancing or masks, nor statewide initiatives to coordinate hybrid or online classes, particularly for K-12 students. Currently, only the state's university system has reversed its position on mandating masks.¹² And while some districts have scrambled to create solutions, they lack the resources, guidance, and support to develop and sustain alternatives to classic in-person instruction, thereby increasing the stress of educators in their efforts to adapt. Georgia's teachers want to return to the classroom, but not at the expense of the health and safety of students, staff, colleagues, and the families of all involved.

What happens in Georgia's public schools will have widespread implications for educators throughout the South and in other "right to work" states. Should the teachers choose to strike or protest, they could face significant consequences from the state government. They will also likely receive pushback from parents, many of whom side with the governor and deny the severity of the pandemic. Teachers who resist schools reopening could risk unemployment, loss of health insurance, and political shunning and criticism.

Recommendations for Policy/Practice

Educators in the state of Georgia face an enormous burden. To comply with the mandate to return to school puts their lives and the lives of others at risk. Years of union-busting and the subsequent loss of collective bargaining power in Georgia and more broadly across the U.S. represent a significant challenge for workers as the country seeks to "re-open" without first controlling the spread of the coronavirus. Teachers in Georgia are merely the latest victims in a series of labor abuses. The pandemic has exposed deep structural problems in our country, particularly in how essential workers, front line healthcare providers, and teachers are treated.

However, recent organized actions taken by teachers in 2018 and 2019 have been mostly successful, even in conservative states like Oklahoma, Kentucky, and West Virginia.¹³ Timing is vital and public support has been critical. If the non-unionized teachers in Georgia plan to strike, solidarity from educators across the country will be necessary. Political pressure must be applied to prevent the state government from retaliation. Solidarity from teachers' unions across the country will need to be loud and ongoing. Teachers in other states will have to act in solidarity.

This August represents an historic moment. Whatever the teachers in Georgia and other "right-to-work" states choose to do, we must recognize the burden they are being asked to shoulder due to political mismanagement. The U.S. Department of Education should have been working with state and local health and education officials throughout the summer months to coordinate a safe return to public schools. Passing these responsibilities on to school administrators and teachers is woefully irresponsible and places educators and students at risk. Barring a significant influx of financial resources, a vaccine is currently the only condition under which in-person learning may resume safely. Whatever occurs in Georgia, educators across the country should take steps now to build solidarity within their ranks and establish the means to organize with or without union representation.

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About the Author

Austin M. Brown is a Social Sciences PhD Student in the Maxwell School of Public Policy at Syracuse University, and a Research Affiliate for the Lerner Center for Public Policy Promotion. He can be reached at abrown48@syr.edu.

The mission of the Lerner Center for Public Health Promotion at Syracuse University is to improve population health through applied research and evaluation, education, engaged service, and advocating for evidence-based policy and practice change.

426 Eggers Hall | Syracuse | New York | 13244
syracuse.edu | lernercenter.syr.edu