

Senate Bill 167

By: Senators Ligon, Jr. of the 3rd, Loudermilk of the 14th, Albers of the 56th, Hufstetler of the 52nd, Hill of the 6th and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Part 2 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia  
2 Annotated, relating to competencies and core curriculum, so as to declare certain actions void  
3 ab initio relating to adoption of certain curricula; to prohibit state education agencies from  
4 entering into any commitments relating to the federal Race to the Top program; to require  
5 hearings and public input prior to adoption of state-wide competencies and content standards;  
6 to limit the compilation and sharing of personal student and teacher data; to prohibit the  
7 expenditure of funds for a state-wide longitudinal data system except for administrative  
8 needs and federal grant compliance; to provide notice to students or teachers if certain  
9 student or teacher data are provided to the United States Department of Education as a  
10 condition of receiving a federal education grant; to provide for related matters; to repeal  
11 conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 style="text-align:center">**SECTION 1.**

14 Part 2 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated,  
15 relating to competencies and core curriculum, is amended by adding a new Code section to  
16 read as follows:

17 "20-2-149.1.

18 (a) Any actions taken by the State Board of Education or the Department of Education to  
19 adopt or implement the Common Core State Standards as of the effective date of this Code  
20 section are void ab initio.

21 (b) Upon the effective date of this Code section, the State Board of Education and the State  
22 School Superintendent shall immediately initiate the procedure, outlined in the  
23 memorandum of understanding between the State of Georgia and the Partnership for  
24 Assessment of Readiness for College and Careers, to withdraw the state from such  
25 partnership.

26 (c) On and after the effective date of this Code section, neither the Department of  
 27 Education, the State Board of Education, the Education Coordinating Council, the Office  
 28 of Student Achievement, nor any other state education entity shall enter into any  
 29 commitments relating to the federal Race to the Top Program.

30 (d) The State of Georgia shall retain sole control over the development and revision of the  
 31 competencies and content standards established pursuant to this part. The State Board of  
 32 Education shall not join any consortium or other association that cedes any measure of  
 33 control to entities outside the state. No state-wide competency or content standards,  
 34 including but not limited to the Next Generation Science Standards, the National  
 35 Curriculum Standards for Social Studies, the National Health Education Standards, and the  
 36 National Sexuality Education Standards, shall be adopted or implemented without public  
 37 hearings held in each congressional district, an open comment period of one year, open  
 38 hearings before a joint committee composed of the House Committee on Education and the  
 39 Senate Education and Youth Committee, and approval by majority vote of the General  
 40 Assembly. The approval required by this subsection shall be by Act of the General  
 41 Assembly or by adoption of a joint resolution of the General Assembly.

42 (e) On and after July 1, 2013, neither the Department of Education, the State Board of  
 43 Education, the Education Coordinating Council, nor the Office of Student Achievement  
 44 shall:

45 (1) Expend any funds, whether from federal Race to the Top grants, stimulus funds, or  
 46 elsewhere, on construction, enhancement, or expansion of any state-wide longitudinal  
 47 data system designed to track students or compile their personally identifiable  
 48 information beyond what is necessary for basic administrative needs or for compliance  
 49 with the requirements of the United States Department of Education as outlined in  
 50 paragraph (5) of this subsection;

51 (2) Share any personally identifiable information compiled on students or teachers with  
 52 any entity outside the State of Georgia, except as provided in paragraph (5) of this  
 53 subsection; provided, however, that this shall not include cloud storage of data or hard  
 54 data storage located in safe locations outside the state;

55 (3) Share any personally identifiable information about any student or teacher with any  
 56 entity that intends to use that information for development of commercial products or  
 57 services or that intends to transfer that data to any other entity for use in development of  
 58 commercial products or services;

59 (4) Share any personally identifiable information about any student or teacher with any  
 60 entity inside the State of Georgia unless that entity is an education agency or institution  
 61 that does not intend to:

62 (A) Use the data to develop commercial products or services;

- 63 (B) Transfer the data to any other entity to use in development of commercial products  
 64 or services; or
- 65 (C) Use the data or transfer the data for economic or workforce development planning;  
 66 or
- 67 (5) Share any personally identifiable information on students and teachers with the  
 68 United States Department of Education unless:
- 69 (A) Such sharing is required by the United States Department of Education as a  
 70 condition of receiving a federal education grant;
- 71 (B) The United States Department of Education agrees in writing to use the data only  
 72 to evaluate the program or programs funded by the grant;
- 73 (C) The United States Department of Education agrees in writing that the data will not  
 74 be used for any research beyond that related to evaluation of the program or programs  
 75 funded by the grant, unless the parent or guardian of any student, and any teacher,  
 76 whose data will be used for such research affirmatively consents in writing to that use;
- 77 (D) The United States Department of Education agrees in writing to destroy the data  
 78 upon completion of the evaluation of the program or programs for which the data were  
 79 compiled; and
- 80 (E) The grant or program in connection with which the data are required is one  
 81 authorized by federal statute or by federal rule properly promulgated under the federal  
 82 Administrative Procedure Act, 5 U.S.C. Section 500, et seq.
- 83 (f) If the United States Department of Education requires, as a condition of making a  
 84 federal education grant, that the grant recipient shares student or teacher data under  
 85 circumstances that do not comply with paragraph (5) of subsection (e) of this Code  
 86 section, the grant recipient shall provide written notification to the parents or guardians  
 87 of every student whose data will be shared or every teacher whose data will be shared of  
 88 the following:
- 89 (1) That the grant recipient has been required to turn over the student's or teacher's data  
 90 to the United States Department of Education;
- 91 (2) That neither the grant recipient nor any other entity within the State of Georgia will  
 92 have control over the use or further sharing of that data; and
- 93 (3) The contact information, including telephone number and e-mail address, of the  
 94 United States Department of Education official who demands the data."

## 95 SECTION 2.

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