

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.