

Senate Bill 281

By: Senators Ligon, Jr. of the 3rd, Hill of the 32nd, Harbin of the 16th, Williams of the 27th,  
Albers of the 56th and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 19 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated,  
2 relating to instructional materials and content in elementary and secondary education, so as  
3 to require schools to provide certain information to students and parents prior to using any  
4 digital-learning platform; to provide for definitions; to provide for destruction of student data  
5 collected through a digital-learning platform; to provide the opportunity to opt out; to provide  
6 for legislative findings; to provide for related matters; to repeal conflicting laws; and for  
7 other purposes.

8 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

9 **SECTION 1.**

10 The General Assembly finds that:

- 11 (1) Creators of education technology products are increasingly pushing interactive  
12 digital-learning platforms, including video-gaming platforms, for use in K-12 education;  
13 (2) The software in many of these platforms is capable of collecting and analyzing a  
14 wealth of "fine-grained" data on students, including their personal psychological  
15 characteristics and even physiological characteristics;  
16 (3) Such data collection and analysis can create a threat to student privacy;  
17 (4) Most parents are not aware of the capabilities of such software in the digital-learning  
18 platforms that may be used in their children's school; and  
19 (5) Parents have the right to full transparency concerning all types of data that are  
20 collected on their children.

21 **SECTION 2.**

22 Article 19 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to  
23 instructional materials and content in elementary and secondary education, is amended by  
24 adding a new Code section to read as follows:

25 "20-2-1017.

26 (a) For purposes of this Code section, the term:

27 (1) 'Digital-learning platform' or 'platform' means an interactive digital platform that  
28 collects and records students' personally identifiable information, whether maintained by  
29 the school or by a third-party provider, and includes any video-gaming platform.

30 (2) 'Eligible student' means a student 18 years of age or older.

31 (3) 'Personally identifiable information' shall have the same meaning as provided in  
32 paragraph (13) of Code Section 20-2-662.

33 (b) Prior to implementing any digital-learning platform, a school shall give eligible  
34 students or parents or guardians a formal written explanation of the goals and capabilities  
35 of the platform, including any software, whether loaded onto such platform or hosted  
36 externally by a third party. Such explanation shall include an understandable description  
37 of:

38 (1) How the platform works and its principal purpose or purposes;

39 (2) The title and business address of the school official who is responsible for the  
40 platform and the name and business address of any contractor or other outside party  
41 maintaining the platform for or on behalf of the school;

42 (3) The information the software is designed to collect from or capture and record about  
43 the student, including any data matches with other personally identifiable information;

44 (4) Every element of data that the platform or software will collect or record about the  
45 student, including any personal psychological characteristics; noncognitive attributes or  
46 skills, such as collaboration, resilience, and perseverance; and physiological  
47 measurements;

48 (5) The purpose of collecting and recording such data;

49 (6) Every contemplated use or disclosure of such data, the categories of recipients, and  
50 the purpose of such use or disclosure;

51 (7) A full explanation of the privacy policy maintained by the digital-learning provider;  
52 and

53 (8) The policies and practices of the school regarding storage, retrievability, access  
54 controls, retention, and disposal of the records collected or recorded by the platform.

55 (c) No digital-learning platform, or any instructional material in digital format, shall be  
56 used unless it includes a portal or other mechanism allowing parents access to the platform  
57 and all the content available to the student users.

58 (d) Any data of any type collected on a student through his or her use of a digital-learning  
59 platform shall be destroyed at the end of the course in which the platform is used.

60 (e) Unless the school determines and declares the platform to be essential to its educational  
61 mission with an explanation of the basis for such determination, eligible students or parents

62 or guardians shall be allowed to opt out of using any digital-learning platform. Students  
63 who have opted out shall be provided traditional instruction in the academic content  
64 covered by such digital-learning platform."

65 **SECTION 3.**

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