

House Bill 1062

By: Representatives Rice of the 139th, Hilton of the 48th, Cheokas of the 151st, Ballard of the 147th, Glaize of the 67th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated,
2 relating to the State School Superintendent, so as to require the Department of Education to
3 publish relevant and applicable federal guidance documents and related information; to
4 provide for definitions; to provide for construction; to require annual notice from the State
5 School Superintendent to designated committees and offices of the General Assembly and
6 the Office of Planning and Budget; to authorize the State Board of Education to adopt rules;
7 to provide for related matters; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Article 2 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to the
11 State School Superintendent, is amended by adding a new Code section to read as follows:

12 "20-2-37.

13 (a) As used in this Code section, the term:

14 (1) 'Federal agency' means the United States Department of Education or its successor
15 or any other agency, as such term is defined in 44 U.S.C. Section 3502.

16 (2) 'Guidance document' means any statement of general applicability issued by a federal
17 agency or by an official of such federal agency that sets forth a policy on a statutory,
18 regulatory, or technical issue or an interpretation of a statutory or regulatory issue;
19 provided, however, that such term shall not include a rule or other regulatory action that
20 has the force and effect of law promulgated in accordance with the notice and comment
21 rule-making requirements of the federal Administrative Procedure Act. Such term shall
22 include, but shall not be limited to, advisories, announcements, bulletins, circulars,
23 directives, letters, manuals, memoranda, notices, policy statements, and media, news, and
24 press releases. Such term shall encompass all guidance materials, regardless of format,
25 and shall include, but shall not be limited to, audio files and recordings; documents in
26 digital, electronic, or hard copy format; video files and recordings; internet posts; and
27 software applications. Such term shall be construed broadly to effectuate the purpose and
28 intent of this Code section.

29 (b)(1) Within 15 calendar days of receiving a guidance document from a federal agency
30 which the State School Superintendent or Department of Education deems relevant and
31 applicable to the duties, responsibilities, or business of the Department of Education, the
32 State Board of Education, or the State School Superintendent, the Department of
33 Education shall publish such guidance document in accordance with the requirements of
34 subsection (c) of this Code section.

35 (2) Within 45 calendar days of receiving a guidance document provided for in
36 paragraph (1) of this subsection, the Department of Education shall include on the
37 dedicated web page provided for in subsection (c) of this Code section a written response
38 to such guidance document that includes, at a minimum:

39 (A) Each federal or state statute, regulation, or rule that is addressed either expressly
40 or by reasonable implication, interpretation, or application in such guidance document;

41 (B) A description of how such guidance document will be implemented; and

42 (C) Whether the State School Superintendent or the Department of Education has
43 communicated to the relevant federal agency any objection or exception to such
44 guidance document in whole or in part.

45 (3) Within 15 calendar days of a guidance document provided for in paragraph (1) of this
46 subsection being rescinded, the Department of Education shall:

47 (A) Clearly indicate on the dedicated web page provided for in subsection (c) of this
48 Code section that such guidance document has been rescinded; and

49 (B) Add the rescinded guidance document along with the date such guidance document
50 was rescinded to a separate and clearly identifiable list of rescinded guidance
51 documents to be maintained on the dedicated web page provided for in subsection (c)
52 of this Code section.

53 (c) All guidance documents and rescinded guidance documents which are required to be
54 published by the Department of Education under subsection (b) of this Code section shall
55 be published on a dedicated web page on the Department of Education's website that is
56 clearly identifiable, readily searchable using the search tool included on such website, and
57 accessible via a link that is included on the home page of such website.

58 (d) Annually by August 1, the State School Superintendent shall provide in writing the
59 following information to the chairpersons of the House Committee on Education, the
60 Senate Education and Youth Committee, the House Committee on Higher Education, the
61 Senate Higher Education Committee, the House Committee on Appropriations, and the
62 Senate Appropriations Committee; to the Office of Legislative Counsel; and to the
63 directors of the Office of Planning and Budget, the House Budget and Research Office, and
64 the Senate Budget and Evaluation Office:

65 (1) The Department of Education's website address and the link to the dedicated web
66 page provided for in subsection (c) of this Code section;

67 (2) A complete list of guidance documents and rescinded guidance documents that are
68 currently published on the dedicated web page provided for in subsection (c) of this Code
69 section;

70 (3) A complete copy of the written responses provided for in paragraph (2) of
71 subsection (b) of this Code section; and

72 (4) A complete copy of each rule adopted by the State Board of Education pursuant to
73 subsection (e) of this Code section.

74 (e) The State Board of Education shall be authorized to adopt rules as necessary to
75 implement the requirements of this Code section."

76 **SECTION 2.**

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