

House Bill 1089

By: Representative Stover of the 71st

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated,
2 relating to the State Board of Education, so as to provide that the State Board of Education
3 shall not adopt and the Department of Education shall not implement academic content
4 standards for English, language arts, and mathematics developed by the common core
5 standards initiative nor shall the state board use the Partnership for Assessment of Readiness
6 for College and Careers (PARCC), or any other assessments related to or based on the
7 common core standards, as any of the assessments required by law; to provide that the State
8 Board of Education is the sole authority for adopting academic content standards for the
9 state's public schools and shall adopt academic content standards of its own choosing; to
10 provide that no official of this state, whether appointed or elected, shall join on behalf of the
11 state or a state agency any consortium, association, or other entity when such membership
12 would require the state to cede any measure of control over education; to provide for public
13 notice of and hearings for any proposed adoption or revision of academic content standards;
14 to provide that no school district or school shall be required to use any state-wide academic
15 standards adopted by the State Board of Education as a condition for approval to operate or
16 for receiving state funds; to provide limitations on the distribution of teacher and student
17 information and data; to provide for related matters; to provide an effective date; to repeal
18 conflicting laws; and for other purposes.

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

20 **SECTION 1.**

21 Article 1 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to the
22 State Board of Education, is amended by adding a new Code section to read as follows:

23 "20-2-21.

24 (a) The State Board of Education shall not adopt, and the Department of Education shall
25 not implement, the academic content standards for English, language arts, and mathematics
26 developed by the common core standards initiative nor shall the state board use the

27 Partnership for Assessment of Readiness for College and Careers (PARCC), or any other
28 assessments related to or based on the common core standards, as any of the assessments
29 required under this title. Any actions taken to adopt or implement the common core state
30 standards as of the effective date of this Code section shall be void.

31 (b)(1) The State Board of Education is the sole authority for adopting academic content
32 standards for the state's public schools and shall adopt academic content standards of its
33 own choosing. No official of this state, whether appointed or elected, shall join on behalf
34 of the state or a state agency any consortium, association, or other entity when such
35 membership would require the state to cede any measure of control over education,
36 including academic content standards and assessments of such standards.

37 (2) The state board shall provide public notice of any proposed adoption or revision of
38 academic content standards on the Department of Education's website. The state board
39 shall request comments on the proposed changes from the general public, including
40 parents, teachers, experts on academic content standards, representatives of political,
41 educational, and faith based organizations, and nonpartisan policy institutes. The state
42 board shall not adopt or revise any state-wide academic content standards until the state
43 board holds a public hearing in each congressional district in the state. The state board
44 shall post notice of each hearing on the Department of Education's website and in a
45 newspaper of general circulation in the respective congressional district.

46 (c) No school district or school shall be required to use any state-wide academic standards
47 adopted by the state board as a condition for approval to operate or for receiving state
48 funds.

49 (d) Notwithstanding any provision of law to the contrary, the State School Superintendent,
50 the State Board of Education, the Department of Education, or any other state entity that
51 deals with education shall not do any of the following:

52 (1) Expend any funds on construction, enhancement, or expansion of any state-wide
53 longitudinal data system designed to track students, or compile personally identifiable
54 student information, beyond what is necessary for basic administrative needs, for
55 academic evaluation of programs and student progress, or for compliance with
56 paragraph (5) of this subsection;

57 (2) Share any personally identifiable information of students or teachers with any entity
58 outside the state, except as provided in paragraph (5) of this subsection. The prohibition
59 of this paragraph shall not apply to virtual, online, or hard drive file storage hosted by
60 third parties outside of the state;

61 (3) Share any personally identifiable information of students or teachers with any entity
62 that intends to use that information to develop commercial products or services or that

63 intends to transfer the information to any other entity for use in developing commercial
64 products or services;
65 (4) Share any personally identifiable information of students or teachers with any entity
66 within the state, unless that entity is an educational agency or an institution which the
67 state expressly prohibits, in writing, the agency or institution from the following:
68 (A) Using the information to develop commercial products or services or transferring
69 the information to any other entity to develop commercial products or services; and
70 (B) Using the transfer of information for economic or work force development
71 planning; or
72 (5) Share any personally identifiable information of students or teachers with the United
73 States Department of Education, unless all of the following apply:
74 (A) The sharing of information is required as a condition of receiving a federal
75 education grant;
76 (B) The United States Department of Education agrees, in writing, to all of the
77 following:
78 (i) The information shall be used only to evaluate the program or programs funded
79 by the grant;
80 (ii) The information shall not be used for any research beyond that related to the
81 evaluation of the program or programs funded by the grant, unless the teacher or
82 parent or guardian of any student whose information will be used for the research
83 affirmatively consents to that use in writing;
84 (iii) The information will not be shared with any other governmental or private entity,
85 unless the teacher or parent or guardian of any student whose information will be
86 shared affirmatively consents to that sharing in writing; and
87 (iv) The information will be destroyed upon completion of the evaluation of the
88 program or programs funded by the grant; and
89 (C) The grant or program for which the information is required is authorized by federal
90 statute or by federal rule adopted under 5 U.S.C. 500, et seq.
91 (e) If the United States Department of Education requires, as a condition of a federal
92 education grant, that the grant recipient provide personally identifiable information of
93 students or teachers in a way that does not comply with paragraph (5) of subsection (d) of
94 this Code section, the grant recipient shall provide the teacher or parent or guardian of any
95 student whose information is required with notification that includes all of the following:
96 (1) That the grant recipient has been required to provide the teacher's or student's
97 information to the United States Department of Education;
98 (2) That neither the grant recipient nor any other entity or official within the state will
99 have control of the use or further sharing of that information; and

100 (3) The contact information, including telephone number and electronic mail address, of
101 the United States Department of Education official seeking the information."

102 **SECTION 2.**

103 This Act shall become effective upon its approval by the Governor or upon its becoming law
104 without such approval.

105 **SECTION 3.**

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