

Senate Bill 22

By: Senators Tillery of the 19th, Walker III of the 20th, Brass of the 6th, Still of the 48th, Burns of the 23rd 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 require annual notice from the State School Superintendent to
5 designated committees and offices of the General Assembly and the Office and Planning and
6 Budget; to authorize the State Board of Education to adopt rules; to provide for related
7 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 revising Code Section 20-2-37, which is
12 reserved, as follows:

13 "20-2-37.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

77 **SECTION 2.**

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