

Senate Bill 89

By: Senators Albers of the 56th, Beach of the 21st, Hufstetler of the 52nd, Black of the 8th, Williams of the 19th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to
2 elementary and secondary education, so as to address issues relating to the advancement and
3 use of technology in schools; to establish and implement policies and requirements with
4 respect to the collection and disclosure of student data; to provide for a short title; to provide
5 for legislative intent and findings; to provide for definitions; to provide for a Department of
6 Education leader to serve as the chief privacy officer; to provide disclosures and
7 requirements for the state data system; to provide for student data collection and reporting
8 restrictions; to provide for a detailed data security plan for the state data system; to provide
9 for restrictions on the use of student data by operators; to provide for parental rights to
10 inspect and correct student data; to provide for rules and regulations; to provide for related
11 matters; to amend Article 19 of Chapter 2 of Title 20 of the Official Code of Georgia
12 Annotated, relating to textbooks for elementary and secondary education, so as to encourage
13 local boards of education to provide instructional materials and content to be in digital or
14 electronic format; to encourage local boards of education to provide wireless electronic
15 devices for students to access instructional materials and content; to revise provisions for
16 purposes of conformity; to provide for a short title; to provide for effective dates; to provide
17 for applicability; to repeal conflicting laws; and for other purposes.

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

19 PART I
20 SECTION 1-1.

21 Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and
22 secondary education, is amended by revising Article 15, which is reserved, to read as
23 follows:

24 "ARTICLE 15

25 20-2-660.

26 This article shall be known and may be cited as the 'Student Data Privacy, Accessibility,
 27 and Transparency Act.'

28 20-2-661.

29 (a) The General Assembly acknowledges that student data is a vital resource for parents,
 30 teachers, and school staff, and it is the intent of the General Assembly to ensure that
 31 student data is safeguarded and that students' and parents' privacy is honored, respected,
 32 and protected.

33 (b) The General Assembly finds that:

34 (1) Student data allows parents and students to make more informed choices about
 35 educational programs and to better gauge a student's educational progress and needs;

36 (2) Teachers and school staff utilize student data in planning responsive education
 37 programs and services, scheduling students into appropriate classes, and completing
 38 reports for educational agencies;

39 (3) Student information is critical in helping educators assist students in successfully
 40 graduating from high school and preparing to enter the workforce or postsecondary
 41 education;

42 (4) In emergencies, certain information should be readily available to school officials and
 43 emergency personnel to assist students and their families;

44 (5) A limited amount of this information makes up a student's permanent record or
 45 transcript; and

46 (6) Student information is important for educational purposes, and it is also critically
 47 important to ensure that student information is protected, safeguarded, kept private, and
 48 used only by appropriate educational authorities to serve the best interests of the student.

49 20-2-662.

50 As used in this article, the term:

51 (1) 'Aggregate student data' means data that is not personally identifiable and that is
 52 collected or reported at the group, cohort, or institutional level.

53 (2) 'De-identified data' means a student data set that is not student personally identifiable
 54 information because the local board of education or department or other party has made
 55 a reasonable determination that a student's identity is not personally identifiable, whether
 56 through single or multiple releases, and taking into account other reasonably available
 57 information.

- 58 (3) 'Department' means the Department of Education.
- 59 (4) 'Education record' means an education record as defined in the Family Educational
60 Rights and Privacy Act (FERPA) and its implementing regulations, 20 U.S.C. Section
61 1232g; and 34 C.F.R. Part 99.3. An education record does not include the types of
62 student data excepted in FERPA, does not include student data collected by an operator
63 when it is used for internal operations purposes, does not include student data that is not
64 formatted for or expected to be accessed by school, local board of education, or
65 department employees, nor does it include student data that a local board of education
66 determines cannot reasonably be made available to the parent or eligible student.
- 67 (5) 'Eligible student' means a student who has reached 18 years of age or is attending an
68 institution of postsecondary education.
- 69 (6) 'K-12 school purposes' means purposes that take place at the direction of the K-12
70 school, teacher, or local board of education or aid in the administration of school
71 activities, including, but not limited to, instruction in the classroom or at home,
72 administrative activities, preparing for postsecondary education or employment
73 opportunities, and collaboration between students, school personnel, or parents, or are for
74 the use and benefit of the school.
- 75 (7) 'Online service' includes cloud computing services.
- 76 (8) 'Operator' means any entity other than the department, local boards of education, the
77 Georgia Student Finance Commission, or schools to the extent that the entity:
- 78 (A) Operates an Internet website, online service, online application, or mobile
79 application with actual knowledge that the website, service, or application is used for
80 K-12 school purposes and was designed and marketed for K-12 school purposes to the
81 extent that it is operating in that capacity; and
- 82 (B) Collects, maintains, or uses student personally identifiable information in a digital
83 or electronic format.
- 84 (9) 'Provisional student data' means new student data proposed for inclusion in the state
85 data system.
- 86 (10) 'State-assigned student identifier' means the unique student identifier assigned by
87 the state to each student that shall not be or include the social security number of a
88 student in whole or in part.
- 89 (11) 'State data system' means the department state-wide longitudinal data system
90 established pursuant to Code Section 20-2-320.
- 91 (12) 'Student data' means information regarding a K-12 student who is a resident of this
92 state that is collected and maintained at the individual student level in this state, including
93 but not limited to:
- 94 (A) Data descriptive of a student in any media or format, including but not limited to:

- 95 (i) The student's first and last name;
- 96 (ii) The name of the student's parent or other family members;
- 97 (iii) The physical address, email address, phone number, or other information that
 98 allows physical or online contact with the student or student's family;
- 99 (iv) A student's personal identifier, such as the student number, when used for
 100 identification purposes;
- 101 (v) Other indirect identifiers, such as the student's date of birth, place of birth, and
 102 mother's maiden name;
- 103 (vi) State, local, school, or teacher administered assessment results, including
 104 participation information;
- 105 (vii) Transcript information including but not limited to courses taken and completed,
 106 course grades and grade point average, credits earned, degree, diploma, credential
 107 attainment, or other school exit information;
- 108 (viii) Attendance and mobility information between and within local school systems
 109 in this state;
- 110 (ix) The student's sex, race, and ethnicity;
- 111 (x) Program participation information required by state or federal law;
- 112 (xi) Disability status;
- 113 (xii) Socioeconomic information;
- 114 (xiii) Food purchases; or
- 115 (xiv) Emails, text messages, documents, search activity, photos, voice recordings,
 116 and geolocation information; or
- 117 (B) Such information that:
- 118 (i) Is created or provided by a student, or the student's parent or legal guardian, to an
 119 employee or agent of the school, local board of education, or the department or to an
 120 operator in the course of the student's or parent's or legal guardian's use of the
 121 operator's site, service, or application for K-12 school purposes;
- 122 (ii) Is created or provided by an employee or agent of the school or local board of
 123 education, including to an operator in the course of the employee's or agent's use of
 124 the operator's site, service, or application for K-12 school purposes; or
- 125 (iii) Is gathered by an operator through the operation of an operator's site, service, or
 126 application for K-12 school purposes.
- 127 (13) 'Student personally identifiable data' or 'student personally identifiable information'
 128 or 'personally identifiable information' means student data that personally identifies a
 129 student that, alone or in combination, is linked to information that would allow a
 130 reasonable person who does not have personal knowledge of the relevant circumstances
 131 to identify the student.

132 (14) 'Targeted advertising' means presenting advertisements to a student where the
 133 advertisement is selected based on information obtained or inferred from that student's
 134 online behavior, usage of applications, or student data. 'Targeted advertising' does not
 135 include advertising to a student at an online location based upon that student's current
 136 visit to that location or single search query without collection and retention of a student's
 137 online activities over time.

138 20-2-663.

139 (a) The State School Superintendent shall designate a senior department employee to serve
 140 as the chief privacy officer of the department to assume primary responsibility for data
 141 privacy and security policy, including:

142 (1) Establishing department-wide policies necessary to assure that the use of
 143 technologies sustains, enhances, and does not erode privacy protections relating to the
 144 use, collection, and disclosure of student data;

145 (2) Ensuring that student data contained in the state data system is handled in full
 146 compliance with this article, the federal Family Educational Rights and Privacy Act, and
 147 other state and federal data privacy and security laws;

148 (3) Evaluating legislative and regulatory proposals involving use, collection, and
 149 disclosure of student data by the department;

150 (4) Conducting a privacy impact assessment on legislative proposals, regulations, and
 151 program initiatives of the department, including the type of personal information
 152 collected and the number of students affected;

153 (5) Coordinating with the Attorney General's office and other legal entities as necessary
 154 to ensure that state programs, policies, and procedures involving civil rights, civil
 155 liberties, and privacy considerations are addressed in an integrated and comprehensive
 156 manner;

157 (6) Preparing an annual report to the General Assembly on activities of the department
 158 that affect privacy, including complaints of privacy violations, internal controls, and other
 159 matters;

160 (7) Working with the department general counsel and other officials in engaging with
 161 stakeholders about the quality, usefulness, openness, and privacy of data;

162 (8) Establishing and operating a department-wide Privacy Incident Response Program
 163 to ensure that incidents involving department data are properly reported, investigated, and
 164 mitigated, as appropriate;

165 (9) Establishing a model process and policy for any parent to file complaints of privacy
 166 violations or inability to access his or her child's education records against the responsible
 167 local board of education pursuant to Code Section 20-2-667; and

168 (10) Providing training, guidance, technical assistance, and outreach to build a culture
 169 of privacy protection, data security, and data practice transparency to students, parents,
 170 and the public among all state and local governmental education entities that collect,
 171 maintain, use, or share student data.

172 (b) The chief privacy officer may investigate issues of compliance with this article and
 173 with other state data privacy and security laws by the department and local boards of
 174 education and may:

175 (1) Have access to all records, reports, audits, reviews, documents, papers,
 176 recommendations, and other materials available to the department that relate to programs
 177 and operations with respect to the responsibilities of the chief privacy officer under this
 178 Code section;

179 (2) Make such investigations and reports relating to the administration of the programs
 180 and operations of the department as are necessary or desirable; and

181 (3) In matters relating to compliance with federal laws, refer the matter to the appropriate
 182 federal agency and cooperate with any investigations by such federal agency.

183 20-2-664.

184 The department shall:

185 (1) Create, publish, and make publicly available a data inventory and dictionary or index
 186 of data elements with definitions of student personally identifiable data fields in the state
 187 data system to include, but not be limited to:

188 (A) Any student personally identifiable data required to be reported by state and
 189 federal education mandates;

190 (B) Any student personally identifiable data which is included or has been proposed
 191 for inclusion in the state data system with a statement regarding the purpose or reason
 192 for the proposed collection; and

193 (C) Any student data that the department collects or maintains with no current
 194 identified purpose;

195 (2) Develop, publish, and make publicly available policies and procedures for the state
 196 data system to comply with this article and other applicable state and federal data privacy
 197 and security laws, including the federal Family Educational Rights and Privacy Act.

198 Such policies and procedures shall include, at a minimum:

199 (A) Restrictions on granting access to student data in the state data system, except to
 200 the following:

201 (i) Students and their parents, as provided by the collecting local board of education;

202 (ii) The authorized administrators, teachers, and other school personnel of local
 203 boards of education, and the contractors or other authorized entities working on their

204 behalf, that enroll students who are the subject of the data and who require such
 205 access to perform their assigned duties;

206 (iii) The authorized staff of the department, and the contractors or other authorized
 207 entities working on behalf of the department, who require such access to perform their
 208 assigned duties as authorized by law or defined by interagency or other data sharing
 209 agreements; and

210 (iv) The authorized staff of other state agencies in this state as required or authorized
 211 by law, including contractors or other authorized entities working on behalf of a state
 212 agency that require such access to perform their duties pursuant to an interagency
 213 agreement or other data sharing agreement;

214 (B) Prohibitions against publishing student data other than aggregate data or
 215 de-identified data in public reports; and

216 (C) Consistent with applicable law, criteria for the approval of research and data
 217 requests from state and local agencies, the General Assembly, those conducting
 218 research including on behalf of the department, and the public that involve access to
 219 student personally identifiable information;

220 (3) Unless otherwise provided by law or approved by the State Board of Education, not
 221 transfer student personally identifiable data to any federal, state, or local agency or
 222 nongovernmental organization, except for disclosures incident to the following actions:

223 (A) A student transferring to another school or school system in this state or out of
 224 state or a school or school system seeking help with locating a transferred student;

225 (B) A student enrolling in a postsecondary institution or training program;

226 (C) A student registering for or taking a state, national, or multistate assessment where
 227 such data is required to administer the assessment;

228 (D) A student voluntarily participating in a program for which such a data transfer is
 229 a condition or requirement of participation;

230 (E) The federal government requiring the transfer of student data for a student
 231 classified as a 'migrant' for related federal program purposes;

232 (F) A federal agency requiring student personally identifiable data to perform an audit,
 233 compliance review, or complaint investigation; or

234 (G) An eligible student or student's parent or legal guardian requesting such transfer;

235 (4) Develop a detailed data security plan for the state data system that includes:

236 (A) Guidelines for authorizing access to the state data system and to student personally
 237 identifiable data including guidelines for authentication of authorized access;

238 (B) Privacy and security audits;

239 (C) Plans for responding to security breaches, including notifications, remediations,
 240 and related procedures;

- 241 (D) Data retention and disposal policies;
- 242 (E) Data security training and policies including technical, physical, and administrative
 243 safeguards;
- 244 (F) Standards regarding the minimum number of students or information that must be
 245 included in a data set in order for the data to be considered aggregated and, therefore,
 246 not student personally identifiable data subject to requirements in this article and in
 247 other federal and state data privacy laws;
- 248 (G) A process for evaluating and updating as necessary the data security plan, at least
 249 on an annual basis, in order to identify and address any risks to the security of student
 250 personally identifiable data; and
- 251 (H) Guidance for local boards of education to implement effective security practices
 252 that are consistent with those of the state data system;
- 253 (5) Ensure routine and ongoing compliance by the department with the federal Family
 254 Educational Rights and Privacy Act, other relevant privacy laws and policies, and the
 255 privacy and security policies and procedures developed under the authority of this article,
 256 including the performance of compliance audits for the department;
- 257 (6) Notify the Governor and the General Assembly annually of the following matters
 258 relating to the state data system:
- 259 (A) New provisional student data proposed for inclusion in the state data system:
- 260 (i) Any new provisional student data collection proposed by the department shall
 261 become a provisional requirement to allow local boards of education and their local
 262 data system vendors the opportunity to meet the new requirement; and
- 263 (ii) The department shall announce any new provisional student data collection to the
 264 general public for a review and comment period of at least 60 days;
- 265 (B) Changes to existing student personally identifiable data collections required for any
 266 reason, including changes to federal reporting requirements made by the United States
 267 Department of Education;
- 268 (C) A list of any special approvals granted by the department pursuant to
 269 subparagraph (C) of paragraph (3) of this Code section in the past year regarding the
 270 release of student personally identifiable data; and
- 271 (D) The results of any and all privacy compliance and security audits completed in the
 272 past year. Notifications regarding privacy compliance and security audits shall not
 273 include any information that would itself pose a security threat to the state or local
 274 student information systems or to the secure transmission of data between state and
 275 local systems by exposing vulnerabilities; and

276 (7) Develop policies and procedures to ensure the provision of at least annual
 277 notifications to eligible students and parents or guardians regarding student privacy rights
 278 under federal and state law.

279 20-2-665.

280 (a) Unless required by state or federal law or in cases of health or safety emergencies, local
 281 boards of education shall not report to the department the following student data or student
 282 information:

283 (1) Juvenile delinquency records;

284 (2) Criminal records; or

285 (3) Medical and health records.

286 (b) Unless required by state or federal law or in cases of health or safety emergencies,
 287 schools shall not collect the following data on students or their families:

288 (1) Political affiliation;

289 (2) Voting history;

290 (3) Income, except as required by law or where a local board of education determines
 291 income information is required to apply for, administer, research, or evaluate programs
 292 to assist students from low-income families; or

293 (4) Religious affiliation or beliefs.

294 20-2-666.

295 (a) An operator shall not knowingly engage in any of the following activities with respect
 296 to such operator's site, service, or application without explicit written consent from the
 297 student's parent or guardian, or an eligible student:

298 (1) Use student data to engage in behaviorally targeted advertising on the operator's site,
 299 service, or application or target advertising on any other site, service, or application when
 300 the targeting of the advertising is based upon any student data and state-assigned student
 301 identifiers or other persistent unique identifiers that the operator has acquired because of
 302 the use of such operator's site, service, or application;

303 (2) Use information, including state-assigned student identifiers or other persistent
 304 unique identifiers, created or gathered by the operator's site, service, or application, to
 305 amass a profile about a student except in furtherance of K-12 school purposes. For
 306 purposes of this paragraph, 'amass a profile' does not include collection and retention of
 307 account records or information that remains under the control of the student, parent, or
 308 local board of education;

309 (3) Sell a student's data. This prohibition does not apply to the purchase, merger, or
 310 other type of acquisition of an operator by another entity, provided that the operator or

311 successor entity continues to be subject to the provisions of this Code section with respect
 312 to previously acquired student data that is subject to this article; or

313 (4) Disclose student personally identifiable data without explicit written or electronic
 314 consent from a student over the age of 13 or a student's parent or guardian, given in
 315 response to clear and conspicuous notice of the activity, unless the disclosure is made:

316 (A) In furtherance of the K-12 school purposes of the site, service, or application;
 317 provided, however, that the recipient of the student data disclosed (i) shall not further
 318 disclose the student data unless done to allow or improve the operability and
 319 functionality within that student's classroom or school, and (ii) is legally required to
 320 comply with the requirements of this article and not use the student information in
 321 violation of this article;

322 (B) To ensure legal or regulatory compliance or protect against liability;

323 (C) To respond to or participate in judicial process;

324 (D) To protect the security or integrity of the entity's website, service, or application;

325 (E) To protect the safety of users or others or security of the site;

326 (F) To a service provider, provided that the operator contractually (i) prohibits the
 327 service provider from using any student data for any purpose other than providing the
 328 contracted service to, or on behalf of, the operator, (ii) requires such service provider
 329 to impose the same restrictions as in this paragraph on its own service providers, and
 330 (iii) requires the service provider to implement and maintain reasonable security
 331 procedures and practices as provided in subsection (b) of this Code section; or

332 (G) For an educational, public health, or employment purpose requested by the
 333 student's parent or guardian, provided that the information is not used or further
 334 disclosed for any purpose.

335 (b) An operator shall:

336 (1) Implement and maintain reasonable security procedures and practices appropriate to
 337 the nature of the student data to protect that information from unauthorized access,
 338 destruction, use, modification, or disclosure; and

339 (2) Delete a student's data within a reasonable timeframe not to exceed 45 days if the
 340 school or local board of education requests deletion of data under the control of the
 341 school or local board of education.

342 (c) Notwithstanding paragraph (4) of subsection (a) of this Code section, an operator may
 343 disclose student data, so long as paragraphs (1) to (3), inclusive, of subsection (a) of this
 344 Code section are not violated, under the following circumstances:

345 (1) If another provision of federal or state law requires the operator to disclose the
 346 student data, and the operator complies with applicable requirements of federal and state
 347 law in protecting and disclosing that information;

- 348 (2) For legitimate research purposes:
349 (A) As required by state or federal law and subject to the restrictions under applicable
350 state and federal law; or
351 (B) As allowed by state or federal law and under the direction of a school, a local board
352 of education, or the department, subject to compliance with subsection (a) of this Code
353 section; or
354 (3) To a state agency, local board of education, or school, for K-12 school purposes, as
355 permitted by state or federal law.
356 (d) Nothing in this Code section prohibits an operator from using student data, including
357 student personally identifiable data, as follows:
358 (1) For maintaining, delivering, developing, supporting, evaluating, improving, or
359 diagnosing the operator's site, service, or application;
360 (2) Within other sites, services, or applications owned by the operator, and intended for
361 the school or student use, to evaluate and improve educational products or services
362 intended for the school or student use;
363 (3) For adaptive learning or customized student learning purposes;
364 (4) For recommendation engines to recommend additional content or services to students
365 within a school service's site, service, or application without the response being
366 determined in whole or in part by payment or other consideration from a third party;
367 (5) To respond to a student's request for information or for feedback without the
368 information or response being determined in whole or in part by payment or other
369 consideration from a third party; or
370 (6) To ensure legal or regulatory compliance or to retain such data for these purposes.
371 (e) Nothing in this Code section prohibits an operator from using or sharing aggregate data
372 or de-identified data as follows:
373 (1) For the development and improvement of the operator's site, service, or application
374 or other educational sites, services, or applications; or
375 (2) To demonstrate the effectiveness of the operator's products or services, including
376 their marketing.
377 (f) This Code section shall not be construed to limit the authority of a law enforcement
378 agency to obtain any content or student data from an operator as authorized by law or
379 pursuant to an order of a court of competent jurisdiction.
380 (g) This Code section does not apply to general audience Internet websites, general
381 audience online services, general audience online applications, or general audience mobile
382 applications, even if login credentials created for an operator's site, service, or application
383 may be used to access those general audience sites, services, or applications.

384 (h) This Code section shall not be construed to limit Internet service providers from
385 providing Internet connectivity to schools or students and their families.

386 (i) This Code section shall not be construed to prohibit an operator from marketing
387 educational products directly to parents so long as the marketing did not result from the use
388 of student data obtained without parental consent by the operator through the provision of
389 services covered under this Code section.

390 (j) This Code section shall not be construed to impose a duty upon a provider of an
391 electronic store, gateway, marketplace, or other means of purchasing or downloading
392 software or applications to review or enforce compliance of this Code section on those
393 applications or software.

394 (k) This Code section shall not be construed to impose a duty upon a provider of an
395 interactive computer service, as defined in Section 230 of Title 47 of the United States
396 Code, to review or enforce compliance with this Code section by third-party content
397 providers.

398 (l) This Code section shall not be construed to impede the ability of a student or parent or
399 guardian to download, transfer, or otherwise save or maintain their own student data or
400 documents.

401 (m) Nothing in this Code section or this article prevents the department or local board of
402 education and their employees from recommending, directly or via a product or service,
403 any educational materials, online content, services, or other products to any student or his
404 or her family if the department or local board of education determines that such products
405 will benefit the student and does not receive compensation for developing, enabling, or
406 communicating such recommendations.

407 20-2-667.

408 (a) A parent shall have the right to inspect and review his or her child's education record
409 maintained by the school or local board of education.

410 (b) A parent may request from the school or local board of education student data included
411 in his or her child's education record, including student data maintained by an operator,
412 except when the local board of education determines that the requested data maintained by
413 the operator cannot reasonably be made available to the parent.

414 (c) Local boards of education shall provide a parent or guardian with an electronic copy
415 of his or her child's education record upon request, unless the local board of education does
416 not maintain a record in electronic format and reproducing the record in an electronic
417 format would be unduly burdensome.

418 (d) A parent or eligible student shall have the right to request corrections to inaccurate
419 education records maintained by a school or local board of education. After receiving a

420 request demonstrating any such inaccuracy, the school or local board of education that
 421 maintains the data shall correct the inaccuracy and confirm such correction to the parent
 422 or eligible student within a reasonable amount of time.

423 (e) The rights contained in subsections (a) through (d) of this Code section shall extend
 424 also to eligible students seeking to access their own education records.

425 (f) The department shall develop model policies for local boards of education that:

426 (1) Support local boards of education in fulfilling their responsibility to annually notify
 427 parents of their right to request student information;

428 (2) Assist local boards of education with ensuring security when providing student data
 429 to parents;

430 (3) Provide guidance and best practices to local boards of education in order to ensure
 431 that local boards of education provide student data only to authorized individuals;

432 (4) Support local boards of education in their responsibility to produce education records
 433 and student data included in such education records to parents and eligible students,
 434 ideally within three business days of the request; and

435 (5) Assist schools and local boards of education with implementing technologies and
 436 programs that allow a parent to view online, download, and transmit data specific to his
 437 or her child's education record.

438 (g)(1) The department shall develop model policies and procedures for a parent or
 439 eligible student to file a complaint with a local school system regarding a possible
 440 violation of rights under this article or under other federal or state student data privacy
 441 and security laws which shall ensure that:

442 (A) Each local school system designates at least one individual with responsibility to
 443 address complaints filed by parents or eligible students;

444 (B) A written response is provided to the parent's or student's complaint;

445 (C) An appeal may be filed with the local school superintendent; and

446 (D) An appeal for a final decision may be made to the local board of education.

447 (2) Within six months of adoption by the department of model policies and procedures
 448 pursuant to paragraph (1) of this subsection, each local board of education shall adopt
 449 policies and procedures that include, at a minimum, such department model policies and
 450 procedures.

451 (h) Nothing in this Code section shall authorize any additional cause of action beyond the
 452 process described in this Code section or as otherwise authorized by state law.

453 20-2-668.

454 (a) The State Board of Education may adopt rules and regulations necessary to implement
 455 the provisions of this article.

456 (b) As of July 1, 2016, any existing collection of student data by the department shall not
 457 be considered provisional student data. Reserved."

458 **PART II**
 459 **SECTION 2-1.**

460 This Act shall be known and may be cited as the "Digital Classroom Act."

461 **SECTION 2-2.**

462 Article 19 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to
 463 textbooks for elementary and secondary education, is amended as follows:

464 "ARTICLE 19

465 20-2-1010.

466 (a) The State Board of Education is authorized to prescribe, by regulation, the definition
 467 of the term ~~'textbook'~~ 'instructional materials and content' to include but not be limited to
 468 systematically designed material in any medium, ~~whether print, nonprint, or digital~~
 469 including digital instructional materials and content and any computer hardware, software,
 470 and technical equipment necessary to support such ~~material~~ instructional materials and
 471 content, that constitutes the principal source of study for a state funded course ~~and to~~
 472 ~~prescribe the textbooks~~ to be used in the various grades in the public schools of this state,
 473 including the elementary grades and high school grades. The state board may provide, by
 474 regulation, for multiple listings of ~~textbooks~~ instructional materials and content for use in
 475 the various grades and may, in its discretion, authorize the local school superintendents to
 476 exercise a choice as between ~~textbooks~~ various instructional materials and content so listed
 477 or adopted for any particular grade.

478 (b) Nothing in this Code section shall be construed to exempt computer hardware or
 479 related equipment acquired by the state from competitive bidding.

480 20-2-1011.

481 The State Board of Education may provide for the selection, acquisition, or ~~and~~ purchase
 482 of ~~free textbooks~~ instructional materials and content either by multiple listings or uniform
 483 adoption or by any other method that will enable the acquiring of acceptable ~~books~~
 484 instructional materials and content at the lowest possible costs, provided such adoption or
 485 multiple listings shall in no event constitute a binding contract until ratified in writing by

486 the state board. None of the ~~books~~ instructional materials and content so purchased shall
487 contain anything of a partisan or sectarian nature.

488 20-2-1012.

489 (a) The State Board of Education shall select a committee or committees of educators
490 actually engaged in public school work in this state to examine ~~textbooks~~ instructional
491 materials and content and make recommendations thereon to the state board. Such
492 committee or committees shall consist of such number of educators as the state board may
493 deem advisable, not exceeding five in each instance. They shall serve for such time and
494 for such duties as the state board may prescribe and shall receive such compensation as
495 may be fixed by the state board.

496 (b) In addition to any other method of ~~textbook~~ instructional materials and content
497 selection, the State Board of Education shall add to the approved list of ~~textbooks~~
498 instructional materials and content for use in the public schools of this state any ~~textbook~~
499 ~~or series of textbooks~~ instructional materials and content requested in writing by:

500 (1) The superintendents of five or more different school systems; or

501 (2) Twenty or more teachers from at least 20 different school systems who teach and are
502 certified to teach the courses encompassed by the ~~textbook~~ instructional materials and
503 content requested,

504 if the requisite number of requests for the specified ~~textbook~~ instructional materials and
505 content are received within any 365 day period. ~~A textbook~~ Instructional materials and
506 content so required to be added to the approved list shall be added within 30 days following
507 the receipt by the state board of the requisite number of requests. No designation shall be
508 included upon the approved list which indicates the manner in which any ~~textbook~~ was
509 instructional materials and content were added to the list. Other than the selection method,
510 publishers whose ~~textbooks~~ instructional materials and content are added to the approved
511 list as provided in this subsection shall be required to comply with the same rules regarding
512 ~~textbooks~~ instructional materials and content as other publishers, including but not limited
513 to price, durability, accessibility, and availability.

514 20-2-1013.

515 (a) The State Board of Education is authorized and directed to inaugurate and administer
516 a system of free ~~textbooks~~ instructional materials and content for the public schools of this
517 state. The state board shall have authority to promulgate and enforce such rules and
518 regulations as may be necessary for that purpose.

519 (b) All ~~hardbound or softbound textbooks, library books, and media materials~~ instructional
520 materials and content and any computer hardware, software, and technical equipment

521 necessary to support such digital materials and content purchased by local units of
 522 administration with state Quality Basic Education Program funds or any other means of
 523 acquisition ~~shall~~ may remain the property of the local unit purchasing or acquiring them.
 524 Assistive technology devices ~~and digital versions of textbooks~~ that are acquired may
 525 remain the property of the student; provided, however, that this shall not be construed to
 526 violate any contracts or copyright laws. Each local unit of administration shall establish
 527 such policies as it deems necessary for the care and protection of its ~~textbooks~~ instructional
 528 materials and content; computer hardware, software, and technical equipment necessary
 529 to support such materials and content; library books; and media materials as a condition
 530 to receiving all or part of the state contributed Quality Basic Education Program funds
 531 allotted to the local unit. Such policies may include any of the following sanctions against
 532 a pupil who fails or refuses to pay for a any lost or damaged ~~textbook~~, instructional
 533 materials and content; computer hardware, software, and technical equipment necessary
 534 to support such materials and content; library book; or media material at the replacement
 535 cost:

536 (1) Refusal to issue or make available any additional ~~textbooks~~, instructional materials
 537 and content, any computer hardware, software, and technical equipment necessary to
 538 support such materials and content, any library books, or any media materials until
 539 restitution is made; or

540 (2) Withholding of all grade cards, diplomas, or certificates of progress until restitution
 541 is made.

542 No local unit of administration shall require any pupil or parent to purchase any ~~textbook~~,
 543 instructional materials and content; computer hardware, software, and technical equipment
 544 necessary to support such materials and content; library book; or media material except
 545 in cases where the pupil damages, loses, or defaces such item either through willful intent
 546 or neglect.

547 20-2-1014.

548 All purchases or contracts for purchases shall be made subject to the condition that the
 549 price paid by the state shall not exceed the price which may be offered by the publisher to
 550 any other school or school authority for substantially the same ~~book~~ instructional materials
 551 and content.

552 20-2-1015.

553 ~~The publisher of a textbook recommended by the State Board of Education shall provide~~
 554 ~~an electronic format version of such textbook, which may include a digital version.~~

555 (a) Local boards of education are strongly encouraged on and after July 1, 2020 to:

556 (1) Purchase all instructional materials and content in digital or electronic format; and
 557 (2) Provide a laptop, tablet, or other wireless electronic device to each of its students in
 558 grades three and higher or allow students to provide their own for use as the principal
 559 source of reading or accessing instructional materials and content.

560 (b) The State Board of Education shall annually determine a reasonable level of funding
 561 to assist local boards of education in attaining complete digital access pursuant to this Code
 562 section. Such level of funding shall annually be presented to the General Assembly for its
 563 consideration in including appropriations for such purposes.

564 20-2-2016.

565 This article shall not apply to students in home study programs or virtual courses."

566

PART III

567

SECTION 3-1.

568 (a) Part I of this Act shall become effective on July 1, 2016; provided, however, that to the
 569 extent any provision of this Act conflicts with a term of a contract entered into by a state
 570 agency, local board of education, or operator in effect prior to July 1, 2016, such provision
 571 shall not apply to the state agency, local board of education, or the operator subject to such
 572 agreement until the expiration, amendment, or renewal of such agreement.

573 (b) Parts II and III of this Act shall become effective on July 1, 2015.

574

SECTION 3-2.

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