SB404

150938-1

By Senators Beason, Glover, and McGill

RFD: Education

First Read: 04-APR-13
SYNOPSIS: Under existing law, the State Board of Education is directed to establish a core curriculum for every student in grades kindergarten through twelve in the state's public schools.

This bill would require the State Board of Education to ensure that personally identifiable student data be safeguarded and used only for legitimate educational purposes.

This bill would prohibit the State Board of Education, the Department of Education, and other state bodies from compiling or sharing data about students or teachers, except under limited circumstances.

This bill would prohibit the State Board of Education from entering into an agreement or joining a consortium that would cede any control to an entity outside the state.

This bill would require notice and public hearings before the State Board of Education adopts or implements any statewide standards.
This bill would also prohibit the State Board of Education from adopting and the Department of Education from implementing the Common Core State Standards developed by the Common Core State Standards Initiative.

A BILL
TO BE ENTITLED
AN ACT

Relating to education and core curriculum standards; to prohibit the State Board of Education, the Department of Education, and other state bodies from compiling or sharing data about students or teachers, except under limited circumstances; to prohibit the State Board of Education from entering into an agreement or joining a consortium that would cede any control to an entity outside the state; to require notice and public hearings before the State Board of Education adopts or implements any statewide standards; and to prohibit the State Board of Education from adopting and the Department of Education from implementing the Common Core State Standards developed by the Common Core State Standards Initiative.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) As stewards of education data, the State Board of Education shall ensure that personally identifiable student data be safeguarded and protected and students' personal information be used only for legitimate
educational purposes. Beginning with the remainder of the 2012-2013 fiscal year, the State Board of Education, the Department of Education, and any other state body shall not do any of the following:

   (1) Expend any funds or grants, no matter their origin, on construction, enhancement, or expansion of any Statewide Longitudinal Data System (SLDS) designed to track students or compile their personal, non-academic information beyond what is necessary for basic administrative needs or compliance with requirements of the United States Department of Education.

   (2) Share any data compiled on students or teachers, whether personally identifiable or aggregate, with any entity outside the state, including any federal agency, except as follows:

   a. Student or teacher data may be shared with the United States Department of Education only when:

      1. Such data sharing is required by the United States Department of Education as a condition of receiving a federal grant.

      2. The United States Department of Education agrees in writing to use the data only to evaluate the program or programs funded by the grant.

      3. The United States Department of Education agrees in writing that the data will not be used for any research beyond that related to evaluation of the program or programs funded by the grant.
4. A parent or guardian of any student whose data are to be so used, or any teacher whose data are to be so used, affirmatively consents in writing to that use and to release of the data. However, the data shall be withheld if the prior written consent is not given.

5. The United States Department of Education agrees in writing to destroy the data upon completion of the evaluation of the program or programs for which the data were compiled.

6. The grant or program in connection with which the data are required is one authorized by statute or by rule properly promulgated under the Federal Administrative Procedure Act.

b. If the United States Department of Education requires, as a condition of making an educational grant to a recipient in the state, that the recipient share student or teacher data under circumstances that do not comply with paragraph a. the recipient shall notify, in writing, the parents or guardians of every student whose data are demanded by the United States Department of Education:

1. That the recipient has been required to share the student's or teacher's data with the United States Department of Education;

2. That neither the recipient nor any other entity within the state will have control over the use or sharing of that student's or teacher's data by the United States Department of Education; and
3. The contact information, including telephone number and email address, of the United States Department of Education official who demands the data.

(b) Student or teacher data may be shared with any testing consortium of which the state is a member only when:

(1) The data are transmitted in non-individual record format; and

(2) The data are limited to information directly related to the testing, such as the student's grade level and test scores.

(c) Student data collected by the state, such as iNOW or any other present or future data collection process or program used by the state in the education of students, shall not be shared with the United States Department of Education or any other agency or entity. Any data required by the United States Department of Education or any other agency for any program shall be specifically collected for that program and used only for that program.

(d) Parents and legal guardians shall have the right to access their student's information that is held in any education database and a right to correct those student records.

(e) No student shall be required to complete any questionnaire or assessment regarding personal habits or attitudes or activities without parental permission.

Section 2. (a) The State of Alabama shall retain sole control over the development and revision of school
standards. Therefore, the Alabama State Board of Education may
not enter into any agreement or join any consortium or other
association that cedes any measure of control to entities
outside the state.

(b) Any statewide school standard may not be adopted
or implemented unless:

(1) A public hearing is held.

(2) The State Board of Education solicits input from
educators, content experts, parents, and other members of the
community during an open comment period.

Section 3. (a) The adoption and funding of the
Common Core State Standards Initiative are hereby repealed.

(b) The State Board of Education shall not adopt,
and the Department of Education shall not implement, the
Common Core State Standards as provided by the Common Core
State Standards Initiative. Any actions taken to adopt or
implement the Common Core State Standards at the state or
district level as of the effective date of this act are void
ab initio.

Section 4. The provisions of this act are severable.

If any part of this act is declared invalid or
unconstitutional, that declaration shall not affect the part
which remains.

Section 5. This act shall become effective
immediately following its passage and approval by the
Governor, or its otherwise becoming law.