

1 SB404
2 150938-1
3 By Senators Beason, Glover, and McGill
4 RFD: Education
5 First Read: 04-APR-13

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8 SYNOPSIS: Under existing law, the State Board of
9 Education is directed to establish a core
10 curriculum for every student in grades kindergarten
11 through twelve in the state's public schools.

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

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

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

25 This bill would require notice and public
26 hearings before the State Board of Education adopts
27 or implements any statewide standards.

1 This bill would also prohibit the State
2 Board of Education from adopting and the Department
3 of Education from implementing the Common Core
4 State Standards developed by the Common Core State
5 Standards Initiative.

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

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

23 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

24 Section 1. (a) As stewards of education data, the
25 State Board of Education shall ensure that personally
26 identifiable student data be safeguarded and protected and
27 students' personal information be used only for legitimate

1 educational purposes. Beginning with the remainder of the
2 2012-2013 fiscal year, the State Board of Education, the
3 Department of Education, and any other state body shall not do
4 any of the following:

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

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

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

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

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

24 3. The United States Department of Education agrees
25 in writing that the data will not be used for any research
26 beyond that related to evaluation of the program or programs
27 funded by the grant.

1 4. A parent or guardian of any student whose data
2 are to be so used, or any teacher whose data are to be so
3 used, affirmatively consents in writing to that use and to
4 release of the data. However, the data shall be withheld if
5 the prior written consent is not given.

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

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

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

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

24 2. That neither the recipient nor any other entity
25 within the state will have control over the use or sharing of
26 that student's or teacher's data by the United States
27 Department of Education; and

1 3. The contact information, including telephone
2 number and email address, of the United States Department of
3 Education official who demands the data.

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

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

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

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

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

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

26 Section 2. (a) The State of Alabama shall retain
27 sole control over the development and revision of school

1 standards. Therefore, the Alabama State Board of Education may
2 not enter into any agreement or join any consortium or other
3 association that cedes any measure of control to entities
4 outside the state.

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

7 (1) A public hearing is held.

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

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

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

20 Section 4. The provisions of this act are severable.
21 If any part of this act is declared invalid or
22 unconstitutional, that declaration shall not affect the part
23 which remains.

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