

Senate Bill 365

By: Senators Dolezal of the 27th, Gooch of the 51st, Robertson of the 29th, Anavitarte of the 31st, Kennedy of the 18th and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 20 of the Official Code of Georgia Annotated, relating to education, so as to  
2 provide for notification to parents and legal guardians of public school students of the right  
3 to receive email notification each time their child obtains school library materials; to identify  
4 materials that are subject to the complaint resolution policy for materials "harmful to  
5 minors," as set forth in Code Section 20-2-324.6; to provide for definitions; to repeal Code  
6 Section 20-2-720, relating to inspection of students' records by parents, for purposes of  
7 conformity; to provide for related matters; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Title 20 of the Official Code of Georgia Annotated, relating to education, is amended in  
11 Chapter 1, relating to general provisions regarding education, by adding a new Code section  
12 to read as follows:

13 "20-1-12.

14 (a) As used in this Code section, the term 'parent' means a person who has legal authority  
15 to act on behalf of a school-age child as a natural or adoptive parent or a legal guardian.

16 (b) Each local board of education or other public school governing body shall establish  
17 policies and procedures to ensure that, by the start of each school year for currently  
18 enrolled students or at any time during the school year upon the enrollment of a new  
19 student, a parent of each student enrolled in public school shall be notified in writing of the  
20 option to receive an email notification each time such student obtains material from a  
21 library operated by the public school where the student is enrolled. For each parent who  
22 elects to receive such email notifications, the public school where the student is enrolled  
23 shall notify the parent by email each time the student obtains school library material, and  
24 such email notice shall include, as applicable, the title, author, genre, and return date of the  
25 school library material."

26 **SECTION 2.**

27 Said title is further amended in Part 15 of Article 6 of Chapter 2, relating to miscellaneous  
28 provisions under the "Quality Basic Education Act," by adding a new subsection to Code  
29 Section 20-2-324.6, relating to complaint resolution policy for materials "harmful to minors,"  
30 to read as follows:

31 "(d) This Code section shall apply to any written or electronic materials made available to  
32 students in a public school, including classroom materials, school library materials, or any  
33 materials made available to a public school student as part of an extracurricular activity  
34 offered or supervised by the public school."

35 **SECTION 3.**

36 Said title is further amended in Article 15 of Chapter 2, relating to student data privacy,  
37 accessibility, and transparency, by revising paragraph (4) and adding a new paragraph to  
38 Code Section 20-2-662, relating to definitions, to read as follows:

39 "(4) 'Education record' means an education record as defined in the Family Educational  
40 Rights and Privacy Act (FERPA) and its implementing regulations, 20 U.S.C. Section

41 1232g; and 34 C.F.R. Part 99.3. Such term includes, without limitation, attendance  
42 reports and records; test scores, grades, disciplinary records, counseling records, and  
43 psychological records; applications for admission; health and immunization information;  
44 student evaluations by teachers and school counselors; reports of behavioral patterns;  
45 records relating to assistance provided for learning difficulties, including information  
46 collected regarding any intervention strategies used with the student; and records relating  
47 to any written or electronic materials made available to students enrolled in a public  
48 school, including classroom materials, school library materials, or any materials made  
49 available to a student as part of an extracurricular activity offered or supervised by the  
50 public school. Such term ~~An education record~~ does not include the types of student data  
51 ~~excepted in FERPA, does not include~~ student data collected by an operator when it is  
52 ~~used for internal operations purposes, does not include~~ or student data that is not  
53 ~~formatted for or expected to be accessed by school, local board of education, or~~  
54 ~~department employees, nor does it include student data that a local board of education~~  
55 ~~determines cannot reasonably be made available to the parent or eligible student."~~  
56 "(8.1) 'Parent' means a person who has legal authority to act on behalf of a school-age  
57 child as a natural or adoptive parent or a legal guardian."

58 **SECTION 4.**

59 Said title is further amended in Part 1 of Article 16 of Chapter 2, relating to school  
60 attendance, by repealing Subpart 3, relating to records, and Code Section 20-2-720, relating  
61 to inspection of students' records by parents.

62 **SECTION 5.**

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