

160-7-1-.02 LOCAL EDUCATIONAL AGENCY AND SCHOOL TRANSPARENCY.

(1) DEFINITIONS.

(a) **Family Educational and Privacy Rights Act (FERPA)** – Federal law that protects the privacy of students’ education records and provides certain rights for parents regarding their children’s education records.

(b) **Governing Body** – the local board of education, governing board, or other entity responsible for the governance and oversight of a local education agency.

(c) **Local Educational Agency (LEA)** – any local school system and any state charter school subject to the provisions of Article 31 or Article 31A of Title 20 of the Official Code of Georgia Annotated.

(d) **Parent** – a parent of a student includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or guardian.

(e) **Student Education Record** – An education record as defined in FERPA and its implementing regulations, 20 U.S.C. Section 1232g and 34 C.F.R. Part 99.3., as those records, files, documents, and other materials which contain information directly related to a student and are maintained by an educational agency or institution or by a person acting for such agency or institution.

(2) REQUIREMENTS.

(a) Each Governing Body shall adopt a policy that ensures transparency to parents and the community and provides for public notification and review of the LEA’s finances, formative assessments, curriculum and instructional materials, and surveys.

(b) **Student Education Records and Student Privacy.** In alignment with the laws and requirements of FERPA and Georgia’s Student Data Privacy, Accessibility, and Transparency Act, each LEA shall ensure that a Parent has access to his or her child’s Student Education Record within a reasonable period of time after the request is received.

(c) **LEA Financial Transparency.** In alignment with O.C.G.A. § 20-2-167.1 and State Board of Education Rule 160-5-2-.21 *Annual Financial and Budget Reports*, each LEA shall post the annual operating budget adopted by its Governing Body on the homepage of the LEA’s website within 30 days after the adoption of the budget.

1. The LEA's adopted annual operating budget shall be maintained on the homepage of the LEA's website until the annual operating budget for the next fiscal year is adopted by the Governing Body.

(d) Annual Reporting.

1. **Local Formative Assessments.** Each LEA shall annually report to the Georgia Department of Education ("GaDOE") a list of its third-party, contracted, or LEA-developed formative academic assessments or screeners administered throughout the LEA or at the school-level to students across grades or subjects.

(i) This annual report must include, at a minimum:

(I) The name of each formative assessment(s) and the assessment vendor and/or provider;

(II) The content area(s) and grade level(s) for each formative assessment or screener used;

(III) The students and subgroups assessed with each formative assessment;

(IV) The frequency and duration of each formative assessment; and

(V) The purpose and use of the formative assessment data.

2. **Locally-Approved Curriculum and Instructional Materials.** Each LEA shall annually report a list of its locally-adopted curriculum and instructional materials to GaDOE.

(i) This annual report must include, at a minimum:

(I) The vendor(s) and/or provider(s) for the curriculum or instructional materials; and

(II) The content area(s) and grade level(s) for which the curriculum and instructional materials will be used.

3. GaDOE Responsibilities and Supports.

(i) To support the facilitation of LEA annual reporting requirements outlined in (2)(d)1 Local Formative Assessments and (2)(d)2 Locally-Approved Curriculum and Instructional Materials, GaDOE shall:

(I) Provide to each LEA a template, file, or format for the submission of the annual reporting requirements for local formative assessments and locally-approved curriculum and instructional materials; and

(II) Establish an annual deadline for the submission of the annual reporting requirements for local formative assessments and locally-approved curriculum and instructional materials, with ample and reasonable notice for LEA completion of these requirements.

(ii) Beginning with the 2022-2023 school year, GaDOE will compile the list of local formative assessments and locally-approved curriculum and instructional materials reported by LEAs and publish in an easily accessible and public-friendly format.

4. **LEA Posting.** After publication by GaDOE, each LEA shall post electronically GaDOE's link to the annual report in a prominent location on the homepage of the LEA's website.

(e) **LEA- and School-Level Surveys.**

1. Any survey for a research project, grant, or contracted third-party provider to be completed by K-12 school leaders, teachers, or students and administered by the LEA or a contracted party must be available for review through the Governing Body's established public comment procedures and approved by the Governing Body prior to the survey's administration.

(i) At a minimum, the following information on the survey must be provided for public review and comment:

- (I) Survey provider(s);
- (II) List of survey topics;
- (III) Intended survey participants;
- (IV) Proposed use for/of survey results; and
- (V) Estimated time for survey completion.

2. LEAs must ensure that Parents have the right to inspect any survey described in Paragraph (2)(e)1 of this rule, upon request, before the survey is administered or distributed by a school, LEA, or contracted party to a student. LEAs shall establish procedures for reasonable access to such survey within a reasonable period of time after the request is received.

3. LEAs must provide Parents with an opportunity to opt their child(ren) out of any survey described in Paragraph (2)(e)1 of this rule.

(3) This rule shall become effective July 1, 2022.

Authority: O.C.G.A. §§ 20-2-167.1(c), 20-2-240, 20-2-660-668

Adopted:

Effective: