

Senate Bill 498

By: Senators Tippins of the 37th, Miller of the 49th, Dugan of the 30th, Mullis of the 53rd, Albers of the 56th and others

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

1 To amend Article 1 of Chapter 14 of Title 20 of the Official Code of Georgia Annotated,
2 relating to general provisions relative to education accountability, so as to provide for the
3 recognition of certain accrediting agencies as reliable authorities as to the quality of
4 education offered in secondary schools in this state; to provide for the accreditation of
5 secondary schools and local school systems by recognized accrediting agencies; to provide
6 for requirements for such accreditation; to prohibit the recognition of certain accrediting
7 agencies by the state and others; to require the State Board of Education to establish
8 evaluation criteria, procedures, and other requirements for recognized accrediting agencies;
9 to provide for accreditation of elementary and middle schools exclusively by the Department
10 of Education, subject to certain conditions and limitations; to provide for legislative findings
11 and intent; to provide for definitions; to provide for applicability; to provide for construction;
12 to provide for an effective date; to provide for related matters; to repeal conflicting laws; and
13 for other purposes.

14 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

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15

SECTION 1.

16 The General Assembly does not affirmatively require any elementary or secondary school
17 or school system in the state to be accredited. Nevertheless, the General Assembly finds that
18 accreditation, or the lack thereof, can have significant impacts on the operation of public and
19 private schools in this state as well as on the students and families served by such schools.
20 For example, a lack of accreditation can impact a student's eligibility to qualify for HOPE
21 awards or to be considered for acceptance to postsecondary educational institutions in this
22 state and elsewhere, and the loss or potential loss of accreditation can result in the removal
23 of local board of education members from their offices. The General Assembly finds that
24 even though accreditation is not legislatively required in elementary and secondary schools
25 in this state, high school accreditation is considered a practical necessity by many families,
26 schools, and school systems. The General Assembly also finds that accreditation agencies,
27 when properly focused, can aid schools and school systems in promoting improved quality
28 of learning by students and financial efficiency. It is the intent of the General Assembly that
29 the state government, including all offices, agencies, departments, boards, bureaus,
30 commissions, institutions, or other entities thereof, recognize only those accrediting agencies
31 which are primarily focused on the evaluation of quality of learning by students and financial
32 efficiency of schools and which are committed to fairness, consistency, and transparency.

33

SECTION 2.

34 Article 1 of Chapter 14 of Title 20 of the Official Code of Georgia Annotated, relating to
35 general provisions relative to education accountability, is amended by designating the
36 existing provisions as Part 1 and adding a new part to read as follows:

37

"Part 238 20-14-15.39 (a) As used in this part, the term:

40 (1) 'Accrediting agency' means a governmental organization or a person, firm,
41 association, partnership, corporation, or other entity, whether for profit or not for profit,
42 which purports to be a reliable authority as to the quality of education offered in
43 secondary schools in this state.

44 (2) 'Recognized accrediting agency' means an accrediting agency that meets the
45 requirements of this part for recognition as a reliable authority as to the quality of
46 education offered in secondary schools in this state by any office, agency, department,
47 board, bureau, commission, institution, or other entity of the state government.

48 (3) 'Secondary school' means any school that enrolls students in grades nine to 12.

49 (b) No accrediting agency shall be recognized as a reliable authority as to the quality of
50 education offered in secondary schools in this state by any office, agency, department,
51 board, bureau, commission, institution, or other entity of the state government, including,
52 but not limited to, the State Board of Education, the Board of Regents of the University
53 System of Georgia, the State Board of the Technical College System of Georgia, the
54 Georgia Student Finance Authority, the Georgia Student Finance Commission, or the
55 Office of Student Achievement, unless:

56 (1) Such agency meets evaluation criteria that shall be established by the State Board of
57 Education pursuant to this part and shall include:

58 (A) Consideration of the relevant evaluation criteria used by regional and national
59 accrediting agencies and other relevant information as deemed appropriate by the State
60 Board of Education;

61 (B) Rigorous and appropriate measures of the quality of learning by students in
62 secondary schools or school systems which shall:

- 63 (i) Be based on data that include, but are not limited to, student achievement,
64 achievement gap closure, and student progress;
- 65 (ii) Include all students regardless of ethnicity, sex, disability, language proficiency,
66 and socioeconomic status;
- 67 (iii) Be disaggregated by all subgroups as required under the federal Elementary and
68 Secondary Education Act, as amended; and
- 69 (iv) Comprise the equivalent of 80 percent of the overall accreditation evaluation
70 conducted by the accrediting agency for a secondary school or school system; and
- 71 (C) Rigorous and appropriate measures of the financial efficiency of a secondary
72 school or school system and shall:
- 73 (i) Include an analysis of how federal and state funds spent by the secondary school
74 or school system impact student achievement, achievement gap closure, and student
75 progress; and
- 76 (ii) Comprise the equivalent of 20 percent of the overall accreditation evaluation
77 conducted by the accrediting agency for a secondary school or school system;
- 78 (2) Such agency demonstrates the ability and the experience to operate as a recognized
79 accrediting agency in this state;
- 80 (3) The principal purpose of such agency is the accreditation of secondary schools and
81 schools systems in this state;
- 82 (4) Such agency has a voluntary membership of secondary schools, school systems, and
83 programs;
- 84 (5) Such agency consistently applies and enforces evaluation criteria that ensure the
85 courses or programs of instruction, training, or study offered by a secondary school or
86 school system, including virtual instruction, are of sufficient quality to achieve, for the
87 duration of the accreditation period, the stated objective for which the courses or
88 programs are offered;

- 89 (6) Such agency consistently adheres to procedures throughout the accreditation process,
90 including evaluation and withdrawal procedures, that comply with due process, including:
91 (A) Adequate specification of requirements and deficiencies at the secondary school
92 or school system being evaluated; provided, however, that all requirements or
93 deficiencies specified by such agency are directly related to measures of quality of
94 learning by students or financial efficiency or both; provided, further, that any findings,
95 comments, or notes included in an evaluation that are not directly related to quality of
96 learning by students or financial efficiency shall not provide the basis for any adverse
97 action against a secondary school or school system by such agency, including, but not
98 limited to, denial, withdrawal suspension, or termination of accreditation or placement
99 of a secondary school or school system on any probationary status;
100 (B) Notice of an opportunity for a hearing by a secondary school or school system;
101 (C) The right to appeal any adverse action against a secondary school or school system;
102 and
103 (D) The right to representation by counsel for a secondary school or school system;
104 (7) Such agency notifies the State School Superintendent within 30 days of the
105 accreditation of a secondary school or school system or of any final denial, withdrawal,
106 suspension, or termination of accreditation or placement on probation of a secondary
107 school or school system, together with any other adverse or remedial action
108 recommended with respect to such secondary school or school system;
109 (8) Such agency, either directly or indirectly by means of a related entity, by contract or
110 otherwise, does not offer or agree to provide any services or materials for a fee or other
111 consideration intended to assist a secondary school or school system with addressing any
112 requirement or deficiency or other issue raised by such agency during the course of its
113 evaluation of such secondary school or school system; and
114 (9) Such agency makes available to the public and the State School Superintendent, upon
115 request:

116 (A) A summary of any evaluation resulting in a final decision involving the approval,
117 denial, termination, suspension, or probation of a public secondary school or school
118 system's accreditation, together with the comments of such secondary school or school
119 system; and

120 (B) A copy of any complaint or report upon which such agency initiates, or provides
121 notice to a public secondary school or school system of the intent to initiate, any
122 intervention, investigation, or evaluation of such secondary school or school system's
123 accreditation status; provided, however, that personally identifiable information of the
124 person, persons, or entity that submitted the complaint or report may be redacted to the
125 extent necessary to comply with the confidentiality protections provided under Code
126 Section 45-1-4 or other applicable law relating to the confidentiality of complaints
127 against organizations that receive public funds.

128 (c) This Code section shall apply to any initial or renewal agreement by and between any
129 secondary school or school system in this state and any accrediting agency entered into on
130 or after July 1, 2022.

131 (d) Nothing in this Code section shall be construed to:

132 (1) Require any public school or school system in this state to be accredited; or

133 (2) Prohibit or restrict an accrediting agency from adopting evaluation criteria and
134 procedures not provided for in this Code section; provided, however, that to the extent
135 an accrediting agency adopts evaluation criteria or procedures which are inconsistent with
136 the provisions of this Code section, such accrediting agency may not be deemed a
137 recognized accrediting agency.

138 20-14-16.

139 (a) Upon request by a local board of education, the State Board of Education shall be
140 authorized to provide accreditation and related services for such local board's elementary
141 and middle schools to evaluate the quality of learning by students in such schools and the

142 financial efficiency of such schools. The State Board of Education shall adopt rigorous and
143 appropriate criteria for accreditation upon consideration of the relevant evaluation criteria
144 used by regional and national accrediting agencies, the evaluation criteria it adopted
145 pursuant to Code Section 20-14-15, and other relevant information it deems appropriate.
146 (b) The local board of education shall compensate the State Board of Education for the
147 actual costs of the accreditation process.
148 (c) No office, agency, department, board, bureau, commission, institution, or other entity
149 of the state government, including, but not limited to, the State Board of Education, the
150 Board of Regents of the University System of Georgia, the State Board of the Technical
151 College System of Georgia, the Georgia Student Finance Authority, the Georgia Student
152 Finance Commission, or the Office of Student Achievement, shall recognize the
153 accreditation of any public elementary or middle school except as administered by the State
154 Board of Education."

155 **SECTION 3.**

156 This Act shall become effective upon its approval by the Governor or upon its becoming law
157 without such approval.

158 **SECTION 4.**

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