

The House Committee on Education offers the following substitute to SB 498:

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 public schools in this state; to provide for the accreditation of public
5 schools and local school systems by recognized accrediting agencies; to provide for
6 requirements for such accreditation; to prohibit the recognition of certain accrediting
7 agencies by the state; to require the State Board of Education to establish evaluation criteria,
8 procedures, and other requirements for recognized accrediting agencies; to provide for
9 legislative findings and intent; to provide for definitions; to provide for applicability; to
10 provide for construction; to provide for an effective date and implementation; to provide for
11 related matters; to repeal conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 **SECTION 1.**

14 The General Assembly does not affirmatively require any elementary or secondary school
15 or school system in the state to be accredited. Nevertheless, the General Assembly finds that
16 accreditation, or the lack thereof, can have significant impacts on the operation of public and

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

32 **SECTION 2.**

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

36 "Part 2

37 20-14-15.

38 (a) As used in this part, the term:

39 (1) 'Accrediting agency' means a governmental organization or a person, firm,
40 association, partnership, corporation, or other entity, whether for profit or not for profit,

which purports to be a reliable authority as to the quality of education offered in public schools in this state.

(2) 'Public school' means any school under the control and management of a county, independent, or area board of education supported by public funds, any school subject to the provisions of Article 31 or 31A of Chapter 2 of this title supported by public funds, or any school under the control and management of the State Board of Education or a department or agency thereof supported by public funds.

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

(b) Beginning July 1, 2023, no accrediting agency shall be recognized as a reliable authority as to the quality of education offered in public schools in this state by any office, agency, department, board, bureau, commission, institution, or other entity of the state government, including, but not limited to, the State Board of Education, the Board of Regents of the University System of Georgia, the State Board of the Technical College System of Georgia, the Georgia Student Finance Authority, the Georgia Student Finance Commission, or the Office of Student Achievement, unless:

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

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

(B) Rigorous and appropriate measures of the quality of learning and teaching in public schools or school systems which shall comprise 75 percent of the evaluation results and shall:

(i) Include all students regardless of ethnicity, sex, disability, language proficiency, and socioeconomic status; and

(ii) Be disaggregated by all subgroups as required under the federal Elementary and Secondary Education Act, as amended;

(C) Rigorous and appropriate measures of the financial efficiency of a public school or school system and shall include an analysis of how federal and state funds spent by the public school or school system impact quality of learning and teaching, with such measures comprising 15 percent of the evaluation results; and

(D) Appropriate measures of the effectiveness of a public school's or school system's governing body in promoting and advancing quality learning and teaching and financial efficiency of the public school or school system, with such measures comprising 10 percent of the evaluation results;

(2) Such agency demonstrates the ability and the experience to operate as a recognized accrediting agency in this state;

(3) The principal purpose of such agency is the accreditation of public schools and schools systems in this state;

(4) Such agency has a voluntary membership of public schools, school systems, and programs;

(5) Such agency consistently applies and enforces evaluation criteria that ensure the courses or programs of instruction, training, or study offered by a public school or school system, including virtual instruction, are of sufficient quality to achieve, for the duration of the accreditation period, the stated objective for which the courses or programs are offered;

(6) Such agency consistently adheres to procedures throughout the accreditation process, including evaluation and withdrawal procedures, that comply with due process, including:

(A) Adequate specification of requirements and deficiencies at the public school or school system being evaluated; provided, however, that all requirements or deficiencies specified by such agency are directly related to measures of quality of learning and teaching, financial efficiency, or effective governance; provided, further, that any

findings, comments, or notes included in an evaluation that are not directly related to quality of learning and teaching or financial efficiency shall not provide the basis for any adverse action against a public school or school system by such agency, including, but not limited to, denial, withdrawal suspension, or termination of accreditation or placement of a public school or school system on any probationary status;

(B) Notice of an opportunity for a hearing by a public school or school system;

(C) The right to appeal any adverse action against a public school or school system; and

(D) The right to representation by counsel for a public school or school system;

(7) Such agency notifies the State School Superintendent within 30 days of the accreditation of a public school or school system or of any final denial, withdrawal, suspension, or termination of accreditation or placement on probation of a public school or school system, together with any other adverse or remedial action recommended with respect to such public school or school system;

(8) Such agency, either directly or indirectly by means of a related entity, by contract or otherwise, does not offer or agree to provide any services or materials for a fee or other consideration intended to assist a public school or school system with addressing any requirement or deficiency or other issue raised by such agency during the course of its evaluation of such public school or school system; and

(9) Such agency makes available to the public and the State School Superintendent, upon request:

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

(B) A copy of any complaint or report upon which such agency initiates, or provides notice to a public school or school system of the intent to initiate, any intervention, investigation, or evaluation of such public school or school system's accreditation

status; provided, however, that personally identifiable information of the person, persons, or entity that submitted the complaint or report may be redacted to the extent necessary to comply with the confidentiality protections provided under Code Section 45-1-4 or other applicable law relating to the confidentiality of complaints against organizations that receive public funds.

(c) The provisions of this Code section shall not apply to any initial or renewal agreement by and between any public school or school system in this state and any accrediting agency entered into before July 1, 2023.

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

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

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

SECTION 3.

This Act shall become effective on July 1, 2022.

SECTION 4.

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