

Senate Bill 204

By: Senators Dolezal of the 27th, Beach of the 21st, Gooch of the 51st, Kennedy of the 18th, Anavitarte of the 31st and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 14 of Title 20 of the Official Code of Georgia Annotated, relating to
2 education accountability, so as to provide for the recognition of certain accrediting agencies
3 as evaluators of the quality of education offered in public schools in this state; to provide for
4 the accreditation of public schools and local school systems by recognized accrediting
5 agencies; to provide for requirements for such accreditation; to prohibit the recognition of
6 certain accrediting agencies by the state; to require the State Board of Education to establish
7 evaluation criteria, procedures, and other requirements for recognized accrediting agencies;
8 to provide for legislative findings and intent; to provide for definitions; to provide for
9 applicability; to provide for construction; to provide for an effective date; to provide for
10 related matters; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

13 The General Assembly does not affirmatively require any elementary or secondary school
14 or school system in the state to be accredited. Nevertheless, the General Assembly finds that
15 accreditation, or the lack thereof, can have significant impacts on the operation of public and
16 private schools in this state as well as on the students and families served by such schools.
17 For example, a lack of accreditation can impact a student's eligibility to qualify for HOPE

18 awards or to be considered for acceptance to postsecondary educational institutions in this
19 state and elsewhere, and the loss or potential loss of accreditation can result in the removal
20 of local board of education members from their offices. The General Assembly finds that
21 even though accreditation is not legislatively required in elementary and secondary schools
22 in this state, high school accreditation in particular is considered a practical necessity by
23 many families, schools, and school systems. The General Assembly also finds that
24 accreditation agencies, when properly focused on student achievement, academic success,
25 and the fiscal solvency of schools and school systems, can aid schools and school systems
26 in promoting improved quality of learning and teaching and financial efficiency. It is the
27 intent 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 Chapter 14 of Title 20 of the Official Code of Georgia Annotated, relating to education
34 accountability, is amended by adding a new article to read as follows:

35

"ARTICLE 3

36 20-14-96.

37 (a) As used in this article, the term:

38 (1) 'Accrediting agency' means a governmental organization or a person, firm,
39 association, partnership, corporation, or other entity, whether for profit or not for profit,
40 which purports to be a reliable authority as to the quality of education offered in public
41 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 article for recognition as an evaluator 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) An accrediting agency shall not be deemed a recognized accrediting agency 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 the following evaluation criteria that shall be established by the State Board of Education pursuant to this article:

(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 80 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; and

(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 20 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 and financial efficiency; 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;

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

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

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

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

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

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

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

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

125 (d) Nothing in this article shall be construed to:

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

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

132 **SECTION 3.**

133 This Act shall become effective on July 1, 2023.

134 **SECTION 4.**

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