

House Bill 506

By: Representatives Ehrhart of the 36th, Erwin of the 32nd, Jasperse of the 11th, Knight of the 134th, and Dubnik of the 29th

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 the recognition of certain accrediting agencies as reliable authorities as to the
3 quality of education offered in public secondary schools in this state; to provide for the
4 accreditation of public secondary 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 and others; to require the State Board of Education
7 to establish assessment criteria, procedures, and other requirements for recognized
8 accrediting agencies; to provide for accreditation of public elementary and middle schools
9 exclusively by the Department of Education, subject to certain conditions and limitations;
10 to provide for appeals to the State Board of Education; to establish the Georgia Commission
11 for Educational Accreditation; to provide for membership, meetings, and duties of such
12 commission; to provide for allowances and reimbursements; to provide for the commission
13 to receive and expend funds; to provide for an executive director and other personnel to be
14 appointed by the commission and be subject to applicable laws governing public
15 employment; to provide for the commission to enter into contracts; to provide for staggered
16 implementation beginning with the 2024-2025 school year for all secondary schools and
17 local school systems which receive state funding to acquire and maintain accreditation by the
18 commission; to provide for legislative findings and intent; to provide for definitions; to

19 provide for applicability; to provide for construction; to provide for an effective date; to
20 provide for related matters; to repeal conflicting laws; and for other purposes.

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

22 **SECTION 1.**

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

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SECTION 2.

Title 20 of the Official Code of Georgia Annotated, relating to education, is amended in Part 7 of Article 7 of Chapter 3, relating to HOPE scholarships and grants, by revising paragraph (6) of Code Section 20-3-519, relating to definitions, as follows:

"(6) 'Eligible high school' means a public or private secondary school which is:

(A) Located in Georgia and accredited as such by a recognized accrediting agency, as such term is defined in Code Section 20-14-96, or the Georgia Commission for Educational Accreditation, as provided for in 20-14-98:

- ~~(i) The Southern Association of Colleges and Schools;~~
- ~~(ii) The Georgia Accrediting Commission;~~
- ~~(iii) The Georgia Association of Christian Schools;~~
- ~~(iv) The Association of Christian Schools International;~~
- ~~(v) The Georgia Private School Accreditation Council;~~
- ~~(vi) The Southern Association of Independent Schools; or~~
- ~~(vii) The Georgia Independent School Association;~~

~~provided, however, that between July 1, 2013, and June 30, 2015, if a high school located in Georgia was accredited by one of the accrediting agencies included in this subparagraph within the previous two years, such high school shall be considered an eligible high school for purposes of this subparagraph; or~~

(B) Located in another state and accredited by one of the following regional agencies:

- (i) The Southern Association of Colleges and Schools;
- (ii) The New England Association of Schools and Colleges;
- (iii) The Middle States Association of Colleges and Schools;
- (iv) The North Central Association of Colleges and Schools;
- (v) The Northwestern Association of Schools and Colleges;
- (vi) The Western Association of Schools and Colleges;
- (vii) The Alabama Independent School Association; or

67 (viii) The Southern Association of Independent Schools."

68 **SECTION 3.**

69 Said title is further amended in Chapter 14, relating to education accountability, by adding
70 a new article to read as follows:

71 "ARTICLE 3

72 20-14-96.

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

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

78 (2) 'Commission' means Georgia Commission for Educational Accreditation.

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

84 (4) 'Secondary school' means any school that enrolls students in grades nine through 12.

85 (b) No accrediting agency shall be recognized as a reliable authority as to the quality of
86 education offered in public secondary schools in this state by any office, agency,
87 department, board, bureau, commission, institution, or other entity of the state government,
88 including, but not limited to, the State Board of Education, the Board of Regents of the
89 University System of Georgia, the State Board of the Technical College System of Georgia,

90 the Georgia Student Finance Authority, the Georgia Student Finance Commission, or the
91 Office of Student Achievement, unless:

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

94 (A) Consideration of the relevant assessment criteria used by regional and national
95 accrediting agencies and other relevant information as deemed appropriate by the State
96 Board of Education;

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

99 (i) Be based on data that include, but are not limited to, student achievement,
100 achievement gap closure, and student progress;

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

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

105 (iv) Comprise the equivalent of 80 percent of the overall accreditation assessment
106 conducted by the accrediting agency for a public secondary school or school system;
107 and

108 (C) Rigorous and appropriate measures of the financial efficiency of a public
109 secondary school or school system and shall:

110 (i) Include an analysis of how federal and state funds spent by the public secondary
111 school or school system impact student achievement, achievement gap closure, and
112 student progress; and

113 (ii) Comprise the equivalent of 20 percent of the overall accreditation assessment
114 conducted by the accrediting agency for a public secondary school or school system;

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

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

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

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

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

129 (A) Adequate specification of requirements and deficiencies at the public secondary
130 school or school system being assessed; provided, however, that all requirements or
131 deficiencies specified by such agency are directly related to measures of quality of
132 learning by students or financial efficiency or both; provided, further, that any findings,
133 comments, or notes included in an assessment that are not directly related to quality of
134 learning by students or financial efficiency shall not provide the basis for any adverse
135 action against a public secondary school or school system by such agency, including,
136 but not limited to, denial, withdrawal suspension, or termination of accreditation or
137 placement of a public secondary school or school system on any probationary status;

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

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

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

- 144 (7) Such agency notifies the State School Superintendent within 30 days of the
145 accreditation of a public secondary school or school system or of any final denial,
146 withdrawal, suspension, or termination of accreditation or placement on probation of a
147 public secondary school or school system, together with any other adverse or remedial
148 action recommended with respect to such secondary school or school system;
- 149 (8) Such agency, either directly or indirectly by means of a related entity, by contract or
150 otherwise, does not offer or agree to provide any services or materials for a fee or other
151 consideration intended to assist a public secondary school or school system with
152 addressing any requirement or deficiency or other issue raised by such agency during the
153 course of its assessment of such secondary school or school system; and
- 154 (9) Such agency makes available to the public and the State School Superintendent, upon
155 request:
- 156 (A) A summary of any assessment resulting in a final decision involving the approval,
157 denial, termination, suspension, or probation of a public secondary school or school
158 system's accreditation, together with the comments of such secondary school or school
159 system; and
- 160 (B) A copy of any complaint or report upon which such agency initiates, or provides
161 notice to a public secondary school or school system of the intent to initiate, any
162 intervention, investigation, or assessment of such secondary school or school system's
163 accreditation status; provided, however, that personally identifiable information of the
164 person, persons, or entity that submitted the complaint or report may be redacted to the
165 extent necessary to comply with the confidentiality protections provided under Code
166 Section 45-1-4 or other applicable law relating to the confidentiality of complaints
167 against organizations that receive public funds.
- 168 (c)(1) An accrediting agency shall not apply any standards, measures, or assessment
169 criteria to any school or school system that advocate for divisive concepts, as such term
170 is defined in Code Section 20-1-11.

171 (2) The State Board of Education shall be authorized to determine whether an accrediting
172 agency is not in compliance with the provisions of paragraph (1) of this subsection. The
173 State Board of Education shall notify such accrediting agency upon making such
174 determination and shall allow no more than 30 days for such accrediting agency to
175 demonstrate compliance with such provisions.

176 (d) This Code section shall apply to any initial or renewal agreement by and between any
177 public secondary school or school system in this state and any accrediting agency entered
178 into on or after July 1, 2023.

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

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

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

186 20-14-97.

187 (a) Upon request by a local board of education, the State Board of Education shall be
188 authorized to provide accreditation and related services for such local board's elementary
189 and middle schools to assess the quality of learning by students in such schools and the
190 financial efficiency of such schools. The State Board of Education shall adopt rigorous and
191 appropriate criteria for accreditation upon consideration of the relevant assessment criteria
192 used by regional and national accrediting agencies, the assessment criteria it adopted
193 pursuant to Code Section 20-14-96, and other relevant information it deems appropriate.

194 (b) The local board of education shall compensate the State Board of Education for the
195 actual costs of the accreditation process.

196 (c) No office, agency, department, board, bureau, commission, institution, or other entity
197 of the state government, including, but not limited to, the State Board of Education, the
198 Board of Regents of the University System of Georgia, the State Board of the Technical
199 College System of Georgia, the Georgia Student Finance Authority, the Georgia Student
200 Finance Commission, or the Office of Student Achievement, shall recognize the
201 accreditation of any public elementary or middle school except as administered by the State
202 Board of Education.

203 20-14-98.

204 (a) There is established the Georgia Commission for Educational Accreditation.

205 (b) The commission shall consist of 12 members as follows:

206 (1) Three members appointed by the Governor;

207 (2) Four members appointed by the President of the Senate, with at least one such
208 member representing the minority caucus of the Senate at the time of appointment;

209 (3) Four members appointed by the Speaker of the House of Representatives, with at
210 least one such member representing the minority caucus of the House of Representatives
211 at the time of appointment; and

212 (4) One non-voting member appointed by the Supreme Court of Georgia to serve as
213 chairperson of the commission.

214 (c) The Governor, the Lieutenant Governor, and the State School Superintendent shall not
215 be members of the commission

216 (d) The initial members of the commission appointed under this part shall hold office as
217 follows: five members, comprising one appointee of the Governor, two appointees of the
218 Senate, and two appointees of the House of Representatives shall serve for seven years; six
219 members, comprising two appointees of the Governor, two appointees of the Senate, and
220 two appointees of the House of Representatives shall serve for three years; and the
221 chairperson shall serve for seven years. All such terms shall date from July 1, 2023.

222 Successors to the member so appointed shall hold terms of office of seven years from the
223 expiration of the previous term. All members of the commission shall hold office until their
224 successors are appointed and qualified. In the event of a vacancy on the commission by
225 death, resignation, removal, or any reason other than the expiration of a member's term,
226 such vacancy shall be filled in the same manner as the original appointment and the
227 successor shall serve for the unexpired term.

228 (e) Membership on the commission shall not constitute public office, and no member shall
229 be disqualified from holding public office by reason of his or her membership on the
230 commission, except as otherwise provided in subsection (c) of this Code section.

231 (f) The commission may appoint such committees as it considers appropriate.

232 (g) The commission shall:

233 (1) Meet at such times and places as it shall determine necessary or convenient to
234 perform its duties and also upon the call of the chairperson of the commission or upon the
235 call of a majority of the members;

236 (2) Maintain minutes of its meetings;

237 (3) Promulgate policies, rules, and regulations for the operation of the commission and
238 the lawful discharge of its duties;

239 (4) Promulgate assessment criteria and procedures for the accreditation of secondary
240 schools and local school systems in this state which meet the requirements to be a
241 recognized accrediting agency pursuant to Code Section 20-14-96;

242 (5) Appoint an executive director and such other personnel as are necessary for the
243 commission to perform its duties under this part upon the recommendation of the
244 executive director; and

245 (6) Comply with all laws relating to open meetings, as provided for in Chapter 14 of
246 Title 50; the inspection of public records, as provided for in Article 4 of Chapter 18 of
247 Title 50; and records management, as provided in Article 5 of Chapter 18 of Title 50.

248 (h)(1) The legislative members of the commission shall receive the allowances provided
249 for in Code Section 28-1-8 of the Official Code of Georgia Annotated.

250 (2) Members of the commission who are state officials, other than legislative members,
251 or state employees shall receive no compensation for their services on the commission,
252 but they shall be reimbursed for expenses incurred by them in the performance of their
253 duties as members of the commission in the same amount as they are reimbursed for
254 expenses in their capacities as state officials or employees.

255 (3) Members of the commission who are not legislators, state officials, or state
256 employees shall receive a daily expense allowance in an amount the same as that
257 specified in subsection (b) of Code Section 45-7-21, as well as the mileage or
258 transportation allowance authorized for state employees.

259 (i)(1) Funds necessary to carry out the provisions of this part shall come from funds
260 appropriated by the General Assembly or such other funds duly collected or received by
261 the commission, including, but not limited to fees paid by schools and school systems
262 seeking accreditation by the commission.

263 (2) The commission is authorized to accept and expend or otherwise utilize such funds
264 as may be appropriated from time to time by the General Assembly; income from the
265 operations of the commission; and gifts, contributions of money, property, facilities,
266 services, donations, bequests, and appropriations from the State of Georgia or any
267 agency, instrumentality, or political subdivision thereof; or from any individual or
268 corporation; or from the United States of America or any agency or instrumentality
269 thereof; provided, however, that no such gift, contribution, donation, bequest, or
270 appropriation shall be accepted if such acceptance would create or involve a conflict of
271 interest for the commission, as determined by a majority of the commission.

272 (j) The chief administrative and executive officer of the commission shall be the executive
273 director, who shall be appointed by the commission. Subject to the general policy
274 established by the commission, the executive director shall be responsible for the

275 performance and exercise of the duties, responsibilities, functions, powers, and authority
276 imposed upon the executive director and the commission as provided by law. The
277 executive director shall receive a salary to be determined by the commission, which shall
278 be commensurate with the executive director's relevant training and experience.

279 (k) The executive director shall have the authority to employ all personnel of the
280 commission, including the inspector general of schools, subject to the provisions of this
281 part and all applicable provisions of other laws governing public employment.

282 (l) The commission may adopt a seal for its use and shall be authorized to enter into
283 contracts to fulfill its duties under this part.

284 (m) The commission shall be assigned for administrative purposes only, as that term is
285 defined in Code Section 50-4-3, to the Department of Audits and Accounts.

286 (n) The Education Coordinating Council and its member agencies, the Office of Student
287 Achievement, and the departments, boards, and offices of this state shall cooperate fully
288 with the commission and shall provide the commission with all information that the
289 commission deems necessary for the commission to discharge its accreditation and related
290 duties under this part.

291 20-14-99.

292 (a) Beginning with the 2024-2025 school year, and each school year thereafter, each
293 secondary school and local school system in this state which receives any state funds
294 pursuant to this title shall be required to acquire and maintain accreditation by the
295 commission upon the expiration or termination of such secondary school's or local school
296 system's existing agreement with an accrediting agency; provided, however, that such
297 existing agreement was executed on or before January 1, 2023.

298 (b) Local boards of education and secondary schools that seek to acquire and maintain
299 accreditation by the commission shall compensate the commission for the actual costs of
300 the accreditation process.

301 (c) Nothing in this Code section shall be construed to prohibit a secondary school or local
302 school system covered by subsection (a) of this Code section from acquiring and
303 maintaining accreditation from one or more other recognized accrediting agencies.

304 20-14-100.

305 (a) In the event of a dispute between an accrediting agency and a public secondary school
306 or school system regarding the findings and recommendations of an assessment by the
307 accrediting agency of such public secondary school or school system, the public secondary
308 school or school system shall have the right to appeal as follows:

309 (1) The public secondary school or school system may appeal the findings and
310 recommendations within 70 days to an accreditation committee established by the State
311 Board of Education for such appeal, and may provide evidence in support of such appeal.
312 The accrediting agency's findings and recommendations which are the subject of such
313 appeal shall be suspended from public access or disclosure during the pendency of such
314 appeal and any mediation or appeal following therefrom;

315 (2) The accreditation committee shall work with both the accrediting agency and the
316 appealing public secondary school or school system to seek a resolution; and

317 (3) Should the parties fail to agree to a resolution, the appealing public secondary school
318 or school system shall have the right to submit the dispute to mediation under the
319 provisions of Chapter 17 of Title 9, relating to the Georgia Uniform Mediation Act. The
320 public secondary school or school system and the accrediting agency shall be the parties
321 to such mediation. The accrediting agency shall be responsible for the costs of such
322 mediation.

323 (b) Notwithstanding any other provision of law to the contrary, a mediator's decision
324 rendered pursuant to subsection (a) of this Code section may be appealed by either party
325 to the State Board of Education, the findings and conclusions of which shall be binding on
326 the parties.

327 (c) Failure by an accrediting agency to comply without appeal to a decision under
328 subsection (a) of this Code section or failure to comply with a ruling under subsection (b)
329 of this Code section shall disqualify such agency from accrediting public secondary schools
330 or school systems in this state. The accreditation committee shall be granted the authority
331 by the State Board of Education to:
332 (1) Create general accreditation standards applicable to all parties before it; and
333 (2) Grant accreditation directly to a public secondary school or school system appealing
334 under the provisions of this Code section.
335 (d) Failure of a public secondary school or school system to comply with a final ruling of
336 the State Board of Education shall cause such public secondary school or school system to
337 be placed on probationary accreditation status until compliance is achieved."

338 **SECTION 4.**

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

341 **SECTION 5.**

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