

The House Committee on Education offers the following substitute to HB 506:

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 provide for legislative findings and
11 intent; to provide for definitions; to provide for applicability; to provide for construction; to
12 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:

15 **SECTION 1.**

16 The General Assembly does not affirmatively require any public elementary or secondary
17 school or school system in the state to be accredited. Nevertheless, the General Assembly
18 finds that accreditation, or the lack thereof, can have significant impacts on schools in this
19 state as well as on the students and families served by such schools. For example, a lack of
20 accreditation can impact a student's eligibility to qualify for HOPE awards or to be
21 considered for acceptance to postsecondary educational institutions in this state and
22 elsewhere, and the loss or potential loss of accreditation can result in the removal of local
23 board of education members from their offices. The General Assembly finds that even
24 though accreditation is not legislatively required in elementary and secondary schools in this
25 state, high school accreditation is considered a practical necessity by many families, schools,
26 and school systems. The General Assembly also finds that accreditation agencies, when
27 properly focused, can aid schools and school systems in promoting improved quality of
28 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 focused on the assessment of quality of learning by students in public schools and
32 financial efficiency of public schools.

33 **SECTION 2.**

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

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

38 (A) Located in Georgia and accredited as such by a recognized accrediting agency, as
39 such term is defined in Code Section 20-14-96:

40 ~~(i) The Southern Association of Colleges and Schools;~~

- 41 ~~(ii) The Georgia Accrediting Commission;~~
42 ~~(iii) The Georgia Association of Christian Schools;~~
43 ~~(iv) The Association of Christian Schools International;~~
44 ~~(v) The Georgia Private School Accreditation Council;~~
45 ~~(vi) The Southern Association of Independent Schools; or~~
46 ~~(vii) The Georgia Independent School Association;~~
47 ~~provided, however, that between July 1, 2013, and June 30, 2015, if a high school~~
48 ~~located in Georgia was accredited by one of the accrediting agencies included in this~~
49 ~~subparagraph within the previous two years, such high school shall be considered an~~
50 ~~eligible high school for purposes of this subparagraph; or~~
51 (B) Located in another state and accredited by one of the following regional agencies:
52 (i) The Southern Association of Colleges and Schools;
53 (ii) The New England Association of Schools and Colleges;
54 (iii) The Middle States Association of Colleges and Schools;
55 (iv) The North Central Association of Colleges and Schools;
56 (v) The Northwestern Association of Schools and Colleges;
57 (vi) The Western Association of Schools and Colleges;
58 (vii) The Alabama Independent School Association; or
59 (viii) The Southern Association of Independent Schools."

60

SECTION 3.

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

63

"ARTICLE 364 20-14-96.65 (a) As used in this article, the term:

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

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

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

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

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

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

- 88 (B) Rigorous and appropriate measures of the quality of learning by students in
89 secondary schools or school systems which shall:
- 90 (i) Be based on data that include, but are not limited to, student achievement,
91 achievement gap closure, and student progress;
- 92 (ii) Include all students regardless of ethnicity, sex, disability, language proficiency,
93 and socioeconomic status;
- 94 (iii) Be disaggregated by all subgroups as required under the federal Elementary and
95 Secondary Education Act, as amended; and
- 96 (iv) Comprise the equivalent of 65 percent of the overall accreditation assessment
97 conducted by the accrediting agency for a public secondary school or school system;
98 and
- 99 (C) Rigorous and appropriate measures of the financial efficiency of a public
100 secondary school or school system and shall:
- 101 (i) Include an analysis of how federal and state funds spent by the public secondary
102 school or school system impact student achievement, achievement gap closure, and
103 student progress; and
- 104 (ii) Comprise the equivalent of 35 percent of the overall accreditation assessment
105 conducted by the accrediting agency for a public secondary school or school system;
- 106 (2) Such agency demonstrates the ability and the experience to operate as a recognized
107 accrediting agency in this state;
- 108 (3) The principal purpose of such agency is the accreditation of public secondary schools
109 and schools systems in this state;
- 110 (4) Such agency has a voluntary membership of public secondary schools, school
111 systems, and programs;
- 112 (5) Such agency consistently applies and enforces assessment criteria that ensure the
113 courses or programs of instruction, training, or study offered by a public secondary
114 school or school system, including virtual instruction, are of sufficient quality to achieve,

115 for the duration of the accreditation period, the stated objective for which the courses or
116 programs are offered;

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

120 (A) Adequate specification of requirements and deficiencies at the public secondary
121 school or school system being assessed; provided, however, that all requirements or
122 deficiencies specified by such agency are directly related to measures of quality of
123 learning by students or financial efficiency or both; provided, further, that any findings,
124 comments, or notes included in an assessment that are not directly related to quality of
125 learning by students or financial efficiency shall not provide the basis for any adverse
126 action against a public secondary school or school system by such agency, including,
127 but not limited to, denial, withdrawal suspension, or termination of accreditation or
128 placement of a public secondary school or school system on any probationary status;

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

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

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

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

140 (8) Such agency, either directly or indirectly by means of a related entity, by contract or
141 otherwise, does not offer or agree to provide any services or materials for a fee or other

142 consideration intended to assist a public secondary school or school system with
143 addressing any requirement or deficiency or other issue raised by such agency during the
144 course of its assessment of such secondary school or school system; and

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

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

151 (B) A copy of any complaint or report upon which such agency initiates, or provides
152 notice to a public secondary school or school system of the intent to initiate, any
153 intervention, investigation, or assessment of such secondary school or school system's
154 accreditation status; provided, however, that personally identifiable information of the
155 person, persons, or entity that submitted the complaint or report may be redacted to the
156 extent necessary to comply with the confidentiality protections provided under Code
157 Section 45-1-4 or other applicable law relating to the confidentiality of complaints
158 against organizations that receive public funds.

159 (c)(1) An accrediting agency shall not apply any standards, measures, or assessment
160 criteria to any school or school system that advocate for divisive concepts, as such term
161 is defined in Code Section 20-1-11.

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

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

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

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

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

177 20-14-97.

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

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

187 (c) No office, agency, department, board, bureau, commission, institution, or other entity
188 of the state government, including, but not limited to, the State Board of Education, the
189 Board of Regents of the University System of Georgia, the State Board of the Technical
190 College System of Georgia, the Georgia Student Finance Authority, the Georgia Student
191 Finance Commission, or the Office of Student Achievement, shall recognize the

192 accreditation of any public elementary or middle school except as administered by the State
193 Board of Education.

194 20-14-98.

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

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

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

207 (3) Should the parties fail to agree to a resolution, the appealing public secondary school
208 or school system shall have the right to submit the dispute to mediation under the
209 provisions of Chapter 17 of Title 9, relating to the Georgia Uniform Mediation Act. The
210 public secondary school or school system and the accrediting agency shall be the parties
211 to such mediation. The accrediting agency shall be responsible for the costs of such
212 mediation.

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

217 (c) Failure by an accrediting agency to comply without appeal to a decision under
218 subsection (a) of this Code section or failure to comply with a ruling under subsection (b)
219 of this Code section shall disqualify such agency from accrediting public secondary schools
220 or school systems in this state. The accreditation committee shall be granted the authority
221 by the State Board of Education to:
222 (1) Create general accreditation standards applicable to all parties before it; and
223 (2) Grant accreditation directly to a public secondary school or school system appealing
224 under the provisions of this Code section.
225 (d) Failure of a public secondary school or school system to comply with a final ruling of
226 the State Board of Education shall cause such public secondary school or school system to
227 be placed on probationary accreditation status until compliance is achieved."

228 **SECTION 4.**

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

231 **SECTION 5.**

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