

The House Committee on Education offers the following substitute to SB 204:

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 appeals to the State Board of
9 Education and for mediation; to provide for definitions; to provide for applicability; to
10 provide for construction; to provide for an effective date; to provide for related matters; to
11 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

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

SECTION 2.

Chapter 14 of Title 20 of the Official Code of Georgia Annotated, relating to education accountability, is amended by adding a new article to read as follows:

"ARTICLE 3

20-14-96.

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

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

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

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

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

52 (b) An accrediting agency shall not be deemed a recognized accrediting agency by any
53 office, agency, department, board, bureau, commission, institution, or other entity of the
54 state government, including, but not limited to, the State Board of Education, the Board of
55 Regents of the University System of Georgia, the State Board of the Technical College
56 System of Georgia, the Georgia Student Finance Authority, the Georgia Student Finance
57 Commission, or the Office of Student Achievement, unless:

58 (1) Such agency meets the following evaluation criteria that shall be established by the
59 State Board of Education pursuant to this article:

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

62 (B) Rigorous and appropriate measures of the quality of learning and teaching in public
63 schools or school systems, as determined by the State Board of Education in
64 collaboration with education professionals and prescribed as an appropriate percentage,
65 which shall not be less than 65 percent, of the evaluation results, which measures shall:

66 (i) Include all students regardless of ethnicity, sex, disability, language proficiency,
67 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 which 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 an appropriate percentage of the evaluation results as determined by the State Board of Education;

(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;

(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 an additional 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 at the time of the evaluation for accreditation 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, withdrawal, 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)(1) An accrediting agency shall not apply any standards, measures, or evaluation criteria not in compliance with state law.

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

(d) The provisions of this article 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.

(e) Nothing in this article 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 article; provided, however, that to the extent an accrediting agency adopts evaluation criteria or procedures which are inconsistent with the provisions of this article, such accrediting agency may not be deemed a recognized accrediting agency.

20-14-97.

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

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

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

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

(b) Notwithstanding any other provision of law to the contrary, a mediator's decision rendered pursuant to paragraph (3) of subsection (a) of this Code section may be appealed by either party to the State Board of Education, the ruling of which shall be binding on the parties.

(c) Failure by an accrediting agency to comply without appeal to a decision under subsection (a) of this Code section or failure to comply with a ruling under subsection (b) of this Code section shall disqualify such agency from accrediting public schools or school systems in this state. The accreditation committee shall be granted the authority by the State Board of Education to:

(1) Create general accreditation standards applicable to all parties before it; and

(2) Grant accreditation directly to a public school or school system appealing under the provisions of this Code section.

172 (d) Failure of a public school or school system to comply with a final ruling of the State
173 Board of Education shall cause such public school or school system to be placed on
174 probationary accreditation status until compliance is achieved."

175 **SECTION 3.**

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

177 **SECTION 4.**

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