

House Bill 1419

By: Representatives Ehrhart of the 36th, Knight of the 130th, Setzler of the 35th, and Carson of the 46th

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 secondary schools in this state; to provide for the accreditation
5 of public secondary schools and local school systems by recognized accrediting agencies; to
6 provide for requirements for such accreditation; to prohibit the recognition of certain
7 accrediting agencies by the state and others; to require the State Board of Education to
8 establish assessment criteria, procedures, and other requirements for recognized accrediting
9 agencies; to provide for accreditation of public elementary and middle schools exclusively
10 by the Department of Education, subject to certain conditions and limitations; to provide for
11 legislative findings and intent; to provide for definitions; to provide for applicability; to
12 provide for construction; to provide for an effective date; to provide for related matters; to
13 repeal conflicting laws; and 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 primarily focused on the assessment of quality of learning by students in public
32 schools and financial efficiency of public schools and which are committed to fairness,
33 consistency, and transparency.

34

SECTION 2.

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

38

"Part 239 20-14-15.40 (a) As used in this part, the term:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

87 (5) Such agency consistently applies and enforces assessment criteria that ensure the
88 courses or programs of instruction, training, or study offered by a public secondary
89 school or school system, including virtual instruction, are of sufficient quality to achieve,

90 for the duration of the accreditation period, the stated objective for which the courses or
91 programs are offered;
92 (6) Such agency consistently adheres to procedures throughout the accreditation process,
93 including assessment and withdrawal procedures, that comply with due process,
94 including:
95 (A) Adequate specification of requirements and deficiencies at the public secondary
96 school or school system being assessed; provided, however, that all requirements or
97 deficiencies specified by such agency are directly related to measures of quality of
98 learning by students or financial efficiency or both; provided, further, that any findings,
99 comments, or notes included in an assessment that are not directly related to quality of
100 learning by students or financial efficiency shall not provide the basis for any adverse
101 action against a public secondary school or school system by such agency, including,
102 but not limited to, denial, withdrawal suspension, or termination of accreditation or
103 placement of a public secondary school or school system on any probationary status;
104 (B) Notice of an opportunity for a hearing by a public secondary school or school
105 system;
106 (C) The right to appeal any adverse action against a public secondary school or school
107 system; and
108 (D) The right to representation by counsel for a public secondary school or school
109 system;
110 (7) Such agency notifies the State School Superintendent within 30 days of the
111 accreditation of a public secondary school or school system or of any final denial,
112 withdrawal, suspension, or termination of accreditation or placement on probation of a
113 public secondary school or school system, together with any other adverse or remedial
114 action recommended with respect to such secondary school or school system;
115 (8) Such agency, either directly or indirectly by means of a related entity, by contract or
116 otherwise, does not offer or agree to provide any services or materials for a fee or other

- 117 consideration intended to assist a public secondary school or school system with
118 addressing any requirement or deficiency or other issue raised by such agency during the
119 course of its assessment of such secondary school or school system; and
120 (9) Such agency makes available to the public and the State School Superintendent, upon
121 request:
- 122 (A) A summary of any assessment resulting in a final decision involving the approval,
123 denial, termination, suspension, or probation of a public secondary school or school
124 system's accreditation, together with the comments of such secondary school or school
125 system; and
- 126 (B) A copy of any complaint or report upon which such agency initiates, or provides
127 notice to a public secondary school or school system of the intent to initiate, any
128 intervention, investigation, or assessment of such secondary school or school system's
129 accreditation status; provided, however, that personally identifiable information of the
130 person, persons, or entity that submitted the complaint or report may be redacted to the
131 extent necessary to comply with the confidentiality protections provided under Code
132 Section 45-1-4 or other applicable law relating to the confidentiality of complaints
133 against organizations that receive public funds.
- 134 (c) This Code section shall apply to any initial or renewal agreement by and between any
135 public secondary school or school system in this state and any accrediting agency entered
136 into on or after July 1, 2022.
- 137 (d) Nothing in this Code section shall be construed to:
- 138 (1) Require any public school or school system in this state to be accredited; or
139 (2) Prohibit or restrict an accrediting agency from adopting assessment criteria and
140 procedures not provided for in this Code section; provided, however, that to the extent
141 an accrediting agency adopts assessment criteria or procedures which are inconsistent
142 with the provisions of this Code section, such accrediting agency may not be deemed a
143 recognized accrediting agency.

144 20-14-16.

145 (a) Upon request by a local board of education, the State Board of Education shall be
146 authorized to provide accreditation and related services for such local board's elementary
147 and middle schools to assess the quality of learning by students in such schools and the
148 financial efficiency of such schools. The State Board of Education shall adopt rigorous and
149 appropriate criteria for accreditation upon consideration of the relevant assessment criteria
150 used by regional and national accrediting agencies, the assessment criteria it adopted
151 pursuant to Code Section 20-14-15, and other relevant information it deems appropriate.

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

154 (c) No office, agency, department, board, bureau, commission, institution, or other entity
155 of the state government, including, but not limited to, the State Board of Education, the
156 Board of Regents of the University System of Georgia, the State Board of the Technical
157 College System of Georgia, the Georgia Student Finance Authority, the Georgia Student
158 Finance Commission, or the Office of Student Achievement, shall recognize the
159 accreditation of any public elementary or middle school except as administered by the State
160 Board of Education."

161 **SECTION 3.**

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

164 **SECTION 4.**

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