

The Senate Committee on Education and Youth offered 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 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 336 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.

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

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

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

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

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

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

65 (i) Include all students regardless of ethnicity, sex, disability, language proficiency,
66 and socioeconomic status; and

- 67 (ii) Be disaggregated by all subgroups as required under the federal Elementary and
68 Secondary Education Act, as amended; and
- 69 (C) Rigorous and appropriate measures of the financial efficiency of a public school
70 or school system which shall include an analysis of how federal and state funds spent
71 by the public school or school system impact quality of learning and teaching, with
72 such measures comprising an appropriate percentage of the evaluation results as
73 determined by the State Board of Education;
- 74 (2) Such agency demonstrates the ability and the experience to operate as a recognized
75 accrediting agency in this state;
- 76 (3) The principal purpose of such agency is the accreditation of public schools and
77 schools systems in this state;
- 78 (4) Such agency has a voluntary membership of public schools, school systems, and
79 programs;
- 80 (5) Such agency consistently applies and enforces evaluation criteria that ensure the
81 courses or programs of instruction, training, or study offered by a public school or school
82 system, including virtual instruction, are of sufficient quality to achieve, for the duration
83 of the accreditation period, the stated objective for which the courses or programs are
84 offered;
- 85 (6) Such agency consistently adheres to procedures throughout the accreditation process,
86 including evaluation and withdrawal procedures, that comply with due process, including:
- 87 (A) Adequate specification of requirements and deficiencies at the public school or
88 school system being evaluated; provided, however, that all requirements or deficiencies
89 specified by such agency are directly related to measures of quality of learning and
90 teaching and financial efficiency; provided, further, that any findings, comments, or
91 notes included in an evaluation that are not directly related to quality of learning and
92 teaching or financial efficiency shall not provide the basis for any adverse action
93 against a public school or school system by such agency, including, but not limited to,

94 denial, withdrawal, suspension, or termination of accreditation or placement of a public
95 school or school system on any probationary status;
96 (B) Notice of an opportunity for a hearing by a public school or school system;
97 (C) The right to appeal any adverse action against a public school or school system;
98 and
99 (D) The right to representation by counsel for a public school or school system;
100 (7) Such agency notifies the State School Superintendent within 30 days of the
101 accreditation of a public school or school system or of any final denial, withdrawal,
102 suspension, or termination of accreditation or placement on probation of a public school
103 or school system, together with any other adverse or remedial action recommended with
104 respect to such public school or school system;
105 (8) Such agency, either directly or indirectly by means of a related entity, by contract or
106 otherwise, does not offer or agree to provide any services or materials for an additional
107 fee or other consideration intended to assist a public school or school system with
108 addressing any requirement or deficiency or other issue raised by such agency at the time
109 of the evaluation for accreditation of such public school or school system; and
110 (9) Such agency makes available to the public and the State School Superintendent, upon
111 request:
112 (A) A summary of any evaluation resulting in a final decision involving the approval,
113 denial, termination, withdrawal, suspension, or probation of a public school or school
114 system's accreditation, together with the comments of such public school or school
115 system; and
116 (B) A copy of any complaint or report upon which such agency initiates, or provides
117 notice to a public school or school system of the intent to initiate, any intervention,
118 investigation, or evaluation of such public school or school system's accreditation
119 status; provided, however, that personally identifiable information of the person,
120 persons, or entity that submitted the complaint or report may be redacted to the extent

121 necessary to comply with the confidentiality protections provided under Code
122 Section 45-1-4 or other applicable law relating to the confidentiality of complaints
123 against organizations that receive public funds.

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

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

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

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

134 **SECTION 3.**

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

136 **SECTION 4.**

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