

U.S. DEPARTMENT OF EDUCATION

# State Regulation of Private Schools



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**U.S. Department of Education  
Office of Innovation and Improvement  
Office of Non-Public Education**

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# GEORGIA

## **Accreditation/Registration/Licensing/Approval**

- No requirements for *Accreditation*.
  - To qualify for participation in the *Georgia Special Needs Scholarship (GSNS)* or *Georgia Private School Tax Credit* programs a private school must be accredited by a state-approved agency. See *Public Aid for Private Education: Programs*, below.
- No requirements for *Registration*.
- No requirements for *Licensing*.
- No requirements for *Approval*.
- The Georgia Professional Standards Commission allows for the participation of one private school teacher from an accredited private school on the 18-member board. *O.C.GA §20-2-983 (b)(1)*.

## **Teacher Certification**

- Teacher certification is not required.
- However, a participating private school that enrolls students under the *Georgia Special Needs Scholarship (GSNS)* program must employ or contract with teachers who hold a bachelor's degree or higher degree or have at least three years of experience in education or health. See *Public Aid for Private Education: Programs*, below.

## **Length of School Year/Days**

- Private schools must provide 180 days of instruction each twelve months, with each school day consisting of four and one-half school hours. *O.C.GA §20-2-690(b)(3), (d)*.
- Children between their 7th and 16th birthdays excused from attendance at private schools for sickness, emergencies, or other reasons authorized by board policy for public schools, are exempt from compulsory attendance. *O.C.GA §20-2-693(b)*.
- The local school superintendent will report truants to the appropriate court after written notice to the parent or guardian. *O.C.GA §20-2-701*.

## **Curriculum**

- Private schools must provide a basic academic educational program that includes reading, language arts, mathematics, social studies, and science. *O.C.GA §20-2-690(b)(4), (d)*.
- The Georgia Department of Technical and Adult Education is authorized to contract with private schools to provide program or services deemed necessary. *O.C.GA §20-4-14 (c)(5)*.

### **Recordkeeping/Reports**

- Private school administrators must report their enrollment to the local public school superintendent where the student resides within 30 days of the beginning of each school year. The reports must include the name, age and residence of each student. Notice must be given monthly of any student's admission or withdrawal from the school. *O.C.GA* §20-2-690(b), (5), (d).
- The State Board of Education makes available through the local school superintendent printed forms necessary to comply with the reporting requirements.
- The principal administrative officer or his designee is responsible for issuing employment certificates for students between 12 and 16 years old. The certificate must verify the true age of the student and the physical fitness of the student to engage in the particular employment. Students between 16 and 18 years of age also need a certificate that must be maintained in the minor's school file. *O.C.GA* §39-2-11.

### **Health and Safety Requirements**

- Private school buildings must meet all health and safety standards established under state law and local ordinances. *O.C.GA* §20-2-690(b)(6), (d).
- A parent's religious beliefs concerning vaccinations is not a valid excuse for the parent's failure to have a child vaccinated, preventing a child from attending school. 1950–51 Op. Attorney General p. 47. See also *Anderson v. State*, 65 S.E.2d 848 (1951).
- Loitering on private school property is unlawful. Private school principals have the authority to exercise control over the school buildings and grounds. Failure to remove oneself at the request of the principal is a misdemeanor. *O.C.GA* §20-2-1180.
- Georgia's criminal code makes it a felony to manufacture, distribute, dispense, or possess with intent to distribute a controlled substance or marijuana within 1,000 feet of a private elementary or secondary school. An affirmative defense lies if the violation occurred entirely within a private residence, no person 17 or younger was present, and the conduct was not intended for financial gain. *O.C.GA* §16-13-32.4(a), (b), (g).
- The commissioner of public safety makes available to the private schools an alcohol and drug course and instructors where necessary. *O.C.GA* §20-2-142.b(3).
- Private school teachers, administrators, guidance counselors and social workers are required to report instances of suspected child abuse to the person in charge of the school or his designee. The person so notified must report the abuse to the designated child welfare agency, police authority, or district attorney. Persons participating in the making of a report are immune from any civil or criminal liability if acting in good faith. *O.C.GA* §19-7-5(a), (c), (f).

### **Transportation**

- The Department of Motor Vehicles and Traffic will furnish without charge to private schools a driver's record abstract for any current employee or applicant for a school bus driver position. The employee/applicant must agree in writing to permit the release. *O.C.GA* §40-5-2.

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- Private schools are required to meet equipment, color, and marking requirements set out in the Motor Vehicle and Traffic Code. *O.C.GA* §§40-8-110–112; 40-8-114.

### **Textbooks**

- There is no state policy at this time.

### **Testing**

- Parents of participating students in *Georgia Special Needs Scholarship (GSNS)* program may request participation in state testing opportunities. *O.C.GA* §20-2-2114(d).

### **Special Education**

- Local school systems may provide special education programs to eligible students by contracting with qualified private institutions. The State Board of Education will fund placements in private institutions provided professionals meet the certification or licensing standards of their profession. *O.C.GA* §20-2-152(b), (c).
- According to the Attorney General's Office, there is no statutory impediment to providing psychological services to private school children but the degree to be served is a matter of policy at the discretion of the state and local boards of education. 1976 Office of the Attorney General No. *O.C.GA* §76-118.

### **Nursing and Health**

- There is no state policy at this time.

### **Technology**

- There is no state policy at this time.

### **Professional Development**

- There is no state policy at this time.

### **Reimbursement for performing state/local function**

- There is no state policy at this time.

### **Tax Exemption**

- Sales of tangible personal property and services used exclusively for educational purposes by bona fide private schools that have been approved by tax exemption are exempt from taxation.
- Sales of tangible personal property, concessions or tickets for admission to a school event or function are tax exempt, provided the net proceeds are used solely for the benefit of the school or its students.

### **Public Aid for Private Education**

- **Constitutional provisions:** The Georgia Constitution prohibits any money from the public treasury to be used directly or indirectly in aid of any sectarian institution. *Georgia Constitution* Article I, § II, Paragraph VII.

The Attorney General's Office has interpreted this prohibition to apply to transportation services, 1945–47 Op. Attorney General p. 222 and to contracts for goods and services, 1969 Op. Attorney General Number 69-125. Programs wholly financed by the federal government are lawful even though it contemplates the provision of library resources, textbooks and instructional materials. 1965–66 Op. attorney General Number 65-4.

Private schools may sublease buildings or facilities of the Georgia Education Authority through county or city boards of education. *O.C.GA* §20-2-553 (a)(5). 1954 Op. Attorney General p. 224.

State and local school funds may not be used for school programs in nonpublic schools. 1974 Op. Attorney General Number 155.

▪ **Programs for financial assistance for attendance at private schools:**

Georgia has two such programs.

1) The Georgia Special Needs Scholarship (GSNS) program provides eligible special education students with the opportunity to attend another public or private school. To be eligible to enroll a scholarship student, a private school must: Have a physical location in Georgia where the scholarship students attend classes and are taught by teachers who are physically present; be an elementary, middle or secondary school accredited by or in the process of becoming accredited by one of the entities per *O.C.GA* §20-2-2112 and *O.C.GA* §20-3-519; demonstrate fiscal soundness; comply with the antidiscrimination provisions of 42 U.S.C. Section 2000d; comply with all health and safety laws or codes that apply to private schools; comply with all provisions of *O.C.GA* §20-2-690 and any other state law applicable to private schools; provide the Georgia Department of Education (GaDOE) with a quarterly roster of the Special Needs Scholarship students enrolled at their school, in accordance with GaDOE guidelines; regularly report to the parent and GaDOE on the student's academic progress, including the results of pre-academic and post-academic assessments given to the student, in accordance with GaDOE guidelines; and employ or contract with teachers who hold a bachelor's degree or higher degree or have at least three years of experience in education or health and annually provide to the parents the relevant credentials of the teachers who will be teaching their students.

2) The Georgia Private School Tax Credit law allows eligible private citizens and corporations to receive tax credits for donations to Georgia Student Scholarship Organizations (SSOs). SSOs will provide student scholarships to parents that will help cover the cost of a private school education for their children in the state of Georgia. Private schools that meet the following criteria are considered qualified: accredited by a state-approved accreditation agency, physically located in Georgia, adheres to provisions of the federal *Civil Rights Act of 1964*, and satisfied the private school requirements prescribed in Georgia state law.

**Homeschooling**

- Parents or guardians must submit within 30 days after the establishment of a home student program and by September 1 annually thereafter a declaration of intent to utilize home study to the superintendent of schools of the local district in which the home study program is located. *O.C.GA* §20-2-690.

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- The submission must include in the declaration a list of the names and ages of the students who are enrolled, the address where the home study program is located, and a statement of the 12-month period being considered the school year for this program. *O.C.GA §20-2-690.*
- Parents may teach their own children if they hold at least a high school diploma or GED, but may employ a tutor who holds at least a high school diploma or GED. *O.C.GA §20-2-690.*
- The home study program must include, but is not limited to, reading, language arts, mathematics, social studies, and science. *O.C.GA §20-2-690.*
- The home study program must provide instruction each 12 months equivalent to 180 school days that consist of at least four and one-half school hours. *O.C.GA §20-2-690.*
- Monthly attendance reports must be sent to the local superintendent at the end of each month. The local school superintendent will, upon request, provide the reporting forms. *O.C.GA §20-2-690.*
- Students in home study programs must take an appropriate nationally standardized test administered in consultation with a person specifically trained in administration and interpretation of norm reference tests, at least every three years beginning at the end of third grade and the program must retain the results of these tests, although they are not required to be submitted to the local superintendent. *O.C.GA §20-2-690.*
- The home study program instructor must write an annual progress assessment report to include the instructor's individualized assessment of the student's academic progress in each required subject area and retain the reports for a period of at least three years. *O.C.GA §20-2-690.*

### Information resources

- [Georgia Department of Education: State Education Rules](http://public.doe.k12.ga.us/pea_board.aspx?PageReq=PEABoardRules)  
<http://public.doe.k12.ga.us/pea\_board.aspx?PageReq=PEABoardRules>
- [Georgia Department of Education: Georgia Special Needs Scholarship Program](http://public.doe.k12.ga.us/sb10.aspx)  
<http://public.doe.k12.ga.us/sb10.aspx>
- [Georgia Department of Education: Georgia Special Needs Scholarship Program, Private Schools Responsibilities](http://public.doe.k12.ga.us/DMGetDocument.aspx/010808%20Georgia%20GSNS%20Private%20School%20Responsibilities%20to%20post.pdf?p=6CC6799F8C1371F68ECD17D75DC08CF5932DC8247A27C58E7299C97D23FFFA52&Type=D)  
<http://public.doe.k12.ga.us/DMGetDocument.aspx/010808%20Georgia%20GSNS%20Private%20School%20Responsibilities%20to%20post.pdf?p=6CC6799F8C1371F68ECD17D75DC08CF5932DC8247A27C58E7299C97D23FFFA52&Type=D>
- [Georgia Department of Education: Georgia Tax Credit for Private School Costs and Scholarship Donations](http://public.doe.k12.ga.us/pea_policy.aspx?PageReq=PEAHB1133)  
<http://public.doe.k12.ga.us/pea\_policy.aspx?PageReq=PEAHB1133>
- [Georgia Department of Education: Home School](http://www.doe.k12.ga.us/askdoe.aspx?PageReq=ASKHome)  
<http://www.doe.k12.ga.us/askdoe.aspx?PageReq=ASKHome>
- [Georgia Department of Education: Home School Frequently Asked Questions](http://www.doe.k12.ga.us/askdoe.aspx?PageReq=ASKHSFAQ)  
<http://www.doe.k12.ga.us/askdoe.aspx?PageReq=ASKHSFAQ>
- [Georgia Department of Education: Home School Resources](http://www.doe.k12.ga.us/askdoe.aspx?PageReq=ASKHSResources)  
<http://www.doe.k12.ga.us/askdoe.aspx?PageReq=ASKHSResources>
- [Official Code of Georgia](http://w3.lexis-nexis.com/hottopics/gacode/default.asp)  
<http://w3.lexis-nexis.com/hottopics/gacode/default.asp>

## State Regulation of Private Schools—Georgia

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