

Georgia State Regulations

Updated November 10, 2016

State Regulation of Private and Home Schools — [Map](#)

Private Schools

Accreditation, Registration, Licensing, and Approval

- *Accreditation*: no requirements
 - 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. *Official Code of Georgia Annotated (O.C.G.A.)* §20-2A-1(2)(A). (See Public Aid for Private Education: Programs, below.)
- *Registration*: no requirements
- *Licensing*: no requirements
- *Approval*: no requirements

Teacher Certification

- Teacher certification is not required.
- However, a participating private school that enrolls students under the 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. *O.C.G.A.* §20-2-2115(a)(7). (See Public Aid for Private Education: Programs, below.)
- The Georgia Professional Standards Commission allows for the participation of one private school teacher holding a valid professional certificate from an accredited private school on the commission's 18-member board. *O.C.G.A.* §20-2-983(b)(1).

Length of School Year and Days

- Private schools must provide 180 days of instruction each 12 months, with each school day consisting of four and one-half school hours. *O.C.G.A.* §20-2-690(b)(3),(d).
- Children between the ages of 6 and 16 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.G.A.* §20-2-693(b).
- The local school superintendent or visiting teachers and attendance officer will report truants to the appropriate court after written notice to the parent or guardian. *O.C.G.A.* §20-2-701.

Curriculum

- Private schools must provide a basic academic educational program that includes, but is not limited to, reading, language arts, mathematics, social studies, and science. *O.C.G.A.* §20-2-690(b)(4), (d).
- The Technical College System of Georgia is authorized to contract with private schools to provide program or services deemed necessary. *O.C.G.A.* §20-4-14 (c)(5).
- Students in private schools are eligible to participate in dual credit courses at eligible postsecondary institutions. Participating eligible postsecondary institutions must enter into a participation agreement with the commission that includes providing course books and accepting the amount paid by the commission as full payment for the high school students participation. The commission must be funded in Fiscal Year 2016, which begins July 1, 2015. *O.C.G.A.* §20-2-161.3.

Recordkeeping and 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.G.A.* §20-2-690(b)(5).
- The Georgia Department of Education (GaDOE) provides forms necessary to comply with the reporting requirements through its website.
- The principal administrative officer or his designee in a private school is responsible for issuing employment certificates for students between the ages of 12 and 16 years old. The certificate must verify the student's age and physical ability to engage in the particular employment. Students between 16 and 18 years of age also need a copy of the certificate maintained in their school file. *O.C.G.A.* §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.G.A.* §20-2-690(b)(6).
- 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 Opinion Attorney General p. 47. See also *Anderson v. State*, 65 S.E.2d 848 (1951).
- Loitering on private school property or within the school safety zone 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.G.A.* §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 is available 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.G.A.* §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.G.A.* §20-2-142(b)(4).
- 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 or her designee. The person notified must report the abuse to the designated child welfare agency, police authority, or district attorney. Persons who participate in making a report are immune from any civil or criminal liability if acting in good faith. *O.C.G.A.* §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 or applicant must agree in writing to permit the release. *O.C.G.A.* §40-5-2(c)(1)(A) and (E).
- Private schools are required to meet equipment, color, and marking requirements set out in the Motor Vehicle and Traffic Code. *O.C.G.A.* §§40-8-110–112 and 40-8-114.

Textbooks

- No state policy currently exists.

Testing

- Parents of students taking part in the GSNS program may ask to participate in state testing opportunities. *O.C.G.A.* §20-2-2114(c).

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.G.A.* §20-2-152(b),(c).
- According to the Office of the Attorney General, 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.G.A.* §76-118.

Nursing and Health

- A private school that complies with the requirements of *O.C.G.A.* §20-2-779 related to a diabetes medical management plans will not be liable for civil damages or subject to disciplinary action under professional licensing regulations or school disciplinary policies as a result of the activities authorized or required by the code when such acts are committed as an ordinarily reasonably prudent physician, nurse, school employee, or local school system would have acted under the same or similar circumstances. *O.C.G.A.* §20-2-779(g).

Technology

- No state policy currently exists.

Professional Development

- No state policy currently exists.

Reimbursement for Performing State and Local Functions

- No state policy currently exists.

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 after application to the Georgia Department of Revenue, Sales and Use Tax Unit are exempt from taxation. Georgia Rules and Regulations Rule (Ga. Comp. R. & Regs. R.) 560-12-2-.90.

Public Aid for Private Education

- **Constitutional Provisions:** The Georgia Constitution prohibits any money from the public treasury to be used directly or indirectly to aid any sectarian institution. Georgia Constitution Article I, § II, Paragraph VII. The Attorney General of Georgia has interpreted this prohibition to apply to transportation services, 1945-47 Opinion Attorney General p. 222 and to contracts for goods and services, 1969 Opinion Attorney General Number 69-125. Programs wholly financed by the federal government are lawful even though it may contemplate the provision of library resources, textbooks, and instructional materials. 1965-66 Opinion 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.G.A.* §20-2-553 (a)(5). 1954 Opinion Attorney General p. 224.

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

- **Programs for Financial Assistance for Attendance at Private Schools:** Georgia has two such programs.

0. The 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: be an elementary, middle, or secondary school accredited by or in the process of becoming accredited by one of the entities per O.C.G.A. §§20-2-2112 and 20-3-519; have a physical location in Georgia where the scholarship students attend classes and are taught by teachers who are physically present; 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.G.A. §20-2-690 and any other state law applicable to private schools; provide the GaDOE with a quarterly roster of the Special Needs Scholarship students enrolled at their school, in accordance with GaDOE guidelines; and 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 per the [Private School Responsibilities on the GaDOE website](#); 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; as well as any additional rules decided upon by the State Board of Education pursuant to O.C.G.A §20-2-2117. *O.C.G.A. § 20-2-2115.*
1. *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, adhere to provisions of the Federal Civil Rights Act of 1964, and satisfy the private school requirements prescribed in Georgia state law. *O.C.G.A. S§20-2A-1 through 7 and 48-7-29.16.*