

Postsecondary Accreditation; SB 78

SB 78 requires a governing body of a postsecondary educational institution (institution) to regularly review and update the institution's accreditation policies, allows the institution greater freedom in selecting its accrediting agency, and prohibits accrediting agencies from compelling institutions to violate state laws.

Accreditation Policies and Practices

The bill requires each governing body of an institution to regularly review and update the institution's policies and practices on accreditation. The bill also requires, on or before December 31, 2025, the governing body of each institution to do the following:

- Identify the accrediting agencies or associations eligible to accredit such an institution. Such agencies and associations are those recognized by the U.S. Department of Education in the agency's database; and
- Update the policies and practices on accreditation for the institution to ensure it may freely pursue accreditation by any accrediting agency or association previously identified that is appropriate to the programs offered by the institution.

Definition of Postsecondary Educational Institution

The bill defines a "postsecondary educational institution" as one of the following:

- State educational institution as defined in law regarding operations of institutions;
- Private postsecondary education institution as defined in the Kansas Private and Out-of-state Postsecondary Educational Institution Act;
- Municipal university as defined in the Kansas Higher Education Coordination Act;
- Not-for-profit institution of postsecondary education with its main campus or principal place of operation in Kansas, that is operated independently and not controlled or administered by any state agency or subdivision of the state, maintains open enrollment, and is accredited by a nationally recognized accrediting agency for higher education in the United States; and
- Community college as defined in the Kansas Higher Education Coordination Act.

Prohibition on Accrediting Agencies and Associations

The bill prohibits an accrediting agency or association from compelling an institution to violate state law. Furthermore, the bill allows an institution to bring a civil cause of action against

the accrediting agency or association if the agency or association took any adverse action against an institution based, in part or in whole, on the institution's compliance with any state law that is not preempted by federal law.

The governing body of an affected institution is also required by the bill to notify the Legislature in writing within 30 calendar days of any such violation.

Other References to Accrediting Agencies

The bill replaces references to specific accrediting agencies throughout state law with the phrase "an accrediting agency or association recognized by the U.S. Department of Education in the database maintained by such department."