

February 6, 2025

The Honorable Renee Erickson, Chairperson
Senate Committee on Education
300 SW 10th Avenue, Room 144-S
Topeka, Kansas 66612

Dear Senator Erickson:

SUBJECT: Fiscal Note for SB 78 by Senate Committee on Education

In accordance with KSA 75-3715a, the following fiscal note concerning SB 78 is respectfully submitted to your committee.

SB 78 would require the governing body of each postsecondary educational institution to regularly review and update the policies and practices on accreditation of the institution. On or before December 31, 2025, each governing body of a postsecondary educational institution would:

1. Identify the accrediting agencies or associations eligible to accredit the institution. Any agencies or associations would be recognized by the federal U.S. Department of Education in the database maintained by the Department; and
2. Update the policies and practices on accreditation of the institution to ensure that the institution may freely pursue accreditation by any accrediting agency or association that is appropriate for the programs offered by the institution.

Accrediting agencies or associations could not compel a postsecondary educational institution to violate any state law. Any adverse action taken against an institution based on the institution's compliance with any state law would constitute a violation of the bill's provisions. Any violation may be enforced only to the extent that state law would not be preempted by a federal law recognizing the necessity of the accreditation standard or requirement.

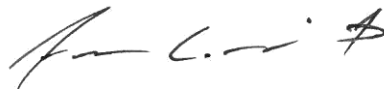
Any institution that would be negatively affected by a violation of the bill's provisions could bring a civil action against the accrediting agency or association. If an accrediting agency or association would violate the bill's provisions, the governing board of the affected

postsecondary educational institution would be required to notify the Legislature in writing within 30 calendar days of the violation.

The Office of Judicial Administration indicates enactment of SB 78 would have a fiscal effect on Judicial Branch operations as the bill would create a cause of civil action, which could increase the number of cases filed in district court and result in more time spent by court employees and judges processing and deciding cases. The Office indicates enactment of the bill could result in the collection of fees assessed in those cases filed under the bill's provisions, which would be credited to the State General Fund. However, a fiscal effect cannot be estimated.

The Board of Regents indicates enactment of the bill would have a negligible fiscal effect on operations of the Board and any postsecondary educational institution. Any fiscal effect associated with SB 78 is not reflected in *The FY 2026 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam C. Proffitt", with a stylized flourish at the end.

Adam C. Proffitt
Director of the Budget

cc: Becky Pottebaum, Board of Regents
Trisha Morrow, Judiciary