

SENATE BILL No. 78

By Committee on Education

1-27

1 AN ACT concerning education; relating to postsecondary educational
2 institutions; requiring such institutions to regularly review and update
3 accreditation policies; prohibiting accrediting agencies from
4 compelling such institutions to violate state law; providing a cause of
5 action for violations thereof.

6
7 *Be it enacted by the Legislature of the State of Kansas:*

8 Section 1. (a) The governing body of each postsecondary educational
9 institution shall regularly review and update the policies and practices on
10 accreditation of such institution.

11 (b) On or before December 31, 2025, each governing body of a
12 postsecondary educational institution shall:

13 (1) Identify the accrediting agencies or association eligible to accredit
14 such institution. Any such agencies or associations shall be agencies or
15 associations recognized by the United States department of education in
16 the database maintained by such department; and

17 (2) update the policies and practices on accreditation of such
18 institution to ensure that the institution may freely pursue accreditation by
19 any accrediting agency or association identified pursuant to paragraph (1)
20 that is appropriate for the programs offered by such institution.

21 (c) No accrediting agency or association shall compel a
22 postsecondary educational institution to violate any state law. Any adverse
23 action taken against a postsecondary educational institution based, in
24 whole or in part, on such institution's compliance with any state law shall
25 constitute a violation of this section. Any such violation may be enforced
26 only to the extent that state law is not preempted by a federal law
27 recognizing the necessity of the accreditation standard or requirement.

28 (d) A postsecondary educational institution that is negatively affected
29 by a violation of this section may bring a civil action against the
30 accrediting agency or association in a court of competent jurisdiction in
31 this state.

32 (e) If an accrediting agency or association violates this section, the
33 governing board of the affected postsecondary educational institution shall
34 notify the legislature in writing within 30 calendar days of such violation.

35 (f) As used in this section, "postsecondary educational institution"
36 means a:

1 (1) State educational institution as defined in K.S.A 76-711, and
2 amendments thereto;

3 (2) private postsecondary educational institution as defined in K.S.A.
4 74-32,163, and amendments thereto;~~and~~

5 (3) municipal university as defined in K.S.A. 74-3201b, and
6 amendments thereto;

7 *(4) not-for-profit institution of postsecondary education with its*
8 *main campus or principal place of operation in Kansas, is operated*
9 *independently and not controlled or administered by any state agency or*
10 *subdivision of the state, maintains open enrollment and is accredited by*
11 *a nationally recognized accrediting agency for higher education in the*
12 *United States; and*

13 *(5) community college as defined in K.S.A. 74-3201b, and*
14 *amendments thereto.*

15 Sec. 2. This act shall take effect and be in force from and after its
16 publication in the statute book.