

SESSION OF 2025

SUPPLEMENTAL NOTE ON SENATE BILL NO. 78

As Amended by Senate Committee on
Education

Brief*

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

Accreditation Policies and Practices

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

- Identify the accrediting agencies or associations eligible to accredit such an institution. Such agencies and associations would be 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.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <https://klrd.gov/>

Definition of Postsecondary Educational Institution

The bill would define 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, 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 would prohibit an accrediting agency or association from compelling an institution to violate state law. Furthermore, the bill would allow 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.

Background

The bill was introduced by the Senate Committee on Education at the request of Senator Erickson.

Senate Committee on Education

In the Senate Committee hearing, **proponent** testimony was provided by representatives of Cicero Action and Opportunity Solutions Project. The proponents generally stated that the bill would give Kansas institutions the freedom to select federally recognized accrediting agencies that meet the goals and mission of the institution and remove interference from accrediting agencies with regional monopolies.

Written-only neutral testimony was provided by a representative of the State Board of Regents.

No other testimony was provided.

The Senate Committee amended the bill to include independent, not-for-profit institutions and community colleges to the definition of “postsecondary educational institution” for this purpose.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Office of Judicial Administration indicates the bill would have an effect on the Judicial Branch as a new cause of civil action would be created which could increase the number of cases filed in district court. These actions would generate fees which would

be credited to the State General Fund; however, a fiscal effect cannot be estimated.

The State Board of Regents (Board) states the bill would have a negligible fiscal effect on operations of the Board and any postsecondary education institution.

Any fiscal effect association with enactment of the bill is not reflected in *The FY 2026 Governor's Budget Report*.

Education; postsecondary educational institutions; accreditation; accrediting agencies