

POLICY BRIEF

It's Time for More States to Sack SACS

by Adam Kissel¹

Introduction

Getting and keeping accreditation is critical for almost all colleges in the United States. Accreditation is third-party validation that a college meets minimum standards. Not only is institutional accreditation required for participation in federal student loan programs, but without accreditation, it is hard (if not impossible) to be authorized to operate in a state.

Until recently, institutional accreditation was controlled by a cartel of “regional” accreditors that had divided the country into six regions. Accreditors would not trespass into each other’s turf.² As a result, they each had monopoly power.

All too often, they have [abused their power](#). The most common abuses of power have been in the area of university governance, and the Southern Association of Colleges and Schools (SACS) has abused its power most often. SACS, which historically has accredited colleges in 11 states, has intervened in the decisions of several of them. Accreditors also are becoming increasingly brazen in [pushing colleges ideologically](#).

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1. The author acknowledges the important contributions of Giana DePaul in identifying material used in this report.
 2. “National” accreditors have been available as alternatives for the purpose of access to federal loan programs, but various state laws and policies and some institutions do not give equal treatment to students arriving from colleges with “national” instead of “regional” accreditation.

Fortunately, however, under Secretary of Education Betsy DeVos, the U.S. Department of Education made it easy for any regional accreditor to operate anywhere in the country—making these historically regional accreditors into national accreditors. Florida and North Carolina have taken advantage of this new federal flexibility by requiring public institutions of higher education to leave SACS and choose a new accreditor.

In order to follow suit, some states also must change their laws or regulations so that no provisions default to a single accreditor. West Virginia, for example, had administrative regulations that defaulted to an accreditor called the Higher Learning Commission, but legislators passed a law to ensure that any college in the state could choose any accreditor recognized by the U.S. Department of Education.

The following table shows which states that are historically in SACS’s region should act to align state laws or regulations with federal flexibility in choosing accreditors. Details are provided below.

State	Action Needed
Alabama	Revise law for public colleges
Florida	Revise law for private colleges
Georgia	Revise policies for all colleges
Kentucky	Minor changes to state law
Louisiana	Revise law and policies
Mississippi	Revisions and clarifications of policies
North Carolina	None—institutions should identify criteria for choosing a new accreditor
South Carolina	Minor changes to state law
Tennessee	None—institutions should identify criteria for choosing a new accreditor
Texas	Revise law for all colleges
Virginia	None—institutions should identify criteria for choosing a new accreditor

Alabama

Alabama needs to update its code to align with federal flexibility in accreditation.

For example, every site of a public college in Alabama “must be in full compliance with the Southern Association of Colleges and Schools/Commission on Colleges (SACS/COC) guidelines and criteria pertaining to curriculum, faculty, administration, equipment, learning resources and student services” (§300-2-1-.05(6)).

Out-of-state institutions, however, may operate in Alabama if they are accredited and in

compliance with the standards of any accreditor recognized by the U.S. Department of Education (§300-2-1-.02(5)).³ An unaccredited out-of-state institution may operate in Alabama if it passes a review undertaken by the Alabama Commission on Higher Education (ACHE) (§300-2-1-.02(3)). It appears that technical colleges wishing to offer an Associate in Applied Science (AAS) degree, however, must be accredited by the SACS Commission on Colleges (§300-2-1-.01(n)).

To provide choice in accreditation, Alabama legislators should remove all references to SACS and should treat in-state colleges the same as out-of-state colleges by letting any college choose any accreditor recognized by the U.S. Department of Education. Then, ACHE should update its policies to ensure that no language defaults to SACSCOC.

Florida

In Florida, private colleges must be accredited by SACS (§1005.03(1)(d)). Public colleges, however, have more freedom. In fact, until 2032 they must change accreditors when they are up for renewal. No accreditor may compel a public institution to violate state law (Title 48, §1008.47).

Florida should revise its law with regard to private colleges and universities to align with federal flexibility in the choice of an accreditor. Then, any policies of Florida’s Commission for Independent Education that need revision should be updated.

Georgia

State law does not need to change, but the policy of the Board of Regents of the University System of Georgia does not align with federal flexibility in accreditation. The Board of Regents requires SACS accreditation in [Policy 3.1](#). To permit choice of accreditors, the Board of Regents should revise this policy and any others that default to SACS instead of any appropriate accreditor recognized by the U.S. Department of Education. Alternatively, the state legislature could require that the Board of Regents do so.

Technical colleges in Georgia, by statute, already may be accredited by any “appropriate” accreditor approved by the U.S. Department of Education (§20-4-11). The

3. The law should be revised to correct “SACS COS” to “SACSCOC” or to remove reference to SACS entirely.

Technical College System of Georgia (TCSG), in turn, seems to permit any ED-recognized accreditor of associate degree programs ([Policy 2.3.4](#)). But TCSG all but defaults to SACS shortly afterward in [Policy 2.3.5](#) and [Policy 2.3.6](#). TCSG should carefully review its policies to ensure that technical colleges in Georgia clearly understand that they may have any appropriate accreditor.

State law also is not entirely consistent with letting any college choose any accreditor. Tuition equalization grants under [§20-3-411](#) limit eligibility to students at institutions accredited by SACS. Additionally, an exemption under [§20-3-250.3\(14\)](#) unnecessarily defaults to SACS. Other sections of code might also default to SACS.

Kentucky

Kentucky state law also is not entirely consistent with federal flexibility in accreditation. In particular, eligibility for the Kentucky Tuition Grant requires SACS accreditation for out-of-state institutions whenever SACS is an option. It is important to note that the exception in [§164.785\(7\)\(c\)](#)—for colleges that do not have SACS as an option—no longer applies to virtually any out-of-state institution, now that SACS may operate nationally. SACS is now an option for them. As a result, some out-of-state colleges may lose access to the Kentucky Tuition Grant for their students. To resolve this issue, legislators should remove the SACS requirement.

Also, Kentucky’s General Education Transfer Policy and Implementation Guidelines [default](#) to SACS standards. A possible solution here without needing to substantially change the code is to add a line stating that these guidelines apply only to SACS-accredited institutions, while institutions with different accreditation should comply with their accreditor’s own standards.

Louisiana

Louisiana effectively does not allow colleges to choose their accreditors, conflicting with federal flexibility in the choice of accreditors. While [§17:1808](#) does not limit such choice, every institution that sends or receives associate degree students—which might include all Louisiana colleges—must be accredited by SACS under [§17:3164](#). Louisiana’s legislature should revise this requirement to include any appropriate accreditor approved by the U.S. Department of Education.

Also, Louisiana’s Board of Regents unnecessarily defaults to SACS in its [Academic Affairs Policies and Procedures](#) (were it not for §17:3164). Public colleges that offer distance education “must either meet requirements or be accepted for candidacy by [SACS] or the Commission on Occupational Education” (2.12). General education requirements must conform to SACS standards (2.15, 2.16). Reverse transfer policies—enabling bachelor’s level credits to be transferred to an associate degree program—also must conform to SACS standards (2.24). These policies should be revised to state that all institutions must conform to their accreditor’s standards, whether SACS or not. (Since this point holds across the board, there appears to be no need to repeat it so frequently across the academic affairs policy.)

Mississippi

In Mississippi, state law gives authority over accreditation to the Commission on College Accreditation (§37-101-241), known as MCCA. MCCA’s [state authorization standards](#) appear to limit the state’s public colleges to SACS (Rule 3.1.1) while permitting out-of-state institutions to be accredited by any of the historically regional accreditors (Rule 3.1.2.1).

MCCA should revise these rules. Public colleges in Mississippi should be unambiguously allowed to choose any accreditor—or, if desired, any historically regional accreditor—approved by the U.S. Department of Education. Furthermore, if only the historically regional accreditors are allowed, the list of accreditors in Rule 3.1.2.1 should be updated to use their correct present names (for example, the North Central Association has not existed since 2014, and institutions accredited by that entity are now primarily accredited by the Higher Learning Commission).

North Carolina

In October 2023, North Carolina became the second state to mandate that its public colleges change accreditors. House Bill 8 (now [Session Law 2023-132](#)) also updated all statutory language to stop defaulting to SACS. Instead, any historically regional accreditor fulfills statutory requirements. Additionally, the law requires the University of North Carolina System Board of Governors and the State Board of Community Colleges (see State Board policy [1B SBCCC 400.1](#)) to adopt policies consistent with the new flexibility.

The Board of Governors also has let private colleges operate in North Carolina with accreditation [other than from SACS](#), pursuant to longstanding state law. §116-15 permits private colleges to be licensed if they have accreditation from any accreditor recognized by the Council for Higher Education Accreditation (CHEA), a private-sector organization. Furthermore, religious colleges have generally been exempt from licensure.

No further action is needed in North Carolina law or regulations. It is now up to the institutions to change accreditors when their accreditation is up for renewal, and they should start deciding which criteria to prioritize now that accreditors will compete for their business.

South Carolina

South Carolina law is not yet fully consistent with federal flexibility to choose accreditors. [Chapter 62](#) of the state code generally permits accreditation from any accreditor recognized by the U.S. Department of Education or by CHEA. But some programs do not: the Teachers Loan Program (§62-120), the South Carolina National Guard College Assistance Program (§62-150), the Palmetto Fellows Scholarship Program (§62-300, with respect to “independent institutions”), and more require SACS accreditation for eligibility. Furthermore, independent institutions must be accredited by SACS under section [59-113-50](#). All relevant provisions that require SACS accreditation should be revised.

Once the legislature revises the code, the South Carolina Commission on Higher Education should align its policies with state and federal flexibility.

Tennessee

Tennessee, through the Tennessee Higher Education Commission, already accepts any accreditor that is accepted by the U.S. Department of Education. Furthermore, unaccredited institutions may use the name “college” and operate in Tennessee by meeting certain requirements and having the Commission’s permission (§1540-01-02-.08). The Commission does not, however, recognize any accreditor that is recognized only by CHEA and not by the U.S. Department of Education (§1540-01-02-.20).

No legislative or regulatory action is needed in Tennessee. Each institution that wants to leave SACS should use the new federal flexibility to shop for another accreditor.

Texas

Under the Texas Education Code, the state requires all private and independent colleges to have SACS accreditation unless they are freestanding medical schools or law schools ([Title 3, §61.003\(15\)\(C\)](#)), or [unless](#) they offer degrees in “religious disciplines” only. The Texas Education Code also defaults to SACS at [§61.0515](#) and elsewhere.

There is a loophole, however, in [§61.222\(a\)](#): private and independent colleges may be approved if they “meet the same program standards and accreditation as public institutions of higher education as determined by the board [Texas Higher Education Coordinating Board (THECB)].” Nevertheless, since all Texas public institutions are currently accredited by SACS and the education code defaults to SACS, this loophole provides no flexibility after all.

THECB has recognized a variety of institutional accreditors pursuant to Texas Administrative Code, [Title 19, Rule §7.6](#), but private and independent colleges in Texas may be accredited only by SACS until the state legislature revises Title 3 of the Education Code. In 2023, [Senate Bill 1987](#) would have made all of the necessary revisions, but it was not successful.

Virginia

Virginia’s state code permits accreditation by any accreditor recognized by the U.S. Department of Education ([§23.1-219](#)), although not for all purposes. For instance, a historically regional accreditor is required if an institution seeks approval for an “education endorsement program” (used for licensing teachers) under Administrative Code [8VAC20-543-20](#).

As in Tennessee, no legislative or regulatory action is needed in Virginia. Institutions ready to leave SACS should shop for another accreditor.

Conclusion

Alabama, Georgia, Louisiana, and Texas have the most work to do to align laws and regulations with the new federal flexibility that would let each college choose the accreditor that seems best. Once they do so, their colleges can choose an accreditor other than SACS when they find one more suited to their needs and less likely to interfere in university governance.

It appears that all colleges in three states—North Carolina, Tennessee, and Virginia—already have the authority they need to leave SACS behind and choose another accreditor. In fact, public colleges in North Carolina are required to do so. Public colleges in Florida also must do so, although private colleges there seem not yet to be allowed to leave SACS under current law.

Meanwhile, three states—Kentucky, Mississippi, and South Carolina—should make minor changes to laws or regulations to resolve ambiguities or to ensure that no program discriminates against a college because it is accredited by an accreditor other than SACS. Most of all, Mississippi should resolve its policy ambiguity to ensure that all colleges can leave SACS if they choose.

Legislators have the power to act in all cases. Where statutory change is needed, legislators are the only ones who can act. Where regulatory change is needed, the legislature can either intervene directly or can, like West Virginia did, require the state’s regulatory body to make the necessary changes.

Finally, legislators might take advantage of a shortcut. Model legislative language could accomplish what is needed:

Notwithstanding any other provision of law, whenever SACS is mentioned in this code or in [state regulator’s] policy as a requirement, any appropriate accreditor recognized by the U.S. Department of Education fulfills the requirement. The intent of this provision is to ensure that any institution of higher education that operates in the State may choose any appropriate accreditor recognized by the U.S. Department of Education.

“Appropriate,” as in Georgia’s case above, describes an accreditor that accredits the kinds of degree programs that a particular college offers. States that prefer to limit choice to the historically regional accreditors might instead use the term “historically regional accreditor” and list the accreditors that fit this definition.

Escaping from under the thumb of SACS is likely to be good policy for most institutions in most states. In any case, the prospect of competition is likely to improve the services provided by SACS and other accreditors. SACS might improve enough to persuade institutions to stay.

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