

Model Legislation: Accreditation Choice Act

Section 1. Title

This Act shall be known and may be cited as the "Accreditation Choice Act."

Section 2. Legislative Findings and Purpose

(a) The Legislature finds that:

1. Public colleges and universities should have the autonomy to select accreditors that best meet their institutional missions and goals.
2. Allowing public colleges and universities to choose any institutional accreditor recognized by the U.S. Department of Education will promote competition, innovation, and improvement in higher education.
3. Compliance with state law is paramount, and no accrediting agency should compel institutions to act in violation of state statutes.

(b) The purpose of this Act is to provide public colleges and universities with the flexibility to choose any institutional accreditor recognized by the U.S. Department of Education and to ensure university compliance with state laws.

Section 3. Definitions

As used in this Act:

(a) "Accreditor" means an institutional or programmatic accrediting agency recognized by the U.S. Department of Education.

(b) "Public college or university" means any public institution of higher education that receives state funding.

Section 4. Institutional Accreditation Choice

Notwithstanding any other provision of law, public colleges and universities shall have the authority to seek and obtain accreditation from any institutional accreditor of their choosing, as long as they maintain institutional accreditation from at least one accreditor recognized by the U.S. Department of Education.

Section 5. Compliance with State Law

- (a) No accrediting agency or association shall compel any public institution of higher education in this state to violate any state law.
- (b) Any principle, requirement, standard, or policy imposed by an accrediting agency that is in conflict with state law shall be deemed unenforceable in this state.

Section 6. Nondiscrimination in Accreditation

No public college or university may discriminate against a person solely on the basis of the identity of the accreditor of that person's academic program or institution, provided accreditation was from an accreditor recognized by the United States Department of Education at all relevant times, including but not limited to transfer credit, recognition of a degree or other certification, faculty qualifications, and undergraduate or graduate admission.

Section 7. Implementation and Compliance

- (a) The [state higher education coordinating board or equivalent authority or authorities] shall make policy changes to conform college and university policy to the provisions of this Act within 90 days of its passage.
- (b) Public colleges and universities that change accreditors must notify the state higher education coordinating board or equivalent authority within 30 days of the change.
- (c) The notification shall include:
 - 1. The name of the new accreditor.
 - 2. The effective date of the new accreditation.
 - 3. A brief explanation of the reasons for the change in accreditation.

Section 8. Severability

If any provision of this chapter, or the application of any provision or circumstance, is held to be invalid, the remainder of this chapter and the application of its provisions to any other circumstance shall not be affected thereby.

Section 9. Effective Date

This Act shall take effect immediately upon its passage and approval.

Section 10. Repeal of Conflicting Laws

All laws or parts of laws in conflict with this Act are hereby repealed to the extent of the conflict.