

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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SENATE BILL DRS15291-MT-72A

Short Title: Revise Higher Ed Accreditation Processes. (Public)

Sponsors: Senators Lee, Galey, and Berger (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO REVISE THE ACCREDITATION PROCESS FOR CONSTITUENT
3 INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA AND COMMUNITY
4 COLLEGES, TO CREATE A CAUSE OF ACTION FOR POSTSECONDARY
5 INSTITUTIONS DAMAGED BY FALSE STATEMENTS MADE TO ACCREDITING
6 AGENCIES, AND TO MAKE CERTAIN CONFORMING CHANGES.

7 The General Assembly of North Carolina enacts:

8
9 **PART I. REVISE UNC ACCREDITATION PROCESS**

10 **SECTION 1.(a)** G.S. 116-11 is amended by adding a new subdivision to read:

11 "(3c) The Board of Governors shall adopt a policy requiring constituent institutions
12 to be accredited in accordance with G.S. 116-11.4."

13 **SECTION 1.(b)** Article 1 of Chapter 116 of the General Statutes is amended by
14 adding a new section to read:

15 "**§ 116-11.4. Accreditation.**

16 (a) Definitions. – The following definitions apply in this section:

17 (1) Accreditation cycle. – The period of time during which a constituent
18 institution of The University of North Carolina is accredited.

19 (2) Accrediting agency. – An agency or association that accredits institutions of
20 higher education.

21 (3) Preferred accrediting agency. – An accrediting agency on the list of
22 accrediting agencies or associations developed by the Board of Governors of
23 The University of North Carolina pursuant to subsection (b) of this section.

24 (4) Recognized accrediting agency. – An accrediting agency that is recognized by
25 the United States Department of Education as a reliable authority concerning
26 the quality of education or training offered by institutions of higher education.

27 (b) Preferred Accrediting Agencies. – The Board of Governors of The University of
28 North Carolina, in consultation with the State Board of Community Colleges, shall identify and
29 determine all accrediting agencies or associations that are best suited to serve as an accreditor for
30 the constituent institutions. The Board of Governors shall make its determination from among
31 the database of recognized accrediting agencies that is created and maintained by the United
32 States Department of Education. The Board of Governors shall publish the list of preferred
33 accrediting agencies to the constituent institutions and maintain an up-to-date version of the list
34 on its website.

35 (c) Prohibit Consecutive Accreditation by the Same Accrediting Agency. – A constituent
36 institution of The University of North Carolina shall not receive accreditation by the same



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1 accrediting agency for consecutive accreditation cycles except as provided in subsection (d) of
2 this section.

3 (d) Accreditation Transfer Procedure. – A constituent institution that pursues
4 accreditation with a different accrediting agency in accordance with this section shall initially
5 pursue accreditation with a preferred accrediting agency. If each preferred accrediting agency
6 refuses to grant candidacy status to a constituent institution, the constituent institution shall seek
7 accreditation from any recognized accrediting agency that is different than its current accrediting
8 agency. If the constituent institution is not granted candidacy status by any recognized accrediting
9 agency at least three years prior to the expiration of its current accreditation, the constituent
10 institution may remain with its current accrediting agency for an additional accreditation cycle.

11 (e) Certain Programs Exempt. – The requirements of this section do not apply to
12 professional, graduate, departmental, or certificate programs at constituent institutions that have
13 specific accreditation requirements or best practices, including law, pharmacy, engineering, and
14 other similarly educational programs, as identified by the Board of Governors of The University
15 of North Carolina.

16 (f) Cause of Action. – A constituent institution may bring a civil action, as follows:

17 (1) Against any person who makes a false statement to the accrediting agency of
18 the constituent institution, if all of the following criteria are met:

19 a. The statement, if true, would mean the constituent institution is out of
20 compliance with its accreditation standards.

21 b. The person made the statement with knowledge that the statement was
22 false or with reckless disregard as to whether it was false.

23 c. The accreditation agency conducted a review of the constituent
24 institution as a proximate result of the statement.

25 d. The review caused the constituent institution to incur costs.

26 (2) A constituent institution that prevails on a cause of action initiated pursuant
27 to this subsection shall be entitled to the following:

28 a. Costs related to the review conducted by the accrediting agency,
29 including for the following:

30 1. Additional hours worked by university personnel.

31 2. Contracted services, including outside legal counsel.

32 3. Travel, lodging, and food expenses.

33 4. Fees required by the agency.

34 b. Reasonable attorney fees.

35 c. Court costs."

36 **SECTION 1.(c)** The Board of Governors of The University of North Carolina shall
37 develop and publish to the constituent institutions an initial list of preferred accrediting agencies
38 in accordance with G.S. 116-11.4(b), as enacted by this act, no later than September 1, 2023.

40 **PART II. REVISE COMMUNITY COLLEGE ACCREDITATION PROCESS**

41 **SECTION 2.(a)** G.S. 115D-5 is amended by adding a new subsection to read:

42 "(f1) The State Board shall adopt a policy requiring community colleges to be accredited
43 in accordance with G.S. 115D-6.1."

44 **SECTION 2.(b)** Article 1 of Chapter 115D of the General Statutes is amended by
45 adding a new section to read:

46 **"§ 115D-6.1. Accreditation.**

47 (a) Definitions. – The following definitions apply in this section:

48 (1) Accreditation cycle. – The period of time during which a community college
49 is accredited.

50 (2) Accrediting agency. – An agency or association that accredits institutions of
51 higher education.

1 (3) Preferred accrediting agency. – An accrediting agency on the list of
2 accrediting agencies or associations developed by the State Board of
3 Community Colleges pursuant to subsection (b) of this section.

4 (4) Recognized accrediting agency. – An accrediting agency that is recognized by
5 the United States Department of Education as a reliable authority concerning
6 the quality of education or training offered by institutions of higher education.

7 (b) Preferred Accrediting Agencies. – The State Board of Community Colleges, in
8 consultation with the Board of Governors of The University of North Carolina, shall identify and
9 determine all accrediting agencies or associations that are best suited to serve as an accreditor for
10 the community colleges. The State Board shall make its determination from among the database
11 of recognized accrediting agencies that is created and maintained by the United States
12 Department of Education. The State Board shall publish the list of preferred accrediting agencies
13 to the community colleges and maintain an up-to-date version of the list on its website.

14 (c) Prohibit Consecutive Accreditation by the Same Accrediting Agency. – A community
15 college shall not receive accreditation by the same accrediting agency for consecutive
16 accreditation cycles except as provided in subsection (d) of this section.

17 (d) Accreditation Transfer Procedure. – A community college that pursues accreditation
18 with a different accrediting agency in accordance with this section shall initially pursue
19 accreditation with a preferred accrediting agency. If each preferred accrediting agency refuses to
20 grant candidacy status to a community college, the community college shall seek accreditation
21 from any recognized accrediting agency that is different than its current accrediting agency. If
22 the community college is not granted candidacy status by any recognized accrediting agency at
23 least three years prior to the expiration of its current accreditation, the community college may
24 remain with its current accrediting agency for an additional accreditation cycle.

25 (e) Certain Programs Exempt. – The requirements of this section do not apply to
26 professional, departmental, or certificate programs at community colleges that have specific
27 accreditation requirements or best practices, as identified by the State Board of Community
28 Colleges.

29 (f) Cause of Action. – A community college may bring a civil action, as follows:

30 (1) Against any person who makes a false statement to the accrediting agency of
31 the community college, if all of the following criteria are met:

32 a. The statement, if true, would mean the community college is out of
33 compliance with its accreditation standards.

34 b. The person made the statement with knowledge that the statement was
35 false or with reckless disregard as to whether it was false.

36 c. The accreditation agency conducted a review of the community
37 college as a proximate result of the statement.

38 d. The review caused the community college to incur costs.

39 (2) A community college that prevails on a cause of action initiated pursuant to
40 this subsection shall be entitled to the following:

41 a. Costs related to the review conducted by the accrediting agency,
42 including for the following:

43 1. Additional hours worked by community college personnel.

44 2. Contracted services, including outside legal counsel.

45 3. Travel, lodging, and food expenses.

46 4. Fees required by the agency.

47 b. Reasonable attorney fees.

48 c. Court costs."

49 **SECTION 2.(c)** The State Board of Community Colleges shall develop and publish
50 to the community colleges an initial list of preferred accrediting agencies in accordance with
51 G.S. 115D-6.1(b), as enacted by this act, no later than September 1, 2023.

PART III. CONFORMING CHANGES

SECTION 3.(a) G.S. 116-201(b)(8) reads as rewritten:

"(8) "Private institution" means an institution other than a seminary, Bible school, Bible college or similar religious institution in this State that is not owned or operated by the State or any agency or political subdivision thereof, or by any combination thereof, that offers post-high school education and is accredited by the ~~Southern Association of Colleges and Schools~~ same agency that is the accrediting agency for at least one constituent institution of The University of North Carolina or, in the case of institutions that are not eligible to be considered for accreditation, accredited in those categories and by those nationally recognized accrediting agencies that the Authority may designate;"

SECTION 3.(b) G.S. 116-280(3) reads as rewritten:

"(3) Eligible private postsecondary institution. – A school that is any of the following:

a. A nonprofit postsecondary educational institution with a main permanent campus located in this State that is not owned or operated by the State of North Carolina or by an agency or political subdivision of the State or by any combination thereof that satisfies all of the following:

1. Is either (i) accredited by ~~the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC)~~ the same agency that is the accrediting agency for at least one constituent institution of The University of North Carolina or by the New England Association of Schools and Colleges through its Commission of Higher Education or (ii) was accredited by ~~SACSCOC~~ the Southern Association of Colleges and Schools Commission on Colleges on January 1, 2021, and, beginning January 1, 2021, was a member of the Transnational Association of Christian Colleges and Schools.

2. Awards a postsecondary degree as defined in G.S. 116-15.

b. A postsecondary institution owned or operated by a hospital authority as defined in G.S. 131E-16(14) or school of nursing affiliated with a nonprofit postsecondary educational institution as defined in sub-subdivision a. of this subsection."

SECTION 3.(c) G.S. 115D-5(a) reads as rewritten:

"(a) The State Board of Community Colleges may adopt and execute such policies, regulations and standards concerning the establishment, administration, and operation of institutions as the State Board may deem necessary to insure the quality of educational programs, to promote the systematic meeting of educational needs of the State, and to provide for the equitable distribution of State and federal funds to the several institutions.

...

The State Board of Community Colleges shall require ~~all community colleges~~ each community college to meet the faculty credential requirements of ~~the Southern Association of Colleges and Schools~~ its accrediting agency for all community college programs."

PART IV. EFFECTIVE DATE

SECTION 4. This act is effective when it becomes law and applies to applications for accreditation submitted by constituent institutions and community colleges on or after that date.