

SENATE BILL 2528

By Stevens

AN ACT to amend Tennessee Code Annotated, Title 49,
Chapter 7, relative to accreditation.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 7, is amended by adding the following as a new section:

49-7-2024. Accreditation.

(a)

(1) The commission and each governing board of a public institution of higher education in this state shall regularly update their rules regarding accreditation to conform with changes made by, and to take advantage of new flexibilities and data sources made available by, the United States department of education or by an enactment of the congress of the United States.

(2) By December 31, 2024, the commission shall identify and determine the accrediting agencies or associations best suited to serve as an accreditor for public institutions of higher education in this state. Such accrediting agencies or associations must be recognized by the database created and maintained by the United States department of education.

(3) By December 31, 2024, the commission and each governing board of a public institution of higher education in this state must amend their rules regarding accreditation to ensure that each institution may choose to pursue accreditation by any accreditor recognized by the United States department of education for the types of educational programs offered by the institution.

(b) An accrediting agency or association shall not compel a public institution of higher education in this state to violate any state law. Any adverse action taken against any such institution based, in whole or in part, on the institution's compliance with any state law constitutes a violation of this section that may be enforced in accordance with subsection (c), but only to the extent that the state law is preempted by a federal law recognizing the necessity of the accreditation standard or requirement.

(c) A public institution of higher education in this state that is negatively affected by retaliatory or adverse action taken against the institution by an accrediting agency or association may bring a civil action against the accrediting agency or association in a court of competent jurisdiction in this state, and may obtain liquidated damages in the amount of the federal financial aid received by the institution, in addition to the institution's court costs and reasonable attorney fees.

(d) The commission may promulgate rules, as it deems necessary, to implement this section. Any such rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 2. The headings to sections, parts, and chapters in this act are for reference purposes only and do not constitute a part of the law enacted by this act. However, the Tennessee Code Commission is requested to include the headings in any compilation or publication containing this act.

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.