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SYNOPSIS:

This bill would authorize the board of trustees of each public institution of higher education to choose to pursue accreditation by any nationally recognized accrediting agency approved by the United States Department of Education.

This bill would prohibit accrediting agencies from requiring a public institution of higher education to violate state law or from taking adverse action against an institution for its compliance with state law, except where the state law is preempted by federal law, and would require the board of trustees to report violations to the Legislature.

This bill would authorize the board of trustees of any public institution of higher education to bring a civil action against an accrediting agency that violates this bill and to notify the Legislature of any violations.

This bill would provide for the access of students attending public institutions of higher education that change institutional accreditors to state financial aid and loan repayment programs.

This bill would also make conforming changes.



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A BILL
TO BE ENTITLED
AN ACT

Relating to public institutions of higher education; to further provide for the accrediting of public institutions of higher education; to prohibit accrediting agencies from taking certain actions related to state law, unless the state law is preempted by federal law; to create a civil action against accrediting agencies that violate this act; to require violations to be reported to the Legislature; to provide for the access of students attending public institutions of higher education that change institutional accreditors to state financial aid and loan repayment programs; and to amend Sections 16-5-52, 16-5-54.1, and 16-33D-3, Code of Alabama 1975, to make conforming changes.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) For the purposes of this section, the following terms have the following meanings:

(1) BOARD OF TRUSTEES. Each of the following:

a. Each constitutionally created board of trustees of a public institution of higher education.

b. The board of trustees of each public institution of higher education.

c. For each community and technical college operated under the purview of the Alabama Community College System (ACCS), the Board of Trustees of ACCS.

(2) PUBLIC INSTITUTION OF HIGHER EDUCATION. The same



57 meaning as provided in Section 16-5-1, Code of Alabama 1975.

58 (b) (1) A board of trustees may choose to pursue
59 accreditation by any nationally recognized accrediting agency
60 approved by the United States Department of Education. A
61 public institution of higher education may also pursue
62 accreditation by the Commission for Public Higher Education,
63 or other accrediting agency not approved by the United States
64 Department of Education, if the public institution of higher
65 education continues to maintain its accreditation from a
66 nationally recognized accrediting agency approved by the
67 United States Department of Education.

68 (2)a. An institution that is in the process of seeking
69 accreditation from another accrediting agency approved by the
70 United States Department of Education shall remain an approved
71 institution, provided the institution continuously maintains
72 accreditation by a nationally recognized accrediting agency
73 approved by the United States Department of Education during
74 the approval process.

75 b. An institution that is in the process of seeking
76 accreditation from another accrediting agency that is seeking
77 approval by the United States Department of Education shall
78 remain an approved institution, provided the institution
79 continuously maintains accreditation by a nationally
80 recognized accrediting agency approved by the United States
81 Department of Education during the approval process. Upon
82 approval of the new accrediting agency by the United States
83 Department of Education, the institution may transition its
84 accreditation to that agency, provided that no gap or lapse in



85 accreditation occurs at any time.

86 (c) (1) No accrediting agency or association may: (i)
87 compel a public institution of higher education to violate any
88 state law; or (ii) take adverse action against a public
89 institution of higher education based, in whole or in part, on
90 that institution's compliance with state law. The adverse
91 action may be taken to the extent that the state law is not
92 preempted by a federal law recognizing the necessity of the
93 accreditation standard or requirement.

94 (2) If an accrediting agency or association violates
95 subdivision (1), the board of trustees of the affected public
96 institution of higher education shall notify the Chairs of the
97 Senate Education Policy and House Education Policy Committees
98 in writing not more than 30 calendar days after the violation
99 occurred.

100 (d) A public institution of higher education subject to
101 adverse action from an accrediting agency or association in
102 violation of subsection (c) may bring a civil action against
103 the accrediting agency or association.

104 (e) It is the intent of the Legislature that all
105 constitutionally created boards of trustees comply with the
106 requirements of this section.

107 Section 2. Notwithstanding any other provision of law,
108 students attending public institutions of higher education
109 that change institutional accreditors shall continue to have
110 access to state financial aid and loan repayment programs, as
111 long as the new institutional accreditor is recognized by the
112 United States Department of Education.



113 Section 3. Sections 16-5-52, 16-5-54.1, and 16-33D-3,
114 Code of Alabama 1975, are amended to read as follows:

115 "§16-5-52

116 For the purposes of this article, the following terms
117 ~~shall~~ have the following meanings:

118 (1) APPROVED INSTITUTION. A state-supported institution
119 of higher education accredited by any nationally recognized
120 accrediting agency approved by the United States Department of
121 Education, or a private nonprofit institution of higher
122 education accredited by the Southern Association of Colleges
123 and Schools Commission of Colleges, that satisfies all of the
124 following:

125 a. ~~Is accredited by the Southern Association of~~
126 ~~Colleges and Schools Commission on Colleges.~~

127 ~~b.~~ Is approved by the State Board of Education to
128 prepare teachers of middle level or secondary math, science,
129 or computer science.

130 ~~e.~~b. Is eligible to receive Title IV federal student
131 aid program funds.

132 ~~d.~~c. Maintains its primary headquarters in Alabama.

133 (2) CHARTER SCHOOL. A form of public school established
134 pursuant to Chapter 6F of Title 16. A teacher employed by ~~a~~ an
135 accredited charter school, ~~accredited by the Southern~~
136 ~~Association of Colleges and Schools~~ as recognized by the
137 Alabama Department of Education's Office of Public Charter
138 Schools, is eligible to participate in the program. A teacher
139 employed by a charter school is not eligible for the acute
140 shortage area supplement provided in this article.



141 (3) COMMISSION. The Alabama Commission on Higher
142 Education.

143 (4) ELIGIBLE APPLICANT. ~~A person~~ An individual who
144 satisfies the criteria set out in this article and is eligible
145 under rules adopted by the commission.

146 (5) PROGRAM. The Alabama Math and Science Teacher
147 Education Program created by this article and administered by
148 the commission that provides loan repayments to a teacher with
149 a valid Alabama professional educator certificate endorsed in
150 math, science, or computer science who teaches math, science,
151 or computer science courses for which the teacher is properly
152 certified for three-fourths of the full-time teaching load in
153 the Alabama public school system.

154 (6) SCIENCE. Biology, chemistry, physics, and general
155 science.

156 (7) YEAR. A school year that shall be divided into fall
157 and spring semesters. The term does not mean calendar, fiscal,
158 or scholastic year."

159 "§16-5-54.1

160 (a) Beginning in the ~~fall~~ Fall semester of 2021, the
161 benefits outlined in ~~subsection (a) of~~ Section 16-5-54 (a)
162 shall apply to the following eligible individuals, pending
163 authorization to teach in Alabama and subsequent employment in
164 an Alabama public school:

165 (1) An individual who graduated from a ~~regionally~~
166 ~~accredited~~ college or university located in Alabama or in
167 another state, that is accredited by a nationally recognized
168 accrediting agency approved by the United States Department of



169 Education, who is certified to teach math, science, or
170 computer science in another state, and who may or may not
171 reside within Alabama.

172 (2) An individual who resides in another state and is a
173 graduate of a State Board of Education approved program in
174 math, science, or computer science, at the baccalaureate or
175 master's level after the 2021~~-spring~~ Spring semester term from
176 an approved Alabama institution and who holds an initial
177 middle-level or secondary professional educator certificate
178 endorsed in math, science, or computer science that was issued
179 based upon completion of the approved program in math,
180 science, or computer science. A teacher who only earns a
181 passing score on the Praxis test in math, science, or computer
182 science to add a certificate endorsement for math, science, or
183 computer science and who has not completed an entire approved
184 program, does not satisfy this requirement.

185 (b) The individuals listed in subsection (a) shall also
186 satisfy all of the following criteria:

187 (1) Hold a valid Alabama professional educator
188 certificate endorsed in middle-level or secondary math,
189 science, or computer science, or any combination of the three.

190 (2) Teach a schedule in which at least three-fourths of
191 the full-time teaching load is comprised of math, science, or
192 computer science courses for which the teacher is properly
193 certified in an Alabama public school system.

194 (3) Be citizens or lawful permanent residents of the
195 United States.

196 (4) Have outstanding federal student loans, subsidized



197 or unsubsidized.

198 (5) Satisfy additional continuing eligibility criteria
199 established by the commission.

200 (c) In order to receive an additional supplement
201 pursuant to this article, in addition to the criteria listed
202 in subsections (a) and (b), a recipient shall also teach math,
203 science, or computer science courses, or any combination of
204 the three, for which he or she is properly certified, in a
205 school system within the state with an acute teacher shortage
206 in math, science, or computer science, or any combination of
207 the three, as identified by the commission in consultation
208 with the State Department of Education or in a school that has
209 been designated as a ~~failing~~ priority school, pursuant to
210 Section 16-6D-4, or any other term subsequently adopted to
211 identify underperforming schools, by the State Board of
212 Education or the Legislature."

213 "§16-33D-3

214 For the purposes of this chapter, the following terms
215 have the following meanings:

216 (1) ACADEMIC TERM. A portion of an academic year, such
217 as a quarter or semester, during which an institution of
218 higher education holds classes, including, but not limited to,
219 Fall, Winter, Spring, or Summer semesters.

220 (2) ADULT LEARNER. An individual who is 25 years of age
221 or older and returning to college.

222 (3) ALABAMA RESIDENT. An individual who has been
223 classified as an in-state resident by an authorized
224 institution, who has established residency within this state



225 for at least a 12-month period prior to the beginning of the
226 term for which financial assistance is requested, and who is
227 in this state for other than a temporary purpose.

228 (4) APPROVED INSTITUTION. A state-supported institution
229 of higher education accredited by any nationally recognized
230 accrediting agency approved by the United States Department of
231 Education, or a private nonprofit institution of higher
232 education accredited by the Southern Association of Colleges
233 and Schools Commission on Colleges, or the Council on
234 Occupational Education, that satisfies all of the following:

235 a. ~~Is accredited by the Southern Association of~~
236 ~~Colleges and Schools Commission on Colleges, or the Council on~~
237 ~~Occupational Education.~~

238 ~~b.~~ Is eligible to receive Title IV federal student aid
239 program funds.

240 ~~e.~~b. Maintains its primary headquarters in Alabama.

241 (5) AUTHORIZED INSTITUTION. An approved institution
242 that files a signed agreement with the commission to comply
243 with all rules and procedures of the ReEngage Alabama Grant
244 Program as provided by the commission.

245 (6) COMMISSION. The Alabama Commission on Higher
246 Education.

247 (7) CONTINUOUS ENROLLMENT. When an adult learner is
248 making academic progress toward degree completion without a
249 stop-out in enrollment of more than one consecutive semester
250 or quarter, such as Fall/Winter to Spring, Spring to
251 Summer/Fall, or Summer to Fall.

252 (8) ELIGIBLE PROGRAM. A nonsectarian, secular



253 educational program that is aligned with Alabama's high demand
254 workforce needs adopted by the Alabama Committee on
255 Credentialing and Career Pathways.

256 (9) ELIGIBLE STUDENT. An individual who completed the
257 Free Application for Federal Student Aid (FAFSA), who is in
258 pursuit of his or her first associate or baccalaureate degree,
259 who satisfies the criteria set out in this chapter, and who is
260 found to be eligible by rules adopted by the commission.

261 (10) GRANT. A financial award by the State of Alabama
262 to defray the cost of tuition and mandatory fees to an
263 eligible adult learner who is currently enrolled in an
264 authorized institution.

265 (11) PROGRAM. The ReEngage Alabama Grant Program
266 created by this chapter.

267 (12) YEAR. An academic year that shall be divided into
268 Fall, Winter, Spring, and Summer terms. The term does not mean
269 calendar or fiscal year.

270 Section 4. This act shall become effective on October
271 1, 2026.