

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

Senate Bill 476

**FISCAL
NOTE**

By Senators Rucker and Roberts

[Introduced January 19, 2026; referred
to the Committee on Education; and then to the
Committee on Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new article,
2 designated §18B-23-1, §18B-23-2, and §18B-23-3, relating to creating the Selecting
3 Neutral Accreditors Act; providing for legislative findings; setting forth definitions; and
4 providing for the selection of accrediting agencies and enforcement.

Be it enacted by the Legislature of West Virginia:

ARTICLE 23. SELECTING NEUTRAL ACCREDITORS ACT.

§18B-23-1. Legislative findings.

1 The State of West Virginia finds the following:

2 (1) Diversity, equity, and inclusion ("DEI") mandates and initiatives at post-secondary
3 institutions lack academic rigor and value; are expensive and administratively bloated; and
4 increase bias and stereotyping, as well as the percentage of minority students that feel
5 unwelcome.

6 (2) DEI mandates and initiatives have nonetheless been incorporated into hiring and
7 tenure decisions, employee training, and coursework at universities.

8 (3) Recent reports concluded that 1 in 5 professors are being hired with consideration of
9 their commitment to DEI, and over 21.5% of institutions include DEI criteria in tenure evaluations.
10 This DEI emphasis leads to discrimination, even when a university expressly prohibits
11 consideration of race. For example, an internal investigative report concluded that a faculty hiring
12 committee at the University of Washington re-ranked three finalist candidates for a position based
13 on race rather than qualifications (contrary to university policy), with avoiding being "accused of
14 'not prioritizing DEI'" as a stated reason for the re-ranking.

15 (4) Another report found that for every 100 tenured or tenured-track faculty members, post-
16 secondary institutions also had an average of 3.4 employees focused on DEI initiatives.

17 (5) A survey showed that of the institutions providing DEI training to employees, 43% made
18 participation in that training mandatory.

19 (6) Another report found that 67% of universities surveyed mandated DEI courses in their

20 general education requirements. For example, the University of Connecticut requires students to
21 take an "Anti-Black Racism" course to graduate.

22 (7) The proliferation of DEI initiatives has been fueled in part by the accreditation process,
23 a prerequisite to offering federal student loans.

24 (8) Six out of the seven major regional institutional accreditors had adopted DEI standards
25 for their institutions.

26 (9) Accrediting agencies have issued "warnings" or "notices of concern" to colleges or
27 universities questioning the schools' level of commitment to DEI, or put colleges on probation over
28 similar DEI concerns.

29 (10) At least one accrediting agency has added language to its standards of accreditation
30 declaring that to be accredited, a college or university must "make[] explicit its commitment to
31 diversity, equity, and inclusion" and "act[] with intention to advance diversity, equity, and inclusion
32 in all of its activities."

33 (11) The sole accrediting agency for law schools has required that such schools
34 "demonstrate by concrete action a commitment to diversity and inclusion" and "provide education
35 to law students on bias, cross-cultural competency, and racism."

36 (12) Federal law does not require DEI, and President Trump has ordered that "federal
37 recognition will not be provided to accreditors engaging in unlawful discrimination in violation of
38 Federal law."

39 (13) A new accreditor, the Commission for Public Higher Education, is being established,
40 and it has been reported that this accreditor will work with public universities in Florida, Georgia,
41 North Carolina, South Carolina, Tennessee, and Texas.

42 (14) It is the public policy of this State that all public institutions of higher education put their
43 focus on academic excellence and educating students as individuals, and that DEI shall not be a
44 part of the accrediting process.

§18B-23-2.

Definitions.

1 (a) "Accreditation" means the status of public recognition that an accrediting agency grants
2 to an educational institution, program, or both that meets the agency's standards and
3 requirements.

4 (b) "Accrediting agency" means a person or governmental entity that conducts accrediting
5 activities and makes decisions concerning the accreditation or pre-accreditation status of
6 institutions, programs, or both. It includes any national, regional, or programmatic accrediting
7 agency.

8 (c) "Diversity, equity, and inclusion" means any differential treatment of, or assignment of
9 any fault or blame to, an individual or group at an institution of higher education based on race,
10 color, ethnicity, national origin (other than as it relates to immigration status under United States
11 law), sex (other than related to sex-segregated facilities, such as dormitories and bathrooms, or
12 athletic programs), sexual orientation, or gender identity.

13 (d) "Diversity, equity, and inclusion practice or procedure" means any initiative, policy,
14 program, mandate, requirement, standard, metric, statistic, or other practice or procedure related
15 to diversity, equity, and inclusion.

16 (e) "Institution of higher education" means a public postsecondary educational institution in
17 this state, including all of the institution's programs, departments, divisions, offices, centers,
18 colleges, and schools and any person acting on behalf of any of the foregoing.

§18B-23-3. Selection of Accrediting Agencies; Enforcement.

1 (a) The governing body of each institution of higher education in this state, in coordination
2 with the West Virginia Higher Education Policy Commission shall, by July 1, 2026, undertake a
3 review of its accrediting agencies to determine if any such agencies have adopted or used in the
4 past five years any diversity, equity, and inclusion practice or procedure in connection with
5 accreditation. If so, the governing board shall promptly:

6 (1) Begin the process to change to an accrediting agency that has not adopted or used any
7 diversity, equity, and inclusion practice or procedure in the past five years; or

8 (2) If there is no accrediting agency that meets the requirement of subsection one of this
9 section for an institution or program, promptly report this to the legislature; review at least annually
10 whether a qualifying accreditor exists; and, if such an accreditor exists, promptly begin the process
11 to change to such accreditor.

12 (b) Before beginning any new accreditation or pre-accreditation process or renewal, the
13 governing board of each institution of higher education shall review applicable accreditors that
14 could be selected and select an accrediting agency that has not adopted or used any diversity,
15 equity, and inclusion practice or procedure in the preceding five years from the date the
16 accreditation or pre-accreditation process or renewal commences. If there is no accrediting
17 agency that meets this requirement, the governing board shall proceed consistently with
18 subsection (a)(2) of this section.

19 (c) If an accrediting agency fails to fully respond to a request by the governing board or the
20 Attorney General under this article including a voluntary request for information, there shall be a
21 presumption that the accrediting agency adopted or used a diversity, equity, and inclusion practice
22 or procedure within the preceding five years for purposes of this section. Attorney General shall
23 provide notice to the governing board and accrediting agency of the Attorney General's
24 determination of such failure to respond and a ten-day opportunity to cure such failure.

25 (d) Any agreement or understanding between an institution of higher education (or its
26 governing board) and an accrediting agency to circumvent or otherwise violate this article is void.
27 The Attorney General shall have the same investigative and enforcement powers as are provided
28 in the Unfair and Deceptive Practices Act related to any institution of higher education, accrediting
29 agency, or person for which there is reason to believe the institution, accrediting agency, or person
30 violated or participated in the violation of this article.

NOTE: The purpose of this bill is to provide for the creation of the "Selecting Neutral Accreditors Act." The bill provides for legislative findings. The bill sets forth definitions. Finally, the bill provides for the selection of accrediting agencies and enforcement.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.