

Division VIII of Title 5 of the California Code of Regulations

Proposed Amendments to Title 5 of the California Code of Regulations Pertaining to Regional Accreditation and Acceptance of Degrees, Course Work, and Private School Experience for Purposes of Certification in California Notice of Proposed Rulemaking

The Commission on Teacher Credentialing (Commission) proposes to take the regulatory action described below after considering all comments, objections, and recommendations regarding the proposed action.

Public Hearing

A public hearing on the proposed actions will be held:

February 9, 2018

8:30 a.m.

**Commission on Teacher Credentialing
1900 Capitol Avenue
Sacramento, California 95811**

Written Comment Period

Any interested person, or his or her authorized representative, may submit written comments by fax, through the mail, or by e-mail relevant to the proposed action. The written comment period closes at 5:00 p.m. on January 29, 2018. Comments must be received by that time or may be submitted at the public hearing. You may fax your response to (916) 322-0048; write to the Commission on Teacher Credentialing, attn. Erin Skubal, 1900 Capitol Avenue, Sacramento, California 95811; or submit an email at eskubal@ctc.ca.gov.

Any written comments received 15 days prior to the public hearing will be reproduced by the Commission's staff for each member of the Commission as a courtesy to the person submitting the comments and will be included in the written agenda prepared for and presented to the full Commission at the hearing.

Authority and Reference

Education Code section 44225 authorizes the Commission to adopt these proposed regulation amendments. The proposed regulations interpret and make specific Education Code sections 44203, 44227, 44252, and 44259.2 pertaining to accreditation requirements for degrees, course work, and private school teaching experience used for certification purposes in California.

Objectives and Anticipated Benefits of the Proposed Regulations

The proposed regulations have two key objectives:

1. To fully define and clarify accreditation requirements for degrees, course work, and private school teaching experience as it relates to certification requirements; and

2. To add the option for individuals to use a degree for certification purposes when that was earned during the time that their institution was under review for full accreditation, but had not yet been granted official accreditation status.

The Commission anticipates that the proposed amendments will promote fairness and prevent discrimination by removing barriers related to teacher certification and provide additional opportunities for individuals to qualify for credentials without the increased expense of completing a second bachelor's degree. The Commission does not anticipate that the proposed regulations will result in an increase in openness and transparency in government, the protection of public health and safety, worker safety, or the environment, the prevention of social inequity, or an increase in openness and transparency in business.

Informative Digest/Policy Statement Overview

Summary of Existing Laws and Regulations

This rulemaking action proposes amendments to Title 5 of the California Code of Regulations (CCR) section 80457 related to accreditation requirements for degrees, course work, and K-12 private school experience used for certification purposes as approved by the Commission at the June and September 2017 meetings.

Objective 1: Define “regional accreditation” and “accredited private school:”

Several sections of the Education Code (EC) and Title 5 Regulations reference “regional accreditation” as a standard for course work and degrees that can be used for California teacher certification. As well, EC section 44259.2 provides a pathway for individuals with “accredited” K-12 private school teaching experience to qualify for certification. While these sections of statute clearly show that accreditation is a required qualifier for degrees, course work, and K-12 private school teaching experience, they do not fully define these terms.

The proposed amendments seek to clarify and make specific the reference to both “regional accreditation” and an “accredited private school” in Education Code by defining them as accreditation granted by a regional accreditor as approved by the U.S. Department of Education. The U.S. Department of Education’s website defines accrediting agencies as “organizations (or bodies) that establish operating standards for educational or professional institutions and programs, determine the extent to which the standards are met, and publicly announce their findings.”¹ The U.S. Department of Education recognizes six agencies as regional accreditors, all of which are governed by the same section of federal regulations and therefore have similar standards for accrediting degree granting colleges and universities.

The proposed definition assures the Commission that a college, university, or K-12 private school meets certain standards in relation to educational effectiveness, student learning, and institutional capacity. The proposed definition also aligns the private school experience requirement under Education Code section 44259.2 with other credential pathways that allow private school teaching experience. Title 5 sections 80413.3(c)(2) and 80048.3.1(c)(1) state that

¹ FAQs about Accreditation, U.S. Department of Education, <https://ope.ed.gov/accreditation/FAQAccr.aspx>

any private school teaching experience used towards certification must occur at a regionally accredited private school when qualifying based on out-of-state teaching experience. Title 5 §80509, which allows educators to submit an appeal to waive the student teaching component of a teacher preparation program based on teaching experience, also references regional accreditation as a requirement for acceptable experience.

Objective 2: Allow individuals to use a degree for certification purposes when that was earned during the time that their institution was under review for full accreditation, but had not yet been granted official accreditation status:

The current regulatory language in Title 5, section 80457(a) does not include an option for individuals to use their degree for certification purposes if their college degree was earned prior to their institution's official determination of accreditation. As well, regulations do not allow the Commission to accept an Institution of Higher Education's (IHE) determination of equivalency when a graduate's degree was granted prior to the IHE holding regional accreditation, despite the fact that many academic programs offered during an institution's preaccreditation/candidacy period are virtually the same or equivalent to the programs offered at the point of accreditation. This blocks individuals from obtaining any type of California certification that requires a degree, or from enrolling in a teacher preparation program, because they earned their degree from an institution prior to official regional accreditation.

The proposed amendments would provide an option for individuals who have earned their degree during an institution's period of candidacy/preaccreditation to use their degree(s) for certification purposes if the following conditions are met:

- a. The institution's period of candidacy/preaccreditation immediately preceded official accreditation; and
- b. The degree granting institution provides a written statement that the degree conferred during candidacy/preaccreditation is equivalent to the same degree conferred during the period of accreditation.

An institution that has reached preaccreditation/candidacy status with a regional accrediting agency has demonstrated compliance with the requirements and standards set forth in the application for accreditation and is progressing towards full accreditation. The U.S. Department of Education's standards for regional accreditors include a preaccreditation status period of no more than five years. Preaccreditation is often referred to as "candidacy" by many regional accrediting agencies, including the Western Association of Schools and Colleges (WASC) Senior College and University Commission, which is the regional accrediting body for California and other western states. The section of federal law that defines preaccreditation can be found in The Secretary's Recognition of Accrediting Agencies, 34 C.F.R. §602.3:

Preaccreditation means the status of public recognition that an accrediting agency grants to an institution or program for a limited period of time that signifies the agency has

determined that the institution or program is progressing towards accreditation and is likely to attain accreditation before the expiration of that limited period of time.²

The U.S. Department of Education requires that accrediting agencies have sufficiently rigorous standards for preaccreditation status that are appropriately related to the agency's accreditation standards. As an example, the Western Association of Schools and Colleges (WASC), which is the regional accreditor for California institutions, defines their candidacy period as:

A status of preliminary affiliation with the Senior College and University Commission, awarded for a maximum of five years following a procedure for institutional review that includes self-study and on-site visitation. Candidacy indicates that the institution meets all or nearly all the Standards at a minimum level.³

A WASC determination of candidacy status occurs after an initial visit to the institution and signifies that the institution has the capacity to achieve the goal of substantial compliance needed for full accreditation in the near future. Oftentimes, course work or degree programs completed during the candidacy period are generally comparable to those offered after an institution is granted full accreditation; however, degrees conferred *during* the candidacy *do not* currently satisfy the degree requirement for certification.

The proposed changes regarding candidacy/preaccreditation are intended to provide additional opportunities to individuals whose degrees are essentially comparable to those issued by their institution after a recognition of regional accreditation. Such individuals who wish to pursue teacher certification can do so under these proposed regulations without having to pursue a new Bachelor's degree. This change will increase the number of individuals that meet the degree requirements set forth in regulations, making them eligible to enroll in a teacher preparation program.

Determination of Inconsistency/Incompatibility with Existing State Regulations

The Commission has determined that the proposed regulations are not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, the Commission has concluded that 5 CCR section 80457 is the only regulatory section that defines accreditation requirements for degrees and course work to be used for certification purposes in California. No regulations currently define accredited private school teaching experience to be used for certification purposes in California.

Disclosures Regarding the Proposed Actions

The Commission has made the following initial determinations:

Mandate to local agencies or school districts: None.

² Legal Information Institute, Cornell university Law School, 34 CFR § 602.3

³ How to Become Accredited, WASC Senior University and College Commission, June 20, 2014. Page 4.

Other non-discretionary costs or savings imposed upon local agencies: None.

Cost or savings to any state agency: None.

Cost or savings in federal funding to the state: None.

Significant effect on housing costs: None.

Significant statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states: None.

These proposed regulations will not impose a mandate on local agencies or school districts that must be reimbursed in accordance with Part 7 (commencing with section 17500) of the Government Code.

Cost impacts on a representative private person or business: The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Statement of the Results of the Economic Impact Assessment [Govt. Code § 11346.5(a)(10)]: The Commission concludes that it is (1) unlikely that the proposal will create any jobs within the State of California; 2) unlikely that the proposal will eliminate any jobs within the State of California; 3) unlikely that the proposal will create any new businesses within the State of California; 4) unlikely that the proposal will eliminate any existing businesses within the State of California; and 5) unlikely the proposal would cause the expansion of businesses currently doing business within the State of California.

Benefits of the Proposed Action: The Commission anticipates that the proposed amendments will promote fairness and prevent discrimination by removing barriers related to teacher certification and provide additional opportunities for individuals to qualify for credentials without the increased expense of completing a second bachelor's degree.

The Commission does not anticipate that the proposed regulations will result in an increase in openness and transparency in government, the protection of public health and safety, worker safety, or the environment, the prevention of social inequity, or an increase in openness and transparency in business.

Effect on small businesses: The proposed regulations will not have a significant adverse economic impact upon business. The proposed regulations apply only to regional accreditation requirements for degrees, course work, and K-12 private school experience used for certification purposes will not create or eliminate existing businesses in California.

Consideration of Alternatives

In accordance with Government Code section 11346.5, subdivision (a)(13), the Commission has determined that no reasonable alternative considered by the agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The Commission invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period or at the public hearing.

Contact Person/Further Information

General or substantive inquiries concerning the proposed action may be directed to Erin Skubal by telephone at (916) 323-9596 or via written correspondence to Erin Skubal, Commission on Teacher Credentialing, 1900 Capitol Avenue, Sacramento, CA 95811. General inquiries may also be directed to David Crable (back-up contact) at (916) 323-5119 or at the address mentioned in the previous sentence. Upon request, a copy of the express terms of the proposed action and a copy of the initial statement of reasons will be made available. This information is also available on the Commission's website at www.ctc.ca.gov. In addition, all the information on which this proposal is based is available for inspection and copying.

Availability of the Initial Statement of Reasons, Text of Proposed Regulations, Document Incorporated by Reference, and Documents Relied Upon

The entire rulemaking file is available for inspection and copying throughout the rulemaking process at the Commission office at the above address. Copies may be obtained by contacting Erin Skubal at the address or telephone number provided above.

Modification of Proposed Action

If the Commission proposes to modify the actions hereby proposed, the modifications (other than nonsubstantial or solely grammatical modifications) will be made available for public comment for at least 15 days before they are adopted.

Availability of Final Statement of Reasons

The Final Statement of Reasons is submitted to the Office of Administrative Law as part of the final rulemaking package, after the public hearing. Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Erin Skubal at (916) 323-9596.

Availability of Documents on the Internet

Copies of the Notice of Proposed Rulemaking, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout can be accessed through the Commission's website at www.ctc.ca.gov.