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# 5A

## Information/Action

### *Certification Committee*

#### **Regional Accreditation Requirement for Certification: History of Waiver Requests and Consideration of Potential Amendments to Regulations**

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**Executive Summary:** This agenda item presents both an historical and current overview of requests for the Commission to waive the regional accreditation requirement for individuals whose Bachelor's degrees were conferred prior to their institution's formal recognition of regional accreditation. The item also provides an analysis of the regional accreditation process that institutions go through, and possible regulatory amendments that would expand the definition of regional accreditation for certification purposes.

**Staff Recommendation:** That the Commission determine what, if any, amendments are needed in Title 5 regulations related to the definition of regional accreditation and direct staff to initiate the rulemaking process.

**Presenter:** Erin Skubal, Programs Manager, Certification Division

#### **Strategic Plan Goal**

##### ***I. Educator Quality***

- c) Ensure that credential processing and assignment monitoring activities accurately, effectively, and efficiently identify educators who have met high and rigorous certification standards and who are appropriately assigned.

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# **Regional Accreditation Requirements for Certification: History of Waiver Requests and Consideration of Potential Amendments to Regulations**

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## **Introduction**

This agenda item, driven by a recent surge in requests to waive regional accreditation requirements, presents an historical analysis of Commission actions on requests to waive the regional accreditation requirement related to Bachelor's degrees. The item also discusses how regional accreditation is defined in statute and regulations, what is required for certification purposes in regards to regionally accredited degrees, and an exploration of the preaccreditation/candidacy period that occurs prior to an institution being granted regional accreditation. Additionally, staff will present possible regulatory amendments to the regional accreditation degree requirement for certification to include the period of preaccreditation/candidacy for institutions that have achieved regional accreditation.

## **Background**

Regional accreditation assures the Commission that an institution of higher education (IHE) meets certain standards in relation to educational effectiveness, student learning, and institutional capacity. Historically, requests to waive the regional accreditation requirement for certification have rarely come before the Commission. State law authorizes, but does not require, the Commission to grant such waiver requests. While Title 5 CCR §80457 (Appendix A) specifies that a degree must be completed in a regionally accredited institution of higher education for the purposes of certification, Education Code §44225(m) (Appendix B) grants the Commission the authority to review requests to waive requirements that are submitted from school districts, county offices of education, private schools, and postsecondary institutions.

## **History of Commission Waivers for Regional Accreditation**

Since 1991, the Commission has granted regional accreditation waivers only six times; five of which were to institutions that were in the process of qualifying for both regional accreditation and Commission accreditation for a teacher preparation program or a subject matter preparation program. Historically, such waiver requests were granted only when an institution was seeking accreditation for a Commission-approved program and had not yet obtained regional accreditation. This approach allowed the Commission to provide some leniency to institutions attempting to meet accreditation requirements related to credential preparation programs. Institution-wide waivers were granted when an IHE showed it was affirmatively working toward meeting program accreditation requirements.

Action taken by the Commission in 1995, with the adoption of regulatory amendments regarding non-regionally accredited IHEs (Title 5, CCR § 80457), further enforced the stance that regional accreditation was an essential component of teacher preparation. The new regulations required

credential candidates to hold Bachelor's degrees from regionally accredited institutions, and disallowed the use of degrees from non-regionally accredited institutions toward certification.

In April 2016, the Commission approved a regional accreditation waiver request that was submitted on behalf of an individual graduate by Academy of Art University (AAU) ([Agenda Item 4D](#)). The individual had completed their Bachelor's degree during the time in which the institution was obtaining regional accreditation. The resulting action permanently waived the requirement for this candidate to hold a Bachelor's degree from a regionally accredited IHE, citing that the degree earned by the candidate was sufficiently comparable to degree requirements in place after the institution was fully accredited.

Since the approval of the April 2016 waiver request from AAU, Commission staff has seen a sharp increase in the number of requests to waive the regional accreditation requirement. There are currently multiple requests waiting to be presented to the Commission. These requests, along with the request from AAU that was approved in 2016, are all for graduates whose Bachelor's degrees were issued while the degree-granting institutions were going through the process of becoming regionally accredited, known as the candidacy or preaccreditation period (further discussed below). Several of the requests were submitted on behalf of graduates whose degrees were granted mere weeks or days before the institution was officially accredited.

### **Regional Accreditation Requirements for Certification**

The increased interest in Commission waivers of regional accreditation has driven staff to explore the process of and statutory requirements for regional accreditation as it relates to California teacher certification. Several sections of the Education Code (EC) require a candidate to hold a Bachelor's or higher degree from a regionally accredited institution in order to be issued a teaching credential. EC sections 44203(e)(1) and (2) define the term *Basic Teaching Credential*; both sections require possession of a baccalaureate degree from a regionally accredited institution. However, Education Code does not provide a specific definition of what regional accreditation means.

Title 5 Regulations also do not specifically define regional accreditation. Title 5, section 80457(a) of the California Code of Regulations (CCR) states that a degree to be used for certification purposes must be completed at a regionally accredited institution of higher education, unless otherwise stated in statutes or regulations. While Commission practice and policy has historically considered an institution to be regionally accredited when it is officially recognized by one of the six accrediting entities approved by the U.S. Department of Education, this standard is not specified in EC or regulations.

It is important to note that previous regulations outlined in Title 5, CCR §80457 did grant Commission staff the authority to accept a Bachelor's degree from a non-regionally accredited IHE if the following circumstances were met: 1) the educator must have been accepted at a regionally accredited IHE; and 2) the educator was matriculated into one of the IHE's advanced graduate degree programs. Most commonly, educators relying on this option were enrolled in a graduate-level teacher preparation program and would otherwise not be eligible for the

credential earned upon completion of the program. These regulations were amended in 1995 to discontinue the acceptance of Bachelor's degrees from non-regionally accredited institutions toward certification, definitively blocking teacher preparation programs from enrolling any candidates that earned their degree from a non-regionally accredited institution, or from an accredited institution if the degree was granted even one day prior to the date of accreditation.

### **Defining Regional Accreditation**

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."<sup>1</sup> The U.S. Department of Education recognizes six regional accrediting agencies that all have similar standards for accrediting degree granting colleges and universities.

### *Preaccreditation/Candidacy*

The U.S. Department of Education's standards 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.<sup>2</sup>*

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. 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. As an example, WASC 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.**<sup>3</sup>*

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. Once candidacy status is granted, an institution must

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

<sup>2</sup> Legal Information Institute, Cornell University Law School, <https://www.law.cornell.edu/cfr/text/34/602.3>

<sup>3</sup> How to Become Accredited, WASC Senior University and College Commission, June 20, 2014. Page 4. <https://www.wascsenior.org/content/How-to-Become>

undergo a second visit within two years which would be “focused only on areas in which the visiting team has found only minimal or non-compliance and on other select areas identified by the Commission. Visits would continue to take place until substantial compliance is achieved or the five-year Candidacy period expires, in which case the Commission would deny Initial Accreditation.”<sup>4</sup> The accrediting agency evaluates and makes determinations regarding the institution’s fitness for full accreditation during the candidacy period. Oftentimes, coursework 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.

Commission staff found that all six U.S. Department of Education approved regional accrediting agencies include a preaccreditation or candidacy period ranging from 4-5 years:

Four-Year Period	Five-Year Period
Higher Learning Commission	Middle States Association of Colleges and Schools
	New England Association of Schools and Colleges
Southern Association of Colleges and Schools	Northwest Commission on Colleges and Universities
	Western Association of Schools and Colleges

### Commission Policy Considerations Regarding Regional Accreditation

Current Commission regulations do not allow an IHE to make a 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. Therefore, staff poses the following policy question for Commission discussion:

*Does the Commission wish to adopt regulations that would a) to include the preaccreditation/candidacy period that immediately precedes an institution’s recognition of official regional accreditation in the regulatory definition of regional accreditation for the purpose of meeting certification requirements when the institution has established that the degree is equivalent to the same degree granted during accreditation, and b) define regional accreditation to mean accreditation granted by an organization approved by the U.S. Department of Education?*

Such action could increase the number of individuals eligible to enroll in teacher preparation programs because their degree would meet the requirements for regional accreditation set forth in regulations. Additionally, institutions would no longer need to request waivers of regional accreditation for graduates who earned an equivalent degree during the preaccreditation/candidacy period as long as the institution went on to earn full accreditation.

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<sup>4</sup> How to Become Accredited, WASC Senior University and College Commission, June 20, 2014. Page 14. <https://www.wascsenior.org/content/How-to-Become>

Should the Commission wish to broaden the definition of regional accreditation to include degrees conferred during an institution's preaccreditation/candidacy period, staff could move forward with proposed amendments to Title 5, CCR §80457 as detailed on page 6 and as summarized below:

1. Proposed change to subsection (a) that broadens the types of degrees accepted to include degrees conferred during the institution's period of accreditation, or during the institution's period of preaccreditation/candidacy when:
  - a. The period of preaccreditation/candidacy immediately preceding official accreditation, and
  - b. The degree granting institution can submit written verification that the degree conferred during preaccreditation/candidacy is equivalent to a comparable degree conferred during the period of accreditation.
2. Proposed dividing of subsection (a) to move information referring to acceptability of coursework for certification purposes to a new subsection (b). Removal of an obsolete reference to an option for individuals to use an unaccredited degree for certification purposes. This section references a sunset date of July 1, 1997 which has passed and the option outlined here is no longer eligible to be used for certification purposes.
3. Proposed renumbering of subsection (b) to subsection (c) for continuity.
4. Proposed renumbering of subsection (c) to subsection (d) for continuity.
5. Proposed renumbering of subsection (d) to subsection (e) for continuity. Specifically defines that regional accreditation as accreditation from an institution that is granted by a regional accreditor approved by the U.S. Department of Education.

#### **Staff Recommendation**

Staff recommends that the Commission determine what, if any, amendments are needed in Title 5 regulations related to the definition of regional accreditation and direct staff to initiate the rulemaking process.

## Proposed Amendments

### Title 5 CCR §80457. Acceptance of College or University Work for Purposes of Certification in California.

(a) For the purposes of certification, a degree must be ~~completed in~~ conferred by a regionally accredited institution of higher education, as defined in subsection (e), during the institution's period of accreditation, or during the institution's period of candidacy/preaccreditation if the following conditions are met:

1. the institution's period of candidacy/preaccreditation immediately preceded official accreditation; and
2. 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.

~~unless otherwise stated in statutes or regulations.~~

~~(b) Course work taken at an institution of higher education that is not regionally accredited, may be used towards certification if it is accepted by a regionally accredited institution of higher education for degree granting purposes, unless otherwise stated in statutes or regulations. A degree taken at an institution of higher education that is not regionally accredited but that was accepted towards certification under prior regulations, may be used towards future certification. An individual holding a degree taken at an institution of higher education that is not regionally accredited but who is given unconditional graduate standing by a regionally accredited institution and is admitted to a Commission approved credential program by July 1, 1995, may use the degree toward certification only if the individual qualifies and applies for the credential by July 1, 1997.~~

~~(bc) Course work requirements completed through the California campus or center of an out-of-state institution of higher education will meet credential requirements only if a satisfactory evaluation of the program by the regional accrediting agency of the out-of-state institution has been submitted to the Commission, and the Commission has approved the program.~~

~~(ed) Course work, programs, or degrees completed in an institution of higher education outside of the United States are acceptable toward certification when the Commission or an evaluating agency approved by the Commission, based on the standards contained in The Criteria for Agencies Seeking Approval to Review Foreign Academic Programs for Equivalency to United States Standards, January 1, 1996 edition, has determined that such institution's course work, programs, or degrees are equivalent to those offered by a regionally accredited institution in the United States. The Commission reserves the right to accept or reject an approved evaluating agency's determination.~~

~~(de) For certification purposes, an accredited institution, accredited college, or accredited university is defined as an regionally accredited institution of higher education that is recognized by a U.S. Department of Education approved regional accrediting agency, unless otherwise defined in statutes or regulations.~~

Note: Authority cited: Section 44225(q), Education Code. Reference: Sections 44227 and 44252, Education Code.

## Appendix A

### Title 5 California Code of Regulations

#### §80457. Acceptance of College or University Work for Purposes of Certification in California

(a) For the purposes of certification, a degree must be completed in a regionally accredited institution of higher education, unless otherwise stated in statutes or regulations. Course work taken at an institution of higher education that is not regionally accredited, may be used towards certification if it is accepted by a regionally accredited institution of higher education for degree granting purposes, unless otherwise stated in statutes or regulations. A degree taken at an institution of higher education that is not regionally accredited but that was accepted towards certification under prior regulations, may be used towards future certification. An individual holding a degree taken at an institution of higher education that is not regionally accredited but who is given unconditional graduate standing by a regionally accredited institution and is admitted to a Commission-approved credential program by July 1, 1995, may use the degree toward certification only if the individual qualifies and applies for the credential by July 1, 1997.

(b) Course work requirements completed through the California campus or center of an out-of-state institution of higher education will meet credential requirements only if a satisfactory evaluation of the program by the regional accrediting agency of the out-of-state institution has been submitted to the Commission, and the Commission has approved the program.

(c) Course work, programs, or degrees completed in an institution of higher education outside of the United States are acceptable toward certification when the Commission or an evaluating agency approved by the Commission, based on the standards contained in The Criteria for Agencies Seeking Approval to Review Foreign Academic Programs for Equivalency to United States Standards, January 1, 1996 edition, has determined that such institution's course work, programs, or degrees are equivalent to those offered by a regionally accredited institution in the United States. The Commission reserves the right to accept or reject an approved evaluating agency's determination.

(d) For certification purposes, an accredited institution, accredited college, or accredited university is defined as a regionally accredited institution of higher education, unless otherwise defined in statutes or regulations.

Note: Authority cited: Section 44225(q), Education Code. Reference: Sections 44227 and 44252, Education Code.



## Appendix B

### California Education Code

**§44225.** The commission shall do all of the following:

[...]

(m) Review requests from school districts, county offices of education, private schools, and postsecondary institutions for the waiver of one or more of the provisions of this chapter or other provisions governing the preparation or licensing of educators. The commission may grant a waiver upon its finding that professional preparation equivalent to that prescribed under the provision or provisions to be waived will be, or has been, completed by the credential candidate or candidates affected or that a waiver is necessary to accomplish any of the following:

(1) Give a local educational agency one semester or less to address unanticipated, immediate, short-term shortages of fully qualified educators by assigning a teacher who holds a basic teaching credential to teach outside of his or her credential authorization, with the teacher's consent.

(2) Provide credential candidates additional time to complete a credential requirement.

(3) Allow local school districts or schools to implement an education reform or restructuring plan.

(4) Temporarily exempt from a specified credential requirement small, geographically isolated regions with severely limited ability to develop personnel.

(5) Provide other temporary exemptions when deemed appropriate by the commission.

No provision in this chapter may be waived under Section 33050 and 33051, after June 30, 1994, by the State Board of Education.