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## Action

### *Public Hearing*

#### **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**

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**Executive Summary:** This is a public hearing on proposed amendments to Title 5, 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.

**Recommended Action:** Staff recommends that the Commission adopt the proposed regulations pertaining to accreditation requirements in Title 5, CCR section 80457.

**Presenter:** Erin Skubal, Policy 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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# 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

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## Introduction

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.

## Background

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. Further, 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.

The Commission took action in June ([Item 5A](#)) and September ([Item 6D](#)) of 2017 to allow Commission staff to move forward with proposed amendments to 5 CCR Section 80457 which would resolve these issues by doing to following:

1. Fully define and clarify accreditation requirements for degrees, course work, and private school teaching experience as it relates to certification requirements; and
2. 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.

## Summary of Proposed Amendments to Regulations

### §80457

The proposed regulatory changes begin with a change to the title for this section which better reflects the purpose and function of the regulation. The proposed change includes adding the term “regional accreditation” and “private school experience” to reflect the scope of the section’s

proposed content. The changes also include reference to degrees and course work in place of college and university work.

**Proposed changes to subsection (a):**

1. Changes the term “completed in” to “conferred by:”

*Rationale:* This change reflects that a degree must be conferred by the institution of higher education in order to be acceptable and uses language that most colleges and universities rely on to identify when a degree is granted. The previous language did not align with the wording that is most often found on official college transcripts regarding degree issuance.

2. Includes reference to new subsection (e) which defines regional accreditation as it relates to an institution:

*Rationale:* Degrees and/or course work requirements are found in the statute and regulations for almost every Commission-issued credential and permit. As well, Education Code section 44259.2 provides a pathway to earn a credential for an individual who, among other requirements, has completed 3-6 years of satisfactory teaching experience at an “accredited private school.”

Although referenced extensively, the term “regional accreditation” as it relates to California teacher certification is not actually defined in regulations or Education Code. As well, Education Code section 44259.2 does not define the term “accredited private school,” but rather, states that the term is “as defined by the commission.” The proposed amendments seek to clarify both of these terms as specific accreditation from a regional accreditor that is recognized by the United States Department of Education as such.

3. Provides 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.

*Rationale:* Current 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 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.<sup>1</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>2</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. 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 to subsection (a) 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.

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<sup>1</sup> Legal Information Institute, Cornell university Law School, <https://www.law.cornell.edu/cfr/text/34/602.3>

<sup>2</sup> How to Become Accredited, WASC Senior University and College Commission, June 20, 2014. Page 4. <https://www.wasc senior.org/content/How-to-Become>

4. Remove the language “unless otherwise stated in statutes or regulations:”

*Rationale:* The proposed removal of this language serves as general clean-up. Additionally, staff did not find any references in statute or regulations that provided alternative definitions for acceptable degrees. Therefore, this language is unnecessary.

**Proposed changes to subsection (b):**

The proposed regulations seek to remove an obsolete reference to an option for individuals to use an unaccredited degree for certification purposes.

*Rationale:* This section references a sunset date of July 1, 1997, which has passed and the option outlined is no longer eligible to be used for certification purposes. The section has been renumbered to set it apart from subsection (a), which refers to regional accreditation as it relates to degrees required for certification purposes. This new subsection refers only to acceptance of course work and degrees that have been issued by unaccredited institutions.

**Proposed changes to subsection (c):**

The subsection section has been renumbered to align it with the previous subsections.

**Proposed changes to subsection (d):**

The subsection section has been renumbered to align it with the previous subsections.

**Proposed changes to subsection (e):**

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 subsection section has been renumbered to align it with the previous subsections.

*Rationale:* 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>3</sup> 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 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

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<sup>3</sup> FAQs about Accreditation, U.S. Department of Education, <https://ope.ed.gov/accreditation/FAQAccr.aspx>

§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.

**Proposed changes to the “Note” section:**

The proposed amendments include the addition of Education Code sections 44203 and 44259.2 as references in the “Note” section. Section 44203 provides the definition of a “basic teaching credential” and includes reference to a regionally accredited Bachelor’s degree as a requirement. Section 44259.2 refers to the option to qualify for certification using “accredited private school experience.”

**Disclosures Regarding the Proposed Actions**

The Commission has made the following initial determinations:

*Mandate to local agencies or school districts:* None.

*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.

### **Notice of Proposed Rulemaking Mailing List and Responses**

#### **Mailing List:**

- Members of the Commission on Teacher Credentialing
- California County Superintendents of Schools
- Credential Analysts at the California County Superintendents of Schools Offices
- Superintendents of Selected California School Districts
- Deans and Directors at the California Institutions of Higher Education with Commission-approved programs
- Credential Analysts at the California Institutions of Higher Education with Commission-approved programs
- Presidents of Selected Professional Educational Associations

Also placed on the Internet at <http://www.ctc.ca.gov>.

#### **Tally of Responses**

As of today, January 26, 2018 the Commission had received the following written responses to the public announcement:

<b><i>Support</i></b>	<b><i>Opposition</i></b>
0 organizational opinions	0 organizational opinions
0 personal opinions	0 personal opinions

**Total Responses: 0**

#### **Staff Recommendation**

Staff recommends that the Commission adopt the proposed amendments to Title 5, CCR section 80457 pertaining to regional accreditation and acceptance of degrees, course work, and private school experience for purposes of certification.

**CALIFORNIA CODE OF REGULATIONS**  
**TITLE 5. EDUCATION**  
**DIVISION 8. COMMISSION ON TEACHER CREDENTIALING**

**§80457. Regional Accreditation and Acceptance of ~~College or University~~ Degrees, Course Work, and Private School Experience 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.~~

~~(b)c) 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.~~

~~(e)d) 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 private school, accredited college, or accredited university is defined as an ~~regionally accredited educational 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 44203, 44227, and 44252, and 44259.2, Education Code.