



CODED CORRESPONDENCE

DATE:

May 12, 2023

NUMBER:

23-05

TO:

All Individuals and Groups Interested in the
Activities of the Commission on Teacher
Credentialing

FROM:

Mary Vixie Sandy
Executive Director
Commission on Teacher Credentialing

SUBJECT: Proposed Amendments to Title 5 of the California Code of Regulations Pertaining to Cost Recovery Fees for Extraordinary Accreditation Activities

Summary

The Commission on Teacher Credentialing (Commission) proposes amendments to Title 5 of the California Code of Regulations (CCR) related to Cost Recovery Fees for Extraordinary Accreditation Activities. Specifically, proposed amendments will: update sections 80692(a)(2)(A), 80692(a)(2)(B), and 80692(a)(2)(C); add section (a)(2)(D); amend section 80692(b)(2)(E)(4); and will modify the numbering to reflect the amendments. This does not propose changes to the regulations governing annual accreditation fees.

Notice of Public Hearing

The Commission has not scheduled a public hearing on this proposed action. However, the Commission will hold a hearing if it receives a written request for a public hearing from any interested person, or their authorized representative, no later than 15 days before the close of the comment period.

Written Comment Period

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed action by fax, through the mail, or by email. The written comment period closes on June 26, 2023. Comments must be received by that time or may be submitted at the public hearing, should one be requested. Interested parties may fax their response to (916) 327-3165; write to the Commission on Teacher Credentialing, Attn: Lynette Roby,

Commission on Teacher Credentialing, 1900 Capitol Avenue, Sacramento, California 95811; or submit an email to Lynette Roby (Lynette.Roby@ctc.ca.gov).

Summary of Existing Laws and Regulations

The Commission adopted regulations related to cost recovery fees for extraordinary accreditation activities at the September 27, 2013, meeting following the addition of Education Code section 44374.5, which authorized the Commission to develop and implement a cost recovery plan for extraordinary accreditation activities. Emergency regulations were approved by the Office of Administrative Law in October 2013 and in 2014 the regulations became permanent.

Summary of Objectives and Anticipated Benefits of the Proposed Regulations

The Commission adopted regulations related to cost recovery fees for extraordinary accreditation activities at the September 27, 2013, meeting following the addition of Education Code section 44374.5, which authorized the Commission to develop and implement a cost recovery plan for extraordinary accreditation activities. Emergency regulations were approved by the Office of Administrative Law in October 2013, and in 2014 the regulations became permanent.

Currently, cost recovery fees for these extraordinary accreditation activities are divided into three categories based on a program's number of standards: A \$2000 flat fee for programs that include twelve or more standards; a \$1500 flat fee for Tier II and Specialist Programs; and a \$1000 flat fee for Added Authorization and Special Class/Teaching Authorization programs that address fewer than six standards.

In recent years, the Commission has reviewed and revised program standards to reflect changes in California schooling, statewide priorities, and developments in evidence-based research on how students learn and effective strategies for teaching. These revisions have resulted in a significant restructuring of program standards with the addition of performance expectations. As a result, the number of standards required for a program credential type does not accurately reflect the complexity of the program nor the effort involved in reviewing the program type to determine alignment to standards. The proposed regulations address these issues by maintaining the three categories of fees but replacing the reliance on number of standards with consideration of the complexity of a program's standards and performance expectations and explicitly identifying which credential program type falls under each fee category.

Accordingly, this rulemaking action proposes the following amendments to Title 5 of the California Code of Regulations (CCR) related to Cost Recovery Fees for Extraordinary Accreditation Activities. Proposed amendments will: update sections 80692 (a)(2)(A), 80692(a)(2)(B), and 80692(a)(2)(C); add section (a)(2)(D); amend section 80692(b)(2)(E)(4); and modify the numbering to reflect the amendments. This does not propose changes to the regulations governing annual accreditation fees. The necessity for each of the proposed amendments is as follows:

Amend Sections 80692 (a)(2)(A), 80692(a)(2)(B), and 80692(a)(2)(C) – The proposed amendments to each of these sections are necessary to replace the language related to number of program standards with lists of the preparation programs to be included in each of the fee categories.

Adopt Section 80692 (a)(2)(D) – The addition of this subsection is necessary to address institutions proposing programs with an intern pathway. Programs proposing intern pathways shall be assessed a flat fee of \$500 for initial program approval.

Amend Section 80692(b)(2)(E)(4) to remove articles incorporated by reference – The amendments to this subsection are necessary to remove all reference to the Commission Accreditation Handbook. Currently, regulations have several chapters of the Commission’s Accreditation Handbook incorporated by reference. Thus, to continuously maintain alignment between the accreditation system and proposed regulations, the Commission proposes removing all of the articles incorporated by reference in the current cost recovery regulations.

Amend Numbering – Finally, to accommodate the aforementioned updates, the numbering of the regulations will also be modified.

Determination of Inconsistency/Incompatibility with Existing State Regulations

The Commission has determined that the proposed regulation amendments 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 these are the only regulations that concern Cost Recovery fees assessed for extraordinary accreditation activities.

Disclosures Regarding the Proposed Actions/Fiscal Impact

The Commission has made the following initial determinations.

Local Mandate

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. Local education agencies may choose to sponsor educator preparation programs utilizing the proposed regulations; however, no mandate exists requiring local agencies or school districts to have educator preparation programs and, therefore, no reimbursement in accordance with Part 7 (commencing with section 17500) of the government code is required.

Fiscal Impact

Costs to any local agency or school district requiring reimbursement pursuant to Government Code section 17500 et seq.

These proposed regulations will not impose a cost to local agencies or school districts requiring reimbursement in accordance with Part 7 (commencing with section 17500) of the Government

Code as sponsoring an educator preparation program which is aligned to the proposed regulations and is not required by law.

Cost or savings to any state agency.

None. This will not create a cost or savings to any state agency. Cost Recovery fees are currently being assessed and the proposed amendments clarify the manner in which the fees are determined. Additionally, the regulations apply to currently approved educator preparation institutions or to institutions seeking approval to offer a teacher preparation program.

Other non-discretionary costs or savings imposed upon local agencies.

None. Sponsoring an educator preparation program is not a required by law.

Cost or savings in federal funding to the state.

None. Sponsoring an educator preparation program which is aligned to the proposed regulations is not required by law and would not impact federal funding to the state.

Housing Costs

No effect on housing costs. These regulations only pertain to currently approved educator preparation programs, to institutions seeking approval to offer a teacher preparation program, and to institutions expanding their business into education preparation in California.

Significant Statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

The Commission has concluded there is no significant adverse impact on business.

Statement of the Results of the Economic Impact Assessment.

In accordance with Government Code section 11346.3(b), the Commission has made the following assessments regarding the proposed regulations:

Creation or Elimination of Jobs within California

These amendments will not create or eliminate jobs in California. The proposed amendments pertain to Cost Recovery fees assessed educator preparation programs for extraordinary accreditation activities.

Creation of New Businesses or Elimination of Existing Business within California

These amendments will not create or eliminate existing businesses in California. The proposed amendments pertain to Cost Recovery fees assessed educator preparation programs for extraordinary accreditation activities.

Expansion of Businesses Currently Doing Business within the California

These amendments will not cause the expansion or elimination of existing businesses in California. The proposed amendments pertain to Cost Recovery fees assessed educator preparation programs for extraordinary accreditation activities.

Benefits of the Regulations

The Commission anticipates that the proposed amendments will continue to benefit the health and welfare of California residents by providing clarity and consistency for educator preparation programs and their constituents when determining the Cost Recovery fees to be assessed for extraordinary accreditation activities. Cost recovery fees support the Commission's accreditation system which ensures high quality educator preparation programs for California's public schools.

The Commission does not anticipate that these regulations will result in a direct benefit to worker safety or the state's environment.

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.

Business Report

This proposal does not require a report to be made.

Effect on Small Business

The proposed regulations will not affect small business. The proposed regulations apply only to educational institutions electing to offer or offering Commission-approved and accredited educator preparation programs. Educational institutions are California State Universities, Universities of California, private four-year colleges and universities, or local education agencies, none of which meet the definition for small business as defined in government code 11342.610. The vast majority of Commission approved program sponsors are nonprofit educational institutions. Very few institutions of higher education approved by the Commission at this time are for profit businesses. Because offering an educator preparation program is voluntary, any institution must evaluate whether or not they have sufficient resources to offer a high-quality preparation program in accordance with the state adopted standards, state statute, and regulations such as the Cost Recovery fee regulations.

Alternatives Statement

The Commission must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention 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 Lynette Roby by telephone at 916-324-3668, by mail at Commission on Teacher Credentialing: Attn: Regulations, 1900 Capitol Avenue, Sacramento, CA 95811, or by email to Lynette.robby@ctc.ca.gov or Miranda Gutierrez at mgutierrez@ctc.ca.gov. General question inquiries may also be directed to the addresses mentioned above. 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 <http://www.ctc.ca.gov/notices/rulemaking.html>. In addition, all the information on which this proposal is based is available for inspection and copying.

Availability of Statement of Reasons and Text of Proposed Regulations

The entire rulemaking file is available for inspection and copying throughout the rulemaking process at the Commission office at the above address. As of the date this notice is published in the Notice of Register, the rulemaking file consists of the Notice of Proposed Rulemaking, the proposed text of regulations, the Initial Statement of Reasons, and an economic impact assessment/analysis contained in the Initial Statement of Reasons. Copies may be obtained by contacting Lynette Roby at the addresses or telephone number provided above.

Modification of Proposed Action

If the Commission proposes to modify the actions hereby proposed, the modifications (other than non-substantial 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, following the conclusion of the public hearing. Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Lynette Roby at Lynette.Roby@ctc.ca.gov.

Availability of Documents on the Internet

Copies of the Notice of Proposed Rulemaking, the Initial Statement of Reasons, and the text of the regulations can be accessed through the Commission's website at <http://www.ctc.ca.gov/notices/rulemaking.html>.

The Commission on Teacher Credentialing has illustrated changes to the original text in the following manner: text originally proposed to be added is underlined; text proposed to be deleted is displayed in ~~strikeout~~.

**CALIFORNIA CODE OF REGULATIONS TITLE 5. EDUCATION
TITLE 5. EDUCATION
DIVISION 8. COMMISSION ON TEACHER CREDENTIALING
CHAPTER 5. APPROVED PROGRAMS
ARTICLE 3. OTHER PROGRAM APPROVAL PROCEDURES**

Subarticle 3. Cost Recovery Fees for Program Approval and Accreditation

§ 80692. Program Approval and Accreditation Fees.

The following fees associated with the activities defined in §80691 shall be submitted to the Commission by the professional preparation program:

(a) Fees for document review beyond the Standard Accreditation Cycle shall be submitted with the professional preparation program's formal response to the applicable standards as follows:

(1) Initial institutional approval: \$2,000 flat fee.

(2) Initial program review:

(A) ~~Initial Preparation program Professional preparation program that addresses twelve or more standards: \$2,000 flat fee. A \$2,000 flat fee shall be assessed for professional preparation programs that lead to one of the following credential types:~~

- (i) Preliminary Multiple Subject Teaching
- (ii) Preliminary Single Subject Teaching
- (iii) Preliminary Education Specialist Teaching: Mild to Moderate Support Needs,
- (iv) Extensive Support Needs, Early Childhood Special Education, Deaf and Hard of Hearing, and/or Visual Impairments
- (v) Preliminary Early Childhood Education Specialist Instruction
- (vi) Preliminary Administrative Services
- (vii) Designated Subjects Career/Technical Education
- (viii) Designated Subjects Adult Education
- (ix) Pupil Personnel Services
- (x) School Nurse with or without the Special Teaching Authorization in Health
- (xi) Speech-Language Pathology with or without Special Class Authorization
- (xii) Orientation and Mobility
- (xiii) Audiology
- (xiv) Teacher Librarian Services

(B) ~~Second Tier and Specialist program: \$1,500 flat fee. A \$1,500 flat fee shall be~~

assessed for professional preparation programs that lead to one of the following credential types or added authorizations:

- (i) Clear Multiple Subject Teaching
- (ii) Clear Single Subject Teaching
- (iii) Clear Education Specialist Teaching
- (iv) Clear Early Childhood Education (ECE) Specialist Instruction
- (v) Clear Administrative Services
- (vi) Bilingual Authorization
- (vi) Adapted Physical Education

~~(C) Added Authorization and Special Class/Teaching Authorization program~~
~~Professional preparation program that addresses fewer than six standards:~~
~~\$1,000 flat fee.~~ A \$1,000 flat fee shall be assessed for professional preparation programs that lead to one of the following credential types or added authorizations:

- (i) Special Education Added Authorizations: Autism Spectrum Disorders, Adapted Physical Education, Deaf-Blind, Early Childhood Special Education, Emotional Disturbance, Orthopedic Impairments, Other Health Impairments, Resource Specialist, and/or Traumatic Brain Injury
- (ii) Mathematics Instructional Added Authorization
- (iii) Mathematics Instructional Leadership Specialist
- (iv) Reading and Literacy Added Authorization
- (v) Reading and Literacy Leadership Specialist
- (vi) Agricultural Specialist
- (vii) Designated Subjects Special Subjects
- (viii) Designated Subjects Supervision and Coordination
- (ix) California Teachers of English Learners
- (x) English Learner Authorization
- (xi) Special Teaching Authorization in Health for School Nurse credential
- (xii) Special Class Authorization for Speech-Language Pathology credential

(D) Notwithstanding the flat fees in sections (A)(B) and (C) of 80692(a)(2) that shall be applied to student teaching pathways, programs proposing internship pathways shall be assessed an additional \$500.

~~(D)~~ (E) A professional preparation program that provides a number of Board of Institutional Review members that is equal to or greater than two times the number of their program documents submitted for initial program review annually and that assume all travel costs related to the review of the program documents submitted for initial review shall be exempt from payment of the fees associated with this subsection.

(b) Fees for the following activities in excess of the regularly scheduled accreditation activities shall be submitted to the Commission in the year that the extraordinary activities are performed:

(1) Focused site visit: \$1,000 for each individual attending the focused site visit.

(2) Late reviews: \$500 per ~~document~~ submission.

~~(3) Program assessments:~~

~~(A) No fee shall be charged for the first three reviews of a program assessment submitted by a professional preparation program. The fee for review of a program assessment beyond the first three reviews: \$1,000 flat fee.~~

~~(B) A professional preparation program that does not complete the program assessment process at least six months prior to a scheduled site visit: \$3,000 flat fee for two additional Board of Institutional Review members to review the program during the site visit.~~

~~(4) Stipulations:~~

~~(A) Site revisit: \$1,000 per individual attending the site revisit;~~

~~(B) Review of a report due to stipulations that does not require a site revisit as detailed in the *Accreditation Handbook* Chapter Nine, *Activities during the Seventh Year of the Accreditation Cycle* (rev. 2012), available on the Commission's website and hereby incorporated by reference: \$500 flat fee;~~

~~(C) Review of a report associated with a site revisit as detailed in the *Accreditation Handbook* Chapter Nine, *Activities during the Seventh Year of the Accreditation Cycle* (rev. 2012): \$1,000 flat fee.~~

Note: Authority cited: Section 44225, Education Code. Reference: Sections 44225(h), 44371, 44372, 44373(c), 44374 and 44374.5, Education Code.

HISTORY

1. New section filed 10-23-2013 as an emergency; operative 10-23-2013 (Register 2013, No. 43). A Certificate of Compliance must be transmitted to OAL by 4-21-2014 or emergency language will be repealed by operation of law on the following day.

2. Certificate of Compliance as to 10-23-2013 order transmitted to OAL 1-7-2014 and filed 2-5-2014 (Register 2014, No. 6).

This database is current through 7/8/22 Register 2022, No. 27 5 CCR § 80692, 44265, 44265.5, 44227.7, and 44373, Education Code.