



CODED CORRESPONDENCE

DATE:

March 4, 2024

NUMBER:

24-02

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 Foreign Transcript Evaluating Agencies**

Summary

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. A copy of the proposed regulations is included with the added text underlined and the deleted text lined out.

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 April 15, 2024. 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: Mika Laidler-Rubio, Commission on Teacher Credentialing, 1900 Capitol Avenue, Sacramento, California 95811; or

submit an email to Mika.Laidler-Rubio@ctc.ca.gov. Alternatively, contact Sandra.Burwick@ctc.ca.gov.

Any written comments received by the closing of the public comment period will be reproduced by Commission 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

Education Code section 44225(q) authorizes the Commission to adopt the proposed regulations and amendments.

Reference

Education Code sections 44227 and 44252

Information Digest/Policy Statement Overview

Summary of Existing Laws and Regulations

Pursuant to Title 5, section 80457, individuals that complete college coursework or degree programs at an institution outside of the United States are required to obtain an evaluation of their foreign education to identify its comparability and equivalence to California's requirements and ensure equity in preparation of educators. Current regulations allow outside agencies to be approved as foreign transcript evaluating agencies by the Commission based on specific criteria. These criteria, identified in The Criteria for Agencies Seeking Approval to Review Foreign Academic Programs for Equivalency to United States Standards, January 1, 1996 edition, must be met in order for an evaluating agency's determination to be accepted for certification in California. However, these criteria are nearly three decades old and require both evaluating agencies and the Commission to spend a significant amount of effort to complete the approval process.

The regulation proposed in this rulemaking action would remove the criteria from 1996 and require that an evaluating agency be a member of either National Association of Credential Evaluation Services (NACES) or the Association of International Credential Evaluators, Inc. (AICE), to be approved by the Commission as a foreign transcript evaluating agency.

Anticipated Benefits of the Proposed Regulations

The broad objective of the regulation is to expand opportunities for evaluating agencies that may not have the capacity to gather and submit all the current criteria to be approved as a foreign transcript evaluating agency. The specific benefits anticipated from the regulation are the promotion of fairness or social equity for outside agencies seeking approval as foreign transcript evaluators and foreign applicants who will have more options when seeking foreign coursework evaluations for certification in California.

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 of any regulations that would relate to or affect this area, the Commission has concluded that these are the only regulations that concern foreign transcript evaluating agencies.

Disclosures Regarding the Proposed Actions/Fiscal Impact

The Commission has made the following initial determinations.

Mandate on local agencies or school districts: None.

Fiscal Impact

Costs to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.

Cost or savings to any state agency: None.

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

Cost Impacts on a Representative Private Person or Business: The Commission anticipates that there is an application fee for membership to AICE or NACES; however, this fee is set by AICE and NACES and is subject to change under their discretion. The application process for membership to these organizations also requires a site visit of the main office, the cost of which must be paid by the applicant.

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:

The Commission concludes that it is unlikely that the proposal will (1) eliminate any jobs, (2) create any new businesses, or (3) eliminate any existing businesses or result in the expansion of businesses currently doing business within the state. However, it is likely that the proposed amendments will create jobs within the State of California. The proposed amendments pertain to evaluating agencies seeking to evaluate foreign transcripts for candidates obtaining certification in California. It is possible that evaluating agencies will need to create positions once they meet all requirements stated in the proposed amendments and are approved to evaluate foreign transcripts. However, evaluating agencies could add these new duties to existing positions.

The proposed regulation will benefit outside agencies seeking approval as foreign transcript evaluators. By removing the strict, laborious criteria from 1996 and replacing it with membership with one of the two renowned associations, the process for evaluating agencies to seek approval from the Commission will be faster and more reliable. This proposed change will expand opportunities for evaluating agencies that may not have the capacity to gather and submit all the current criteria and will provide foreign applicants with more options when seeking foreign coursework evaluations for certification in California.

Small Business Determination

The proposed regulations will not affect small businesses. These regulations establish procedures that only state agencies must follow.

Consideration of Alternatives

In accordance with Government Code section 11346.5, subdivision (a)(13), 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, as effective and less burdensome to affected private persons than the proposed action, or 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.

Contact Persons

Inquiries concerning the proposed rulemaking action may be directed to:

Mika Laidler-Rubio
Commission on Teacher Credentialing
1900 Capitol Avenue,
Sacramento, CA 95811
Phone: (916) 327-8697
Email: Mika.Laidler-Rubio@ctc.ca.gov

The backup contact person for these inquiries is:

Sandra Burwick
Commission on Teacher Credentialing
1900 Capitol Avenue,
Sacramento, CA 95811
Phone: (916) 445-0473
Email: Sandra.Burwick@ctc.ca.gov

Availability of Statement of Reasons, Text of Proposed Regulations, and Rulemaking File

The Commission will make the entire rulemaking file 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 Action, the proposed text of regulations, the Initial Statement of Reasons, and the Economic and Fiscal Impact Statement. Please direct requests to inspect or copy the rulemaking file to the backup contact person listed above, Sandra Burwick.

Availability of Changed or Modified Text

After considering all timely and relevant comments received, the Commission may adopt the proposed regulations substantially as described in this notice. If the Commission makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before adopting the regulations as revised. Please direct requests for copies of any modified regulations to the contact person(s) listed above. If substantive modifications are made, the Commission will accept written comments on the modified regulations for the duration of the period of public availability.

Availability of Final Statement of Reasons

Upon its completion, the Commission will make copies of the Final Statement of Reasons available. Please direct requests for copies to the contact person(s) listed above.

Availability of Documents on the Internet

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations with modifications highlighted, as well as the Final Statement of Reasons, when completed, and modified text and notices thereof, if any, may be accessed via 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
DIVISION 8. COMMISSION ON TEACHER CREDENTIALING
CHAPTER 4. Procedure for Application for, Adding Authorization to, and Renewal of
Credentials
Article 2. Direct Application to the Commission

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. An evaluating agency that is a current member of either the National Association of Credential Evaluation Services (NACES) or the Association of International Credential Evaluators, Inc. (AICE) shall be eligible for approval by the Commission. Such agencies may be added to the Commission's list of approved evaluating agencies by contacting the Commission and requesting in writing to be added to the list. The Commission shall verify the agency's current membership with one of the organizations listed above and, once verified, add the evaluating agency to the approved agency list within 90 days of receipt of the request.

(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.

Credits

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