

Division VIII of Title 5 of the California Code of Regulations

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

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:

June 16, 2017

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 email relevant to the proposed action. The written comment period closes at 5:00 p.m. May 30, 2017. Comments must be received by that time or may be submitted at the public hearing. You may fax your response to (916) 327-3165; write to the Commission on Teacher Credentialing, attn. Kathryn Polster, 1900 Capitol Avenue, Sacramento, California 95811; or submit an email to kpolster@ctc.ca.gov, or Hard Boyd at hboyd@ctc.ca.gov.

Any written comments received by the closing of the public comment period 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 (EC) section 44225 authorizes the Commission to adopt the proposed regulation amendments. The proposed regulations implement, interpret, and make specific EC section 44374.5 pertaining to fees related to extraordinary accreditation activities.

Information Digest/Policy Statement Overview

Summary of Existing Laws and Regulations

This rulemaking action proposes amendments to sections 80691 and 80692 of Title 5 of the California Code of Regulations (CCR) related to cost recovery fees for extraordinary accreditation activities. The

initial cost recovery fee regulations went into effect October 30, 2013 after Commission approval on September 27, 2013 as a result of the addition of EC section 44374.5 which authorized the Commission to develop and implement a cost recovery plan for extraordinary accreditation activities.

Since the approval of the fee structure in October 2013, the Commission has undergone significant work to strengthen and streamline the state’s Accreditation System. From December 2013 to June 2014 the Commission held discussions with stakeholders on how the Accreditation System could be strengthened and streamlined. At the June 2014 Commission meeting a conceptual framework for the project was approved. A call was made, at the August 2014 Commission meeting, for applications from educators interested in serving on one of the six Accreditation Advisory Panel task groups. The six task groups were convened in December 2014 and met several times through June 2015 to provide the Commission with recommendations on how to strengthen and streamline the current Accreditation System.

In addition to the recommendations provided by the Accreditation Advisory Panel, the Budget Act of 2015 (Assembly Bill 93, Chap. 10, Stats. 2015) provided a one-time General Fund appropriation of \$3.467 million which was allocated to streamline the Commission’s Accreditation System.

As a result of the Accreditation Advisory Panel work and the allocated funds, the Commission has adopted significant changes to the Accreditation System including, but not limited to:

- Revised Initial Institutional Approval procedure;
- Restructured accreditation activities; and
- Updated preconditions and common program standards.

The changes to the Accreditation System and adoption of new Accreditation Framework have resulted in the need to amend sections 80691 and 80692 of Title 5 of the CCR related to cost recovery fees for extraordinary accreditation activities. At the December 2016 meeting the Commission approved the proposed changes to the regulations, as outlined below, and directed staff to proceed with the rulemaking process. The proposed amendments include the two fee changes and general clean up to align terms with the Commission’s restructured Accreditation System.

Proposed changes to fee structure:

Below is a table of the relevant current activities and fees as well as the proposed changes.

Extraordinary Accreditation Activities Education Code §44374.5	Cost Recovery Fee
Current: None Proposed: Review of Eligibility Requirements	Current: None Proposed: \$1,000
Current: Initial Program Review: Programs 12 or more standards Proposed: Initial Program Review: Category I Preliminary/Initial Preparation programs	Current: \$2,000 Proposed: No changes
Current: Initial Program Review: Programs 6-11 standards Proposed: Initial Program Review: Category II Second Tier Preparation	Current: \$1,500 Proposed: No changes

Extraordinary Accreditation Activities Education Code §44374.5	Cost Recovery Fee
programs	
Current: Initial Program Review: Programs fewer than 6 standards Proposed: Initial Program Review: Category III Added Authorization programs.	Current: \$1,000 Proposed: No changes
Current: Late Document Reviews Proposed: Late Submission of Documentation	Current: \$500 per program Proposed: No changes
Current: Program Assessment Requiring More than 3 Reviews Proposed: Eliminate	Current: \$1,000 Proposed: Eliminate Fee
Current: Full Program Review during Site Visit as a result of not completing program assessment process Proposed: Full Program Review during a Site Visit as a result of not completing the program review process	Current: \$3,000 per program Proposed: No changes

Objectives and Anticipated Benefits of the Proposed Regulations

The objective is to amend the regulations that permit the Commission to recover costs incurred for extraordinary accreditation activities, including Initial Institutional Approval and new program reviews. Amending the regulations will benefit pupils in California public schools by ensuring high quality educators. Additionally, the proposed amendments will align the fee structure with the strengthened and streamlined Accreditation System and create regulations that will last through the continued strengthening and streamlining of program standards in the future.

The Commission anticipates that the proposed amendments will benefit the welfare of students attending public schools in the State of California by providing the monetary means to perform its statutorily-mandated accreditation duties, thereby ensuring high quality educator preparation for the instruction of California public school pupils.

The proposed regulations will promote fairness and prevent discrimination by specifying that the cost recovery fees apply to all institutions offering Commission-approved programs, regardless of agency type. The proposed regulations will also increase openness and transparency in government by clarifying the cost recovery fees associated with initial institutional and new program review and accreditation activities in excess of the regularly scheduled data reports, program assessments, and accreditation site visits. The Commission does not anticipate that the proposed regulations will result in 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.

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. There are no other 5 CCR sections that specify cost recovery fees for extraordinary accreditation activities associated with Commission-approved programs.

Documents Incorporated by Reference:

Accreditation Handbook Chapter Three, Institutional and Program Approval (rev. March 2017):

<http://www.ctc.ca.gov/educator-prep/accred-handbook/2016/AH-Chapter-03.pdf>

Accreditation Handbook Chapter Four, The Accreditation Cycle (rev. March 2016):

<http://www.ctc.ca.gov/educator-prep/accred-handbook/2016/AH-Chapter-04.pdf>

Accreditation Handbook Chapter Five, Annual Data Submission (rev. February 2017):

<http://www.ctc.ca.gov/educator-prep/accred-handbook/2016/AH-Chapter-05.pdf>

Accreditation Handbook Chapter Six, Program Review (rev. April 2016):

<http://www.ctc.ca.gov/educator-prep/accred-handbook/2016/AH-Chapter-06.pdf>

Accreditation Handbook Chapter Eight, Accreditation Decisions: Options and Implications (rev. March 2016):

<http://www.ctc.ca.gov/educator-prep/accred-handbook/2016/AH-Chapter-08.pdf>

Accreditation Handbook Chapter Nine, Activities during the Seventh Year of the Accreditation Cycle (rev. March 2016):

<http://www.ctc.ca.gov/educator-prep/accred-handbook/2016/AH-Chapter-09.pdf>

Accreditation Handbook Chapter Eleven, Board of Institutional Review Member Skills and Competencies (rev. April 2016):

<http://www.ctc.ca.gov/educator-prep/accred-handbook/2016/AH-Chapter-11.pdf>

Accreditation Handbook Chapter Fifteen, The Accreditation Revisit (rev. March 2016):

<http://www.ctc.ca.gov/educator-prep/accred-handbook/2016/AH-Chapter-15.pdf>

Documents Relied Upon in Preparing Regulations:

Commission Agenda Items

June 2014 Commission Agenda Item 2E:

<http://www.ctc.ca.gov/commission/agendas/2014-06/2014-06-2E.pdf>

October 2014 Commission Agenda Item 3A:

<http://www.ctc.ca.gov/commission/agendas/2014-10/2014-10-3A.pdf>

February 2015 Commission Agenda Item 4D:

<http://www.ctc.ca.gov/commission/agendas/2015-02/2015-02-4D.pdf>

April 2015 Commission Agenda Item 4B:

<http://www.ctc.ca.gov/commission/agendas/2015-04/2015-04-4B.pdf>

June 2015 Commission Agenda Item 5B:

<http://www.ctc.ca.gov/commission/agendas/2015-06/2015-06-5B.pdf>

August 2015 Commission Agenda Item 3C:

<http://www.ctc.ca.gov/commission/agendas/2015-08/2015-08-3C.pdf>

August 2015 Commission Agenda Item 3D:

<http://www.ctc.ca.gov/commission/agendas/2015-08/2015-08-3D.pdf>

October 2015 Commission Agenda Item 2D:

<http://www.ctc.ca.gov/commission/agendas/2015-10/2015-10-2D.pdf>

February 2016 Commission Agenda Item 3B:

<http://www.ctc.ca.gov/commission/agendas/2016-02/2016-02-3B.pdf>

February 2016 Commission Agenda Item 3C:

<http://www.ctc.ca.gov/commission/agendas/2016-02/2016-02-3C.pdf>

December 2016 Commission Agenda Item 3C:

<http://www.ctc.ca.gov/commission/agendas/2016-12/2016-12-3C.pdf>

February 2017 Commission Agenda Item 2C:

<http://www.ctc.ca.gov/commission/agendas/2017-02/2017-02-2C.pdf>

Committee on Accreditation (COA) Agenda Items

January 2016 COA Agenda Item 15:

<http://www.ctc.ca.gov/educator-prep/coa-agendas/2016-01/2016-01-item-15.pdf>

January 2016 COA Agenda Item 17:

<http://www.ctc.ca.gov/educator-prep/coa-agendas/2016-01/2016-01-item-17.pdf>

January 2016 COA Agenda Item 18:

<http://www.ctc.ca.gov/educator-prep/coa-agendas/2016-01/2016-01-item-18.pdf>

January 2016 COA Agenda Item 19:

<http://www.ctc.ca.gov/educator-prep/coa-agendas/2016-01/2016-01-item-19.pdf>

March 2016 COA Agenda Item 9:

<http://www.ctc.ca.gov/educator-prep/coa-agendas/2016-03/2016-03-item-09.pdf>

March 2016 COA Agenda Item 12:

<http://www.ctc.ca.gov/educator-prep/coa-agendas/2016-03/2016-03-item-12.pdf>

March 2016 COA Agenda Item 16:

<http://www.ctc.ca.gov/educator-prep/coa-agendas/2016-03/2016-03-item-12.pdf>

April 2016 COA Agenda Item 17:

<http://www.ctc.ca.gov/educator-prep/coa-agendas/2016-04/2016-04-item-17.pdf>

April 2016 COA Agenda Item 18:

<http://www.ctc.ca.gov/educator-prep/coa-agendas/2016-04/2016-04-item-18.pdf>

April 2016 COA Agenda Item 19:

<http://www.ctc.ca.gov/educator-prep/coa-agendas/2016-04/2016-04-item-19.pdf>

April 2016 COA Agenda Item 21:

<http://www.ctc.ca.gov/educator-prep/coa-agendas/2016-04/2016-04-item-21.pdf>

February 2017 COA Agenda Item 14:

<http://www.ctc.ca.gov/educator-prep/coa-agendas/2017-02/2017-02-item-14.pdf>

March 2017 COA Agenda Item 9:

<http://www.ctc.ca.gov/educator-prep/coa-agendas/2017-03/2017-03-item-09.pdf>

Disclosures Regarding the Proposed Actions

The Commission has made the following initial determinations:

Costs to any local agency or school districts requiring reimbursement pursuant to Gov. Code sec. 17500 et seq: Non Commission-approved Local Education Agencies (LEAs) that elect to offer a program(s) will be required to submit fees to cover the cost of Initial Institutional Approval and Initial Program Review (IPR). Currently approved institutions pursuing additional Commission-approved programs will also be subject to IPR fees. Institutions may avoid all Cost Recovery Fees for Extraordinary Accreditation Activities (IPR, late fees, etc.) provided new programs are not proposed and accreditation activity requirements are followed in a timely manner.

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: Non Commission-approved private/independent education entities that elect to offer a program(s) will be required to submit fees to cover the cost of Initial Institution Approval and IPR. Currently approved institutions pursuing additional Commission-approved programs will also be subject to IPR fees. Institutions may avoid all Cost Recovery Fees for Extraordinary Accreditation Activities (IPR, late fees, etc.) provided new programs are not proposed and accreditation activity requirements are followed in a timely manner.

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 benefit the welfare of students attending public schools in the State of California by providing the monetary means to perform its statutorily-mandated accreditation duties, thereby ensuring high quality educator preparation for the instruction of California public school pupils.

The Commission anticipates that the proposed regulations will result in an increase in openness and transparency in government by clarifying the cost recovery fees associated with initial institutional and new program review and accreditation activities in excess of the regularly scheduled data reports, program assessments, and accreditation site visits. The Commission does not anticipate that the proposed regulations will result in 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 Business: The proposed regulations will not have a significant adverse economic impact upon small business. The proposed regulations apply only to institutions electing to offer

Commission-approved and accredited educator programs or existing Commission-approved educational entities that have not met the requirements of the Accreditation System.

Consideration of Alternatives

In accordance with Government Code section 11346.5, subdivision (a)(13), the Commission must determine 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. In addition, the Commission must also determine that no reasonable alternative would be as effective as and less burdensome to affected private persons than the proposed actions, 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 Kathryn Polster by telephone at (916) 445-0229, by mail at Commission on Teacher Credentialing, 1900 Capitol Avenue, Sacramento, CA 95811, or by email to Kathryn Polster kpolster@ctc.ca.gov or Hart Boyd hboyd@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 Kathryn Polster or Hart Boyd 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 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 Kathryn Polster at (916) 445-0229.

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>