

Division VIII of Title 5 of the California Code of Regulations

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

Initial Statement of Reasons

Rationale for Proposed Regulations

Education Code section 44225 authorizes the Commission to adopt these proposed regulation amendments. The proposed regulations interpret and make specific Education Code sections 44203, 44227, 44252, and 44259.2 pertaining to accreditation requirements for degrees, course work, and private school teaching experience used for certification purposes in California.

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.

General Provisions Governing Regional Accreditation Requirements for Degrees, Course Work, and Private School Experience for Certification Purposes in California

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.

Objectives and Anticipated Benefits of the Proposed Regulations

The proposed regulations have two key objectives:

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

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.

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.¹

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.²

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

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

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.

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):

1. 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.”³ 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 §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 propose 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.”

Economic Impact Assessment/Analysis

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

Creation or Elimination of Jobs Within the State of California

The proposed amendments pertaining to regional accreditation requirements for degrees, course work, and K-12 private school experience used for certification purposes will not create or eliminate jobs in California.

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

Creation of New or Elimination of Existing Businesses Within the State of California

The proposed amendments pertaining to regional accreditation requirements for degrees, course work, and K-12 private school experience used for certification purposes will not create or eliminate existing businesses in California.

Expansion of Businesses or Elimination of Existing Businesses Within the State of California

The proposed amendments pertaining to regional accreditation requirements for degrees, course work, and K-12 private school experience used for certification purposes will not cause the expansion or elimination of existing businesses in California.

Benefits of the Regulations

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.

Consideration of Alternatives

In accordance with Government Code section 11346.5, subdivision (a)(13), the Commission has determined 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, 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.

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 §17500) of the Government Code.

Evidence Relied Upon to Support the Initial Determination That the Regulation Will Not Have a Significant Adverse Economic Impact on Business

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 private school experience used for certification purposes.