

Division VIII of Title 5 of the California Code of Regulations

Proposed Amendments and Additions to Title 5 of the California Code of Regulations Pertaining to Cost Recovery Fees for Extraordinary Accreditation Activities Initial Statement of Reasons

Background

Education Code section 44374.5 authorizes the Commission to develop and implement a cost recovery plan for extraordinary accreditation activities. Cost recovery fees are assessed for activities beyond regular accreditation cycle activities and include such activities as initial institutional approval, initial program approval, revisits and focused site visits.

The Commission adopted regulations related to cost recovery fees for extraordinary accreditation activities at the September 27, 2013 Commission meeting. Emergency regulations were approved by Office of Administrative Law in October 2013 and in 2014 the regulations became permanent.

Necessity for Proposed Regulations

Cost Recovery fees are assessed for activities beyond regular accreditation cycle activities and include such activities as initial institutional approval, initial program approval, revisits, and focused site visits. Currently, cost recovery fees for the extraordinary activities related to initial program review 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 rulemaking action 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. 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.

Anticipated Benefits

The proposed amendments to Title 5 of the California Code of Regulations (CCR) related to cost recovery fees for extraordinary accreditation activities Sections 80691 and 80692 will be explicit about credential types and what cost recover category they fall under. This would address the issues of complexity of a program and the effort involved in reviewing a program type by maintaining the three categories of fees but eliminating the reliance on number of standards.

Fiscal and Economic Impacts of the Regulation

Economic Impact Assessment

The Commission concludes that there is no estimated private sector cost impact as teacher institutions offering educator preparation programs are already assessed cost recovery fees for extraordinary accreditation activities. The proposed regulations simply change the manner in which the fees are calculated without changing the amount of the fees assessed and makes explicit which credential program type falls under each fee category. This will help to ensure consistency as program standards are updated and amended. There are no additional fees and no changes in the amounts assessed.

Creation or elimination of jobs within the state

The Commission concludes that it is unlikely that the proposal will create or eliminate a significant number of jobs within the State of California. Education Code section 44374.5 authorized the development and implementation of cost recovery fees and these fees have been in place since 2013. Programs have not indicated any creation or elimination of jobs as a result of the proposed regulations. Further, the regulations apply to currently approved educator preparation institutions or to institutions seeking approval to offer educator preparation program in California.

Creation of new businesses or the elimination of existing businesses within the state

The Commission concludes that it is unlikely that the proposal will create any new businesses or eliminate any existing businesses within the State of California since the 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.

Expansion of businesses currently doing business within the state

The Commission concludes that it is unlikely the proposal would cause the expansion of businesses currently doing business within the State of California since the proposed regulations apply to currently approved programs or to institutions seeking program approval for the first time.

Benefits of the regulation to the health and welfare of California residents, worker safety, and the state's environment

The Commission anticipates that the proposed regulations will continue to benefit the health and welfare of California residents by ensuring that extraordinary activity fees assessed institutions offering educator preparation programs are made explicit and that they remain consistent. 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 business 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 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. A 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.

Documents Relied Upon

Commission Agenda Items

December 2022 Commission Agenda Item 1C Consent Calendar

[-https://www.ctc.ca.gov/docs/default-source/commission/agendas/2022-12/2022-12-1c.pdf?sfvrsn=e4aa26b1_6](https://www.ctc.ca.gov/docs/default-source/commission/agendas/2022-12/2022-12-1c.pdf?sfvrsn=e4aa26b1_6)

February 2023 Commission Agenda Item 1A Approval of December 2022 Minutes

https://www.ctc.ca.gov/docs/default-source/commission/agendas/2023-02/2023-02-1a.pdf?sfvrsn=974b26b1_3

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 person 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.

Significant Adverse Economic Impact on Business

The Commission has concluded there is no significant adverse impact on business. As previously stated these regulations apply to teacher credential programs offered by those educational institutions that have been approved by the Commission. These institutions are regionally accredited institutions of higher education such as California State University, the University of California, and private and independent colleges and universities or local education agencies. The vast majority are non-profit educational organizations with a few for profit colleges or universities. These changes would not add an additional burden to Commission approved credential programs.