

Notice of Proposed Rulemaking: Title 5. Education, Division 8 Commission on Teacher Credentialing

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

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 new proposed text shown in underline.

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.

Summary of the Effect of the Proposed Action

The proposed action would amend the California Code of Regulations, Title 5, section 80692.

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 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, 1900 Capitol Avenue, Sacramento, California 95811; or submit an email to Lynette.robby@ctc.ca.gov or Miranda Gutierrez at mgutierrez@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

The Commission's authority to establish program standards is established in subsection (b)(1)(C) and (d) of Education Code section 44225. Specifically, section (b)(2) of Education Code 44225 states that "The commission may establish standards and requirements for preliminary and professional credentials of each type." Additionally, 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.

Information Digest/Policy Statement Overview

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 Office of Administrative Law in October 2013 and in 2014 the regulations became permanent.

Objectives and Anticipated Benefits of the Proposed Regulations

Currently, Cost Recovery fees for Initial Institutional Approval are assessed as a flat fee of \$2000 while Cost Recovery fees assessed for 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.

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 districts 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 of 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 of 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 of 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 effect 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 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.robby@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>.