

# 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 Approved Foreign Transcript Evaluation Agencies Initial Statement of Reasons

### Problem Statement

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.

### Statement of Purpose

There are two national associations of credential evaluation services that have published standards for membership, affiliations to national international higher education associations and are frequently linked to and used by federal agencies, state agencies, educational institutions, and employers. These national associations are used by the United States Department of State which requires that any applicant for federal employment that has completed their education in a foreign nation must have their foreign education evaluated for US equivalence by an evaluating agency that is a member of one of these two national associations: National Association of Credential Evaluation Services (NACES) or the Association of International Credential Evaluators, Inc. (AICE).

The proposed modifications to Title 5, section 80457 seek to remove the criteria from 1996. In its place, the proposed regulation requires that an evaluating agency be a member of either NACES or AICE to be listed as a Commission approved evaluator. This change is intended to update these requirements and make this process more efficient, equitable, and streamlined for both evaluating agencies and the Commission.

### Necessity and Rationale for Proposed Provisions

#### *Amend 80457(c)*

The existing requirement to utilize 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*, is repealed and replaced by the new condition that 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.

Both of these associations have robust criteria that members must meet that are the gold-standard of foreign evaluation processes. According to its website, NACES membership requires “a rigorous prescreening and application procedure. This includes an on-site visit prior to admission as a member. Members must retain qualified senior evaluation staff with no less than 5 years of full-time experience in international admissions. Their experience must have been gained at a regionally accredited academic institution, or at an established credential evaluation agency. NACES members make sustained contributions to the field of credential evaluation, maintain extensive reference, resource libraries, and databases, share information with others in the field of international education. Our members adhere to strict standards of professional ethics and undergo an annual recertification process which includes periodic on-site visits.”

Additionally, AICE Endorsed Members are “vetted through a challenging application process. This process includes documenting the qualifications of Senior Evaluators within the organization, preparing sample evaluations that are rigorously screened, and sponsoring an on-site visit. Qualified Senior Evaluators have no less than 5 years of full-time experience in preparing international credential evaluations at a regionally accredited academic institution or at a current member organization. Evaluation staff are required to contribute to the field of credential evaluation through presentations, publications, and participation in the monthly AICE Credentials Discussion Forum and the annual AICE Symposium. Members must maintain extensive print and electronic resource libraries and databases. Endorsed Members also share information with other AICE members, adhere to strict standards of professional ethics, follow the AICE Standards document when preparing credential evaluation reports, and participate in an annual recertification process.”

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.

### **Anticipated Benefits**

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.

### **Fiscal and Economic Impacts of the Regulation**

#### *Economic Impact Assessment*

#### Creation or elimination of jobs within the state

The Commission concludes that 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.

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

The Commission concludes that it is unlikely that the proposed amendments will create any new businesses or eliminate any existing businesses within the State of California since the proposed amendments pertain to evaluating agencies that are members of one of the two organizations.

#### Expansion of businesses currently doing business within the state

The Commission concludes that it is unlikely the proposed amendments would cause the expansion of businesses currently doing business within the State of California since the proposed amendments pertain to evaluating agencies that are members of one of the two organizations. However, the proposed amendments do have the potential to incentivize expansion of foreign transcript evaluating businesses within the State.

#### 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 have a significant adverse economic impact upon small business. Business will remain the same and thus will not have an adverse economic impact on small business since the proposed amendments pertain to evaluating agencies which are not considered small business.

#### Significant Adverse Economic Impact on Business

The Commission has concluded there is no significant adverse impact on business. These regulations make clear the required components of evaluating agencies wanting to offer foreign transcript evaluating services for candidates seeking certification.

#### **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 amendments will help improve services to candidates who need foreign transcripts evaluated towards certification.

The Commission does not anticipate that the proposed regulations will result in an increase in

the protection of public health and safety, worker safety, or the environment, or an increase in openness and transparency in business.

### **Documents Relied Upon**

Commission Agenda Item 2C: Approval of the February 2024 Consent Calendar, Item: Proposed Amendments to Title 5 Section 80457 Pertaining to Approved Foreign Transcript Evaluation Agencies

[https://www.ctc.ca.gov/docs/default-source/commission/agendas/2024-02/2024-02-2c.pdf?sfvrsn=614122b1\\_9](https://www.ctc.ca.gov/docs/default-source/commission/agendas/2024-02/2024-02-2c.pdf?sfvrsn=614122b1_9)

### **Alternatives Statement**

**Alternative 1:** Design and develop an updated set of criteria that is current and replaces *The Criteria for Agencies Seeking Approval to Review Foreign Academic Programs for Equivalency to United States Standards*, January 1, 1996 edition.

### **Analysis:**

1) It would be very difficult and time consuming for staff and Commissioners to develop new criteria and also to conduct evaluations of agencies based on that criteria, and 2) it would be time consuming and cost prohibitive for foreign transcript evaluation agencies to put together materials to meet whatever criteria the Commission sets.