

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. 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.

The Commission adopted regulations for the authorization and credential requirements for the PK-3 Early Childhood Education (ECE) Specialist Instruction credential at its August 2022 meeting and adopted the program standards and teaching performance expectations for this credential at its October 2022 meeting. At its December 2022 meeting, the Commission adopted the full set of regulations for the credential with minor revisions and directed staff to move forward with the rulemaking process. The final regulations were approved by the Office of Administrative Law and the regulations became effective as of April 1, 2024.

Concurrently, on December 8, 2022, the Commission adopted amendments to Cost Recovery for Program Approval and Accreditation regulations, sections 80692(a)(2)(A), 80692(a)(2)(B), and 80692(a)(2)(C), 80692(a)(2)(D) and 80692(a)(2)(E), to replace the number of educator preparation program standards as the basis for each fee category with lists of preparation programs included in each fee category. The final revisions and amendments to Title 5 of the California Code of Regulations (CCR) related to Cost Recovery were approved by the Office of Administrative Law and filed with the Secretary of State on June 5, 2024. This regulatory action became effective as of October 1, 2024.

Necessity for Proposed Regulation

This rulemaking action proposes updates to the adopted language in section 80692 of Title 5 of the California Code of Regulations (CCR) related to Cost Recovery fees. It is necessary to update and amend the Cost Recovery regulations to reflect the approval of the PK-3 ECE Specialist Instruction Credential. The necessity for the proposed amendments and deletion to the cost recovery regulations is as follows:

Amend Sections 80692(a)(1)(B)(17) - The proposed addition to 80692(a)(1)(B) updates the list of preliminary credentials to include the approval of the *Preliminary PK-3 ECE Specialist Instruction Credential*. As previously noted, the PK-3 ECE Specialist Instruction Credential was approved while the Cost Recovery regulations were still being reviewed by OAL. The Cost Recovery regulations were subsequently approved so it is now necessary to update the cost recovery regulations to reflect the approved credential title of *PK-3 Early Childhood Education Specialist Instruction Credential*.

Amend Section 80692(a)(1)(E)- The proposed addition to 80692(a)(1)(E) updates the list of initial program reviews to include the *Preliminary PK-3 ECE Specialist Instruction Credential* internship program. Additionally, “subject” was added to multiple and single subject programs for clarity. As previously noted, the PK-3 ECE Specialist Instruction Credential was approved while the Cost Recovery regulations were still being reviewed by OAL. The Cost Recovery regulations were subsequently approved so it is now necessary to update the cost recovery regulations to reflect the approved credential title of *PK-3 Early Childhood Education Specialist Instruction Credential*.

Amend Section 80692(a)(1)(C)(4) - In the current regulations, the title of the early childhood instruction credential was listed in 80692(a)(1)(C) as the *Professional Clear Early Childhood Education Specialist Instruction Credential*. In this section, the term for the clear credential has been updated to *Clear PK-3 Early Childhood Education Specialist Instruction Credential*. To create consistency with the other clear programs listed in this section, the term “professional” has been removed from the title as it is no longer being used.

Delete Section 80692(a)(1)(C)(7) - This regulatory action proposes deleting text in 80692(a)(1)(C)(7) as it is a duplication of text found in 80692(a)(1)(D)(2).

Anticipated Benefits

The proposed amendments to Title 5 of the California Code of Regulations (CCR) related to cost recovery fees for extraordinary accreditation activities Section 80692 will update the credential types and categories to include the PK-3 ECE Specialist Instruction Credential.

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 amendments to the Cost Recovery regulations simply update the lists of credential programs that fall under each fee category to include PK-3 ECE Specialist Instruction Credential. 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 fees. 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 amendment to the Cost Recovery 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 the amendments to the Cost Recovery 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 amendments to Cost Recovery regulations will not affect small business. The proposed amendments 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](#)

[February 2023 Commission Agenda Item 1A Approval of December 2022 Minutes](#)

October 2024 Commission Agenda Item 1C Consent Calendar

§ 80067. Specific Requirements for the PK-3 Early Childhood Education Specialist Instruction Credential

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 regulation amendments 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.