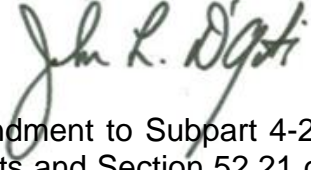






**TO:** The Honorable the Members of the Board of Regents

**FROM:** John L. D'Agati 

**SUBJECT:** Proposed Amendment to Subpart 4-2 of the Rules of the Board of Regents and Section 52.21 of the Regulations of the Commissioner of Education Relating to the Continuous Accreditation Requirement for Educator Preparation Providers

**DATE:** April 26, 2018

**AUTHORIZATION(S):**  

### SUMMARY

#### **Issue for Decision (Consent Agenda)**

Should the Board of Regents adopt the proposed amendment to Subpart 4-2 of the Rules of the Board of Regents and §52.21 of the Regulations of the Commissioner of Education relating to the continuous accreditation requirement for educator preparation providers?

#### **Reason(s) for Consideration**

Review of Policy.

#### **Proposed Handling**

The proposed amendment is submitted to the Full Board for adoption at its May 2018 Board of Regents meeting (Attachment A is a copy of the proposed amendment).

#### **Procedural History**

A Notice of Proposed Rule Making was published in the State Register on February 7, 2018. Supporting materials are available upon request from the Secretary to the Board of Regents. Following the 60-day public comment period required under the

State Administrative Procedure Act, the Department received comments on the proposed amendment (Assessment of Public Comment is included as Attachment B).

### **Background Information**

Currently, §52.21 of the Regulations of the Commissioner of Education requires all institutions of higher education with registered educator preparation programs (e.g., teacher, educational leader, school counselor) to be accredited by an acceptable professional education accrediting association.

When this regulation was first adopted by the Board of Regents and implemented in 1999, there were two options for the accreditation of educator preparation programs that were recognized by the United States Department of Education (USDE) or the Council for Higher Education Accreditation (CHEA): National Council for the Accreditation of Teacher Education (NCATE) and Teacher Education Accreditation Council (TEAC). In addition, a process for accreditation was developed by the Board of Regents and implemented in 2002 - the Regents Accreditation of Teacher Education (RATE). RATE was discontinued by the Board in September 2010 due to budget and staffing shortages.

In 2013, NCATE and TEAC consolidated to form the Council for the Accreditation of Educator Preparation (CAEP), leaving a single national accreditor for educator preparation providers. CAEP is recognized by CHEA. Since the creation of CAEP, many NYS educator preparation providers (EPPs) have expressed a desire to have more than a single accreditation option.

At this time, the Department is aware of an organization that is in the process of seeking CHEA approval to become a recognized accreditor of EPPs. This organization is working with higher education faculty and state education agencies from multiple states on the development of its standards, processes, and policies for accreditation so that it can apply to be an accreditor recognized by CHEA. The Department would like to ensure that EPPs have the opportunity to explore alternative accreditation options if and when they become available. However, EPPs have raised concerns that, given the typical timeframe for a professional education accrediting association to achieve recognition by USDE or CHEA, they could be unable to pursue accreditation with this new accrediting association and simultaneously meet the Department's requirement of continuous accreditation or initial accreditation.

### **Proposed Amendment**

The proposed amendment will allow institutions that are currently accredited by NCATE, TEAC, or CAEP to apply for accreditation through an accrediting association that is seeking recognition from the CHEA or USDE, but has not yet achieved recognition status, and still meet the "continuous accreditation requirement" set forth in §52.21 of the Commissioner's Regulations for teacher and educational leader preparation and school counselor programs. Institutions that choose to seek accreditation through an accrediting association seeking USDE or CHEA recognition will be required to notify the Department prior to the expiration of their current accreditation period to demonstrate their

commitment to pursuing accreditation through an accrediting association that has not attained CHEA or USDE recognition.

In addition, institutions must complete the accreditation process with the accrediting association seeking CHEA or USDE recognition within five years of the date of notification to the Department to ensure that all of their registered educator preparation programs meet the accreditation requirement. In the event that an accrediting association seeking CHEA or USDE recognition is denied such recognition, institutions that can document that they were in the process of pursuing accreditation with such association would be held harmless and the Department would work with the institution on a timeline for earning accreditation through CAEP.

The proposed amendment also makes technical amendments to eliminate all references to RATE in §52.21 of the Commissioner's Regulations and repeals Subpart 4-2 of the Rules of the Board of Regents which describes the RATE process since this function was eliminated in September 2010.

### **Related Regents Items**

#### September 2010

(<http://www.regents.nysed.gov/common/regents/files/documents/meetings/2010Meeting/September2010/0910hea2.pdf>)

#### November 2013

(<http://www.regents.nysed.gov/common/regents/files/113brca8.pdf>)

#### December 2016

(<http://www.regents.nysed.gov/common/regents/files/1216hed1.pdf>)

#### December 2017

(<https://www.regents.nysed.gov/common/regents/files/1217hed1.pdf>)

#### January 2018

(<http://www.regents.nysed.gov/common/regents/files/118hed1.pdf>)

### **Recommendation**

Department staff recommends that the Board of Regents take the following action:

VOTED: That Subpart 4-2 of the Rules of the Board of Regents is repealed and that §52.21 of the Regulations of the Commissioner of Education be amended, as submitted, effective May 23, 2018.

### **Timetable for Implementation**

If adopted at the May 2018 meeting, the proposed repeal and amendment will become effective on May 23, 2018.

AMENDMENT TO THE RULES OF THE BOARD OF REGENTS AND THE  
REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to Education Law sections 101, 207, 21, 215 and 305.

1. Subclause (2) clause (c) of subparagraph (iv) of paragraph (2) of subdivision (b) of section 52.21 of the Regulations of the Commissioner of Education is amended, to read as follows:

(2) Programs shall be continuously accredited by either:

(i) an acceptable professional education accrediting association, meaning an organization [which is determined by the department to have equivalent standards to the standards set forth in this Part] that is approved by the department and is recognized by the United States Department of Education or the Council for Higher Education Accreditation; or

(ii) [the Regents, pursuant to a Regents accreditation process.] a professional education accrediting association acceptable to the Department that is seeking recognition from the Council for Higher Education Accreditation or the United States Department of Education. To pursue this option and have its programs be considered continuously accredited under this subclause, the institution shall provide the Department with satisfactory evidence, on a form prescribed by the Commissioner, that it intends to apply for accreditation with a professional education accrediting association that is seeking recognition from the Council for Higher Education Accreditation or the United States Department of Education, prior to the expiration date of its current accreditation period. The institution will then have five years from the date of such

notification to successfully complete the accreditation process. If at any time during the accreditation process, the association determines that the institution's program or programs cannot be accredited by such association and/or that the institution has not diligently pursued an application for accreditation, then the institution's program or programs shall not be considered continuously accredited for purposes of this subclause.

2. Subclause (3) clause (c) of subparagraph (iv) of paragraph (2) of subdivision (b) of section 52.21 of the Regulations of the Commissioner of Education is repealed.

3. Clause (b) of subparagraph (iii) of paragraph (6) of subdivision (c) of section 52.21 of the Regulations of the Commissioner of Education is amended, to read as follows:

(b) Programs shall be accredited by either:

(1) a professional education accrediting association [determined by the department to have equivalent standards to the standards set forth in this Part] that is approved by the Department and is recognized by the United States Department of Education or the Council for Higher Education Accreditation; or

(2) [the Regents pursuant to the Regents accreditation process] a professional education accrediting association acceptable to the Department that is seeking recognition from the Council for Higher Education Accreditation or the United States Department of Education. To pursue this option and have its programs be considered continuously accredited under this clause, the institution shall provide the Department with satisfactory evidence, on a form prescribed by the Commissioner, that it intends to apply for accreditation with a professional education accrediting association that is seeking recognition from the Council for Higher Education Accreditation or the United

States Department of Education, prior to the expiration date of its current accreditation period. The institution will then have five years from the date of such notification to successfully complete the accreditation process. If at any time during the accreditation process, the association determines that the institution's program or programs cannot be accredited by such association and/or that the institution has not diligently pursued an application for accreditation, then the institution's program or programs shall not be considered continuously accredited for purposes of this clause.

4. Paragraph (5) of subdivision (d) of section 52.21 of the Regulations of the Commissioner of Education is amended, to read as follows:

(5) Accreditation. School counseling programs registered for the first time on or after September 1, 2020 leading to initial and/or professional certification under this subdivision shall be accredited by an acceptable professional education accrediting association, meaning an organization that is approved by the Department and is recognized by the United States Department of Education or the Council for Higher Education Accreditation [which is determined by the department to have equivalent standards to the State's registration standards], within seven years of the date of their initial registration, and shall be continuously accredited thereafter by an acceptable professional education accrediting association.

5. Subpart 4-2 of the Rules of the Board of Regents is repealed.

ASSESSMENT OF PUBLIC COMMENT

Since publication of the Notice of Proposed Rule Making in the State Register on February 7, 2018, the State Education Department (SED) received the following comments on the proposed amendment. Below is an assessment of the public comments received.

1. COMMENT:

Several commenters agreed with the Department's proposal to allow institutions to apply for accreditation through an accrediting association that is seeking recognition from the CHEA or USDE, but has not yet achieved recognition status, because it provides them with options for national accreditation; CAEP would no longer be the only option. At least two commenters noted that having options for national accreditation is beneficial because it recognizes and allows for variation in educator preparation providers, including the diversity of size and mission. One commenter also explained that having options promotes transparency and accountability and makes all accreditors strive for improvement and responsiveness. In addition, the commenter highlighted the time sensitivity of adding options because many institutions are in the midst of upcoming CAEP accreditation site visits and CAEP continues to be a moving target. Another commenter added that the proposal to give institutions five years from the date of notification to successfully complete the accreditation process with an accrediting association that is seeking recognition from the CHEA or USDE is fair and reasonable.

DEPARTMENT RESPONSE:

No response is necessary because the comments are supportive.

## 2. COMMENT:

Two commenters support the Department's proposal because it would specifically allow the Association for Advancing Quality in Educator Preparation (AAQEP) to become an option for the accreditation of educator preparation providers in New York State. They indicated that AAQEP offers a system of accreditation superior to CAEP in a number of essential ways, including taking into account differences in institutions and having a process where institutions undergoing review in the same semester are placed in cohorts and can communicate with each other several semesters in advance of the site visit. They also expressed concerns with particular CAEP Standards. AAQEP's reasonable yet challenging standards, their collaborative approach with educator preparation providers, and their focus on validity and methodological rigor demonstrate to one commenter that they are run by a team of highly respected experts in the field. The other commenter is impressed with AAQEP's philosophy that recognizes the importance of collaboration, a broader view of P-12 partnerships, and the encouragement of innovation and continuous improvement.

## DEPARTMENT RESPONSE:

No response is necessary because the comment is supportive.

## 3. COMMENT:

One commenter expressed frustration over the lengthy comment period for the proposal because her college department of education agreed that AAQEP is a better fit than CAEP for their department, but their CAEP accreditation report was due one month before the Board of Regents was scheduled to make a decision about the proposal. As a result, they had to complete a report that they have no intention of following through with CAEP.



DEPARTMENT RESPONSE:

The State Administrative Procedure Act requires that all proposed rulemakings have a 60-day public comment period. Since this is a statutory requirement, no regulatory changes are needed.