



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

**FROM:** William P. Murphy *William Murphy*

**SUBJECT:** Proposed Amendment of Sections 3.12, 3.14, and 13.11 and Repeal of Part 4 of the Rules of the Board of Regents and Amendment of Section 52.23 of the Regulations of the Commissioner of Education relating to Regents Accreditation

**DATE:** December 28, 2023

**AUTHORIZATION(S):**

*Don McGreevey* *Betty Montano*

### **SUMMARY**

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

Should the Board of Regents adopt the proposed amendment of sections 3.12, 3.14, and 13.11 and repeal Part 4 of the Rules of the Board of Regents and the amendment of section 52.23 of the Regulations of the Commissioner of Education relating to Regents accreditation?

#### **Reason for Consideration**

Review of Policy.

#### **Proposed Handling**

The proposed amendment is submitted to the Full Board for adoption as a permanent rule at the January 2024 Regents meeting. A copy of the proposed rule (Attachment A) is attached.

#### **Procedural History**

The proposed amendment was presented to the Higher Education Committee for discussion at the September 2023 Regents meeting. A Notice of Proposed Rule Making was published in the State Register on September 27, 2023, for a 60-day public comment period. Following publication in the State Register, the Department received no comments on the proposed amendment. Therefore, an Assessment of Public Comment is not required and no changes to the proposed amendment are needed. A Notice of Adoption will be published in the State Register on January 24, 2024. Supporting materials are available upon request from the Secretary of the Board of Regents.

## **Background Information**

To participate in federal student financial aid programs pursuant to Title IV of the Higher Education Act of 1965 (as amended), colleges and universities are required to be accredited by an agency recognized by the U.S. Secretary of Education (Secretary). The New York State Board of Regents and Commissioner of Education (“Board of Regents”) was a recognized institutional accrediting agency from 1952 to May 2023. At its October 2021 meeting, the Board of Regents voted not to seek renewal of its recognition as an accrediting agency. Thus, the Board of Regents is no longer an accrediting agency as of the expiration of its term of recognition on May 9, 2023.

Subpart 4-1 of the Rules of the Board of Regents sets forth the requirements, standards of quality, and procedures for voluntary institutional accreditation for Title IV purposes by the Board of Regents. Therefore, the Department proposes to repeal all of Part 4 of the Rules of the Board of Regents regarding Regents Accreditation, since (1) the Board of Regents is no longer a recognized institutional accrediting agency as of May 9, 2023; and (2) Subpart 4-2 of the Rules of the Board of Regents regarding Regents accreditation of teacher education programs was previously repealed in May 2018.

Additionally, the Department proposes to remove references to Part 4 throughout the Regents Rules and Commissioner’s Regulations as follows:

- repeal subdivision (d) of section 3.12 of the Rules of the Board of Regents relating to the Regents advisory council on institutional accreditation;
- repeal subdivision (e) of section 3.12 of the Rules of the Board of Regents regarding the institutional accreditation appeals board;
- repeal subdivision (c) of section 3.14 of the Rules of the Board of Regents, which requires the State Professional Standards and Practices Board for teaching to review applications for accreditation of teacher education programs and renewal of such accreditation, under Subpart 4-2;
- amend section 13.11 of the Rules of the Board of Regents to remove references to institutions accredited by the Board of Regents and Commissioner of Education, and to update language describing individuals using preferred terms; and
- repeal subdivision (b) of section 52.23 of the Regulations of the Commissioner of Education, regarding procedures on denial of reregistration of teacher education programs, due to its reference to Subpart 4-2, which had previously been repealed.

## **Related Regents Items**

September 2023: [Proposed Amendment of Sections 3.12, 3.14, and 13.11 and Repeal of Part 4 of the Rules of the Board of Regents and Amendment of Section 52.23 of the Regulations of the Commissioner of Education relating to Regents Accreditation](https://www.regents.nysed.gov/sites/regents/files/923hed1.pdf)  
(<https://www.regents.nysed.gov/sites/regents/files/923hed1.pdf>)

October 2021: [Recognition of the Board of Regents and Commissioner of Education as an Institutional Accrediting Agency](https://www.regents.nysed.gov/sites/regents/files/1021hea2.pdf)  
(<https://www.regents.nysed.gov/sites/regents/files/1021hea2.pdf>)

May 2018: [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](https://www.regents.nysed.gov/sites/regents/files/518brca5.pdf)  
(<https://www.regents.nysed.gov/sites/regents/files/518brca5.pdf>)

### **Recommendation**

It is recommended that the Board of Regents take the following action:

VOTED: That sections 3.12, 3.14, and 13.11 of the Rules of the Board of Regents be amended, Part 4 of the Rules of the Board of Regents be repealed, and section 52.23 of the Regulations of the Commissioner of Education be amended, as submitted, effective January 24, 2024.

### **Timetable for Implementation**

If adopted at the January meeting, the proposed amendments will become effective on January 24, 2024.

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

Pursuant to sections 207, 210, 214, 215, and 305 of the Education Law.

1. Subdivisions (d) and (e) of section 3.12 of the Rules of the Board of Regents are REPEALED.

2. Subdivision (c) of section 3.14 of the Rules of the Board of Regents is REPEALED and subdivisions (d) through (h) of such section are re-lettered subdivisions (c) through (g).

3. Part 4 of the Rules of the Board of Regents is REPEALED.

4. Section 13.11 of the Rules of the Board of Regents is amended to read as follows:

Section 13.11. Representations as to registration, licensing, accreditation, or approval

(a) An institution which is registered or licensed by the Regents or the commissioner, [or accredited by the Regents and the commissioner,] or whose courses of study are registered by the commissioner or the department, or whose programs are accredited by the Regents, shall make no statement as to such licensing, registration, or accreditation in its publications, letterheads, advertising or promotional material or other written materials prepared for distribution to or for the information of the public, except as follows:

(1) ...

(2) ...

(3) ...

(4) [An institution which is accredited by the Regents and the commissioner may make the statement “Accredited by the New York State Board of Regents and the New York State Commissioner of Education.”

(5) An institution whose programs are accredited by the Regents may make the statement, with respect only to such programs as are so accredited, “Accredited by the New York State Board of Regents.”

(b) No institution or organization which is incorporated by the Regents, or registered or licensed by the Regents or the commissioner, [or accredited by the Regents and the commissioner,] or whose courses of study are registered by the commissioner or the department, or whose programs are accredited by the Regents, shall, in its publications, letterheads, advertising or promotional material or other written materials prepared for distribution to or for the information of the public, use the word “approved” or its derivatives to describe or characterize the action of the Regents, the commissioner or the department with respect to such institution or organization, or its programs, except that:

(1) ...

(2) An institution whose programs have been approved for the training of [the handicapped] individuals with disabilities may, with respect only to such programs as are so approved, make the statement “Approved by the New York State Education Department for the training of [the handicapped] individuals with disabilities.”

5. Subdivision (b) of section 52.23 of the Regulations of the Commissioner of Education is REPEALED and subdivision (c) of such section is re-lettered subdivision (b).