

## U.S.Department of Education Staff Report

to the

Senior Department Official on Recognition Compliance Issues

### Recommendation Page

1. **Agency:** New York State Board Of Regents ( 1976 / 2016)  
(The dates provided are the date of initial listing as a recognized agency and the date of the agency's last grant of recognition.)
2. **Action Item:** Petition for Continued Recognition
3. **Current Scope of Recognition:** The accreditation of those degree-granting institutions of higher education in New York that designate the agency as their sole or primary nationally recognized accrediting agency for purposes of establishing eligibility to participate in HEA programs including accreditation of programs offered via distance education within these institutions.
4. **Requested Scope of Recognition:** Same as above.
5. **Date of Advisory Committee Meeting:** 02/07/2018
6. **Staff Recommendation:** Continue the agency's current recognition and require the agency to come into compliance within 12 months, and submit a compliance report 30 days after the 12 month period that demonstrates the agency's compliance with the issues identified below.
7. **Issues or Problems:** It does not appear that the agency meets the following sections of the Secretary's Criteria for Recognition. These issues are summarized below and discussed in detail under the Summary of Findings section.
  - The agency must amend its standards to be explicit in its use of administrative extension, and ensure that the enforcement timelines required by this criterion are not exceeded. [§602.20(a)]
  - The agency must provide a documentation demonstrating that it has executed its extension for good cause policy. If the agency has not done this, it must explain that this has not occurred. [§602.20(b)]

### Executive Summary

#### PART I: GENERAL INFORMATION ABOUT THE AGENCY

The New York State Board of Regents (NYBR) has been engaged in the evaluation of quality in higher education since 1787. It is the State approval agency that authorizes the establishment of all educational institutions in the State. That function also includes the responsibility to register all of the postsecondary programs offered in New York institutions offering degrees and certificates. As the only State agency recognized by the Secretary for its institutional accrediting activities, the agency restructured its institutional accrediting activities in 2002 to clarify its role and responsibilities as an institutional accrediting agency. The institutional accreditation activities now fall under the auspices of both the NYBR and the Commissioner of Education (Board of Regents). The Board of Regents accredits degree-granting institutions that have designated it as their sole or primary accrediting agency for the purpose of establishing eligibility to participate in the Title IV, HEA programs. In this capacity, the Board of Regents currently accredits 14 institutions, all of which are located in the State of New York.

The New York State Education Department (SED), the administrative arm of the NYBRE, carries out the accreditation activities of the Board of Regents. The SED performs its duties and responsibilities under the direction of the Commissioner of Education. Within the SED, the Deputy Commissioner for Higher Education develops and implements the institutional accrediting activities.

#### Recognition History

The New York Board of Regents appeared on the initial list of recognized accrediting agencies in 1952, and has received continuous recognition since that time. In 2008, the agency notified the Secretary of the expansion of its scope to include distance education. The National Advisory Committee on Institutional Quality and Integrity (NACIQI) last reviewed the agency's petition for renewal of recognition at the Fall 2012 meeting. The agency was requested to submit a compliance report in 2014. The subject of this report is in regards to the agency's petition for re-recognition. There have been no complaints submitted during this recognition period.

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## PART II: SUMMARY OF FINDINGS

### **602.20 Enforcement of standards**

#### **years in length.**

Subpart 4-1 of the Regents Rules informs accredited institutions of the maximum time allowed to come into compliance with its standards which are in accordance with this criterion. The agency provided an example of probation action (page 1) and a letter for denial (page 106). It appears though that the timeframes provided prior to the final denial letter include an administrative extension given by the agency until the convening of the next Board of Regents meeting. This meeting was held 4 months beyond the two year time period that was allowed to demonstrate compliance.

While the agency has a policy for an extension for good cause under Section 2, the policy is not specific to define administrative extension. For considerations of agency limitations such as state budgets which could affect the occurrence of meeting times, it would be probable that this meeting was the first available opportunity for the agency to convene to discuss this institution. However, the good cause extension definition as it currently exists in the agency's standards do not explain or define administrative extension. The agency must amend its standards to be explicit in its use of administrative extension, and ensure that the enforcement timelines required by this criterion are not exceeded.

#### **Analyst Remarks to Response:**

Subpart 4-1 of the Regents Rules informs accredited institutions of the maximum time allowed to come into compliance with its standards which are in accordance with this criterion. The agency provided an example of probation action (page 1) and a letter for denial (page 106). The agency also provided documentation of an example of its administrative extension (page 27). While the Regent Rules include a policy for extension of good cause, the agency chose to use administrative extension in the example provided (exhibit 17, December 16, 2015 letter). While the agency states in their narrative, that the use of administrative extension does not allow an institution additional time to demonstrate compliance, a review of the documentation provided by the agency does appear to indicate that its application of an administrative extension was used to extend the enforcement timelines required by this criterion. The agency must amend its administrative extension policy to make clear that it cannot be applied in a manner that would extend the enforcement timelines required by this criterion and that would not be provided to allow an institution additional time to demonstrate compliance. The agency must understand that an institution cannot remain in a noncompliant status (as determined by the agency's decision making body) longer than what is allowed by this criterion (unless the agency places the institution on an extension for good cause). An administrative extension would not be counter to the requirements of 602.20 (a) to accommodate the logistics of establishing Regents meeting for renewals of accreditation. However, the agency's use of administrative extensions cannot be used to extend the 12 month, 18 month, or 2-year (depending on the length of the longest program offer at the institution in question) enforcement time lines required by this criterion. Once these enforcement timelines have been expired the agency must take an adverse action or allow the institution and extension for good cause (in accordance with 602.20(b)). Additionally, while the agency has a policy for an extension for good cause under Section 4-1.3(d)(2), that policy is different and not specific to define administrative extension. The agency explains that its administrative extension is found in section 4-1.3(b). However, the good cause extension definition as it currently exists in the agency's standards does not explain in detail about reasons on why this may occur or define administrative extension.

Subpart 4-1 of the Regents Rules informs accredited institutions of the maximum time allowed to come into compliance with its standards which are in accordance with this criterion. The agency provided an example of probation action, an administrative extension for collection of additional information, and a letter for denial (page 106). The administrative extension afforded this agency does not appear to be consistent with Section 2 of the agency's policies for awarding and extension for good cause.

#### **Analyst Remarks to Response:**

In response to the draft analysis, the agency has provided an example that was based on an administrative extension, not an extension for good cause. The agency must provide a documentation demonstrating that it has executed its extension for good cause standard. If the agency has not done this, it must explain that this has not occurred.

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## PART III: THIRD PARTY COMMENTS

The Department did not receive any written third - party comments regarding this agency.