

## 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 (Public Postsecondary Vocational Ed) ( 1974 / 2015)  
(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. **Scope of Recognition:** State agency for the approval of public postsecondary vocational education.
4. **Date of Advisory Committee Meeting:** 02/27/2020
5. **Staff Recommendation:**  
Continue the agency's recognition as a nationally recognized accrediting agency at this time, and require the agency to come into compliance within 12 months with the criteria listed below, and submit a compliance report due 30 days thereafter that demonstrates the agency's compliance.
6. **Issues or Problems:** Additional information is requested for the following questions. These issues are summarized below and discussed in detail under the Staff Analysis section.

[603.24(b)(1)(i)]--The state has not yet brought its advisory board into compliance with the compositional requirements of its by-laws and this criterion. The state's solutions to having student involvement on the advisory board seems acceptable and in accord with the state criteria; however, the state must demonstrate through the application of its policy that it has reached compliance in this area.

### Executive Summary

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

Established in 1784, the New York State Board of Regents is the oldest, formally organized accrediting body in the United States. The Regents appoint a Commissioner of Education who heads the Education Department, the administrative arm of the Board of Regents. The Regents and the Commissioner of Education are authorized by the State constitution and bylaws to regulate educational activities in the State. More specifically, the State Education Department (SED) is responsible for accrediting, or registering, all credit-bearing programs, whether public or independent. Vocational education programs that lead to associate degrees and credit-bearing certificates and diplomas are included in the agency's application as a recognized approval agency. This application as a State approval agency for public postsecondary vocational education covers only the adult practical nursing programs offered by Boards of Cooperative Educational Services (BOCES), Vocational Education and Extension Boards (VEEBs), Educational Occupation Centers (EOCs) and city schools not part of a BOCES. The Department has not received any complaints regarding this agency since its last review.

#### Recognition History

The agency was first recognized by the Secretary in 1974. The last full review of the agency was conducted at the Winter, 2015 National Advisory Committee on Institutional Quality and Integrity (NACIQI or the Committee) meeting. The agency submitted a petition for renewal of recognition for the Winter 2020 NACIQI meeting. This analysis is a review of that petition.

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#### PART II: SUMMARY OF FINDINGS

##### 603.24 Criteria for State agencies

**The following are the criteria which the Secretary of Education will utilize in designating a State agency as a reliable authority to assess the quality of public postsecondary vocational education in its respective State.**

**Among its functions, this structure provides counsel to the State agency relating to the development of standards, operating procedures and policy, and interprets the educational needs and manpower projections of the State's public postsecondary vocational education system;**

The state described its Practical Nursing Advisory Board as consisting of nine directors of practical nurse programs, one member who represents the public and proprietary practical nurse programs, with six vacancies in the additional positions. The bylaws require that one of the two public representatives must be involved in employing or supervising licensed practical nurses or be employed as a licensed practical nurse. While the Board's bylaws require a minimum of one student member, who is non-voting, that position is currently vacant. The bylaws require that the selection process will encourage minority group participation, but since information on the selection process was not provided, it isn't clear how this occurs.

The state provided documentation of board meeting agendas, which include the review of bylaws, review of standards and criteria, and accreditation recommendations for LPN programs under consideration. The state also provided its roster for the prior and current incarnations of the advisory board, which indicates the geographical region each member represents. Based on this documentation, the advisory board had nine members from 2016-2019, and currently has appointed 14 members for the period from 2019-2022. The documentation provided does not note which members fill the various roles as public stakeholders listed in either this regulation or the state's by-laws for this advisory board.

The state must provide a list of its advisory board members which indicates which constituency each member represents as described in its by-laws for this advisory board. The state must address whether/how it plans to fill the remaining empty positions on its advisory board, and whether/how the vacancies on the advisory board have affected its operations.

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

In response to the draft staff analysis, the state provided a detailed listing of the current advisory board members, which noted regions represented by the nurse educators, and specified the individuals filling the roles of public members. The roster provided listed 12 current nurse educators, 1 public member who is an employer of PNs, and 1 administrator of a PN school. It isn't clear what role Marie Bune-Fitzpatrick plays, as she is listed under a region but associated with a business school. The state also noted that currently the student member position is vacant. The state noted the difficulty in filling this role due to the short length of the LPN program and the intensity of the program while it is underway. The state previously provided advisory board meeting minutes where the need to find ways to fill this role was discussed. The state attested that the vacancies on the board have not negatively impacted the advisory board's functions. The state provided a summary of its December, 2019 advisory board meeting, where the state changed its requirement for a student member to a student representative for the advisory board. The rationale provided is that by inviting students to attend advisory board meetings without appointing them for a term, the state will be able to find students willing to participate. The state also extended the terms of half of its current members, to ensure continuity in membership when the current terms expire (as all the current members were appointed at the same time), and changed the word "minority" in its bylaws to "diversity". The state also provided documentation of the representation by minority groups on its current advisory board.

The state did not address the prior vacancies on its board from the years of 2016-2019 or what steps in its selection process provide for representation by minorities on its advisory board. While the roster is currently nearly full, the state does not seem to have had a student member on the advisory board during any of the years of this review period, and has had up to six vacancies during this review period. The state provided documentation of its efforts to ensure that the advisory board would have continuity of membership and have students present at membership meetings. However, the state has not yet brought its advisory board into compliance with the compositional requirements of its by-laws and this criterion. The state's solutions to having student involvement on the advisory board seems acceptable and in accord with the state criteria; however, the state must demonstrate through the application of its policy that it has reached compliance in this area .

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### **PART III: THIRD PARTY COMMENTS**

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