

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 (Nursing Education)
(1969/2006)
(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 nurse education.
4. **Date of Advisory Committee Meeting:** December, 2011
5. **Staff Recommendation:** Continue the agency's recognition and require the agency to come into compliance within 12 months, and submit a compliance report that demonstrates the agency's compliance with the issue identified below.
6. **Issues or Problems:** The agency must demonstrate that programs comply with its requirement for submission of a current catalog. The agency must also submit the final changes to its annual report form to require audited financial statements every other year (3(f)).

EXECUTIVE SUMMARY

PART I: GENERAL INFORMATION ABOUT THE AGENCY

The New York State Board of Regents (Regents) was established by State Law in 1784 and was granted authority to accredit educational programs through a registration process in 1787. All educational and related institutions in the State are under the leadership of the Regents. The Secretary first recognized the Regents as a State agency for the approval of nurse education programs in 1969. The Regents have received periodic renewals of recognition since that time.

The Regents oversee the education, licensure, practice, and conduct of practitioners in 45 of the 47 licensed professions. The Commissioner heads the Education Department, as the executive administrative arm of the Board of Regents. The Education Department has the responsibility of administering and implementing the policies established by the Regents. Nursing schools and nurse education programs that lead to the associate degree, baccalaureate and graduate degrees are included in the Regents' scope of recognition.

Recognition History

The last full review of the agency occurred in June 2006, after which the Secretary granted continued recognition for a period of four years. After the Secretary issued her decision on the agency's recognition, the Higher Education Opportunity Act of 2008 (HEOA) was passed, which contained a number of provisions related to accrediting agency recognition that were effective upon enactment. The changes included, among others, a reconstitution of the NACIQI. As a consequence, all NACIQI meetings were held in abeyance pending reconstitution of the Committee. The agency's review for continued recognition is the subject of this analysis.

The Department staff's evaluation of the agency included a review of the petition and supporting documentation and a file review on August 9, 2011, at the State Education Department.

PART II: SUMMARY OF FINDINGS

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f. Regularly, but at least every 2 years, obtains from each accredited school of nursing:

(1) A copy of its audited fiscal report, including a statement of income and expenditures:

(2) A current catalog.

The agency has a process by which the Office of Higher Education annually obtains financial statistics from all public and independent institutions, annual certified audits from all independent colleges and universities, and annual audited fiscal reports from all hospital-based associate degree nursing programs. The one hospital-based program submits these documents to the Office of Health Systems Management in the New York State Department of Health. If there are fiscal problems with a hospital-based program, the Department of Health notifies SED. The Office of Audit Services analyzes the annual audits to identify any at-risk institutions for additional monitoring of their financial status. However, because such fiscal information is gathered at the institutional level, it is not clear if and how, program-relevant fiscal reports are obtained by the PEPR through the OHE.

An institution that requests a new nursing program must submit estimates of initial revenue and expenditures and must project the same information for the first five years of the program. During reviews for registration, using the self-study, nursing programs provide information on income and expenses for the current and previous three years.

To determine whether an institution's fiscal ability will support a new program or a change in mission, the Professional Education Program Review unit staff obtains the fiscal information from the SED Office of Audit Services. The Commissioner's Regulations require site visitors to review a program's resources as a quality indicator by evaluating the institution's fiscal plan for the last three years. While the agency appears to review fiscal reports as part of initial registrations, re-registrations, and when an institution proposes changes to its programs, it is not clear whether the PEPR obtains such data with the regularity and frequency required under this section.

Given the agency's process for review of fiscal information to include revenue and expenditures, it is not clear whether the agency actually obtains an audited fiscal report, including a statement of income and expenditures, at least every two years from accredited programs. It appears that the agency obtains such information at the time of the program's registration which occurs every five to

eight years.

Furthermore, the institution is required to submit a copy of its catalog, along with any brochures, with each annual report. (The agency's narrative of the previous section indicates that institutions are prompted to provide such information in the agency's cover memo to the annual report.) The catalog must contain, among other things, information regarding policies used for selection, promotion, and graduation of students, as well as brief course descriptions. However, the agency has not provided the cover memo to the annual report that requests a current catalog, or evidence of a completed annual report form to demonstrate that programs are required to provide a current catalog as part of its annual report.

Staff determination: The agency does not meet the requirements of this section. The agency must demonstrate that it regularly, but at least every 2 years, obtains from each accredited school of nursing, a copy of its audited fiscal report, including a statement of income and expenditures, and a current catalog.

Analyst Remarks to Response:

Previously, the agency did not provide evidence of its requirement for a school catalog and fiscal data from its programs in accordance with the requirements of this section. In its response, the agency has provided a copy of its cover memo requesting programs to submit a current catalog with its annual report. However, it is not clear from the annual report that is attached, whether programs submit a current catalog with their annual report.

The agency has stated that it will include a new requirement on its annual report form to require nursing programs to submit audited financial statements every other year. The agency must provide a revised annual report form with the change included to demonstrate its compliance under this section.

Staff determination: The agency does not meet the requirements of this section. The agency must demonstrate that programs comply with its requirement for submission of a current catalog. The agency must also submit the final changes to its annual report form to require audited financial statements every other year.

PART III: THIRD PARTY COMMENTS

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