

STATEMENTS OF POLICY

Title 22—EDUCATION

STATE BOARD OF EDUCATION

[22 PA. CODE CH. 52]

Accrediting Organizations

The State Board of Education (Board) amends Chapter 52 (relating to accrediting organizations—statement of policy) to read as set forth in Annex A. The statement of policy, adopted in 2004, contains the policies and procedures the Board uses in exercising its powers and duties under section 5 of the Private Academic Schools Act (act) (24 P. S. § 6705). The purpose of amending Chapter 52 is to update and clarify the policies and procedures the Board uses in exercising those.

Statutory Authority

The act governs the licensure and operation of private academic schools. Under the act, a private academic school may not operate in this Commonwealth unless the school has obtained a license from the State Board of Private Academic Schools (State Board). See sections 4 and 6 of the act (24 P. S. §§ 6704 and 6706) and Chapter 51 (relating to general provisions) for more information. However, section 5 of the act lists several exceptions to the licensure requirement. One of the exceptions is a school that is accredited by an approved accrediting organization. Under section 5 of the act, when an accrediting association approved by the Board has accredited a private academic school, the school does not require a license issued by the State Board.

History

Before the implementation of Chapter 52, the Board entertained applications by accrediting associations for approval on an ad hoc basis. In addition, the Board had granted approvals without limitation of time. The absence of a time limitation created ambiguities as approved accrediting organizations evolved over time. Consequently, the Board's historical policy of ad hoc, indefinite approvals of accrediting associations resulted in approved accrediting associations engaging in accrediting private schools and programs for which the accrediting body had never sought approval from the Board in its initial application.

Additionally, the Division of Nonpublic and Private School Services (Division) for the Department of Education (Department) had an unwritten policy requiring private academic schools to become licensed for a year or two before applying for accreditation. The implementation of Chapter 52 listed and clarified this practice by directing an approved accrediting organization to not begin the accrediting process until the school under consideration had been legally operating in this Commonwealth for 2 full years.

After the adoption of Chapter 52, the Department determined that there is nothing in the act to support the

policy requiring licensure for 2 years before the accreditation process can be initiated. Neither the State Board nor the Board ever published this policy in the *Pennsylvania Bulletin* or in any memo or booklet that is maintained in the office of the Division. The Department concluded that no authority allows the Division or the Board to require a new private academic school to seek licensure prior to becoming accredited.

Regulatory Approach

The Department's Office of Chief Counsel brought this concern to the attention of the Board. As a result, the Board amended the statement of policy to remove the language under § 52.2(c) directing an approved accrediting organization to not begin the accrediting process until the school under consideration has been legally operating in this Commonwealth for 2 full years.

With experience gained under the statement of policy and its working agreement with the Department, the Board will consider in the future whether a regulation would be appropriate. Moreover, because its approach to this system of application and approval is fluid, the Board welcomes comments from interested persons and organizations.

Summary of Policy Change

The change removes the language under § 52.2(c) (relating to process) directing an approved accrediting organization to not begin the accrediting process until the school under consideration has been legally operating in this Commonwealth for 2 full years.

Cost and Paperwork Estimates

Since the changes clarify the current policy statement, it does not impose any new costs or savings for the Department, the regulated community, or local government.

Effective Date

This change to the statement of policy shall be in effect immediately for persons and entities that have actual knowledge of its contents, and it shall be in effect generally upon publication in the *Pennsylvania Bulletin*.

Contact Information

The official responsible for information regarding this statement of policy is James E. Buckheit, Executive Director, State Board of Education, 333 Market Street, Harrisburg, PA 17126-0333, (717) 787-3787, TDD (717) 787-7367.

JIM BUCKHEIT,
Executive Director

(*Editor's Note:* Title 22 of the *Pennsylvania Code* is amended by amending a statement of policy in § 52.2 to read as set forth in Annex A.)

Fiscal Note: 006-313. No fiscal impact; (8) recommends adoption.

Annex A**TITLE 22. EDUCATION****PART I. STATE BOARD OF EDUCATION****CHAPTER 52. ACCREDITING
ORGANIZATIONS—STATEMENT OF POLICY****§ 52.2. Process.**

(a) The Department will administer the process governing application by an accrediting organization seeking approval under section 5 of the Private Academic Schools Act (24 P. S. § 6705) and establish administrative policies regarding recognition of school accreditation by accrediting organizations in accordance with an agreement between the State Board of Education (State Board) and the Department.

(b) The Department will make a recommendation to the State Board regarding all applications that have been fully processed, but the final decision to approve or disapprove an application of an accrediting organization under section 5 of the Private Academic Schools Act rests solely with the State Board.

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