

FINAL ANALYSIS AND RECOMMENDATION FOR NYBRN Meeting Date: 02/28/2023

Type of Submission:

Compliance Report

Criteria: 3g.

Description of Criteria

g. Makes initial and periodic on-site inspections of each school of nursing accredited.

Narrative:

Any institution that wishes to register a new nursing program receives excerpts from the Regulations of the Commissioner of Education with Quality Indicators (Appendix 1) and The Self-Study Guide for Nursing Education (Appendix 2), which contains suggested evidence in response to the Commissioner's Regulations (the Regulations) to assist institutions in preparing proposals and new program applications. The documents, provided electronically, include embedded links to information on Master Plan and Charter Amendments (<http://www.highered.nysed.gov/ocue/aipr/guidance>).

As a part of the registration process for a new nursing program, a site visit may be made to obtain, verify, or clarify information regarding the proposal. The aim of such a visit is to determine institutional capacity (e.g., fiscal, human, physical, technical, operational, and curricular resources), in accordance with the Regulations of the Commissioner of Education with Quality Indicators (Appendix 1), to implement and maintain a quality program. Once a program receives initial registration, a site visit is scheduled for two years from the date of initial registration to determine progress in program development during the period of early implementation as well as truth in advertising and recruitment. Site visits are then made based on need and in accordance with criteria outlined in the Handbook for Professional Nursing Education Programs (Appendix 3). In the past, NYS registered nursing programs dually accredited by the Board of Regents and the Accreditation Commission for Education in Nursing (ACEN) or the Commission on Collegiate Nursing Education (CCNE) were visited on an eight-to-ten-year cycle, consistent with the professional accrediting body's schedule.

In 2020, after consulting with the United States Department of Education, the Board of Regents revised its nursing education programmatic accreditation scope. It will no longer serve as the programmatic accrediting agency to any nursing programs that is accredited by ACEN or CCNE (see Appendix 4 for the memo). Programs were given an opportunity to elect an accrediting agency and 20 institutions elected the Board of Regents as their sole accrediting agency. The list of programs that chose the Board of Regents as the sole accreditor and the accreditation term and schedule can be found in Appendix 5 and at the following link: <http://www.op.nysed.gov/pepr/accredprogs.html>.

With the change in the scope, peer review teams from the Office of Professions will only conduct scheduled on-site reviews to the RN programs that have identified the Board of Regents as their sole programmatic accrediting body every five years, or sooner. On occasion, conditions at a program or institution may warrant more frequent oversight. The existence of the following factors is considered in

determining whether a nursing program should be visited, visited more frequently, or selected for additional review by the Associates. Not every factor will apply, or apply equally, to every institution.

- Request for new programs;
- A pattern of poor program outcomes;
- Lack of submission of annual reports or requests for information;
- Lack of an established system to assess student learning outcomes;
- Large increases or decreases in enrollment;
- Lack of administrative support;
- Over-reliance on part-time or adjunct faculty;
- Rapid turnover of faculty;
- Major curricular changes;
- Concerns about the financial status of an institution; and,
- Large number of student or faculty complaints about the institution or program.

The Associates receive information about these and other factors from a variety of sources including but not limited to: the extensive databases in the New York State Education Department’s Office of Postsecondary Policy Analysis (HEDSIIPEDS/OPEDS data reports); the reports of the Division of College and University Evaluation on General Academic Programs and Institutional Reviews; analyses of the Department’s Office of Postsecondary Financial and Facilities Studies; reports from the Office of Auditing Services; reports from the New York State Higher Education Services Corporation; reports from the State Comptroller’s Office; and reports from the ACEN and the CCNE. In addition, registered nursing programs in New York State submit an annual report and are required to provide the Office of Professions with copies of reports submitted to their programmatic accrediting body as well as any related correspondence.

Since the fall semester of 2019, desk reviews are no longer conducted. Since the spring of 2020, in accordance with governmental guidance, the site visits have been conducted through virtual means. The Associates anticipate a return to on-site visits once travel restrictions are lifted and visitors are welcome back on campuses. See Appendix 6 for site visit schedules for spring 2020, fall 2020, spring 2021, and fall 2021.

Document(s) for this Section

Exhibit Title	File Name	Analyst Comments	Agency's Exhibit Comments
Exhibit 1 Appendix 1	Appendix 1.pdf	-	-
Exhibit 2 Appendix 2	Appendix 2.pdf	-	-
Exhibit 3 Appendix 3	Appendix 3.pdf	-	-
Exhibit 4 Appendix 4	Appendix 4.pdf	-	-
Exhibit 5 Appendix 5	Appendix 5.pdf	-	-
Exhibit 6 Appendix 6	Appendix 6.pdf	-	-
Appendix 6: BOR Accredited Nursing Education Programs (other)	Appendix 6 BOR Accredited Nursing Education P	-	-
Appendix 7: BoR Sole Accreditor	Appendix 7 BoR Sole	-	-

Nursing Education Programs	Accreditor Nursing Educat		
Appendix 8: Accreditation Actions	Appendix 8 Accreditation Actions.pdf	-	-
Appendix 9 SED Nursing Accreditation Page	Appendix 9 SED Nursing Accreditation Page.pdf	-	-
Appendix 10 SED webpage Nursing Advisory Board	Appendix 10 SED webpage Nursing Advisory Boar	-	-
Appendix 11 Scheduled Nursing Education Site Visits	Appendix 11 Scheduled Nursing Education Site	-	-
Appendix 11 Scheduled Nursing Site Visits	Appendix 11 Scheduled Nursing Education Site	-	-

Analyst Worksheet- Narrative
Analyst Review Status:

Does not meet the requirements of this section

Staff Determination:

The state's public facing materials must clearly identify for which programs the state serves as the accreditor in its role as a recognized State Approval Agency for Nursing Education (above the LPN level). The state's public facing materials must clearly indicate that in this role, the state's accreditation does not establish eligibility to participate in Title IV federal student aid. The state must provide a list of the programs for which it serves as an accrediting agency which includes the date of the most recent on-site review (or virtual review, for reviews that occurred since March 2019 during the period of the national emergency), the date of the next scheduled review, and the most recent accreditation decision for each program. The state's public materials must indicate the accreditation end date for those programs for which the state will not renew accreditation. The state's published materials must clearly state which types of programs are reviewed by the Advisory Board.

Analyst Remarks to Narrative:

In response to the compliance report, the agency reported that it has reduced the size of its role as a programmatic accreditor for nursing programs at the associate's level or above. It will now only serve as the programmatic accreditor for some nursing programs in the state, specifically those that do not have ACEN or CCNE accreditation. The agency will continue to serve as a state authorizer (registrar) for all nursing programs by fulfilling the state's requirements for those programs to be registered by the state. The state will fulfill all USDE accreditation requirements for those programs for which they serve as the recognized State Approval Agency for Nurse Education (above the LPN level) for non-Title IV purposes.

The state provided a copy of its December 16th, 2020, memo (Appendix 4), which documents this change in role and asks nursing programs in the state to identify whether they are accredited by CCNE or ACEN, or whether the state serves as their sole accrediting agency. The state noted that 20 nursing programs will continue to use the state as their programmatic accreditor, and that programs that are accredited with CCNE or ACEN will not have their accreditation renewed by the state at the end of the current accreditation period.

The state also provided the state regulations which govern program registration (Appendix 1), a self-study guide (Appendix 2), and a site visit guide (Appendix 3). Appendix 5 appears to be a screenshot taken from the state's website listing the nursing programs accredited by the state. A .pdf of the same page created 02/16/2022 can be found in Analyst Upload 1. Appendix 6 is the state's planned site visit schedule from 2019-2021, which appears to include all nursing programs registered with the state, including those the state will no longer serve as an accreditor for. The state notes that site visits have been conducted virtually due to the COVID national emergency.

The state has made significant strides in separating its roles as an authorizer/registrar for the state and its role as a Department of Education's (USDE) recognized State Approval Agency for Nursing Education for the accreditation of nursing programs in the State. However, the documentation provided does not clearly distinguish between these two roles in either its public or internal documents.

For instance, <http://www.op.nysed.gov/pepr/accredprogs.html> (Analyst Upload 1) uses the language: 'Below you will find an alphabetical listing of current nursing programs that are registered/accredited with the New York State Education. Please note, if you are looking for a list of programs registered with the Department please visit our online Inventory of Registered Programs at: <http://www.nysed.gov/heds/IRPSL1.html>.' This list appears to be the list of programs for which the state serves as the accrediting agency, but the language used to describe the list does not clearly distinguish accredited programs vs. registered programs with the state. This list includes 22 programs as of February 16th, 2022.

Additionally, the state's website seems to indicate that the state's approval confers access to Title IV funds to approved nursing programs, which is not correct. See: <http://www.op.nysed.gov/pepr/nursingaccreditation.html> (Analyst Upload 2), accessed on February 16th, 2022:

'Nursing programs that are registered and accredited in the State of New York by this office have used the Board of Regents recognition to access Title IV funds for their students. While nursing schools can seek regional accreditation, and other specialized accreditation, it is not required for participation in federal financial aid. Not all nursing program accreditation agencies are authorized as Title IV gatekeepers. Additionally, regional and specialized accreditation is a costly process, whereas there is no cost to the schools for the New York State Education Department's services. Those New York State programs approved and registered by the Department may state, "Accredited by the New York State Board of Regents!'

This language seems to indicate that all registered nursing programs may state 'Accredited by the New York State Board of Regents,' which is no longer correct with the state's separation of its roles as an authorizer/registrar and accrediting agency. Additionally, the state's role as a USDE recognized state approval agency of nursing education for its accreditation of nursing programs above the LPN level does not establish eligibility to participate in Title IV programs, which is not clear from this website.

The state also has published a list of planned site visits at <http://www.op.nysed.gov/pepr/sitevisits.html> (Analyst Upload 3). This list seems to include all registered programs, including programs for which the state will cease to serve as an accrediting agency at the end of the current accreditation period. However, the website does not indicate this, instead listing the purpose of all the site visits as 'Continuing Accreditation and Reregistration.' Additionally, the public facing webpages do not seem to

indicate which programs will cease to be accredited by the State Education Department, Office of the Professions (nurse education) or when that accreditation will end.

Finally, the state includes a page on its website related to the Advisory Board which advises the state on accreditation decisions for state vocational programs, specifically Licensed Practical Nursing programs (Analyst Upload 4, taken on 02/16/2022 from <http://www.op.nysed.gov/pepr/NursingAdvisoryBoard.html>). This webpage does not contain any language to indicate that the Advisory Board's role is limited to advising the state about Licensed Practical Nursing programs and could be construed to state that all the state's registered nursing programs are evaluated by this board.

The state's public facing materials must clearly identify for which programs the state serves as the accreditor in its role as a recognized State Approval Agency for Nursing Education (above the LPN level). The state's public facing materials must clearly indicate that in this role, the state's accreditation does not establish eligibility to participate in Title IV federal student aid. The state must provide a list of the programs for which it serves as an accrediting agency which includes the date of the most recent on-site review (or virtual review, for reviews that occurred since March 2019 during the period of the national emergency), the date of the next scheduled review, and the most recent accreditation decision for each program. The state's public materials must indicate the accreditation end date for those programs for which the state will not renew accreditation. The state's published materials must clearly state which types of programs are reviewed by the Advisory Board.

List of Document(s) Uploaded by Analyst - Narrative

Exhibit Title	File Name
Analyst Upload 1 Public List of Accredited Nursing Programs	Accredited Programs in Nursing Education state website 02 16 2022.pdf
Analyst Upload 2 Feb 15 2022 Nursing Accreditation Webpage	Analyst Upload 2Nursing Accreditation.pdf
Analyst Upload 3 Site Visit List from Webpage	Analyst Upload 3 Site Visits from website.pdf
Analyst Upload 4 Advisory Board Webpage	Analyst Upload 4 Nursing Advisory Board.pdf
Screenshot of state website	Analyst Upload Nursing final analysis 1.JPG

Response:

In its role as a recognized State Approval Agency for Nursing Education, the Board of Regents of the New York State Education Department accredits the following types of nursing education programs: practical nursing (PN) programs leading to a certificate offered at an institution, registered professional nursing (RN) programs leading to the associate degree or higher, or advanced nursing education programs (e.g., nurse practitioner, nursing education, nursing leadership, etc.) at the master's level or higher. The New York State Education Department maintains a list of nursing programs which are accredited by the Board of Regents (see Appendices 6 and 7). Appendix six (6) includes all the registered nursing education programs that had accreditation actions between January 2016 and January 2021 (prior to the change of accreditation scope). Appendix seven (7) includes the programs that identify the Board of Regents as its sole programmatic accreditor after the change of scope of accreditation. These lists, available online, include the school's name, address, contact information, date of initial accreditation, accreditation term,

date of last evaluation, and date of next evaluation (see list of accredited nursing education programs: <http://www.op.nysed.gov/pepr/accredprogs.html>; list of other nursing education programs: <http://www.op.nysed.gov/pepr/accredprogsother.html>.)

The nursing accreditation website (see Appendix 9: SED Nursing Accreditation Page; <http://www.op.nysed.gov/pepr/nursingaccreditation.html>) has been updated to clearly indicate that, in its role as a recognized State Approval Agency for Nursing Education, the state's accreditation does not establish eligibility to participate in Title IV federal student aid: "... the Office of the Professions is ... recognized for the approval of nurse education and is recognized by the United States Secretary of Education as a reliable authority as to the quality of nurse education in New York State... In this capacity, the agency does not serve as a Title IV gatekeeper. Its accreditation of nurse education programs establishes eligibility to participate in non-Higher Education Act Federal programs and is limited to those programs that self-identify the Board of Regents as its sole programmatic accrediting body" (para 4).

A summary of accreditation actions and activities is made publicly available and updated twice per year (<http://op32.nysed.gov/pepr/accredactivities.html>); the report of accreditation activities for nursing education is updated by July 31st for the Spring term and by January 31st for the Fall term. Appendix eight (8) is a list of accreditation actions for each semester, which includes the date of the last evaluation and, for those programs that have identified the Board of Regents as their sole programmatic accrediting agency, the date of the next evaluation. For those programs that have not identified the Board of Regents as their sole programmatic accrediting agency, the information listed includes an expiration date. The webpage provides a list of institutions according to the categories of accreditation decisions: registration, re-registration, substantive change, denial of re-registration.

Programs are continuously re-registered/accredited until the next review. The following is a sample of the wording found in a program re-registration/accreditation letter: "Based on the findings of the site visit and the school's response, the program detailed on the attached listing from the Inventory of Registered Programs is re-registered for professional purposes under Subchapter A of the Regulations of the Commissioner of Education (Chapter II of Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York) until September 1, 2022 and remain accredited by the New York State Board of Regents, Office of the Professions until this date. After that date registration will be extended until the department's next review is conducted which is tentatively scheduled for later in the Fall semester of 2022."

If a program is found to be out-of-compliance and the decision is to deny program re-registration/accreditation, the following will be stated in the letter: "Based on the findings of the site visit and the school's response, the program detailed on the attached listing from the Inventory of Registered Programs is re-registered for professional purposes under Subchapter A of the Regulations of the Commissioner of Education (Chapter II of Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York) until September 1, 2022 and remain accredited by the New York State Board of Regents, Office of the Professions until this date. After that date registration and accreditation will not be extended. It is expected the program will cooperate with the Department to develop a teach out plan to enable students enrolled in the program to complete study with minimal interruption."

The Advisory Board is only for Public Postsecondary Vocational Education Practical Nursing Programs that are offered by a Board of Cooperative Educational Services, and Educational Opportunity Center, City School District, or County Board of Supervisors in the State of New York

([http://www.op.nysed.gov/pepr/Nursing Advisory board.html](http://www.op.nysed.gov/pepr/Nursing_Advisory_board.html)). The website has been updated to clearly reflect this and the activities of the Board: The Advisory Board members ... participate in the review of programs as well as policies and procedures for accreditation of postsecondary vocational education practical nursing programs to assure that the evaluative process is consistently applied without bias and serve to maintain quality programs (see Appendix 10: SED webpage Advisory Board; para 1).

Since the change in the scope of accreditation, only those nursing education programs that identify the Board of Regents as their sole programmatic accrediting agency have to follow the accreditation site visit cycle time. Accordingly, the list of planned site visits made publicly available has been updated to include this information (See Appendix 11, Scheduled Nursing Education Site Visits; <http://www.op.nysed.gov/pepr/sitevisits.html>).

The accreditation webpage ((<http://www.op.nysed.gov/pepr/nursingaccreditation.html>) has also been updated to distinguish between those programs registered or authorized by the SED and those programs registered and accredited by the New York State Board of Regents:

Those New York State programs approved and registered by the Department may state, 'Registered by the New York State Board of Regents'; those NYS programs approved and accredited by the Department may state, 'Registered and accredited by the New York State Board of Regents' (See Attachment 9, SED Nursing Accreditation Page, para 8).

Analyst Worksheet - Response
Analyst Review Status:

Meets the requirements of this section

Analyst Remarks to Response

In response to the draft staff analysis, the agency has extensively updated its website. The agency now includes a page listing which schools it serves as the accreditor for (Analyst Upload Final Analysis 1) <https://www.op.nysed.gov/program-registration-nursing-accreditation/nursing-accreditation/accredprograms> The website now clearly includes information about the most recent accreditation review and the next scheduled review for each school accredited by the state. The links described in the agency's narrative include several broken links, indicating that the agency needs to continue to update its public facing information. However, at this time, the agency meets the requirements of the draft staff analysis by clearly identifying its accredited programs and clearly stating the Title IV implications on its website.

List of Document(s) Uploaded by Analyst - Response

Exhibit Title	File Name
Analyst Upload 1 Public List of Accredited Nursing Programs	Accredited Programs in Nursing Education state website 02 16 2022.pdf
Analyst Upload 2 Feb 15 2022 Nursing	Analyst Upload 2Nursing Accreditation.pdf

Accreditation Webpage	
Analyst Upload 3 Site Visit List from Webpage	Analyst Upload 3 Site Visits from website.pdf
Analyst Upload 4 Advisory Board Webpage	Analyst Upload 4 Nursing Advisory Board.pdf
Screenshot of state website	Analyst Upload Nursing final analysis 1.JPG

3rd Party Written Comments

Document Title	File Name	Pro/Con
-	-	CON

Staff Analysis of 3rd Party Written Comments

There is no Staff Analysis of 3rd Party Written Comments

Response to 3rd Party Comments

No response to 3rd Party Written Comments

Document(s) Uploaded in response to 3rd Party Comments

No files were uploaded in response to 3rd Party Comments.

3rd Party Request for Oral Presentation

There are no oral comments uploaded for this Agency.