

What's Going On With Accreditation?!

Keeping Up With Recent Events

Presenters

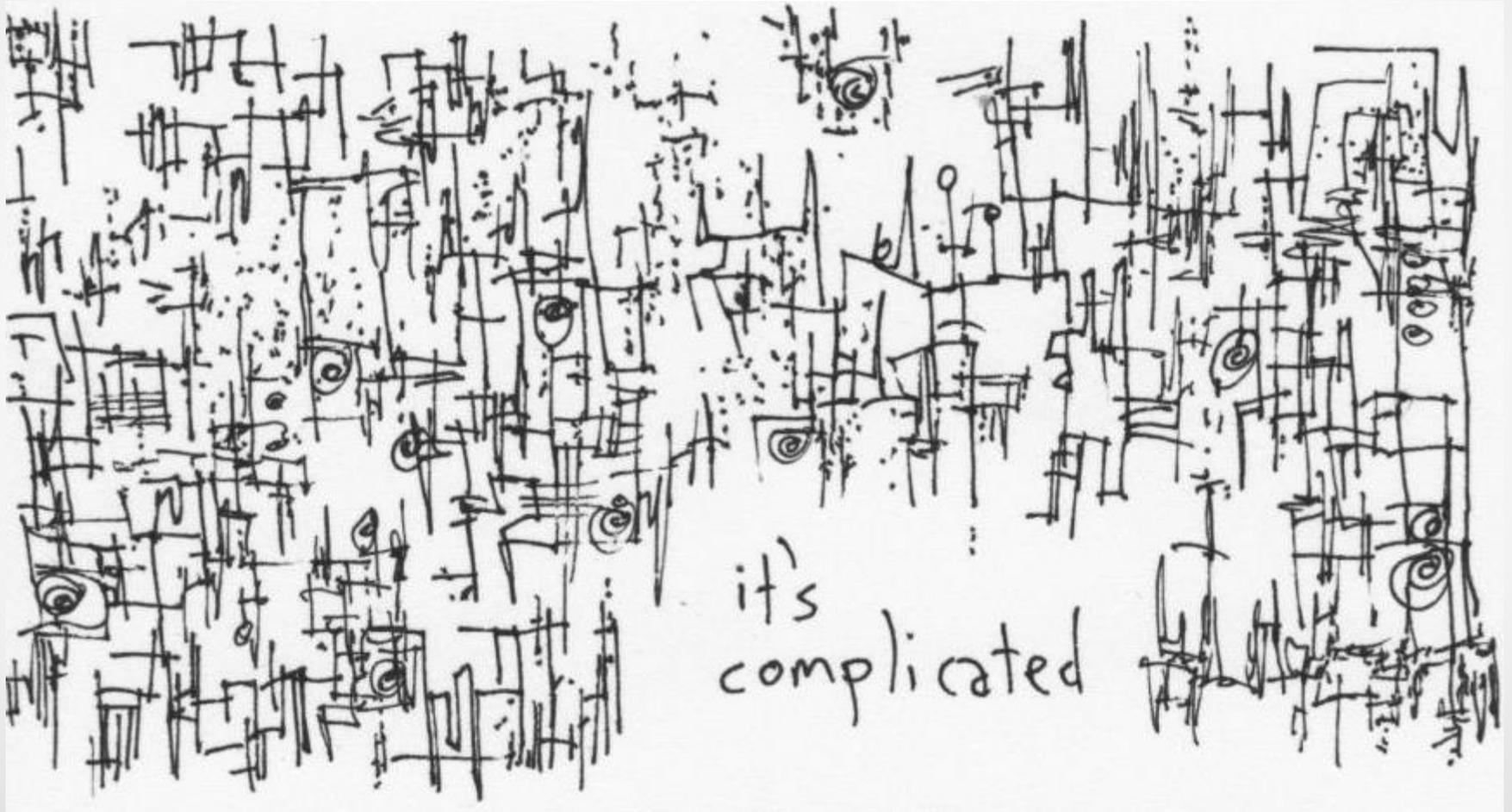
Phil Smith, *Chair*, ASCCC Accreditation Committee

Kevin Bontenbal, Cuesta College, ASCCC
Accreditation Committee Member

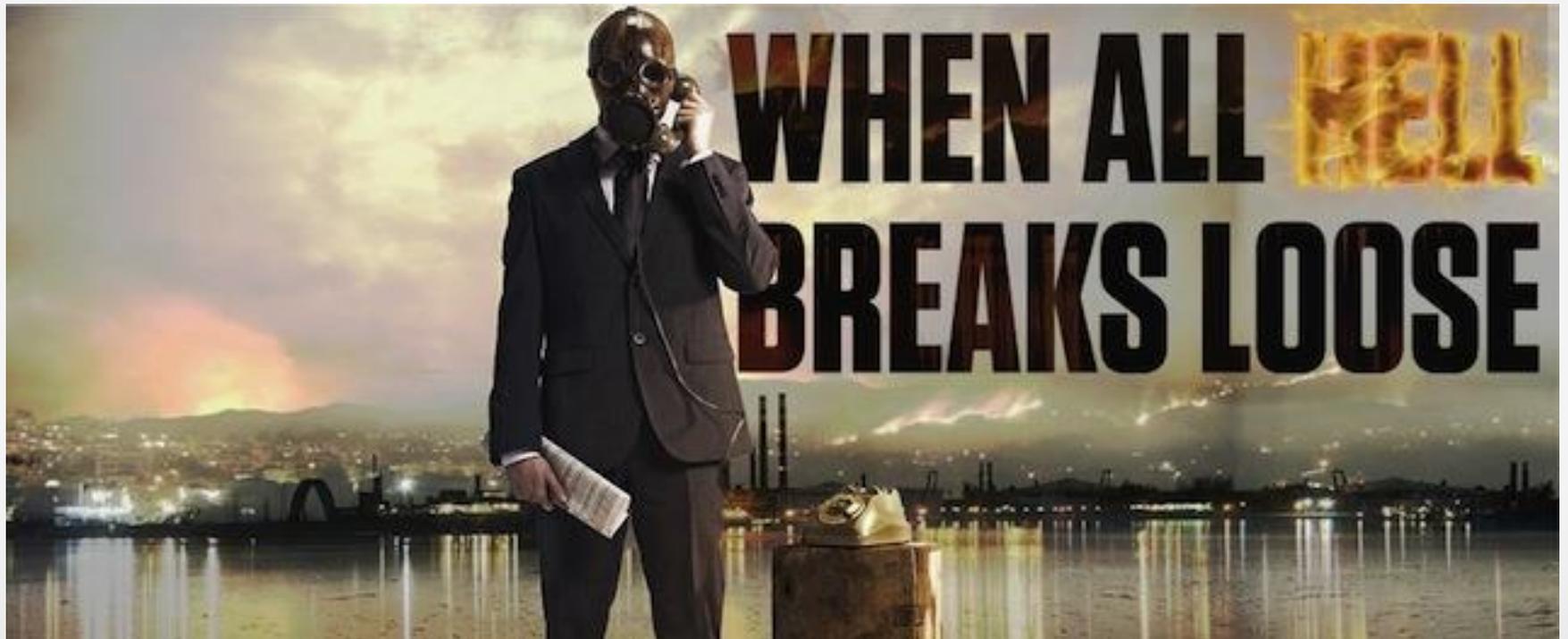
Carl Friedlander, Community College
Council/California Federation of Teachers



Accompanying Graphic?



Accompanying Graphic?



Accompanying Graphic?



Some Context

- In order to receive Federal financial aid, students must attend a college or university **accredited by an agency recognized by the Federal Government.**
- For California community colleges, **Title 5 § 51016** states:

“Each community college within a district shall be an accredited institution. The **Accrediting Commission for Community and Junior Colleges** shall determine accreditation.”

Some Context

- In order to be recognized, accrediting agencies must comply with the United States Department of Education Secretary's **Criteria for the Recognition of Accrediting Agencies (CFR)**.
- Just as colleges are evaluated on a regular cycle, the US Department of Education and the National Advisory Committee on Institutional Quality and Integrity (NACIQI) **regularly review accreditation agencies**.
- The Accrediting Commission for Community and Junior Colleges (ACCJC) is up for **re-recognition** as an accrediting agency **this year**.

Major Events

- In a cyclical accreditation process, routine accreditation decisions and responses, even sanctions such as probation and show cause, are made on a regular basis. **Routine accreditation news, however, is not the focus of this presentation.**
- The purpose of this presentation is to talk about **major, outside-the-norm events** that have the potential to **impact accreditation processes at all California community colleges.**
- Most of these events have centered around **accreditation decisions and responses related to City College of San Francisco.**

April 30, 2013



California Federation of Teachers *et al.* **filed a third party comment and complaint** about ACCJC's actions related to its evaluation of City college of San Francisco (CCSF) with both the ACCJC and the U.S. Department of Education.

April 30, 2013

The 298-page **complaint alleged** that:

- In the matter of CCSF's accreditation, ACCJC **violated 10 federal regulations, a federal statute** and committed **procedural errors and due process violations**.
- ACCJC **violated or inconsistently applied its own standards**.
- ACCJC **lacks transparency** in how it applies its standards, its selective use of evaluation team recommendations and who it allows into meetings that are supposed to be public.

— [AFT Higher Education Web site, ¶4](#)

May 30, 2013



To respond to the CFT complaint, the Chair of the Accrediting Commission **appointed members of the ACCJC's Executive Committee to investigate the issues** and write a report on its findings. The Commission subcommittee distilled the CFT complaint into four allegations that it felt merited attention and reflection:

May 30, 2013

Four allegations that ACCJC subcommittee chose to consider:

1. The Commission's **recent show cause decision for CCSF was based upon a mischaracterization of CCSF's major recommendations in 2006.**
2. There was a **conflict of interest** to have included the husband of the ACCJC President on the March 2012 visiting team to CCSF.
3. **No confidential recommendation was provided by the Evaluation Team to the Commission** when it imposed sanction.
4. The Commission **improperly applied the section of Standard III.D that requires an institution to show that it has taken into account its long- and short-term financial liabilities.**

May 30, 2013

Concerning the four allegations it focused on, the subcommittee concluded that **“the allegations in the Complaint are without merit.”**



June 4, 2013



The CFT **objected formally to the ACCJC's response to its complaint**, alleging to the US Department of Education that **the ACCJC had failed to investigate and respond to its complaint.**



June 10, 2013



In response to the CFT's objection about ACCJC's response to its complaint, Kay Gilcher, **Director of the Accreditation Group at the U.S. Department of Education**, requested that the ACCJC provide her office with a "full and documented response to the complaint."



June 10, 2013



“As WASC-ACCJC is recognized by the Secretary of Education, the **concerns of the CFT about the Commission are taken seriously**. The CFT provided a voluminous narrative and substantial documentation concerning these issues to both the Commission and Department simultaneously. Before a final compliance determination is made, I am **requesting that WASC-ACCJC provide a full and documented response to the complaint** by July 8, 2013. This response must include any new and related information and documentation from the June 5-7, 2013, Commission meeting, the Commission's response to the complaint, and any other information and documentation, not already provided in the CFT complaint materials, that the Commission deems relevant regarding the issues raised.”



**Accrediting
Commission
for Community
and Junior Colleges**

July 1, 2013



California Federation of Teachers *et al.* **filed an amendment to their original complaint about ACCJC alleging new violations** of the Secretary's Criteria for Recognition (34 CFR § 602.15), ACCJC's own policies and bylaws, and California law with respect to reducing public knowledge and transparency in ACCJC matters.



July 3, 2013



The Accrediting Commission for Community and Junior Colleges (ACCJC) **voted to terminate City College of San Francisco's accreditation effective July 31, 2014.**



July 3, 2013



CCCCO Chancellor Brice Harris responded to the Commission's decision and announced his intent **“to appoint a special trustee with extraordinary powers to help right the institution and position it for long term success.”**

July 15, 2013



ASCCC President Beth Smith visits and consults with CCSF faculty and senate leaders.

August 13, 2013



In response to a complaint from the California Federation of Teachers, the U.S. Department of Education found that **the ACCJC does not meet the requirements of four sections of the Secretary's Criteria for Recognition.**



August 13, 2013

ACCJC failed to meet the requirements of the following sections of the Secretary's Criteria for Recognition:

- **34 CFR § 602.15(a)(3):** The agency **has academic and administrative personnel on its evaluation, policy, and decision-making bodies**, if the agency accredits institutions.
- **34 CFR § 602.15(a)(6):** The agency has **clear and effective controls against conflicts of interest**, or the appearance of conflicts of interest, by the agency's (i) board members; (ii) commissioners; (iii) evaluation team members; (iv) consultants; (v) administrative staff; (vi) other agency representatives.
- **34 CFR § 602.18(e):** The agency meets this requirement if the agency provides the institution or program with a detailed written report that **clearly identifies any deficiencies in the institution's or program's compliance with the agency's standards**.
- **34 CFR § 602.20(a):** If the agency's review of an institution or program under any standard indicates that the institution or program is not in compliance with that standard, the agency must immediately initiate adverse action against the institution or program; or require the institution or program **to take appropriate action to bring itself into compliance with the agency's standards within a time period that must not exceed ... two years**, if the ... longest program offered by the institution, is at least two years in length.

August 13, 2013



In a press release, the ACCJC indicated that it “will be responding formally to the Department’s letter and **will, of course, make necessary policy changes to appropriately address the Department's concerns.** The ACCJC response to the Department's findings will be submitted as part of its recognition review with the National Advisory Committee on Institutional Quality and Improvement in December 2013.”

August 14, 2013



DOE spokesperson Jane Glickman wrote in a media interview, “The ACCJC voted to remove CCSF's accreditation, and CCSF is involved in the processes the ACCJC has established following such a decision. The Department's letter does not affect the decision directly; however, CCSF can and likely will appeal the AACJC decision, and the Department's letter could become part of their appeal. She further noted, **“The Department does not have the authority to reverse any decision made by an accrediting agency.”**”

August 21, 2013



The **California Joint Legislative Audit Committee (JLAC)** voted 10 to 1 (with 3 abstentions) to **investigate the impact of ACCJC decisions on community college/district finances and programs.**

Joint Legislative
Audit Committee

August 22, 2013



San Francisco City Attorney Dennis Herrera **filed dual legal challenges, one suit against the ACCJC alleging conflict of interest and retaliation and one suit against the California Community Colleges Board of Governors alleging unlawful delegation of duties to a private agency.**



August 22, 2013



In a press release, the ACCJC **expressed surprise** and indicated that, **in its opinion, the suit had no merit.**



August 28, 2013



In a memo to ACCJC member Chief Executive Officers (CEOs) and Accreditation Liaison Officers (ALOs), the ACCJC provided a **“preliminary analysis with respect to the USDE Letter, and also describe[d] the USDE’s process for handling the ACCJC’s response.”**

**CEOs and ALOs
of ACCJC Member Colleges**

August 28, 2013

In response to the US Department of Education's four findings (8/13/2013), the ACCJC indicated the following:

- “[T]he ACCJC feels that the USDE's **finding that the review boards had insufficient academics may be mistaken**; nevertheless, ACCJC is still reviewing the USDE Letter to determine what changes, if any, might be appropriate to resolve the issue.”
- “The ACCJC is currently **reviewing USDE regulations and its own internal policies [regarding conflict of interest, and the perception of conflict of interest]** and will make any **changes it deems appropriate** to resolve this issue.”
- “The ACCJC believes that **the team report ... and the team recommendations adequately identifies any deficiencies** in compliance.... Nevertheless, the ACCJC is currently reviewing its internal policies and will make any changes it deems appropriate to resolve this issue.”
- “The USDE Letter states that the ACCJC indicated to CCSF in 2006 that it was not in compliance with the ACCJC's Accreditation Standards, and thus triggered the two-year rule. We are currently reviewing this issue, but **our initial impression is that the USDE Letter incorrectly interprets the applicable correspondence between ACCJC and CCSF in 2006, as well as ACCJC's policies.**”

August 28, 2013



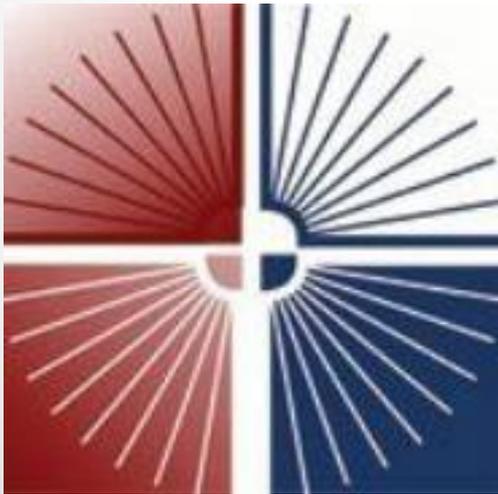
In the conclusion of the memo, the ACCJC indicated that it “**does not consider any of the USDE’s findings to be unresolvable.**”

**CEOs and ALOs
of ACCJC Member Colleges**

August 30, 2013



ASCCC President Beth Smith and Community College League of California (CCLC) President Scott Lay **meet with CCSF faculty and staff to discuss the college's accreditation efforts and ways the Academic Senate and the League could be of assistance.**



September 5, 2013



ACADEMIC SENATE
for CALIFORNIA
COMMUNITY COLLEGES

The ASCCC Executive Committee **evaluated its communications with ACCJC over a 10-year period and reviewed adopted resolutions about lack of faculty involvement on visiting teams and other ACCJC committees.** Based upon its research, the **ASCCC submitted a summary letter as well as a third party comment to the USDE indicating its belief that the ACCJC is out of compliance with 34 CFR § 602.15(a)(3),** “The agency has academic and administrative personnel on its evaluation, policy, and decision-making bodies, if the agency accredits institutions.”



September 23, 2013



The California Federation of Teachers and the American Federation of Teachers (AFT) Local 2121 **filed a class action suit asking the California superior court to enjoin ACCJC from giving effect to or enforcing its decision to disaccredit CCSF.**



September 23, 2013

Specifically, the **lawsuit alleges** the following:

- "ACCJC in 2012 **misrepresented** its actions of 2006, **when it made recommendations for improvement, as if it had identified deficiencies, when it had not.**"
- "ACCJC **violated state and federal conflict of interest laws.**"
- "ACCJC **blocked students, faculty and the media from public meetings and destroyed public documents.**"
- "ACCJC **publicly undermined the democratically elected Board of Trustees empowered by San Francisco voters to manage the college.**"
- "ACCJC **sanctioned the college when students and faculty exercised their first amendment rights and challenged the outcome of the evaluations.**"
- "ACCJC **advised districts, including CCSF, that they had to "prefund" future liabilities for retiree health benefits,** by depositing huge sums into an irrevocable trust — money steered away from instruction."
- "ACCJC **illegally held a meeting where it disaccredited CCSF in June 2013, when its own policy required that it not decide CCSF's status until January 2014.**"

Thoughts and Questions

Accreditation Timeline

The content of this presentation is based upon the Accreditation News and Events Timeline maintained by the ASCCC Accreditation and Assessment Committee:

<http://www.asccc.org/content/accreditation-news-and-events>