



**ACCREDITING
COMMISSION
for COMMUNITY and
JUNIOR COLLEGES**

*Western Association
of Schools and Colleges*

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September 25, 2015

The Honorable Ted Mitchell
Under Secretary of Education
United States Department of Education
Lyndon Baines Johnson Building
400 Maryland Avenue, SW
Washington, D.C. 20202

Dear Under Secretary Mitchell:

This letter – written in my capacity as Chair of the Accrediting Commission for Community and Junior Colleges (ACCJC) – addresses a communication that I believe you will be receiving from Dr. Brice Harris, the Chancellor of the California Community College System. On Monday, September 21, 2015, the California Board of Governors directed the Chancellor to transmit to you the 2015 Report of the Chancellor's Office Task Force on Accreditation, along with a letter demonstrating strong support for that report. I am writing to express grave concerns about both the process used to produce the Task Force Report and its findings and recommendations. I believe that the Report is part of a concerted effort by the Chancellor's Office to punish ACCJC because it did not accede to political pressure from the Chancellor's Office over the past two years to rescind its withdrawal of accreditation from the City College of San Francisco (CCSF).

The Task Force Report, released by the Chancellor's Office on August 28, 2015, "finds" that—

- accreditation in the region including California no longer meets current and anticipated needs of California community colleges;
- ACCJC has consistently failed to meet "ideal attributes of an accrediting agency" outlined in the report, based largely on information that ACCJC has imposed sanctions on member institutions at a higher rate than other accrediting agencies;
- ACCJC has made few significant improvements to address concerns; and
- The California Community College System and its member institutions have lost confidence in ACCJC.

The Report recommends that the Chancellor and Board of Governors of the California Community Colleges investigate options to substitute another accrediting agency for ACCJC.

We believe the timing and scope of the 2015 Task Force Report was selected by the Chancellor's Office as Punishment for ACCJC's Refusal to Accede to Political Pressure from the Chancellor in Reviewing the City College of San Francisco (CCSF)

In a letter of June 20, 2014, (attached) the Chancellor cited to an upcoming Legislative Audit of ACCJC "that will be extremely critical of ACCJC" and stated that unless ACCJC took actions regarding CCSF recommended by the Chancellor, action would be taken to eliminate ACCJC's role as the accreditor for California Community Colleges. The letter stated, "There is limited time for the Commission to claim a victory and preserve its role as the regional accreditor for California community colleges. Simply put, the Commission is in trouble, and we need to work together to find a solution." A representative of the Chancellor's Office, in a meeting with ACCJC officials, warned that the Chancellor would support ACCJC before the California legislature only if it reversed its 2013 withdrawal of accreditation decision for CCSF. In a letter of July 16, 2014, (attached) to the Chancellor, ACCJC objected that communications from the Chancellor's office could be read as "predicting, if not threatening, possible political retaliation against ACCJC if we do not rescind our 2013 decision to terminate accreditation of CCSF."

It is difficult not to understand creation of the Task Force and its work product as confirming that statements from the Chancellor's Office were indeed threats and as part of a continuing effort to carry out these threats. As such, the Report constitutes improper political interference with the independence of ACCJC – contrary to federal regulations – and would be problematic not only for ACCJC, but for any peer review process and any accreditor that might otherwise seek to accredit community colleges in California.

The Task Force Report was Prepared With No Opportunity for College input or for ACCJC Response

The Task Force Report was issued without any opportunity for ACCJC to respond with accurate information to address the dated sources and factual statements made. ACCJC recently completed a public, highly transparent 3-year process to review comprehensively its standards, policies, and practice, the Chancellor's office and all California community colleges had an opportunity to provide input for that review. Instead, the Chancellor's office structured a separate and selective process to critique ACCJC.

The Report in Effect Indicts Peer Review by California Community Colleges

Everything ACCJC does affecting California community colleges involves peer review and action by representatives of California Community Colleges. ACCJC adopts its standards through a peer process, with substantial input by community colleges throughout California (and other covered jurisdictions). Every review of an institution is conducted by a team composed largely of representatives of California community colleges, with other member colleges also represented, and every decision regarding the compliance of institutions with the standards is made by the ACCJC Commission, which is composed in large part of representatives of California Community Colleges.

The Task Force's finding that member institutions have lost faith in ACCJC is belied by a survey of California community colleges performed by the State Auditor of California that showed an 85% approval rating of ACCJC's accreditation work. It is also belied by the widespread and continuous involvement of community college educators in ACCJC's Commission, its teams, its

training, and other agency functions. The Task Force's finding is unsupported and does not speak for California community colleges that constitute the membership of ACCJC.

The Task Force Report Appears to Call for Watered Down Standards and "Enforcement-Light"

The Task Force Report's recommendations, if acted on by the Chancellor, would send a signal to your Department, the business community, and the public that California wants both watered-down standards for its community colleges and an accrediting agency that looks the other way when standards are not met by its institutions. Coming at a time when graduates must be prepared for a highly competitive global workplace and when many in government question the accountability and quality of many postsecondary institutions and the rigor of accrediting agencies, this message would be particularly ill advised. ACCJC arguably has responded more positively and forcefully than many other accrediting agencies to the calls by your Department and the Congress for more rigorous enforcement of accreditation standards, and the response by the Chancellor's Task Force is to punish that behavior by calling for the replacement of the ACCJC.

The Report Does Not Analyze the Merits of Any Sanctions

The Task Force Report presents no analysis whatever of any sanction imposed by ACCJC and whether it was warranted, including ACCJC's sanctions against CCSF. There is no evidence or analysis in the Report that any such action was not justified on the merits. In fact, numerous other sources, including the survey of California institutions by the State Auditor of California and written statements of institutional representatives provided to the ACCJC, affirm that ACCJC decisions are accurate and sanctions were warranted. Clearly, no institution nor the ACCJC wishes to have a sanction issued; there has been significant work to stress the importance of internal self-regulation and adjustment of practices, which has been reducing sanctions in the Western Region.

Sanctions Issued by ACCJC were Not Punitive; They Rather Provided an Opportunity for Institutions to Address Deficiencies and Resulted in Stronger Institutions

The Task Force Report implies that ACCJC "sanctions" involved punitive actions against institutions. On the contrary – consistent with federal regulations and policies – the sanctions were essentially warnings or opportunities for institutions to address the identified deficiencies. The ACCJC's peer evaluation teams, and commissioners, committed to an objective evaluation of institutions using the standards, and acted upon what they found in the interests of students and the institutions to encourage institutions to come into compliance with standards. ACCJC's record is that the sanctions overwhelmingly resulted in significant improvements in affected institutions without any punishment, as expressly acknowledged by many of these institutions. Over its 50-plus year history, ACCJC removed accreditation from only two California public institutions – Compton College and CCSF (no final adverse action has taken place in this case). Compton College's students were served by another institution, and Compton College is again seeking candidacy status. As you know, CCSF recently was designated as coming within "Accreditation Restoration" status, a novel status created by ACCJC at its own initiative to protect CCSF students by giving the school two more years to come into compliance with standards.

ACCJC Recently Completed a Three-Year Transparent Review Process and Has Already Implemented Many Reforms Raised in the Task Force Report

ACCJC is committed to continuous improvement and to a transparent process for the development and application of its standards and requirements. As noted above, it recently completed a three-year, highly transparent process for its members, including all California Community Colleges, to conduct a comprehensive review of its standards and processes. Many of the recommendations referenced in the Task Force Report have already been implemented. ACCJC does not disagree with many of the Task Force's stated "Ideal Attributes of an Accrediting Organization." While we believe that ACCJC largely already demonstrates these attributes, we are prepared (and have undertaken concrete steps) to address additional concerns raised as a part of our commitment to continuous improvement in all aspects of accreditation.

ACCJC has welcomed further discussion of the Task Force Report, particularly those sections dealing with ideal attributes for an accrediting agency. Upon receiving notification about the publication of the report, a special meeting of the ACCJC was called to continue the dialog. ACCJC has invited the Task Force to an October 9, 2015 or another meeting, and has notified member institutions of its availability and amenability to a public process including all California community colleges to address these issues.

We feel it is important to note, however, that the substantive suggestions and areas for discussion contained within the Task Force Report do not support the ultimate recommendation for replacement of the accreditor. In this aspect, the report appears to reflect an external motivation out of sync with the issues raised. Contrary to the widely accepted TRIAD to ensure postsecondary accountability and quality and contrary to federal law, they represent an effort by state officials to subvert the accountability of California community colleges for compliance with accreditation standards and the independence of an accrediting agency to do its job, as called for by federal recognition criteria.

I would be pleased to discuss this matter in greater detail, at your pleasure.

Sincerely,



Steven M. Kinsella, DBA

Attached:

June 2014 Letter from Dr. Harris to Dr. Beno

July 2014 Letter from Dr. Beno to Dr. Harris

cc: Barbara A. Beno, ACCJC President

SMK/cms



CALIFORNIA COMMUNITY COLLEGES
CHANCELLOR'S OFFICE

State of California

BRICE W. HARRIS
Chancellor

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June 20, 2014

Dr. Barbara Beno
The Accrediting Commission for Community and Junior Colleges
Western Association of Schools and Colleges
10 Commercial Boulevard, Suite 204
Novato, CA 94949

Dear Dr. Beno:

The events of the past three weeks related to our continued work with City College of San Francisco (CCSF) have me guardedly optimistic, but somewhat uncertain as to the path forward for the college.

I applaud your work with the US Department of Education (USDOE) in developing a revised policy which would create the new "Restoration Status" and provide CCSF more time should it successfully access that opportunity. However, as you know, at the same time the Accrediting Commission for Community and Junior Colleges (ACCJC) Hearing Panel, although supporting the original action of ACCJC, did remand the decision back to the Commission and direct that it must consider the progress made up to the time the Appeals Committee completed testimony.

CCSF now appears to have two opportunities for more time to complete its work that are somewhat in conflict – reconsideration by the Commission as directed by the Hearing Panel, and the proposed Restoration Status process. On the one hand, if the ACCJC finds, after consideration of the work done by the college through mid-May of this year, CCSF is allowed a "good cause" extension to complete its work, then the college may not need to avail itself of the Restoration Status process, and in fact, may not be eligible for the new Restoration Status. On the other hand, if the ACCJC finds in January that the college does not warrant Restoration Status, the policy provides for immediate termination and the only remaining option for CCSF will be Federal Court, a result I believe none of us involved in this issue wants.

On Tuesday of next week you have agreed to meet with Special Trustee Bob Agrella, Chancellor Art Tyler, and my representative, Deputy Chancellor Erik Skinner. At that meeting I encourage you to take advantage of the lifeline provided the Commission by the Hearing Panel, and to provide clarity and certainty on a pathway forward for CCSF. ACCJC should send a team to fairly review the work of the college over the past year. Your team will see that there is no way this college should be closed. Yes, there is work remaining, but the Commission can find good cause to move CCSF to Probation and allow the college an additional twenty-four months leading up to another comprehensive visit.

Dr. Barbara Beno

June 20, 2014

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The team in place at CCSF is making forward progress daily and will ensure that the college fully meets all standards and eligibility requirements within the next year or two. Additionally, I will be working closely with Mayor Lee and the political and civic leaders of the community to address the repopulation and reinstatement of the CCSF Board of Trustees. After all this work, none of us wants to turn the college back over to a dysfunctional governing body, and I can assure you we will not.

The tremendously positive changes that have occurred at CCSF thus far are due in large part to oversight and accountability brought by the ACCJC. The renewal of the college should be an ACCJC success story. However, unless we find a way to move the college from its current status, which includes the constant threat of closure, all the work by the Commission will have been for nothing. In fact, as you have seen in recent weeks with the increasing involvement of the California Legislature, expressions of concern by California community college CEOs, and a soon-to-be-released Legislative Audit that will be extremely critical of ACCJC, there is limited time for the Commission to claim a victory and preserve its role as the regional accreditor for California community colleges. Simply put, the Commission is in trouble, and we need to work together to find a solution. Now is the time for everyone involved in this situation to acknowledge the good work that has been done and ensure a clear pathway forward to reaffirmation of accreditation for CCSF.

My request is quite clear:

- Send a team to review the college in response to the Hearing Panel direction;
- As a result of that review I am confident that the Commission will find good cause to provide the college an additional 24 months to complete its work;
- Monitor the college's progress in coming months;
- Conduct another comprehensive review in the fall of 2016;
- Communicate the success of regional accreditation in saving an extremely troubled college.

Barbara, the future of CCSF and regional accreditation is at stake. The Hearing Panel has provided the necessary vehicle for the Commission to acknowledge the work of the college and to validate the positive impact of regional accreditation. Now is the time to put this behind us and restore educational opportunity for the San Francisco region.

Thank you for your continued work and please call me directly before the meeting on Tuesday if you have any additional concerns, thoughts, or suggestions.

Sincerely,



Brice W. Harris



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July 16, 2014

Dr. Brice W. Harris, Chancellor
California Community Colleges
Chancellor's Office
1102 Q Street, Suite 4554
Sacramento, CA 95811-6539

Dear Dr. Harris:

I am writing this letter to express strong concerns regarding communications from your office that appear to politicize the imminent decisions of the Accrediting Commission for Community and Junior Colleges (ACCJC) regarding the accreditation of the City College of San Francisco (CCSF). The communications can be read as predicting, if not threatening, possible political retaliation against ACCJC if we do not rescind our 2013 decision to terminate accreditation of CCSF. We request that you disavow any intent to support such efforts to influence the ACCJC decision, which would be fundamentally at odds with the integrity of the accreditation process and would do long-term damage to California community colleges.

As you know, based on ACCJC's commitment to protecting students at CCSF (and potentially other colleges), we have developed and adopted the Restoration Policy, a policy to permit a college subject to a termination order to restore its accreditation within a two-year period. The policy is a nationally innovative and unprecedented approach aimed at striking the right balance between avoiding disruption to students and holding schools with serious problems accountable to a robust review process for reestablishing their compliance with accreditation standards. The proposed policy and its application to CCSF have been reviewed and approved by the U.S. Department of Education and applauded by national legislative leaders representing California, including Representatives Pelosi and Miller. The leaders of many institutions that are members of ACCJC also have written to support the new policy. As applied to CCSF, the restoration status policy would provide a clear path forward, particularly if your June 20, 2014, letter is accurate in representing the positive changes that have been made by CCSF.

At the same time that ACCJC was developing this policy, an appellate panel hearing CCSF's appeal of the termination order rejected each of CCSF's substantive and procedural challenges to the decision ACCJC made in June 2013, and affirmed the correctness of that decision to terminate accreditation. At the same time, in response to the strong arguments made by CCSF representatives that under its present leadership the college had

recently completed “95%” of the tasks it has identified to comply with accreditation standards, the panel remanded the matter to ACCJC and directed that an examination of whether CCSF had achieved compliance by May 21, 2014, the date that the appellate hearing was completed. In making its decision, the panel explicitly noted that ACCJC retained the sole discretion to determine the process and scope of the remand review. ACCJC will implement the appellate remand in good faith and decide whether CCSF had achieved compliance as of May 21, 2014, and if it had, what steps to take next.

On the heels of these two developments, in a June 24, 2014, meeting at my office including CCSF representatives, State Vice Chancellor Erik Skinner expressed your office's opposition to the restoration status option for CCSF and recommended that ACCJC use the appellate remand to rescind the 2013 termination order and place CCSF on a weaker sanction than "show cause." Your June 20, 2014 letter to me made the same recommendation, indeed it recommended the college be placed on “probation.”

You and your staff, of course, are free to express your views to the ACCJC and to others. What we strongly object to are statements predicting, or perhaps even condoning, negative political consequences for ACCJC if it does not make the decision you are recommending. Specifically, Mr. Skinner, at the June 24 meeting, promised that you would provide statements in support of the accreditation process and how it is helping the CCSF turn around, to California legislators and to community college leaders in the State – but only if ACCJC reverses its 2013 termination decision, rather than using the restoration status process for CCSF to come into compliance. Mr. Skinner also referred to your continuing discussions with political leaders concerning ACCJC, suggesting that these discussions could "pivot back to a more constructive tone" if ACCJC rescinded the termination order.

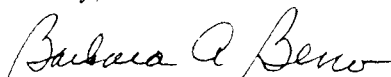
Our concern about the tenor of messages from your office was further heightened by a June 26, 2014 San Francisco Chronicle article concerning a fundamentally flawed audit of ACCJC. The article quoted Paul Feist, cited as your spokesperson, saying that California community colleges "should have a single accreditor, but that should be a commission that enjoys the confidence and support of its member institutions," implying that is not the case with ACCJC. This statement was made despite the auditors' own survey of ACCJC members that showed an 85% approval rating (of those California public colleges surveyed) of ACCJC's accreditation work by our membership. In addition, your June 20 letter ominously referred to "a limited time for the Commission [ACCJC] to claim a victory and preserve its role as the regional accreditor for California community colleges." Your letter added, "Simply put, the Commission is in trouble, and we need to work together to find a solution."

It could be that these statements are simply ill conceived. However, if these statements are meant to threaten that political support for ACCJC is conditioned upon a rescission of the termination decision made in 2013, or to suggest that ACCJC needs to make that rescission based on a political assessment of its support within the state, they are fundamentally inconsistent with the core values and purposes of accreditation as an educational, peer-centered, and fact-based process for upholding standards and protecting students and taxpayers.

Brice, knowing your reputation for professional acumen and integrity, it is difficult for me to believe that you would direct or lend your support to an effort to politicize accreditation and undermine ACCJC if it did not do exactly what your office wanted. I would like to take your June 20 letter not as a threat, but as an expression of your conviction that ACCJC needs to do what you are suggesting based on your concerns regarding its political survival. At the same time, as a former Commissioner and as a state leader, you know from experience and must understand that ACCJC will make a decision on the review required by remand, like all accreditation decisions – on the merits, consistent with the terms of the appellate remand. If that decision does not result in a rescission of the June 2013 termination order, and if the college then chooses to pursue the administrative remedy of restoration status, the ACCJC's decisions will again be based on the merits of the case. That is ACCJC's responsibility, pure and simple.

I too hope we can put this issue behind us and work together to strengthen California's community colleges. As they recover from years of recession, there is great opportunity to focus them anew on educational quality and student success. There are very fine institutions in the California Community Colleges, and others that are improving. As State Chancellor, your leadership and support for the role accreditation plays in supporting and stimulating quality in the public colleges will be critical for the continuing success of the entire system as we move forward.

Sincerely,



Barbara A. Beno, Ph.D.
President

Enclosure:
June 20, 2014 letter from Dr. Harris to Dr. Beno

BAB/cms