



*California
Community
College
Independents*

12345 El Monte Road • Los Altos Hills, CA 94022 • (650) 949-7544

On May 1, 2013, CCCI issued a letter encouraging the state legislature to direct the California State Auditor “to examine the practices, financial and programmatic implications” resulting from imposed actions by the Accrediting Commission for Community and Junior Colleges (ACCJC). Three weeks later as a result of these efforts, Senators Jim Beall (D) and Jim Nielsen (R) agreed to co-author a letter to the Joint Legislative Audit Committee (JLAC) requesting the committee’s approval of an ACCJC state audit investigation (Attached).

On Wednesday, June 5, the ACCJC audit will be one of nine audits JLAC will consider; the estimated \$430,000 ACCJC audit will be the most costly. Final action by JLAC to approve or deny CCCI’s state audit request will hinge on a previously embargoed analysis authored by California State Auditor Elaine Howle (Attached).

Due to the confidential nature of both correspondences, CCCI was restricted until now from sharing these documents. CCCI advocates are meeting with JLAC Democrat and Republican members to encourage their support for this bi-partisan request. The leadership of CCCI thanks the support of faculty who contributed helpful information, and is grateful for the encouragement and direction given by campus representatives at the CCCI Spring Conference.

CCCI members will be notified once JLAC takes its final action this Wednesday afternoon.

David Balla-Hawkins, Advocate
California Community College Independents



SENATE CALIFORNIA LEGISLATURE

STATE CAPITOL
SACRAMENTO, CALIFORNIA
95814

May 23, 2013

The Honorable Adam Gray
California State Assembly
Chair, Joint Legislative Audit Committee
The State Capitol, Room 6012
Sacramento, CA 95814

Re: State Audit of Community College Costs and Non-State Approved Policies Unilaterally Imposed by the Accrediting Commission for Community and Junior Colleges (ACCJC)

Dear Assemblymember Gray:

We request your consideration and support of a state audit to examine the practices, financial and programmatic implications resulting from unilateral actions initiated by the Accrediting Commission for Community and Junior Colleges (ACCJC), the accrediting agency for California Community Colleges.

Background

Title V regulation 51016 authorizes the ACCJC to accredit our state's community colleges. ACCJC is a subdivision of the Western Association of Schools and Colleges (WASC) and accredits private and public postsecondary institutions in the western region that offer two-year education programs and associate degrees. ACCJC is one of six national regional accreditation agencies for public and private colleges and universities, but is the only regional accreditation agency that, eliminating some for-profit trade schools, exclusively accredits two-year colleges.

According to the ACCJC website, its accreditation authority is provided "by [fee-paying] member institutions that have voluntarily joined a regional association to improve educational quality." Some California community colleges have spent tens of thousands of dollars in state revenue to fund ACCJC. As a U.S. Department of Education recognized accreditor, ACCJC decisions affect campus eligibility for federal Title IV student financial aid and other federal grants and contracts. ACCJC accreditation standards are used to assess college success "in

providing high quality education” and “focus a good deal on institutional practices that support student completion of certificates and degrees.” To ensure its decisions and evaluation teams are fair and unbiased, the Commission self-regulates itself and “holds itself accountable for good practice by evaluating and assessing its own ability to make fair and unbiased decisions on accreditation.” [ACCJC: *Twelve Common Questions and Answers about Regional Accreditation*].

A “governmental function” is defined as an act which is so “intimately related to the public interest” as to mandate performance by the government, and require either the exercise of discretion in applying government authority or the use of value judgments in making decisions for the government [*Martin v. Halliburton*, 2010 U.S. App. LEXIS 18698 (5th Cir. Tex. Sept. 7, 2010)]. As an accrediting agency for state community colleges that fall under the authority of the governor and state legislature, ACCJC, by performing a government function, is accountable for decisions it makes intended for the general public good.

Disparate Number of ACCJC Sanctions

In California, public community colleges have been disproportionately sanctioned by ACCJC. In the five-year period from 2003-08, ACCJC imposed sanctions on 37% of the state’s two-year colleges, accounting for 89% of all U.S. sanctions allotted during this period. The five other U.S. regional accreditation agencies – responsible for evaluating over 2,700 K-University institutions – imposed sanctions ranging from 0% to 6%.

As of May 2012, ACCJC had sanctioned 22.2% of California’s two-year colleges, and from 2011-12 ACCJC issued 64% sanctions issued nationwide. Conversely, the Accrediting Commission for Senior Colleges and Universities (ACSCU), which accredits public and private four-year colleges and universities within the ACCJC region, sanctioned only 1.9% of its campuses. The five other U.S. regional accreditation bodies issued sanctions for an average of 2.1% of their institutions during this same period.

ACCJC Climate

A highly critical and documented assessment of ACCJC by retired community college math professor Martin Hittelman illustrates a climate of arrogance and secrecy <http://www.saveccsf.org/accjc-gone-wild/>. The California Federation of Teachers (CFT) recently released its 298-page ACCJC public comment response to the severe sanctions executed at San Francisco City College. The comprehensive document includes charges and supporting evidence that ACCJC President Barbara Beno engaged in improper conflicts of interest; disregarded and/or violated state and federal laws, policies and regulations; denied due process; imposed policies that violate or circumvent employee contracts; violated ACCJC procedures by applying costly sanctions to colleges – such as ‘Show Cause’ that is sanctioned prior to a campus closure – without first applying less egregious sanctions, such as a ‘Warning’ or ‘Probation;’ enacted systemwide policies and programs without legislative oversight or approval; and threatened reprisals of faculty and administrators. The ACCJC “Third Party Comment and Complaint” may be found at <http://www.cft.org/uploads/ccf/docs/thirdpartycomment.pdf>.

ACCJC Compliance

Under 34 Code of Federal Regulations (CFR) Part 602.10 and 602.13, an accrediting agency is required “to be able to demonstrate that its standards, policies and accreditation decisions are widely accepted in the United States by educators and educational institutions, licensing bodies (if appropriate), practitioners, and employers of graduates for accredited institutions and programs.” Unfortunately, ACCJC policy discourages consideration of a college’s compliance with state and federal laws and agencies. As written in the ACCJC Team Evaluator Manual (page 23, August 2012), “[Accreditation] recommendations should not be based on the standards of governmental agencies, the legislature, or organizations.”

Increased Community College Costs

Since community colleges are required to comply with ACCJC “requests, directives, decisions and policies” [ACCJC: *Eligibility Requirements for Accreditation*], the commission has unilaterally imposed numerous community college policy changes resulting in financial obligations that have not been reviewed or approved by the California State Legislature. ACCJC has also increasingly criticized campus compliance with the state’s community college statutory “shared governance” process, and distinct from assessing the educational quality of an institution, has sanctioned campuses for deficiencies in governing board practices – growing from 46% of sanctioned campuses in 2009 to 71% of sanctioned campuses in 2012 [ACCJC *News*, Summer 2012].

Beginning in 2002, ACCJC implemented a 10-year timeline requiring community colleges to develop Student Learning Outcomes (SLO) to assess student achievement “bearing in mind that grades are not the best evidence of student learning” [ACCJC: *Assessment of Student Learning Outcomes*]. The SLOs are included in the assessment of instructional programs, student services, financial aid and student orientation. Numerous faculty, staff and administrative hours are dedicated to SLOs, detracting time away from educating students and operating campuses. Since ACCJC is self-regulated and self-assessed, there is little independent evidence, if any, that the SLO mandate has resulted in improved teaching, program accountability, or an increase in student academic achievement.

The imposition of SLOs for student orientations, administration of financial aid, student services and instructional programs has created new costly administrative positions, programs and structures. Examples include the accumulation of college SLO coordinators, SLO analysts and SLO advisory committees; SLO workshops, evaluations and trainings; and new campus administrative centers such as the Planning, Research and Institutional Effectiveness (PRIE) division at Sacramento City College. Distinct from SLO-imposed obligations, colleges also pay expenses for ACCJC visiting teams; consultants; special trustees; additional administrative personnel and other related costs.

Conclusion

Overwhelming evidence appears to indicate that ACCJC has exceeded its authority in the accreditation of California’s two-year, associate degree public colleges. This evidence includes:

the disparate number of California community colleges being sanctioned; disregard for state laws governing community colleges and contractual agreements; imposing costly and unnecessary policies without the approval or oversight of the state legislature; and creating campus climates whereby limited resources are being redirected to comply with compulsory ACCJC directives by funding new administrative functions and positions.

Therefore, we respectfully request the Joint Legislative Audit Committee direct the State Auditor to answer the following questions as they relate to ACCJC accreditation for the three-year period from 2009-12. The audit would use a sample of at least three California community colleges chosen by the Bureau of State Audits and include at least two colleges that have been issued "Show Cause" sanctions:

1. To the extent possible, determine the following:
 - Whether the ACCJC accreditation process was conducted consistent with applicable laws and policies.
 - Whether changes in ACCJC policies during the accreditation process had fiscal or other impacts.
 - Whether the ACCJC has required any of the selected campuses to take action that was inconsistent with applicable laws or policies.
2. To the extent possible, how is the criteria developed for the ACCJC accreditation process, and how has it changed over time?
3. To the extent possible, are the policies, actions and standards of ACCJC consistent with other U.S. regional accreditation commissions?
4. Determine for the period 2009-12, how the accreditation process has taken the community colleges' quality of education, including Student Learning Outcomes (SLO) and other measures of student achievement, into account as part of the accreditation process and whether it does so effectively.
5. Determine the level of stakeholder input into the accreditation process and whether this level of input was consistent with applicable laws, regulations and policies.
6. To the extent possible, determine whether there are disparities in the number and percentage of community colleges subject to adverse action by the ACCJC when compared with adverse actions taken by other U.S. accrediting commissions, and identify the factors contributing to any disparities.
7. Determine the following, to the extent possible:

How ACCJC examines and evaluates the reasonableness of the performance standards for student achievement established by the community colleges when conducting the accreditation process, and whether it does so effectively.

How the adoption of Student Learning Outcomes (SLO) and other student achievement measures used in the accreditation process has impacted administrative positions, employee workloads, development of new programs and improvements in student academic achievements.

The extent to which data, student assessments or other evaluations are used to measure and evaluate the benefits and effectiveness of Student Learning Outcomes (SLO) or other student achievement standards used as part of the accreditation process.

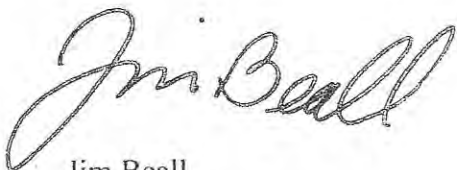
8. For the 2009-12 period determine whether there has been a significant change in the factors or criteria, or the relative weighting of those factors or criteria, when ACCJC takes an adverse action against a California community college. To the extent possible, compare with the practices of other U.S. accrediting commissions.
9. Evaluate the roles and responsibilities of the ACCJC, campus officials, faculty and staff with respect to the accreditation process and determine whether those roles and responsibilities result in an effective accreditation process.
10. To the extent possible, determine the following:

What changes, programs or additional activities has each community college undertaken during the 2007-12 period to address requirements imposed by ACCJC?

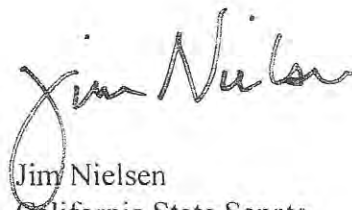
Determine the additional costs incurred by each of the community colleges in making changes or undertaking new or additional activities to comply with any requirements imposed by ACCJC.
11. What is the role of the Governor, State Legislature, community college Chancellor's Office and any other entity in the ACCJC accreditation process? How does this oversight and assessment authority compare with other regional accreditation agencies?

Thank you for your attention to this important matter.

Respectfully,



Jim Beall
California State Senate



Jim Nielsen
California State Senate

2013-113 California Community Colleges—Accreditation Process

ANALYSIS OF AUDIT REQUEST

June 5, 2013

I. AUDIT REQUEST

Senators Beall and Nielsen are requesting an audit to examine the practices and financial and programmatic implications resulting from actions taken by the Accrediting Commission for Community and Junior Colleges (ACCJC) related to California Community Colleges (community colleges).

II. BACKGROUND

In California state regulations require that community colleges be accredited by the ACCJC. The ACCJC—a subdivision of the Western Association of Schools and Colleges—accredits associate degree granting institutions in the Western region of the United States. According to the ACCJC, accreditation evaluates the overall educational quality and institutional effectiveness of institutions. The ACCJC states that the accreditation process provides assurance to the public that colleges meet established standards and that the education earned at the institutions is of value to the student who earned it.

Under the federal Higher Education Act of 1965 and its implementing regulations, the U.S. Secretary of Education recognizes the various entities, such as the ACCJC, that may act as accrediting agencies. The purpose of this federal recognition is to ensure that the accrediting agencies are reliable authorities regarding the quality of education or training offered by the institutions or programs they accredit. Federal law defines “accreditation” as the status of public recognition that an accrediting agency grants to an educational institution or program that meets the agency’s standards and requirements. An accrediting agency conducts accrediting activities through nonfederal peer review and makes decisions concerning the accreditation status of institutions or programs.

Student learning and achievement are parts of the process of accreditation. In 2002, according to the ACCJC, it added to the Accreditation Standards requirements that institutions become more intentionally supportive of student learning by defining intended student learning outcomes, assessing learning, and incorporating the results of assessments into decisions about institutional priorities and improvement plans. Further, federal regulations adopted in 2009 require that accreditors have standards to address success with respect to student achievement.

The requestors are concerned that the ACCJC has exceeded its accreditation authority in California and that limited community colleges resources are being redirected to comply with ACCJC directives.

III. AUDIT SCOPE AND OBJECTIVES

The audit by the California State Auditor will provide independently developed and verified information related to the Accrediting Commission for Community and Junior Colleges (ACCJC) and its accreditation of California Community Colleges (community colleges) and will include, but not be limited to, the following:

1. Review and evaluate the laws, rules, and regulations significant to the audit objectives.
2. Describe the role of the governor, the Legislature, community colleges Chancellor's Office, and any other entity in the ACCJC accreditation process. To the extent possible, compare the oversight and assessment authority with other states' oversight of regional accreditation agencies.
3. To the extent possible, determine how the ACCJC develops criteria for the accreditation process, and how that criteria has changed over time. Assess whether the policies, standards, and actions of the ACCJC are consistent with those of other organizations accrediting community colleges.
4. Determine for the period 2009 through 2012, how the accreditation process has taken the community colleges' quality of education, including Student Learning Outcomes and other measures of student achievement, into account as part of the accreditation process and whether it does so effectively.
5. For a selection of three accredited community colleges, determine the following to the extent possible:
 - a) Whether the ACCJC accreditation process was conducted consistent with applicable laws and policies and was applied consistently among institutions.
 - b) Whether changes in ACCJC policies during the accreditation process had fiscal or other impacts.
 - c) Whether the ACCJC has required any of the selected campuses to take action that was inconsistent with applicable laws or policies.
 - d) What changes, programs or additional activities has each community college undertaken during the 2007 through 2012 period to address requirements imposed by ACCJC.

- e) The additional costs incurred by each of the community colleges in making changes or undertaking new or additional activities to comply with any requirements imposed by ACCJC.
 - f) The level of stakeholder input into the accreditation process and whether this level of input was consistent with applicable laws, regulations, and policies.
 - g) The roles and responsibilities of the ACCJC, campus officials, faculty, and staff with respect to the accreditation process and whether those roles and responsibilities result in an effective accreditation process.
 - h) How ACCJC examines and evaluates the reasonableness of the performance standards for student achievement established by the community colleges when conducting the accreditation process, and whether it does so effectively.
 - i) How the adoption of Student Learning Outcomes and other student achievement measures used in the accreditation process has impacted administrative positions, employee workloads, development of new programs, and improvements in student academic achievements.
 - j) The extent to which data, student assessments, or other evaluations are used to measure and evaluate the benefits and effectiveness of Student Learning Outcomes or other student achievement standards used as part of the accreditation process.
6. For the 2009 through 2012 period, determine whether there has been a significant change in the factors or criteria, or the relative weighting of those factors or criteria, when ACCJC takes an adverse action against a community college. To the extent possible, compare with the practices of other United States' accrediting organizations.
7. To the extent possible, determine whether there are disparities in the number and percentage of community colleges subject to adverse action by the ACCJC when compared with actions taken by other United States' accrediting organizations and identify the factors contributing to any such disparities.
8. Identify and assess any other issues that are significant to the process for accrediting community colleges.

IV. OTHER WORK IN THE GENERAL AREA

None.

V. RESOURCE REQUIREMENTS

We estimate that this audit would require approximately 4,020 hours of audit work at a cost of approximately \$430,140 plus travel and administrative expenses and the costs related to an outside consultant, if necessary. We will conduct this audit using our existing budget authority to the extent funding is available for audits approved by the Joint Legislative Audit Committee.

VI. REQUIRED DATE OF COMPLETION

Senators Beall and Nielsen did not request a completion date for this audit.



ELAINE M. HOWLE, CPA
State Auditor