



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

June 25, 2014

Re: ACCJC's Proposed Policy on Restoration Status

Dear ACCJC:

With regard to the First Reading of Policy on Commission Actions on Institutions, the Community College Council of the California Federation of Teachers (CFT) believes this proposed Restoration Status policy as it is currently constructed is both unnecessary and unlawful. The Accrediting Commission for Community and Junior Colleges (ACCJC) has always had the authority to extend colleges more time than two years to meet ACCJC requirements, provided there is **good cause** for more time. The Department of Education (DOE) has confirmed this on numerous occasions.

What's more, in the case of City College of San Francisco (CCSF) this new policy is not needed. This is because as it stands now ACCJC can rescind its "premature" termination of CCSF's accreditation, restore the *status quo*, and, commence a new, fair review of City College, extending its time period to correct any deficiencies found, for good cause.

In the case of any subsequent, similarly situated colleges, ACCJC can apply its good cause for extension policy, making sure to consistently identify when the policy is applied, and to record the rationale applied to the extension.

But instead of using its existing authority, this proposed policy would have the College essentially waive its internal- to-ACCJC due process rights shutting out the public and constituent groups in the process.

Representing faculty
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education

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Still, if you are going to continue down this path we'd like to convey to you the following concerns and suggestions:

1. ACCJC's "Policy on Commission Actions on Institutions," Section V. "Actions that Terminate Accreditation" should clearly distinguish between "deficiencies" and "recommendations." On August 13, 2013, the U.S. Department of Education found that the ACCJC has not made clear the difference between the two and is in violation of 34 C.F.R. §602.18(e). Additionally, federal regulations require that the ACCJC provide written specifications of any deficiency (34 C.F.R. §602.25(c)), and provide the college with a detailed written report that assesses deficiencies. (34 C.F.R. §602.17(f)). The statement of the standard for which it is claimed that the college is out of compliance must be made clearly by the Commission in their action letter to the institution, along with an allowed period of time to make improvements. Under the new rules, the same procedure should be included.

2. In the new section on Restoration Status, the following items should be addressed:

a. Colleges should not be forced to forego their rights to the usual ACCJC procedure of a request for review/appeal, and as such, consideration for Restoration Status should not require withdrawing the request for review and/or appeal.

b. In the case that the policy as it currently stands remains unchanged in the above respect, then as concerns the "completion date of any requested review and appeal process," the request for granting of Restoration Status timeline should include a reasonable amount of time (say two weeks) / adequate notice for when an appeal/review will be completed, so as to provide a college with an idea of when a Restoration Status application must be submitted. The institution cannot be expected to know when "prior to the completion date" will occur.

c. The ability to apply for Restoration Status should not depend on any good cause extension that may have been granted in the past.

d. Restoration Status should instead be titled "**Accreditation Continuation**" so as to not create further uncertainty regarding a college's accreditation status. As titled now, the policy would naturally and probably imply to students that the college is not accredited, which could have a substantial adverse impact on its enrollment, and the education of thousands of students. Additionally, the designation of "accredited, pending termination" should simply be changed to "accredited," as "pending termination" perpetuates uncertainty and achieves no legitimate end.

e. Compliance with Eligibility Requirements should not include whether the institution has a functioning governing board if such governing board has been removed by the Board of Governors of the Community Colleges. If they do include such a situation, it should be made clear in the policy.

f. The comprehensive evaluation of the institution should be done by a properly composed Visiting Team as required by the U.S. Department of Education. Federal regulations also require that the ACCJC "consistently apply and enforce standards" and have "effective controls against the inconsistent application of the agency's standards." (34 C.F.R. §602.18 (b)). The standards that the institution should be held to should be the same as those that other institutions are being held to, along with the same possible array of actions including full accreditation, Warning, Probation, and so on.

g. The notice to the institution that they will be going through restoration must be made and transmitted early enough/provide adequate time so that the institution can meet the “six weeks prior to the scheduled visit” requirement for its self evaluation.

h. The accreditation status of the institution during the restoration period should be such that students will have their courses transferable and be eligible for student aid and that the institution will be eligible for funding. Thus a termination decision must only become effective upon the completion of the current term. Otherwise, students will be detracted from attending a college that could be shut down during the term. This would result in a loss of transferable units, tuition paid, etc.

i. Again the standard to be met should be the same as that for other institutions – currently it appears that the requirement is “substantial compliance.”

j. The language that the Commission can decide that an institution cannot meet standards within two years should be deleted. In fact, **some standards always take a period or multi-year cycle of implementation, adjustment, and finally substantial compliance.** For example, new governance methods need time to see if they will work. In any case, making a judgment on something that will or will not happen in the future is not a judgment – it is just speculation. ACCJC does not currently have a policy outlined for determining prospective compliance within a two year period.

k. **A college should have the right to appeal any ultimate judgment to remove its accreditation in federal court, as the current ACCJC policy allows now.**

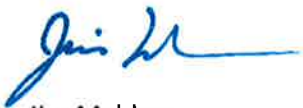
l. Some language on timing should also be included to address any legal rulings that will stop or postpone the eventual dis-accreditation process.

m. The comprehensive evaluation at the end of the restoration process should be the same as the evaluation for any institution and have the same options for action.

n. The language regarding only one application for Restoration Status during a 20-year period should be deleted because it is baseless, not reflective of any evaluation cycle, and seemingly arbitrary, capricious and unreasonable. There is no justification offered which suggests a rational basis for this provision.

The Council reserves the right to submit further comment as it deems necessary or appropriate.

Sincerely,



Jim Mahler
President, Community College Council
California Federation of Teachers, AFT, AFL-CIO

cc: California Federation of Teachers