

Date of Hearing: April 7, 2015

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Jose Medina, Chair

AB 404 (Chiu) – As Introduced February 19, 2015

**SUBJECT:** Community colleges: accreditation

**SUMMARY:** Requires the accrediting agency for the California Community Colleges (CCC) to report to the CCC Board of Governors (BOG) as soon as practicable after the National Advisory Committee on Institutional Quality and Integrity (NICIQI) has notified the agency of the date by which their application for continued recognition is due; and, requires the CCC BOG to conduct a survey of the CCC, including faculty and classified personnel, to develop a report to be transmitted to the United States Department of Education (USDE) and NICIQI that reflects a systemwide evaluation of the agency based on criteria used to determine an accreditor's status.

**EXISTING LAW:**

- 1) Establishes the BOG to provide general supervision over the CCC and requires the BOG to prescribe minimum standards for CCC formation and operation (Education Code Section 66700);
- 2) Requires the BOG to develop minimum standards governing academic standards, employment policies and shared governance; evaluate CCC fiscal and educational effectiveness and provide assistance when districts encounter management difficulties; administer state funding and establish minimum conditions entitling CCC districts to receive state funds; requires the CCC BOG, in determining if a CCC district satisfies the minimum conditions for receipt of apportionment funding, to review the accreditation status of the CCCs within that district review and approve educational programs (EDC Section 70901);
- 3) Requires the accrediting agency for CCCs to report to the appropriate policy and budget subcommittees of the Legislature upon the issuance of a decision that affects the accreditation status of a community college and, on a biannual basis, any accreditation policy changes that affect the accreditation process or status for a CCC; and, requires the CCC Chancellor's Office to ensure that the appropriate policy and budget subcommittees are provided the aforementioned required information (EDC Sections 72208);
- 4) BOG regulations (5 CCR Section 51016) require CCCs to be accredited by the Accrediting Commission for Community and Junior Colleges (ACCJC). However, BOG recently approved regulatory changes that would continue the requirement for accrediting, but remove the explicit requirement of accreditation by the ACCJC.

**FISCAL EFFECT:** Unknown.

**COMMENTS:** *Background on Accreditation.* Accreditation is a voluntary, non-governmental peer review process used to determine academic quality. Accrediting agencies are private organizations that establish operating standards for educational or professional institutions and programs, determine the extent to which the standards are met, and publicly announce their findings. Under federal law, the USDE establishes the general standards for accreditation

agencies and is required to publish a list of recognized accrediting agencies that are deemed reliable authorities on the quality of education provided by their accredited institutions. Institutional accreditation is a requirement for participation in federal financial aid programs. Under federal regulations, accrediting agencies are required to meet general outlined standards, but specific processes and quality standards are left to each accrediting agency to determine.

*Role of NACIQI.* USDE relies on NACIQI, an 18-member committee appointed equally by the Secretary of Education, House of Representatives, and the Senate, to review accrediting agencies and advise the Secretary on whether an accrediting agency is a reliable authority regarding the quality of the education provided by the institutions it accredits. NACIQI is charged with determining whether an accrediting agency complies with various criteria for recognition, which include, among other requirements: appropriate accreditation standards; fair and consistent application of accreditation standards; proper monitoring and reevaluation of accredited institutions; and, immediate enforcement to ensure compliance with standards.

*Role of public comment.* During the initial application or continued recognition review process, USDE staff publishes a notice in the Federal Register, inviting the public to comment on the agency's compliance with the criteria for recognition and establishing a deadline for receipt of public comment. Public comments are reviewed by NACIQI and USDE staff prior to the USDE decision regarding initial or continued recognition of the accrediting agency. USDE determines the recognition period, up to five years.

*CCC accrediting agency.* There are six USDE-recognized regional accrediting agencies. Each regional accreditor encompasses public, the vast majority of non-profit private (independent), and some for-profit postsecondary educational institutions in the region it serves. California's regional accrediting agency is separated into two commissions; ACCJC is the regional accrediting agency for community colleges in the western region (California, Hawaii, and U.S. territories). ACCJC membership consists of the institutions ACCJC has accredited in California, Hawaii and numerous Pacific island nations and territories; the 19 ACCJC commissioners are elected by a vote of the presidents of the member-colleges and serve up to two three-year terms. ACCJC bylaws govern, among other areas, commission meetings, responsibilities of commissioners, and the appeal process for institutions appealing a denial or termination of accreditation. ACCJC bylaws may be amended by a majority vote of the Commissioners. Under ACCJC bylaws, the president, appointed by the Commissioners, is responsible for general supervision, direction, and control of ACCJC operations.

*ACCJC controversy.* Between 2003 and 2008, ACCJC had placed 37% of CCCs on "sanction" (at risk of losing accreditation). A study of other regional accreditors showed that during this same time, the percentage of community colleges being sanctioned ranged from 0 to 6%. The large number of penalties for community colleges under ACCJC's jurisdiction led community college leaders, faculty, and staff to, through the CCC Chancellor's Office (CCCCO) Consultation Council, review and make recommendations regarding ACCJC's actions. Under the leadership of then-Chancellor Jack Scott, the group made a series of recommendations largely designed to focus ACCJC on institutional improvement rather than compliance. In a written response to Chancellor Scott's recommendations, ACCJC defended current standards and practices and made suggestions of how the CCCCCO could assist colleges in meeting ACCJC's requirements.

*Bureau of State Audits (BSA) review of ACCJC.* In June of 2014, the BSA released an audit of ACCJC's application of the accreditation process. The audit was conducted at the request of the Joint Legislative Audit Committee (JLAC) following concerns among several legislators over the ACCJC decision to terminate accreditation for City College of San Francisco (CCSF). The BSA audit includes a series of recommendations to improve CCC accreditation; among the recommendations supported by CCCCCO, BSA recommended the CCCCCO facilitate improved communication between CCCs and ACCJC. BSA also recommended allowing CCCs flexibility to choose an accrediting agency; the CCCCCO responded that this recommendation should not be pursued as it could lead to reduced transparency, reduced employee mobility within CCCs, and added challenges in overseeing colleges effectively.

*Purpose of this bill.* According to the author, "there has been a historical lack of accountability for an accrediting agency overseeing the CCCs. This deficiency is due to fear of retribution, scarce local resources, and the absence of a pathway for CCC and other local stakeholders to provide meaningful feedback during an accrediting agency's performance review process for continued accreditation recognition." The author notes that in past NACIQI reviews of ACCJC, there has not been a strong voice for the CCC system as a whole; further, the CCC system does not currently have a method for soliciting feedback from colleges, faculty, and other stakeholders. The author believes that increasing participation in the accrediting agency review process will increase accrediting agency accountability.

*Regional and national accreditation.* In response to the BSA audit recommendation regarding allowing CCCs to choose an accrediting agency, the CCC BOG took action to remove ACCJC from the regulatory requirement for CCC accreditation. The change initially proposed to authorize the Chancellor to approve only a regional accrediting agency recognized by USDE. However, the regulation approved by the BOG did not include the requirement for a regional accrediting agency. The CCCCCO argued that the term "regional" had no meaning because accrediting agencies are nationally recognized by USDE and can either be national or regional. However, as noted by NACIQI, because regional commissions have accredited under one tent, research universities, state colleges, liberal arts institutions, community colleges, and special purpose institutions. This system keeps these very different institutions accountable to a single set of standards within each region, promoting mobility for transfer students, and students seeking a higher degree, as well as reasonable consistency for the various degree levels.

Further, the universities that primarily receive CCC transfer students have largely established a standard of requiring regional accreditation for transfer credits. For example, according to the California State University (CSU) website, generally college level credits earned from an institution of higher education accredited by a *regional accrediting agency* are accepted for transfer to campuses. CSU specifies that "campuses may enter into course-to-course or program-to-program articulation agreements with other CSU campuses and any or all of the California community colleges, *and other regionally accredited institutions.*" According to the University of Southern California website, coursework completed at, or degrees from, U.S. institutions *accredited by the six regional accrediting agencies* are generally accepted for transfer.

***Moving forward, the author may wish to consider clarifying that the accrediting agency of community colleges, with which the CCC, the CCCCCO, and the campus community must engage, review, and provide feedback regarding, must be a regional accrediting agency.***

*Related legislation.*

AB 1385 (Ting) is pending in the Assembly Higher Education Committee. This bill would require notification to the CCC BOG before an accrediting agency increases membership fees, special assessments, or other payments charged to a community college.

AB 1397 (Ting) is pending in the Assembly Higher Education Committee. This bill would require the accrediting agency for CCC to provide an opportunity for public comment prior to taking action related to the accreditation status of a community college.

*Prior legislation.*

AB 1942 (Bonta), Chapter 382, Statutes of 2014, required the CCC BOG, in determining if a CCC district satisfies the minimum conditions for receipt of apportionment funding, to review the accreditation status of the CCCs within that district; required the accrediting agency for CCCs to report to the appropriate policy and budget subcommittees of the Legislature upon the issuance of a decision that affects the accreditation status of a CCC and, on a biannual basis, any accreditation policy changes that affect the accreditation process or status for a CCC; and, required the CCCCO to ensure that the appropriate policy and budget subcommittees are provided the aforementioned required information.

AB 2247 (Williams), Chapter 388, Statutes of 2014, required all campuses serving California students of public and private postsecondary educational institutions that receive state or federal financial aid funding to post institutional accreditation documents on the institution's website.

SB 1068 (Beall) of 2014, which was held in the Senate Appropriations Committee, would have required CCC BOG, by January 1, 2016, to report on the feasibility of creating an independent accrediting agency to accredit the CCCs and other 2-year private postsecondary educational institutions, and to make recommendations relative to CCC accreditation.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

California Federation of Teachers  
Faculty Association of California Community Colleges

**Opposition**

None on File

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