

Date of Hearing: May 28, 2014

ASSEMBLY COMMITTEE ON HIGHER EDUCATION
Das Williams, Chair
HR 41 (Ting and Ammiano) – As Amended: May 23, 2014

SUBJECT: City College of San Francisco

SUMMARY: Urges the Accrediting Commission for Community and Junior Colleges (ACCJC) to consider the progress of City College of San Francisco (CCSF) toward achieving compliance with standards and to provide CCSF additional time to continue solving problems while keeping its accreditation intact.

EXISTING LAW establishes the California Community Colleges (CCC) Board of Governors (BOG) to provide general supervision over the CCC and requires the BOG to prescribe minimum standards for CCC receipt of apportionment funding (Education Code §66700). BOG regulations (5 CCR §51016) require CCCs to be accredited by ACCJC.

FISCAL EFFECT: Unknown.

COMMENTS: Purpose of this resolution. According to the author, without action by ACCJC, termination of the accreditation of CCSF could take effect as soon as the end of July. The author notes that ACCJC is scheduled to meet June 4-6, but does not have any discussion of CCSF listed on its agenda, suggesting that ACCJC is intent to close the school without a review of its significant progress. The author argues that reasonable heads must prevail at ACCJC and the college must be provided additional time to meet all accreditation standards. The author notes that "if the school closes, the education goals of its 80,000 students will be thrown under the bus because there is no backup peer institution to take them in." According to the author, "The prospect of such a crisis prompted the introduction of this resolution and a companion measure in the State Senate, asking the Legislature to weigh in on this situation because it establishes a reckless and arbitrary precedent for the review of every community college in California."

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 United States Department of Education (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.

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).

Commission membership consists of the institutions ACCJC has accredited; 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.

Background on CCSF deficiencies. In July of 2012, CCSF was placed on "Show Cause" status by ACCJC. The ACCJC visiting team found, among other deficiencies, that the college had insufficient cash flow and reserves to maintain financial stability and no realistic plans to meet financial emergencies and unforeseen circumstances. The institution was provided one year to establish compliance with accrediting standards. In September of 2012, the CCC Chancellor's Office and the Fiscal Crisis & Management Assistance Team (FCMAT) released an audit of fiscal stability and management controls. The audit found that CCSF was near fiscal insolvency resulting from poor financial decisions and lack of accountability. In July of 2013, ACCJC voted to terminate accreditation effective July 31, 2014, subject to review and appeal. ACCJC found that of the 2012 recommendations, CCSF fully addressed only two, nearly addressed one, and eleven were inadequately addressed. Also in July, CCCCCO and FCMAT released a second fiscal review which found overall non-implementation of 2012 recommendations.

Background on CCSF interventions. In October 2012, BOG appointed Robert Agrella as special trustee under limited powers to assist CCSF in achieving sound financial management. Following the ACCJC decision to revoke accreditation, on July 9, 2013, BOG voted to authorize Special Trustee Agrella to assume full management and control of the district. In November 2013, Arthur Tyler was named Chancellor of CCSF. Currently, Special Trustee Agrella and Chancellor Tyler are working to address ACCJC and FCMAT standards and recommendations. According to CCSF, the college has addressed 95% of the college's objectives outlined in the Roadmap to Success.

ACCJC Candidacy proposal. On April 12, 2014, an editorial by ACCJC Commissioners Sherrill Amador and Steven Kinsella was published in the San Francisco Chronicle, detailing a proposed pathway for CCSF to voluntarily relinquish accreditation and simultaneously seek "candidacy status" from ACCJC. Amador and Kinsella wrote that ACCJC was unable to provide CCSF additional time to complete the required corrections because of USDE rules prohibiting an accrediting agency from allowing a non-compliant college more than two years to achieve compliance before the college loses accreditation ("two-year rule"). Amador and Kinsella wrote that under candidacy CCSF would continue to be eligible for state apportionment funding, federal financial aid funding, and student credits would generally be transferable.

ACCJC approach problematic. The candidacy pathway outlined by ACCJC is potentially problematic for CCSF and its students. Committee staff understands that absent a change in state law CCSF would be ineligible for apportionment funding. Committee staff further understands, in talking with USDE representatives, that it is, at best, unclear whether CCSF students would remain eligible for federal financial aid. It is also questionable whether students would continue to be eligible for Cal Grants. Finally, as decisions over transferability of credits are made by the institution receiving the transfer student, it is unclear how candidacy status would impact existing articulation agreements between CCSF and California four-year institutions.

USDE clarification on "two-year rule". On May 19, 2014, USDE responded in writing to a request from U.S. Representative Nancy Pelosi regarding USDE's role in ACCJC's decision to revoke CCSF accreditation. According to USDE, the decision to revoke accreditation as well as the option to extend accreditation for CCSF rests solely with ACCJC. In regards to the federal "two-year rule" USDE wrote that federal regulations provide the opportunity for an accrediting agency to grant a "good cause" extension for an institution to return to compliance prior to taking an adverse action. According to USDE, "ACCJC has the authority to reconsider or rescind its termination decision so as to provide the institution with additional time to come into compliance within the two-year time frame, if such a period has not run out, or to provide an extension for good cause."

BOG request. On May 20, 2014, BOG wrote to ACCJC to request a rescission of their termination of accreditation of CCSF, based on the BOG belief that the college is now in substantial compliance with the accreditation standards. BOG encouraged ACCJC to send a visiting team to the college to document the progress, and noted that this is an appropriate action in light of the fact that USDE has indicated that ACCJC has the power to make this decision without it negatively impacting their relationship with USDE.

Related legislation. SR 47 (Leno) is identical to this resolution and is currently pending adoption in the Senate.

REGISTERED SUPPORT / OPPOSITION:

Support

None on file.

Opposition

None on file.

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