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ADMINISTRATIVE OFFICE  
2550 N. Hollywood Way  
Suite 400  
Burbank, CA 91505  
818-843-8226  
818-843-4662 fax  
www.cft.org

Brice Harris, Chancellor  
California Community Colleges  
1102 Q Street, #4  
Sacramento, CA 95811

American Federation of  
Teachers, AFL-CIO

Manuel Baca, President  
Board of Governors  
California Community Colleges  
1102 Q Street, #4  
Sacramento, CA 95811

Dear Chancellor Harris and President Baca:

I am writing you today regarding my deep concern that the Accrediting Commission for Community and Junior Colleges (ACCJC) is moving to close City College of San Francisco (CCSF) in violation of federal and state laws and its own rules, procedures and protocols. It appears the ACCJC is determined to close CCSF, and for the sake of the 80,000 students who attend the college, the thousands of faculty and staff and the entire San Francisco community, that cannot be allowed to happen. Chancellor Harris, I am asking you to follow-up on the May 20, 2014 letter of Board of Governors President Baca and further to intercede and set in motion a process to expand accreditation options for California's Community Colleges.

This letter is intended to remind you of just a few of the egregious errors and acts from the ACCJC as it has dealt with CCSF, bring one to your attention that we do not believe has not been sufficiently scrutinized, and ask the State Chancellor's Office and Board of Governors to take several actions that can help ensure our community colleges are not faced with such reckless behavior from accreditors in the future.

For some time now, the California Federation of Teachers (CFT) has been calling for the ACCJC to rescind its July 3, 2013 order revoking CCSF's accreditation, confirm that "good cause" exists for an extension of time, establish a new evaluation team and



schedule, and conduct a complete, fair and accurate evaluation of the college. Such a review could be completed by mid-late fall, in time to be heard no later than the Commission's next meeting in January 2015.

Recent guidance from the US Department of Education (DoE) makes clear that the ACCJC has latitude to undertake such an approach. However, after two years of witnessing the Commission's intransigence, obfuscation and willful violation of law, we have serious doubts that the ACCJC will now suddenly correct course.

The CFT calls upon you to do all in your power to finally end the uncertainty about the status of CCSF's accreditation. If the current uncertainty remains, enrollment will continue to decline and will only further contribute to the destruction of CCSF.

Denying accreditation to CCSF should have never occurred. Unfortunately, it appears that the ACCJC couldn't wait to shut down City College. First, the 2012 show cause sanction was built on faulty premises. Then CCSF was assigned tasks in July 2012 that would take 3 years to accomplish, and when City College couldn't complete them in 9.5 months – a foregone conclusion – ACCJC used the College's supposed failure as an excuse to shut it down.

Further – and here we come to a Commission misstep that has received precious little attention – City College was not even informed of supposed deficiencies, listed for the first time in President Beno's July 3, 2013 disaccreditation decision. This denied City College (and the public) the due process mandated by federal law in two federal regulations, 34 CFR §602.17(f) and § 602.18(e). In denying City College this notice, the Commission also violated 34 CFR §602.25(c) and (d).

The Federal regulations require ACCJC to clearly explain, in writing, every deficiency. This permits the college a chance to defend itself. ACCJC ignored this requirement when reviewing CCSF in 2013. ACCJC illegally took 23 subparts of 11 standard elements that its appointed evaluation team rated as being met and reclassified them as deficiencies. In other words, the Commission reversed each of these instances where the evaluation team found CCSF *met the standard or element involved*, and the Commission found otherwise – except that the Commission did not provide any specification or evidence of these deficiencies, and hence violated §602.25. By just listing these additional deficiencies by number, without any explanation for changing them from the team's conclusion that College “meets the standard,” ACCJC failed its legal duty. (For more details, see the well-documented attachment, “Review of CCSF Compliance with Accreditation Standards: Comparison of 2013 Evaluation Team Findings and Commission Decision”.)

Simply put, the Commission had no authority to act on CCSF's accreditation at its June 2013 meeting, because it did not:

- Notify CCSF of the additional 11 “deficiencies” the Commission was going to list,
- Provide particular details about these added deficiencies,

- Afford CCSF “additional time to respond” to the new 11 deficiencies, or
- Postpone any decision until the next regular meeting of the Commission, as its policy dictates.

This violation is inexcusable. It occurred in perhaps the most significant decision the ACCJC has ever been called upon to make, the revocation of accreditation of a vast college serving 80,000 students – one which has been ranked in the top cohort of California’s community colleges in objective measures of student success.

Beyond any doubt, it is time to replace the ACCJC, which has proven itself to be dishonest, unlawful, vindictive and unfair. The ACCJC lacks meaningful oversight. It is unaccountable and can no longer be trusted to serve as a responsible accreditor of any California community college.

The CFT is gravely concerned that the Board of Governors has abdicated its responsibility under Education Code § 70901 to maintain and continue, “to the maximum degree permissible, local authority and control in the administration of the California Community Colleges.” This failure is evidenced by, among other things, the BOG having delegated its discretionary powers over the enactment and assessment of “minimum conditions” of the community colleges to the ACCJC.

As a result, the ACCJC has enacted “standards” and “elements” never contemplated by the Legislature when AB 1725 was adopted in 1988. ACCJC has been improperly delegated the unlimited power to adopt regulations which are contrary to State law and policy, to issue decisions of momentous importance (e.g. placing City College on “show cause”) without any appeal or review, and to operate without transparency or accountability. This action has not only imperiled the mission of the community college system, but placed one of the system’s great successes, City College of San Francisco, on the brink of closure because of ACCJC’s pathological effort to shut it down.

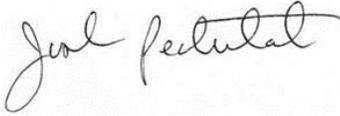
Federal law does not chain the community colleges to ACCJC, or even to a private accreditor. Rather, it allows a state agency, or any other Dept. of Education-recognized accrediting body, to accredit California’s community colleges. (20 USC §1099b) It’s clear that the California Community Colleges Board of Governors does have the authority and can take back its responsibilities.

In view of the above, we urge that the BOG take action as soon as possible to:

- 1) Delete the anti-competitive monopoly resulting from Cal. Code Regs., tit. 5, section 51016, and allow every community college to affirmatively select its accreditor;
- 2) Convene a meeting of experts, to consult with experienced and recognized accreditors about proper accreditation processes; and,
- 3) Issue a request for proposals (RFP) from any willing accreditor to accredit California community colleges.

The State pays ACCJC millions of dollars annually to accredit California's community colleges. It has a right to expect that the accreditor will respect the law and the educational rights of California residents. It is time to install a fair and transparent accreditation process in California. It should never have come to this.

Sincerely,



Joshua Pechthalt  
President, California Federation of Teachers

JP: rb opeiu537 afl-cio

Cc:

Hon. Jerry Brown, Governor  
Hon. Nancy Pelosi, Minority Leader, US Congress  
Hon. Jackie Speier, US Congress  
Hon. Anna Eshoo, US Congress  
Hon. Darryl Steinberg, President Pro Tem, California Senate  
Hon. Kevin de Leon, California Senate  
Hon. Toni Atkins, Speaker, California Assembly  
Hon. Tom Ammiano, California Assembly  
Hon. Mark Leno, California Senate  
Hon. Ed Lee, Mayor, San Francisco  
Hon. Arthur Tyler, Chancellor, City College of San Francisco  
Hon. Phil Ting, California Assembly  
Hon. Rob Bonta, California Assembly  
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Dean Vogel, President, California Teachers Association  
Jon Youngdahl, Executive Director, California Service Employees International Union