



October 7, 2013

Ms. Kay Gilcher, Director
Accreditation Group
United States Department of Education
Office of Postsecondary Education
1900 K Street N.W.
Washington, DC 20006

Dear Ms. Gilcher,

It is my understanding that the USDE is reviewing the Accreditation Commission for Community and Junior Colleges (ACCJC) in order to assure that they meet the Basic Eligibility Requirements for Recognition by the Secretary of Education. It is also my understanding the USDE has already notified ACCJC that it has found non-compliance with 34.C.F.R. 6.02.15 (a) (3), 602.15 (a) (6), 602.18 (e) and 602.20 (a).

In addition to those areas of noncompliance, we would also like to direct your attention to the Attachment which identifies three other criteria with which the ACCJC does not appear to be in compliance:

602.13 (a) Acceptance of Agency by Others
602.14 (a) Purpose and Organization
602.18 (b) Ensuring Consistency in Decision Making

I would like to point out that 602.13 is a "basic eligibility requirement," and USDE Guidelines for Reviewing Petitions and Compliance Reports indicates that a recognized agency that is not in compliance with the three basic eligibility requirements "may not be eligible for continued recognition."

I hope the Department of Education will investigate this matter. Please contact me if you have any questions about the material provided.

Sincerely,

Ron Galatolo, Chancellor

cc: Elizabeth Daggett

Basic Eligibility Requirements for Recognition by the Secretary of Education

602.13 Acceptance of the Agency by Others

“The agency must demonstrate that its standards, policies, procedures and decisions to grant or deny accreditation are widely accepted in the United States by

- a) Educators and educational institutions”

ACCJC is under siege by a variety of educators and educational organizations and their affiliates including 1) the California Joint Legislative Committee on Audits which ordered an audit of the agency; 2) the United States Department of Education which found ACCJC to be out of compliance with Basic Eligibility Requirements; 3) the City of San Francisco and the American Federation of Teachers(AFT)/California Federation of Teachers (CFT) which have both filed lawsuits against ACCJC; and 4) the California Department of Education, the League of United Latin American Citizens and the AFT which have filed complaints against ACCJC.

In 2011, the Research and Planning Group for California Community Colleges (RP Group), found that the orientation of ACCJC is at odds with best accreditation practices, which, according to the RP Group, should focus on active engagement with a college community in educational quality improvement, not punitive focus on compliance. The RP Group notes that the emphasis on compliance “...can detract from institutional improvement priorities—implying a disconnect between the intentions of the commission and the experience of the colleges.”

In addition, the RP Group found that “transparent, open and honest opportunities for feedback without fear of retribution are critical to the commission’s relationship with member colleges” but “the colleges interviewed found ACCJC generally unreceptive to constructive criticism and expressed a fear of retaliation.”

Please note that USDE Guidelines for Preparing/Reviewing Petitions and Compliance Reports indicate that “Criteria §602.10-§602.13 are basic eligibility requirements. An agency that cannot demonstrate compliance with these sections of the criteria cannot proceed with the initial recognition process and recognized agencies may not be eligible for continued recognition.”

We do not believe that ACCJC meets this eligibility requirement.

602.14 Purpose and Organization

(a) The Secretary recognizes only four categories of agencies; two of these apply to ACCJC:

- 1) To participate in HEA programs: An accrediting agency that has a “voluntary membership” of institutions of higher education and satisfies the “separate and independent requirement.”

- 2) To participate in non-HEA programs: An accrediting agency that has a “voluntary membership”.

California Administrative Code (5 CCR § 51016) states “Each community college within a district shall be an accredited institution. The Accrediting Commission for Community and Junior Colleges shall determine accreditation.” Therefore, voluntary membership does not exist.

We do not believe that ACCJC meets this eligibility requirement.

602.18 Ensuring Consistency in Decision Making

“(b) Has effective controls against the inconsistent application of the agency’s standards”

The following statistics call into question whether ACCJC is applying its standards consistently:

- Over a ten year period (2003-2013), ACCJC sanctioned 66% of California community colleges undergoing accreditation. During that same time period, 18 colleges had a representative sitting on the Commission when their college underwent accreditation and NONE of those colleges were sanctioned. If you assume that colleges which have sitting commissioners are constructively exempt from receiving sanctions and remove them from the denominator, the sanction rate of colleges by ACCJC approaches 80%. Conversely, the average sanction rate for the other six accrediting agencies in the nation is approximately 2%.
- In the last three years, 35 of 51 California community colleges were reviewed by the ACCJC – 69% were sanctioned
- From 2003-2008, ACCJC generated 89% of all sanctions nationwide.

We believe this constitutes inconsistent application of standards—particularly in regard to colleges which have members sitting on the accrediting commission—and we do not believe that ACCJC meets this eligibility requirement.