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OFFICE OF POSTSECONDARY EDUCATION  
NATIONAL ADVISORY COMMITTEE ON  
INSTITUTIONAL QUALITY AND INTEGRITY [NACIQI]

VOLUME I

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8:40 a.m.

Hilton Old Town Alexandria  
Grand Ballroom  
1767 King Street  
Alexandria, VA 22314

**P A R T I C I P A N T S**

COMMITTEE MEMBERS PRESENT:

DR. SUSAN D. PHILLIPS, Chair  
DR. ARTHUR E. KEISER, Vice Chair

DR. KATHLEEN SULLIVAN ALIOTO  
MR. SIMON BOEHME  
MR. GEORGE HANK BROWN  
DR. JILL DERBY  
DR. ROBERTA (Bobbie) DERLIN  
DR. JOHN ETCHEMENDY  
DR. GEORGE FRENCH  
DR. PAUL J. LeBLANC  
MS. ANNE D. NEAL  
MR. RICHARD F. O'DONNELL  
DR. WILLIAM PEPICELLO  
MR. ARTHUR J. ROTHKOPF  
MR. CAMERON C. STAPLES  
MR. RALPH WOLFF  
MR. FRANK H. WU  
DR. FEDERICO ZARAGOZA

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DR. JENNIFER HONG, Executive Director, NACIQI  
MR. HERMAN BOUNDS, Ed.S., Director, Accreditation  
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MS. SALLY MORGAN, OGC  
MS. DONNA MANGOLD, OGC  
MS. ELIZABETH DAGGETT  
DR. NICOLE HARRIS  
MS. VALERIE LEFOR  
MR. CHUCK MULA  
MR. STEPHEN PORCELLI  
DR. RACHAEL SHULTZ  
MS. PATRICIA HOWES  
MS. CATHY SHEFFIELD  
MS. KAREN DUKE

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Ms. Elizabeth Daggett

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Mr. Steven Y. Winnick, Attorney,  
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**P R O C E E D I N G S**

CHAIRPERSON PHILLIPS: Welcome to the December meeting of the National Advisory Committee on Institutional Quality and Integrity. I'm Susan Phillips, State University of New York. I'm chair of the Committee. We'd like to start out this morning by just introducing the Committee members and the ED staff and a reminder to all to press your mic to speak and press it off when you stop speaking.

I'm going to start--let's see. I think I'll start with Simon down at the corner and introduce and move on.

MR. BOEHME: Hello. My name is Simon Boehme, and I'm a conflict resolution specialist in New York.

MR. WU: Frank Wu, Chancellor and Dean of the University of California Hastings College of Law for another two weeks.

[Laughter.]

DR. ETCHEMENDY: John Etchemendy, Provost at Stanford.

DR. DERLIN: Bobbie Derlin, former Associate Provost at New Mexico State.

MR. WOLFF: Ralph Wolff, now a consultant, formerly President of WASC Senior College Commission.

MR. STAPLES: Cam Staples, President of the New England Association of Schools and Colleges.

MR. ROTHKOPF: Arthur Rothkopf, President Emeritus, Lafayette College.

MS. MORGAN: Sally Morgan. I'm not a Committee member. I'm with the Department's Office of General Counsel.

DR. KEISER: Arthur Keiser. I am a Committee member, Keiser University, Florida.

DR. HONG: Jennifer Hong, NACIQI Executive Director and Designated Federal Official.

MR. BOUNDS: Herman Bounds, Director of the Accreditation Group.

DR. ZARAGOZA: Federico Zaragoza, Vice Chancellor, Economic and Workforce Development, Alamo Colleges.

DR. DERBY: Jill Derby, Senior Consultant,  
Association of Governing Boards.

DR. LeBLANC: Paul LeBlanc, President of  
Southern New Hampshire University.

DR. FRENCH: George French, President,  
Miles College, Birmingham, Alabama.

MS. NEAL: Anne Neal, President, American  
Council of Trustees and Alumni.

MR. O'DONNELL: Rick O'Donnell, CEO of  
Skills Fund.

DR. PEPICELLO: Bill Pepicello, President  
Emeritus of University of Phoenix.

DR. SULLIVAN ALIOTO: Kathleen Sullivan  
Alioto, former Dean of City College of San  
Francisco and VP at CUNY and now a consultant.

CHAIRPERSON PHILLIPS: Rachael.

DR. SHULTZ: Rachael Shultz, Department  
staff.

MR. PORCELLI: Steve Porcelli, Department  
staff.

MS. DAGGETT: Elizabeth Daggett,  
Department staff.

DR. HARRIS: Dr. Nicole Harris, Department staff.

MR. MULA: Chuck Mula, Department staff.

MS. LEFOR: Valerie Lefor, Department staff.

MS. HOWES: Patricia Howes, Department staff.

CHAIRPERSON PHILLIPS: Thank you all and thank you, members, for making it through the various snowstorms to get here. Those of you who happened to go through Denver, thank you. I understand that Hank is still working on that and will be joining us later.

**STAFF BRIEFING ON STUDENT ACHIEVEMENT**

CHAIRPERSON PHILLIPS: We begin the meeting today with a briefing to continue our discussion from our June meeting about how to frame our policy agenda to inform the agency recognition process and to develop some broader perspectives on how accrediting agencies consider data about student outcomes.

Because our agenda this meeting is very full, we've divided this up into two parts. This morning we'll start with a briefing, and then we'll conclude with our policy discussion at the end on Friday. So first we've asked that the Accreditation Staff and NACIQI Executive Director to provide us with a briefing on current regulations that require accrediting agencies to have standards for the institutions or programs that they accredit, specifically with respect to student achievement. The language says success with respect to student achievement in relation to the institution's mission, which may include different standards for different institutions or

programs as established by the institution, including, as appropriate, consideration of course completion, state licensing exams and job placement rates.

We've also posed for them a number of questions. What's the history of this piece of the regulation? What's the current range of implementation possibilities and expectations? How do regional, national and programmatic accreditors address this requirement? What information do they use and what do they do with the information that they have?

The second part of this morning's portion will be a consultation with our colleagues at CHEA, also engaged in the recognition process from a private point of view, about their perspectives on these same issues.

Once we are done with this first briefing, we'll then move to our agency review agenda and come back to our policy planning, as I mentioned, on Friday. We're very mindful in this process about the concerns that were expressed in June to

be sure that agencies are provided with appropriate notice about any new change in procedures used in their review.

So with that, what I'll ask is our staff briefing. Jennifer Hong and Sally Morgan are to lead off with this and start with this, and we'll go from there.

DR. HONG: Great. Thank you.

So good morning. In order to help frame the NACIQI's policy discussion regarding student achievement and outcomes, we thought it would be helpful to revisit the language of the law and the regulations and do a brief history since the last major changes to the law in 2008.

I'll also provide some examples of how the student achievement requirement under Section 602.16(a)(1)(i) of the Secretary's criteria is implemented, as well as examples of what transpires after an agency finds an institution or a program noncompliant with its student achievement standards.

I will then introduce some of the new

materials available on the Department's website, and then I'll hand it over to Sally Morgan in our Office of the General Counsel who will provide this Committee some guidance on how to approach agencies' reviews before the NACIQI in light of all the data that's now available on the Accreditation website and on College Scorecard.

So next slide. The last major changes to the Higher Education Act, or the HEA, were the amendments by the Higher Education Opportunity Act of 2008, or the HEOA, and the Higher Education Reconciliation Act of 2005, or HERA.

CHAIRPERSON PHILLIPS: Just a quick note for the Committee members. You do have these slides in your package if you want to follow along.

DR. HONG: Yes, thank you. It might be easier to look at.

So the direct assessment provisions are contained in the HERA, and you may recall David Musser from our Office of Federal Student Aid provided a briefing on the direct assessment provisions at the June meeting and about

competency-based education generally.

So the Department initiated a rulemaking session to implement provisions from both the HEOA and the HERA in 2009, as well as to improve upon the regulations, which rules were effective on July 1, 2010. So this allowed, this currently authorized NACIQI to meet for the first time in December 2010.

And just a quick word on negotiated rulemaking. The HEA requires the Department to go through a process of negotiated rulemaking, which is a fairly unique process in the government. Toward that end, the Department assembles a negotiating committee by solicitations from various stakeholders to be represented on the Committee, and I believe Ralph represented the regionals back in 2009.

And once assembled, the negotiating committee operates by consensus, meaning there must be no dissent by any member for the Committee to be considered to have reached agreement.

So next slide. So I'm just going to

briefly review the changes to the law as a result of the HEOA, relevant only to student achievement. There are other changes, but we're just going to focus on student achievement at this time. And these are indicated in red on the slides.

So under Section 496(a)(5)(A) of the law, it says that no accrediting agency may be determined by the Secretary to be a reliable authority as to the quality of education or training offered under the purposes of this chapter or for other Federal purposes unless the agency or association meets the criteria established by the Secretary pursuant to this section.

The Secretary shall after notice and opportunity for a hearing establish criteria for such determinations. Such criteria shall include an appropriate measure or measures of student achievement. Such criteria shall require that the standards for accreditation of the agency assess the institution's success with respect to student achievement in relation to the institution's mission, and then the amended language which may

include different standards for different institutions or programs as established by the institution, including as appropriate consideration of state licensing examinations, course completion and job placement rates.

Next slide. There's also amended language. Okay. So you can see the amended language under student achievement permits the institution or program to establish its own standards with regard to student achievement. That was the major change in 2008.

And then moving on to subpart (g), there's amended language which prohibits the Secretary from establishing any criteria that specifies, defines, or prescribes the standards that accrediting agencies or associations shall use to assess any institution's success with respect to student achievement.

The existing language right above it prohibits the Secretary from establishing criteria outside those outlined by the law while maintaining that nothing under this chapter should be construed

to limit accrediting agencies from adopting additional standards not provided for by the law.

Next slide. And in subpart (o), language was added in 2008 which prohibits the Secretary from promulgating any regulation with respect to the standards of an accrediting agency described in subsection (a)(5), which is the section applicable to student achievement.

Next slide. In subpart (p), Congress added a "rule of construction," which says that nothing in subsection (a)(5) under student achievement shall be construed to restrict the ability of (1) an accrediting agency or association to set, with the involvement of its members, and to apply, accreditation standards for or to institutions or programs that seek review by the agency or association; or (2) an institution to develop and use institutional standards to show its success with respect to student achievement, which achievement may be considered as part of any accreditation review.

Next slide. So given those statutory

changes in 2008, going back to the regulations and the Secretary's criterion under Section 602.16(a)(1)(i), in implementing the changes, we just mirrored the language of the law under (a)(5) and added to the regulation. I won't read it here because I know you are all familiar with the language, but you'll notice that some of the adjectives used in the rule include whether the agency standards are "sufficiently rigorous" to ensure that the agency is a "reliable authority" regarding the quality of education provided by its institutions and programs.

There's also language about "effectiveness," that the standards must "effectively address" the quality of the institution or program in the area of student achievement.

Next slide. And you can see in red we just lifted the same language from the law and placed it in the regulations.

Next slide. So one more thing. Related to student achievement, I mentioned earlier that

during the 2009 rulemaking, the Department also made improvements to the regulations. We had to implement changes in the law regarding agencies monitoring overall growth of their institutions and programs, and in doing so, we also made changes to the monitoring provisions under Section 502.19(b). So you'll see that the struck-through provision is the former language, which is quite general, and just states that agencies must monitor their institutions and programs to ensure that they remain in compliance with the agency's standards.

Now the language we ended up with in 2009 states more specifically that agencies must demonstrate that it has and effectively applies a set of monitoring and evaluation approaches that enables the agency to identify problems with an institution's or a program's continued compliance with agency standards and that takes into account institutional or program strengths and stability.

These approaches must include periodic reports and collection and analysis of key data and indicators identified by the agency including, but

not limited to, fiscal information and measures of student achievement consistent with the provisions of Section 602(16)(f).

This provision does not require institutions or programs to provide annual reports on each specific accreditation criterion.

Next side. So as part of publication of the final rule, the Department includes a preamble to the rule that explains how the rule should be implemented and provides further interpretation. With regard to the amended student achievement provision, the preamble to the rule underscores that should an institution set its own standards for student achievement, that the Department expects the accrediting agency to make a judgment as to whether the institution developed and used reasonable standards to demonstrate its success.

And with respect to the key measures of student achievement under the monitoring provision, the preamble clarified that including such measures would provide for greater consistency while maintaining flexibility for agencies to demonstrate

effectiveness for their particular institutions and programs.

Next slide. Moving on to what this means in applying the student achievement standard, I've provided some examples of noncompliant issues under Section 602.16(a)(1)(i) based on past staff reports since 2010 so you can get an idea of some of the issues agencies have had in compliance in this area.

So, for example, starting with regional accreditors, regional accrediting agencies typically have several standards concerning student achievement. This example, in particular, identified four of its standards as constituting the agency's overall approach to student achievement.

As is common among regionals, this agency has a standard that addresses institutional effectiveness, and whether an institution has a program of evaluation that is ongoing, integrated and data driven to determine whether the institution is effective in meeting its mission and

improving student achievement.

Then the agency drills down further to determine at the program level how the institution is meeting its expected outcomes and student learning outcomes. This agency also had a separate standard that assesses competencies for the general education program.

And the fourth standard captures the concept in the Department's preamble that agencies must make a judgment regarding the reasonableness of institutionally identified student achievement standards. So the agency's standard reads that institution will document its success with regard to student achievement using a broad range of "appropriate" indicators, which suggests that the agency will make the determination of "appropriateness."

Overall, the standards as written appear to be comprehensive in scope and appropriate for the diverse institutions that the agency accredits. However, when the agency submitted its document, the documentation provided by the agency suggested

that it did not consistently assess the appropriateness of institutionally-identified indicators. So it wasn't clear from the examples that the agency provided that it consistently judged the reasonableness of an institution's standards to demonstrate its success with regard to student achievement.

The agency eventually remedied this deficiency by providing more guidance to its site visitors on how to interpret the agency's standard for "appropriateness." And that is one example from a regional accrediting agency that was noncompliant under the student achievement standard.

And then moving on to examples from national accreditors that accredit career and occupational fields, some examples that we have are that the agency established institutional-level thresholds for placement and retention in the aggregate instead of looking at those outcomes more appropriately at the program level.

Therefore, a program with exceedingly low

rates would just get rolled into the overall institutional averages for placement and retention. So the agencies were found to be noncompliant and changed their standard to look more appropriately at program-level data.

A third national accreditor was found noncompliant for having very low thresholds for placement and completion and for not meeting the standard of sufficient rigor based on those low thresholds.

Some examples from programmatic accreditors, similar to the regional I just described, the agency allowed the program to identify student outcome measures, but again did not consistently assess the appropriateness of such measures, but rather just accepted what the institutions or the program had established.

Another example is that an agency stated that it used agency-identified thresholds, but such measures were not included in the agency standard. Therefore, the agency was not transparent about its own requirements, and it was not clear whether

programs would be noncompliant under the agency student achievement standard if it did not meet the agency identified thresholds.

Finally, a third example for a programmatic accreditor that collected placement rates as part of its evaluation of student achievement. So it collected those rates, but it wasn't clear of its expectations of how such data should be used and reviewed by evaluators.

And those are examples of noncompliance under student achievement by various types of accrediting agencies.

Next slide, please. In thinking about the ways in which agencies comply with the student achievement standard, we thought it would be useful to shed some light on what happens prior to an agency taking an adverse action against an institution or program when they don't meet the agency's standards.

This is captured under Section 602.20 of the Secretary's criteria or the section pertaining to enforcement action. And basically, in summary,

as you see before you, if the agency finds an institution or program noncompliant with the standards, they must either immediately initiate adverse action against the institution or program or require the institution or program to take appropriate action to bring itself into compliance within specific time frames.

Next slide, please. And the time frames are stipulated right there so that if, 12 months, they must come into compliance within 12 months if the longest program offered by the institution is less than one year; 18 months if it's less than two years, the longest program is less than two years; and then two years if the longest program offered by an institution is at least two years in length. And agencies have the discretion to extend the period for coming into compliance for good cause.

So if an agency does not immediately initiate adverse action against an institution or program, depending on the length of the programs offered by the institution, agencies must enforce their standards within specific time frames.

Next slide, please. To visit some examples, again, from a particular regional accrediting agency that had several options for any potential concerns or noncompliance areas for institutions. So if the agency identified any potential concerns that were not yet compliance concerns, but they could potentially be that in the future, they can go ahead and accredit the institution with monitoring, increased reporting requirements based on the issues that they were concerned about.

If the agency determined that there were borderline--right--if the agency had not enough information to make a determination, the agency had a procedural deferral option in which it could, put a pause and get the information that they needed to make a determination of compliance. However, when this particular agency decided that it made a determination of noncompliance, the agency required institutions to submit a report as well as host an evaluation team, usually within six months, for sufficient time to evaluate progress

and provide additional feedback or require further reporting or reaffirm accreditation.

Because this is a regional that accredits programs two and four years in length, its institutions have two years to come into compliance. So the agency will require its first monitoring report and visit within nine to 12 months of a finding of noncompliance.

After that, it might request another monitoring report or institute a "show cause" status before expiration of the 24 months, and then after institution of that "show cause" status, which is essentially a probationary status, the agency will solicit another report and a visit before issuing an adverse action.

So, next slide. That's an example from a regional. Some examples for national accrediting agencies that accredit institutions with programs that are shorter in length is to put an institution on a heightened monitoring status, which requires further reporting and documentation from the institution.

If the institution continues to remain below the agency's benchmarks, the agency will then put the institution on probation prior to expiration of the time period.

Another national accreditor immediately puts an institution on probation if it finds that it is not meeting the agency's thresholds. Once on probation, the institution has special reporting requirements and special site visits. In both cases, if institutions continue to be noncompliant, the agencies will initiate adverse action.

Similarly, a programmatic accreditor may require an interim report, self-study, or site visit at any time it identifies a potential noncompliance issue, and then once it finds a program noncompliant with its standards, the agency will institute a probation status at which time the program is subject to come into compliance with the identified time period.

Just of note, when I looked back at the staff reports, I noticed that enforcement action was the most frequently cited section of the

criteria by the staff followed by monitoring and student achievement. Many agencies were cited for having and applying interim statuses that allowed institutions and programs to exceed the time periods for coming into compliance.

Next slide. So now that I've provided some context for the requirements concerning student achievement and how the Department applies the student achievement criterion, I wanted to draw your attention to the revised accreditation website and the materials that are now available to you.

If you go to the URL up there, that is the new Accreditation website, and you look at the "What's New" tab, you will see links to five different documents. I'll just review those quickly with you. The first document is titled "Fact Sheet: ED Advances Transparency Agenda," and basically describes the administration's agenda for accreditation, acknowledging the broad agreement and sense of urgency about the need for more rigor and flexibility in accreditation. In doing so, it references the President's 2013 State of the Union

address, the Secretary's July 2015 speech on the future on higher education, a 2014 GAO report on strengthening oversight of schools and accreditors, and the NACIQI's 2012 and 2015 policy recommendations.

The document then lays out the administration's executive actions and legislative proposals with regard to accreditation, and you will notice several that are directly responsive to some of the recommendations listed in the two NACIQI reports. You can look through them further, but the proposal includes actions about increasing transparency, promoting greater attention to outcomes, establishing common definitions, and differentiated recognition reviews. At the end of the document, there are links for further reading including links to both NACIQI reports.

Moving on, the second document is a summary of student achievement standards for national and programmatic accreditors and identifies the specific outcomes that the agency considers as part of its review, as well as whether

the agency sets minimum numerical requirements for those outcome measures.

The third document, "Current Practice of Recognized Accreditors' Student Achievement Standards," is a listing of each agency's student achievement standard. This information is taken directly from agencies' websites.

There's also a memo from the Secretary to the Office of Postsecondary Education and the Office of Federal Student Aid to review and develop recommendations within 75 days on increasing coordination with and clarifying flexibility for accreditors. Work toward these recommendations are diligently underway at the Department.

And the final document is extensive performance data sorted by accreditor. Included are 150 percent IPEDS graduation rate; median earnings data ten years after enrollment; three-year repayment rate; three-year cohort default rate; median debt; average annual net price; percent of students borrowing. There is a wealth of information there.

So I know that's a lot of information. I'm happy to take questions, but I do want to get to Sally, who will further flesh out the parameters of this discussion related to student outcomes for NACIQI members. Thank you.

Frank.

MR. WU: So I have a comment and then a question. My comment is this. I understand you to be saying the following: that the accrediting agencies do need to have some type of standard for student learning outcomes, but that the Department of Education itself is not to prescribe those standards. Is that--

DR. HONG: Yes, I would agree with that statement.

MR. WU: Okay. Great. So the big question I think for NACIQI is, is it permissible for this body to ask agencies when they appear before us about student learning outcomes? And I would understand what you've said to mean, yes, it's not out of bounds for us to ask questions because we aren't in any way prescribing student

learning outcomes so we could ask some pretty hard questions about what the agency's standards are, how they're enforced, and so on.

DR. HONG: Yeah, you're getting into Sally's presentation.

MR. WU: Okay.

DR. HONG: But she's going to provide further guidance regarding that question.

MR. WU: Great, great. So then I have a question, and it's one that I'm going to guess you and Sally can't answer, but maybe CHEA could. Well, not that you can't answer, but that you shouldn't answer.

[Laughter.]

MR. WU: And that some at this table may have views of and some in the audience, which is I infer there is some big interesting lengthy political back story to all this that resulted in this outcome, and I have read a little bit about it and have glimpsed a little bit of it, but I'm just curious, and I would be delighted to learn from anyone more about that political back story.

CHAIRPERSON PHILLIPS: Good lunch conversation. Let's move to Sally, and then we'll move on.

MS. MORGAN: Without going into the political back story, I'm Sally Morgan. I'm with the Office of General Counsel, and I've advised on recognition issues for about 20 years, and I've been asked to say a few words about the statutory parameters and do's and don't's on issues related to outcomes, student achievement standards, and NACIQI recognition hearings.

I'll talk first about limitations that apply in recognition proceedings. First, as we've discussed, under the statute, the Department doesn't write an agency's student achievement standards. It is not empowered to come up with its own measures and processes or to require an agency to use those instead of the agency's own.

Since the statute doesn't permit this, the Department couldn't do it even to follow up on a NACIQI recommendation.

Second, the Department isn't empowered to

make a recognition decision that is independent of the statutory and regulatory Criteria for Recognition. As a legal matter, some of you might be surprised to hear that the issue the Department decides isn't whether an agency is a reliable authority as to the quality of postsecondary education per se. Instead, it's whether the agency complies with and effectively applies the regulatory and statutory Criteria for Recognition.

If the agency does, it qualifies as a reliable authority under the statute. That is true even if another basis for viewing an agency as unreliable outside of the criteria arises during the recognition process.

There have been criticisms in the past of the Criteria for Recognition as being too granular, and a number of them definitely are directed at very discrete issues, but the criteria most relevant to academic quality writ large are 602.16, 602.17, 602.18, and for schools that are mid-cycle, 602.19, the regulation on monitoring that Jennifer highlighted.

Study of these should assist NACIQI members in being sure that their consideration of agencies is tied to the criteria as is required by law.

On that same point, each agency's petition set out under those criteria should contain documentation of what the agency's policies, procedures and standards regarding success with respect to student achievement are and the basis on which the agency is asserting that it complies with the criteria that are most broadly addressed to academic quality.

A review of those portions of the petition should apprise NACIQI members of where an agency is coming from on student achievement and outcomes issues.

Third, the statute's requirements with respect to academic quality and institutional achievement are all tied to institutional mission. As a result, the recognition process should not include comparisons among unlike institutions or agencies that accredit them.

And lastly, as Jennifer mentioned, the statute does permit agencies to require each accredited institution to construct a satisfactory standard for student achievement for evaluating that institution's success with respect to student achievement rather than the agency developing standards that are applicable to all.

And the regional agencies tend to use this approach because of the wide variety of institutions they accredit, but other agencies might not.

So all of these parameters shape the Department's role in the recognition process and need to be kept in mind. But as I mentioned, the Department's overarching task in the recognition process is to make a judgment as to whether the agency is effective in complying with and applying the statutory and regulatory criteria.

So how do we do this? I'll say a few things about consideration of agency compliance and effectiveness, even though these remarks are not exhaustive by any means. For one thing, NACIQI and

the Department are free to compare like agencies. If, for example, virtually all agencies accrediting one type of institution include a particular requirement in their evaluation of success with respect to student achievement, an agency that doesn't include that requirement is at least presumptively ineffective and not demonstrating the rigor required by 602.16(a).

Remember that agencies are required to have a systematic program of review of the adequacy and relevance of their standards. So we shouldn't lightly dismiss consensus within that community that that requirement should be a part of the accrediting process for that type of school.

In addition, NACIQI and the Department should also consider whether the agency has demonstrated what it believes makes its process for evaluating student achievement effective. For example, for accreditors that set numeric outcomes thresholds, NACIQI and the Department should consider not only whether the thresholds are in line with those of other comparable agencies, but

whether the description of how the institution's performance is to be computed are detailed enough to result in reliable and comparable rates.

Also for all agencies we should consider what safeguards the agency has put in place for ensuring the data is used in determining institutional performance is accurate as required by Section 602.18.

For agencies that require their institutions to devise institution-specific standards for evaluating success with respect to student achievement, NACIQI and the Department should consider whether the agency's materials require the institution to correlate the student achievement standards with the objectives stated by the institution in offering those programs, whether the materials then require the agency to evaluate whether both the objectives and the proposed standards are appropriate, and whether the materials require the agency to take the institution's performance on the standard into account in making the accreditation decision.

In addition, NACIQI and the Department can go beyond the agency's materials and use results in reaching a judgment on effectiveness. If an agency has accredited institutions that government investigations or final judgments in lawsuits have revealed to be fraudulent or academic shams, that's evidence that bears on the effectiveness of the agency's processes for evaluating academic quality.

The same is true if an agency is an outlier in terms of the performance of its institutions on accepted outcomes measures as compared with other agencies accrediting similar institutions. For groups of institutions that perform well below the norm on outcomes measures, NACIQI and the Department can inquire into the accrediting agency's processes for assessing the appropriateness of institutional goals and achievement of those goals to see if there are places where the process breaks down.

So these are just a few thoughts about evaluating effectiveness. And last, I'll touch on NACIQI's unique role in all of this. The

Department staff works very hard, and I think everyone would agree they do an excellent job, in thoroughly analyzing agency compliance and effectiveness. Nevertheless, NACIQI is an independent Committee, and its further development of the record and expertise is indispensable in the recognition process. NACIQI members shouldn't hesitate to direct searching inquiries to the agency and staff, and I believe they do just that.

But here are a few pointers I can offer that might aid the Committee in its efforts. The main thing to keep in mind is to keep agency's presenters' concerns in mind. For one thing, agency presenters are limited in some respects in the extent to which they can speak for their agency. After all, agency policy and accreditation decisions alike are made by the commission rather than by individuals.

In addition, for sizable agencies, it may be too much to expect that presenters be completely conversant, at least on the spot, with the accreditation status of each institution their

agency accredits. Furthermore, if an institution is undergoing review by an agency, the agency has to be careful not to give an impression it is prejudging the issues, and it needs to be sure that it doesn't impinge on the institution's procedural rights.

The agency spokesman may also have legitimate concerns about injuring an institution that is vulnerable but still viable. And in any event, there may be questions that would evoke a more accurate and thoughtful response if the agency had a little more time to think about them.

For these reasons, on broader issues related to outcomes and student achievement, particularly any that go beyond the scope of what has been traditionally asked at NACIQI meetings, NACIQI should consider whether there are some questions that it considers particularly important and will or may ask of all agencies. If so, it could consider giving prior notice of these questions to all agencies.

This might evoke more thoughtful answers

and put agencies on more equal footing with each other in responding. In addition, unless a specific institution's difficulties have been made public in some way, I would be a little cautious in raising questions about an institution by name for the first time in a NACIQI hearing. There's a pretty good chance for the reasons that I've mentioned the agency's answer will be a little inaccurate or at least incomplete, and that as a result, the Department will be uncomfortable in relying on it in making its recognition decision.

Of course, if the institution's problems are well-known, these cautions in naming names don't apply, but other concerns about the need for the agency to protect the fairness of its own process may still be in play. Again, I'm just urging members to be thoughtful in planning their questions. As the Committee's Executive Director, Jennifer, of course, is available if a Committee member would like to talk a particular issue of this nature through with her.

At this point, I'm going to stop, but

thank you very much for your attention.

CHAIRPERSON PHILLIPS: Let me ask the Committee if they would have questions for Jen or Sally before we move on? I've got Arthur and--

MR. ROTHKOPF: Yeah. I have a question. When NACIQI has written a report, and I think our last report, which was a unanimous one, we made a point, and I think this is being considered in the Congress right now, that there be consistency among accreditors, which has apparently not necessarily been the case in the past, in terms of the terms that are used, actions taken, et cetera.

I guess my question is does the Department, and I maybe address to you, Jennifer, does the Department take into account as it looks at the performance of a particular accreditor as to whether its actions are consistent generally? Say it's a regional, is it a, do you look to see whether its action in a particular area or a particular issue is consistent with other regional accreditors? It may be that you're not able to do that or you don't feel you have the power to do

that, but I'm curious as to whether consistency is something among accreditors, is something that the Department looks at?

DR. HONG: Maybe Herman can answer that, but I guess the answer to your question is yes, generally. I mean we're considering that more for like agencies, but I mean with regionals generally, given the examples I've provided, they are fairly consistent with regard to their approach to student achievement, for example. So then, we also look at their consistency in applying those standards with their institutions.

MR. ROTHKOPF: Thank you.

MR. BOUNDS: I will just say on the surface, when we conduct our reviews, we're looking at the operation of the individual agency. When we get to areas where we think are outliers or things that we need to look at further, we will kind of compare and see what another agency does and how they apply that standard if they are similar. So it's difficult. We do do that, but our review is basically we want to see how the agency reviewed

the standards if the institution set those standards, how they evaluate it, how they see the appropriateness of those standards, as part of our review.

CHAIRPERSON PHILLIPS: So yours is a review of consistency within an agency's functions rather than consistency across agencies?

MR. BOUNDS: Exactly. Now, again, when we get to things that appear to be outliers, we are cognizant of how other agencies operate, and if we see something that's so far out of the norm from what's going on in the community, we will cite that, and we have done that several times before in our reviews.

MR. ROTHKOPF: Thank you.

CHAIRPERSON PHILLIPS: I have John and Ralph.

DR. ETCHEMENDY: Yes. So I guess this is for Jennifer. I'd like a clarification of your answer to Frank. Frank asked a question about student learning outcomes and whether the Department was requiring that agencies have student

learning outcome requirements.

The actual legislation speaks of student achievement. It doesn't say anything about student learning outcomes. Out there in the agency world, out there in the accreditation world, at least the world I come from, student learning outcomes is actually a very, means something very specific, and I would actually object if we started requiring that.

So student learning outcomes generally means direct measure of student learning, a very difficult thing to do, whereas achievement can be measured in many, many indirect ways, including graduation rate, default rate, employment rate, so forth and so on. And that is what, I read it, the legislation requires. So am I right?

DR. HONG: Yes, John. Thank you for clarifying that. The language is with regard to student achievement now as appropriate to institutional mission, agencies and the communities that they accredit. Agencies come into compliance with that in various ways.

CHAIRPERSON PHILLIPS: You'll hear in the discussions more broadly the term "outcomes" as if it was part of a statute or regulation, and sometimes that translates into student learning outcomes, but it is student achievement, not--

DR. ETCHEMENDY: It is achievement.

CHAIRPERSON PHILLIPS: It is achievement. Just to underscore that. And achievement has many potential definitions as we well know, some of which are outcomes.

DR. HONG: If I could just add one--

CHAIRPERSON PHILLIPS: Yeah, sure.

DR. HONG: Just to add to that, I mean the law and the regulation also state that we must consider licensure pass rates, placement rates, completion, as appropriate.

CHAIRPERSON PHILLIPS: Ralph.

MR. WOLFF: Just a question on the word "consistency." As I recall, in the submission of petitions for recognition, an exemplar of one action is submitted through the process. I'm just curious to know what does the staff rely upon to

determine consistency given there are so many actions that accreditors take across so many different institutions with so many different missions, and even not just regionals, but nationals and specialized? So what is the data that is used to make a determination about consistency?

MR. BOUNDS: Yeah. I will say in the past probably three or four years, the majority of the petitions come in with several types of documentation so we will see several site visit reports, several self-studies, several different commission decision letters. So we can look at the documentation individually from each agency, and we can determine how they have applied those, how they have applied those standards, and if they have consistently applied those standards with the examples we get, of course.

Another advantage we have is that the analysts are assigned particular agencies, and they have those agencies for many, many years. So they have a pretty good idea of how those agencies

operate, and that's the reason why they are assigned a set of agencies to review year after year so it can be done, and we look at that, and it can, believe it or not, it's pretty easy to determine based on looking at those site visit reports and the commission decision letters even when you get to the 602.20, which Jennifer spoke about earlier, when you see how they apply their adverse actions and how they, you know, some agencies will work with institutions and bring them into compliance, some agencies will administer adverse actions immediately. So over, over a few years, we're able to determine how those standards are applied.

CHAIRPERSON PHILLIPS: I have Art.

DR. KEISER: There's another word that maybe I'd like the staff to define, the word "reasonableness." I think that's in the achievement standards, that they need to be "reasonable." What does that mean and how do you get there? And I think our conversation the last time from Simon was specifically on "reasonable."

DR. HONG: I think you're referring to the preamble about whether the institution has reasonable--the agency needs to make a judgment whether they're reasonable. I think that goes back to Arthur's question as well, with regard to, how do we consider these things within the context of like accreditors?

A lot of, things in the regs with regard to I think program length, that defaults to commonly accepted practice. So that would be an example in which we would consider, as Arthur stated, within a larger context, within like-minded accrediting agencies, communities, would that be considered reasonable?

DR. KEISER: But in the absence of bright lines and benchmarks, how do you determine reasonableness?

DR. HONG: Right. I mean I think in some of the examples I stated, there has been some back and forth. So there's certainly those agencies where the thresholds that they identified were exceedingly low, pretty egregious, and, staff has

pointed that out, but in examples where it's hard to make that determination, the best that the staff can do is ask the question and then hopefully the agency can come back with a reasonable answer--a reasonable response.

DR. KEISER: So ultimately it's our judgment to determine "reasonableness"?

DR. HONG: Yeah.

DR. KEISER: Okay.

DR. HONG: Well, what we're saying in the preamble was that the agency would determine the reasonableness of the institutionally identified. And then we would, the Department would overall consider the agency student achievement standard as whether that was compliant or not or demonstrated agency effectiveness.

CHAIRPERSON PHILLIPS: Ralph.

MR. WOLFF: I want to go back to my first meeting, which was in June, and there were questions raised about one of the presenters around completion rates of some of the institutions it accredited. So I'm trying to juxtapose those

questions about accrediting institutions with what might be seen as low completion rates and how that would affect recognition and what Sally is saying about not picking on a specific accreditation decision.

And maybe we'll get more guidance in terms of where the Department is going, but completion is a national issue, but there is no bright line nor would I think there should be a bright line of what's an appropriate completion rate, and some of them on their face look challenging if not completely inappropriate without understanding what the circumstances are, what the mission is, and the like.

So I'm just trying to navigate our role about the fairness of asking questions at the same time the unfairness of holding an agency accountable for particular institutions with low completion rates without getting into why the decision was made to continue accreditation. And what I read in the material from both of what you said and the PowerPoint is that we want to know how

the agency looks at something like completion rates, but we can't and shouldn't--I wouldn't say shouldn't be setting a standard that because some of the institutions that are accredited have lower completion rates than we might think acceptable.

I guess the point is how, what's our role in relationship to that? But it does seem to put a limitation on an agency's recognition because of that fact is not justified by the what Sally was saying or the regulations themselves.

CHAIRPERSON PHILLIPS: Sally, Jen, want to respond to that?

DR. KEISER: Before you do that, I'd just like to echo that's really the gray question. If our job is to understand the reasonableness in this particular case, we have to ask the questions from the agency what is their definition of reasonable, and then we have to identify if we believe as a group, an advisory committee, that it is reasonable. So we have to ask the questions.

MS. MORGAN: I guess I'd say that the individual institution's performance is relevant to

the extent that you look at--the criteria require agencies to look at the objectives for which courses were offered and whether the institution achieved those purposes. So, and I wouldn't get on the individual institution level, but if there's a pattern at the agency of accrediting institutions with low completion, then I would suggest you look at the institution's process for looking at objectives and whether those are achieved, and see if it's a good process or if it has holes in it compared to what other agencies do.

DR. KEISER: I'm not sure I understand that. So you're telling me that if an agency has a process, but the institutions have no outcomes, then that's okay?

MS. MORGAN: No, I think that at a certain point, I mean if an agency's institutions all have or if they're--if an agency's institutions are all deficient compared to other agencies' institutions on outcomes measures, and I mean it's a sliding scale, but at some point you have to say that their process is ineffective.

CHAIRPERSON PHILLIPS: Just a clarification. Did you mean student achievement as opposed to outcomes?

MS. MORGAN: Yes. I use the word "outcomes" meaning "student achievement." I don't use it to mean what students get on tests.

CHAIRPERSON PHILLIPS: Thank you.  
Kathleen.

DR. SULLIVAN ALIOTO: I'd like to thank the NACIQI staff for being so diligent in helping us both in terms of which agencies should be accredited and just all of this kind of intricacy. But I'm curious. I was very delighted to see the performance data by accreditor includes the repayment, median debt, annual net price, et cetera, because I haven't seen that in the reports. And I think it's wonderful when you have a trillion dollars in debt of students and graduates and non-graduates.

And I'm wondering when we look at what's reasonable, is it reasonable for students to be taking on huge debt and what do schools and

accreditating agencies look at when they're analyzing this? And are we allowed to ask that or-- apparently we are now. Yes.

MS. MORGAN: Yes.

DR. SULLIVAN ALIOTO: So in the future, when accrediting agencies come before us and they're talking about all the schools that they're dealing with, that will be part of the data? We can ask for that?

MS. MORGAN: You can ask for that. Again, there's a whole panoply of measures, and you have to consider the agency as a whole, and you have to consider the kind of institutions that it accredits, and the judgment has to be tied to the criteria in which case I've suggested that one of the criteria that you can look at is whether the agency has demonstrated that it looks at the objectives that the institution has for offering a course, and looks and decides if those are appropriate objectives, and then looks at whether the institution achieves those objectives.

And the process doesn't require agencies'

institutions to do that or if the data is such that institutions are not achieving any conceivable outcome or student achievement, then you have to look at that as bearing on effectiveness.

CHAIRPERSON PHILLIPS: I have Herman and John, and then I'm going to move on to our next piece.

MR. BOUNDS: Yes. I just wanted to refer back to I think Art's question and also Ralph's question. The real issue is absent legislation that really--and, Sally, I'm going to defer to you on whatever I say here--so you know absent hard line legislation that would prescribe that an agency use numerical student achievement standards, when we do our reviews, we, I think as Art maybe alluded to, we have to determine whether whatever that agency's measure is, we have to determine, and I'm going to use the word again, "reasonable."

We hire the agencies to measure educational quality and to do those things, and we have to look at all the information that they provide and say is that going to measure how well a

student is doing as far as what the agency has come up with? So that's where we are in the reviews. It's easier when you get to the agencies that have the numerical student outcomes data because we can then compare if one agency says, well, their completion rate is 70 percent and one says 60, you know, we can say, okay, that's pretty close, and then we're cognizant of the types of occupational schools that they accredit and we can make a pretty good judgment call.

But when you look at, especially when you look at the regionals who have different types of schools, different types of programs within the institutions, we really have to try to understand how they determine if those outcomes measures are appropriate because we can't say that you have to have or that you even have to use graduation rates as a student achievement measure, and that's just where we are.

CHAIRPERSON PHILLIPS: Or we can't also require any particular metric.

MR. BOUNDS: That's right.

CHAIRPERSON PHILLIPS: Any.

MR. BOUNDS: We can't require any metric so our concern is how did you determine that this was appropriate, and then how do you use the information you gather to improve your set outcomes? What do you do with what you gather? And how do you make sure that you're improving the environment for students? So that's what we have to look at as part of our reviews, and that's just where we are.

CHAIRPERSON PHILLIPS: John.

DR. ETCHEMENDY: I gather I missed a great meeting last time. Sounds like there was a great discussion about graduation rates. I just don't understand how we get from Sally's talking about process to actually making a judgment of reasonableness. So say you're gathering--the agency gathers graduation rates and then proceeds--and has a really good process for doing that--and then proceeds to accredit institutions kind of independent of their graduation rates, and all the graduation rates were very, very low, we have to at

some point I assume--correct me if I'm wrong--at some point we just have to say no, that's not a reasonable method of assessing student achievement if you're not actually using that in some way.

Now I don't know--Herman, I don't know whether you were getting at that. We have to be able to make a judgment about the reasonableness of the standards; don't we?

MR. BOUNDS: Yes, that's correct, but we just can't tell them that you will use that specific standard as a measure. You see we have to look at the measures that they determine, and we have to look at those measures to see if those measures as we think those measures are appropriate, or how they are using those measures to improve student outcomes.

I can't tell a school that you have to do, that you have to do--excuse me--an agency that you have to use a specific number or specific measure.

DR. ETCHEMENDY: So we can tell agencies that they have to have some measures?

MR. BOUNDS: That's correct.

DR. ETCHEMENDY: And we can, once they have measures, we can make judgments about the reasonableness of how they're using them.

MR. BOUNDS: Absolutely.

DR. ETCHEMENDY: But we can't specify the measures themselves or any specific number.

MR. BOUNDS: Absolutely.

CHAIRPERSON PHILLIPS: So I'm going to put a pause on the queries for the moment. There are many parameters here to be thought about and nuances to be parsed through. And certainly over the course of this larger meeting, we're going to be thinking about this and talking about it.

I wanted also to be sure that we had sufficient time for collegial consultation briefing from Judith Eaton, the President of CHEA, and would ask her to join us. We will have again more time to pursue these so keep your questions, and we will come back to them as we go along.

**COLLEAGUE BRIEFING ON STUDENT ACHIEVEMENT**

CHAIRPERSON PHILLIPS: As you know, the Council of Higher Education Accreditation also recognizes agencies, some the same as the ones that we look at and some different, and has grappled with the question of student achievement with some different ways. And I asked Judith to join us to speak about how they've approached this same kind of conundrum that we've been thinking about here in hopes for us to understand the larger picture of what the accreditation community is thinking about for this dimension.

We will again have an opportunity on Friday to come back to this so keep your questions, and I'm sure we'll be thinking about this along the way, and Judith, thank you very much for joining us.

DR. EATON: Susan, thank you for inviting me. It's a pleasure to be here. This is an extremely important conversation, not only for the people in this room, but for students across the country.

At Susan's invitation, I'll address student achievement from a CHEA perspective, and I'll do that in two ways briefly: one, talking about the CHEA recognition process, the private sector analog to what this Committee does; and I also want to say a few things about the CHEA voice, organizational voice, on this issue of student achievement because our involvement in student achievement has gone well beyond our recognition activity over the years.

Just quickly, for those of you who may not be familiar with CHEA, we're a nongovernmental body. We're an institutional membership organization of some 3,000 degree-granting colleges and universities, and we provide national coordination of accreditation. We were quite self-consciously created a number of years ago as part of the higher education community's commitment to self-regulation and peer review and academic quality. Recognition is one of our several major functions.

We have a number of connections with folks

around the table. Art Rothkopf was on our board for a number of years, chaired it for two years. Paul LeBlanc was on the CHEA Board of Directors for a bit as well. Ralph Wolff, when he was President of WASC-Sr. worked with us as a CHEA-recognized accreditor. None of the gentlemen is responsible, good or bad, for anything that I have to say.

Some things about CHEA recognition, a brief description. First, our purpose in CHEA recognition is academic quality and improvement of academic quality. We have a somewhat different function from your responsibility here. Federal recognition ties to through several steps eligibility for student financial aid. We are not engaged in that in any way at all.

The CHEA recognition process is based on our recognition policy, and that material was sent to you. The policy contains six major standards for recognition, and when you add in the subparts of the standards, it's 27 in total. Our process does not begin to approach the complexity and detail of what was outlined earlier by Jennifer

with regard to Federal law, Federal regulation and then sub-regulatory guidance and Department practice.

We have a Committee on Recognition that carries out this important work for us. It's a nine-person committee--institutional members, individuals from accrediting organizations, typically the CEOs of accrediting organizations, and public members. The committee meets three times a year. A recognition cycle is ten years with two interim reports so we have a comprehensive review, then we have an interim report in three years, and another interim report three years later.

The committee is empowered at any time to ask an accreditor to come back before the committee if there is reliable evidence of serious concerns that we need to address. The committee is a recommending body. With regard to recognition, we have a two-stage process: eligibility for CHEA recognition and then recognition itself. It's the CHEA Board of Directors that ultimately decides

whether an accrediting organization is eligible or to be recognized by us.

At present, 62 institutional and programmatic accreditors are recognized by CHEA, a good number of which, as Susan pointed out earlier, are also recognized by the Department of Education through your good work.

Why is CHEA recognition important at all? It's a fair question. First, because it's an expression of the higher education community's commitment. When it comes to academic quality, it's reflective of a commitment to strengthen self-regulation and peer review and keep it strong. We think the community's external review of accreditation helps accreditation, and also we recognize a number of important accrediting organizations that are not eligible for Federal consideration because they do not have a Federal link--engineering, for example, the business accreditors, journalism, a number of health-related accreditation, accreditation in those areas.

Specifically with regard to our

recognition policy and student achievement, we have a student achievement standard since 2006. The standard requires that accreditors have a policy and implement that policy. The requirement is that institutions and programs provide reliable evidence to the public about the performance of an institution or program including student achievement.

What that comes down to is the institution or the program must set expectations of student achievement, must judge whether those expectations are met, must make this information public, and it is up to the accreditor to verify this. All 62 accreditors must meet the standard to be recognized by us. We require that all accreditors meet all of our standards.

Now, we have that standard. However, it does not stipulate what counts as student achievement. That is up to the institution or program, just as you were discussing your authority a few moments ago. We do provide guidance with regard to acceptable evidence of student

achievement. It's aggregate data that we are typically looking for. We don't believe it's the job, our job to look at the outcome for an individual student. This is the work of faculty. But generally we suggest to the accreditors that if you give us information about graduation, about completion of other educational goals, about transfer of credit, entry to graduate school, where appropriate, job placement or licensure, pass rates, you are addressing our expectations with regard to student achievement.

That is the accreditor will require that of the institution or program. We also do not stipulate, as you do not, levels of expected student achievement. The committee in looking at the various accreditors that come before us directly verify that the student achievement data are available and appropriate. That is each of the accreditors provides us with the URLs so that we can go to the institutional site or we can go to the programmatic site, and we know if the data are there, which data they are, and whether we are

comfortable with those data.

There have been times where we've questioned the appropriateness of what was given us. For example, we've had a situation in which an accreditor said we have very fine programs here, our evidence is we had several students per program win awards of some sort, and we said that's wonderful and congratulations to the students, but that doesn't meet our expectation. We want more than that.

The Department, as I understand the standards, does not have a comparable standard to the CHEA standard. I think our standard is quite robust. I think in some ways we've been able with community consensus to go beyond, a bit beyond what you have been able to do thus far, given the limitations that you were discussing in the law.

So we have a recognition policy. We have a very explicit requirement with regard to student achievement. It's required of all of our accreditors along with our, all of our standards.

The second topic, the organizational voice

issue, CHEA for many years has urged that higher education generally address the issue of reliable information about performance and student achievement. I shared with you a number of links going back to the early days of CHEA with just that call. As social institutions with a profound responsibility to students and society, evidence of performance of higher education we have always said is vitally important.

That point made, however, a lot rides on how we go about doing this, and there are at least three ways that we can approach the student achievement question, and indeed these have been discussed implicitly already this morning. One way is what I call the institutional leadership way.

Institutions and programs establish their expectations of student achievement, provide evidence of it. Accreditors review this and see how well the institution or program is doing.

A second way is the cooperation model-- institutions, programs and accreditors. They come together and they establish expectations of student

achievement. This approach is done now by a number of the programmatic accreditors where the commissions have sat down and said, all right, what do we expect, whether it's licensure pass rates or it's graduation or a number of other factors, especially for licensed professions. It works for programmatic accreditation very well--the cooperative way bringing together the three parties to talk about expectations, explicit expectations of student achievement. It is less appropriate for institutions for a number of reasons.

A third way to address student achievement is the national standards way, and there's been a lot of discussion, especially the last few years, about establishing a single set of countrywide national standards for student achievement, and all accreditors must use those standards.

CHEA has stressed the first way, the institutional leadership way, and the second way, the cooperation way. We think either of those ways have been demonstrated to be extremely effective. We are not comfortable with the national standards

way. The national standards way to me is a message that we don't have confidence in our institutions and our programs and our faculty to make quality judgments. We used to have that confidence. It seems to me to have atrophied considerably in the last several years.

The cooperative way or the institutional leadership way we think does the best job--do the best job with academic quality, with protecting students. We can't sit in CHEA in the Committee on Recognition and decide quality, and with all respect, I do not believe we can do it here. At some point, we have to remember that we've invested in our colleges and universities and our accreditors to undertake these issues in a way in which we can continue to have confidence.

We think the institution or cooperation way preserves institutional autonomy and program self-determination. We think it keeps academic leadership where it belongs with colleges and universities and faculty working with students, and we think it protects institutional diversity

through acknowledging mission.

So much for briefly the institutional voice. In thinking about addressing you today, I said, well, I ought to be able to answer the question: Has the CHEA recognition policy worked with regard to student achievement?

I'd say, yes, it's been difficult over the years, but all of the accreditors are focused on student achievement. I think we've moved the needle. I think that we need to do more, but, yes, we have been able to make some progress in this vitally important area. Just as you were considering what to do for the future, our Committee on Recognition is starting to revise the recognition policy that we have now. The current policy is 2010, as you may have noticed.

And as we go forward, and we've had several in-depth conversations, we are talking about how to have some additional focus on performance. We're talking about student achievement and quality improvement, and we know that there's some very difficult and key questions

out there that we need to explore just as you are attempting to explore them. We don't have answers yet any more than we have answers in this room, but we know what the issues are.

How do we deal with accredited but poorly performing institutions or programs? What do we want to do about genuinely bad actors out there? How do we emphasize innovation more? There's a crucial question, and I thought I was hearing it, if not explicitly stated, in the earlier discussion of do we want to have, and how if we want to have it, some kind of minimum expectations of performance to have accredited status?

We are all struggling with these difficult questions. I'm looking forward to the continued dialogue and the work of this Committee and the Department. We will continue to engage these challenging issues as well.

I thank you for your attention. I'm happy to try to answer any questions.

CHAIRPERSON PHILLIPS: Thank you very much, Judith. Questions from the Committee for

Judith Eaton? Kathleen.

DR. SULLIVAN ALIOTO: What do you do about the bad actors?

DR. EATON: We do not have any, any more than you do, any special provision for bad actors, and I do think this is one of the challenges, Kathleen, if I may, that we both have. I know that in the recently announced EQUIP experimental site by the Department and the call for quality assurance entities, there's a call for early identification of deficiencies as part of the capacity of the quality assurance entity.

We need to explore, I think, both of us, something like that. If we do that, it has profound implications for current due process of accrediting organizations as it affects your recognition and ours. So it's a very far-reaching notion to go into some kind of what I call early warning or early identification system with regard to bad actors.

I do think that part of what Susan has been raising during the past year about improving

transparency is a two-way street. And the Department has talked about more information to accreditors as is in the transparency agenda. Those are ways to begin to get at this.

CHAIRPERSON PHILLIPS: Simon.

MR. BOEHME: Ms. Eaton, thank you for coming and sharing your thoughts. As you, I think you were at the last NACIQI meeting, and you were there when I was expressing a great deal of apprehension about graduation rates of certain accreditation agencies, and it was interesting in your remarks that you said that, you know, the quality really can't be assessed in places like this, that they're left in the institutions. That's the best place for quality and where this feedback mechanism that makes accreditation so great really exists.

But I think and what CHEA and our Committee and accreditation rightfully has been under attack for is that the idea that the institutions are the best place to hold their standards may not necessarily be the best place,

and partly because of Corinthian. And in this Washington Post article, you were quoted in, in September 8 of this year, you said we in accreditation need to do more to protect students, and I completely agree with you, and I appreciate you doing that.

But would you--and the Department of Education has taken some responsibility for the Corinthian incident--but would CHEA, as well, take some responsibility for the students who are left behind in the Corinthian incident and what ACICS did? Because, you know, there's many factors to play, and is CHEA one of them? Is this community of allowing institutions to set their own standards, and, again, rightfully why accreditation is under the microscope, is it time that we looked beyond that? And it is actually places like NACIQI and it's places like the Department of Education for people like us and to use our expertise to start digging in more specifically in the institutions.

You know I disagree with Sally. When the

Accreditation for Education in Nursing agency came up, and they weren't able to adequately address my concern that Grambling State University in Louisiana lost its state accreditation, and the accreditation agency had no idea what was going on, that there's an extreme disconnect. So I'm just wondering what your thoughts are on that?

DR. EATON: Okay. Simon, with regard to Corinthian, I think it's very important for all of us to avoid the fallacy of existential generalization. Corinthian occurred, yes. There are over 7,000 institutions which means all of them are accredited in Title IV programs, and there are another 1,000 that are recognized by either CHEA or the Department that aren't in Title IV. So I don't want to taint everybody with Corinthian.

That said, Corinthian was a problem. I don't know that we have fully sorted out what might have been done by all of us, but in responding to Kathleen's question about bad actors, one of the things that we need to do together is to decide what counts, how do we go about identifying bad

actors--all right--and then what do we do? And there are a lot of issues there in terms of your practices, law and regulation, and the requirements for accreditors under the law and with what we do, and it gets back to the due process point.

So, yes, we all have a responsibility. We don't want that to happen. We want to protect students. I am not certain at this point whether it is through the accreditation process that we address this or some other way or some combination of both, and I'm hopeful that one of the things that emerges from all of these discussions is the beginning of a path forward with regard to situations like that. I agree with you about the seriousness of it.

CHAIRPERSON PHILLIPS: Frank.

MR. WU: I just have two questions for us as a body. They're actual open-ended questions. They're not aimed at any outcome. So the first question is when we talk about bad actors, do we mean (a) or (b)? Do we mean (a) institutions of higher education, or do we mean (b) accrediting

agencies? Because--or (c), do we mean both (a) and (b)? Yeah. I'm sometimes not clear what people are getting at when they say bad actors, bad apples, you know, the cases we really need to be concerned about.

But our charge as a body, NACIQI, it seems to me, is about the agencies, not the individual colleges. So that's just a question. But it may be that there are actual accrediting agencies who we think are bad actors in some way.

The second question is to what extent do we as a body, and we've talked about this in the past, to what extent do we care whether we're consistent with the Department? Because ultimately we are making a recommendation to somebody else, and regardless of who appointed us or our backgrounds, my sense is as a body, we are not thrilled when our recommendation is not followed, which from time to time happens.

So I'm just wondering should we, do we want to try to be more consistent? Maybe the answer is no because we do have the ability, and

part of what we bring to bear on this is our expertise individually and as a group, so maybe we continue to deviate and make recommendations. And my sense is the way they're not followed, to me it displays a pattern. That is we tend to be harder on accrediting agencies than the Department ends up being.

So I'll bet if you studied every recommendation we've made that hasn't been followed, they've always been not followed in the direction of leniency rather than strictness.

CHAIRPERSON PHILLIPS: I'm reminded that the ultimate decision-making, which as you know does not reside here, will conform with the law and regulation, and if our deliberations are based on something that are outside of the law and regulation, we hope that the rule of law prevails, as in other instances, and the instance will be that we'll end up getting overturned or ignored.

MR. WU: Briefly, though, much of this is in a gray area where there's a judgment call to be made, where there's discretion to be used, and you

could legally come to either outcome, and so much of this is in the subtlety. So, for example, it's three years or six months, so we might ultimately have the same outcome, the agency continues to do its business, but it sends a really different message to the agency and imposes lots of stress, not to mention work, if we say you have to come back in six months. That's a very different signal.

CHAIRPERSON PHILLIPS: Jill and then we'll move on.

DR. DERBY: I wanted to ask how you're approaching the issue, the very important question and issue of do we want some minimum expectation of performance, and if so, how to achieve that?

DR. EATON: We have had some general discussions about that with our Board of Directors, which is our Board of Directors is very interested now in how we move forward with recognition, concern to further enhance its rigor and capacity, to further enhance accreditation. There has been discussion among some of the accreditors about

whether it would make sense to do that, and if they were to do it, what would be the impact, but we're at an exploratory stage right now so I can't give you even any alternatives about that.

It's a question I've wondered, whether this is something we want accreditation to do? There have been suggestions that it could be done apart from accreditation, but I think we need to be open-minded and explore all of that, and I'm happy, I'm unhappy to give you a very weak answer. But that's where we are.

CHAIRPERSON PHILLIPS: I have Cam.

MR. STAPLES: Thank you. Judith, I just want to follow up a little bit on that, and that is given the limitations of the statutes that we are subject to that you are not subject to, do you have any particular recommendations? You understand generally what we're trying to do and the conversations we've been having. Any recommendations from your most recent experience at CHEA in exploring this about how NACIQI might modify its approach short of any statutory changes

that may or may not happen?

DR. EATON: First, and, Cam, thank you for the question, I think before we move ahead or you were to move ahead with significant changes, I understand how we got to where we are with all the regulation and subregulatory guidance, but it is overwhelming accreditors, and you've heard it over and over and over again at this table, it is counterproductive. So if it is the pleasure of the Committee to urge a direction in which the performance of institutions and programs, however you're going to define that, that are accredited by an accreditor be looked at more carefully, thoroughly, perhaps with setting some threshold expectations, how about let's go through and pull away from the not so much law but regulation what isn't necessary.

I mean the first thing I would say is I'm not a flower person but prune the tree. You know, go into the garden and pull what doesn't need to be there anymore because it's enormous, and it confuses the issue. And second, I don't know in

what way without some considerable additional consultation to judge evidence of the performance of an institution or program. I do think institutional type matters. I do think context, as I think Art was saying earlier, or maybe it was Ralph, matters a great deal. That if we're going to set expectations of, look, certain conditions must be met, and before they were process conditions and now they're results conditions, what does that picture look like, how flexible do we need to be with regard to what we expect from the institutions or programs and the role that accreditors play?

I think, Cam, we sometimes confuse what we want institutions or programs to do and what we want accreditors to do, and in a way that's getting at Frank's point. I don't want accreditors running institutions and programs. I want accreditors as reliable, important, respected partners in the quest for academic policy, and the partnership is parity. So how do we get there? I would be looking at that as well.

So can you streamline? Can we clean things up? And then we can find a way to be very clear about which problem we want to solve because it's one thing about making all of accreditation better, and it's another thing to go after bad actors, and it's another thing to say, well, we really think we've got some substandard institutions or programs here that are accredited. They require different solutions, and my biggest worry is we're just all charging ahead piecemeal, and we'll get some of the things we want, but we'll make the overall picture really worse in terms of how institutions and programs want to operate.

MR. STAPLES: Thank you.

CHAIRPERSON PHILLIPS: Judith, thank you so much for joining us. I'm going to put Simon and Kathleen as first up on questions when we come back to this on Friday because I realize we need to pause now. Thank you for joining us.

As I mentioned, this is a lot to digest and chew on and discuss and think about. We're going to be going back to our agency review agenda

after a break, and then we'll come back on Friday to the policy planning and discussion. We again are mindful in this process about the concerns expressed in June about being sure that agencies are provided with appropriate notice about any new changes and procedures used in their review so as you come, as we go through this meeting today and tomorrow and Friday, to be appropriately respectful of agencies' notice if there are new angles that you are looking to pursue.

Two housekeeping items before we take a break. One is coming back from the break, we'll begin with the Consent Agenda, followed by the review of ACCJC. I want to be sure that I have all of the oral commenter requests for ACCJC. I do have five individuals who have walked in. If there are any others who were unable to sign up, if you would please let me know during the break, I'd appreciate it.

Second, for Committee members, you'd find at your desk a lunch menu order. If you choose to take it, we'll collect that during the break and

make sure that those items are available for you at the lunch hour.

For now, oh, for everybody in the room. Okay. Not just for individual members. Anne, yes?

MS. NEAL: If I could just make a Grinch-like comment. I'm just delighted that Judith was here, and I respect and admire her a great deal, but I just want to raise a concern for the future as we develop these agendas. It says "colleague briefing," but, in fact, we're not here to just be friends, and I think we ought to just accept the fact that it was an interested party briefing, and it was helpful, and it gave us certainly some input, but I do question privileging one party over another, and I just, and I also question our considering ourselves colleague briefings, friends and the community, which is something we hear a lot about, and it raises concerns for me that that message is not one focused on the public interest.

CHAIRPERSON PHILLIPS: Thank you and duly noted.

Okay. We're going to adjourn for--we're

going to take a 15-minute break so that brings us back here at 10:35 to take up the Consent Agenda. Thank you.

[Whereupon, a short break was taken.]

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**CONSENT AGENDA**RENEWAL OF RECOGNITION FOR ACCREDITINGAGENCIES:AMERICAN SPEECH-LANGUAGE-HEARINGASSOCIATION, COUNCIL ON ACADEMICACCREDITATION IN AUDIOLOGY ANDSPEECH-LANGUAGE PATHOLOGY;COMMISSION ON MASSAGE THERAPYACCREDITATION;COUNCIL ON NATUROPATHIC MEDICAL EDUCATIONCOMPLIANCE REPORT:COUNCIL ON ACCREDITATION OF NURSEANESTHESIA EDUCATIONAL PROGRAMSRENEWAL OF RECOGNITION FOR STATEAGENCIES FOR THE APPROVAL OF NURSEEDUCATION:KANSAS STATE BOARD OF NURSING;MARYLAND BOARD OF NURSINGRENEWAL OF RECOGNITION FOR STATEAPPROVAL AGENCIES FOR PUBLIC

POSTSECONDARY VOCATIONAL EDUCATION:

NEW YORK STATE BOARD OF REGENTS

[NYBRVE];

PENNSYLVANIA STATE BOARD OF  
VOCATIONAL EDUCATION, BUREAU OF  
CAREER AND TECHNICAL EDUCATION

CHAIRPERSON PHILLIPS: We're ready to resume our meeting, and for those of you who are still looking for how to get on the WiFi, the network is "meeting room," and the password is "hiltonav," all one word, all lower case.

Okay. Back to our agency review agenda. We have next up the Consent Agenda. At this point, I don't see any recusals for our Consent Agenda. The current items that are on the Consent Agenda are the American Speech-Language-Hearing Association, the Commission on Massage Therapy Accreditation, the Council on Naturopathic Medical Education, the Council on Accreditation of Nurse Anesthesia Educational Programs, the Kansas State Board of Nursing, the Maryland Board of Nursing, the Pennsylvania State Board for Vocational

Education, and the New York State Board of Regents for Vocational Education.

Is my list correct?

DR. HONG: Yes.

DR. KEISER: Do you want a motion? So moved.

CHAIRPERSON PHILLIPS: Happy to take a motion to accept it.

MR. ROTHKOPF: I'll move the adoption of the Consent Agenda.

DR. KEISER: Second it.

[Motion made and seconded.]

CHAIRPERSON PHILLIPS: Thank you. And we have a second. Those in favor?

[Chorus of ayes.]

CHAIRPERSON PHILLIPS: Those opposed?

[No response.]

CHAIRPERSON PHILLIPS: All right. The Consent Agenda is now passed.

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**WESTERN ASSOCIATION OF SCHOOLS AND COLLEGES,  
ACCREDITING COMMISSION FOR COMMUNITY  
AND JUNIOR COLLEGES [ACCJC]**

CHAIRPERSON PHILLIPS: We'll move on to our next item which will be the consideration of ACCJC, the Western Association of Schools and Colleges, Accrediting Commission for the Community and Junior Colleges.

In the beginning, beginning the consideration of this agency, I want to remind all of us that the parameters are unusual for this particular review. After the last appearance of this agency, the decision was made to require the agency to come into compliance with 15 items. The agency appealed two of those items, and that appeal remains in process.

Thus, we need to ensure the integrity of that appeal process and thus our scope of comments and discussion today and deliberations need to exclude those two items. The two issues for exclusion are 602.13, acceptance of agency by others; and 602.15(a)(3), administrator, academic and administrator representatives.

While I realize that the regulations are

not mutually exclusive in their coverage, what I would point out to you is that these issues are not before us for deliberation, and so I will ask the Committee and the commenters to restrict their comments accordingly.

In this review, we have some recusals, which I'd like to have on the record.

MR. WU: Frank Wu. I'll step out of the room.

CHAIRPERSON PHILLIPS: Thank you. And Kathleen.

DR. SULLIVAN ALIOTO: Kathleen Sullivan Alioto. I will also--

CHAIRPERSON PHILLIPS: Thank you.

DR. SULLIVAN ALIOTO: --remove myself.

MR. WOLFF: And Ralph Wolff.

CHAIRPERSON PHILLIPS: Okay. We have the three recusals.

[Pause.]

MR. ROTHKOPF: Question.

CHAIRPERSON PHILLIPS: Just a minute. Okay. I see that there are two members who have

questions, Anne and Arthur. Anne.

MS. NEAL: Following up, Susan, on what you just outlined, I guess I wanted to raise a question and a concern. The Department has had this appeal for two years now, and we're being told that therefore we can't talk about these issues, which are really central to looking at this body, and it says that note the appeal hasn't been resolved, the Department could not process the complaints. We are being told meanwhile that it has received multiple, reviewed and received multiple complaints about this agency. So I sort of feel like I've got my hands tied behind my back here, and I wonder why it's taking so long to address this appeal.

CHAIRPERSON PHILLIPS: Let me defer that to Sally or Jen.

MS. MORGAN: The short answer is that the appeal has been before the Secretary since I guess the spring of 2014, and he hasn't yet resolved it. It's been fully briefed and pending.

MR. ROTHKOPF: I had the identical

question as Anne did. I guess I'd just comment it seems odd that we're in a situation where for almost close to two years Secretary hasn't resolved, and it comes up in another matter where there's also a non-resolution of an issue that, with another accrediting body, and I'm just kind of puzzled by why, you know, why no decision?

CHAIRPERSON PHILLIPS: Understood. We don't have further information about that, but here we are.

MR. ROTHKOPF: Can I ask a question, if I might, of the Department in the interest of transparency? Has there been on this appeal any congressional interest, and if so, by which members of Congress?

MS. MORGAN: I don't recall any inquiries from Congress about the appeal. That's not to say there haven't been. I just don't recall them.

CHAIRPERSON PHILLIPS: So with that, let's press forward with the beginning of our review. We begin this process with a presentation of the agency petition by the primary readers, which I

believe are Cam Staples and Art Keiser.

MR. STAPLES: Thank you, Madam Chair. I'll give a brief introduction. We have a lot to get to, and I don't want to take too much of the Committee's time.

So the Accrediting Commission for Community and Junior Colleges, Western Association of Schools and Colleges, is an institutional accreditor. Their members are voluntary members that offer two-year educational programs and award associate degrees. The institutions include community colleges, private religious institutions, for-profit, and independent non-profit vocational institutions, and independent junior colleges.

They have approximately 130 member institutions. They were originally recognized in 1952, and in 1962 they were recognized as a separate commission from the parent of the Western Association of Schools.

As you mentioned, Madam Chair, the most recent time they came before us was in December 2013. Both NACIQI and the Department staff

recommended continued recognition of the agency for an additional 12 months and to submit a compliance report on deficient 15 sections of the Secretary's Criteria for Recognition. They come before us today on that two-year compliance report, and I think at this point, it makes sense to recognize our staff, Elizabeth, who's here to provide more information.

CHAIRPERSON PHILLIPS: Thank you, Elizabeth.

MS. DAGGETT: Thank you, Madam Chair and members of the Committee. For the record, my name is Elizabeth Daggett, and I am providing a summary of the review of the compliance report and request for an expansion of scope for the agency, the Western Association of Schools and Colleges, Accrediting Commission of Community and Junior Colleges, or ACCJC.

The staff recommendation to the senior Department official for this agency is to grant an extension of the continuation of the agency's recognition, for good cause, and require a

compliance report in 12 months demonstrating compliance with 34 CFR Section 602.18(e), 602.20(b), and Section 602.25(a) to (e); also to limit the agency's current recognition for the approval of baccalaureate level degree programs through the substantive change protocol to exclude from recognition for the duration of the good cause extension any baccalaureate programs not currently accredited by the agency; and to deny the agency's requested expansion of scope, with leave for the agency to file a subsequent request after addressing the issues raised in the Department staff's analysis.

This recommendation is based on our review of the agency's compliance report and expansion of scope request, its supporting documentation, and the observation of an on-site evaluation and substantive change committee meeting in November of 2015.

As noted, the Department also received and reviewed over 100 third-party written comments and over 30 third-party oral comments in response to

the agency's compliance report.

Our review of the agency's compliance report found that apart from the request for expansion of scope, there are a couple of outstanding issues in significant areas that the agency needs to address to demonstrate compliance with the Secretary's Criteria for Recognition.

One issue is the requirement that the agency provide an institution with a detailed written report that clearly identifies any deficiencies in the institution's compliance with the agency's standards. The agency clearly delineated its recommendations of noncompliance versus its recommendations for improvement within its commission action letters and evaluation team reports.

However, the agency requires an institution to, quote, "fully address all improvement recommendations in the mid-term report"--end quote.

Based on common practice within the accreditation community, this reporting requirement

appears to reflect an area of noncompliance, not an optional recommendation for improvement.

The other issue is the agency's use of a good cause extension after the agency has provided a specified time period within which an institution must return to compliance within the agency's standards. Although the agency seems to understand this requirement, the requirement of this section, it has not demonstrated in practice it clearly communicates to an institution whether it has been granted an extension for good cause or not if it doesn't take an immediate adverse action.

With regards to the expansion of scope request, it is important to note the history related to the request to ensure a comprehensive understanding of it. Since its initial recognition by the Department in 1952, ACCJC has been recognized for the accreditation and preaccreditation of community colleges and other pre-baccalaureate institutions in the western region.

In January 2014, ACCJC received a limited

expansion of scope to include by means of a substantive change review the first baccalaureate degree offered by an institution that was already accredited by ACCJC.

This limited expansion of scope was granted to the agency in a review that was conducted after it came to the Department's attention that the agency was acting outside of its scope by approving baccalaureate level degree programs at three of its accredited institutions in a, quote, "joint accreditation process" with the Western Association of Colleges and Schools--I'm sorry--of Schools and Colleges, Accrediting Commission for Senior Colleges and Universities.

The agency ultimately was able to demonstrate compliance of an acceptable accreditation process for those programs through its substantive change protocol. Now, however, the agency has had to design a reaccreditation process for those institutions and for any other institutions offering baccalaureate programs that it may wish to accredit.

Within this compliance report, the agency renewed its request for an expansion of scope, to include baccalaureate level degree programs within an institution's mission and authorized by the applicable state agency. However, Department staff has now had an opportunity to conduct an on-site review of the agency's approval process for baccalaureate degrees, which it was not able to conduct in its initial review due to the need for prompt action on recognition to avoid severe prejudice to baccalaureate degree students already attending the three institutions the agency had previously accredited outside of its scope of recognition.

Based on the on-site review that has now been conducted, it does not appear that the current ACCJC standards, policies and practices are as effective and developed as was thought during Department staff's previous review, nor do they demonstrate the experience that would ensure that ACCJC is a reliable authority regarding the quality of baccalaureate education offered by the

institutions they accredit.

In addition, the agency still has not demonstrated that its current standards are sufficient to comprehensively evaluate baccalaureate level degree programs and are comparable to commonly accepted standards for ensuring quality in baccalaureate degree programs.

Specifically, Department staff noted that the substantive change protocol for the review of baccalaureate degrees includes specific requirements that are consistent with the common practices of the accreditation and higher education community. However, the agency's standards or other overall policies do not include the same requirements.

The agency states that the specific requirements are included within the evaluation guidance document, but the use of a guidance document to include specific requirements does not reflect common practice within the accreditation community and does not appear to result in an articulation of agency policy with which ACCJC can

require institutions to comply.

The remaining issues regarding the expansion of scope are in the areas of curricula standards, faculty standards, and the evaluation of degree requirements that conform to commonly accepted standards.

Also, within the agency's response to the draft staff analysis, it provided what it called a "summary overview." Most of the issues raised in that document were covered within the staff report, but I'll respond to one remaining issue here for clarification purposes. As noted in both the draft and staff, and final staff reports, and noted by our esteemed Chair, Section 602.13, regarding wide acceptance of the agency's standards, policies, procedures and decisions, and Section 602.15(a)(3), regarding academic and administrative representation, are not under review within this compliance report, as the agency appealed the decision regarding those sections to the Secretary, and the appeal remains pending.

However, the agency notes that many of the

third-party written and oral commenters address those very issues and should not be reviewed. Department staff agrees that the compliance with Section 602.13 and 602.15(a)(3) are not within the scope of the current review. However, the agency has had full opportunity to respond to the allegations of all third-party comments in its compliance report to the extent it cared to do so.

Since the agency's last review in December 2013, the Department has received and reviewed multiple complaints. However, they all related to the sections of the Secretary's Criteria for Recognition that were appealed by ACCJC. No decision on that appeal has been made; therefore, the Department could not process the complaints.

In conclusion, as I stated earlier, the staff recommendation to the senior Department official for this agency is to grant an extension of the continuation of the agency's recognition for good cause and require a compliance report in 12 months demonstrating compliance with the three outstanding sections; limit the agency's current

recognition for the approval of baccalaureate level degree programs through the substantive change protocol, to exclude from recognition for the duration of the good cause extension any baccalaureate programs not currently accredited; and to deny the agency's requested expansion of scope.

I'm available for any questions you might have. Thank you.

CHAIRPERSON PHILLIPS: Reader questions first, and then after they're done, larger Committee questions for Elizabeth.

Cam.

MR. STAPLES: Thank you. Beth, one of the areas of concern that you mentioned in your report that I think while it's not directly related to the issues that are on appeal, you reference the particular conflict that led to the appeal, and that relates to the question about whether the agency provides institutions with a detailed written report--I'm reading from your findings-- that clearly identifies any deficiencies in the

institution's compliance with the agency standards.

And you mentioned that they do not and find them out of compliance with our standards on that basis. And I guess I just want to ask you if you could expand on that a little bit because you mentioned that the lack of clarity around that has contributed in the past to misunderstanding by at least one accredited institution with significant negative consequences.

So I think you're signaling the significance of this issue, which I think is very important for our review, and I'm not sure I fully understand the dispute, and part of my question is that if we're going to consider an additional extension of time, since they've already had two years, I'd be interested to know if you think that this is likely to be resolved with an extension of time, or is this a fundamental difference of opinion that may not be resolved?

MS. DAGGETT: I'd like to hope that it could be resolved. I hope that it's not fundamental disagreement of opinion. I do think

that there is one particular area which is what I tried to relay in my opening remarks, is that they actually have made quite a bit of change since we last saw them with regard to a delineation between their areas of improvement versus areas of noncompliance.

However, within the examples that they provided, underneath the areas of improvement included a reporting requirement on those recommendations for improvement, and in review of the agency as well as taking into, as was discussed earlier, consistency amongst similar type accrediting agencies, the expectation for a reporting requirement in general signals an area where somebody is not in compliance versus a recommendation for improvement that in some ways could be optional or could be looked at in some other way by an institution.

So I think that that's the one remaining area of disagreement, and then I do think that there could be a demonstration of compliance within 12 months should there come an agreement based on

the underlying thoughts of the reporting requirement.

MR. STAPLES: Okay. And I just want just a quick follow-up. So at this point, that's still a point of disagreement. I mean it's not, it's not an item that the agency has said they agree with or will try to come into compliance with in accordance with your analysis?

MS. DAGGETT: Correct.

MR. STAPLES: Okay. Thank you.

CHAIRPERSON PHILLIPS: Art.

DR. KEISER: What is the basis--I think I know reading the report--but what is the basis, in your opinion, for the denial of the substantive change?

MS. DAGGETT: Of the expansion of scope?

DR. KEISER: Yeah. Expansion of scope substantive--

MS. DAGGETT: It's twofold. One is that the standards that the agency has for overall review, which they use in a reaccreditation process, and also their other policies don't

include the specific requirements that they require within the substantive change protocol, which appear to be very important requirements as they've included them in the four baccalaureate degrees, as they've included them within the substantive change protocol with relation to general education requirements, level and rigor, division of courses, and that information is not specifically within their standards or their other policies.

Where they include that is in a guidance document which doesn't have any enforcement action by the commission behind it so that's one of the areas.

The other area is that it wasn't observed during the on-site evaluation and the committee meeting that there was a consistent and thorough review process that's been established to then be able, for them to be able to make the step to increase their capacity in this area.

DR. KEISER: In reading your reports, which were very well written and very extensive, I seem to get the impression that the commission had

met the issue of comparability of rigor, of faculty credentials, of curriculum, except the issue is really one of where is it located, and your belief that being in the substantive change document, it's not enforceable as if it would be in the standards.

In this case, it seems to me that they meet the spirit of the law, but there's a technicality in terms of the way you believe that it would be enforced. Is that a fair assessment?

MS. DAGGETT: I wouldn't necessarily call it a technicality. I'd call it a difference of the substantive change protocol is only used when they're reviewing a substantive change so, therefore, those items that are used within the substantive change protocol would only be reviewed at that time, whereas if they were to look at an institution going forward under our reaccreditation review, they would not have the benefit of that protocol to review and to review those programs and to have those requirements.

DR. KEISER: In a comprehensive review every ten years, you believe that the committee

would not have the guidance to review the baccalaureate standards to meet the requirements of NACIQI or of the Department?

MS. DAGGETT: They wouldn't have the ones that are specifically stated within the substantive change protocol.

DR. KEISER: Is that, is that significant enough, meaning could the institution come into compliance fairly easily by placing those, the things that they have within their substantive change documents and their team guidance documents, and if they were adopted within their standards, wouldn't that then bring them into compliance?

MS. DAGGETT: Yes.

DR. KEISER: So why force them to go through another whole application process?

MS. DAGGETT: Because they didn't do it.

[Laughter.]

DR. KEISER: But historically we have, when we found an institution or, you know, or agency that has the standards, but it's in the wrong place in this case, we would allow them that

process since they've already been doing it now for a period of time, and to say that they don't have the experience because it's not in the right place seems to me pushing the point. I don't know.

MS. DAGGETT: I think for the Department, it was just it's looking at the applicability of it. It's not a requirement for them to use the substantive change protocol in a reaccreditation review, and so since it's not a requirement, it could easily be overlooked, that that was--and it's not included in like some other larger policy that would also be applicable. It's only in this one limited scope.

DR. KEISER: Thank you.

CHAIRPERSON PHILLIPS: I have Herman and then the larger Committee, I have Anne.

MR. BOUNDS: Yes, I'd just like to make a comment. We have in the past once an agency has moved a policy to a standards document and were waiting for a commission vote or something like that to finalize that process, but in this case, the movement hasn't, you know, that hasn't been

made yet.

CHAIRPERSON PHILLIPS: Anne.

MS. NEAL: I wanted to follow up a little bit more on Cam's line of inquiry. As I look at the staff analysis, again, relating to the unresolved appeal, it advises me that I cannot review materials such as the Task Force on Accreditation Report from the Office of the State Chancellor for Community Colleges, and I must confess whenever one is told what one cannot do, one has alarm bells, and I really do question and raise some serious concerns that a federally-appointed body is being advised what it cannot look at, particularly when it is a public document and presumably everyone in the State of California could have read it and even more so, but I'm being advised that that is not something that I can take into account as I look at this particular body.

So I raise that as a question since we are in a culture these days of so many things that cannot be talked about, and I am worried about this particular caution from the staff.

That said, I also wonder in a normal world if there were a significant number of issues that could not be addressed, I would typically want to table or simply not even try to address in the absence of some resolution of major issues, and so I simply posit that here since we're presented with a significant area of inquiry, which goes directly to the capabilities of this accrediting body, which we cannot resolve, we're not supposed to talk about, and yet it would seem to me would bear directly on any decision we make vis-a-vis this accreditor.

CHAIRPERSON PHILLIPS: Thank you, Anne. Other Committee members before we--we'll have a chance to come back if needed. Cam.

MR. STAPLES: One question for Sally. I don't mean to put you on the spot. I guess I do mean to put you on the spot.

[Laughter.]

MR. STAPLES: I'm assuming if there were time lines in the appeal process, that we would know that, that we would be informed that there was

a time line and that it has or has not been exceeded? I guess I'm just wondering has there been any discussion about the effect on the rights of the agency and the other parties, the due process rights for having something pending, not acted on, while the recognition of the agency is at risk?

MS. MORGAN: To answer your question about time lines, there is a 90-day period for the senior Department official to reach her decision, but there's no time line on the Secretary in an appeal. And as far as that, this agency is very ably represented by legal counsel who has brought up various procedural points, such as the fact that since these two criteria are on appeal, they're not before this body, and that the testimony should be confined to avoid discussion of that.

CHAIRPERSON PHILLIPS: I have Art.

DR. KEISER: I have another procedural question. Let's say the Secretary denies the appeal. We've now made a decision to continue the recognition if they complete this. Do we now defer

them again for them to respond to the things that they have not, that they lost on the appeal, and this goes on forever?

MS. MORGAN: If they lose on appeal, the Secretary will direct them what they need to do, and, generally speaking, an agency that's been found noncompliant has to comply within 12 months or shorter.

DR. KEISER: So what does that do to our recommendation?

MS. MORGAN: There are recommendations on different aspects. Your recommendation is on the criteria that were remanded on the compliance report. And if the Secretary were to, for example, say you're noncompliant on these two criteria and furthermore I'm going to drop your recognition for that reason, then there would be nothing before the Committee.

But absent that, the Secretary's decision will govern what the agency has to do on those two criteria, and your, your recommendation will be considered by the senior Department official in

deciding what the agency has to do on the criteria that go forward on the compliance report, and after the decision is made by the Secretary, whatever it might be, any intervening information that's come in can be considered as complaints and brought forward before you if the staff thinks desirable or if you request it.

CHAIRPERSON PHILLIPS: Okay. We're going to move forward with the agency representatives at this point. I'm sure we'll have more procedural questions as we work our way through this. If you can join us at the table.

Welcome. I would like to ask you to introduce yourselves, and I'm sure that you will have a statement to make.

DR. BENO: Thank you, Madam Chair. Good morning. Before I begin my comments, I'll introduce myself and my colleagues. I'm Barbara Beno, and I am President of the Accrediting Commission for Community and Junior Colleges of the Western Association of Schools and Colleges. To my immediate left is Dr. Steven Kinsella, who is Chair

of our Commission and is also President/  
Superintendent of Gavilan College, one of our  
member institutions. To his left is the Vice  
President, Dr. Krista Johns, Vice President for  
Policy and Research at our Commission. And to her  
left is Mr. Steven Winnick, our counsel.

Good morning, members of the Committee and  
Madam Chair. It's a pleasure to be here before you  
to discuss the ACCJC's compliance report. Before I  
begin discussing that, I'd like to thank the staff  
of the Department, in particular, Ms. Elizabeth  
Daggett, our staff analyst, and Mr. Herman Bounds  
of the Accreditation Division, as well as Ms.  
Jennifer Hong.

They and others, including Ms. Sally  
Morgan and Ms. Lynn Mahaffie, have been very  
responsive to questions and inquiries that we have  
had and have had phone conference calls with us  
that were very responsive, sent emails to help us,  
so we appreciate all of their work in responding to  
our questions and our requests for advice. So  
thank you, staff.

Ms. Daggett also accompanied our evaluation team on a site visit to a new baccalaureate program offered by a California community college and attended the November 3, 2015 meeting of our substantive change committee, and we appreciate that she came out to our region and spent so much time with us. We thank all of the staff's attention to detail in working with us.

As I said earlier, I'm Barbara Beno, President of the ACCJC, and I've been president since August of 2001. Prior to that, I served for 12 years as a president--as the President of Berkeley City College, a community college in the region, prior to that as an institutional researcher and as a faculty member in sociology at four-year universities.

I was an adjunct instructor at two additional universities for years, in addition to the place where I had a full-time university professor job.

While President of Berkeley City College, I served six years as a commissioner on the ACCJC

and also five years as a commissioner on the Senior College Commission of Western Association. I also served on the board of directors of WASC.

In this compliance report, ACCJC was to have addressed 13 issues, four with respect to our request for expansion of scope to accredit institutions with baccalaureate degrees, and we'll be discussing those four separately from my remarks, and nine to provide additional documentation or examples of our compliance or implementation or application of standards and policies and practices to demonstrate compliance with Federal recognition criteria.

Of those nine, seven have been acknowledged as addressed by the staff analysis and we're pleased at that. We'll be addressing the remaining issues contained in the final staff analysis in our remarks here today.

DR. KINSELLA: Good morning. Once again my name is Steve Kinsella. I'm very proud to serve as the chair of the ACCJC. My other full-time job is as the Superintendent/President of Gavilan

College, a position I've had for the past 13 years. So I've been in the California Community College System for 24 years, an educator for 32 years, and I retired from the Marines after 23 years of service.

One of the many items on the agenda for your meeting is consideration of our compliance report. I'm here to ask that NACIQI recommend the granting of continued recognition and expansion of scope for ACC for bachelor's degrees. The peer evaluation system of accreditation requires that higher education institutions agree and commit to engaging in voluntary self-evaluation for the purpose of ensuring quality, supporting student success and engaging in continuous improvement.

The success of the peer evaluation process depends upon this work by the institutions themselves. Accrediting agencies provide external evaluation, verification of the institutions' own self-evaluations, and provide mechanisms for evaluation to result in information to the public and for the accumulation of learning by member

institutions to aggregate, that can be aggregated into articulated best practices across the field.

In addition to the voluntary work within higher education and by accrediting agencies, higher education is regulated by state regulations and agencies, the U.S. Department of Education--and by the U.S. Department of Education. Each of the three legs of quality assurance stool supports higher education, and they each have different roles. If anyone fails to exercise its responsibilities and authority, the U.S. system of quality assurance faces gaps that cannot be offset by other legs of the stool.

The compliance review of ACCJC has raised criticism by certain factions of the actions taken by the commission on City College of San Francisco and by the agency's actions in quality assurance. Most of the general criticisms are based upon dated information, and some even carry significant inaccuracies. I'm just going to raise a couple of those points.

Critics claim the commissioners are

somehow not equipped to make decisions on accredited status of member institutions. In fact, commissioners of the ACCJC are elected by member institutions. The majority of us come from California community colleges. These elected commissioners provide the knowledge of community colleges and education expertise that is recognized by the field and that supports the ideals expected for accreditation, for an accrediting commission.

There are also claims that ACCJC is unchanging and unwilling to adapt its practices to address modern issues. The ACCJC commissioners have made significant changes in accreditation standards and policies, and that process took us three to four years. The changes we made largely and favorably address the specific issues that have been raised as criticism against us.

For example, the major accreditation reports due by member institutions have shifted to a greater focus on quality and self-identified improvement projects to increase student success. As colleges come due for their comprehensive

reviews, the constituents are able to experience the application of the changes that have already been made.

The feedback from those folks on the changes so far as been very favorable. Of course, the commissioners always make the ultimate decisions about accredited status of our member institutions. While much is made of sanction rates and third-party comments and elsewhere, in fact, using the data generated by the State Chancellor's Office, in the past six years, five institutions were placed on show cause; 25 were placed on probation. This is a significant number without doubt but nowhere near the alarming numbers put forth by our critics. And of those 30 institutions, seven were successfully off sanction in one year--

DR. JOHNS: All but seven.

DR. KINSELLA: Oh, excuse me. All but seven were off sanction in one year with the remaining off in that two-year required time.

Given we are still feeling the effects of

the Great Recession, especially in California in the way it's allocated its resources, the attendant budget cuts that we have experienced, I would not say offhand that those sanctions that were offered by the commission were too high or that they were in any way inappropriate.

The sanction rhetoric also erroneously treats all sanctions as if they are identical in that ACCJC has taken adverse action against many schools. While warning is technically a sanction, it is clear even from the title the institution is primarily being put on notice of issues that need to be addressed before they become more serious.

During the period of time examined, 36 colleges were given a warning as their highest level of sanction. This represents the majority of the sanctions offered by this commission. In ACCJC's history, only two schools, Compton and CCSF, have had their accreditation withdrawn. In fact, what are referred to as sanctions in effect have served to help schools address their deficiencies and given them the time to do so.

And then there is this one really big item, that among all of this criticism, we notice that colleges are not questioning the actual accreditation findings they receive. In their survey responses to the State Auditor of California, they overwhelmingly agree that the teams were effective and the outcomes were accurate.

I need to close with this thought. Given the expected comments from third-party commenters, I do not want the State Chancellor or the Board of Governors of California to dictate a change in the accrediting agency for my community college. And I have been copied on resolutions from other colleges in other districts that hold that same point of view.

This is the purview of my college and my elected board of governors--excuse me--board of trustees. The State Chancellor should not take on this expansion of his power when, in fact, California community colleges are not a system. I don't work for him. Our colleges have locally

elected boards, precisely so that individual institutions can make operational and policy decisions that are best for our individual communities.

It would be inappropriate to say that we could no longer use the accreditor that has served California community colleges for more than 50 years, namely ACCJC. If NACIQI uses the Criteria for Recognition, I am confident it will find the ACCJC worthy of continued recognition. That concludes my comments. Thank you.

DR. BENO: So at this point I'd like to address the staff findings. We respectfully disagree with the staff's final report analysis and conclusions regarding 602.18 and 602.25(a) through (e) relating to clear identification of an institution's deficiencies in meeting accreditation standards.

The staff's analysis expressed approval for the changes in the formats of team reports and action letters that list deficiencies and recommended improvements separately under separate

headers, but cited as its sole basis for recommending a finding of noncompliance an action letter that required further reporting by the institution on its recommendations for improvement.

The final staff report stated: "The very requirement that an institution must report on the recommendations for improvement reflects the agency's need for follow-up on the issue and would indicate a deficiency. Therefore, the agency has not demonstrated that it provides the institution with a detailed written report clearly identifying deficiency in the institution's compliance with the agency's standard"--unquote.

The staff analysis and that quote I just gave you infer that a longstanding ACCJC policy and practice of requiring an institution to report on its improvement efforts, quote, "indicates"--unquotes--a deficiency. If this were logically true, then every report that the commission asks in which colleges are asked to address improvement efforts and consideration of the improvement recommendations provided by a team would similarly

indicate a deficiency, and that is simply an inappropriate and wrong assumption.

The staff conclusion is an overreach by the Department of Education staff, we believe, to micromanage the language we use in our action letters and our standards. It's both logical and consistent with the purposes of accreditation to follow up on recommendations for improvement as part of our agency's role to support continuous quality improvement of the institution and to avoid future deficiencies in meeting standards.

The Department has no legal basis to contest our agency's policy to follow up with institutions regarding how they're addressing recommendations for improvement. ACCJC has a policy. It's imbedded in its bylaws and policies, which call for follow-up and mid-term and other reports on it, and the institution's own improvement recommendations, as do other regional accreditors follow up on improvements.

Institutions in the region are not unclear on the distinction between recommendations to meet

the standard and recommendations for improvement. The language of the latter, recommendations for improvement, begin with the phrasing "in order to improve," and that's the language that's consistently in our recommendations and in our language of our letters the team recommends.

It's perfectly clear. It's "in order to improve." To satisfy the USDE, ACCJC has made formatting changes to our team reports and action letters, which the staff acknowledge are appropriate and has approved. All recommendations to meet standards are placed under a header. All recommendations to make improvements are placed under a separate header.

The letter cited in the staff, final staff analysis, are cited solely because they required follow-up to address improvement recs. All right. So what distinguishes the two? Compliance recs and improvement recs. The first is compliance recs. We require institutions to follow up on within two years. That's the two-year rule or a Federal regulation requiring follow-up. The fact that

institutions are asked to follow up on improvement recs at the mid-term, which is under our old system three years into the review, under our new practice four years into the review, is immediately a signal that the improvement recs are not the same as compliance recs. They can be addressed later than the compliance recs.

ACCJC's manual, called "Preparing Mid-Term Reports," states to institutions--and by the way, they use this when they're preparing reports--it states that the mid-term will, quote, "provide a description of the institutional response to the recommendations of the evaluation team that were meant to increase effectiveness (recommendation to improve). The institution should explain the manner in which each recommendation to improve was considered and"--here's my emphasis--it's in the manual--"what if anything was done by the institution as a result of the recommendations to improve."

So we're obviously in the manual telling institutions they can take action or not. We're

just interested in knowing what they did with the recommendation.

So we ask that you reject the staff's false assumption that when we ask for information on what an institution has done to respond to recommendations for improvement that were provided by their peers--and by the way, these recommendations are valued by our colleges; it's part of the peer advice, the free advice that comes with accreditation reviews--we're asking that you reject the staff's false assumption that by doing that, we are not meeting the Federal Criteria for Recognition.

I'd also like to comment on one more piece, and that is the 602.20(b). That's the only other finding of noncompliance in the staff report, and we think it's also flawed. It takes the position that ACC violated the criterion requiring an agency to take immediate adverse action if the institution does not come into compliance with standards unless the agency for good cause extends the period for achieving compliance. That's the

regulation.

During our compliance period, we experienced only two situations where enforcement was needed under these provisions. That is an extension was needed. One of them related to the City College of San Francisco, and that process is incomplete. The other situation regarded Yuba College, and it has been completed, with Yuba College taking the necessary actions to meet standards within the regulatory time period with a good cause extension that we did give them for complying with two standards that they had been found noncompliant with.

The final staff report concedes that ACCJC provided a detailed narrative of the compliance time line for Yuba College to support the good cause extension, and based on the information provided in ACCJC's response, the final staff report did not contest that the regulatory time frames had been met by ACCJC in its actions.

However, the staff reported that ACCJC violated the regulations solely because its letter

to Yuba College did not document the time line of the commission's actions for the institution's records. We believe that this report misinterprets the regulatory requirement at issue. The criterion is about what actions the agency takes, including granting a good cause extension and whether the agency's action, our action, comply with the regulatory time lines.

We've documented our compliance. The regulatory criteria is not a requirement regarding what is said to the institution about how thorough an explanation is given to the institution of those time lines. The criterion says nothing about providing information to an institution for an institution's records about the time lines. In fact, the letters indeed provide information about the time lines that ACCJC has sent.

In our first letter to Yuba College in 2014, we laid out the time requirement and the standards that had to be met within the allocated time frame. Our second letter, in 2015, clearly identified the standards for which noncompliance

had continued at the college and explained that additional time was given for two issues on the basis of good cause extension.

We're certain that Yuba knew the further historical detail since they keep all of their action letters and reports from us and understood the information related to meeting the standard by the time established. The college could have easily asked ACCJC if it wanted more information about the overall time line and it did not.

ACCJC readily agrees that providing additional information to colleges about the overall time line in its action letters may be helpful, and as stated in our response to the draft team's report, we're prepared to adopt this practice as part of our efforts to increase the availability of information to the public. But that is a matter of improving practice going forward, not a matter of complying, we believe, with current recognition criteria.

The Department, we believe, is inventing a standard, a requirement, that appears not in the

Higher Ed Act nor in the recognition criteria, and we ask that the Department simply--that NACIQI simply set aside this finding, and we believe the Department has no grounds, legal authority, to find ACCJC out of compliance on the basis of the information they've provided to us.

Thank you.

DR. JOHNS: Hello, and thanks again for giving us this opportunity to speak. In addition to the two minor compliance issues, which Dr. Beno just addressed--oh, I'm Krista Johns--sorry--just as a reminder--the final staff report also deals with our request for expansion of scope. Unlike the final staff report, ACCJC believes its experience and standards related to baccalaureate programs support granting the proposed expansion of scope.

Before discussing the scope expansion, I really need to address the staff recommendation that ACCJC's current scope of recognition be limited so that ACCJC could not approve additional baccalaureate programs via substantive change

during the upcoming compliance report year. Prior to receiving the final staff report last week, there was no notice about any such proposed recommendation. The usual processes related to raising issues with accreditors were not followed, and we feel strongly it would be out of order for that part of the staff recommendation to even be considered at this time. This issue will be addressed a little bit more by our attorney.

In addition, approving the limitation of ACCJC's current scope for the next 12 months could have the effect of potentially harming up to four remaining California community colleges, which are participating in the California legislature's pilot program to implement baccalaureate degrees in public community colleges. 11 of the participating colleges have already received substantive change approval. These would not be affected by the proposed limitation. Another three colleges have undergone substantive change review, but the decision has been deferred pending the receipt of additional information, which may come very soon.

The last pilot college's baccalaureate degree is scheduled to be initially reviewed in February or March of 2016. Without ACCJC approval of these programs, the colleges likely will be unable to meet the deadlines set in the state law that need freshman level courses to begin being offered in 2017.

It seems unfair at the core for the Department to harm these institutions, which have been developing their plans for a baccalaureate program based on the knowledge of ACCJC's current scope of recognition. You know, following the December 2013 NACIQI hearing, the Department evaluated and approved the standards for baccalaureate programs contained in ACCJC's substantive change protocol, which it found to be comparable standards for baccalaureate programs used by other regional accrediting agencies.

The current staff final report contains no information to suggest the substantive change protocols are inadequate for reviewing baccalaureate programs proposed through this

process. Also as a part of that Department decision to grant our scope, the current scope, there was a determination that ACCJC had demonstrated the requisite experience in conducting substantive change reviews of baccalaureate programs to warrant granting of that scope. Thus, the proposed limitation cannot be based on a lack of experience in approving such programs through the process.

It seems the staff report's recommendation to limit ACCJC's current scope is based on the observational visit by the staff analyst to a substantive change committee meeting. Based on her observations, that staff member questioned the understanding of our committee members of baccalaureate standards and questioned whether ACCJC had adequate guidance and processes for implementing those protocol criteria.

ACCJC agrees that the substantive change committee meeting observed by the Department staff member was inefficient and reflected questions by committee members about specific procedures and

motions to make in completing their actions. ACCJC is not satisfied with the quality of that meeting and how it went. The meeting was led by a committee member who was new to the chair role and included two new committee members.

While these members had been through the training for being on the substantive change committee and about their roles on the committee, as well as training for reviewing the baccalaureate degree specifically, they still had questions about committee procedures. Most of the questions were general questions, not pertaining directly to the baccalaureate reviews. But they nevertheless affected the committee's workflow.

In addition, there was one committee member who commented excessively on California state requirements for various practices. This information was not particularly relevant to most of ACCJC's review elements and wasted committee time. In fact, the committee's work ended up being completed at the overflow meeting a couple weeks later.

This would not have happened with a more experienced committee chair. These issues are in no way typical of the functioning of our substantive change committee, and they also do not reflect a lack of adequate processes for applying our substantive change protocols to baccalaureate programs or any other substantive change. More importantly, for the baccalaureate degrees, which were part of that observed substantive change committee agenda, this was the first part of what is a rigorous review process. The institutions involved were required by the committee to submit follow-up reports demonstrating compliance with particular standards and evaluation criteria for which the submitted information was inadequate.

In addition, team visits were required to verify conditions on site. These requirements following the initial review ensure the necessary rigor of evaluation and its alignment with the standards and with the evaluation criteria that were previously approved by the Department.

So now as to the ACCJC's request for

expansion of scope, the final staff report takes the position that ACCJC has not adopted sufficiently comprehensive standards related to baccalaureate programs that are comparable to standards used by other accrediting agencies or its own sub-change protocol.

The assertions to this effect are repeated in several places in the staff report, but they are misleading. In fact, comprehensive standards comparable to those of other accreditors were adopted by the ACCJC in 2014, both through amendments to the standards and through the adoption of review criteria in the guide to evaluating institutions.

Now some standards did not need revision. For example, the standard requiring demonstrated depth, rigor, and breadth of curriculum appropriate to degree level as generally accepted across higher education did not need a specific mention of the baccalaureate degree because it was clearly applicable to the degree.

Language within the general education

standard requiring the identification of courses and an articulated philosophy of general ed aligned with student learning outcomes also clearly applied to the baccalaureate degree. What was needed was the methods by which the college would demonstrate compliance with those standards in the Guide to Evaluating Institutions.

There were other references put into the standards however, such as the number of units of general education that would be required for a baccalaureate degree or the minimum credits for a baccalaureate degree. Similar kinds of things were put into the standards.

It is the institutional evaluation criteria adopted after the accreditation standards were enacted in 2014 which further articulate these questions specifically applicable to baccalaureate programs and, in effect, which flesh out and elaborate on the standards as they apply to baccalaureate programs for teams, institutions, and the commission itself. The revised standards in the review criteria are fully comparable to our

protocol for reviewing substantive change and to the standards of other regional accrediting agencies with baccalaureate programs.

The final staff report's issue, as previously hinted at in a question of the Committee, really seems more about what the standards and evaluation criteria are called and in what document they're included. Whether those criteria are sufficient, that's not the issue. It's really where they are. In fact, it has been ACCJC's consistent practice since its initial Department of Education review more than 50 years ago to maintain general principles and expectations of qualities within its standards, to articulate specific actions on those standards in commission policies, and to detail in a written evaluation procedures which are the way in which you evaluate colleges through the types of evidence on the specific criteria. And these are found in the manuals and guides.

So now it seems a new bit of finding that ACCJC is being told that for this one type of

degree, the baccalaureate degree, the longstanding agency practice, which has passed muster through multiple recognition reviews, including the one just completed in 2013, is not adequate.

We don't think that our choice of the name of the publication in which evaluation criteria are located is an appropriate basis to conclude we lack the adequate standards. Insistence by the Department that the evaluation criteria be moved appears to be unnecessary micromanagement by the Department.

As part of the evidence provided by ACCJC, we submitted both a full copy and an excerpted copy--this is an excerpted copy--of the Guide to Evaluating Institutions, as well as a copy of the Accreditation Standards with the sections highlighted in which institutions would have to specifically address the baccalaureate degree if they offered such a degree.

The Guide to Evaluating Institutions cites by standard evaluation questions. It lists the type of evidence which can be used to demonstrate

the institution's compliance. Among the standards and associated questions are those which apply to curriculum, faculty qualifications, general education, the rigor of the baccalaureate program. All of these are fully consistent with standards used by other regional accrediting agencies and actually go beyond the substantive change criteria because, of course, these are for ongoing programs.

The final staff report also suggests that ACCJC has not demonstrated it has the experience needed to be granted the expansion of scope beyond the concerns related to the substantive change committee, which is only about substantive change. It is that they mention that ACCJC needed to do an accreditation review of one institution, American Samoa Community College, twice to get it right.

The staff report conceded that ACCJC performed a fully appropriate and comprehensive review of the college's baccalaureate program as a part of an overall accreditation review in 2015 but faulted ACCJC because the team report of a prior review of the college's baccalaureate program in

2014 did not fully document the evaluation under all the standards and evaluation criteria.

The inconsistency, according to the staff report, suggests a lack of appropriate protocols to assure application of the standards in baccalaureate programs. This is not the case. The 2014 review of American Samoa Community College's baccalaureate program was, in fact, rigorous, comprehensive and thorough; however, the team report, consistency with agency practice, focused on explaining deficiencies in college policy or practice. The college had many issues but not as to the baccalaureate degree. As a result, though the baccalaureate degree was mentioned several dozen times in references across the standards, which were met by the institution, the team report did not effectively document in detail for the Department how the team addressed every criteria for the baccalaureate program.

So ACCJC accordingly decided it needed to include a new written analysis of the B.A. program going by evaluation criteria, and it did so in

2015, and the Department's final staff report found that follow-up report fully met the Department's expectations. But, ironically, the staff report would nevertheless want to penalize ACCJC for recognizing its need for further documentation and then providing the documentation.

The most that can be said on the subject of these 2014 and 2015 team reports is that we lacked a consistent process to document for the Department the sufficiency of our reviews of baccalaureate programs. But we've now cured that issue. The review of American Samoa Community College's B.A. degrees reflects the necessary experience, rigor and thoroughness in our accreditation review of baccalaureate programs. Thus, we feel both the standards and the experience expectations for expansion of scope have been met.

And finally there's one small note in the staff analysis to the effect that ACCJC should have defined the types of baccalaureate degrees it will accredit. However, that is an issue for state authorities. The state authorities that create the

laws and regulations about baccalaureate degrees define the parameters of such degrees. For California community colleges, the emphasis is on applied career technical type B.A. degrees, and for the first pilot round, there was a limit of one B.A. degree per institution.

But for our other member institutions, either in California or elsewhere in our region, there is no such limit. As the institutional accreditor of community and two-year colleges, we look at see what state authorization an institution has. And then go from there in applying standards and evaluation criteria so the type of baccalaureate offered by our member institutions falls within the realm of state regulation, and ACCJC's scope would not define that separately.

Okay. We would be happy to address further with you the need for our expansion of scope if you have any more questions. Otherwise, we do respectfully request that you approve that expansion of scope at this time. Thank you.

MR. WINNICK: Good morning. My name is

Steve Winnick. I'm an outside counsel to ACCJC. I'm from a group called Education Counsel, which is affiliated with the law firm of Nelson Mullins Riley and Scarborough. It's a law firm of former Secretary of Education Dick Riley, and I appreciate the opportunity to be here to address NACIQI.

I need to raise three core legal points regarding the Department and the NACIQI review of ACCJC's compliance plan. First, as has already been discussed, the Department has made it very clear that issues related to support for ACCJC and representation of academics on its site teams are not properly part of this proceeding. We very much appreciate the chair's comments on the limited scope of this hearing, as well as the comments by Beth Daggett on that fact.

I should note that that point, as to the limits of the scope of the hearing, is not a newly-a newly communicated point. It was expressed in Federal Register documents noticing this meeting. It was expressed in both the draft and final staff reports, and it was also expressed in a letter to

ACCJC from the Department.

I can understand some of the frustration of not being able to address more recent issues, but the fact is that those issues are on appeal to the Secretary. As a legal matter, the record for those issues has been closed. In fact, at one point, we tried to file a supplemental brief to the Secretary, and the Department objected and said, no, that was beyond the scope of the hearing, beyond the scope of the appeal to the Secretary, and it should be disqualified.

So the point is that those issues are in a separate vein now. There is nothing the Department at this point can do. There's nothing that it can do based on NACIQI recommendations as to the issues in particular of support for ACCJC. We also wonder what's taking so long for the Department to make a decision. And I'd just, I think, write it off as that's the way Washington works sometimes.

Let me just add on that point that given the list of persons who have registered to testify today against ACCJC, virtually all of them

advocates for the City College of San Francisco, I assume that many plan to testify to issues that are not a proper part of this proceeding, including efforts by the Board of Governors and the Chancellor's Office for the California Community Colleges that threaten the existence of ACCJC.

On behalf of ACCJC, I strongly object to the admission of that testimony by NACIQI. I'm prepared to register that objection for each such statement, for each such witness. Alternatively, in the interest of efficiency--I'm not sure you want to hear me objecting every few minutes--alternatively, in the interest of efficiency, if NACIQI agrees that my objection applies to every witness and every statement made by a witness that goes beyond the proper scope of this hearing, and that a failure on my part to reassert the objection specifically for each witness and each statement does not waive the objection, I'm prepared to simply register it now and perhaps in follow-up rebuttal remarks and not go through it each time so that I'm not interjecting throughout the testimony

by third parties.

And so I would appreciate a response to that, if NACIQI agrees that by simply making the objection in general now, I'm not waiving the objection by not asserting an objection witness by witness, statement by statement, that I'm not waiving that objection?

MS. MORGAN: I don't think our procedures have any--this isn't a courtroom. We wouldn't be expecting you and you wouldn't be seated up there to be standing up and objecting.

MR. WINNICK: Okay.

MS. MORGAN: So that would be inappropriate, but I think the Committee would be, I think we've already said that these issues are off limits and therefore--

MR. WINNICK: Okay.

MS. MORGAN: --we accept the fact that you agree with that.

MR. WINNICK: Okay. Thank you, Sally. I appreciate that statement.

The second core legal point that needs to

be made that Krista Johns had alluded to is that the final staff recommendation for the first time during this entire compliance review process proposes to limit ACCJC's current recognition by barring the agency from including any additional baccalaureate programs within the scope of its accreditation authority.

That proposal, we submit, is unwarranted as a matter of policy in evidence, as Krista testified, but it also raises legal concerns. ACCJC has received no prior notice of the Department's proposed limitation. It has had no opportunity to respond in writing to a draft proposal on this issue from the Department. As a matter of consistency with Department regulations, we submit that the Department needs to provide a draft notice of such a proposed adverse action with an opportunity for a written response from ACCJC.

The staff's effort to short circuit this process harms not only ACCJC but its member institutions that rely on the scope of its recognition, including the four institutions that

have not yet had a substantive change approved by ACCJC and that rely on its current scope of recognition.

We don't believe the Department can move to take an adverse limitation action against ACCJC concerning its existing scope of recognition without following the regulatory steps that I just described.

The third and last point I would make is that the final staff report includes two passages that convey clearly inaccurate and prejudicial information regarding ACCJC. The misinformation can only serve to fuel further irresponsible attacks on ACCJC. We had sought to have the misinformation deleted from the draft and final reports without having to raise this issue to NACIQI, but Department staff declined to do so.

The two passages are, one, a passage in the recognition history indicating that based on a complaint filed by the California Federation of Teachers, the Department in a, quote, "non-final," unquote, August 2013 letter instructed ACCJC to

take immediate steps to correct identified areas of noncompliance. The implication clearly is that ACCJC was somehow at fault in not taking such immediate actions.

In fact, the instruction to take steps improperly presumed what the Department would finally decide regarding noncompliance. The August 2013 letter was nothing more under the regulations than a draft staff report. The Department was required to give ACCJC an opportunity to respond to it in writing, but ACCJC had not yet done so at that point in time. The Department had no legal basis to instruct ACCJC to take any action until a Department determination was made regarding these issues.

Also, the August 2013 letter improperly read like a final determination and became the principal basis for litigation filed against ACCJC. A senior Department official informally acknowledged to ACCJC that the letter was inappropriate. We are very concerned that the final staff report continues to invoke the same

problematic letter. As such, in our minds, it reflects a continued tendency for overreaching by Department staff to find problems with ACCJC and misleads the many public readers of the final report.

The other inaccurate and gratuitous passage in the final staff report is one that NACIQI Member Staples referred to. In talking about the alleged lack of clarity in ACCJC actions as to which findings constituted deficiencies and which constituted recommendations for improvements, it said that such lack of clarity, quote, "contributed in the past to misunderstanding by at least one accredited institution of ACCJC's conclusions with significant negative consequences for the institution, the agency and students"-- unquote.

If this is intended to be a reference to City College of San Francisco--and we don't know what it's a reference to--the statement is flatly untrue that there was any misunderstanding by City College of any team or agency determinations

regarding noncompliance with accreditation standards. ACCJC has documentary evidence, including a videotape, of City College leaders at the time that City College fully understood its legal obligations to take actions to come into compliance and did not view ACCJC determinations as mere recommendations for improvement.

City College leaders at the time in conversations with ACCJC expressly recognized this fact. Whether the passage in question is a reference to City College or perhaps to another institution, the Department, we submit, lacks any basis in evidence to make these statements. We therefore request that NACIQI recommend that both problematic statements be removed from the final staff report or, alternatively, that a letter be provided acknowledging that these statements are mistaken.

Thank you very much.

DR. BENO: This concludes our opening remarks prior to questions you may have and the rest of the proceedings.

CHAIRPERSON PHILLIPS: Thank you very much. First, we'll go to the readers. I have Art and Cam and then to the rest of the Committee.

DR. KEISER: I have a question. The issue of clarity the staff talked about. Now you have two types of recommendations, one for improvement and one for compliance; is that correct?

DR. BENO: That's correct.

DR. KEISER: And the one for compliance would be considered a deficiency where the one for improvement would not be?

DR. BENO: That's correct.

DR. KEISER: So why do you call them the same things as recommendations? That's unclear to me as an institutional person that I get a recommendation that is a deficiency and another recommendation that's not.

DR. BENO: So the word "recommendation" refers to what the teams write for the college in their team reports. And the teams will write a recommendation to a college to address deficiencies when they identify those deficiencies and the

standards for which the performance is deficient by giving suggestions for how the institution could behave to come into compliance, but one of the purposes of accreditation is to support and encourage institutional improvement.

One of the things our member institutions value is the advice that a peer evaluation team provides so we have a longstanding practice of asking our teams to provide recommendations for how to improve, how to excel, as peers providing that guidance. So it's referring to a recommendation the team might write to improve.

DR. KEISER: Let me understand. A recommendation for compliance is a must where the institution must make changes or adjustments or provide documentation to the Commission and a response?

DR. BENO: That is correct.

DR. KEISER: Now a recommendation for improvement, is that more of a suggestion? And does the institution, you know, have to respond?

DR. BENO: It is a team--it is more of a

suggestion. It isn't a compliance issue. Does the college have to respond? Yes, we ask that it respond in the mid-term report as to what it has done with the recommendations for improvement, and I believe I read you, I did read you the language where the Guide for Writing Mid-terms is please tell us what you have done, if anything, with the team recommendations for improvement.

We also use the mid-term to ask the college what it has done with its own plans for improvement at the time. So the mid-term is improvement oriented.

DR. KEISER: So does the Commission evaluate the institution's improvement process and makes a judgment?

DR. BENO: We look at what the institution has done to improve and we write encouraging words, but generally mid-terms are reviewed as to the institution's efforts to improve and accepted or rejected if the institution doesn't write a good report. Generally they're accepted.

DR. KEISER: Well, generally, but--

DR. BENO: Yeah.

DR. KEISER: --let's say I wrote a miserable improvement plan, and you reject it, does that mean now that I have a deficiency?

DR. BENO: You know, the poverty of your improvement plan would show up--

DR. KEISER: Poverty. I like that.

DR. BENO: --in your hypothetical--would show up at the next time you're under review when we look at your compliance with our standards because we have standards in our institutional effectiveness chapter, so to speak, in which we ask you to have plans to improve and to implement them, and to demonstrate what the impact was, and then if you're not satisfied yourself, to make more plans for improvement.

So it wouldn't show up till your next comp when your improvement efforts had failed and you revealed that in your self-study.

DR. KEISER: I don't mean to get into the nitty-gritty that much. However, since the institutional effectiveness is, I would assume, a

standard, and that institutions demonstrating improvement is a standard--I would assume that is. Otherwise, you know, you're moving backwards, and I don't think that's the purpose of accreditation. And if this institution is required to show improvement, how can they consider that not a deficiency?

DR. JOHNS: If I may? It seems like the discussion has now moved to improvement efforts, and it began with maybe recommendations. I just want to say that the term "recommendation" has been used since the beginning of accreditation in our region so that's known. The idea, though, is what is to be made of the recommendations of a team on those improvement efforts? There those are not going to become an issue of compliance because the college may say we looked at those, we considered them, and found that there's nothing we needed to do about them.

The standards pertain to the college's own efforts to identify areas of improvement, innovation, and to do something about that. In

those areas, yes, there could be a noncompliance. In terms of letting us know, talk about, discuss what you did in looking at what the team suggested, that is not a pathway to noncompliance.

DR. KEISER: Yeah, but, again, the issue is deficiency because that is exactly what the standard, our standards talk about, deficiency. And the second part of that is clarity, and to me it's not clear if you have a recommendation that demonstrates a deficiency, and then you have a recommendation that may or may not demonstrate a deficiency based on a period of time.

So in my mind, I think that's where the staff was coming from. It is kind of picky, but it is a concern I would have because, at least in my region, a recommendation is something you have to do, and you cannot, and that's the key. If it's something else, it's a suggestion or some other form of language. But here you have two recommendations, both meaning different things, which is unclear to me.

DR. KINSELLA: Excuse me. I'd like to add

a couple of comments as a team chair. I've been on nine comp visits, chaired six of them. The improvement recommendations offered by the teams that I were on were to exceed the standards, to achieve best practices. When we have our 12-member college teams that go out, they all have various levels of expertise. I'm sure you all understand that and know that. But the recommendations that we came up with for deficiencies, they either did or did not meet the standards. That's a simple yes/no question. They either meet the standard or they don't. That's a recommendation for compliance if they don't meet the standard.

For the improvement recommendations, they're doing various elements, and maybe that's something that's different for them. We have team members typically that have a lot of expertise, and they may say, hey, why don't you just try to do it this way. But they capture that because they want it recorded because that's the time the team will see them. And that's how we've used them in practice.

DR. KEISER: Well, I accept the value because that's truly the critical part of an accreditation process that the institution get better. But if you require them to respond to the improvement suggestion, as you just called it, and they have met the standard as a minimum, then that's confusing to me, at least as an institution, as to what is my responsibility. Yeah, I'd like to get better, but do I have to report it to you as long as I meet the standard, and you're suggesting that they do, and at mid-term, they could have negative consequence if they don't do it right. So that's a concern I have.

Let me ask another question if I may. On the standards with the faculty, and talking about in the baccalaureate review, are there differential standards between faculty at an associate degree and a baccalaureate level?

DR. JOHNS: There are. There's the general statement that in terms of determining appropriate faculty qualifications, you look at a number of things, including the level of

assignment, but then in terms of what specifically you are looking for, for our--

DR. KEISER: But in your standards, do you--

DR. JOHNS: Yes.

DR. KEISER: --specifically differentiate what the difference between a baccalaureate faculty member requirement and an associate degree?

DR. JOHNS: We don't use the term "baccalaureate degree." What we state is that the criteria and qualifications for faculty need to include a list of various considerations, and that includes things such as discipline expertise, the appropriate degree, the level of assignment, and several other factors. And then in the evaluation criteria, it specifically asks are the faculty in that program carrying at a minimum a master's degree or above?

DR. KEISER: Again, I think that's where we're having our issues. The standards do not differentiate between the associate and the bachelor's. Your guides and your substantive

change do. Now I'm an institution. How would I know that my baccalaureate--if I didn't go down the list, I just read the standards, I said, well, yeah, they're appropriate, and they've been appropriate for 20 years, kind of like what you said, we've reviewed before and we found the same thing. Well, they're different. And the requirements are different. And I think what the staff was saying is it's not clear to a member institution, and that there are differentiation between baccalaureate and associate, which is what our standards suggest.

So I think that's where I think we were going, and I just wanted to make sure that was the way it was.

DR. JOHNS: Thank you for asking that. We have done a couple of things to alert colleges which are interested in enacting a baccalaureate program for the first time that the standards must be met by the baccalaureate degree, and that that program will be evaluated as its own entity in accordance with complying with the standards, not

just, you know, looking institution-wide across all programs.

And how, and the meaning of each standard, the ones that don't specifically mention baccalaureate--several do--but the meaning of each standard and what it means for the baccalaureate degree are these evaluation criteria, and that's where it talks about what the degree level is for faculty qualifications and other things for other areas.

DR. KEISER: And I understand. Okay. I understand. However, you just said something very important, at least germane to what our staff identified. A new institution would have, of course, the substantive change document.

DR. JOHNS: That's true, too.

DR. KEISER: But American Samoa College--I think that was the name of the institution that has gone through that review--in five or ten years or seven or whatever your requirements are for the reaffirmation will not be looking at that substantive change document because they have

already been approved under the substantive change document. They will be using the regular standards as a base. Therefore, they may or may not meet the standards, and that's the concern of the staff, that it's not clear within the standards what the faculty credentials are unless you have some requirement that directs them to a substantive change request, which most, I would not do if I was looking at my reaffirmation.

DR. JOHNS: Yes. We don't require them to look at the sub-change protocol. We do require institutions to look at the Guide to Evaluating Institutions, which goes standard by standard and lists these particular criteria, but your point is understood, I believe to be that that is a different document, a different place than the standard itself.

DR. KEISER: Even that, I read through that document, and you kind of use the socratic method of asking questions--

DR. JOHNS: Yes.

DR. KEISER: --without clearly delineating

the requirements that are there like there was one on faculty. Do they meet common baccalaureate requirements? I don't know what that means. Do they have to provide you a matrix of every regional accrediting agency while they're doing the review? I'm not sure that's what you're asking for, but that's what you're implying. So it's not clear what the standards for WASC Junior College is, at least in my mind, if I was doing a reaffirmation.

CHAIRPERSON PHILLIPS: Okay. Cam.

MR. STAPLES: I don't have much to follow up on except I guess my general impression is that in most of these areas we're talking about disagreements about the clarity of what you, of how you explain, how you articulate either in your writings, your documents. It's not necessarily calling for changes in substance or your process very much.

So it makes me wonder why this just isn't being done, to be very candid? It seems like the sort of thing that you could clarify in a very straightforward manner most of the issues that have

been raised. The staff mentions the language of your letters, your compliance letters, and how they reference improvements. I mean those are things that are fairly easy to correct if you choose to do so. So I understand you're objecting. You have different interpretations, but part of what we'll have to decide is will anything be different a year from now?

And that requires I guess some, at least on my part, some understanding that you, despite being right, you're willing to make some adjustments in order to reach some agreement because it's not requiring a fundamental change, at least that I can see, in anything that you're doing. So that's sort of I guess a question that I would have.

DR. BENO: Uh-huh.

MR. STAPLES: Second thing was a comment made earlier about all the changes you've undergone in the last three or four years, and although we're not going to get the issues that are on appeal, a comment that was made was that many of the changes

that you've introduced have been very favorably received. And I guess if you'd could give me a little more information about on what basis you're making that judgment that you have, that there's been a favorable reaction to a lot of the changes you've made.

And I recognize there are several public meetings. I mean it's in our materials. Several discussions you've had and feedback you've had. But it would help me a little bit better to understand how you make that claim. So if you give me a response to both of those, I would appreciate it.

DR. BENO: Sure. So the first--

DR. JOHNS: [Inaudible remark.]

DR. BENO: I'm not following you. But the first response is you're asking would we be willing to make modifications to our documents, our letters, our policies? Yes, we would, and that was in our closing statement, but I'll make it now. Of course we would, and we can do that. Absolutely, yes.

The second question with regard to changes we've made and favorable response we're receiving, we decided to roll out changes in our practice at the same time we were beginning the implementation of our 2014 standards for purposes of comprehensive reviews. And we adopted the standards in '14, but didn't require them to be used for comprehensive reviews until spring '16 so that colleges had time to learn the new standards and write in their self-study in response to them.

At the same time we rolled out some other changes. One of them is that the teams will write to the college's current condition with regard to meeting standards and will not be backward looking, and the reason for that is that the colleges have through the two-year rule and enforcement of that been brought into compliance before they ever get to this new evaluation. So we're going to stop looking at that past because it gets the college and the team focused on what happened in the past.

We're telling them you're focusing on where they are absolutely right now with regard to

these standards.

The second thing we've done is we've changed the cycle to a seven-year cycle so that the mid-term occurs in year four, which is really precisely in the middle, and our members wanted a longer cycle, and we have shifted the focus of the mid-term to be on improvement efforts, again, because under the two-year role, even with good cause extension, the college should be done with all compliance issues by the time we get, once they start this cycle, by the time we get to the mid-term four years later.

So the new improvement--I'm sorry--the new mid-term process is one in which we ask them to talk to us about efforts they made to improve that were based in their own self-analyses at the time of the comprehensive review four years earlier, or based in the team recommendations that sounds like they might become suggestions for improvement.

We're also asking colleges as part of their self-study process to write a quality focus essay identifying two or three projects they'd like

to undertake to try to significantly impact student outcome so it has to be student focused. They write that as part of their self-study. It's their plan, and at the mid-term we ask how is it going? Have you fully implemented your plan? What did you find? What were the outcomes? Did you raise or improve student outcomes? Was it flat? And if so, what have you learned about what you can do to make improvements to student outcomes?

So that focus of the mid-term now on not did you comply with all the recs that we already asked you about for compliance, it's now improvement focused, has been viewed very positively.

We just recently trained the chairs for going out on the spring visits, and that's where we got a buzz with the chairs calling other people in the state to say did you see what they've done? We also changed our commission action on institutions to provide for a period of time in which an institution could--it's 18 months--up to 18 months, but it will typically be 18 months to respond to a

small number of issues, fixing their issues prior to another review, which could result in a sanction if they haven't fixed their issues, but we're giving them a little more time to work on issues when they're small in number and relatively small in importance. So we're kind of getting those I'm going to call them procedural or technical issues covered without putting the institutions into an alarmed state. We've retained the warning, probation definitions that the regionals all adopted commonly.

We're changing our training. We have already set for February a date for training for new evaluators or people who want to be evaluators, and we're putting them through an intensive all-day training that if they do that, they'll be the first picked. They'll be the only people eligible to be new evaluators on a team, on comprehensive teams.

One of the things we've experienced is the team people might have growing expertise and ability to do evaluation visits, but when you have new persons on a team who have never evaluated

before, they pull the general team training backward to the basics too much. So we're going to have new evaluator training. Everybody who is going to be a new evaluator, first-time evaluator, will have had to go through that, and then we're changing the nature of the team training to evaluate and skip the basics and start with much more concrete stuff on how do you go about doing assessment at the institution, what do you do in interviews, how do you look at evidence, how do you triangulate, some of the very, some very focused training on the tasks of the evaluators.

One of the concerns in our region has been have the evaluators all been appropriately ready, and the complaint has been some of yours aren't, and the new ones are--the first-time evaluators are really challenging. So those are some of the changes we've made that have been rolled out as we start training the teams for the spring visits, and we'll have more, I think, impact on institutions once they go through that, and see what the process is like now that it's different.

MR. STAPLES: Thank you.

CHAIRPERSON PHILLIPS: Our next step would be to open up to the Committee comments, to invite their closing remarks, and then to move on to our next part of the agenda, which would be third-party commenters. In the middle of this, there's a lunch break, and if I could just get some gauge here about the number of Committee members who would be wanting to ask questions of the agency representatives at this point? Okay. I've got two. Yes?

DR. DERBY: Will we have a chance to ask questions of our staff again?

CHAIRPERSON PHILLIPS: Sure.

DR. DERBY: Okay.

CHAIRPERSON PHILLIPS: I'm just trying to gauge where to put the lunch stop. I'm going to pause here, ask you to come back. I've got Simon and Anne, Anne and Simon in order, and we'll pick up with the Committee questions at this point, and then I understand you have closing remarks that you'd like to make.

DR. BENO: And Madam Chair, last time I was here, you kind of laid out all the steps of the process, and I'm not sure I heard you to do it this time, but if you could do that, then we'll know those steps as well.

CHAIRPERSON PHILLIPS: Okay. I will do that when we come back.

DR. BENO: Thank you.

CHAIRPERSON PHILLIPS: Great. One more housekeeping item. Those of you who did preorder lunch, I understand that it's available at the bar; is that correct? Not right outside. We'll convene here at 1:30 and pick up in exactly this spot.

Thank you.

[Whereupon, at 12:32 p.m., the NACIQI meeting recessed, to reconvene at 1:35 p.m., this same day.]

A F T E R N O O N    S E S S I O N

[1:35 p.m.]

**STANDARD REVIEW PROCEDURES**

CHAIRPERSON PHILLIPS: Good afternoon.

We're going to pick up where we left off. Just to remind people of the larger sequence of events in this, our process, as you know, begins with the readers' introduction of the agency petition; a briefing with the Department staff; followed by opportunities for the readers and the Committee to pose questions of the Department staff. The next is we always have the agency representatives, and then opportunities for the readers to pose questions of the agency representatives and the Committee to pose those questions. We are at that moment right now.

Following the Committee questions of the agency, we then move to the third-party presentations by third-party commenters, and again there are opportunities for reader questions and Committee questions of those commenters.

After the third-party commenters, we have

the opportunity for the agency to respond to all of the third-party commenters. After that, there is a Department response to the agency and third-party commenters. That would be an opportunity also for the Committee to pose questions of the Department.

Once all of those pieces are done, then we have Committee discussion, a motion and second, and vote. So that's the sequence that we've got ahead.

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**WESTERN ASSOCIATION OF SCHOOLS AND COLLEGES,  
ACCREDITING COMMISSION FOR COMMUNITY  
AND JUNIOR COLLEGES [ACCJC]  
[continued]**

CHAIRPERSON PHILLIPS: And right now we are at the Committee questions of the agency part of the proceedings. I left off with the promise that the next two up would be Anne and Simon. As always, if you want to add yourself to the speaking order, just catch my eye, and I'll include you.

So with that, let me turn--thank you for joining us again, and Anne, I will hand it over to you.

MS. NEAL: Thank you. I want to continue the discussion we had before lunch looking at the clarity issue or probably better said the question of the lack of clarity and confusion on the part of institutions vis-a-vis the recommendations that you all outlined because obviously this is under the due process section. And I think it raises some very important concerns if colleges are not sure what to do after they have had your review.

So I decided what I needed to get my arms around was really what these recommendations look

like. So I went to some public reports vis-a-vis schools that you have on probation. And I looked at the recommendations, and I just wanted to read them because I must confess I was sort of left unclear as to what the institution was being asked to do, and this one I'm looking at the College of Alameda, and interesting, it says a district recommendation. It's not even a college recommendation; it's a district recommendation. And it says in order to meet the standards, the team recommends the governing board adhere to its appropriate role. Um, interesting.

Then I went to Pasadena City College. This one just says recommendation, and it says in order to meet the standards, the team recommends that institutional leaders, and then I'm skipping over some, model collegial communication specifically among the board president and academic senate for the goal of working together to demonstrate an environment of empowerment, innovation, and institutional excellence. Um, social hygiene. I didn't know that was part of the

standards.

Then I'm looking at Merritt College. Again, district recommendation: in order to meet the standards, the team recommends the governing board adhere to its appropriate role. I just, I raise this because if I were on the receiving end, given these rather wide open, broad-ranging recommendations, vis-a-vis issues of governance, which are not clearly tied to educational quality, that I too would have some questions as to what it is I was actually expected to do, and why it is you were inquiring into governance matters rather than focusing more specifically on educational quality?

DR. BENO: Thank you for those questions. And I think I'm going to repeat the question, the last question, and if you feel you have made other questions along the way, you can clarify those for me. Why does the commission have governance standards that are standards that address governance issues? The Federal law permits accreditors to have standards beyond those required by Federal regulations, and our commission has

standards for governance because the operation of governance and decision-making is vital to focusing the institution's attention on students and student outcomes and educational quality.

And for that reason, we have standards. We have standards, general standards, on governance in Standard 4.A, which talks about how the institution and its leaders in various formal roles, such as academic senate president or board president, work together to achieve the institution's goals, educational goals, and so getting along and working collectively toward the educational mission and goals is a part of our standards requirement.

You raise the issue of two institutions in which there was a reference to the district, a recommendation to the district. You mentioned College of Alameda and Merritt College. Those are two of the four colleges in a multi-college district. In order to evaluate all of our institutions against the same standards, in a multi-college district, at least in California,

this is how it works. There is a single board of trustees. There's a district administrative structure.

And then there are colleges with their own administrative structures and the educational programming. To apply the standards that we would apply to a college that is a single college with a board, we apply the standards to the board of a multi-college district and hold the district accountable for meeting standards in order to help the college assure that it meets all the same standards as a single college might meet.

So that's why there's a reference to the district. If a recommendation were given, as it was, to Pasadena, it referred to the board, but it did not refer to the district as a separate administrative entity. The board is actually part of the one entity called Pasadena City College. I hope that helps.

MS. NEAL: Am I correct in understanding that these boards are elected bodies?

DR. BENO: In the colleges you've

mentioned, they are elected community college boards in California, public colleges.

CHAIRPERSON PHILLIPS: Thank you. I have Simon.

MR. BOEHME: Great. Thank you so much for coming. My very first NACIQI meeting, you guys appeared, and it was quite an eventful occasion. I believe it was December 2013, and I was a newbie, and I've been able to learn a little bit more about the accreditation world because of the terrific members, some who are in the audience, but mostly members of NACIQI.

And I have one question for you. You are the fourth-largest accreditation body according to some Department of Education information based on number of students. So you oversee 1,356,945 undergraduate degree certificate seeking enrollment students at 153 institutions. This is all available on the--go ahead.

DR. BENO: May I just let you know that we have 133 institutions, but your database collects data by site for some of our institutions so it has

added in the multiple sites of a single college of a couple institutions, and that's how it's gotten to the 153 number. It is not an accurate number.

MR. BOEHME: Great. Okay. So Ben Miller, who works at the Center for American Progress, came out with the report in September of this year, and it mostly talked about ACICS, and your agency was compared to ACICS in not a very favorable view. In the statistic that said the share of borrowers who default within three years of leaving an institution, for the 2011 cohort, ACICS and your organization, ACCJC, both finished at 21 percent.

And in terms of the cohort of regional accreditors, your rate is nearly double every single other regional accrediting agency. So what does that mean? Overall, and this is again in some of the Department of Education information, 70 of your institutions finish in the bottom third nationally of three-year repayment rate, which is about 46 percent. Yuba College, which you did mention previously, has a 29 percent student loan default rate. Los Angeles Southwest College has a

ten percent graduation rate and 33 percent student loan default rate.

College of Alameda, I believe which Anne brought up, has a 15 percent loan default rate. And so, you know, we can keep going down the list, and when we look at the graduation rate from IPEDS, 107 of your 153 or 133 of your institutions finish in the bottom third nationally for graduation rate. So that's just about 70 percent of your institutions have finished in the bottom third.

And so when you're seeking to expand and oversee more institutions, maybe not even institutions, but these bachelor seeking programs, my question to you is are you sure that you can handle your current responsibilities now? And, you know, I'm not, I'm trying to figure out what the standards you set as an accrediting body that are protecting students because when I look at this information, when we start comparing you to other regional accreditation agencies, I have very little confidence in you. And I in no way can certainly increase your eligibility for having more

authority.

DR. BENO: Let me start with the fact that we're the only regional accrediting commission that accredits primarily two-year degree granting institutions, only two-year degree granting institutions. If you were able to pull data out from the other regional accrediting commissions and pull all the community colleges out, I think, and then look at their data separately, I think you'd find some data very similar to our own.

Community colleges have multiple missions. They include preparing students for college readiness by teaching them basic skills in English and math so they're ready to take college courses. A mission includes making students English-language proficient for all of the immigrant students that come in.

The mission includes preparing students and then providing students with an associate degree for transfer or for application in the world, but it also involves preparing students for careers and technical, with career and technical

education for either just advancement in their job or for acquiring certificates that allow them to be placed into jobs.

Community college students are--and the data in your website, on the Department of ED website shows that in our region, just averaging, 55 percent of the students are part-time students, and right there you're looking at time-to-degree problem in that part-time students take longer to achieve degrees. 37 percent of the students in our region are Pell recipients and five or six colleges in our region, I think, six at least, aren't Pell eligible so they're left out of that. But 37 percent are Pell recipients, and Pell is a proxy for income and they're low income.

38 percent are over the age of 25, and people over the age of 25 tend to be part-time students who are perhaps going to school while they're pursuing jobs and perhaps even raising families. So when you look at graduation rate for community colleges, the IPEDS graduation rate, which is the data that's in the Scorecard, is a

metric of limited use. Graduation rate is really important to us, and we ask students to report on it.

MR. BOEHME: Let me be a little bit more pointed. You know I know what community colleges are for. My dad went to one. I know a lot of people who go to community colleges, but my question again, which I don't know if you can get right to it, is, is what the data points to is not a very pretty picture of what's going on in California community colleges, and the data may be of limited use, but it's the information that we have, as poor as it is or as excellent as it is. And as an advisory committee, we are given certain limited information, and this is what we have.

And so my question to you is what standards, and the standards that you have set when the teams go out to allow the current picture in California community colleges to be currently where it is right now?

DR. BENO: Thank you. We do not set standards for the graduation rate. We like other

regionals ask the institutions to set standards for the graduation rate. We ask them to then evaluate their performance with respect to those standards.

MR. BOEHME: So you set standards for board of trustee members and governance issues, but you don't set graduation rate standards?

DR. BENO: We do not set a numerical standard for graduation rate for institutions, and a reason we don't has to do with the breadth of missions and types of students that I described a few moments ago.

MR. BOEHME: Right. And I'm not suggesting that there should be any bright lines, but you have absolutely no sort of standard for graduation rates or student default, especially the three-year, because I think that information is extremely valuable, and what Ben Miller shared in his report, that your rate is the same ACICS, is disconcerting.

DR. JOHNS: If I may, please. Thank you for raising those questions. It really does bring to light some of the issues with the struggle for

finding easily understandable measures that actually work well across multiple kinds of colleges. Let me just quickly address your issue around student default rates.

The percentage is one thing, but then the other big chunk is how many students are actually taking the loans? We actually look at the student default rates of our member institutions on an annual basis and follow up with those that are anywhere near the level set as unacceptable by the Department of Education. In so doing, what we often find is that the number of students are less than a couple of dozen students who are actually in those rates.

In addition, we are also finding that college practices are changing, but the rate is several years back, and it's a three-year rate. So at that point, in order to show signs of progress, we have to get the reports of what colleges are undertaking because it will not show in the statistics for some time.

Back to graduation rate. Our actual

accreditation standards talk a great deal about the need for colleges to look at student achievement data, to analyze what it means, and to take steps in which to improve those numbers. We monitor things like graduation rates on an annual basis. In terms of having a number they have to meet, the accrediting commission is not setting that number, but we are asking colleges to tell us how their number relates to their own chosen mission, how their number also helps them decide what to do about particular programs at the college, and what steps that they are taking to make sure their resources are being committed to improving student success.

So our standards are making those statements and are probing those criteria. It's just, as Dr. Beno was saying, they don't say we're looking for a graduation rate of "x." The IPEDS data that talks about first-time full-time students is useful for looking at the first-time full-time student. Our standards actually expect the colleges to look at the graduation rates and other

rates of all of the students that are covered within the college's mission. So the numbers are sometimes different. They're more complicated, but the standards are supposed to address all of the students there at a college, and that's why we do it that way.

We have been working with some colleges to look at, you know, how they got in a list of the bottom "x," to find out what some of the criteria are. I don't know, Barb, if this is a timely way to talk about it, but I think it's very informative.

DR. BENO: So let me just bring up the example of one institution. You named one, but I pulled another one from our data, Antelope Valley College, which shows a 25 percent graduation rate on the Federal Scorecard data, but if we look at the data that the State of California collects for Antelope Valley College, and it does this for all the public colleges, it looks at six-year graduation rate. So it's 200 percent, now 300 percent, time to degree, or twice the Federal

standard, and when it looked at the data for the cohort that entered in 2008-9 academic year, the college-ready students had a graduation rate at six years of 65 percent, and that's including all the students who might be not headed to a degree or a certificate.

The underprepared students who did not enter college ready to take college level English and math, at six years had a 36.3 percent graduation rate, giving Antelope Valley College an overall or average graduation rate that was higher than the IPEDS rate.

MR. BOEHME: Sure.

DR. BENO: So we asked for that data from the institutions--

MR. BOEHME: Right.

DR. BENO: --and we track that as well.

MR. BOEHME: Yeah. And, you know, I don't want my comments to be misinterpreted that, you know, and this happened at the last NACIQI meeting, you know, I know regionals don't have bright lines. Bright lines is a whole different policy

discussion. But when I look through what your accreditation agency is doing when it comes to Moorpark, Oxnard, Ventura College, where it was reported in the news that just one person had caused disruption at a board of trustee meeting, and they were sent--immediately put on probation, and then the next year, they were immediately taken off because they quickly amended those issues.

And typically in most due process or some sort of grievance procedure, which your accreditation agency has seemed to kind of, you know, for example, why a lot of these CCSF people are here, is because you give them a short amount of time to abide by certain restrictions that you put on them, and then, you know, it, to me, I just get this sense that there's this culture of almost fear, this culture of not collaboration, that there's this real aggressive nature. And I'm not completely sold on this idea of accreditation where peer review is the best thing.

But it seems as though it's going to work if you guys work together, but with your

accreditation agency, that's not very apparent.

DR. BENO: May I respond by telling you the project we undertook this fall using the data from the Scorecard. We took a look at all the colleges with a low graduation rate and a high default rate so they had to have both as a problem. And we created a list, and we had conference calls with those institutions to ask them to please tell us about their institution in the context in which this is the case, these numbers are the case. We sent them the data, asked them to look at it, and to tell us about the context, and why they think graduation rate is low or default rate is high.

And we had a discussion with them and asked them to focus on what they would do to improve both of those numbers because we thought there is a potential relationship, not always, you know, it's not always really clear, but we thought that that was the case.

I'll just speak to Los Angeles Southwest College to tell you one story they told us, which is this college is in a community in Los Angeles

that is very poor. It is Watts. So it's known for the conditions there. It's a long-term distressed community with a very constrained labor market and with family history of non-college completion and high school completers lacking college level skills.

So that college has as its mission, just as its mission, serving that community and trying to move the needle for that community. The Los Angeles Community College District of which they're a part has been pouring money into special projects. They're part of Achieving the Dream efforts, and they're working hard to improve the graduation rate. The loan default issue, you know that's an issue that has to do with the local economy and their ability to get jobs and that is something that the college is also aware of. It's a high default rate.

They're working to bring it down, but their mission is important for that community. There is no better way to improve a community they feel and we feel than to try to advance the

educational attainment of students. That's the kind of conversation we had. We'll be sending an evaluation team because they're up for review this year, this spring, and the team will be looking at the projects they have engaged in to try to affect graduation rate.

They'll be looking at whether they moved the needle since these data came out and talking with them about how they're working to make improvements. So that's the kind of collaborative approach we took with the institutions showing up on the Scorecard, and I could tell you some other institution stories as well.

MR. BOEHME: Right. Yeah. I mean it's just as you were responding to Anne's question that the Federal regulations allow you to go beyond what is required, I would encourage you to, and continually encouraging. It seems like you guys are coming up with ways on how to better protect students, and when I look at the data, and we can argue until we're blue in the face if this information is good or not, but from the limited

information we have, it does not look good, and I understand what makes our education system so beautiful in America is the diversity of the mission statements. Everyone is serving in different capacities and different goals, but accreditation rightfully is under the microscope, and that means everyone needs to put our feet to the fire, and we have to make sure we're all doing our jobs because I think when it comes to instances like Corinthian, we are just as much responsible as CHEA is. I think we are just as responsible as the Secretary is, as much as the leadership of all that, and so that's why I'm here and I yield the floor.

CHAIRPERSON PHILLIPS: Thank you, Simon.

DR. BENO: Thank you. We agree.

DR. JOHNS: Yes. And may I just say one other thing that was raised a little bit before lunch, but this need to look at data is ever critical and at all levels of a college, you know. Faculty in a program need to look at things, departments across institutions, and what we are

trying to do with the format that was described about our mid-term report is to say that as part of the accreditation process, we want you to show us your longitudinal study of your data and how that has affected your decision-making.

So to advance the importance of looking at those numbers but not just reporting them, but doing something with them to make a difference for the students. So I think that is going to make a difference. We'll have an impact over the years in that direction.

CHAIRPERSON PHILLIPS: Thank you. I have Bobbie.

DR. DERLIN: Bobbie Derlin. First of all, thanks. First of all, this conversation has been really helpful in helping me tease through a lot of issues and identify what's really important to you all. So thanks for that.

But I want to return to something and make certain I'm understanding this. There is guidance--because I think it relates to a critical issue. There is guidance that sits in your sub-change

process related to the evaluation of undergraduate four-year baccalaureate degrees, but that document doesn't have the same enforceability of your standards. And I think this question was raised earlier in a little different way, but let me ask it again because I'm not sure I understood the answer.

What's the problem with taking it from Document B and putting it in Document A, your standards, which would give it force and resolve much of the noise and allow us to focus on some of the more critical issues? Thank you.

DR. BENO: Thank you for that question, and, you know, I had been prepared to come back after lunch and provide sort of a concluding statement separate from our response to whatever third-party comments occur. So I would like to say something on the three issues we have been discussing, but I'll do the B.A. requirements first.

We heard a discussion of whether our standards for baccalaureate degrees are in the

right place and in the appropriate form from Dr. Keiser, and I want you to know that we are quite willing to move those to a policy that would accompany the standards and is enforceable. All of our colleges have to adhere to policy at all times like they have to adhere to standards.

The issue of where these were didn't come up until the final staff report so we didn't have that clearly articulated to us in that draft staff report or staff analysis. It's now articulated. We can do that. We'd be happy to.

DR. DERLIN: Thank you.

DR. BENO: I'd also like to add a response to two other things. There's been a discussion of the clarity between recommendations for compliance and improvement--recommendations for improvement. And none of our member institutions have raised questions about this or expressed lack of clarity, but this Committee or members of this Committee and the staff have said that the action letter that was referred to in the staff analysis raises questions of clarity.

During the lunch break, I spoke with staff and got some guidance that I think that we can follow, which is--involves removing that reference from the letter and changing our manual for mid-terms to tell colleges if you've responded to any recommendations for improvement, please provide that in your mid-term report, along with the other two things I mentioned earlier are in the mid-term report, an analysis of data and their response to their own plans for improvement. So we're quite willing to do that, and that can be done easily.

And then the third was whether--the third issue discussed here was 602.20, I believe, and it had to do with the notice of adverse action and good cause extension--the letters we send to member institutions that have had a two-year rule applied and then been given good cause for an extension. We do not find that the regulations say that we have to provide a time line to colleges, but I think the staff is suggesting that our letters when we do provide good cause provide that historical time line for the college's records, and we can

easily do that going forward.

So we'll be glad to work with the staff on these three issues we have been discussing where their request is that we clarify and change the location of some of what we're requiring so that it is more clear to NACIQI and to the staff and to the public. So we'll also just ask that you consider our statements that these are beyond compliance requirements or requests, and that we don't feel we're out of compliance with the regulations as they currently read, but we're glad to make these changes going forward.

MR. WINNICK: I would--excuse me--I would just reinforce that point. You know we've been talking a lot about clarity between citing deficiencies and citing improvement recommendations. We view these as improvement recommendations. If you look at the regulations, we don't think we have violated the compliance regulations of the Department for recognition.

We don't see anything in the regulations, for example, on notifying the scope of what we tell

a school when we give them a good cause extension or when we take an adverse action against them. It's a question in the regulations of what action have you taken and does that action comply with the time lines, not how thorough is your explanation to the school, same for the other issues. But I think we're very prepared to make a commitment to do these things and resolve these issues, and we would hope that NACIQI would view these as a good faith commitment to do these things in order to improve our processes, not because we are out of compliance.

CHAIRPERSON PHILLIPS: Thank you. I have Herman.

MR. BOUNDS: I just wanted to make one point, and I can wait until it's time for staff to come back up. But with any notification to an institution, it's imperative that they clearly understand the lines of when they must demonstrate compliance. If those lines are blurred or unclear, it's hard to make a determination relative to good cause extensions: how long is that extension for;

when does that extension run out? It just complicates matters, and it does open agencies up to complaint issues and those type things.

So without the clarity, you cannot determine when the, you know, whether you're, the two-year period has ended, if you gave them 18 months, depending on your policies, or when the good cause extensions start and what's reasonable for that extension. That's one of the bases for having clearly defined lines of determining when those things occur.

MR. WINNICK: Can I just say in response, Herman, I think the deadlines were clear, and the period for a good cause extension was also clear, not just in our own records but in the letters to the institution. I think what was not clear was sort of a background contextual justification of how we arrived at those deadlines or when the issue was first raised, which was in our records and in our justification to the Department.

So I don't think there was any lack of clarity for the institution. In fact, it was clear

that the institutions understood what we were saying, and there have been no, absolutely no complaints that we were not clear from the institution.

MR. BOUNDS: And I will let Beth discuss it later, but I'm pretty sure it wasn't clear to us of those start and stop dates and times.

DR. BENO: And that's why we're willing to make the changes that we've discussed with you and with Beth.

CHAIRPERSON PHILLIPS: Other Committee members have questions for the agency at this time? Anything further that the agency wants to speak to?

DR. BENO: No, I think we'll just come back at the rebuttal for third-party comments. Thank you very much for your attention.

CHAIRPERSON PHILLIPS: Thank you.

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**THIRD-PARTY ORAL COMMENTERS [ACCJC]**

CHAIRPERSON PHILLIPS: We'll move now to the third-party comments. We have a lengthy list. A couple of ground rules for this process to set the stage. One, as I mentioned before, there are two issues that are under appeal, and we are asked to restrict our comments and discussion to exclude those issues. Those are the ones concerning the acceptance of agency by others, and the academic administrator representatives, 602.13 and 602.15(a)(3). So I would ask that the commenters and the Committee respect those boundaries.

The second is that for each public commenter, we have a limit of three minutes. We will be keeping that limit quite carefully. I will go in order beginning with number one. I'll let you know who's on deck. So that we can expedite our process, we'll ask you to be ready to take on the chair as soon as you're called.

So with that, let me invite our first third-party oral commenter. I will go with the preregistered ones first. I do have five

individuals who came up, signed on at the beginning of the meeting, and those will come at the end of the list that I have at hand. So our first one is to be Brice Harris, Chancellor of the California Community Colleges, Chancellor's Office and Board of Governors. With a number of the individuals coming from California, there were some travel concerns, and so we have speakers for. So I understand that the speaker for Mr. Harris is Paul Feist and would ask you to come forward.

Up next will be Martin Hittelman.

Welcome.

MR. FEIST: [For Brice W. Harris] Thank you, Madam Chair and Committee members. Chancellor Harris unfortunately was called away early this morning on an emergency, but I want to thank you for allowing me the opportunity to read his comments into the record:

My purpose for being here today is to oppose the request by the ACCJC to expand its scope of recognition. Currently, the ACCJC is recognized to accredit two-year institutions that offer the

first bachelor's degree by means of substantive change review. This is sufficient for the short-term purpose of California community colleges. We would urge that no change be made to that scope of recognition so as not to endanger our bachelor's degree pilot program now underway.

Unfortunately, we cannot support the expansion of ACCJC's scope of recognition to accredit colleges that grant multiple bachelor's degrees. In fact, we cannot support any expansion of the commission's scope of the recognition.

We do not take this position lightly, and it should not be interpreted as resistance to peer evaluation or accountability. Our colleges are fully committed to the ideals and values of regional accreditation and continuous institutional quality improvement. Our opposition to the ACCJC's request is driven by overwhelming evidence that our system no longer believes the commission accredits colleges in a consistent, collegial, fair and transparent manner.

In August, a Task Force on Accreditation

that I convened concluded that the California Community College System and its member institutions have lost confidence in the ACCJC. The document drew upon five previous reports prepared since 2009 by different organizations, including the California State Auditor, that have exhaustively documented ACCJC shortcomings, such as inconsistent treatment of colleges, lack of alignment with other regional accreditors, unclear expectations, and inadequate training.

Between 2009 and 2013, the ACCJC sanction rate was 53 percent compared to an average of 12 percent by other regional accreditors. Since August, there has been overwhelming endorsement of the task force findings and recommendations. Chief among those in support are the statewide boards representing Chief Executive Officers, faculty, trustees, students, Chief Instructional Officers, and more.

In short, there is widespread consensus among our colleges that the ACCJC is no longer a reliable authority regarding the quality of

education and training--

CHAIRPERSON PHILLIPS: If I might interrupt you to remind you of the restriction on discussing the item--

MR. FEIST: Right. And this one goes to 602.16(a)(1)(i).

CHAIRPERSON PHILLIPS: Thank you.

MR. FEIST: I would also add that our colleges, as our colleges expand their mission and begin granting bachelor's degrees, we feel it is more appropriate to receive peer review from professionals in four-year institutions to ensure quality for our students.

In closing, I would ask that you not approve the ACCJC's request for expanded scope of recognition as we are pursuing a new model of accreditation for California community colleges. Thank you.

CHAIRPERSON PHILLIPS: Thank you. Don't go away, please. I have Art and Anne.

DR. KEISER: Out of curiosity, if we withdrew their recognition, what would you folks do

for accreditation and especially how would it negatively impact the students?

MR. FEIST: Well, I think the most pressing issue is the recognition as it relates to the bachelor's degrees program. We have a pilot program that's underway. 15 colleges are going to be granting bachelor's degrees starting in 2017. The limitation on the scope that's proposed would put some of those, if not all of those, in jeopardy. To answer your larger question, though, we would have to find another accreditor.

DR. KEISER: Is there another accreditor that you have identified?

MR. FEIST: Well, last month, the Board of Governors endorsed the task force report and directed the Chancellor's Office to begin discussions on what that model would look like. So we are beginning discussions about that new model.

DR. KEISER: And just one other question which I don't understand. I know in my region, the presidents of the institutions have a significant input into the composition of the commission,

obviously the policies as they go through the process, the policy review. Where have your presidents been as all these policies and all these issues have come up? Why now are you articulating a significant concern about this agency?

MR. FEIST: The concerns have been present since 2009. There have been attempts, including past task force convenings, to address this issue, these issues. The presidents, the CEOs in the State of California, their board has endorsed the task force findings.

CHAIRPERSON PHILLIPS: Anne.

MS. NEAL: If I could address first Art and Susan and then ask you a question. Art, your questions seem to be going to the "too big to fail" issue that we deal with regularly whenever we come close to the brink. And I guess I've got to say that if we're unable ever to say no to an accreditor, then what good is the system? We are here to determine whether or not they are reliable guarantors of educational quality.

So I must say I think I reject the notion

that we can't ever take serious action because what would happen?

Second, as to the gag order, if I may say so, I do believe you were addressing trustees, which are governance, which is a separate standard, which the accreditors said they have added, which is over and above the statute. So I do not believe we can gag them when they talk about those issues.

And last, but not least, am I hearing you say that it would be better not to have a regional monopoly so that you would have some choice?

MR. FEIST: The new model is yet to be developed by the chancellor staff. We are committed to regional accreditation. What form that takes remains to be seen, but it could be another accreditor in the region; it could be a new agency; it could be a reconstituted ACCJC frankly.

CHAIRPERSON PHILLIPS: I have Art and Jill.

DR. KEISER: Well, Anne, just I think what I was getting at is almost the opposite because what you were suggesting is that we'd not reject

the accrediting agency, would be too big to fail, but in this case, it seems that there was an institution that was too big to fail, and that's sort of stirred the pot. And really what I was getting at is it seems to me rather than working with the commission, it seems that the anger, the hostility is so much, that it would, kind of like we had with another agency that we're going to deal with later, they're not looking at what's best for the students and for the institutions as a whole.

CHAIRPERSON PHILLIPS: Jill.

DR. DERBY: Thank you. I just need some clarity about--so there are 15 community colleges that have a pilot program for the baccalaureate degree, and I assume that there are students then in those programs. And at issue here is if ACCJC does not go forward with accreditation, there is an alternative to that in California, or is that part of the task force report that you would create some means, some agency that would provide that accreditation?

I'm concerned about those 15 colleges and

the students that are engaged in those baccalaureate programs.

MR. FEIST: Right. Those baccalaureate programs have not started yet. They start next year or 2017. There are no students enrolled in them right now. As you heard earlier, 11 of the colleges have gone through the substantive change protocol. There are four that have not. It's frankly a question that we have as to the staff report of recommendations, how that would affect all 15 programs? So we have to do more analysis of the staff report to determine that.

CHAIRPERSON PHILLIPS: I have Simon.

MR. BOEHME: Why did you mention the rates that I believe your statistic was 50 percent? This accreditation agency puts more schools on probation than other schools. What was your point for that?

MR. FEIST: The point was to underscore the disproportionate frequency and volume of sanctions issued in the west versus other regions.

MR. BOEHME: So you would agree with the BuzzFeed article on November 19 of this year that

says, "A college watchdog finally barks so the colleges got a new dog"?

MR. FEIST: I haven't read that article. I wouldn't--

MR. BOEHME: But you generally agree with the concept that because there is more schools put on probation that the colleges are upset with the accreditation agency, and so now it's time to get rid of them and find a new watchdog? Is that the point of why you brought up that more schools are put on probation than other schools that have other watchdogs?

MR. FEIST: It's simply to point out that there's a disproportionate number and frequency of sanctions issued in our region.

MR. BOEHME: But would you also acknowledge that there's a great deal of issues within the California Community College System that need to be addressed?

MR. FEIST: Oh, absolutely.

MR. BOEHME: So, and is the accreditation agency at fault? Is it the colleges at fault? Is

it everyone?

MR. FEIST: Well, we have a Student Success Initiative. We're trying to improve student completion. The Board of Governors has set a goal of improving, increasing completion by 227,000 over the next ten cohorts. It's something that we're working very hard on. We don't ignore the challenges that we face.

CHAIRPERSON PHILLIPS: Rick.

MR. O'DONNELL: This is less a question but just a comment, that there's two ways to look at that statistic. One could be ACCJC is disproportionately high in its sanction or that its peer accrediting bodies are disproportionately low in the sanctions they're applying.

CHAIRPERSON PHILLIPS: Other Committee questions? Thank you.

Our next up is Martin Hittelman, with on deck Mike Solow. Let me underscore again the focus on those 13 items that are the subject of the compliance report and ask the focus to remain in that area.

Martin Hittelman, thank you. If you could introduce yourself?

MR. HITTELMAN: Hello. My name is Martin Hittelman. I'm a mathematics professor emeritus at Los Angeles Valley College. To answer one of the questions you just asked WASC, two other regional accreditors adjacent to California could take up the slack that ACCJC would leave.

The ACCJC has, since at least 2001 and up to current date, improperly attempted to impose its values contrary to Federal standards on the community colleges of California. The ACCJC does not concentrate on the quality of instruction but rather on a long list of autocratic demands.

The lack of focus on important issues of concern to students and their education has contributed to the widespread lack of confidence in ACCJC. In the recent December 2015 Department of Education staff report, they concurred that ACCJC has continued to be noncompliant with Federal standards. I believe they have made no improvement since 2013.

The staff report noted that commentators also raised compliance concerns in areas not under review within this compliance report. I contend that many of these issues, not currently addressed, involve much more than the lack of confidence in the ACCJC and the lack of faculty or staff on visiting teams that have been ruled out of bounds for this hearing.

These additional compliance concerns need to be addressed by the Department of Education. The ACCJC continues to fail even after warning in 2013 from the U.S. Department of Education to make clear to colleges the difference between a recommendation to meet a standard and one to increase institutional effectiveness. I have documented this failure in my written comments to the Department of Education and I think the testimony earlier confirms that point of view.

The commission often increases the sanction level proposed by the ACCJC-appointed college visiting teams. This is just one indication of both the lack of adequate training of

visiting teams and commission members but also a lack of consistency in commission actions.

The lack of adequate training and the inconsistent application of sanctions has been noted by, among others, the 2014 Chief Executive Officers group, the 2014 Bureau of State Audits, and the 2015 Chancellor's Task Force, and if you go to my website, [www.accreditationwatch.com](http://www.accreditationwatch.com), you can see more proof of that. The inconsistent application of physical standards is illustrated by what Commission Chair Steven Kinsella reviewed in the testimony in the trial *People vs. ACCJC*, that the commission has used an unpublished norm that colleges spent 80 percent of their unrestricted general fund budget on compensation, wages and benefits for employees.

The ACCJC has applied this norm inconsistently and without apparent rationale. The disparate and inconsistent application of the norm violates Section 602.18(b).

CHAIRPERSON PHILLIPS: If I could ask you to draw your comments--

MR. HITTELMAN: I'm sorry?

CHAIRPERSON PHILLIPS: If I could ask you to draw your comments to a conclusion.

MR. HITTELMAN: That was.

CHAIRPERSON PHILLIPS: Thank you.

MR. HITTELMAN: Another example--

CHAIRPERSON PHILLIPS: The time limit, the three minutes have expired.

MR. HITTELMAN: I can't hear what you're saying. What?

CHAIRPERSON PHILLIPS: The three minutes have expired.

MR. HITTELMAN: Let me make one final statement. A college that is providing quality education at a reasonable cost should never lose its accreditation. The ACCJC is a rogue organization that calls into question the entire Federal accreditation process and should not be allowed to continue as a regional accreditor.

CHAIRPERSON PHILLIPS: Thank you for your comments. Committee members, any questions for this individual? Thank you.

Next up, speaking for Mike Solow is Christine Hanson, and on deck is Muriel Parenteau. Welcome.

MS. HANSON: [For Mike Solow] Thank you for the opportunity to speak to you today, Madam Chair, and members of the National Advisory Committee on Institutional Quality and Integrity. Please allow me to introduce myself. My name is Mike Solow. I serve as Chemistry Department Chairperson at City College of San Francisco.

ACCJC does not meet the Criteria for Recognition of accrediting agency 602.18(e), which requires the agency to provide the institution with a detailed written report that clearly identifies any deficiencies in the institution's compliance with the agency standards.

In his decision against the ACCJC on January 16, 2015, in the case of the People of San Francisco vs. ACCJC, California Superior Court Judge Curtis Karnow found that: ACCJC did not provide a detailed written report that clearly identified all the deficiencies in City College's

compliance with accreditation standards.

Additionally, Judge Karnow found ACCJC is liable for violations of the unfair competition law, specifically the law's ban on unfair business practices. ACCJC's material violation made it impossible for City College to have a fair hearing prior to the 2013 termination decision. Judge Karnow found the ACCJC engaged in significant unlawful practices. The nine individuals that comprise the ACCJC are either unable or unwilling to conduct their evaluation of colleges in a lawful manner.

City College of San Francisco served the "City by the Bay" through the Great Depression and recently made The New York Times top ten list of community colleges. Accreditation should be in the service of students, a stamp of educational authenticity free from political influence. The students of City College of San Francisco deserve an accreditation process that is lawful.

The leadership of the ACCJC has jeopardized the public's acceptance of our nation's

system of accreditation. NACIQI Committee members should in the interest of students and this nation vote to recommend to the Secretary of Education that ACCJC's recognition be terminated.

Thank you for the privilege of speaking to the Committee, Madam Chair and NACIQI members.

CHAIRPERSON PHILLIPS: Thank you. Any questions for this witness? Thank you for joining us.

Our next speaker is Muriel Parenteau with on deck Tarik Farrar. Welcome.

MS. PARENTEAU: Thank you. Hello. My name is Muriel Parenteau. I'm the Department Chair of Disabled Students Programs and Services at City College of San Francisco. DSPS currently serves over 2,000 students with disabilities and assists them in participating in an accessible, affordable and quality education.

Students tell me that they're afraid and depressed that their opportunity for an education might be taken away from them because of this accreditation nightmare. Accreditation is a

necessary and important part that ensures the educational quality of an institution.

However, it seems that the days when accreditation involved an enriching experience of self-examination and peer review are no more. The ACCJC has turned the process into the punitive, confusing and demoralizing event. Concerns about the ACCJC are not limited to City College of San Francisco but are statewide. Compared to 2013, today there are triple the number of persons here to voice their opposition to ACCJC.

You have heard about the California Task Force on Accreditation report that they say you can't read, but there is a June 2014 report issued by California's Joint Legislative Audit Committee that also harshly criticized the agency for its City College decision, its lack of transparency, disproportionate rate of sanction compared to other accrediting agencies, and uneven treatment of the colleges it oversees.

The ACCJC is required to clearly identify any deficiencies so that an institution can address

and correct them. 602.17(f). Yet documents from the ACCJC often contain conflicting information. The visiting team report says the standard was met, and later the decision letter states that the same standard was not met. This lack of transparent process and clear communication contributed to the distrust felt by many across California.

How can an institution attempt to meet standards when the ACCJC keeps moving the goalposts? Threats of closure and infusing fear into a college community is not the best way to bring about improvement in the quality of higher education. If you're worried about the continued adverse impact on hundreds of thousands of students, please tell the DOE to get rid of the ACCJC.

If you're worried about an agency that did not provide an institution with a detailed report of noncompliance, 602.18(e), if you're worried about an agency that lacks transparency in decision-making, is inconsistent on how it applies accreditation standards, and violates due process,

602.25, please tell the DOE to get rid of the ACCJC.

The ACCJC has used its authority to traumatize educational institutions in the name of accreditation. The public lost faith in the accreditation process. I trust this Committee moves to rid California community colleges of the ACCJC. It is not fixable. In practice it has not changed. The time for change is now. Thank you.

CHAIRPERSON PHILLIPS: Thank you very much. Committee members, questions for this witness? Thank you very much for joining us.

Our next speaker is Tarik Farrar with Wendy Kaufmyn on deck. Welcome.

MR. FARRAR: Welcome. Thank you, Madam Chairman, commissioners. So I came all prepared to make comments on 602.18, but you know I've been sitting here all morning and just being very, very uneasy that, you know, we talk about these standards and these numbers; this is about people. This is about students--real people--as I always say, with names, with faces, with dreams, with

aspirations. The fact that this commission has been so inept and so inconsistent in its oversight can be no more dramatically demonstrated than by the whole Heald Corinthian disaster.

Now, of course, you'll hear, well, you know, we haven't had anything to do with Heald since 2010, which isn't really true. It's 2012. But for years, for years, Heald was running a ripoff scheme that beggars the imagination. Corrupt to the point of being closed down. And yet given a free pass. And when Heald in 2012 was transferred to WASC, it was transferred to WASC as a fully-accredited institution.

This is the same year that CCSF was given the harshest sanction short of closing it down, which came the following year. Now let's look at both schools. CCSF, City College of San Francisco, has the reputation of being one of the best schools in the country. I disagree with anyone who argues to the contrary and ask them simply to look at the State Chancellor's Office, you know, their evaluations on the real issues of education, the

quality of the education, student success and so forth. Those numbers are there. They're part of the public record.

For years, for decades, CCSF has been consistently excellent, and yet it was faced with being closed down while a school that was utterly corrupt and fraudulent was given a free pass. Something is terribly wrong with this. And the result of this was that thousands, thousands of students suffered--those students who found themselves out in the cold literally and figuratively from Heald College. But then the thousands, perhaps 30,000 or more, who disappeared from CCSF and who didn't come to the school because, as they said, they were afraid that the school would close, that, you know, they didn't know what was going to happen, you know, to the credits that they had earned.

These are, in the words of a poet, "dreams deferred." They're aspirations that, you know, that simply have been put on hold. This should trouble us deeply. You know, it should trouble us.

It should trouble our moral sensibilities. So it's time for this agency to be replaced. Thank you.

CHAIRPERSON PHILLIPS: Thank you.

Committee members have any questions for this speaker? Okay.

MR. FARRAR: Sorry.

CHAIRPERSON PHILLIPS: We're good. Our next speaker is Wendy Kaufmyn with Hank Reichman on deck. Greetings. Welcome.

MS. KAUFMYN: Thank you. I've been teaching engineering at City College of San Francisco since 1983. The Federal Register notice of September 11 that called for the third-party comment indicated that the comments must relate to the Criteria for Recognition cited in the Secretary's letter. These criteria included two regulations whose appeal is pending.

Over 60 people, apparently over 100 people responded and submitted written comments before the September 25 deadline, many addressing the two regulations under appeal. It wasn't until November 12 when a Federal Register updated the information

and removed the appealed criteria from allowable comment, both written and oral. So am I to understand that these comments have really been discarded and will not be part of the public record? Are the voices of these individuals who acted in good faith and in compliance with that first notice really going to be trashed?

I think this is very troubling and ethically troubling, but it's also contrary to your regulations--602.34(c) and (e). These two regulations require that you accept the written comments that have been removed from consideration and the oral comments offered here today that may pertain to them.

I also wish to point out that even if the appeal finds favorably with the ACCJC, there's a plethora of current and new information that indicates they are not in compliance with the 602.13. People across the State of California are no longer willing to tolerate an agency that destroys student achievement.

You've heard about the State Board of

Governors that has removed the ACCJC as the sole accreditor. The State Auditor of California concluded that the agency has inconsistent practices. A California Superior Court judge ruled that the agency had engaged in significant unlawful practices. And the State Chancellor's Task Force concluded that the agency lacks credibility.

602.36(e) indicates that an agency must be discontinued if they do not come into compliance within 12 months of the Secretary's letter. The December 2015 staff report clearly indicates that they remain in noncompliance. They need to be delisted now. There's no extraordinary circumstances that justify giving them more time. The only extraordinary circumstance is that they've been allowed to operate for as long as they have, wreaking destruction on colleges with great harm to student lives.

The written comments that were submitted and not forwarded to you were forwarded to the agency because we heard them this morning respond to them. So I want to provide to you--I have a

bunch of the written comments that I hope that you will accept.

CHAIRPERSON PHILLIPS: We're not able to accept written documents at this time.

MS. KAUFMYN: This is a document that your own regulations require be forwarded to the commission that I've been hearing have not been forwarded to the commission. So I'm just offering a helpful hand to provide them here today.

CHAIRPERSON PHILLIPS: We're not able to accept them, but thank you for bringing them. Before you depart, any questions of this speaker?

MS. KAUFMYN: They're here for anyone who wants them.

CHAIRPERSON PHILLIPS: Thank you very much. Our next speaker is Hank Reichman with on deck Everardo Gonzalez.

DR. REICHMAN: Good afternoon. I am Professor Emeritus of History at California State University East Bay, and First Vice President of the American Association of University Professors.

More than 40,000 college and university

members nationwide belong to the AAUP, over 2,500 in California. Since the association's founding in 1915, its recommended policies have been widely recognized as authoritative throughout American higher education.

I am here because AAUP has received numerous complaints about the failure of ACCJC to serve as a constructive accrediting agency. Specifically, we have heard that ACCJC does not maintain clear standards or offer reasonable time for institutions to comply with those standards. ACCJC standards are insufficiently rigorous in important areas and overly rigorous in trivial ones.

ACCJC is inconsistent in its application and enforcement of standards, which are themselves too often vague, conflicting and confusing. ACCJC's procedures fail to provide adequate due process protections. These concerns and others find powerful validation in the 2015 report of the California Community Colleges Chancellor's Office Task Force on Accreditation, which concluded

unanimously that ACCJC has consistently failed to meet expectations and that the California Community College System and its member institutions have lost confidence in the ACCJC.

The AAUP's chief concern with accreditation has long been the extent to which the faculty meaningfully participates. Not only are ACCJC's visiting teams dominated by administrators with few faculty members, not only is there scant evidence to suggest that faculty members are selected through a process by which the faculty may gain genuine representation, but this absence of faculty may help explain why this agency's standards do not effectively address the quality of an institution's faculty.

For example, their standards do not meaningfully attend to critical issues of academic freedom. Our 2008 statement on accreditation standards and part-time faculty bemoan the silence of accrediting agencies like ACCJC about the growth of non-tenured track and part-time appointments and the ensuing deterioration of the teaching

profession and the quality of education. Not only does ACCJC not consider overall reliance on such faculty a problem, they seem to encourage this harmful development.

Recently, Secretary of Education Duncan declared that accreditors should be better watchdogs. We agree. But at whom and what should they bark? ACCJC would snap at the letter carrier and delivery person but wag their tail at the burglars. The real issue is not the volume of the barking but ACCJC's failure to challenge institutional priorities and practices that erode genuine educational quality while arbitrarily disciplining institutions for petty or irrelevant violations. Thank you.

CHAIRPERSON PHILLIPS: Thank you very much. Requests for comment from the Committee members? Thank you for joining us.

Our next speaker is Everardo Gonzalez with Karen Saginor on deck, and my apologies if I am mispronouncing all of your names. Thank you for joining us.

MR. GONZALEZ: Thank you. Good afternoon. My name is Everardo Gonzalez. I'm a graduate of San Francisco State University with a bachelor's degree in criminal justice and now a third-year part-time student at City College of San Francisco fulfilling prerequisites for a master's program in education with an emphasis in bilingual education.

This is my second trip to this board meeting. The first I attended as a student council senator requesting that this board reserve the integrity of the accreditation process by decertifying the ACCJC for being out of compliance with several Federal regulations, which in turn endangered the education of over 85,000 students. Now two years later, I will speak to how the ACCJC's continued noncompliance has resulted in one of the most heinous attacks on student access and educational opportunity in the history of City College of San Francisco.

When the accreditation crisis began in 2012, students were routinely advised that the main purpose of the accreditation process was to ensure

and improve the quality of education at City College, and that the drastic policy changes being implemented to meet the ACCJC's recommendations were in our best interests.

Yet up to this day, I along with thousands of other students have experienced the opposite. Instead we have witnessed an attempt to dismantle the core pillars of City College--diversity, student access, and educational opportunity. Since 2012, the administration has implemented a series of policies and draconian cuts in an attempt to appease the ACCJC's recommendations. Their argument, the institution must demonstrate long-term financial stability while simultaneously ensuring and improving quality education at CCSF.

Although I agree with this concept, I'm confused as to how the following examples adhere to that. Example one, in spring 2014, the administration imposed an unnecessarily aggressive payment policy resulting in 9,124 students being kicked out in four semesters in order to ensure and improve the quality of education.

Example two, since 2013, the administration has on average cut over 100 courses per semester, again in order to ensure and improve the quality of education.

Example four, the administration unilaterally cut 25 percent of all resource centers, again, in order to ensure and improve the quality of education.

Example five, since fall 2012, 23,000 predominantly historically underserved students have been kicked out, again, to ensure and improve the quality of education.

Example six, over 10,800 full-time equivalent students have been kicked out, resulting in a loss of over \$38 million in state allocations, again to ensure and improve the quality of education.

Example seven, the administration has recently announced a cut of 26 percent of classes and laying off over 350 full-time equivalent faculty members, again, to ensure and strengthen the quality of education.

I beg to ask does the ACCJC sincerely believe its recommendations have resulted in improving the students' quality of education or even ensuring a positive learning environment? If the ACCJC is so interested in making data-driven decisions on our behalf, perhaps it should develop a student impact report. I'm sure the results will be quite damning.

When interviewed by a local news agency in regards to the enrollment drop, Barbara Beno claimed had other local institutions they could enroll in. This is false. Anna Davis--

CHAIRPERSON PHILLIPS: Excuse me. I'm sorry to interrupt you, but our time is up. If you have one more sentence?

MR. GONZALEZ: Yes, a couple. Is that okay?

CHAIRPERSON PHILLIPS: One.

MR. GONZALEZ: One-and-a-half. Okay. So Anna Davis, Vice Chancellor of Academic Affairs, has acknowledged and has documentation that no other institution in the Bay Area has seen an

increase in enrollment. And to conclude, on behalf of the thousands of students that have been driven out of CCSF and thousands more in danger, please put an end to the ACCJC's reign of terror.

CHAIRPERSON PHILLIPS: Thank you very much. Questions for this commenter?

MR. GONZALEZ: Don't be shy.

[Laughter.]

CHAIRPERSON PHILLIPS: Okay. Thank you for joining us. Our next speaker is Karen Saginor with Abdul Jabbar on deck.

MS. SAGINOR: Thank you. Karen Saginor. I'm Library Department Chair at City College. Lack of clarity and consistency are pervasive failures of this agency. I met last month with library directors from other community colleges, all recently reviewed or preparing for visits. We discussed how to ensure that we are meeting standards. At Merritt College, as Ms. Neal noted, they were recently put on probation. The library there was told that they did not, they failed to meet a standard because the library's program

review report was not signed or dated.

Others recently reviewed said they don't sign and date program review reports, and the commission doesn't find that a problem. Another college at my meeting last month was sanctioned because it doesn't have a student complaint process that's specific to the library. Again, not required by either old or new standards and not considered a problem anywhere else. We shook our heads and realized we have no way of knowing what to expect from this pervasively inconsistent commission.

As is reflected on pages 17 and 23 of your staff report, even when you have a letter from this agency in your hands, you can't be sure which of its statements are merely descriptive, which are recommendations for improvement, and which will turn out to have been something the agency thinks is a failure to meet standards.

Lack of consistency and clarity encourage uncertainty and fear, not an environment of peers helping each other improve student achievement.

And in regards to the idea that there's this real distinction between recommendations for improvement and recommendations to meet standards has been noted it's not very distinct.

Among other things, the commission has a policy that every institution has to agree to that it complies with commission requests, directives, decisions, and policies, and if it fails to do so, fails to comply with the request, the commission may act to impose a sanction or to deny or revoke accreditation. So in that atmosphere, saying something is just a suggestion doesn't really seem to work.

In two places, your staff report talks about institution, at least one institution that has been harmed by this lack of clarity. In fact, as has been documented by the task force report, the California State Auditor report and in other places, many colleges have suffered serious consequences, loss of funding, loss of focus on student achievement, and loss of educational opportunity for thousands of students.

In spite of these serious problems, your staff report recommends continuing the agency's recognition for good cause. It says Department staff believes the agency can provide supplemental information and documentation to demonstrate compliance, but what supports that belief? The failure to clearly identify deficiencies has been pointed out numerous times since 2009 by resolutions of the Statewide Academic Senate, by the nonpartisan California auditor, by a judge in a court of law, by the CCC task force, by a letter from the Department of Education more than two years ago and other places.

Meanwhile, ACCJC continues to issue documents that are unclear and inconsistent. Please stop the damage now by withdrawing recognition. Thank you very, very much.

CHAIRPERSON PHILLIPS: Thank you. Committee member questions? Thank you for joining us.

MS. SAGINOR: Thank you.

CHAIRPERSON PHILLIPS: Our next speaker is

Abdul Jabbar with Itzel Calvo Medina on deck.

Welcome.

DR. JABBAR: Honorable Chair and members of NACIQI, my name is Abdul Jabbar, and I am a Professor Emeritus at City College of San Francisco. Please excuse me. I have a cold so I'm struggling with it.

I have a general comment about the whole process that resulted in the show cause, and then I have a comment specifically tied to regulation 602.16. So my general comment is that any accrediting organization should have sensitivity to the consequences of its action. It should have the same sensitivity that Judge Curtis Karnow of San Francisco showed when he gave the injunction of January of this year. He used the words "catastrophic consequences" and "incalculable harm," his own words, as a result of the actions of the ACCJC.

Now my point is that pursuit of high standards is commendable, and I think we all should--accreditors, faculty, everybody should go

for that, but that can be accomplished without damage, and I think that is where the ACCJC made a huge mistake in not following the recommendation of the visiting team. The visiting evaluation team recommended probation. They were opposed to show cause. So why have a visiting team if you are going to be so arbitrary in reaching a decision with such disastrous consequences?

So I join the rising chorus of disapproval that I see all around in the state on the performance of this accrediting body, and we need to have a reconstituted body which has the confidence and faith of the people it's supposed to serve.

So the standard I want to talk about in a minute just very briefly is regulation 602.16. It covers areas such as student achievement, course completion, curricula and faculty. Now the California Community College Board of Governors has a performance measurement to track the progress and success of students in all 112 community colleges--

CHAIRPERSON PHILLIPS: If I could

interrupt you to ask you to come to the conclusion of your remarks.

DR. JABBAR: This is all five areas, the community colleges were not as good as the City College. So I think the point is that based just on that performance, City College could have been given probation and not show cause.

CHAIRPERSON PHILLIPS: Thank you.  
Committee members, questions for this speaker?  
Thank you for joining us.

Our next speaker is Itzel Calvo Medina with Dennis Herrera on deck.

MS. MEDINA: Good afternoon. My name is Itzel Calvo Medina, and two years ago I sat in this meeting in a presentation of students and members of the community of San Francisco. It was my second semester attending City College of San Francisco, and in those two semesters, all I could think about was how I could help in keeping City College open, not just for me but for generations after me.

You could say that I came in wanting to be

a model two-year transfer student that moves into a four-year university and graduate in 2017. It's December 16, 2015, and I just finished my fourth semester at City College of San Francisco. I'm not transferring because in those four semesters I have only completed 29 units so far since I could only take two or three classes per semester because I was paying out-of-state tuition since I'm undocumented, and I didn't qualify for in-state tuition at that time. And no access to financial aid.

On top of that, in fall of 2014, City College of San Francisco contracted Nelnet Business Solutions to take on the job of ensuring that students have an option to pay their fees in monthly--in order for them to not be dropped out of school. And for me, since I was paying out-of-state tuition, the monthly payments were \$503 per month. That's more than rent for me, and even working full-time didn't help me pay those fees.

Let me also mention that Nelnet is also a collection agency, and all of this was done by City

College in order to meet the criteria that the ACCJC required of them so students can keep their classes. Ultimately what it did was blame students for not being able to afford their education in a city that is being rapidly gentrified and is one of the most expensive cities to live in in the United States.

Being a full-time student has become a privilege in the past, and now more than ever public education is under attack. After taking a semester off to pay my debt, I still have one more year to go, assuming that I can afford to be a full-time student for the next three semesters.

These are the results of what the payment policy has done. Instead of making it easier for students to transfer in two years, like the ACCJC insists, it is actually harder. In the two years that I've been a student at City College of San Francisco, I have seen how dedicated the students are to their education and the amount of hard work that the professors put in day in and day out.

Regardless if you are planning on

transferring or staying as a student to learn basic skills, you should be able to pursue your dreams, and as an undocumented student pursuing a teaching career and majoring in Latino studies, I know the value of having quality professors to inspire you and help you in the process, and I can truly--

CHAIRPERSON PHILLIPS: Do you have one more sentence to finish up?

MS. MEDINA: Yes. If you value quality education, integrity, and City College is a clear example of this, why trust an accreditation commission that questions a college for issues not related to the quality of education? Thank you.

CHAIRPERSON PHILLIPS: Thank you. Don't leave. Do we have questions from the Committee? Art.

DR. KEISER: Just curious. Why do you address your concern about the financial hardships to the accrediting commission when the owners of the community college, which is the state legislature, is not adequately funding the needs if that was the case? Why would it be the accrediting

commission when the institution, at least they determined, was financially unstable? Wouldn't it be more appropriate to address this to the legislature?

CHAIRPERSON PHILLIPS: Mic, please.

MS. MEDINA: My understanding was that City College was being held responsible for not being financially stable because they had less money in their reserves than they should have been. And my understanding for that being was because City College of San Francisco was using those monies to keep their resources and programs available to students.

CHAIRPERSON PHILLIPS: Other questions? Thank you for joining us. Our next speaker is Dennis Herrera, and I believe that Rafael Mandelman is speaking for him. You'll see a red light on. There you go.

MR. MANDELMAN: [For Dennis Herrera] Here we go. Hello. I'm Rafael Mandelman. I'm President of the Board of City College of San Francisco. City Attorney Dennis Herrera very much wanted to be

here. Pressing business in San Francisco prevented him from making the flight, but he asked that his comments be read into the record so I'm going to do that.

Committee members, thank you for the opportunity to offer these comments on the Accrediting Commission of Community and Junior Colleges. In August 2013, under my authority as San Francisco's City Attorney, I filed a lawsuit against the ACCJC on behalf of the people of the State of California.

Among my lawsuit's allegations was that ACCJC acted unlawfully by failing to provide City College of San Francisco with written notice of its alleged deficiencies before voting to terminate the college's accreditation.

The San Francisco Superior Court ultimately agreed with our allegation, holding that the ACCJC violated Federal regulations respecting its 2013 evaluation of City College. More importantly, for present purposes, sworn statements made by ACCJC representatives during the litigation

demonstrated that the accreditors remained out of compliance with 34 CFR Section 602.18(e) even through the course of the trial.

The ACCJC justified its departure from the law incredibly by redefining the term "deficiencies" and then repeatedly asserting that it was under no obligation to inform institutions that failed to meet standards.

In the context of the statutory and regulatory requirements that apply to accrediting agencies, of course, the term "deficiencies" is unambiguous. It means a lack of compliance with the agency's accreditation standards. That's not a subjective interpretation. The meaning derives from the plain language of the regulation itself which requires accreditors to provide institutions with--and here I quote directly from the regulation--"a detailed written report that clearly identifies any deficiencies in the institution's or program's compliance with the agency's standards."

Yet in its pleadings in our litigation, the ACCJC argued that the "word 'deficiency' does

not refer to a specific standard or substandard."

During her deposition, in fact, ACCJC President Barbara Beno offered convoluted testimony about the meaning of "deficiencies" describing them as behaviors that lead to noncompliance with the standards.

She went on to explain that, and here again I'm quoting, "a college has to meet the standard by showing evidence that it does what the standard requires, but colleges achieve reaching the standard through their behaviors."

Restated simply, the ACCJC repeatedly denied that "deficiency" meant a failure to meet an accreditation standard, and on that basis, the accreditors blithely insisted they weren't required to provide institutions like City College of San Francisco with a written report to identify areas of noncompliance.

There's nothing erroneous, of course, about the notion that ACCJC should provide institutions with notice about areas of noncompliance when they're being evaluated. That's

what the relevant Federal regulation requires. Indeed, it's why accreditation exists. It's little surprise, then, that the ACCJC does not, indeed cannot, comply with the legal obligation that it refuses to even acknowledge it has.

Thank you.

CHAIRPERSON PHILLIPS: Thank you very much. Any questions for this speaker? Anne.

MS. NEAL: I would like to ask you a question that will just help me understand better the situation on the ground, and if I can just read something so that I don't get it wrong, and tell me if this is correct.

The state constitution and the laws enacted by the California state legislature make locally-elected boards of trustees responsible for nearly everything at their community colleges.

MR. MANDELMAN: That's true.

MS. NEAL: Regulations adopted by the appointed Board of Governors that manages the California Community Colleges Chancellor's Office give the academic senate at each college the final

say on a wide list of topics that encompass almost everything that a college does.

MR. MANDELMAN: That is also true.

MS. NEAL: The regulations establish often dueling governing bodies at the colleges.

MR. MANDELMAN: There's a complex relationship between boards of trustees and academic senates.

[Laughter.]

MS. NEAL: Thank you.

CHAIRPERSON PHILLIPS: Thank you very much. I'm going to pause here for a brief break-- those who need to stretch and do other activities. If we could plan to be back at 3:15, we will pick up with John Rizzo is the next person on deck with Ron Galatolo thereafter.

[Whereupon, a short break was taken.]

CHAIRPERSON PHILLIPS: All right. We're looking for John Rizzo as our next speaker. John Rizzo, if you're available, please come forward. Thank you.

Mr. Rizzo, welcome. You do have to press

the mic, and you'll see a little red button. There you go. Perfect. Thank you for joining us.

MR. RIZZO: Thank you. My name is John Rizzo, a trustee at City College of San Francisco. I was President of the Board in July 2012 when ACCJC put the college on show cause, and in 2013, when it resolved to terminate our accreditation.

The Board of Trustees took the show cause decision very seriously. We started meeting almost weekly to address the issues. For example, in one meeting alone, in October 2012, we modified three dozen board policies and voted to restructure management and completely reform the participatory governance system.

On February 27, this year, 2015, Judge Curtis Karnow issued his ruling on San Francisco's lawsuit against the agency. The court found that the agency violated Federal regulation 602.17(f), .18(e), .25, and committed significant unlawful practices in its accreditation review. ACCJC partly based its termination decision on ten standards where the peer review team in 2013 found

compliance, but the agency found noncompliance.

The agency did not inform the college that these additional standards were considered to be noncompliant. In fact, the review team had merely written their findings as recommendations for improvement. The judge ruled that ACCJC should have provided reasons for why it found these ten areas to be noncompliance with the standards. This year the agency failed to correct this violation of Federal regulations.

Judge Karnow also required ACCJC to provide evidence to support its termination decision. Unfortunately, the agency's April 8, 2015 response letter simply reaffirmed the 2013 decision without providing supporting evidence. Throughout its response, the agency said that any recommendation for improvement was prima facie evidence that the college was out of compliance with the standard.

Although ACCJC now claims it has adopted a practice of separating recommendations relating to areas for improvement from those related to

noncompliance, its 2015 written report did no such thing.

Finally, ACCJC has put City College on a brand new type of sanction called "restoration." City College is required to meet 100 percent of the new 2014 standards, something no other college in California is required to do, showing again that ACCJC is still violating 602.18(e) to this day.

The report by the visiting team in 2012 brought to our attention significant problems at the college. We worked hard over the next few months to address these areas with great success. The decision by the agency to terminate accreditation was unwarranted and did not consider the outstanding results of our educational programs as evidenced by the annual data collected by the State Chancellor's Office.

It is for this continued lack of respect for Federal regulations--

CHAIRPERSON PHILLIPS: If you could wrap up in a sentence?

MR. RIZZO: Yes. I'm on my last sentence.

CHAIRPERSON PHILLIPS: Thank you.

MR. RIZZO: Thank you--the callous disregard for the well-being and future success of our 75,000 students, and the agency's lack of judgment, that I believe ACCJC has forfeited its right to be in a position of authority over institutions of higher education in the western region of the United States.

Thank you.

CHAIRPERSON PHILLIPS: Thank you. Before you leave, any comments or questions for this speaker? Thank you very much for joining us.

MR. RIZZO: Thank you.

CHAIRPERSON PHILLIPS: Our next speaker is Ron Galatolo with Tracey Faulkner on deck.

MS. KILLEBREW: [For Ron Galatolo] Can you hear me?

CHAIRPERSON PHILLIPS: Yes.

MS. KILLEBREW: Okay. I'm actually not Ron. I'm Ann Killebrew, and I'm reading a shortened version of his very lengthy comments that were submitted in writing.

The goal of accreditation, according to the U.S. Department of Education, is to ensure that education provided by institutions of higher education meets acceptable levels of quality.

Accreditation as interpreted by the ACCJC has little to do with the quality of instruction received by students. The ACCJC focuses on standards that largely emphasize compliance with non-academic matters. Sanctions are rarely based on the actual quality of overall education, services or adequacy of instruction. The commissioners have often ignored the recommendations of the visiting team to reaffirm accreditation. Instead, they impose sanctions.

The most egregious instance--the visiting team for Northern Marianas College in 2006 recommended full reaffirmation. However, the commission overruled the team's recommendation and imposed a show cause. The ACCJC standards are misaligned with other organizations that assess excellence in higher education.

In March 2013, Santa Barbara City College

received achievement for high performance in America's Community Colleges from the Aspen Institute. At the same time, the ACCJC sanctioned that college. The ACCJC is overly punitive. There's no distinction between trivial and serious departures from accreditation standards, nor is there consistency or clarity applied with levying sanctions.

The ACCJC has become an officious regulator rather than a peer evaluator departing from a fundamental objective to enhance continually the quality of teaching and learning. There is no quantified metric that allows an objective determination of whether a standard has been met or not. It is just subjectively determined in a closed commission meeting.

The ACCJC has an enormous outstanding obligation for unpaid legal fees, likely in excess of \$2 million. That may jeopardize its solvency and/or unreasonably burden its member institutions. As a trained CPA who looks for deviations and inconsistencies, I'm noting that since 2007, all

112 California community colleges were reviewed by the ACCJC. 71 were sanctioned which equals 63 percent.

Conversely--

CHAIRPERSON PHILLIPS: If I could ask you to wrap up in one more sentence.

MS. KILLEBREW: I think so. Conversely, the average sanction rate for other national agencies was only two percent, and--

CHAIRPERSON PHILLIPS: Thank you. Thank you very much. Any questions for this speaker?

MS. KILLEBREW: I didn't get to finish his stuff. I'm sorry.

CHAIRPERSON PHILLIPS: I understand. Three minutes is very short. Our next speaker is Tracey Faulkner, and I understand Wendy Kaufmyn is the designee.

MS. KAUFMYN: [For Tracey Faulkner] Thank you. Tracey Faulkner asked me to read her comments. She's the Program Coordinator for the City College Family Resource Center.

The ACCJC is in violation of 602.17(a),

application of standards in reaching an accrediting decision. At NACIQI's December 2013 meeting, Steve Winnick claimed that there was no conflict of interest in having the husband of ACCJC's president serving on City College's visiting team.

Mr. Winnick told the Committee if Barbara Beno was substantially involved in the deliberations on whether to sanction City College, which would have involved reviewing the report prepared by the team, that included her husband, there would have been a problem. In fact, not only was Dr. Beno involved in reviewing the report, she substantially edited it, and these edits were accepted by the visiting team chair without review or approval of anyone else on the visiting team.

This fact came out during the trial in California Superior Court, the People vs. ACCJC. Dr. Sandra Serrano, the chair of the visiting team sent to City College, testified at that trial. She explained how the visiting team worked together bringing in diverse areas of expertise to create a draft report that was sent to the ACCJC staff

reader, in this case, Barbara Beno. Beno questioned the team's assessment that the college had met various standards.

Serrano testified that she was not bound to follow these suggestions, and in fact strongly relied on the team's report. Yet, on the morning of May 8, Beno sent Serrano an e-mail with an edited version of the report and the message "please try to make respective changes." Serrano changed three of the standards from "met" to "not met," and just a few hours later sent the revised report to City College's Chancellor without review or approval of these significant changes by anyone on the visiting team.

The commission moved to terminate the accreditation of City College citing those standards as not being met. This story clearly shows that the agency does not have effective mechanisms for controlling conflict of interest nor for evaluating an institution's compliance with the agency's standards before reaching an accrediting decision.

The problems with ACCJC are not going to be addressed by anything short of delisting them. Please do not kick this can down the road one more time by giving them yet another year to harm the students and the communities of the colleges that they serve. Thank you for listening and allowing my comments to be read into the record.

CHAIRPERSON PHILLIPS: Thank you very much. Any questions for this speaker? Thank you for joining us.

Our next speaker is Jonathan Lightman with Allen-Deon Saunders on deck.

MR. LIGHTMAN: Thank you, Madam Chair and members. My name is Jonathan Lightman. I serve as Executive Director of FACCC, the Faculty Association of California Community Colleges. We are a 63-year-old statewide professional membership association for the faculty of the California Community College System.

In September, we filed a third-party written comment, and I would refer you to that document for a more thorough understanding of our

concerns. Today, I will focus on compliance with two regulations, 602.19(b) on monitoring and evaluation of institutions and programs, and 602.20(a) on enforcement of standards.

While both allow for flexibility, they are predicated on appropriate judgment in the implementation. It is our belief that the approach of ACCJC, not just in regard to City College of San Francisco but to the California community colleges as a whole, suggests a problem of judgment in compliance with these regulations.

602.19(b) states that the agency must have in place a monitoring and evaluation process that can identify and address problems and that takes into account institutional program strengths and stability. I would encourage you to review the sanctions levied in the past decade and determine if institutional strengths and stability, especially in the core areas of teaching and learning, were taken into account.

From our vantage point, we could see the devastating impact on both enrollment and

reputation of sanctioned colleges in both urban areas like San Francisco as well as rural colleges like Cuesta, Redwoods, and Sequoias. While FACCC does not have members in American Samoa, we can just imagine the impact of the show cause on the American Samoa Community College located in a place without higher education options.

Regulation 602.20(a) also provides the accrediting agency with latitude in implementation, but this too requires consistency in application and appropriate judgment in enforcement. The California State Auditor highlighted this as a major problem in its report of 2014.

FACCC is extremely concerned with the overall diversion of resources in this process resulting in litigation, legislation, audits, task forces, hearings and reports, all of which would be better directed toward educating students. We're also deeply troubled by the threat of retaliation on the part of ACCJC against those who criticize them.

To address this concern, I am pleased to

announce that Governor Brown just signed into law California Assembly Bill 404, a FACCC-sponsored proposal, requiring the Chancellor of the California Community Colleges to survey stakeholders in our system on the compliance of our regional accreditor with Federal law in advance of a NACIQI hearing and to transmit that data to you. We hope you will find this information useful and that other states will adopt similar processes.

In the meantime, FACCC believes the overwhelming evidence demonstrates a serious breach by the ACCJC of both the letter and the spirit of the law. We urge you to take the appropriate remedy in the interests of our communities, our institutions and our students. Thank you for your consideration.

CHAIRPERSON PHILLIPS: Thank you very much. Questions for this speaker? Thank you for joining us.

Our next speaker is Allen-Deon Saunders with Jeremy Nolan, designee Everardo Gonzalez, on deck.

MR. SAUNDERS: Good afternoon. My name is Allen-Deon Saunders. I'm a materials engineering student at the City College of San Francisco. I currently work as a research associate at a local Bay Area engineering company. I'm a homeowner, a start-up owner with a partnership, including a department chair of a top-ranking technology four-year program, a poet, an activist, a survivor of gang violence, a filmmaker, a mentor, and have aspirations to clean the ocean using materials I am currently designing.

I owe all of my survival and recent successes to CCSF. I can tell you that the only form of reparations I have ever received from the United States of America has been access to higher education. Success with respect to student achievement in relation to our institution's original mission, which was institution specific, has always been and will always be outstanding so long as the City College of San Francisco can retain that mission.

The ACCJC has created discourse. If you

have ever visited the Bay Area, eaten our foods, stayed in our hotels, shopped in our stores or have been treated by our hospitals--mind you that 80 plus percent of our nurses in our hospitals in the Bay Area have gone through our programs--you have benefited from the success of the City College of San Francisco.

It is no surprise that City College consistently outranks the ACCJC in terms of standards and working mechanisms. This agency has derived into a cancer. I am asking NACIQI to be the antiderivative. If the ACCJC makes the NACIQI into a pushover, you will find that other agencies will soon adapt this governance no-standards model, and that your work will grow tenfold. I can testify that the only thing that ACCJC has done is destroy our culture on campus, decrease our morale in the classroom, and increase our teachers' workload.

CCSF serves the entire Bay Area, has the most programs in the State of California. Most of the community now believes that this was a

fabricated crisis to take away opportunity from the underprivileged, yet because of the threat, at-risk students like I once was are not enrolling after high school like they traditionally have in the past. If the ACCJC was so concerned about the quality of our education and student success, the community at large, then why would you go as far to break your own bylaws to put us in a position in which our reputation prevents the institution from accomplishing its original mission, which you went above and beyond to pressure us to change?

This is no exaggeration. I think we all know here that there is a direct correlation between education level and incarceration across the country. I don't need to prove that. Lastly, I just want to say I don't need to prove that, and I think that this is a shame, the fact that we have to sit in here in a room and decide whether or not individuals deserve the right to sit in a classroom.

I am not an object. I'm a person, a human being that deserves education. Just like you all

have benefited from education, I deserve to benefit from education as well.

CHAIRPERSON PHILLIPS: Thank you so much for your comments.

MR. SAUNDERS: Thank you.

CHAIRPERSON PHILLIPS: Don't go away. Any questions for this speaker? Thank you for joining us and we wish you every success.

Our next speaker is Jeremy Nolan. Designee is Everardo Gonzalez, with Tim Killikelly on deck. Welcome back, Everardo.

MR. GONZALEZ: [For Jeremy Nolan] Unfortunately we had some difficulty getting the student's speech so I think we can just go to the next person. Sorry. I apologize.

CHAIRPERSON PHILLIPS: Thank you. Our next speaker is Tim Killikelly with Lillian Marrujo-Duck on deck.

MR. KILLIKELLY: My name is Tim Killikelly. I'm President of AFT 2121, the faculty union at City College of San Francisco. First of all, I want to say that I sympathize with this

Committee with the limited scope of the comments because it's a little like having a hearing on the Titanic where you can't talk about the iceberg. So it's a little strange.

[Laughter.]

MR. KILLIKELLY: The ACCJC has systematically abused their authority, and they've created a process that has actually gotten in the way of education. I see it clearly at City College of San Francisco where nearly 30,000 students-- 30,000--are not going to college, and there is no evidence that they've gone to another school. 30,000 students.

The issue of educational quality was never an issue at City College of San Francisco. You can look at the State Chancellor's Office Scorecard; you can look at Public Policy Institute of California for this evidence that it never was. Yet the ACCJC continues to invent new ways of noncompliance. Most recently they've created what I have called a non-sanction sanction. They have created an enhanced monitoring system called the

"Composite Financial Index." And they have sent colleges letters saying that they either have normal, monitored or referred categories.

And they've sent letters to at least five colleges. We do not know the actual number that they've actually sent, and the reason is there is no information about this at all on their website. They don't mention it anywhere. The criteria that they've come up with to create this Composite Financial Index is unclear. Who was involved in creating it is unclear. It is clearly a violation by creating more underground standards.

And this is even more underground than what they've previously done because right now if you went and wanted to find it on the website, you couldn't. The criteria that they've also created, some of it is dubious at best. They want to do things like what is the difference between the cost of living adjustment the state has and the raises that people have gotten? This is clearly a violation of collective bargaining rights.

This is the type of activity that they

have done. I also would like to say, you know, there's a lot of us who came from California today to be here, and we really want you to understand what has really happened. That's why we've all come. And I would really hope, and I understand it's late in the afternoon, and people get tired, and there's a lot of us to hear, but if you would really ask us questions, we would really appreciate that because we'd really like to answer the questions for you and help you understand what has been going on. So I really appreciate your time, and actually on that note, if anybody has got any questions, I'd love to take them on.

CHAIRPERSON PHILLIPS: George.

DR. FRENCH: Thank you. Are you suggesting that the agency created the CFI? Are you suggesting that the agency in the past has never used the CFI as an indicator of financial stability?

MR. KILLIKELLY: My understanding, and I'm not totally sure about the entire process because information is not widely available on how they

created it, but they have created a Composite Financial Index. What's the second question? I'm sorry.

DR. FRENCH: No, that's it. You are saying that they created it?

MR. KILLIKELLY: Yes, they have created this, yes. And they have sent letters out to colleges. CCSF has gotten a letter. Palomar, East Los Angeles College, LA Harbor College and Taft. And there may be others, but we don't know because it's not what they report. So there you go.

CHAIRPERSON PHILLIPS: Other questions? Thank you for joining us.

MR. KILLIKELLY: And thank you for your question, too. I appreciate it. Thank you.

CHAIRPERSON PHILLIPS: Our next speaker is Lillian Marrujo-Duck with Alisa Messer on deck.

MS. MARRUJO-DUCK: Thank you. My name is Lillian Marrujo-Duck. I am the Academic Senate President and Accreditation Co-chair for City College of San Francisco, a college that exceeds the state average for student success on almost

every indicator measured by our State Chancellor.

ACCJC is unclear and uses poor judgment in its application of the standards. In fact, the Academic Senate for California Community Colleges evaluated ACCJC findings at various colleges and determined that there was no means to predict what conditions would lead to a warning, probation, or show cause. A fourth category, restoration, has been created for City College of San Francisco when ACCJC refused to use the opportunity to grant an extension for good cause.

When City College was put on restoration and required to meet all standards at 100 percent, the current standards were set in 2002. However, shortly after, the new 2014 standards went into effect. This matters because when new standards are put into effect, colleges that struggle with a standard can receive a recommendation and find ways to improve. This is how peer review is supposed to work.

For example, learning outcomes were added in 2002 but not expected to be at proficiency until

2012. The 2014 standards have a new feature, standard 1(b)(6), that requires disaggregation of learning outcomes. ACCJC calls this an "expansion of thought." It is much more than that. Colleges across the state are scrambling to figure out how to do this constructively. Concerned about this standard in particular, I attended an accreditation training this year and directly asked one of the commissioners about it. He said we had to figure it out on our own, but, yes, we had to do it at 100 percent.

And he's right. City College cannot fail. Last year, the software did not even exist to gather disaggregated SLO scores by individual student. City College faculty worked with the software developer to create modules and implement them. Today, all 1,600 faculty now keep two sets of grade books, and each faculty member writes a report about the outcome at the end of each semester. None of this benefits learning.

In fact, last month, the National Institute for Learning Outcomes Assessment

published a statement that the impact of learning outcomes was embarrassingly modest, and that was from the words of the advocates.

Now ACCJC is insisting all 113 colleges triple down on expanding this practice, employing 60,000 faculty across the state to keep two grade books and write hundreds of thousands of pages of reports twice a year on a standard ACCJC appears not to be able to explain to the institutions they are supposed to support and not punish.

CHAIRPERSON PHILLIPS: Thank you very much for your comments.

MS. MARRUJO-DUCK: Thank you.

CHAIRPERSON PHILLIPS: Any questions for this speaker? Thank you for joining us.

MS. MARRUJO-DUCK: Yes.

CHAIRPERSON PHILLIPS: I would note for the record we have been joined by Hank Brown. Thank you. I realize it's been quite a ride. So welcome to join us.

Our next speaker is Alisa Messer with Martin Madrigal on deck. Welcome.

MS. MESSER: Thanks for your time and attention today. I'm Alisa Messer, an English teacher at CCSF and former President of AFT 2121.

When I last spoke before this Committee, I tried to draw your attention to the fact that the ACCJC's violation of regulations was not just a San Francisco issue. I told NACIQI that the ACCJC's actions, quote, "not just at CCSF, have been irregular, inappropriate, high-handed, and vindictive, and they have resulted in a culture of fear and coercion in our colleges."

Two years ago I also quoted to you from a 2011 RP Group report focusing accreditation on quality improvement, now, also referred to in the State Chancellor's Accreditation Task Force report. It noted that, quote, "The colleges interviewed found ACCJC generally unreceptive to constructive criticism and expressed a fear of retaliation."

Two years later, there has been a sea-change in California. That culture of fear has given way to one of courage and clarity. ACCJC has got to go. The mounting evidence should not be

ignored by NACIQI or by the DOE. This evidence includes reports that go back ten years, as the Chancellor's Task Force report shows, reports that speak to the broad issue we've been told is off limits and under appeal, the widely accepted issue.

But make no mistake, these reports document a mountain of other problems and violations by ACCJC leading to those conclusions, issues that cover CFR 602.18(e), 602.25(c), and others. And they extend from well before your last review in 2013 to actions since now and into unfortunately the next years and decades without timely action from you and other decision-makers.

I urge you to move beyond the staff report's thoughtful but inadequate recommendation that the agency be granted further time. The agency's dismissive attitude to member institutions, students, and even the DOE, its flaunting of rules and regulations, its numerous underground and untransparent standards, these all suggest to NACIQI that they should not be so hopeful or so patient.

The kind of good cause extension the staff report proposes for ACCJC was not extended to CCSF or the tens of thousands of students who have lost out on educational opportunities in our city.

Honestly, I'm not an eye-for-an-eye type of person, but I am tremendously dedicated to our California community college students, and there is too much at stake.

Let's remember that CCSF was never faulted for the reason we are ultimately all in this room: educational quality for deserving students. At CCSF, we rise to our mission. ACCJC does not rise to its own mission and will not likely do so any time in the future. Please rise to your mission as NACIQI. Thank you.

CHAIRPERSON PHILLIPS: Thank you very much. Any questions for this speaker? Thank you for joining us.

Our next speaker is Martin Madrigal with Jas V Murray, designee Win-Mon Kyi, on deck.

Welcome.

MR. MADRIGAL: Distinguished members of

the board, honored guests, and friends to CCSF, good afternoon. My name is Martin Madrigal, and the last time that I wore this uniform was in late January to bury a friend and mentor from my first of four tours in Iraq--Sergeant First Class Ramon S. Morris. He was killed in Afghanistan just a couple weeks short of Christmas in 2014. He was a true mentor, warrior, leader, and brother to all who served alongside him, and I'm honored to have known him. I plan to visit his headstone in Arlington later this week.

However, the purpose of this discussion is to hear third-party oral comment for the compliance report of the ACCJC and more specifically the lack of due process given to my alma mater. The support and guidance that I received at City College of San Francisco was instrumental to my development and transition to life as a civilian, as well as dealing with all the issues that come with being a combat veteran with PTSD.

I would not be where I am today without them and the amazing friends, staff, and faculty

and counselors that enabled my transfer to San Jose State University to continue my dream of becoming a mathematics educator.

Now I do not feel the need to explain that denial of due process in detail as there have been numerous discussions at the local, state, and Federal level that confirm this fact better than I could, specifically, item 602.25 of the DOE report on the ACCJC. Due process is a fundamental right that this nation was built on among other ideals. It is one that is guaranteed not to deny life, liberty or property by both the Federal and state level as per the Fifth and 14th Amendments to the Constitution of these United States of America.

More importantly, the same due process that this advisory board is exercising to resolve the grievances with the report of the sanctioning body's deficiencies is the same due process that was denied to the institutions left in their charge. Personally, I feel that is one of the most unforgivable hypocrisies that could ever occur.

As a former non-commissioned officer,

clear communication was paramount in ensuring soldiers were informed of the standards expected of them and the consequences that failure to uphold those standards would have. The denial of informing subordinates on expectations and then proceeding to exercise punitive measures served as the worst type of behavior a leader could possess.

For over a decade I swore an oath to defend the Constitution of the United States against all enemies both foreign and domestic. I lost comrades in both peace and war that have honorably paid the ultimate price to uphold that oath. I did not expect to find that domestic enemies would follow and deter my pursuit of higher education. I thank you for your time, and to Mr. Winnick, I object to your client's lack of ethics, sir.

CHAIRPERSON PHILLIPS: Thank you, Mr. Madrigal. Questions? Art.

DR. KEISER: I just want to say thank you for your service.

CHAIRPERSON PHILLIPS: Thank you for

joining us. Our next speaker is Jas V Murray with designee Win-Mon Kyi. And on deck is Jennifer Shanoski. Thank you for joining us. You have to press the button so it looks red.

MS. KYI: [For Jas V Murray] My name is Jas-Victoria Murray. I studied early childhood education, writing and English at CCSF from 2011 and 2014. I come from a single parent home who did not have funds for a four-year college and moved from the southeast coast of the U.S. for access to more resources and better career opportunities.

CCSF has helped me to discover the passions that drive me, given me a warm accepting community, and unlocked numerous opportunities for me including jobs, internships, housing, scholarships and ever-growing professional network. Without CCSF I am not sure where I would be right now. I have fully supported myself my entire time at CCSF which has meant working two to three jobs most semesters in addition to taking nine or more units and interning.

From 2012 to 2014, I worked part-time as a

lab aide for Associated Students Queer Resource Center providing resources and a safe space for LGBTQ students, a disadvantaged group. As a working student who did not live at home, I depended on each job and every paycheck to make sure I covered rent, groceries, transportation costs and other things.

But during the fall semester of 2014, I was forced to quit my job under AS because of the effect budget cuts imposed by the ACCJC had on student activities, mainly the resource centers who employ students and provide essential resources. These resources include but are not limited to computer and free printing access, counselors, support groups, free or low cost food, free-of-cost feminine hygiene products and safer sex supplies, spaces where students, especially queer and transgender, such as myself, can be safe outside of class from bullying and harassment, housing resources, and a number of other things that community college students need really just to survive.

In spring 2014, we were to forced to cut budgets down. This cut student workers' hours and forced us to eliminate several programs. In fall 2014, we were instructed to cut 25 percent of our budget. We were forced to remove two student workers and cut everyone else's hours and also left the rest of the staff with enormous amount of stress and responsibilities.

We had to reduce our budgets again in a way that excluded nearly everything we provided as a resource center. Following the announcements, we were denied our paychecks for several days until our budgets were approved. We were also not given pay for several other pay periods because of chaos and confusion in the payroll end. Many other students and faculty slowly trickled out of their resource center positions due to all of the instability.

In October 2014, I left my job at the Queer Resource Center once the incredible amount of stress began to affect my grades and health. I do not blame Associated Students for the mishaps as it

was all a result of ACCJC's abuse of authority.

Community college students have many more challenges and hurdles than traditional students. Most of us will never fit into the expected two-year-and-transfer mode because it takes longer when we are working and supporting ourselves or our families. A community college is designed to help a unique and diverse community and account for our equally unique struggles and challenges.

Community colleges can never be one-size-fits-all. The ACCJC is destabilizing and placing thousands of students at a disadvantage. It is time for the ACCJC to be eradicated.

CHAIRPERSON PHILLIPS: Thank you. Questions for this speaker? Thank you for joining us. Our next speaker is Jennifer Shanoski with Tim Nader, designee John Rizzo, on deck. Welcome. Press the button. There you go.

DR. SHANOSKI: Thank you for helping me fix this. Good afternoon and thank you for providing the opportunity for us to come and speak to you about the important issue of accrediting

California's community colleges.

My name is Jennifer Shanoski. I am a faculty member in the Chemistry Department at Merritt College in Oakland, California. Merritt College is one of four colleges in the Peralta Community College District, a district that serves almost 19,000 full-time equivalent students from a diverse urban environment. Many of those students are first-generation college students.

In 2013, after four years on warning status, Merritt College was evaluated by the ACCJC and found to be fully compliant with all recommendations. Two years later, the visiting team reported that the college was again out of compliance and we were placed on probation earlier this year.

In two years, my college went from fully meeting all of the standards to being one step away from closing its doors. Notably, the three other colleges in my district also were sanctioned. For the past two-and-a-half years, I've worked partially outside of the classroom as a coordinator

for our student learning outcomes and assessment work.

Ideally this process involves measuring student achievement, reflecting on the results of student work, and then making changes to address any gaps that exist. In practice, the system is bureaucratic, convoluted and generally obtuse. All four colleges received recommendations related to the assessment of student learning outcomes and Peralta is not alone in this.

Standard 602.18(e) states that institutions are to be provided written reports that clearly identify deficiencies. As educators, we routinely use written specifications to evaluate our students and provide them with feedback. We share rubrics with students so that they know what to expect, so that they're treated fairly, and that they know how to improve moving forward.

The ACCJC standards and written reports, however, do not come with such rubrics, and so deficiencies are not clearly identified. The language in the standards and in the reports is

vague, and a number of the prompts ask for information that seems to be repeated, creating even more confusion.

I have a bachelor's degree in chemistry from Wayne State University, a Ph.D. from the University of California Berkeley in physical chemistry, and I was a postdoctoral researcher at Stanford University. Yet, with all that experience in higher education, I still don't have a clear understanding of how to implement the standards or achieve full accreditation from the ACCJC visiting team.

Most of the clarification and insight that I've achieved, in fact, has been through participation in a listserv where faculty work together to decipher what is required and how to get there on their own.

CHAIRPERSON PHILLIPS: If I could ask you to wrap up in one sentence?

DR. SHANOSKI: Okay. The faculty understand the need for accreditation. As teachers and life-long learners, we know how important it is

to learn and grow and improve. However, ACCJC has demonstrated time and time again that its interest is not, in fact, in helping the community colleges to better serve students but instead establishing a hermetic and self-perpetuating bureaucracy.

Thank you for your time.

CHAIRPERSON PHILLIPS: Thank you very much. Don't go anywhere. Simon.

MR. BOEHME: Great. Thank you. And just a quick question. Your college was actually on my radar, and it's interesting to get your perspective, and I appreciate you coming. Your graduation rate, according to IPEDS, is 13 percent, and can you explain to me how that in some regards is an accurate description of your school and in other ways how it's not an accurate description of your school, and can you provide some sort of on-the-ground perspective to what that 13 percent means to you but also to the students and where you see the school going?

DR. SHANOSKI: Thank you. So Merritt College is one of four colleges. So our graduation

rate doesn't always reflect actually the students that are successfully transitioning or graduating from the four colleges because they do what we call "swirling," which is go from one college to the others, and often as a chemistry instructor, I see it a lot with the higher level classes, that it's our students at Merritt where we teach a lot of basic skills classes, they transfer to one of the other colleges, and then graduate from there, and so we actually don't get credit for that.

We have a lot of CTE programs at Merritt College so that's primarily where you're seeing those numbers.

MR. BOEHME: Thank you. For the record, though, the transfer out rate is 15 percent, but that said, thank you.

CHAIRPERSON PHILLIPS: Art.

DR. KEISER: You suggested that as a faculty member, you are unable to determine the standards and the regulations and how they're applied. But there are not that many institutions within the California Community Colleges System

that have lost their accreditation like City College. Do the other, are the other faculty members unable--the ones who get accredited and keep their accreditations--are they treated differently than let's say those faculty members at Merritt or are the opportunities not available to learn the processes to you folks?

DR. SHANOSKI: So while not many colleges have lost their accreditation, there are a lot of colleges that have been sanctioned, and speaking to student learning outcomes specifically, which I have more experience with, many of those sanctions have been associated with student learning outcome assessment. So I would say that even though there's only two colleges that have lost accreditation, a lot of colleges have been sanctioned for it.

And it's not really clear--so there are opportunities for training. So there are, you know, sometimes ACCJC sponsored events and training events, but the issue is really a clear outline of what it is that needs to be accomplished in order

to meet these standards. So the discussions that we have, there's no clear guidelines for what it means to meet a standard or not meet a standard. It's vague.

And so what happens in practice is that faculty get together--who are charged with this work--get together and brainstorm ideas for what they think might work, and so often we use reports from people that have been fully accredited to do that.

DR. KEISER: Does your institution hire consultants who have been through the process, who are former team leaders which are out there, as many of our institutions have, to help define that material in a more clear way?

DR. SHANOSKI: Certainly consultants are hired, yes.

CHAIRPERSON PHILLIPS: Anne.

MS. NEAL: Thank you so much for addressing the issue of student learning and student achievement because clearly that's something that we care deeply about here. Am I

correct in understanding that ACCJC has a standard that says the evaluation of faculty and other personnel directly responsible for student learning use the results of the assessment of learning outcomes to improve teaching and learning, but that the Academic Senate for the California Community Colleges opposes the use of student learning outcomes as a basis for faculty evaluation because of its potentially negative impact on evaluation as a collegial peer process on academic freedom and on local bargaining authority?

DR. SHANOSKI: If I understand correctly what you're asking about, I think we're conflating two different issues. So one is the use of student learning outcome data in order to improve student learning, and then the other is to use the data to evaluate instructors. So, ideally, at least in my classes, when I teach my classes, I am specifically looking with the assessment of student learning outcome for gaps in learning.

So I'm specifically looking for the ways that I'm not, you know, doing as well as I could

be. So the idea is that you don't want that to be bundled up with evaluation of faculty because then people are not going to be looking for things to improve. They're going to be looking for, in theory, ways to show that they're already doing a good job. So I think that's conflating two different things.

CHAIRPERSON PHILLIPS: Simon.

MR. BOEHME: Accreditation, in my understanding and from what I've been hearing throughout my time here, is it's based on peer review and getting feedback so we can continue to create the best higher education system in the world, which I believe we have, and I think many people in the room believe we have.

But I find it disconcerting that you feel as a faculty member that you do not have any concrete steps to move forward to or how to improve. Would you say after going through the ACCJC process that you feel no more confident in ways to improve as a faculty member, or maybe speaking for other faculty members, they have

little direction in how to improve?

DR. SHANOSKI: I would say yes, we don't know, you know. It feels like--it does not feel like a concrete target; yes.

MR. BOEHME: Thank you.

CHAIRPERSON PHILLIPS: Any last questions? Thank you very much for joining us.

Our next speaker is Tim Nader, designee John Rizzo, with Li Lovett on deck, designee Molly, and I'm not even going to try to pronounce your last name. Welcome.

MR. RIZZO: Madam Chair and Committee members, Tim Nader is actually at Reagan Airport right now and is on his way. I was wondering if we would be able to move his slot towards the end. He would probably be able to speak himself instead of having me talk for him. Would that be all right?

CHAIRPERSON PHILLIPS: I can try.

MR. RIZZO: Okay.

CHAIRPERSON PHILLIPS: We'll move along.

MR. RIZZO: All right. Thanks very much.

CHAIRPERSON PHILLIPS: Sure. In which

case, our next speaker is Li Lovett with designee Molly--and if you could pronounce your last name for us?

MS. CHLEBNIKOW: [For Li Lovett] Hi.

Yes. My name is Molly Chlebnikow, and I'm speaking on behalf of Li Miao Lovett, who is an academic counselor at City College of San Francisco. I would like to address two areas in which the ACCJC is not serving our region's colleges. Under Section 602.17(f) and 602.18(e), accreditors need to provide detailed reports of decisions and be clear in identifying deficiencies.

In August 2013, the DOE's letter to ACCJC noted that it did not clearly distinguish recommendations from deficiencies. A month earlier, the commission had issued City College of San Francisco a decision to terminate accreditation. It provided no justification for listing an additional ten areas of noncompliance with standards that its own visiting teams had deemed satisfactory.

Fast forward, April 2015, ACCJC issued the

report to explain this and more as mandated by the California Superior Court case. I looked for good reasons as to why they overrode their visiting team's judgment. Instead, I found a twisted logic: give the college less than one year to come into compliance with ACCJC's requirements, but deem these standards to be out of compliance because the college hasn't finished this process of transformation yet.

Here's an example from one of those ten standards. Standard 1(A)(3), review of mission statement. The show cause report indicated that City College narrowed the college mission from seven down to four areas. It concluded the college expects to fully address recommendation one by the end of summer of 2013. But ACCJC couldn't wait. In July of 2013 is when it decided on termination for City College.

To the ACCJC, you have done a disservice to our system's two million students. Many of my students are veterans, working adults, nontraditional students, immigrants and even

bachelor degree holders. They depend on our affordable high quality programs. As the State Chancellor's Task Force report indicates, problems arising from ACCJC are longstanding and present a serious obstacle to fair accreditation for our western region's community colleges. And our students deserve better.

CHAIRPERSON PHILLIPS: Thank you very much. Questions for this speaker? Thank you for joining us.

Our next speaker is Julia Retzlaff with Rafael Mandelman on deck. Sorry, Julia, I didn't give you a heads-up.

MS. RETZLAFF: Good afternoon. Thank you. Good afternoon. I'm a born and raised San Franciscan. I come from a family of educators who have since the '70s been a part of the City College community. My father taught U.S. history at City College for over 20 years, and my brother has gone off and on to CCSF over the past couple of years.

Many of my friends from high school have gone or are going to City College. I graduated

high school last year and am finally able to join this community that has been very much tied to my family's values on affordable high quality education. There are programs that I want to take that are offered at City College and can't be found at other schools in the Bay Area, maybe even the state.

One unique certificate program CCSF offers is the Diversity and Social Justice Certificate through the Interdisciplinary Studies Department. With this certificate, I could better understand and support the San Francisco community to defend itself from being erased by gentrification. I want to help empower my fellow community members so that we all can stand a chance in the growingly aggressive city that has pushed out many of my friends and classmates.

But because this class is in jeopardy of closing, it's a difficult decision to even sign up. If a class is cut two weeks into the semester, I'm more likely to just not take any class than sign up for another one. I'd have to change my whole

schedule to accommodate a new class, which is difficult as a working student.

This program and programs like it are not part of the ACCJC's vision for our college and our larger community. This is evident in the rewriting of CCSF's mission statement once including civic engagement as a core value, a value my father had taught his children and students for decades at CCSF.

Programs that could show students the injustice our communities and students themselves face, programs that empower students to empower our communities, are not in the interest of the ACCJC. Most of us come from communities that are being pushed out and marginalized from our city. CCSF is a place where we can find our strength through education to fight for our communities, to fight for our histories. Taking away these classes and these programs is taking away an important part of our history.

This culture of fear weakens the high quality education we should be receiving. My

father passed away two years ago leaving a lasting effect on how I approach my education. I want the education my father saw for City College where students from all backgrounds can access high quality education without worry that bureaucratic barriers will get in the way. I want to work to help empower my community. The ACCJC couldn't care less about what students want in their education. Changes need to happen now. The students and community cannot wait. Thank you.

CHAIRPERSON PHILLIPS: Thank you, Julia. Questions for Julia? Thank you for joining us.

Our next speaker is Rafael Mandelman with Vivek Narayan on deck. Thank you for joining us.

MR. MANDELMAN: Good afternoon again. I'm still Rafael Mandelman, speaking on my behalf and on behalf of my colleagues who asked me to come speak today. I'm President of the City College Board of Trustees. I was elected to that board in November of 2012.

For two years, starting in June 2012, the ACCJC missed no opportunity to maximize disruption

at City College. When its 2012 visiting team recommended probation for the college, the commission instead escalated to show cause. When its 2013 visiting team found that City College had made significant progress in addressing deficiencies, the commission nonetheless announced that it would be terminating the college's accreditation, and, in 2014, notwithstanding a state takeover that had sidelined the locally elected board and accelerated implementation of a program of radical change intended to appease the ACCJC, the commission refused to grant a good cause extension, insisting that its hands were tied by Department of Education rules.

The consequences of the ACCJC's aggressive and punitive approach have been dire for us. In 2011-12, our full-time equivalent student enrollment was 36,566. Today that number is down around 22,000 and dropping. Where the breadth and excellence of City College's offerings formerly drew students from throughout the Bay Area, today San Franciscans, particularly San Franciscans

looking to earn a degree, are traveling to other districts because they don't have confidence that City College's doors will remain open.

As we now cut classes and programs to bring our offerings in line with our artificially depressed enrollment, we face the grim prospect of hollowing out a much beloved and much used institution, and in the process permanently shutting off access to educational opportunities for tens of thousands of students who otherwise could have benefited from its myriad offerings.

And we're not just losing students. At a time when the college most needs excellent and effective administrators, faculty and staff, we struggle to attract and retain talent. We've had five chancellors since 2012. When our current chancellor began this summer, all three vice chancellor positions under here were vacant, and the rest of the administrative org chart looks like Swiss cheese with vital positions that have gone unfilled for months or in some cases years.

The current board and administration is

overwhelmingly made up of people who were not at CCSF in 2012. We are committed to meeting or exceeding accreditation standards, but the plain truth is that our task has been made infinitely harder by the reckless behavior of our accreditor between 2012 and 2014.

Others here today have addressed the ACCJC's noncompliance with various regulations. Taken in total, the criteria in the regulations reflect and rest on a uniquely American view of accreditation as a peer review process that makes our academic institutions stronger. For City College of San Francisco these last few years, that vision has not been realized.

Our accreditor has failed us and the residents of San Francisco will be suffering the consequences of that failure for years to come. Thank you for your time.

CHAIRPERSON PHILLIPS: Thank you. Questions for this speaker? Thank you for joining us.

Our next speaker is Vivek Narayan with

Christine Hanson on deck.

MR. NARAYAN: Good afternoon, NACIQI members and members of the public, and thank you for hearing my comment today. My name is Vivek Narayan, and I'm a biochemistry student at CCSF. I'm here today representing the Associated Students Council of Ocean Campus, which represents over 60,000 CCSF students. The Associated Students Council appointed me to speak today to tell my own piece of the larger narrative of how the ACCJC's actions have specifically affected the Associated Students of CCSF.

When I was 17 years old, I was a straight-A high school junior and on track to apply to top-ranked universities. However, because of worsening personal and family circumstances, I made the difficult decision to move out and become financially independent, which required me to drop out of school so that I could work full-time to support myself. Working a minimum wage job to support myself at this age amidst ongoing health and personal challenges contributed to my downward

spiral and made me wonder whether I'd ever get back on track with my life.

However, after some time living alone, I began to dream of school again and discussed my options with many college counselors. Despite living closer to several other schools, I consistently heard that City College was my best bet if I wanted to get my life back on track. With unparalleled quality of instruction, academic excellence and rigor and a commitment to diversity and to the provision of equitable student services, everyone said that CCSF would be well worth the one-and-a-half hour commute.

In spring 2013, I registered at City College and was welcomed immediately with open arms. Through the incredible free personal and academic counseling services, I was able to get the help I needed to pick up the pieces of my life and move forward. I enrolled in challenging classes and took a job at CCSF's Queer Resource Center. My life once again had meaning and I began to plan my future. I can truly say that City College saved my

life, a statement which I have heard echoed by countless other students. My work at the Queer Resource Center involved LGBTQ education and retention services, and such an established and effective center does not exist at other schools.

LGBTQ students statistically have high college dropout rates, but the QRC has saved many of our lives by providing us with the resources to overcome obstacles and achieve our academic goals. In total, 12 such Associated Students-funded programs exist, such as the Family Resource Center, which provides free childcare services without which many student single parents would simply be unable to attend college and pursue their life goals. The HARTS program, another AS-funded program, provides counseling, services, loans and transit passes to hundreds of homeless students and lifts these students out of poverty and into a brighter future.

All of this is now threatened by the ACCJC's unlawful actions. To such an incredible institution that at its peak served over 90,000

students, the ACCJC's actions are disastrous and a personal attack on all of us who owe so much of our lives to City College. The resulting panic and confusion has caused a 31 percent decrease in credit student enrollment since 2012, causing a devastating cut to Associated Students funding.

As a result, the aforementioned 12 AS-funded resource center and programs are in danger of being eliminated forever. A CCSF without a Queer Resource Center or a Family Resource Center is not the school I enrolled in and not the school I moved 30 miles away for. Without these programs, thousands of students, especially those from marginalized communities, would simply be unable to pursue higher education and empowerment. Thus, the elimination of these programs would further decrease enrollment leading to more cuts in a vicious cycle. This disaster created by the ACCJC's actions is contrary to the mission of the California Community College System, is devastating to CCSF's institutional effectiveness, and bars many students from achieving empowerment and

success through education.

Members of the board, I urge you all today to recognize--

CHAIRPERSON PHILLIPS: If you could close out with one more sentence?

MR. NARAYAN: Yeah. Members of the board, I urge you all to recognize how the ACCJC's actions have threatened those very features of CCSF that have made it such an effective, empowering, and life-changing institution and have truly gotten me to where I am today. Thank you.

CHAIRPERSON PHILLIPS: Thank you very much. Questions for this speaker?

MR. NARAYAN: Please ask questions because I'm the only person here today from student government so if you have anything relating to that.

CHAIRPERSON PHILLIPS: Thank you for joining us.

Our next speaker is Christine Hanson with Rodger Scott on deck. Welcome.

MS. HANSON: Commissioners, thank you for

your stamina. I am Christine Hanson, and I am a returning student at City College. At the end of your staff report for this meeting, in the agency response to third-party comments, one of the improvements cited by the agency as evidence of greater public involvement was the example of their outreach meeting of October 9, 2015. This was a meeting where the agency invited public comment. Described later by the agency in their own press release, they characterized the commenting that day by saying, quote, "There was a consistent message of support for the peer evaluation process."

The agency failed to mention in their press release that the peer evaluation process the commenters yearned for is not what the agency provides. In fact, no comments that day recommended the ACCJC as accreditor, and most were quite blunt in describing the immediate need for a different accreditor. This discrepancy is not merely a matter of a different point of view. It is a complete fabrication of the facts of the event presented by the agency as accurate record.

When you apply this behavior to the larger picture of an accreditor with difficulty meeting compliance to standards which have their basis in clarity and fairness, you truly have an accrediting disaster.

Judge Karnow's findings that the agency must prepare a "written report that clearly identifies deficiencies" is virtually the definition of Standard 602.17(f). The agency's response, however, was to send another report without data or evidence similar to the one sent to the school in 2013 and then reaffirm the closure decision with a reminder to the school that it still has the opportunity to survive through restoration, the process where the school will be held to the "fully meets" standard. As Academic Senate President Marrujo-Duck said earlier, that means perfectly, which has never been applied to other schools.

But how is any school to fully meet a standard that is never defined? Specifically, Standard 602.17(f) demands clarification, and this

agency does not provide schools with that clarity. Some schools have found a way around this. In the College of San Mateo reaffirmation letter from Barbara Beno to college President Michael Claire, agency President Beno describes the difficulty of observers not requested by the team following the team throughout their visit. Schools should not have to do this. The standards exist so that they will not have to do this.

Our region needs you to uphold these standards today since this agency is not capable of the fairness and clarity that accreditation demands. Please do not allow them that privilege from this day forward. Thank you for all of your time.

CHAIRPERSON PHILLIPS: Thank you very much. Questions for this speaker? Thank you for joining us.

Our next speaker is Rodger Scott with Joshua Pechthalt on deck.

MR. SCOTT: Good afternoon. My name is Rodger Scott. I've been a teacher at San Francisco

City College since 1972, maybe before some of you were born. Clarence Darrow, one of our greatest legal minds and most impassioned advocates of due process, represented some heroic figures. He also defended some despicable people to ensure that all were accorded due process. I believe that the decisions of the ACCJC reveal a pattern of biased judgment, unwarranted punitive sanctions, and an assault on the letter and spirit of due process.

When the ACCJC imposed a show cause sanction on City College, the presumption of innocence until proven guilty in criminal cases and the preponderance of evidence in civil cases were repudiated by the statement, quote: "In such cases" --that is of show cause--"the burden of proof will"--fall--"will rest on the institution to demonstrate why its accreditation should be continued."

And the show cause evaluation report contains the following statement. Again, I quote: "The institution will comply with commission requests, directives, decisions and policies, and

will make complete, accurate and honest disclosure. Failure to do so is sufficient reason in and of itself for the commission to impose a sanction or to deny or revoke candidacy or accreditation."

After that process occurred, the ACCJC ordered the members of the board of trustees to speak as one voice and not to express any dissent in public session. Would failure to comply with that mandate constitute sufficient reason in and of itself for the commission to impose a sanction or revoke accreditation? Again, a thought from Clarence Darrow, quote, "Nothing is so loved by tyrants as obedient subjects." Well, I think the ACCJC no longer considers us obedient subjects.

Bureaucratic tyrants, like the ACCJC, seem to believe that due process is an optional inconvenience unrelated to the integrity of the accreditation process. Imprecise language that obscures the consequences of the ACCJC decisions and again the semantic flimflam that you heard from the ACCJC this morning doesn't mitigate that major failing. The inconsistent pattern of sanctions and

the contrast between the assessment of CCSF's performance by the visiting team and the commission converge as an alarming denial of due process.

The restoration process is the, in my view, the ultimate procedural absurdity and final assault on due process--full compliance interpreted by a commission without credibility or procedural integrity and no avenue of appeal to follow that decision. This shameful destructive abuse of power must end. Thank you.

CHAIRPERSON PHILLIPS: Thank you very much for your comments. Questions of this speaker? Thank you for joining us.

Our next speaker is Joshua Pechthalt with Aracelli Rojas Nuno on deck, designee Itzel Calvo Medina. Welcome.

MR. PECHTHALT: Thank you. Thank you for the opportunity to address you on behalf of the California Federation of Teachers. Our membership includes the majority of California community college faculty. We believe in a strong accreditation body that protects and improves the

quality of education and serves the needs of the more than two million students in the largest community college system in the world.

Unfortunately, our accreditor, the ACCJC, does none of these things. This is not simply the opinion of the CFT. A consensus has emerged among virtually all stakeholders in California that the ACCJC has become a serious obstacle to our efforts to provide our students with the education they deserve.

In 2013, the CFT filed a complaint with the Department of Education regarding the ACCJC's failure to comply with multiple accreditor standards. The Department issued a letter detailing the ACCJC's lack of compliance with 15 standards required for continued recognition. This opened the door to increasing scrutiny of the agency.

The San Francisco City Attorney filed suit against the ACCJC, resulting this year in a Superior Court ruling that the agency broke four laws in its illegal considered decision to shutter

City College of San Francisco.

A report by California's Joint Legislative Audit Committee in June of last year criticized the agency for its City College decision, for its absurd levels of secrecy, for its disproportionate rate of sanctions compared to other accreditors, and inconsistent treatment of its colleges.

This year, the State Community College Board of Governors opened the door to a new accreditor, removing language from the California Code of Regulations that had given ACCJC sole authority over accreditation of the state's community colleges.

Finally, this summer, a blue ribbon task force convened by the State Chancellor found that, quote, "The California Community College System and its member institutions have lost confidence in the ACCJC"--unquote. And concluded that the system needs to transition to another accreditor.

We are aware that some accreditors have been lax in their oversight, particularly in the for-profit sector, and many people believe that

accreditors need to get tougher. Please do not view this accreditor through that lens; it does not apply here except perhaps in one regard--which is that until mid-2012, the ACCJC was the accreditor of record for Heald Colleges. At the very moment ACCJC was zealously and illegally pursuing disaccreditation of City College of San Francisco, it was turning a blind eye to the implosion underway at Heald and Corinthian. While the full extent of that damage did not surface until 2015, ACCJC accepted the self-reporting of Heald without question--

CHAIRPERSON PHILLIPS: If I could ask you to wrap up.

MR. PECHTHALT: --enabling the destruction--I have one sentence--enabling the destruction of education for thousands of student victims. I urge you to delist the ACCJC and help replace it with an accreditor that serves the needs of our colleges and our students. Thank you.

CHAIRPERSON PHILLIPS: Thank you very much. We have a question. George.

DR. FRENCH: Yes, Madam Chair. I'd like to follow-up with my colleague's earlier question. Art asked the question. Last month the CC Board of Governors--

MR. PECHTHALT: Yes.

DR. FRENCH: --gave permission to seek other accreditors.

MR. PECHTHALT: Yes.

DR. FRENCH: What are the actual options of other accreditors for the System?

MR. PECHTHALT: My understanding is that it could be taken up by WASC. It could be taken up by other regional accreditors.

DR. FRENCH: WASC is the main.

MR. PECHTHALT: Is the umbrella organization.

DR. FRENCH: That's the main option under consideration?

MR. PECHTHALT: WASC and/or other regional accreditors.

CHAIRPERSON PHILLIPS: Art.

DR. KEISER: Currently the WASC bylaws

would not allow that; correct?

MR. PECHTHALT: I don't know.

DR. KEISER: And then the same thing with the regionals? The regionals pretty much stay within their region. Have you reached out to any of the regionals to determine if they're going to accept--

MR. PECHTHALT: The CFT has not. I don't know if the Community College Board of--

DR. KEISER: But assuming that they did not, what other options have you had? I mean a lot of rhetoric today and a lot of anger and discomfort, but to protect the students, which is our ultimate goal, what are the options that you are--you know--that certainly the board and then, of course, the union, what options do you really have? I'm just curious because I don't see them.

MR. PECHTHALT: My understanding--

CHAIRPERSON PHILLIPS: Mic, please.

MR. PECHTHALT: Okay. My understanding is that the Community College Board of Governors through the task force has made a recommendation to

seek other accreditors. They obviously made that choice knowing that that was an option to them, and my understanding is that other regional accreditors could be enlisted to do that.

DR. KEISER: I understand your concept of could, but through the recommendation of us denying the rerecognition or the recognition of this agency, that would trigger a process, at least as I understand it, and the staff could tell me better, that within a year, the institutions would have to seek--they would have a year--18 months--to seek another accreditor.

Currently other than the national accreditors, which tend to focus on the trade and technical schools and business schools, there are no other really regional options because the regions are pretty much protected, and WASC-Sr. is a senior college, and they may or may not accept you. So with the recommendations that so many people have made today, you're putting yourself into a corner, which would ultimately harm students, it seems to me, unless I'm missing this.

MR. PECHTHALT: It's clear from the testimony today that there is displeasure with the ACCJC, and that displeasure has now expanded to the board of governors via the task force. Are you suggesting to me that our hands are tied with finding another accreditor when there is clear, there is overwhelming disdain for the behavior of the ACCJC? Somehow that doesn't make sense to me, and it doesn't make sense to me that this process would hurt students.

If the testimony that's been given today is accurate, including the testimony of the District Attorney, the City Attorney, and the Chancellor of the Community College, that the ACCJC is not doing its job, it seems to me that that's not on the union to find another accreditor; that's on the board of governors or this body to find another accreditor for that.

DR. KEISER: I'm asking you because I don't see the options that you may see, and your recommendations could have a whole lot of different impact on the faculty, the staff, and the students

of the California community colleges if what you are asking for has an impact.

CHAIRPERSON PHILLIPS: I have John, Bill and George.

DR. ETCHEMENDY: All I was going to say is that, Art, I think your point is a very good point. I don't think, in some ways I don't think it's fair to ask any of the speakers here how it would be solved. I think it would have to be solved, and it would have to be solved presumably by existing accreditors and by the Department somehow that there has to be made available some accreditor who's going to take up the slack.

DR. KEISER: But with the current system in place, I can't believe that they could put together an accreditor in 18 months from scratch.

DR. ETCHEMENDY: It wouldn't be easy.

DR. KEISER: You know, I'm just saying it's, I'm just asking the question because people want to have an action, but I don't know where, what would be the reaction to the action.

MR. PECHTHALT: My understanding is that

WASC currently does K-12, of which I've been through that process many times as a high school teacher, but it also does higher ed. So I'm not sure why it would be precluded from bringing the community colleges under their umbrella.

CHAIRPERSON PHILLIPS: I'm going to keep on with our speaking order for the moment. This is an issue that may not be resolvable. I've got John, Bill, George, and Rick.

DR. ETCHEMENDY: Let me just clarify one thing. WASC is a historical name that is, has now--there are three pieces of WASC--three different accrediting commissions. They're completely independent, and one does senior colleges, one does junior colleges, and one does K-12. And they're not the same organization at all.

CHAIRPERSON PHILLIPS: Bill.

DR. PEPICELLO: Thanks. I'd sort of like to ask--maybe it's your question, Art, in a different way--and that is I understand that there's a lot of energy behind the comments today, but it seems to be that if this agency is broken,

I've only heard a call to throw it away and not to fix it. And so I'm wondering why isn't it fixable?

It seems people have said we don't want to fix it. It's obviously no good. We need to throw it out. And I'm wondering if that's not where you're going to get yourself into a corner because if you throw away something that you own, that you need, you ought to have some way to replace that thing as opposed to just saying, well, I guess somehow we're going to have to learn to do without it.

MR. HITTELMAN: It's outside the scope of this hearing.

CHAIRPERSON PHILLIPS: I have George next and then Rick.

MR. PECHTHALT: I don't know if you want me to reply to that.

CHAIRPERSON PHILLIPS: If you would like to respond.

MR. PECHTHALT: Yeah, I think that that's, that would be a reasonable suggestion, but as the president of the CFT and the previous president,

we've been hearing for years, not just the last couple of years, we've been hearing for years the intimidation, the fear that's been expressed by elected community college board of trustees, by local presidents, community college presidents. This has been ongoing now for a long, long time.

I think the time to fix has long passed, and now we need an accrediting body that is both respected by the community colleges, but that actually does what I think we all want, which is create an atmosphere to improve public education, not one that threatens and frightens the people in the community colleges.

CHAIRPERSON PHILLIPS: Thank you.

DR. FRENCH: Madam Chair, for the benefit of the conversation, my question, in following up with Art and for the gentleman speaker, it didn't speak to the egregiousness of the agency, yea or nay. That wasn't even the point. I'm talking about the nexus between having an accrediting agency and not, and what the options are. So I wasn't even adjudicating whether or not the agency

is egregious.

My question is what is the option? So to the staff, my question would be--Art raises the question, the point that WASC would be precluded per bylaw from including, and that the regional accreditors would be precluded because of their specific regions--what are the--is there an option?

CHAIRPERSON PHILLIPS: Sally?

MS. MORGAN: There is a real conundrum here. The current scope of recognition of WASC-Sr. is senior colleges. They could come in and seek an expansion of scope to be recognized for that, but that's a time-consuming process. Herman's staff would have to review it. It would have to come before NACIQI and then before the senior Department official, and you know that process, at a minimum-- I don't know--18 months, and then--and that's assuming that WASC was right off the ground ready to do this, which seems a little bit unrealistic. They'd have to develop some standards and processes that are appropriate for junior colleges or community colleges.

Other than WASC-Sr., there are nationals, as was referred to, but they generally accredit specialized types of colleges and not community colleges with a wide variety of degrees.

And then the other regionals, unless they sought an expansion of scope, they similarly couldn't do it. A regional would have to, I suppose, become a national in order to include an institution that's not in their geographic region. So there is quite a difficulty, and even after the agency got its recognition to include these community colleges, then the colleges would have to go through the accreditation process, and that's, even if there was right now an agency that was able to take them all, an 18-month period is very short for that to happen with all of those.

It seems very doubtful to me that that could happen, but under the Federal Student Aid law, once an institution loses its, well, it's no longer accredited by a recognized agency, which is what has been requested here, that the agency would lose its recognition, that school has only 18

months to find and obtain accreditation or preaccreditation, in the case of these public institutions, before it would lose access to Federal Student Aid, which is a devastating financial blow to most institutions.

MR. BROWN: So that doesn't sound like there are options on the table. Perhaps if California is that vested, perhaps they could expand the scope and expand the curriculum to the four year and then they could come under WASC?

DR. KEISER: That would change everything.

CHAIRPERSON PHILLIPS: I have Rick, John. Anybody else so far? Okay. Rick.

MR. O'DONNELL: This is a conundrum, and I think it points up to a huge flaw in the statute on accreditation, is that there really aren't choices. That said, I'm not sure the conundrum should stop the Committee from doing its job because I also believe that if the accreditor is no longer recognized that accredits in the largest community college system in the country, that somehow the political process or otherwise will respond in a

way that those institutions will still get access to Title IV dollars before their 18 months is up.

DR. KEISER: Too big to fail.

[Laughter.]

CHAIRPERSON PHILLIPS: I have John, Jill and Bobbie.

DR. ETCHEMENDY: I agree completely with Rick. So what I was going to say is just following up on George's comment, and this is a question to Jeff--is it Jeff?

MR. PECHTHALT: Joshua.

DR. ETCHEMENDY: Joshua. Sorry. What is the process for choosing the commissioners of ACCJC? Isn't that an election among the members?

MR. PECHTHALT: If it's an election among the members, it's not an election of the--I'm not an expert on the ACCJC. Maybe you should be asking that question of them.

DR. ETCHEMENDY: Okay. I should ask that question of somebody else, I suppose.

MR. PECHTHALT: Yeah.

DR. ETCHEMENDY: But I assume that--I mean

this is a membership organization, and I assume that the members have some say in who the commissioners are. That's certainly how it is in most of--

AUDIENCE MEMBER: [Inaudible comment.]

CHAIRPERSON PHILLIPS: If we could keep the conversation at the table. Let's plan, John, to inquire of the agency itself about that when they come back.

I have Jill and Bobbie.

DR. DERBY: I agree with Rick. Necessity is the mother of invention, and I don't think it would be appropriate today to say some alternative is impossible even though the difficulty has been laid out. I think our job today is listening to the testimony that we're hearing, people that have traveled a long way, and then without a definite answer for them about what an alternative might be.

CHAIRPERSON PHILLIPS: Thank you. Bobbie.

DR. DERLIN: Bobbie Derlin. I, yes, I would like to be sure that we can hear all the commentators, all the people who are here to make

comments, and I would really then like to explore a lot of these topics in greater depths in our discussion as part of our deliberations because I think there are a number of procedural, as well as very substantive issues of process, that we need to consider as we proceed. The end.

CHAIRPERSON PHILLIPS: Thank you. Thank you for participating in this and for your comments. We appreciate your being here.

MR. PECHTHALT: Nobody else got questions. I feel honored. If I can just say, if you take what is being said here today as gospel, it seems to me that you're all clever enough to find solutions that work for California even if it's not clear at this moment what those alternatives are. Thank you.

CHAIRPERSON PHILLIPS: Thank you for joining us. Just a reminder, on deck we have here still about ten, perhaps a few more, people who would like to give comments. So we're going to continue with that process. Again, to remind you, after we conclude that, we have the opportunity for

the agency to respond to all of the third-party comments, and then for the Department staff to respond to both the agency and the third-party comments.

So we've got a road to go here, and, welcome, thank you for joining us. This is again Itzel Calvo Medina speaking for Aracelli Rojas Nunoz. Next up is Carol Sanderson with Lillian Marrujo-Duck speaking.

MS. MEDINA: [For Aracelli Rojas Nunoz]  
Hi. Thank you. My name is Aracelli Rojas, and I'm a student at CCSF. Instead of going to a four-year university where I plan to be indebted in \$200,000 graduating with a diploma on something I was not passionate about, I decided to go to City College of San Francisco. There I would be able to explore my many fields of interest for a relatively smaller price.

As an undocumented student, I have felt very limited in my life choices here in the U.S., which has led to my emotional instability and psychological distress from an early age, but I

always sought relief in my furthering my education to improve my life and that of others that are in similar situations.

The crisis that has formulated out of ACCJC's actions against City College over mere financial issues has only narrowed the field of choices disadvantaged students like myself have, and it did not take into consideration the impact it would have in a city where disadvantaged people are already losing too many battles against corporate takeovers.

However, if the ACCJC knew the consequences, then it is condemnable of furthering the oppression of those who are in search of empowerment and liberation for themselves, their families, and their communities. Thank you.

CHAIRPERSON PHILLIPS: Thank you very much. Questions for this speaker? Thank you for joining us.

Our next speaker is Carol Sanderson, designee Lillian, with Win-Mon Kyi on deck.

MS. MARRUJO-DUCK: [For Carol Sanderson]

Thank you. I am reading for Carol Sanders [sic] who could not be here, but for myself I wanted to actually thank you for starting to engage the discussion of who could replace ACCJC, and I find that encouraging.

From Carol, faculty across the State of California support a process of peer review, but ACCJC is inconsistent in its application of the standards and applies the standards too heavily, sanctioning far more schools than any other accreditor.

The decision of the commission to put CCSF on show cause when the visiting team recommended probation and then to vote to terminate CCSF's accreditation based on data nine months later, not two years, was found in the Superior Court of California to have violated City College's due process of ACCJC's own regulations. Instead of listening to feedback from colleges across the state and modifying its actions, ACCJC published negative and inflammatory statements about City College on its official website.

City College is one of the largest colleges in the largest system of higher education in the world. City College serves largely underrepresented students who would otherwise have no access to higher education. The intransigent actions of the commission and the staff of ACCJC are disrupting access to higher education for our students, and this is a shame. City College outperforms most colleges on almost every measurement collected in our state. Whether it's persistence, engagement, we have the state's most successful ESL program.

But City College's enrollment has dropped ten percent, more than any other college in the Bay Area, and the only difference is ACCJC's actions and statements against us. We know from student zip code and enrollment data at nearby colleges that students didn't switch schools. While CCSF faculty have done everything they can to insulate students from the devastation of ACCJC's action, over 10,000 full-time equivalent students simply chose not to go to college. That's the equivalent

of losing an entire mid-size college.

At a time when the entire nation and the State of California need more students to go to college and especially students who are underrepresented in higher education, ACCJC's actions are damaging to our collective future. ACCJC has had years to reform and has chosen not to.

You have heard testimony from state faculty unions, the Superior Court of California, the State Chancellor, college CEOs, board presidents, the Board of Governors of California Community Colleges. We are all saying the same thing. Excuse me. We are all saying the same thing. We do not have the authority to fix this, but you do, and collectively, collectively, we are asking you to delist ACCJC and find a solution. Thank you.

CHAIRPERSON PHILLIPS: Any questions for this speaker? Thank you for joining us.

Our next speaker is Win-Mon Kyi speaking as herself with Anita Grier on deck. I'm also

holding a spot here for Tim Nader if he has arrived yet. He'll be up next. Thank you for joining us.

MS. KYI: Good late afternoon, members of NACIQI board. My name is Win-Mon Kyi. I'm a student at CCSF studying political science and Asian American Studies. I'm a first generation Burmese American as is my younger brother, too, who is also a student at CCSF. My parents emigrated from Burma in 1989 and 1991 due to the hostile political climate and came to the U.S. for a better life and opportunity for themselves and their kids.

I've been a student at CCSF for four years and through the classes and programs offered at CCSF was able to find my passion in education and social justice. I'm currently president of Asian Student Union. My peers and I have benefited from the Asian American Studies Program greatly.

However, the cuts to diversity studies departments has put my dreams of pursuing Asian American Studies in jeopardy. These cuts to classes close the door to learning about our history and API communities and further empowering

ourselves to create social change. The invaluable courses at City College have benefited my community, the Burmese community, and other API groups greatly.

My parents took English classes and basic skills courses before me at City College. They own a restaurant in San Francisco which I work at while going to school. Many international students, immigrants, working class immigrants, all come to City College seeking personal growth and to learn. English second language courses have been among the hardest hits under the ACCJC's tremendous cuts, preventing immigrants from pursuing their dreams instrumental to hundreds of jobs in the Bay Area to immigrants.

Additionally, the ACCJC-induced drop in enrollment has caused cuts to district funding, and our unique academic departments, like Filipino Studies, LGBTQ Studies, and Labor Community Studies, which are not found at other schools, are now also in danger of complete elimination. All these changes are leading to push CCSF in the

direction from superior institutional and academic excellence to mediocrity and poorness.

While the ACCJC continues to exist and extends its power over CCSF, the lack of due process has impacted me and other students from achieving our dreams and goals and obtaining the quality of education we deserve as well as our access to education. City College is the beating heart of San Francisco, and the ACCJC is cutting off our oxygen, our ability to survive and thrive.

The ACCJC must be removed immediately in the interest of preserving a fair education. Keeping the ACCJC for any moment longer will further destabilize thousands of more students. This impacts on students from discovering our passion and pursuing our goals. City College cannot wait. The students cannot wait. You must act now. Thank you.

CHAIRPERSON PHILLIPS: Thank you. Any questions for this speaker? Thank you for joining us.

MS. KYI: Thank you.

CHAIRPERSON PHILLIPS: Our next speaker is Anita Grier, and I'll ask Tim Nader to be on deck. This is number 25 for those of you following on. Anita Grier, welcome.

DR. GRIER: Good evening. I'm Anita Grier, and I served as a board member at City College of San Francisco for 16 years, two years as president and two years as the vice president. I'm also a proud graduate of City College of San Francisco, and I want to tell you that our college is a great institution of the people, and that it has always been recognized for its high quality instruction, its wide spectrum of courses and programs. It's also known from superior student success and enlightened and equitable personnel policies.

Even during the recent financial crises and the destabilization, imposition of harsh and, in my view, unwarranted sanctions by the Accreditation Commission of Community and Junior Colleges, City College has improved in many areas, not just in terms of fiscal stability.

Our extensive, even heroic, efforts in accommodating and recommending the demands of the ACCJC, which are most rigid, autocratic, arbitrary and a destructive institution. I've encountered many people in my 40 years of service as a teacher, administrator, and trustee, and we fell short of the ACCJC's exalted and shifting standards.

It's also puzzling and troubling that the ACCJC's visiting team had a very different assessment of City College's performance than the accreditation commission who composed the final report. We had some problems. However, they were internally resolvable, and the extreme sanctions of the show cause and revocation of accreditation were without legal, without legal, rational or public policy justifications. The ACCJC harsh punitive sanctions imposed in the name of ensuring educational qualities and fiscal stability transformed City College into a college in crisis without our democratically elected board of trustees and with precipitous loss of enrollment and the accompanying state funding.

The ACCJC's abuse of power, inconsistent, imperious policies and decisions polarize and demoralize one of the best community colleges in the country. I just have one more sentence.

CHAIRPERSON PHILLIPS: Great.

DR. GRIER: We are surviving. However, our current struggle goes beyond the survival of City College. The Department of Education must stop the abuse of power--

CHAIRPERSON PHILLIPS: Thank you for your comments.

DR. GRIER: --by the ACCJC.

CHAIRPERSON PHILLIPS: Questions for this speaker? Thank you for joining us.

DR. GRIER: Could I answer a question that you just asked earlier? It's very short. It just talks about the fact that we have a board of governors in San Francisco, and we also have resources to resolve the issues related to accreditation.

CHAIRPERSON PHILLIPS: Thank you for your comments.

DR. GRIER: And that was the body that hired the ACCJC.

CHAIRPERSON PHILLIPS: Thank you for your comment. Tim Nader. Following this, we'll be moving to those who signed up orally with Dr. M.A. Okada, I believe, up next. Tim Nader. Thank you for joining us.

MR. NADER: Thank you, Madam Chair, and thank you for delaying my time today. I caught a plane, got up at four o'clock in the morning to catch a plane from San Diego. So I appreciate your time. I'm Tim Nader. I'm Vice Chair of the Board of Southwestern Community College in Chula Vista, California. I am here as one board member although I was also asked by the President of our Academic Senate to speak on behalf of that organization as well. I've been licensed as an attorney in California for 33 years and previously served as mayor of Chula Vista.

Policies and decisions of ACCJC are not based on the concerns for academic quality called for in your regulations. As you know, a task force

of the California Community College System unanimously found ACCJC lacks the confidence of so-called member institutions, and its conduct is detrimental to our students and to our state's economic future.

Southwestern College has been experiencing some of the same irregularities discussed in the Chancellor's task force report and in numerous other forums. The hours spent meeting ACCJC's demands are diverted from education, as the Academic Senate has stated. Lack of transparency obscures how factual material has been disregarded in cases to come to unfavorable conclusions.

A letter from ACCJC to our college, which was provided as an attachment to my written comments, threatened revocation of our accreditation if we did not contribute to their legal defense fund. Contribution to a legal defense fund supporting positions adverse to the interests of the our students cannot be considered an academic standard suitable as a basis for accrediting institutions.

The letter makes it clear that ACCJC believes it can make its own rules and impose its own interpretations of your rules to do as they please. More than one study has suggested that over-administration is a prime factor driving increased college costs, yet ACCJC actions suggest its concern is promoting more administrative prerogatives and positions rather than protecting educational quality. Demanding more numerous and more powerful administrators at the expense of teaching is not consistent with your rules requiring accreditation be based on academic standards.

I'd like to take just a moment to answer a couple of the questions that I heard in the last few minutes. The question was raised as to how the--

CHAIRPERSON PHILLIPS: We have just under one minute.

MR. NADER: I think I can probably do it in that. The question was raised as to how ACCJC board members are elected? I looked into that

question myself because we've never been given a ballot for ACCJC board, and our CEO found out that it's basically a self-nominating process. They provide a slate to the CEOs, and those are voted up or down so there's no, there's no input, there's no ability to run for the board, there's no advertising the election. It's essentially an old Soviet style unopposed slate election.

Regarding what could be done to replace ACCJC should the legally required action be taken and their accreditation as an accreditor revoked, it would seem strange to me that the Secretary does not have some sort of emergency or executive authority to impose a moratorium on accreditation decisions while the transition takes place.

But even if that is not the case, some definitive period could be put in place during which the Community College System, the institutions, and the Department of Education working together could surely come up with an agency that, in fact, meets your standards.

Thank you very much for your time.

CHAIRPERSON PHILLIPS: Thank you. Hank.

MR. BROWN: You made reference to a letter from them asking for, requesting donations to a legal defense fund. Has that been made part of our record?

MR. NADER: I attached that letter to my written comments.

MR. BROWN: Would it be possible to have that, a copy of that letter, submitted?

CHAIRPERSON PHILLIPS: We have it in the documents available.

MR. BROWN: It is in the package.

CHAIRPERSON PHILLIPS: Yeah.

MR. BROWN: Thank you.

CHAIRPERSON PHILLIPS: Yes. Anne.

MS. NEAL: Thank you for coming, and I appreciate your comments very much. Am I correct in understanding that as an elected trustee, you have felt frustration that the accrediting body has been interfering in your ability under law in California to govern the institution you oversee?

MR. NADER: Absolutely. And in fact--

MS. McLAUGHLIN: Microphone, please.

MR. NADER: I'm sorry.

MS. McLAUGHLIN: Just push the button.

MR. NADER: Where is the button?

MS. McLAUGHLIN: Right in front, I think.

MR. NADER: Okay. Sorry about that. I probably turned it off accidentally. I apologize. Yes, absolutely, I have felt that frustration, and, in fact, I've been on the board for five years now. I was elected five years ago as part of a reform slate when our college was on probation, and we had, we had an administration that quite frankly was corrupt. Several top officials have entered guilty pleas in criminal cases since that time related to how they ran the college.

ACCJC's prescription was that the board should disappear and let the administration run the college. And that occurred a year before I was elected that that statement was made. And, in fact, their report was highly critical of the one board member who was asking the tough questions that needed to be asked to expose that corruption

and turn the college around and rededicate it to its educational mission.

As a trustee, I started going to the trainings that are done by ACCJC in conjunction with the Community College League, and I heard a lot of rhetoric about speak with one voice, I heard a lot of rhetoric about defer to your administration, and I heard my fellow trustees, most of whom are not attorneys, being trained to believe that it is their job to defer to their administration and only to defer to their administration. I found that very frustrating. I was told that asserting our budget authority, that questioning certain administrative decisions, could jeopardize our accreditation.

So all of those things have been very frustrating especially in an atmosphere of tight resources that most of us who are elected believed need to be prioritized for the education of our students. Thank you.

CHAIRPERSON PHILLIPS: John.

DR. ETCHEMENDY: Let me go back to how the

commissioners are elected. You said it was basically a self-nomination process where individuals put their names on the ballot?

MR. NADER: My understanding is that there is no process for an individual to put their name on the ballot.

DR. ETCHEMENDY: I'd like to know if that's really true. I mean somehow--

MR. NADER: If it isn't, I'll go back and give it to my CEO because she researched it and reported that to our board that there is a nominated slate, and then that slate is sent out to the CEOs for an up or down vote. That is what we were told.

CHAIRPERSON PHILLIPS: Other questions for this speaker? Thank you joining us.

MR. NADER: Thank you very much.

CHAIRPERSON PHILLIPS: We're going to move to our next speaker, Dr. M.A. Okada. Forgive me if I'm mispronouncing. Again, I want to remind all of us that the question of acceptance of agency by others is not one of the issues that is before us.

Thank you.

DR. OKADA: Half a day. My name is Mary Okada. I am the President of the Guam Community College. I also serve as the President of the Pacific Postsecondary Education Council, which represents higher education institutions across the Pacific. The challenges we face with regard to the delivery of higher education in our region make continuity and stability in the entity that accredits these widely dispersed institutions vital. Local legislation, our funding sources, and our relationships with Federal agencies, including the Department of Interior, depend upon uninterrupted accreditation processes and long-term relationships with accrediting agencies.

ACCJC has been an important influence in support of higher quality education for Pacific Postsecondary Education Council institutions. The organization understands our unique missions and challenges and has provided valuable training and expertise on how to be able to meet the quality standards it has set for all two-year institutions

of higher learning.

Having a consistent set of standards allows our students, whether they are from the Guam Community College, the College of Micronesia, Palau Community College, or the College of the Marshall Islands, to be able to transfer credits to four-year institutions. This ability allows our people and people across the United States to be able to afford a college degree.

Under our American process, groups and individuals have every right to form coalitions and bring their issues to reviewing bodies such as NACIQI. However, this process must also take a reasoned approach based on facts and pertinent standards put in place to maintain quality in our nation's higher education system. ACCJC has an excellent history and current standing with many of our Pacific institutions, including the one I represent.

I have also served on several accreditation teams for ACCJC, and am familiar with the quality and integrity of the process by which

two-year institutions are reviewed. My own institution's accreditation was reaffirmed in 2012 with reasonable recommendations that have made us a stronger, more viable institution in the eyes of our students, faculty and the community that we serve. We are also making changes to processes within our institution based on updates to the standards that we consider to be very reasonable and have provided input to.

Therefore, I support an action by NACIQI to recommend the continued recognition of ACCJC as an accrediting body for two-year colleges in the United States. Thank you very much.

CHAIRPERSON PHILLIPS: Thank you. Questions for this speaker? Thank you for joining us.

Our next speaker is Dr. Raul Rodriguez with Ian Walton on deck.

MR. ROTHKOPF: A question. How many more speakers are there on the list? These are all not on the published list.

CHAIRPERSON PHILLIPS: We have four more.

MR. ROTHKOPF: Four more including this one?

CHAIRPERSON PHILLIPS: Including this one.

MR. ROTHKOPF: Thank you.

CHAIRPERSON PHILLIPS: Welcome.

DR. RODRIGUEZ: Thank you. Good afternoon. My name is Raul Rodriguez. I'm the Chancellor of the Rancho Santiago Community College District in Orange County, California. I've been a CEO, a president, or chancellor in California for more than 20 years. The Rancho Santiago District is one of the largest in the State of California, and we do have one of the 15 B.A. pilot programs. So that's one of the reasons why I'm here today. I'm very concerned about that issue among others.

According to a survey completed by the State Auditor of California, which was referenced earlier, more than 85 percent of California Community College CEOs agree that ACCJC teams are appropriate, and that ACCJC institutional reviews accurately identify issues.

Moreover, at least three-quarters of

California Community College CEOs are of the view that ACCJC should continue as their accreditor. About 50 percent of CEOs are of the opinion that changes should be made to the ACCJC institutional review process. The ACCJC, as you heard, has begun implementing the new version of the standards and some additional changes to the institutional review process. Those institutions currently undergoing such review have reflected positively on the changes as they are being implemented.

This past fall, the ACCJC has sought input from the field and held several listening sessions across the state. Many of the criticisms brought against ACCJC by its detractors at these sessions and in other venues are politically motivated and challenge the heart of what constitutes regional accreditation. That is some California legislators and the State Chancellor's Office and the faculty unions in California want to influence and dictate regional accrediting processes and decisions.

Because ACCJC has resisted such pressures, sought to maintain the integrity of the peer review

process, hold member institutions accountable to the standards, and assure quality of education to the public, the ACCJC has become a target of lawsuits, smear tactics, acts of intimidation and unrelenting criticism.

Since its inception, the ACCJC has functioned as a regional accreditor that focuses chiefly on institutions that grant the associate's degree although some member institutions are now offering the baccalaureate degree as a limited part of their program offerings. Of all the regional accreditors in the U.S., the ACCJC is the only one that consists exclusively of member institutions that primarily award the associate's degree.

Because of this unique history and experience, the ACCJC understands the central mission of and issues pertaining to community colleges. For just such reasons, I believe that individual community colleges will continue to opt for ACCJC as their accreditor once the political dust settles and the alternatives to ACCJC are fully vetted and analyzed.

In closing, I came here today because I'm concerned about the future of regional accreditation. Repercussions of the issues being considered in this recognition go far beyond the fate of the ACCJC. If you truly believe in the importance of maintaining the inviolability of the peer review process, and if you truly support the importance of holding institutions accountable for their performance, then the proper response is to reconfirm the USDE recognition of the ACCJC. Thank you.

CHAIRPERSON PHILLIPS: Thank you very much. Art.

DR. KEISER: A quick question.

DR. RODRIGUEZ: Sure.

DR. KEISER: As a president of the institution, you have a role in electing commissioners to the WASC commission?

DR. RODRIGUEZ: Yes.

DR. KEISER: Do you believe that the commissioners are not representative of the majority of the institutions in California?

DR. RODRIGUEZ: No. No, there is a process for allowing other folks to be on the ballot. It wasn't correct what was stated before. But you have to get ten CEOs to nominate you, and lots of people have done that. There have been several times where there have been other candidates that come on the slate, but it's true, there is a slate.

CHAIRPERSON PHILLIPS: Other questions for this speaker? Thank you very much for joining us.

DR. RODRIGUEZ: Thank you.

CHAIRPERSON PHILLIPS: Our next speaker is Ian Walton with Anthony Babauta on deck. Welcome. If you could introduce yourself.

DR. WALTON: Thank you, Madam Chair and members. Good evening. My name is Ian Walton, and I came to testify in person because my background is slightly unusual. I'm currently one of the five public commissioners for ACCJC. I was elected by the CEOs of the member colleges, and as you just heard, at least one of my colleagues was elected where those same CEOs added additional names on to

the original ballot.

But prior to this, before I retired, I was a math faculty member at Mission College in Silicon Valley for 33 years. During that time, I held a wide variety of faculty leadership roles. I was a department and division chair. I was a faculty union organizer. I was a local senate president. I was the statewide academic senate president for the same system that Chancellor Brice Harris represents.

So that experience means I know it's really important to understand particularly faculty have a very wide range of differing opinions, and they are appropriately represented by different groups. What you heard today is a large amount of testimony, but it largely represents just one of those many viewpoints. Indeed, it largely represents a single college.

Now, their viewpoint is valid, but it's one of many. It's probably not the viewpoint that I would expect NACIQI to take as it upholds the public interest in quality education. I would

expect you to consider whether accrediting agencies are implementing Federal requirements across the country, and whether each specific agency is ensuring that that implementation is for all the colleges in its region by applying its standards and policies.

ACCJC continues to evolve. We've made lots of changes recently, some suggested by the Department of Education, some by NACIQI, some by our members. Fundamentally, though, I would contend that ACCJC achieves precisely what you want it to do. That doesn't necessarily make everybody happy. But I think if you deny recognition of renewal based on today's testimony, you'll validate the warning contained in the article that you mentioned, the BuzzFeed article, but there was another quotation.

It said now the accreditor behind the most visible attempt in recent years to crack down on a college is being sidelined by the education industry it is meant to monitor. I'm fairly sure that's not something you want to do. So I urge you

to recommend renewed recognition for ACCJC. I believe that would let us, all of us, get on with the business we're supposed to be doing. That would include, I think, the provision of much needed bachelor's degrees in the community college arena.

CHAIRPERSON PHILLIPS: And if you can wrap up with one more sentence.

DR. WALTON: And I would hope it would include the successful restoration of City College of San Francisco. I would love to see at your next meeting 30 people testifying that CCSF meets all the same standards as our other member colleges. Thank you for listening and for your thoughtful questions.

CHAIRPERSON PHILLIPS: Thank you very much. Questions for this speaker? Yes. Arthur.

MR. ROTHKOPF: Did you, did you have the same view before you became a commissioner?

[Laughter.]

DR. WALTON: Not entirely, but I also knew less. Let me put it this way. I believe there are

many conversations where our process could be improved, but I also believe that the warfare that you've been witnessing and particularly all the lawsuits have greatly inhibited those conversations. I would also add the thing that's most impressed me as I've become an insider is that the process of reading and evaluating the actual team reports on the colleges, there's one particular point that hasn't come out in that. There's sort of a conundrum. You hear people say we want consistency, but you also hear them say we don't want the commissioners ever changing a team recommendation.

And in my mind, the very process of the commissioners thoughtfully changing recommendations in both directions is exactly what achieves the consistency that you would want.

MR. ROTHKOPF: Thank you.

CHAIRPERSON PHILLIPS: Thank you very much for joining us.

Our next speaker is Anthony Babauta with Colette Marie McLaughlin on deck. Welcome.

MR. BABAUTA: Thank you. Good afternoon. It is my pleasure to be providing a perspective on education in the Pacific Islands and the continuing investments needed to ensure that educational institutions in the Pacific improve.

As a brief professional and personal background, my name is Anthony Babauta. I served as Assistant Secretary of the U.S. Department of Interior for Insular Areas during President Obama's first term. Before this, I was a 12-year veteran of the Hill, having served as professional staff on the House Natural Resources Committee under Representative George Miller, and later, staff director of the Subcommittee on Insular Affairs, Oceans and Wildlife under Representative Nick Rahall.

As Assistant Secretary for Insular Areas, my oversight included the U.S. territories of American Samoa, the U.S. Virgin Islands, the Northern Mariana Islands, Guam and the three countries which comprise the Freely Associated States--Republic of the Marshall Islands, Federated

States of Micronesia, and the Republic of Palau.

My 15-year career has afforded me unique experiences, and one fact is crystal clear. The United States needs to increase its resources and remain engaged in these areas. This is especially so when speaking about education because, as this Committee is fully aware, a country, a state or a territory's success is greatly limited if its populace is undereducated.

Organizations such as the Accrediting Commission for Community and Junior Colleges can attest that all these areas have similar weaknesses that work counter to the independence and improvements needed for institutions of higher learning. Yet, by and large, our nation's commitment to these insular areas falls short while our minimum standards remain high and in some instances seemingly unreachable despite the earnest efforts and dedication of the Pacific Postsecondary Education Council.

As Assistant Secretary, I utilized the flexibility of directing resources to areas under

my jurisdiction and invested millions in Federal funding to accelerate progress and improve educational infrastructure. However, across the board, Interior's funding falls woefully short of insular needs.

I implore this Committee to listen and heed the recommendations of ACCJC as well as PPEC. Progress is underway, but admittedly it will be difficult to keep pace with the rising minimum standards under which the USDOE requires of the Pacific to successfully compete and be awarded grants.

The Pacific requires a viable plan consisting of increased resources and continued engagement. It requires collaboration between the Departments of Interior, State and Education. And it needs to be guided by the professionals who comprise ACCJC and PPEC. The future of the Pacific's young people is largely in your hands and with your recommendations which you make to the Secretary of Education.

Our country took on the responsibilities

of acquiring these islands and political leaderships either by spoil of war, deed of cessation, or cold war strategy. The United States chose to have these responsibilities and continues to elect to hold on to these areas for either strategic purposes or because there is no political will to allow for integration into our union of states.

We trust in your wisdom and have faith in your patience to allow for progress and continued recognition of the ACCJC as an accrediting body for the two-year colleges in the U.S. and especially so in the Pacific. Thank you very much.

CHAIRPERSON PHILLIPS: Thank you.  
Questions for this speaker? Thank you very much for joining us.

MR. BABAUTA: Thank you.

CHAIRPERSON PHILLIPS: Our last speaker will be Colette Marie McLaughlin. Welcome.

DR. McLAUGHLIN: Thank you. I'm Colette Marie McLaughlin. Earlier you spoke about rotten apples. I believe it's a toxic apple that the

ACCJC has. I found it very interesting that Mr. Rodriguez, or Dr. Rodriguez, didn't mention he was a commissioner for the ACCJC. I'm from Gavilan College. I've dealt with what I believe are actual illegal activities that have been going on. I've documented them. The more I complain, the more they wouldn't approve my courses to get the curriculum updated.

That was one of the things the ACCJC required our college to do, is to work with instructors. I'm the only person, I'm a part-time person that worked full-time for seven years developing a program, and I wasn't allowed to improve my curriculum. They're out of date by three years. I documented it. I complained about it. I'm a career technology person. I taught architecture, engineering, desktop publishing part-time, giving degrees, and they wouldn't update my curriculum.

I brought in people from the industry because you're required to. I was the only one of the industrial people that brought real people

because they'd all bring their friends so they could just check off you did it. That school is so corrupt I can't believe it. But I don't have a job anymore. I'm retired, and I get to go to Washington, D.C. But I will tell you what he did, President Kinsella, who is the chair. I get a letter registered in the mail after they told me I don't have a job that says you are having sanctions--or what is it--you are being reprimanded for unprofessional behavior. And I never knew there was some kind of investigation. He hired a lawyer because they like lawyers because they figure someone else will pay for it.

But they hired this lawyer that interviewed everybody I complained to. Of course, they didn't love me, and they said horrible things about me. They never told me they're interviewing about it. I could have verified because I used to be a director of facilities so I know how to do bureaucracy. I know how to document. I documented everything illegal they were doing, and they didn't like it. So now they're trying to destroy my

reputation after I killed myself for seven years providing a program that they actively--I believe I have enough documentation to show that they killed it on purpose.

So, in summary, the people that all came in at the end all came in at once because they're all there. I got in there today, and there were four names on that list, and there was me. They recruited those people to tell you how great they are, and if you can't get rid of some kind of slime that's destroying our students and cheating the public and costing lawyers and not making sense, I really will be sad because I'm retired and I don't have much money. I'm living off my husband's pension. And God bless you. I hope you do the right thing because our students deserve better.

CHAIRPERSON PHILLIPS: Thank you for joining us. Questions for this speaker? Thank you very much.

DR. McLAUGHLIN: Thank you.

CHAIRPERSON PHILLIPS: This concludes our third-party comment part of the review process. We

have remaining several parts yet to consider, including the agency response to the third-party comments where we also have an opportunity to speak to the agency again, the Department staff response to the agency and the third-party comments, where we will have an opportunity to inquire again, and then our discussion, motion and vote.

I believe that those activities would be better undertaken in the morning, it being now 5:21, and so will suggest an adjournment for the evening. Jill, you had your hand up. Anything? Unless you all have an acclamation that you want to stay and go on for another hour-and-a-half? Okay.

All right. I will see you in the morning. Thank you. Again, just to remind folks on the Committee that all deliberative discussions about an agency need to be in public at this meeting so please refrain from that conversation until tomorrow morning when we meet again.

**[Whereupon, at 5:23 p.m., the NACIQI meeting recessed, to reconvene at 8:35 a.m., Thursday, December 17, 2015.]**