

What is the ACCJC? Facts and Analysis

Accrediting Commission for Community and Junior Colleges (ACCJC)

- The ACCJC accredits associate degree-granting institutions primarily in California as well as Hawaii, and is a subdivision of the Western Association of Schools and Colleges (WASC). WASC has divisions for universities; public community colleges (whose president is Barbara Beno); and K-12. Public postsecondary institutions are accredited by six separate regional accreditation agencies.¹
- If an accredited institution cannot demonstrate that it meets ACCJC's standards, eligibility requirements and policies, the ACCJC may impose one of three progressively more serious levels of sanctions: *warning*, *probation*, or *show cause* (*why the institution should not be closed*).² The consequences of loss of accreditation amount to life or death for an institution.³ A college that has lost accreditation will not be able to process federal or state financial aid for students; credits will not be transferable.⁴ **Contrary to erroneous 'common knowledge,' City College was NOT put on warning in 2006, but rather received recommendations for improvement. To our knowledge after careful research, in its seventy-seven year history, the College has never received any sort of sanction. Indeed in 2007, City College was named by the New York Times as one of the top eleven community colleges in the country. CCSF was among those "frequently named as models" and "successful in preparing students to transfer," according to a panel of nationally prominent community college researchers.**⁵
- In 2009, the ACCJC accepted the College's mid-point report as "satisfactory progress." After a site visit in March 2012, suddenly on July 2, 2012, **City College was abruptly moved from no sanction to the most serious sanction** before closure--*show cause*. Criteria for which level of sanction will be applied appear to be unclear, and this abrupt action would appear to be highly irregular.

Disproportionately Harsh Sanctions Against California Community Colleges

A study of actions taken between 2003 and 2008 found that the other five regions of the US had sanction rates ranging between zero and six percent of community colleges. In contrast, the ACCJC imposed sanctions on 37% of community colleges in California (41 of California's 110 community colleges). **Remarkably, the ACCJC generated 89% of all sanctions issued nationwide during this period. From June 2011 to June 2012, the ACCJC issued 64% of the seventy-five sanctions issued nationwide. At present 25% of California's community colleges are on sanction.**⁶

¹ ACCJC also accredits a number of Heald colleges in California.

² *Accreditation Reference Handbook*, Accrediting Commission for Community and Junior Colleges. July 2012 edition. P. 40

³ Anne Neal and Arthur Rothkopf, "Alternative to the NACIQI Draft Final Report," March 16, 2012.

⁴ Council for Higher Education Accreditation, CHEA.org

⁵ Frerking, Beth. "For Achievers, a New Destination." *The New York Times*. April 22, 2007. http://www.nytimes.com/2007/04/22/education/edlife/bestccs.html?pagewanted=all&_r=0

⁶ Hittelman, Martin. "ACCJC Gone Wild." Jan. 21, 2013. available at: <http://www.aft1493.org/component/content/article/168-accjc-gone-wild-in-depth-report-takes-on-accjc.html>

- Following expressions of concern about this disproportionate sanction rate and several other issues, the California Community College’s Consultation Council established a broad based Accreditation Task Force in 2009 to review and provide advice on the accreditation process.⁷ This Task Force formally surveyed the 110 community colleges to solicit issues and concerns, and then developed recommendations. These were presented at a meeting of five members of the ACCJC, followed by a request to present the report to the full Commission. That request was initially denied. California Community College Chancellor Jack Scott was then given five minutes to present the recommendations to the whole Commission in closed session on January 8, 2010.⁸ As of 2013, a new Task Force is being reconstituted based on continued issues about the disproportionate enforcement stance of the ACCJC.
- ACCJC has an executive staff of six: a president—Dr. Barbara Beno—and five vice presidents. The Commission is composed of 18 people including five faculty, a representative of the Chancellor’s Office, and one seat for “independent institutions” (for-profit colleges). Actions such as adopting sanctions are taken at two Commission meetings each year.⁹ Teams such as the one that visited City College are composed of administrators and (rarely) faculty.¹⁰ ACCJC appears to be a staff-driven organization, that is the volunteer commission members appear to be heavily directed by the professional staff.

Analysis—in which we make no claims, but rather raise important questions about the integrity of the accreditation process.

- **Is the ACCJC public or private?**

The ACCJC operates under federal authority and the authority of the California Community College Board of Governors. It wields enormous governmental-type power to close or fundamentally re-shape public institutions. At the same time it insists that it is private, and does not have the accountability mechanisms or openness expected of a public body.

The chair of the ACCJC underlined the private nature of the Commission: “The ACCJC is not a governmental or quasi-governmental entity. The ACCJC was not developed to help achieve any State objective. The ACCJC was not developed by the State, and it is not an agent of the State, and it has not been delegated any State function. The ACCJC is a private organization.”¹¹ Proceedings are extremely private, with no record of votes, little access, etc.

Belying the ACCJC’s claim of being a private organization, the primary source of funding mentioned on the ACCJC website is dues paid by the member community colleges—i.e. public funding. Martin Hittelman, the former president of the California Federation of Teachers, pointed out that the

⁷ “Enhancing the Accreditation Process.” *The Community College Update*. Vol. 23, No. 2. Jan. 29, 2010.

⁸ Ibid.

⁹ www.accjc.org

¹⁰ Evaluation Report: City College of San Francisco (2012). p.2

¹¹ Hittelman, Martin. “Second Letter to ACCJC.” Dec. 12, 2008. <http://cft.org/cft-presidents-page/339-second-letter-to-accjc.html>

accreditation activities of ACCJC are authorized under California law (5 California Code Regulations 51016).¹²

- **Who accredits the accreditor?**

Furthermore, the ACCJC is “authorized to operate by the US Department of Education (US DOE).”¹³ Accrediting agencies must be re-recognized by the US Department of Education’s National Advisory Committee on Institutional Quality and Integrity (pronounced ‘Nasicky’), every 5 years.¹⁴ NACIQI in turn makes recommendations on re-recognition to the US Department of Education.¹⁵ ¹⁶ NACIQI has 18 seats, six appointed by the US Senate, six by the US House, and six by the administration.

The NACIQI vice chair, Arthur Rothkopf, is often identified as an emeritus university president. However additionally from 2005-2010, he was a senior vice president at the US Chamber of Commerce, the premier lobbying arm of the Fortune 500 corporations.¹⁷ He now works for the standardized testing industry as a board member of the Educational Testing Service, Inc.

Having such a lobbyist co-chair the panel on the integrity of accrediting agencies would be like having a Chevron vice president co-chair the government panel on carbon emissions and public health. The NACIQI panel also includes the president of the University of Phoenix, the largest for-profit college in the US.

- **One way accountability:**

Under the Bush and Obama administrations, the rhetoric of “meeting standards” is completely de-linked from any assessment of whether schools have the resources they need to run high quality educational programs. Bush and Obama have implemented one-way accountability systems: No Child Left Behind, Race to the Top, and accreditation in this period. These approaches use metrics to judge institutions’ “output,” but not the “inputs” provided by government to the institutions so that they may function. This one-way accountability regime is in line with the US Chamber of Commerce pronouncements: (1) “We discuss outputs, we do not discuss inputs.” (2) “The framework we used to analyze states’ performance reflects what we believe is an important shift in today’s discussion of higher education policy—away from a heavy focus on inputs such as spending and toward an emphasis on student outcomes, return on public investment, and transparency.”¹⁸ (The word transparency is often

¹² Ibid.

¹³ www.accjc.org

¹⁴ Eaton, Judith. “An Overview of U.S. Accreditation.” Council for Higher Education Accreditation. Aug. 2011.

¹⁵ The Higher Education Opportunity Act of 2008, Pub. L. No. 110-315 122 Stat. 3078, sec 106.

¹⁶ Judith S. Eaton, Accreditation and the Federal Future of Education, aaup.org/AAUP/pubsres/academe/2010/SO/feat/eato.htm, downloaded 08.29.12

¹⁷ Chris Hedges writes: “The US Chamber of Commerce is the front group for the major corporations in the country, including Bank of America, Goldman Sachs, Chevron and News Corp, and spent more money on the 2010 elections than the Republican and Democratic National Committees combined. A staggering ninety-four percent of the Chamber’s contributions went to politicians who deny the existence of climate change”). Days of Destruction, Days of Revolt, Nation Books, 2012, p. 198.

¹⁸ “Leaders & Laggards: A State-by-Sate Report Card on Public Postsecondary Education.” US Chamber of Commerce’s Institute for a Competitive Workforce. Available at <http://icw.uschamber.com/reportcard/introduction/>

defined as the publication of data, and fits in with the notion of providing information to shoppers in a private market.)

In a just world, it would be only common sense that an accountability system should be two-way-- assessing the adequacy of resources provided by government—*as well as* whether the institution is using the resources effectively for education. If accountability is not two-way, and budget cutbacks proceed relentlessly, then “standards” can purport to show that all public institutions are “out of compliance.” This is precisely what is happening with Race to the Top/No Child Left Behind. For the 2011 school year (the most recent year for which data is available), 48% of public schools have not made ‘adequate yearly progress’ toward the unreachable target of 100% of students reaching grade level proficiency by 2014.¹⁹ That target has never been met by any educational system in the world. **This raises the question of whether bogus metrics are set in place for the purpose of discrediting public institutions, justifying closure or downsizing, and opening market share for charter schools (in K-12) or for-profit career colleges (in the community college setting).**

- In August of 2010, the US Department of Education ruled that ACCJC “violated federal rules in choosing its commissioners and lacks sufficient controls against conflicts of interest.” The director of the accreditation division of the US DOE’s Office of Postsecondary Education wrote that the ACCJC was in violation of several federal regulations in the way it selects its commissioners. The review was undertaken in a response to complaints lodged in May by Chancellor Jack Scott of the California Community Colleges. As reported in the Chronicle of Higher Education, this ruling found that “Faculty, staff and trustee representatives of the committee that selects commissioners are chosen using an informal process that ‘does not provide transparency to the selection process, and therefore, does not provide clear and effective controls against conflicts of interest.’”²⁰ The February 2011 newsletter of the ACCJC refers to a conflict of interest policy, however we were not able to pull it up. The Commission seems to be constituted largely by its president Barbara Beno.
- **Destabilizing Public Education through Manufactured Accreditation Crises?**
An organization called the Committee for Higher Education Accreditation (CHEA), headed by Judith Eaton, is a stakeholder organization supported by 3,000 colleges and universities to monitor accreditation issues. Dr. Eaton discusses the efforts by Margaret Spellings (then Bush’s Secretary of Education, now the director of the education arm of the US Chamber of Commerce) to use accreditation as a lever to further the interests of private industry. Spellings had to desist when the 2006 mid-term elections blocked her efforts. Eaton says that regrettably the Obama administration has continued in a similar vein.²¹

This is not to say that public institutions do not have serious problems, which must be addressed. The

¹⁹ Usher, Alexandra. “AYP Results for 2010-11—November 2012 update.” Center on Education Policy.

²⁰ The article listed is by Josh Keller in the Chronicle of Higher Education of 08.31.2010. Non-subscribers may access the entire article in the following compilation: <http://ceea.ier.edu.vn/thong-bao-tin-tuc/tin-tuc-bang-tieng-anh/322-accreditor-of-california-colleges-lacks-conflict-of-interest-protections-federal-review-says>

Additional background may be found on the Community College Chancellor’s Office website and the City College of San Francisco Accreditation page.

²¹ Eaton, Judith. “Accreditation and the Federal Future of Higher Education.” *Academe*. available at <http://aaup.org/article/accreditation-and-federal-future-higher-education#.UQrcH470KCg>

question is whether accreditation is being used *not* for educational improvement, but instead to disrupt and destabilize public education and promote for-profit “solutions.”

St. Louis, Missouri: An Accreditation Crisis being used for a Privatization Agenda?

In 2007, the St. Louis public school system was dis-accredited. The inner city district had a long history of segregation and unequal investment. After the dis-accreditation, charter schools began proliferating throughout St. Louis.

In December of 2012, a state senator, Jane Cunningham, received a \$50,000 donation from billionaire voucher supporter Rex Sinquefeld, according to her report to the Missouri Ethics Commission. Shortly thereafter, Cunningham put forward legislation for three “solutions” favored by private interests: more charter schools; distance learning; and a private voucher program, whereby companies or rich individuals could give up to \$40 million to a “passport scholarship program” to support private schools, and then receive a sixty percent tax credit. Such programs are increasingly used to subsidize segregated private schools with publicly funded tax credits, and to siphon off funds from public education.

Harsh Accreditation for Public Community Colleges, and De-regulation for For-profit Career Colleges?

In 2008, US Senator Tom Harkin issued the first of two 1,000-page reports detailing the fraudulent and abusive practices of the career college industry. The Government Accounting Office also issued two damning reports. In the wake of the first Harkin Report, “the Obama administration proposed new restrictions to cut off the huge flow of federal aid to unfit programs...Rattled by the administration’s tough talk, the career colleges spent more than \$16 million” [during 2010], on an unprecedented lobbying campaign... “Industry advocates met more than two dozen times with White House and Education Department officials, including education Secretary Arne Duncan...”²² The career colleges hired as lobbyists¹⁴ former members of Congress, including former Democratic House leader Dick Gephardt, as well as former staffers from the US DOE and the education oversight committees on Capitol Hill.²³

At the conclusion of the career college lobbying campaign, the US DOE issued a 436-page statement of watered down rules that Jose Cruz, vice president of the Education Trust, called “little more than an a la carte menu of ways these institutions can game the system.”²⁴ In an interview with the *New York Times*, US Secretary of Education Arne Duncan issued a kind of closing statement: “as a country, we need this [for profit] sector to succeed.” Dr. Cruz replied that this “troubling statement ... makes clear the point of view the administration took in finalizing these [weak] regulations. America does *not* need this

²² Lichtblau, Eric. “With lobbying blitz, for-profit colleges diluted new rules.” *New York Times*, Dec. 9, 2011. This is an extremely important article.

²³ Kirkham, Chris. “Battle for influence in Washington.” *Huffington Post*, April 25, 2011. This is an extremely important article.

²⁴ Press release from the Education Trust, Jose Cruz, Vice President of the Education Trust, on the ‘Gainful Employment’ Regulation, June 2, 2011.

sector to succeed... Regulation designed for the success of the sector won't help our students, our economy or our democracy."²⁵

- Michael Collins, a foremost national spokesperson for the for-profit career colleges,²⁶ praises Ralph Wolff, the long-time director of higher education at WASC, the ACCJC's parent organization.²⁷ Says Collins: "If I could wave a magic wand, I would give more power to innovative accreditors like Dr. Ralph Wolff at WASC... on the front lines intervening, interacting, innovating, instituting, and providing a 'get it done' atmosphere for educators. Give [people like Ralph Wolff] more resources and more power...."²⁸
- The harsh accreditation posture of ACCJC seems to emanate not mainly from ACCJC's president Barbara Beno, but from the US Department of Education (DOE).²⁹ At a public meeting at City College, Beno said that the strict accreditation process on view at City College is driven by standards coming from the DOE in Washington DC. To paraphrase: "I know, I know: the standards keep going up, but the resources keep going down. It isn't me, it's Washington, DC." The ACCJC newsletter of Feb. 2011 says that standards have "input from the US DOE that reflect Congressional guidelines and expectations... these federal requirements are increasingly more rigorous."^{30 31}
- We know that the extremely high community college sanction rate in the California/Hawaii region does not apply to the for-profit colleges. The career colleges have qualitatively weaker graduation rates and other outcomes than the public community colleges, and their track record of fraud and abuse has been amply documented in 2000 pages of data from the Harkin Reports and the Government Accounting Office. The California Student Aid Commission had this to say about for-profit colleges, speaking particularly of on-line operations: "... **an emerging 'Wild West' of higher education – a frontier where anything goes and not much is regulated.**³²" Have the for-profit colleges lobbied successfully to create a parallel universe of *harsh regulation* aimed at the California community colleges, in contrast with *extremely light regulation* of the for-profits operating in California?

Going against the main trend of de-regulation of the for-profit career colleges, one very positive

²⁵ Press release from the Education Trust, Jose Cruz, Vice President of the Education Trust, on the 'Gainful Employment' Regulation, June 2, 2011.

²⁶ Collins is featured in the important Frontline documentary *College, Inc.*, about the for-profit colleges.

²⁷ Dr. Wolff recently announced his retirement on the WASC website.

²⁸ Coffee with Robert Shireman, an interview with Michael Collins

²⁹ Freedberg, Louis, [Accrediting agency under federal pressure to be tougher on community colleges](http://www.edsource.org/today/2012/accrediting-agency-under-federal-pressure-to-be-tougher-on-community-colleges), EdSource, December 2, 2012 <http://www.edsource.org/today/2012/accrediting-agency-under-federal-pressure-to-be-tougher-on-community-colleges>. This is an extremely important article.

³⁰ AACJC News, Feb. 2011.

³¹ Increasing federal accreditation rules are described by Judith S. Eaton, in *Accreditation and the Federal Future of Higher Education*, aap.org. Eaton is the president of the Council for Higher Education Accreditation, an association of 3000 colleges and universities monitoring accreditation issues. In 2008, the Higher Education Opportunity Act added 110 new rules or reporting obligations for higher education and accreditation. By May 2009, the Obama administration had added 29 more federal rules for higher education accreditation. More rule making took place in late 2009 and early 2010, resulting in a new wave of rules still being finalized.

³² California Student Aid Commission press advisory, February 14, 2012, CSAC to Examine Impact of "Wild West" Online Degrees on Cal Grants

development took place in July of 2012. The California Student Aid Commission decided to no longer give Cal Grants to for-profit colleges, because of their dismal outcomes and crushing student debt burdens. The for-profit colleges enroll one in ten college students in California, but had received more Cal Grant dollars from the state than all 110 community colleges combined.³³

- **The ACCJC is NOT “Our Peers:”**

The ACCJC’s history of high-handedness belies the claim that “the ACCJC is an institution of our peers,” made repeatedly by officials from interim Chancellor Pamela Fisher to system Chancellor Brice Harris.³⁴ Can you imagine any actual group of peers having the power to threaten to close a large public college that is almost eighty years old?

In an earlier period, accreditation was indeed a peer process aimed at improving educational quality, rather than the “compliance and punishment” mode now dominant in California. The claim that ACCJC is “your peers telling you that you have erred” disarms us from understanding the very real possibility of influence over the accreditation apparatus by for-profit entities including the career colleges and the student loan industry, resulting in a harsh accreditation regime leveled against public community colleges.

- **Influence or Regulatory Capture by Industry?**

Economists point to the problem of “regulatory capture”—meaning that private industries lobby to gain influence or control of the government agencies that are supposed to protect the public and regulate the industries. This widespread problem in our political system is why fracking—a process that injects millions of gallons of toxic chemicals into ground water—has been ruled ‘out of bounds’ for regulation by the Environmental Protection Agency. Regulatory capture is why fifty countries have labeling and restrictions on genetically modified organisms, but the US does not. Instead in the US, former executives of Monsanto lead the Food and Drug Administration and many of its sub-bureaus, giving a green light to GMOs, as disturbing research on their health effects continues to appear. Regulatory capture is why the US government blocks effective climate change regulation at the global level, even as ferocious storms devastate our own population.

We should not see regulatory capture as an “all or nothing” proposition, but rather as a process that unfolds over time, containing contradictory incidents. For example at the end of 2010, Congress killed major proposed new regulations of the for-profit colleges. In the same year, this or that specific career college may have been sanctioned for egregious violations. In his recent book *The Fine Print*, David Cay Johnston points out that lobbyists work over the long-term, advocating with agency staff to change a paragraph or a sentence each year, gradually moving regulations and standards in a direction beneficial to their industry. Lobbying organizations such as the US Chamber of Commerce or commercial entities such as the University of Phoenix also send their executives into government regulatory posts. Additionally, legislators or the staff of regulatory agencies who have “played ball” with industry may later leave government employment for lucrative careers in private industry. This is called “revolving door” appointments.

³³ Perez, Erica, Ca. weak on oversight of for-profit colleges, advocacy groups say, California Watch, Feb. 17, 2012

³⁴ “New state chancellor shares his vision for the future.” *California Teacher*. November/December 2012, p. 14

A list of sixteen examples of regulatory capture can be found on Wikipedia. While the concept of regulatory capture may be new, many of the examples will be familiar to people who follow the news.

We are not making a claim that the ACCJC has been the object of industry influence or regulatory capture by the career colleges, the student loan industry and other edu-corporations. Rather we are saying that—in view of the frequent occurrence of this problem in a money-soaked political system—this question deserves further investigation.

The Patchwork Quilt of the Accreditation World:

- There are three main actors in the complex and evolving quality assurance enterprise—federal government, state government and accrediting agencies. In turn there are three different types of accrediting agencies: national and regional institutional accreditors, and programmatic accreditors of specific professional programs (e.g. nursing, information technology, etc.). The responsibilities of various players are not fully clear, with both overlaps in responsibilities and gaps in which necessary responsibilities are not fully covered.³⁵ For a number of years, California had a weak and ineffective college regulatory bureau—the Bureau for Private Postsecondary Education-- and for two years under Gov. Arnold Schwarzenegger, no bureau at all. Gov. Schwarzenegger allowed the term of the previous regulator to expire and did not name a replacement.³⁶
- With a few exceptions, the for-profit career colleges are very lightly “regulated” mainly by *national accreditation agencies*, which confer accreditation on institutions. It is widely known that the industry has outsized influence in the North Central Regional Accreditation Agency in particular. The *regional accrediting agencies* cover public and private non-profit colleges and universities.

A research team working with Save CCSF/Fight Back prepared this background. It is a work in progress that will get deeper as the picture comes into clearer focus. We will make every effort to keep it current, to add to the citations and to do more research. Please send any feedback to Terence Yancey at kolsyk@gmail.com. February 2013.

³⁵ NACIQI, Report to the US Secretary of Education, Higher Education Act Reauthorization, Accreditation Policy Recommendations, April 2012

³⁶ Perez, Erica, California weak on oversight of for-profit colleges, advocacy groups say, California Watch, Center for Investigative Reporting, Feb. 17, 2012