

Accreditation Standards. It has also failed to implement the eight recommendations of the 2006 evaluation team, five of these eight were only partially addressed and three were completely unaddressed. The College is ... expected to fully address all of the recommendations ... before the next comprehensive evaluation ...” (Show Cause Letter, p. 2, emphasis added)

Four days later, in a press release posted on the Commission’s website, ACCJC reiterated CCSF’s “failings”:

“CCSF *failed to implement* the eight recommendations of the 2006 evaluation team, three being completely unaddressed.” (ACCJC Press Release, July 6, 2012).

In connection with the latter assertion, ACCJC had in 2012, treated these 2006 “recommendations” as concerning CCSF’s supposed *deficiencies* in satisfying ACCJC Standards. To do this, ACCJC rewrote history, as CCSF was *not* found by the Commission to be deficient in satisfying Standards in 2006, 2007, 2009, or even in 2010. We review the course of CCSF’s experience with ACCJC from 2006 until Show Cause status was issued.

### **1. The Reaffirmation of CCSF’s Accreditation in 2006**

CCSF had its accreditation reaffirmed during every comprehensive evaluation through 2006. Until 2012, it had never been sanctioned by ACCJC. In contrast, nearly every other Bay Area community college has been on sanction status for one or more years during the last 10 years alone.<sup>31</sup> CCSF’s status as one of California’s, and the nation’s, premier community colleges, had until the 2012 sanction, never been questioned by ACCJC.

CCSF therefore had a full reaffirmation of accreditation when it entered into its next comprehensive evaluation in 2005. As part of the reaffirmation process it submitted a lengthy “self study” to ACCJC. A 14-person team of educators, appointed by ACCJC,<sup>32</sup> visited CCSF in March 2006, and issued a lengthy report concerning CCSF in April 2006. Based on the “site visit team’s” evaluation and recommendations, ACCJC reaffirmed CCSF’s accreditation. The visiting team’s detailed report confirmed that they had not

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<sup>31</sup> See Attachment 3.A.

<sup>32</sup> The team was led by Dr. Constance Carroll, Chancellor of the San Diego Community College District. It also included four faculty, three vice presidents, one president, one trustee, and four other managers.

observed any *deficiencies* at CCSF:<sup>33</sup>

“The visiting team validated that *the college meets the eligibility requirements and complies with the standards of accreditation*, as required by [the ACCJC].” (March 19, 2006 evaluation team report, p. 4, emphasis added)<sup>34</sup>

The team recognized that CCSF was “one of the premier community colleges in the region,” and that the college’s activities surrounding the accreditation “reaffirmed the excellence of the college ...” (2006 Evaluation Team Report, p. 4.) The team also complimented the college’s “concerted effort to address the recommendations” of the 2000 accreditation evaluation team. (2006 Evaluation Team Report, p. 5)

The 2006 Evaluation Report “developed ... eight (8) recommendations intended to guide the college in *accomplishing certain goals and in assuring the high quality of its programs and services*. Recommendations #2, #3, and #4 are presented as overarching concerns that should receive the college’s focused attention and emphasis. The other[s] are also important ... to address ...” *Id.*, pp. 4-5. Recommendation #2 involved “Student Learning Objectives,” #3 involved “Financial Planning and Stability,” and #4 involved “Physical Facilities Contingency Plans.” Evaluation Team Report, p. 5.

The ACCJC, in a letter dated June 29, 2006, notified CCSF that its accreditation had been reaffirmed, with a requirement it complete a Progress Report and a Focused Midterm Report, which “should address all the team’s recommendations with special emphasis on” the three noted in Beno’s letter. <sup>35</sup> The progress report was to focus on

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<sup>33</sup> Had ACCJC identified deficiencies in 2006, it would have said so. ACCJC was and remains under a mandate, resulting from both Federal regulations and its own policies, to delineate when an institution has *deficiencies*. See 34 C.F.R. § 602.18(e) “The agency meets this requirement if the agency provides the institution or program with a detailed written report that **clearly identifies any deficiencies** in the institution’s or program’s **compliance with the agency’s standards**.” (Emphasis added.)

<sup>34</sup> For purposes of convenience, we refer to all cited evaluation team reports by the date of visit, hence the CCSF 2006 Evaluation Report of the team, for a visit occurring from March 19 - 23, 2006, is cited as the “March 19, 2006 Evaluation Report.”

<sup>35</sup> ACCJC has a “hierarchy” of accredited institution. Thus, as is evident from reading ACCJC’s “Policy on Commission Actions on Institutions”, when ACCJC reaccredits a college the accreditation is “reaffirmed,” and this reaffirmation can fall into any of three categories:

Recommendation #4, including reducing the percentage of its budget spent on salaries and benefits, and address funding for retiree health benefit costs.”<sup>36</sup>

Despite the indisputable absence of any findings of CCSF non-compliance with the Standards and Eligibility Requirements in 2006, or in any Commission actions between 2006 and 2012, the Commission’s July 2012 decision treated the recommendations made for quality improvement as *deficiencies*, and incorrectly alleged that the College had not adequately addressed these concerns. As will be evident, CCSF not only did do what was legitimately asked of it, but ACCJC acted in excess of its authority when treating the recommendations for “quality improvement” as mandatory, and using them as a large part of the justification for their decision to issue a show cause sanction on CCSF.

## 2. The Differences Between Deficiencies and Recommendations

To understand ACCJC’s mischaracterization, it is important to recognize that there are significant differences between *deficiencies* and *recommendations*. Deficiencies are characterized by a failure to comply with a Standard or Requirement. Recommendations made when deficiencies have not been found are *suggestions for quality improvement*, and do not reflect an institution’s failure to comply with any standards.<sup>37</sup> Here is the precise language of the Policy, which is the key to this distinction:

“The Commission also has the responsibility to communicate its findings derived from the site visit to the institution; ensure that the external Evaluation Report of

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- i) “Reaffirm accreditation”
  - ii) “Reaffirm accreditation, and request a Progress Report”
  - iii) “Reaffirm accreditation, and request a Progress Report with a visit”
- (See Policy on Commission Action on Institutions, section III - Handbook, 2005 ed., pp. 53-54, emphasis added)

CCSF’s June 2006 reaffirmation of accreditation required a “progress report,” but did not require a visit. Thus, CCSF was in the *second* category of reaffirmed institutions.

<sup>36</sup> As discussed later, salaries and benefits are a negotiable subject under State law, and the State has advised districts that they are not required to pre-fund retiree health benefits, but may address them on a pay-as-you-go basis. (See, e.g., Advisory memo, Attachment 3.B.)

<sup>37</sup> See “Rights and Responsibilities of ACCJC and Member Institutions in the Accrediting Process” 2011 Handbook, p. 103. The same distinction appears in the 2012 Handbook, at p. 115.