

U.S. Department of Education

**Staff Report
to the
Senior Department Official
on
Recognition Compliance Issues**

RECOMMENDATION PAGE

1. **Agency:** WASC Accrediting Commission For Community and Junior Colleges (1952/2008)

(The dates provided are the date of initial listing as a recognized agency and the date of the agency's last grant of recognition.)

2. **Action Item:** Compliance Report

3. **Current Scope of Recognition:** The accreditation and preaccreditation ("Candidate for Accreditation") of community and other colleges with a primarily pre-baccalaureate mission located in California, Hawaii, the United States territories of Guam and American Samoa, the Republic of Palau, the Federated States of Micronesia, the Commonwealth of the Northern Mariana Islands, and the Republic of the Marshall Islands, which offer certificates, associate degrees, and the first baccalaureate degree by means of a substantive change review offered by institutions that are already accredited by the agency, and such programs offered via distance education and correspondence education at these colleges. This recognition also extends to the Committee on Substantive Change of the Commission, for decisions on substantive changes, and the Appeals Panel.

4. **Requested Scope of Recognition:** The accreditation and preaccreditation ("Candidate for Accreditation") of community and other colleges in California, Hawaii, the United States territories of Guam and American Samoa, the Republic of Palau, the Federated States of Micronesia, the Commonwealth of the Northern Marianas, and the Republic of the Marshall Islands, which have as a primary mission the granting of associate degrees, but which may also award certificates and other credentials, including bachelor's degrees, where the provision of such credentials is within the institution's mission and, if applicable, is authorized by their governmental authorities, and the accreditation of such programs offered via distance education and correspondence education at these colleges. This recognition also extends to the Committee on Substantive Change of the Commission, for decisions on

substantive changes, and the Appeals Panel.

5. **Date of Advisory Committee Meeting:** December, 2015

6. **Staff Recommendation:** Department staff recommends that the agency be granted an extension of the continuation of its recognition, for good cause, and that the agency submit a compliance report within 12 months demonstrating its compliance with the Sections 602.18(e), 602.20(b), and 602.25(a-e).

Department staff also recommends a limitation of ACCJC's current recognition for accreditation of baccalaureate level programs through the substantive change process to exclude from recognition, for the duration of the good cause extension, any baccalaureate level programs not currently accredited.

Department staff recommends to deny the requested expansion of scope, except with respect to ACCJC institutions currently offering an accredited baccalaureate level degree program so as to permit these institutions to undergo renewal of accreditation using ACCJC's substantive change protocol for the baccalaureate program.

7. **Issues or Problems:** It does not appear that the agency meets the following sections of the Secretary's Criteria for Recognition. These issues are summarized below and discussed in detail under the Summary of Findings section.

-- The agency has not demonstrated that it has the experience necessary to grant the expansion of scope request. To request this expansion of scope in the future, the agency must demonstrate that it has developed a consistent, regular, and thorough process for the review and approval of baccalaureate degree programs - both via the substantive change process and comprehensive accreditation process. The agency also must revised its standards related to baccalaureate degree programs to ensure that they are comparable to commonly accepted standards and processes for ensuring quality in baccalaureate degree programs. [§602.12(b)]

-- To request this expansion of scope in the future, the agency must revise its curricula standards related to baccalaureate degree programs to ensure that they are comprehensive, sufficiently rigorous, and comparable to commonly accepted standards and processes for ensuring quality in baccalaureate degree programs. [§602.16(a)(1)(ii)]

-- To request this expansion of scope in the future, the agency must revise its faculty standards related to baccalaureate degree programs to

ensure that they are comprehensive, sufficiently rigorous, and comparable to commonly accepted standards and processes for ensuring quality in baccalaureate degree programs. [§602.16(a)(1)(iii)]

-- To request this expansion of scope in the future, the agency must revise its curricula standards related to baccalaureate degree programs to ensure that they are comprehensive and sufficiently rigorous for institutions to maintain baccalaureate degree requirements that at least conform to commonly accepted standards. [§602.17(a)]

-- The agency must demonstrate that it provides the institution with a detailed written report that clearly identifies any deficiencies in the institution's compliance with the agency's standards. [§602.18(e)]

-- The agency must provide documentation that it takes immediate adverse action if an institution does not bring itself into compliance within the specified period unless the agency, for good cause, extends the period for achieving compliance. [§602.20(b)]

-- The agency must demonstrate that it provides written specification of any deficiencies identified at the institution examined. [§602.25(a-e)]

EXECUTIVE SUMMARY

PART I: GENERAL INFORMATION ABOUT THE AGENCY

The Accrediting Commission for Community and Junior Colleges, Western Association of Schools and Colleges (ACCJC, commission or agency) is an institutional accreditor. The commission's institutions 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 nonprofit vocational institutions, and independent junior colleges.

The agency has approximately 130 accredited member institutions. The member institutions are located in California, Hawaii, the United States territories of Guam and American Samoa, the Republic of Palau, the Federated States of Micronesia, the Commonwealth of the Northern Mariana Islands, and the Republic of the Marshall Islands. The majority of the Commission's member institutions offer at least some courses via distance education delivery modes.

The agency's recognition enables its institutions to establish eligibility to receive Federal student assistance funding under Title IV of the Higher Education Act of 1965, as amended (Title IV). The agency must meet the Secretary's separate and independent requirements.

Recognition History

The agency was one of the three original commissions that made up the Western College Association (now the Western Association of Schools and Colleges), which was first recognized by the U.S. Commissioner of Education in 1952. In 1962, the Commissioner of Education recognized the present commission separately. Since that time, the agency has been periodically reviewed and has been granted continued recognition.

In late spring of 2013, the Department received a complaint from the California Federation of Teachers (CFT), as well as other interested parties, about ACCJC. The specific complaint was provided to ACCJC by the CFT at the same time as submitted to the Department. After ACCJC concluded its complaint process, Department staff investigated the complaint, to include a request for additional information from ACCJC, and provided its non-final analysis in a letter dated August 13, 2013. Although not final, the letter instructed ACCJC to take immediate steps to correct the areas of non-compliance identified, and to provide

its response to those areas within its response to the draft staff analysis of the agency's petition for recognition in September 2013. A review of the agency's corrective action and compliance with the cited sections were included within the December 2013 final staff report, which likewise did not reflect a final decision by the Department.

The agency came before the National Advisory Committee on Institutional Quality and Integrity (NACIQI or the Committee) in December 2013. Both NACIQI and Department staff recommended the continued recognition of the agency and that it come into compliance within 12 months and submit a compliance report on the deficient 15 sections of the Secretary's Criteria for Recognition. The senior Department official, Acting Assistant Secretary Brenda Dann-Messier, concurred with the recommendations, and found the agency out of compliance with 15 sections, granted continued recognition of the agency, and required that it come into compliance within 12 months and submit a compliance report. ACCJC disagreed with the findings in two sections (602.13 and 602.15(a)(3)) and appealed the decision regarding those sections to the Secretary. No decision on the appeal has been made.

This compliance report is in response to the finding by the senior Department official regarding the 13 sections of the Secretary's Criteria for Recognition that were not appealed by ACCJC.

In conjunction with agency's compliance report, Department staff reviewed the agency's request for an expansion of scope, supporting documentation, and observed an on-site evaluation and committee meeting in November 2015. The Department also received over 100 third-party written comments and 30 requests to make oral comments in connection with the agency's compliance report.

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

PART II: SUMMARY OF FINDINGS

§602.12 Accrediting Experience

(b) A recognized agency seeking an expansion of its scope of recognition must demonstrate that it has granted accreditation or preaccreditation covering the range of the specific degrees, certificates, institutions, and programs for which it seeks the expansion of scope.

(NOTE: Only recognized agencies seeking an expansion of scope need to respond.)

Previous issue: When the agency's petition was last reviewed in December 2013, Department staff found the agency did not demonstrate that its standards for accreditation and preaccreditation are sufficient to comprehensively evaluate baccalaureate level degree programs and are comparable to commonly accepted standards for ensuring quality in baccalaureate degree programs. The agency had only demonstrated review of a baccalaureate level degree program via the substantive change process.

Discussion: The recognition of ACCJC currently covers the preaccreditation and accreditation of community and other colleges with a primarily pre-baccalaureate mission, but to include the first baccalaureate degree offered by an accredited institution via the substantive change process, within its region and via distance education and correspondence education. The agency is requesting an expansion of its current scope to include the preaccreditation and accreditation of institutions that may offer baccalaureate degree level programs within its scope. Staff has reviewed the agency's request in the context of the applicable criteria, with the complete analysis included within this section. Other aspects are to be considered as they pertain to the agency's experience.

In response to the Department's findings, the agency submitted its revised eligibility requirements and standards which address baccalaureate level degree programs. The revisions to the eligibility requirements and standards include some of the review elements included within the agency's substantive change protocol for the addition of a baccalaureate program.

The agency also provided a comparison of its requirements for baccalaureate level degree programs to those at other regional accrediting agencies to demonstrate that its requirements are consistent with the common practices of the accreditation and higher education community. However, there are some significant elements that are part of the standards or other overall policies of other regional accrediting agencies that continue to only be required as part of ACCJC's substantive change protocol. For example, the agency includes the

specific general education requirements, level and rigor of upper division courses, and faculty qualifications for baccalaureate level degree programs within the substantive change protocol, but those specific requirements are not found specifically in the agency's standards or other overall policies that would be applicable during a preaccreditation or accreditation review of such programs.

The agency also provided documentation of its review of an institution that offers a baccalaureate program under its eligibility requirements and standards via its renewal of accreditation process. Specifically, the agency provided a self study, on-site evaluation team report, and commission action letter for the review of the institution and the baccalaureate level degree program using the revised eligibility requirements and standards. Although the agency included information and documentation reflecting awareness of the information it had received regarding a baccalaureate level degree program during an accreditation review, it is not clear that the evaluation team evaluated all areas expected for such a degree, such as the specific general education requirements, and the level and rigor of upper division courses within the baccalaureate level degree program.

With regard to the extent of the expansion request, the agency is requesting an expansion of scope to allow its accredited institutions with "a primary mission the granting of associate degrees, but which may also award certificates and other credentials, including bachelor's degrees, where the provision of such credentials is within the institution's mission and, if applicable, is authorized by their governmental authorities." It is not clear how a determination would be made by an institution or by the agency of whether the offering of multiple baccalaureate degrees would be "within the institution's mission" if its primary mission is granting associate degrees, or at what point the number of such degrees offered would result in a change in mission. It does not appear that the agency's standards, eligibility requirements, nor any other policies address this issue. The Department requires additional information concerning how the agency would make such a determination before final evaluation of the expansion of scope request can be made.

The agency has also still only provided documentation of the review and approval of one baccalaureate level degree program at an institution - either via the substantive change or accreditation review process. In addition, the supporting documentation provided related to government authorization reflects only the allowance for one baccalaureate level degree program at select California community colleges, and no plans to expand the baccalaureate offerings for the two institutions that have been previously approved for a baccalaureate level degree program via the substantive change process. The Department also notes that the Chancellor of the California Community Colleges, Dr. Brice Harris, provided a third-party comment on behalf of the Board of Governors, which is not supportive of the requested expansion of scope. Therefore, it is unclear that the expansion of scope to include more than one baccalaureate degree is desired by the agency's member institutions or warranted based on the review and documentation provided.

Analyst Remarks to Response:

In response to the draft staff analysis, the agency provided additional information and documentation to support its request for an expansion of scope to include baccalaureate degrees that are within an institution's mission and authorized by the applicable state agency.

For background, it is important to note the history related to the expansion of scope request. 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 3 of its accredited institutions in a "joint accreditation process" with the Western Association of Colleges and Schools, Accrediting Commission for Senior Colleges and Universities (ACSCU)(attachment). The agency ultimately was able to demonstrate compliance of an acceptable accreditation process for those programs through its substantive change protocol, but without an on-site review by the Department. 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.

As noted by the agency, the Department found in 2013 that ACCJC did not demonstrate that its standards were sufficient to comprehensively evaluate baccalaureate degree programs nor were comparable to commonly accepted standards for ensuring quality in baccalaureate degree programs, outside of the substantive change protocol. In addition, ACCJC did not demonstrate that it had conducted a review of a baccalaureate degree program within a comprehensive accreditation evaluation using the agency's standards.

The agency has renewed its request for an expansion of scope to include the preaccreditation and accreditation of institutions that may offer baccalaureate degree programs. However, based on the information and documentation provided, as well as an on-site observation by Department staff, it does not appear that the current ACCJC standards, policies and practices are as effective and developed as appeared during the 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.

Since the 2013 review, the Department expected that the agency would not only address the areas where the standards were deemed inadequate, outside the substantive change protocol, but also develop a consistent, regular, and

thorough process for the review and approval of baccalaureate degree programs - both via the substantive change process and comprehensive accreditation process. Based on the on-site observation by Department staff and information and documentation provided, that does not appear to have occurred.

Most specifically, the agency previously submitted documentation of its review of an institution that offers a baccalaureate program under its eligibility requirements and standards via its renewal of accreditation process. But that review did not demonstrate that the evaluation team evaluated all areas expected for such a degree, such as the specific general education requirements, and the level and rigor of upper division courses within the baccalaureate degree program. In response, the agency provided the same evaluation team report but with references to the agency's standards as related to baccalaureate degree programs. As noted previously, although the report includes the team observations on the baccalaureate degree in specific areas, it does not clearly demonstrate the team evaluated the information and made a determination as to the compliance with ACCJC standards. The agency also revisited the institution and provided a new review of the baccalaureate degree program (attachment). The new baccalaureate program report includes specific references and provides clear documentation that the evaluation team evaluated the information and made a compliance determination with specific ACCJC standards. However, the fact that the agency had to revisit the institution to provide a comprehensive review of the baccalaureate degree program demonstrates that the agency does not have a protocol in place to ensure the consistent, regular, and thorough review of such programs within a comprehensive accreditation review.

During the on-site observation of the Substantive Change Committee meeting, Department staff noted many procedural concerns by the members, such as the committee's own processes and procedures to ensure consistency and how to ensure the institutions and evaluation teams will be trained to meet the requirements expected at the comprehensive review. Specifically, the members were unsure of how to review specific areas, of what actions to take, whether the actions taken were consistent, what guidance to provide to institutions, what additional information to request, etc. Also, members would refer to California general education degree requirements (CSU or IGETC) when reviewing the baccalaureate degree programs, and often defer to those requirements without consideration of the ACCJC requirements, which appear to be more stringent, but which are also more applicable as the committee is expected to review on behalf of the commission. In addition, the members were very concerned about areas such as mission statement and general education requirements that they noted are not clearly defined in the comprehensive accreditation review process as applicable to baccalaureate degrees and that are not clear as to require specific information or evaluation required in that area. Based on Department staff observations, it does not appear that ACCJC at this time is prepared to deploy a systematic review process for evaluating the educational quality of baccalaureate degree programs on a broad scale.

The agency also states that it has demonstrated the experience in accrediting baccalaureate degree programs since 2013. This experience is limited to 2 complete substantive change reviews and 1 comprehensive review (which had to be completed twice to demonstrate that all areas were reviewed). The agency also states that several more comprehensive evaluations will occur in 2016, but as the baccalaureate degree programs at those institutions will not start until fall of 2016, the review will be limited.

Due to space limits, the analysis of the standards related to curricula and faculty are included in Sections 602.16(a)(1)(ii) and (iii), respectively.

With regard to the extent of the expansion of scope, the agency states that it has amended its bylaws to define how the agency would determine that the primary mission of an institution has not changed from granting associate degrees (attachment). These amendments appear to address the concern regarding the institution's primary mission with regards to degree level, but does not address the category of degrees, such as academic or career-technical (as referred to in the agency's narrative).

§602.16 Accreditation and preaccreditation standards

(a) The agency must demonstrate that it has standards for accreditation, and preaccreditation, if offered, that are sufficiently rigorous to ensure that the agency is a reliable authority regarding the quality of the education or training provided by the institutions or programs it accredits. The agency meets this requirement if -

(1) The agency's accreditation standards effectively address the quality of the institution or program in the following areas:

(i) 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 examination, and job placement rates.

Previous issue: When the agency's petition was last reviewed in December 2013, Department staff found the agency had student achievement standards and policies in place; however it did not provide documentation to demonstrate that it made a judgment about the appropriateness of the measures of student achievement chosen by its institutions. In addition, the agency did not provide documentation of the training or guidance to evaluation teams or institutions regarding the expectations for compliance with regard to the agency's student

achievement standards.

Discussion: In response to the Department's findings, the agency provided information and documentation of the training and guidance provided to evaluation teams and institutions regarding the expectations regarding the review of institution-set standards for student achievement. Specifically, the agency provided written materials (manuals, checklists, charts and handouts) that are used in both training for development of self-studies by institutions and evaluation team member training to provide clear expectations of the development and use of institution-set measures of student achievement by the institution and the resulting data, and assessment of such measures and data by the evaluation team.

The agency also provided examples of commission action letters, evaluation team reports, self-studies, and annual reports that reflect an assessment of the institutionally-established measures of student achievement and the resulting data. These examples include institutions that the agency found both met the standards and did not meet the standards with regards for student achievement, and therefore demonstrate that the agency makes a judgment about the appropriateness of the measures of student achievement chosen by an institution.

(a)(1)(ii) Curricula.

Previous issue: When the agency's petition was last reviewed in December 2013, Department staff found the agency's standards related to curricula were not sufficiently rigorous to ensure that the agency is a reliable authority regarding the quality of the baccalaureate level education provided by the institutions it accredits.

Discussion: In response to the Department's findings, the agency submitted its revised eligibility requirements and standards which address baccalaureate level degree programs. The revisions to the eligibility requirements and standards include some of the review elements included within the agency's substantive change protocol for the addition of a baccalaureate program.

The agency provided a comparison of its requirements for baccalaureate level degree programs to those at other regional accrediting agencies to demonstrate that its requirements are consistent with the common practices of the accreditation and higher education community. However, there are some significant elements that are part of the standards or other overall policies of other regional accrediting agencies that continue to only be required as part of ACCJC's substantive change protocol. For example, the agency includes the specific general education requirements and level and rigor of upper division courses for baccalaureate level degree programs within the substantive change protocol, but those specific requirements are not found specifically in the agency's standards or other overall policies that would be applicable during a

preaccreditation or accreditation review of such programs.

The agency also provided documentation of its review of an institution that offers a baccalaureate program under its eligibility requirements and standards via its renewal of accreditation process. Specifically, the agency provided a self study, on-site evaluation team report, and commission action letter for the review of the institution and the baccalaureate level degree program using the revised eligibility requirements and standards. Although the agency included information and documentation reflecting awareness of the information it had received regarding a baccalaureate level degree program during an accreditation review, it is not clear that the evaluation team evaluated all areas expected for such a degree, such as the specific general education requirements, and the level and rigor of upper division courses within the baccalaureate level degree program.

Analyst Remarks to Response:

In response to the draft staff analysis, the agency continues to state that the ACCJC accreditation standards, revised 2014, represent the same level and rigor of expectations for baccalaureate degree programs to those at other regional accrediting agencies. The agency also stated and provided documentation that it revised the review criteria for comprehensive accreditation reviews to include specific questions regarding faculty qualifications, general education, and rigor and degree programs.

Department staff found in the draft staff analysis that the specific requirements related to faculty qualifications, general education, and rigor and degree programs continue to be included within the substantive change protocol and not within the agency's standards or other overall policies, as documented in the agency's own comparison of its requirements for baccalaureate level degree programs to those at other regional accrediting agencies.

With regards to the documentation of its review of an institution that offers a baccalaureate program under its eligibility requirements and standards via its renewal of accreditation process, the agency states that the evaluation team evaluated all areas expected for such a degree, such as the specific general education requirements, and the level and rigor of upper division courses within the baccalaureate level degree program, but that the report did not clearly reflect that. Therefore, the agency revisited the institution and provided a new review of the baccalaureate degree program (see attachment). The new on-site evaluation report appears to include the evaluation for all areas expected for a baccalaureate degree program. However, the fact that the agency had to revisit the institution to provide a comprehensive review of the baccalaureate degree program demonstrates that the agency does not have a protocol in place to ensure the consistent, regular, & thorough review of the curricula of such programs within a comprehensive accreditation review.

With regards to the standards, the agency stated and provided documentation that it revised the review criteria for comprehensive accreditation reviews to include specific questions regarding faculty qualifications, general education,

and level and rigor of degree programs. However, that revision does not address the concern that the specific requirements related to those areas continue to be included within the substantive change protocol and not within the agency's standards or other overall policies, as documented in the agency's own comparison of its requirements for baccalaureate level degree programs to those at other regional accrediting agencies.

(a)(1)(iii) Faculty.

Previous issue: When the agency's petition was last reviewed in December 2013, Department staff found the agency's standards related to faculty were not sufficiently rigorous to ensure that the agency is a reliable authority regarding the quality of the baccalaureate level education provided by the institutions it accredits.

Discussion: In response to the Department's findings, the agency submitted its revised eligibility requirements and standards which address baccalaureate level degree programs. The revisions to the eligibility requirements and standards include some of the review elements included within the agency's substantive change protocol for the addition of a baccalaureate program.

The agency provided a comparison of its requirements for baccalaureate level degree programs to those at other regional accrediting agencies to demonstrate that its requirements are consistent with the common practices of the accreditation and higher education community. However, there are some significant elements that are part of the standards or other overall policies of other regional accrediting agencies that continue to only be required as part of ACCJC's substantive change protocol. For example, the agency includes the specific faculty qualifications for baccalaureate level degree programs within the substantive change protocol, but those specific requirements are not found specifically in the agency's standards or other overall policies that would be applicable during a preaccreditation or accreditation review of such programs.

The agency also provided documentation of its review of an institution that offers a baccalaureate program under its eligibility requirements and standards via its renewal of accreditation process. Specifically, the agency provided a self study, on-site evaluation team report, and commission action letter for the review of the institution and the baccalaureate level degree program using the revised eligibility requirements and standards. Although the agency's standards do not clearly address the requirements for faculty at the baccalaureate degree level, the information and documentation provided of the review of a baccalaureate level degree program during an accreditation review includes the review and assessment of faculty qualifications at that level.

Analyst Remarks to Response:

In response to the draft staff analysis, the agency continues to state that the ACCJC accreditation standards, revised 2014, represent the same level and rigor of expectations for baccalaureate degree programs to those at other regional accrediting agencies. The agency also stated and provided documentation that it revised the review criteria for comprehensive accreditation reviews to include specific questions regarding faculty qualifications.

Department staff found in the draft staff analysis that the specific requirements related to faculty qualifications continue to be included within the substantive change protocol and not within the agency's standards or other overall policies, as documented in the agency's own comparison of its requirements for baccalaureate level degree programs to those at other regional accrediting agencies.

With regards to the standards, the agency stated and provided documentation that it revised the review criteria for comprehensive accreditation reviews to include specific questions regarding faculty qualifications, general education, and level and rigor of degree programs. However, that revision does not address the concern that the specific requirements related to those areas continue to be included within the substantive change protocol and not within the agency's standards or other overall policies, as documented in the agency's own comparison of its requirements for baccalaureate level degree programs to those at other regional accrediting agencies.

§602.17 Application of standards in reaching an accrediting decision.

The agency must have effective mechanisms for evaluating an institution's or program's compliance with the agency's standards before reaching a decision to accredit or preaccredit the institution or program. The agency meets this requirement if the agency demonstrates that it--

(a) Evaluates whether an institution or program--

- (1) Maintains clearly specified educational objectives that are consistent with its mission and appropriate in light of the degrees or certificates awarded;**
 - (2) Is successful in achieving its stated objectives; and**
 - (3) Maintains degree and certificate requirements that at least conform to commonly accepted standards;**
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Previous issue: When the agency's petition was last reviewed in December 2013, Department staff found the agency had not demonstrated its assessment of qualitative and quantitative program effectiveness and student outcomes measures at its accredited institutions. The agency also had 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 level degree programs.

Discussion: In response to the Department's findings, the agency provided examples of commission action letters, evaluation team reports, self-studies, and annual reports that reflect an assessment of the institutionally-established measures of student achievement and the resulting data. These examples include institutions that the agency found both met the standards and did not meet the standards with regards for student achievement, and therefore demonstrate that the agency evaluates an institution on its maintenance of clearly specified educational objectives that are consistent with its mission and appropriate in light of the credentials awarded.

As noted in Section 602.(a)(1)(ii), the agency has not demonstrated that its standards related to curricula are sufficient to comprehensively evaluate baccalaureate level degree programs and conform to commonly accepted standards for ensuring quality in such programs.

Analyst Remarks to Response:

In response to the draft staff analysis, the agency continues to state that the ACCJC accreditation standards, revised 2014, represent the same level and rigor of expectations for baccalaureate degree programs to those at other regional accrediting agencies. The agency also stated and provided documentation that it revised the review criteria for comprehensive accreditation reviews to include specific questions regarding faculty qualifications, general education, and rigor and degree programs.

As noted in Section 602.16(a)(1)(ii), the agency has not demonstrated that its standards related to curricula are sufficient to comprehensively evaluate baccalaureate level degree programs and conform to commonly accepted standards for ensuring quality in such programs. Therefore, the agency has not demonstrated that its standards ensure that institutions maintain baccalaureate degree requirements that at least conform to commonly accepted standards.

(f) Provides the institution or program with a detailed written report that assesses--

(1) The institution's or program's compliance with the agency's standards, including areas needing improvement; and

(2) The institution's or program's performance with respect to

student achievement; and

Previous issue: When the agency's petition was last reviewed in December 2013, Department staff found the agency provided its revised policies and commission action letter and evaluation team templates to delineate between areas of non-compliance and areas for improvement; however, the agency did not provide complete documentation of implementation of the new policies and templates. The agency also did not demonstrate that the detailed written reports provided an assessment of the institution's performance with respect to student achievement.

Discussion: In response to the Department's findings, the agency provided examples of commission action letters and evaluation team reports that reflect the delineation between areas of non-compliance and areas for improvement, and therefore demonstrate that the agency provides the institution with a detailed written report that assesses the institution's compliance with the agency's standards, including areas needing improvement.

The agency also provided examples of commission action letters, evaluation team reports, self-studies, and annual reports that reflect an assessment of the institutionally-established measures of student achievement and the resulting data, and therefore demonstrate that the agency provides the institution with a detailed written report that assesses the institution's performance with respect to student achievement.

§602.18 Ensuring consistency in decision-making

The agency must consistently apply and enforce standards that respect the stated mission of the institution, including religious mission, and that ensure that the education or training offered by an institution or program, including any offered through distance education or correspondence education, is of sufficient quality to achieve its stated objective for the duration of any accreditation or preaccreditation period granted by the agency. The agency meets this requirement if the agency--

(e) 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.

Previous issue: When the agency's petition was last reviewed in December 2013, Department staff found the agency provided its revised policies and commission action letter and evaluation team templates to clearly delineate between areas of non-compliance and areas for improvement; however, the agency did not provide complete documentation of implementation of the new

policies and templates.

Discussion: In response to the Department's findings, the agency provided examples of commission action letters and evaluation team reports that reflect the clear delineation between areas of non-compliance and areas for improvement in the structure of those letters and reports. However, the language in the commission action letters regarding the follow-up of the areas for improvement does not provide such clarity. Specifically in one of the letters, under the heading "Improvement of Institutional Effectiveness", the commission includes the language "The College should plan to fully address all improvement recommendations in the Midterm Report." This reporting requirement reflects an area of non-compliance, not an area of improvement. Lack of clarity has 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.

Based on the documentation provided, the agency has not demonstrated that it provides the institution with a detailed written report that clearly identifies any deficiencies in the institution's compliance with the agency's standards.

Analyst Remarks to Response:

In response to the draft staff analysis, the agency states that the expectation for institutions to address recommendations for improvement within the midterm report is not incongruent with the requirements of this section. Specifically, the agency states that although the reporting expectation for an improvement recommendation does not indicate a compliance concern, if not addressed, it could in the future.

The agency also provided additional information and documentation to state that the failure of an institution to follow a recommendation would not automatically become a noncompliance issue. The agency states that an institution can address an improvement recommendation through documenting its serious consideration and action, if necessary. However, the very requirement that the institution must report on the recommendation for improvement reflects the agency's need to 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 that clearly identifies any deficiencies in the institution's compliance with the agency's standards.

§602.19 Monitoring and reevaluation of accredited institutions and programs.

(b) The agency must demonstrate it has, and effectively applies, a set of monitoring and evaluation approaches that enables the agency to identify problems with an institution's or 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 §602.16(f). This provision does not require institutions or programs to provide annual reports on each specific accreditation criterion.

Previous issue: When the agency's petition was last reviewed in December 2013, Department staff found the agency has multiple monitoring approaches and provided information and documentation of the implementation of most of those approaches. However, the agency did not provide information or documentation to demonstrate that it requires additional information from an institution when student achievement data, or any other key data or indicators do not meet the agency's standards, nor the review and/or action taken by the commission as a result of the review of an annual report.

Discussion: In response to the Department's findings, the agency provided additional information and documentation concerning the review of student achievement data. However, the agency states that the review of measures of student achievement only occurs during the accreditation process, and that the review of the annual reports is postponed until the renewal of accreditation process, when student achievement is evaluated by the site visit team and the commission. The agency provided documentation of the review of annual reports occurring within the renewal of accreditation process.

This section of the criteria requires an agency to demonstrate it has, and effectively applies, a set of monitoring and evaluation approaches that enables the agency to identify problems with an institution's continued compliance with agency standards. 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 §602.16(f).

The information and documentation provided within this compliance report indicates that although the agency requires the submission of annual reports, which include specific compliance areas, to include student achievement and student learning outcomes data, those reports are not analyzed for continued compliance with the agency standards at the time of submission, but at the time of the institution's next accreditation review. The required submission of an annual report, but review and action at an accreditation review at some later time, does not meet the required monitoring and evaluation approaches of this section.

Department staff notes that within the petition reviewed in December 2013, the agency stated that "the staff monitors the institution's responses for trigger points such as gross variations from the norm in student achievement numbers,

inadequate levels of student learning outcomes assessment, large increases in headcount enrollment, missing information or late report filing, and other factors" from the annual report. The agency also stated that staff may request additional information from institutions. Department staff is confused based on the information and documentation provided in the previous petition versus the information and documentation submitted in this compliance report concerning the review of annual reports and the agency's effective application of those reports.

Therefore, the agency has failed to provide information and documentation to demonstrate that it requires additional information from an institution when student achievement data, or any other key data or indicators do not meet the agency's standards, or the review and/or action taken by the commission as a result of the review of an annual report.

Analyst Remarks to Response:

In response to the draft staff analysis, the agency provided information and documentation to 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 continued compliance with agency standards. Specifically, the agency clarified that the previous information and documentation was provided to demonstrate commission action based on its monitoring activities, not to indicate a review process different than previously described and documented. The agency also provided documentation that it requires additional information from an institution when student achievement data, or any other key data or indicators, do not meet the agency's standards.

§602.20 Enforcement of standards

(a) If the agency's review of an institution or program under any standard indicates that the institution or program is not in compliance with that standard, the agency must--

(1) Immediately initiate adverse action against the institution or program; or

(2) Require the institution or program to take appropriate action to bring itself into compliance with the agency's standards within a time period that must not exceed--

(i) Twelve months, if the program, or the longest program offered by the institution, is less than one year in length;

(ii) Eighteen months, if the program, or the longest program offered by the institution, is at least one year,

but less than two years, in length; or

(iii) Two years, if the program, or the longest program offered by the institution, is at least two years in length.

Previous issue: When the agency's petition was last reviewed in December 2013, Department staff found the agency has a written policy that provides a time period of two years for an institution to return to compliance; however, the agency did not demonstrate that it consistently enforces the time period to return to compliance with its standards.

Discussion: In response to the Department's findings, the agency provided examples of full cycles of review of institutions that were not under any sanction by the agency and that the enforcement time period was in effect. Those examples demonstrate that the agency consistently enforces the time period to return to compliance with its standards.

(b) If the institution or program does not bring itself into compliance within the specified period, the agency must take immediate adverse action unless the agency, for good cause, extends the period for achieving compliance.

Previous issue: When the agency's petition was last reviewed in December 2013, Department staff found the agency had a written internal policy concerning the circumstances under which a good cause extension could be granted; however, the agency did not provide documentation that it met the requirements of this section, specifically that the agency took an immediate adverse action if an institution does not bring itself into compliance within the specified period unless the agency, for good cause, extends the period for achieving compliance.

Discussion: In response to the Department's findings, the agency stated that it provided the only two examples of good cause extensions since December 2013, with only one of which having completed its evaluation cycle. For that example, it is not clear based on the commission action letters provided (February 7, 2014 and February 6, 2015) that a good cause extension was granted. In the February 7, 2014, letter, the agency notified the institution that it has continued deficiencies and must resolve the deficiencies by October 2014. In the February 6, 2015, letter, the agency notified the institution that it has resolved its deficiencies based on a follow-up report and an on-site evaluation in November 2014, which was reviewed by the commission in January 2015. The agency must clearly communicate to an institution whether it has been granted an extension for good cause or not, if it does not take immediate adverse action

as required by this criterion.

For the other example provided, the agency provided the information and documentation concerning the other institution which has been granted a good cause extension, but is still within its evaluation cycle. The agency stated that no other institutions have failed to return to compliance within the specified time period, and therefore, could not provide additional documentation to demonstrate compliance.

Analyst Remarks to Response:

In response to the draft staff analysis, the agency states that the complete cycle example provided previously to document the agency's use of a good cause extension demonstrates that it meets the requirements of this regulation. Department staff does not agree.

The agency notes that its February 7, 2014. letter to the institution includes the following statement:

'Please note that under U.S. Department of Education regulations, when an institution is out of compliance with Standards, the Commission "must immediately initiate adverse action against the institution or require the institution to take appropriate action to bring itself into compliant with the agency's standards within a time period that must not exceed...two years." [The] College must fully resolve the noted deficiencies by October 2014.'

This statement and its citation are relevant to Section 602.20(a), which set forth the federal requirements concerning enforcement timelines, but does not address this section and its requirements with regard to the use of a good cause extensions for an institution that does not bring itself into compliance within the specified time period.

Also in its response, the agency provided a detailed narrative of the compliance timeline for the institution to support that the deadline noted in the February 7, 2014, letter was a good cause extension. Although that information is helpful in the review of this section, it is not included in the February 7, 2014, letter nor any other documentation to clearly document the timeline of commission's actions for the institution's record. The lack of such compliance information undermines the agency's use of its good cause language ("The time to correct the deficiencies noted in Recommendations 3 and 4 has been extended for cause.") as there is no way to know, based on the documentation, what the original time period to return to compliance was nor what the good cause extension would cover. Therefore, this example does not demonstrate the agency's compliance with federal regulations with regards to enforcement timelines and actions.

As noted in the draft staff analysis, the agency provided the information and documentation concerning the other institution which has been granted a good cause extension, but it was still within its evaluation cycle. As there was no conclusion yet, and the agency indicated that it had no other opportunities to apply its policy, there was no additional information that the agency could

provide to demonstrate compliance at that time.

§602.21 Review of standards.

(c) If the agency determines, at any point during its systematic program of review, that it needs to make changes to its standards, the agency must initiate action within 12 months to make the changes and must complete that action within a reasonable period of time. Before finalizing any changes to its standards, the agency must--

(1) Provide notice to all of the agency's relevant constituencies, and other parties who have made their interest known to the agency, of the changes the agency proposes to make;

(2) Give the constituencies and other interested parties adequate opportunity to comment on the proposed changes; and

(3) Take into account any comments on the proposed changes submitted timely by the relevant constituencies and by other interested parties.

Previous issue: When the agency's petition was last reviewed in December 2013, Department staff found the agency provided information and documentation that its standards review process meets the requirements of this section; however, the agency could not provide documentation of the review and adoption by the commission to demonstrate that the standards review process occurred within a reasonable period of time as the review was in process.

Discussion: In response to the Department's findings, the agency provided documentation of the review and adoption of the revised standards by the commission in June 2014, which demonstrated that the standards review process occurred within a reasonable period of time.

§602.25 Due process

The agency must demonstrate that the procedures it uses throughout the accrediting process satisfy due process. The agency meets this requirement if the agency does the following:

(a) Provides adequate written specification of its requirements, including clear standards, for an institution or program to be accredited or preaccredited.

(b) Uses procedures that afford an institution or program a reasonable period of time to comply with the agency's requests for information and documents.

(c) Provides written specification of any deficiencies identified at the institution or program examined.

(d) Provides sufficient opportunity for a written response by an institution or program regarding any deficiencies identified by the agency, to be considered by the agency within a timeframe determined by the agency, and before any adverse action is taken.

(e) Notifies the institution or program in writing of any adverse accrediting action or an action to place the institution or program on probation or show cause. The notice describes the basis.

Previous issue: When the agency's petition was last reviewed in December 2013, Department staff found the agency provided its revised policies and commission action letter and evaluation team templates to clearly delineate between areas of non-compliance and areas for improvement; however, the agency did not provide complete documentation of implementation of the new policies and templates.

Discussion: In response to the Department's findings, the agency provided examples of commission action letters and evaluation team reports that reflect the clear delineation between areas of non-compliance and areas for improvement in the structure of those letters and reports. However, the language in the commission action letters regarding the follow-up of the areas for improvement does not provide such clarity. Specifically in one of the letters, under the heading "Improvement of Institutional Effectiveness", the commission includes the language "The College should plan to fully address all improvement recommendations in the Midterm Report." This reporting requirement reflects an area of non-compliance, not an area of improvement. Lack of clarity has 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.

Therefore, the agency has not demonstrated that it provides written specification of any deficiencies identified at the institution examined.

Analyst Remarks to Response:

In response to the draft staff analysis, the agency states that the expectation for institutions to address recommendations for improvement within the midterm report is not incongruent with the requirements of this section. Specifically, the agency states that although the reporting expectation for an improvement recommendation does not indicate a compliance concern, if not addressed, it could in the future.

The agency also provided additional information and documentation to state that the failure of an institution to follow a recommendation would not automatically become a noncompliance issue. The agency states that an institution can address an improvement recommendation through documenting its serious consideration and action, if necessary. However, the very requirement that the institution must report on the recommendation for improvement reflects the agency's need to follow-up on the issue and would indicate a deficiency. Therefore, the agency has not demonstrated that it provides written specification of any deficiencies identified at the institution examined.

§602.26 Notification of accrediting decisions

(b) Provides written notice of the following types of decisions to the Secretary, the appropriate State licensing or authorizing agency, and the appropriate accrediting agencies at the same time it notifies the institution or program of the decision, but no later than 30 days after it reaches the decision:

(1) A final decision to place an institution or program on probation or an equivalent status.

(2) A final decision to deny, withdraw, suspend, revoke, or terminate the accreditation or preaccreditation of an institution or program;

(3) A final decision to take any other adverse action, as defined by the agency, not listed in paragraph (b)(2) of this section;

Previous issue: When the agency's petition was last reviewed in December 2013, Department staff found the agency provided its revised policy regarding the same time notification of negative decisions to the Secretary and the other entities required by this section; however, the agency did not provide documentation to demonstrate that the notification occurs at the same time the agency notifies the institution.

Discussion: In response to the Department's findings, the agency provided documentation of the same time notifications made to the Secretary and the

other entities required by this section in July 2014 and January 2015.

PART III: THIRD PARTY COMMENTS

Staff Analysis of 3rd Party Written Comments

Over 100 written third-party comments and 32 requests to make oral comments were received regarding this agency. All of the comments submitted, except for two, were against the agency.

Most of the comments are related and from individuals in the San Francisco community in regards to the accreditation review of Community College of San Francisco (CCSF). The roles of the commenters range from CCSF faculty and current students to former students and faculty and the general public, all from a wide range of occupations.

Almost all of the comments cite Section 602.13 and many cite or reference Section 602.15(a)(3), which are not under review in this compliance report. Although the agency was found to be out of compliance in those sections by Department staff, the NACIQI and the senior Department official in conjunction with the petition review in December 2013, the agency has appealed that decision to the Secretary. **The appeal remains pending with the Secretary, therefore those sections cannot be reviewed or analyzed within this compliance report, nor can supporting documentation, such as the Task Force on Accreditation report from the Office of the State Chancellor for Community Colleges in California, be reviewed.**

Besides the individual commenters, there were comments from two faculty senates for California institutions, three faculty organizations at California institutions, four California-wide faculty organizations, and one national faculty organization. There were also comments from two California community college district board of trustees, of which one was a comment in favor of the agency.

Almost all of the comments question whether ACCJC is a reliable authority regarding the quality of education offered by the institutions accredited by them, and many requested that the Department remove the agency from the list of nationally recognized accrediting agencies. Department staff review of the agency's compliance report revealed areas where the agency still does not meet the regulatory requirements; however most of those areas relate to the requested expansion of scope, which Department staff has recommended to deny. The other areas relate to discreet instances of non-compliance regarding written communication that Department staff believes the agency can provide supplemental information and documentation to demonstrate compliance. Therefore, Department staff does not recommend denial of recognition in this report.

Some of the comments referenced areas that were reviewed and addressed in the December 2013 petition review process, such as conflict of interest issues and policies, and evaluation in light of institutional mission. In those areas, the agency has made the required changes and revisions and the commenters did not provide new information or documentation to demonstrate a failure by the agency to implement those changes.

The commenters questioned the agency's compliance with the Secretary's Criteria for Recognition in areas related to expansion of scope, accreditation standards, mission & objectives, clearly notification of deficiencies, enforcement action, and due process. The Department has noted in this analysis that it has continued concerns related to these issues in Sections 602.12(b), 602.16(a), 602.17(a), 602.18(e), 602.20(b), and 602.25(a-e).

The commenters also raised compliance concerns in areas not under review within this compliance report. Due to the limited scope of the compliance report review, those issues are not covered. However, Department staff is reviewing that information and documentation for non-compliance and would initiate an alternate process for review, if warranted.

With regard for compliance with State laws, it is not the role of the Department to interpret State laws or enforce them. As an independent, voluntary, membership organization, the agency makes its own standards and policies, as approved by its members. In addition, the HEA allows for ACCJC to adopt standards not provided for in the Federal law.

Agency Response to 3rd Party Comments

As noted by the Department staff, much of the third party comment comes from individuals in the San Francisco community, employees and students of City College of San Francisco, or organizations and individuals in support of CCSF. The third party comments largely raise concerns about issues that were fully addressed or resolved during the 2013 ACCJC recognition review, or separate issues that are not within the scope of the current Department and NACIQI review.

Some of the commenters mention issues that fall within Sections 602.12(b), 602.16(a), 602.17(a), 602.18(e), 602.20(b), and 602.25(a-e). However, most are issues which were evaluated and for which ACCJC was found in compliance during the 2013 Recognition Review Process. The issues of noncompliance in regulations being evaluated with this ACCJC Compliance Report are areas for which the Department believes the provision of supplemental information will demonstrate compliance—and the ACCJC is providing such information and documentation. The ACCJC is also providing necessary information for approval of its change in scope to include accreditation of baccalaureate degrees under its standards.

The ACCJC – along with the other regional accrediting agencies and with

member institutions— has been examining its processes and its communications to enhance public understanding about accreditation as a system for voluntary higher education self-evaluation, and the complimentary roles of state government and the federal government as regulators, in ensuring higher education quality within the U.S. While accreditation as a system has performed well for decades and has enjoyed the informed participation of its members and the institutional representatives, the public increasingly wants more information about accreditation practices and outcomes. The desire for more accessible, pertinent, information has driven significant changes in the past few years, and will continue to do so, at the accreditor level and in regulation.

The ACCJC solicits oral and written input on its accreditation standards, policies, and practices during formal periods of review and also on a continuous basis. In response to a recent report by the system office for the California public community colleges, the ACCJC held a Special Meeting on October 9, 2015, in Sacramento to solicit the views of member colleges and the interested public on the California System's report. Forty persons attended, 15 provided testimony, and several others submitted written comment to the Commission. In order to provide additional opportunity for comment on this report, the Commission held two additional "Listening Sessions" in the field – one on October 30 in the Central Valley (Bakersfield) and one on November 13 in the greater Los Angeles area. At the time of this submission, the Commission also has arranged to send representatives to listen to testimony given to the Board of Governors at its meeting on November 15-16 by other parties commenting on the report, and to provide information to the Board of Governors. The ACCJC has planned additional listening sessions for January and February 2016. It will also be conducting a survey of member institutions for further input on specific issues recently raised by constituent comments.

With the need for appropriate notice to member institutions of changes in accreditation requirements and procedures, the ACCJC has sent communications to member institutions as specific revisions to practice were considered and then adopted (also, policy and standards revisions have specific input and notice procedures which are followed). When appropriate, implementation timelines have included transition periods so as to ensure reasonable shifts for member institutions. However, when a change can be made quickly to simplify processes for member institutions, the ACCJC has acted promptly.

In April 2015, at its Accreditation Standards Symposium, the ACCJC presented the changes to its accreditation practices for comprehensive evaluations that were adopted for implementation with the revised (2014) Accreditation Standards. They included the shift from a six to a seven year cycle of accreditation, a new Quality Focus Essay to be submitted by member institutions with their Self Evaluation Reports detailing multi-year projects identified by the institution to improve student success, a revised midterm (mid-cycle) report that will focus on longitudinal data related to student achievement and student

learning outcomes and reporting process on the institution's self-identified projects, changes in the policy describing Commission actions, new training for first time evaluators designed to augment the regular team training and raise evaluator skills and consistency, roll-out of an annual accreditation conference to highlight best practices in quality education, and a new series of workshops (Emphasis on Quality Workshops) beginning with the assessment of program and degree-level learning outcomes. These changes were also published in the summer edition of ACCJC News (the Commission's newsletter for member institutions). The attached exhibit contains two articles from the Spring/Summer 2015 issue of the ACCJC News (full ACCJC News is available at: <http://www.accjc.org/newsletter>).

Staff Analysis of Agency Reponse to 3rd Party Comments

In response to the draft staff analysis, the agency provided a response to the third-party comments. That response included a description of the activities the agency has engaged in to better inform its membership and the public about its accrediting processes and procedures, as well as to demonstrate its responsiveness to their concerns and suggestions for improvement.

The agency must remedy the noncompliance findings (which sometimes overlap with third-party commenters' concerns) as outlined within the relevant sections of this analysis.