





The Board of Governors of the California Community Colleges

PRESENTED TO THE BOARD OF GOVERNORS

DATE: January 20-21, 2015

SUBJECT: Accreditation Regulation (SECOND READING AND ADOPTION)		Item Number: 2.4	
		Attachment: Yes	
CATEGORY:	Minimum Condition	TYPE OF BOARD CONSIDERATION:	
Recommended By:	 Brice W. Harris, Chancellor	Consent/Routine	
		First Reading	
Approved for Consideration:	 Brice W. Harris, Chancellor	Action	X
		Information	

ISSUE: A change is proposed to section 51016, of title 5, of the California Code of Regulations, requiring community colleges to be accredited by the Accrediting Commission for Community and Junior Colleges (ACCJC) as a condition of the receipt of state aid.

BACKGROUND: Current regulations require that all community colleges be accredited by the ACCJC as a condition of receipt of state aid. (Cal. Code Regs., tit. 5, § 51016.) On June 26, 2014, the California State Auditor issued an audit report entitled *California Community Colleges Accreditation: Colleges Are Treated Inconsistently and Opportunities Exist for Improvement in the Accreditation Process*. The audit report provided both a review of the ACCJC and the accreditation process in general, as well as a more-in-depth examination of recent events related to the City College of San Francisco. One of the recommendations of the state auditor to the Board of Governors was to “remove language from its regulations naming the commission as the sole accreditor of California community colleges while maintaining the requirement that community colleges be accredited.” (California State Auditor Report 2013-123, p. 49.)

RECOMMENDED ACTION: The proposed regulations are presented to the Board of Governors for approval and adoption. The Board of Governors held a public hearing on November 17, 2014, nine individuals commented were during the hearing. In addition, three written comments were received during the public comment period from November 7, 2014 to December 26, 2014.

The Board of Governors is asked to adopt the following resolution:

Be it resolved

The Board of Governors of the California Community Colleges, acting pursuant to Education Code sections 66700, 70901(c) and 70901.5, hereby:

- considers the comments to the proposed regulatory action and responds to those comments as set forth in Attachment 2;
- approves the proposed regulatory changes;
- directs the Chancellor to file the regulations with the Secretary of State and submit the regulations to the Office of Administrative Law for printing unless the Department of Finance determines the regulations would create a state-mandated local program cost and is unable to certify to the Board of Governors and the Legislature that a source of funds is available to reimburse that cost as set forth in Education Code section 70901.5(a)(6);
- authorizes the Chancellor to take any necessary ministerial action to process these regulations; and
- adopts the regulations effective thirty days after filing with the Secretary of State and submission of the regulations to the Office of Administrative Law.

ANALYSIS: As a condition of the receipt of federal funding postsecondary institutions must be accredited by an agency recognized by the United States Secretary of Education as a reliable authority regarding the quality of education offered by the institutions it accredits. (34 CFR, § 602.1(a).) Currently the Secretary of Education recognizes only the ACCJC as an accreditor for California’s community colleges. Additionally, since 1983, California community colleges have been required to be accredited by the ACCJC as a minimum condition for the receipt of state aid. (Cal. Code Regs., tit. 5, § 51016.)

Proposed amendments to section 51016 of title 5 of the California Code of Regulations would permit the Board of Governors, at the recommendation of the Chancellor, to specify a different accrediting agency that would be responsible for accrediting California’s community colleges as a minimum condition for the receipt of state aid. The Chancellor could only recommend an accrediting agency whose scope of recognition by the Secretary of Education includes California’s community colleges. In the event an accrediting agency other than ACCJC is specified by the Board of Governors for purposes of section 51016, it is anticipated that there would be a migration period in which more than one accrediting agency would be responsible for accrediting California’s community colleges. Other than during the migration period, the proposed changes would permit California’s community colleges to be accredited by only a single accrediting agency.

The proposed changes presented to this Board for a first reading in November specified that “[t]he Board shall approve only a **regional** accreditor recognized and approved by the U.S. Secretary of Education...” In response to questions and comments by this Board and the public the word regional is proposed to be deleted in the version of the regulation proposed for adoption and attached hereto. The term was confusing as the term “regional” in this context had no meaning as accreditors are nationally recognized by the United States Department of Education to accredit education institutions within a specific scope of recognition. That scope of recognition can be

national or regional. The deletion of the term has no practical effect on the proposed regulations except to eliminate the ambiguity caused by its inclusion, and is therefore a technical amendment not requiring additional public notice.

The proposed regulatory change is included as Attachment 1.

The comments and proposed responses to the comments are included as Attachment 2.