

May 29, 2014

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Honorable Jackie Speier
14th Congressional District
155 Bovet Road, Suite 780
San Mateo, CA 94402

Honorable Anna Eshoo
18th Congressional District
698 Emerson Street
Palo Alto, CA 94301

Dear Congresswomen Pelosi, Speier and Eshoo:

I am writing in regards to the May 27, 2014 letter to you from the Accrediting Commission for Community and Junior Colleges (ACCJC) wherein the ACCJC attempts to “explain” (sic) why it:

“cannot rescind its decision and provide CCSF with an additional period of time to come into compliance while maintaining its accreditation, within the time limits set forth in federal regulations...”

Riddled with inaccuracies and untruths, this latest missive from the ACCJC would be laughable if the stakes weren’t so incredibly high. By continuing down the path of illegally discrediting City College of San Francisco (CCSF), the ACCJC is needlessly placing in jeopardy the education and futures of well over 80,000 students. There is another way.

You know from the US Department of Education’s (US DoE) various public communications, confirmed through the CFT’s own extensive research of the last two years, as well as our numerous communications with the Department officials, that the

ACCJC can without question continue CCSF's accreditation beyond July 31, 2014.

At its upcoming commission meeting June 4th — 6th ACCJC should rescind termination of CCSF's accreditation and immediately establish a new team to update its review.

Unfortunately, they are unlikely to undertake this reasonable step because they are in too deep. The tortured explanations put forth in their letter to you — grounded in falsehoods and misrepresentations — makes this clear. ACCJC manipulates the facts, disregards the truth and ignores those (elected and administrative federal and state officials, community college administrators, union organizations, media, academics, the courts — you name it) who dare to call them to account for their actions. The San Francisco City Attorney agrees; he is in fact charging retaliation and bias in the people's suit against the ACCJC.

As explained below, the ACCJC have clearly worked to mislead the public about past evaluations of City College of San Francisco.

Perhaps the biggest invention, one that ACCJC clings to desperately, is that CCSF had “nearly a decade” to correct “citations” from 2006, and that CCSF's “maximum two-year period” to make corrections expired in 2008. This is categorically and demonstratively false.

In 2006 the ACCJC wrote officially to City College that it was fully re-accredited and “one of the premier community colleges in the region,” adding that CCSF's 2006 re-accreditation “reaffirmed the excellence of the college” (2006 Report, p. 4).

ACCJC declared:

“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)

The team also complimented the college's “concerted effort to address the recommendations” of the 2000 accreditation evaluation team. (2006 team report, p. 5)

Rather than issuing any “citations” for City College in 2006, the ACCJC made “recommendations” in the form of suggestions to the college on ways it might become even better. Such suggestions are, not surprisingly, common for the ACCJC and other accreditors to give in evaluation reports. But if CCSF had “deficiencies” in 2006 — as the ACCJC now asserts — Federal law and the ACCJC's own policies dictate that it must have identified any such “deficiencies” at the time, which it never once did.

The US Department of Education confirmed this fact on August 13, 2013.

This is the federal law:

“The agency . . . provides the institution . . . with a detailed written report that

clearly identifies any deficiencies in the institution's or program's compliance with the agency's standards." (34 C.F.R. § 602.18(e))

Anyone can read the 2006 report posted on the City College accreditation website. As you will see, the ACCJC does not identify or list any deficiencies, and consistent with that conclusion, it fully re-accredited City College in 2006.

But ACCJC did even more to demonstrate its 2006 conclusions that the College had no "deficiencies." CCSF filed required reports with ACCJC in 2007, 2009, and 2010, explaining how it was addressing ACCJC's suggestions to improve, and ACCJC accepted every one. It didn't reject these reports and it did not sanction CCSF, as policy allows and as it has done in other situations. It never said CCSF had deficiencies or referred to any "deficiencies" from 2006, as none existed. Barbara Beno's three letters accepting CCSF's three reports make that clear. *It is time for ACCJC to stop trying to rewrite history.*

The ACCJC's claim that CCSF had years to correct deficiencies — and that the Department of Education sanctioned it for not disaccrediting CCSF sooner — is a backtrack of epic proportions. This big lie came because ACCJC told the Department that when it gave City College "recommendations" in 2006, it meant for those to be considered to be "deficiencies." The US DoE disagreed.

The DoE said that if ACCJC had actually issued "deficiencies" in 2006, then it would have had to give CCSF two years to correct them or face loss of accreditation. Since ACCJC had not given a two-year notice, its actions were consistent with the recommendations being only suggestions for improvement — not "deficiencies." *Aside from being consistent with the understanding of the US DoE, this is also consistent with the dictionary. Merriam-Webster defines "recommendation" as a "a suggestion about what should be done."*

If ACCJC cannot bring itself to be truthful about this basic concept, then clearly this rogue agency is not worth the trust or massive investment of the State of California and its community colleges.

One more thing worth noting – in 2008 CCSF submitted a "substantive change" request to ACCJC, which ACCJC approved on Oct. 17, 2008. ACCJC requires colleges making "substantive changes" to get its approval. ACCJC would not have given approval to CCSF in 2008 if the College had unresolved deficiencies.

That brings us to another major inconsistency and mistruth. ACCJC claims that it cannot extend the time for City College to come into compliance beyond two years. Everyone knows this is false — the Department of Education itself said ACCJC could give more time to City College. But many have not yet focused in on another simple fact: the ACCJC and President Beno already said the Commission could give more time, before determining to shut down City College.

Here is what President Beno wrote in announcing City College's disaccreditation:

“the Commission acted to terminate accreditation effective July 31, 2014. . . . The Commission may extend this date (emphasis added) at its sole discretion if it determines that conditions warrant such action.” (Letter, Beno to Interim CCSF Chancellor Scott-Skillman, July 3, 2013, p. 1)

So now, resolute to go down in history as the only accreditor to ever close a college as large and valuable as CCSF, President Beno, Commission Chair Amador and Vice Chair Kinsella and their fact-ignoring cohort conveniently deny what they wrote less than one year ago when they affirmed that the ACCJC has discretion to extend the date. If this isn't proof of at least incompetence or, more pointedly, retaliation against CCSF, what is?

ACCJC should now rescind or stay its July 3, 2013 order revoking CCSF's accreditation, confirm that “good cause” exists, establish a new evaluation team and schedule, and at long last conduct a complete, fair and accurate evaluation of the college. Such a review could be completed by mid-late fall, in time to be heard no later than the Commission's next meeting.

ACCJC has already acknowledged that good cause will support extensions of the time a college should have to meet expectations. In 2012 the US Department of Education approved ACCJC's four alternative means of demonstrating good cause. **CCSF meets every one of them, including:** some of the tasks required more than two years (a full three-year cycle), a trustee took over CCSF and CCSF acquired assistance from the State Chancellor and the Fiscal Crisis Management Assistance Team (FCMAT).

It is worth pointing out that ACCJC has been known to conduct multiple, sequential reviews of colleges it accredits (e.g. Redwoods in 4/06, 4/07, 11/07, 4/08, 12/08, 4/09, 12/10, 12/11, and 10/12; Cuesta in 10/09, 10/11, 11/11 and 10/12; Solano in 4/9, 12/9, 11/10, and 10/11.) City College deserves as much a chance as these colleges.

When it comes to remedying an institution's ability to substantially meet a standard, it is not uncommon for the process to take more than two years. In City College's case, the 2013 visiting evaluation team expressly acknowledged that the College had been expected to do in 9.5 months a series of tasks that in fact required three years. Rescinding the order to terminate accreditation would leave CCSF on show cause for the additional time necessary to conduct a new fair evaluation of the college.

Esteemed members of Congress, I know you would agree that as the only affordable, public community college in San Francisco, one serving a population of more than 800,000, successfully educating tens of thousands of students, contributing to the economy of San Francisco and the State, City College and its students and employees deserve a fair accreditor, not a group of demonstrated incompetents or prevaricators.

Beyond any doubt, it is time to replace the ACCJC, which has proven itself to be dishonest, unlawful, vindictive and unfair. It is time to install a fair and transparent accreditation process in California. This private, unaccountable agency can no longer be

trusted to serve as a responsible accreditor of any California community college.

The California Community College faculty and staff the CFT represents thank you for your leadership on this issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Josh Pechthalt". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Joshua Pechthalt
President, California Federation of Teachers

JP: rb opeiu537 afl-cio

Cc:

Dean Vogel, California Teachers Association

Jon Youngdahl, Executive Director, California Service Employees International Union

Brice Harris, Chancellor, California Community Colleges

Ed Lee, San Francisco Mayor

Darryl Steinberg, President Pro Tem, California State Senate

Toni Atkins, Speaker, California State Assembly

Mark Leno, California Senate

Tom Ammiano, California State Assembly

Arthur Tyler, Chancellor, City College of San Francisco

Kevin de Leon, California State Senator

Phil Ting, Assembly member