



**ACCREDITING  
COMMISSION  
for COMMUNITY and  
JUNIOR COLLEGES**

*Western Association  
of Schools and Colleges*

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The Honorable Nancy Pelosi  
Democratic Leader  
U.S. House of Representatives  
235 Cannon House Office Building  
Washington, DC 20515-0508

May 27, 2014

Dear Madame Leader:

This letter responds to your communication requesting that the Accrediting Commission for Community and Junior Colleges, Western Association of Community and Junior Colleges ("ACCJC") conduct a new evaluation of the City College of San Francisco ("CCSF"). Please accept our apology for the delay in responding.<sup>1</sup> This letter also addresses a May 19, 2014, letter to you from Ms. Lynn Mahaffie of the U.S. Department of Education's ("Department") Office of Postsecondary Education, which was shared with the press. Below, and in the attached Public Statement ("Withdrawal of the Accreditation of City College of San Francisco"), we explain why ACCJC 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, and why we believe a reversion to candidacy is a viable option.

**The Accreditation Process Exists to Ensure Critical Accountability of Postsecondary Institutions.**

ACCJC's mission is to protect students' interests, including ensuring students receive a valuable postsecondary education and credential. ACCJC also must ensure that the public's higher education investments are productive and impactful. Our commitment to meaningful accountability for students and taxpayers reflects federal law and aligns with recent calls by the Administration and leading Members of Congress for accreditation agencies to better protect students from failing higher education institutions.

Withdrawing an institution's accreditation is not a decision ACCJC takes lightly. ACCJC moved to withdraw CCSF's accreditation based on wide-ranging, long-term problems identified by peer institution evaluators through the long-recognized and effective process of peer review. CCSF had years of notice (nearly a decade) and failed to take effective action. As more fully explained in the attachment to this letter, the scope and depth of CCSF's failures (including

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<sup>1</sup> Given the pendency of CCSF's appeal, we have been hesitant to discuss these matters. However, in light of the recent communication from the Department to you and the continuing misinformation in the press, we feel compelled to move ahead with this communication. (Separately, ACCJC respects the appellate process and will follow the appeals panel's decision.)

those related to financial controls, governance structure, and academic quality and educational oversight) undermined student learning and the school's stability and integrity. Continuing to extend accreditation to an institution that fails year after year to meet these standards is not good for the institution itself, its students, or the community served.

**Candidacy is the Available Option for CCSF to Sustain Federal Aid and Bring Itself into Compliance.**

At the same time, we share your desire to help CCSF implement the fundamental reforms needed to adequately serve students, serve the community, and restore the college's academic quality and basic operational integrity. Reverting CCSF to candidacy (pre-accreditation) status likely will provide a path to a more stable, secure, and successful institution while ensuring appropriate incentives to drive the college's continuing efforts to improve. CCSF may seek candidacy status to preserve its access to federal resources as the institution implements the needed reforms.

Candidacy status offers a number of advantages to the institution. It does not require compliance with all ACCJC standards but rather necessitates a showing that a college meets eligibility requirements and has the capacity to meet all standards within a two- to four-year period. This is the amount of time CCSF leaders recently indicated is needed to bring the school into full compliance with ACCJC standards and to successfully effect sustainable change of practices. During candidacy status, accreditation teams will be able to support the CCSF's progress toward meeting standards for a number of years before the compliance deadline is reached.

For this to work, the Department must accept the candidacy option without imposing a two-year hiatus on CCSF eligibility for federal aid. Ordinarily, such a hiatus would be required if a school's accreditation is withdrawn for cause, but both the Higher Education Act and Department regulations<sup>2</sup> make an explicit exception if the accreditor rescinds its termination decision. ACCJC is prepared to rescind the termination decision as part of an agreement whereby CCSF withdraws from ACCJC accreditation and simultaneously seeks reversion to candidacy.<sup>3</sup>

**ACCJC Otherwise Cannot Rescind its Withdrawal of Accreditation and Give CCSF Yet Another Opportunity to Come Into Compliance with Accreditation Standards.**

ACCJC has determined that it cannot legally maintain CCSF's accreditation while giving it another opportunity to comply with accreditation standards. New evaluation of the college

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<sup>2</sup> 20 U.S.C. 1099b(j); 34 CFR 600.11(c).

<sup>3</sup> Candidacy would require legislative action by the California legislature to make CCSF eligible for state aid; we have discussed this option with state legislative offices and believe there is a good prospect that such legislation could be enacted.

while maintaining its accreditation, as you have requested, is not permissible under federal law.<sup>4</sup> The candidacy option, which will in fact provide a legitimate pathway for CCSF to come back into compliance with accreditation standards, and for its reevaluation by ACCJC, is the school's only recourse. Lynn Mahaffie's letter appears to assert that ACCJC has the legal authority to rescind its 2013 withdrawal of accreditation from CCSF and give CCSF a good-cause extension of indefinite duration to come into compliance with ACCJC's accreditation standards. However, the letter actually confirms the opposite.

The decision of whether and when an institution becomes noncompliant is a matter entrusted to the judgment of the accrediting agency (as confirmed by Ms. Mahaffie's letter) – but once that determination is made, the accreditor is required to act within the enforcement timeline established in federal law. The Mahaffie letter states that ACCJC "has the authority to reconsider or rescind its termination decision so as to provide the institution with additional time to come into compliance within the two-year time frame, if such period has not run out, or to provide an extension for good cause"<sup>5</sup> (emphasis supplied). That time frame has, in fact, run out. In the 2012 show-cause order, ACCJC found that CCSF violated all four comprehensive standards (encompassing dozens of more specific standards); that 2012 decision included all of the citations from 2006, still in violation. Given this, the maximum regulatory two-year period for CCSF to come into compliance, as described in the Mahaffie letter, expired in 2008. Thus, ACCJC would be violating federal rules if we were to rescind the withdrawal of accreditation and provide CCSF with yet another opportunity to comply. Nothing in federal law or regulations or in ACCJC policy provides for an institution to retain accreditation for three years after termination of accreditation while it seeks to address its noncompliance.

The Department itself in 2014 confirmed this point when it reviewed ACCJC's application for continued federal recognition and found that we violated federal requirements because we failed to take adverse action against CCSF within the two-year regulatory period. In other words, the Department took formal enforcement against ACCJC this year because it found that that we gave CCSF too much time to come into compliance. This contradicts the recent suggestion found in the Mahaffie letter that ACCJC may now rescind the withdrawal determination and give CCSF another opportunity to come into compliance. Providing that opportunity in the face of the Department's formal enforcement finding against ACCJC would

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<sup>4</sup> Even if federal law permitted CCSF yet another review (and it does not), we understand that CCSF is not in a position to seek a new, comprehensive evaluation because it still needs a significant period of time to demonstrate full compliance with standards. CCSF leaders and many constituents have initiated many tasks necessary to come into full compliance with standards, and this level of activity is admirable. However, this effort is in many instances still quite distant from demonstrating compliance with quality standards and institutional sustainability.

<sup>5</sup> Department regulations for federal recognition of accrediting agencies provide that if an agency's review of an institution indicates that the institution is not in compliance with a standard, the agency must immediately initiate adverse action (i.e., withdraw or terminate accreditation) or require the institution to bring itself into compliance with the agency's standards within a time period that must not exceed two years (for CCSF) and that if the institution 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. 34 CFR 602.20.

subject ACCJC to a loss of recognition by the Department, and the Mahaffie letter would not protect us from that result.<sup>6</sup>

While ACCJC is unable to undo the withdrawal decision and still remain in compliance with federal law, we wish to work with CCSF to use candidacy status as a way to put the institution on a path to meeting its obligations to students and the public. This is the only viable option for sustaining the eligibility of CCSF and its students for federal aid in this situation. We have engaged the Department in preliminary conversations about this option and remain open to continuing the dialogue. We ask you to join us in urging the Department to support this option and get CCSF on the road to recovery. If this could be done soon, it would provide much needed institutional stability for students enrolling for the fall semester.

Sincerely,



Dr. Barbara Beno, President



Dr. Sherrill Amador, Chair



Dr. Steve Kinsella, Vice Chair

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<sup>6</sup> A rescission action in order to give CCSF an additional opportunity to comply at this juncture also would violate a number of published ACCJC policies. ACCJC must adhere to its policies as a matter of federal recognition law and as a matter of fairness to our accredited institutions.