

File No. 150377

Committee Item No. _____

Board Item No. 43

COMMITTEE/BOARD OF SUPERVISORS

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Committee: _____
Board of Supervisors Meeting

Date _____
Date April 21, 2015

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OTHER (Use back side if additional space is needed)

- California Assembly Bill 404
- California Assembly Bill 1385
- California Assembly Bill 1397
- _____
- _____

Completed by: John Carroll Date April 16, 2015
Completed by: _____ Date _____

1 [Supporting Assembly Bills 404 (Chiu), 1385, and 1397 (Ting) - Community Colleges and
2 Accreditation]

3 **Resolution supporting Assembly Bill 404, authored by Assembly Member David Chiu,**
4 **and Assembly Bills 1385 and 1397, authored by Assembly Member Phil Ting, to reform**
5 **rules and procedures in California's community college accreditation process.**

6
7 WHEREAS, City College of San Francisco is an essential and significant institution
8 serving San Francisco; and

9 WHEREAS, San Francisco's Budget and Legislative Analyst found that City College of
10 San Francisco contributes more than \$300,000,000 annually to the Bay Area economy and
11 that jobs attained by its 2011-2012 graduates are valued at an additional \$123,000,000 per
12 year; and

13 WHEREAS, The average median wage for those jobs is \$11,100 more than positions
14 requiring a high school diploma; and

15 WHEREAS, The broader social and economic impact the City College of San
16 Francisco has on its students and the community is immeasurable; and

17 WHEREAS, All of the state's community colleges will benefit from a fair and objective
18 accreditation process; and

19 WHEREAS, A number of governmental agencies, including the United States
20 Department of Education, the California Bureau of State Audits and a California Superior
21 Court have found that the current accreditation process for California's community colleges is
22 deeply flawed and has violated state law and federal regulations; and

23 WHEREAS, San Francisco City Attorney Dennis Herrera brought suit against the
24 Accrediting Commission for California Community and Junior Colleges in response to their
25

1 decision to terminate City College of San Francisco's accreditation, alleging conflicts of
2 interest within the accrediting body and misinterpretation of federal policies; and

3 WHEREAS, The California State Auditor found that a lack of transparency and
4 incongruent application by the Accrediting Commission for California Community and Junior
5 Colleges in the decision process undermines the value of the accreditation process; and

6 WHEREAS, Assembly Bill 404 (Chiu) would require the Board of Governors of the
7 California Community Colleges to solicit anonymous system-wide feedback on the
8 performance of the regional agency that accredits community colleges and communicate this
9 feedback to the federal body that oversees and reviews accrediting agencies, the National
10 Advisory Committee on Institutional Quality and Integrity (NACIQI); and

11 WHEREAS, AB 1385 (Ting) would require notification to and the approval of
12 community college member institutions before an accrediting agency increases membership
13 fees, special assessments, or other payments, such as legal fees or costs of suit, charged to
14 a community college; and

15 WHEREAS, AB 1397 (Ting) would reform aspects of the Community College
16 accreditation process to bring it into compliance with state and federal laws and regulations
17 and ensure that fairness, consistency, and transparency guide the manner in which
18 accreditation procedures are conducted, thereby protecting the interests of community college
19 students, our community, and the state; and

20 WHEREAS, It is critical that the City and County of San Francisco supports this
21 legislation for protecting City College of San Francisco and the educational opportunities it
22 provides; now, therefore, be it

23 RESOLVED, That the San Francisco Board of Supervisors supports Assembly Bills
24 404, 1385, and 1397, and urges the Legislature and Governor to enact them.

ASSEMBLY BILL

No. 404

Introduced by Assembly Member Chiu

February 19, 2015

An act to amend Sections 70901 and 72208 of the Education Code, relating to community colleges.

LEGISLATIVE COUNSEL'S DIGEST

AB 404, as introduced, Chiu. Community colleges: accreditation.

(1) Existing law establishes the California Community Colleges, under the administration of the Board of Governors of the California Community Colleges, as one of the segments of public postsecondary education in this state. Existing law imposes numerous duties on the board of governors with respect to these administrative responsibilities, including a requirement to review the accreditation status of community colleges in certain circumstances.

This bill would add to the duties of the board of governors by requiring it to conduct a survey of the community colleges, including consultation with representatives of both faculty and classified personnel, to develop a report to be transmitted to the United States Department of Education and the National Advisory Committee on Institutional Quality and Integrity that reflects a systemwide evaluation of the accrediting agency based on the criteria used to determine an accreditor's status.

(2) Existing law requires the accrediting agency for the community colleges to report to the appropriate policy and budget subcommittees of the Legislature upon the issuance of a decision that affects the accreditation status of a community college and, on a biannual basis,

to report any accreditation policy changes that affect the accreditation process or status for a community college.

This bill would additionally require the accrediting agency for the community colleges to report to the board of governors as soon as practicable after the National Advisory Committee on Institutional Quality and Integrity has notified the accrediting agency of the date by which their application for continued recognition is due.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 70901 of the Education Code is amended
2 to read:

3 70901. (a) The Board of Governors of the California
4 Community Colleges shall provide leadership and direction in the
5 continuing development of the California Community Colleges as
6 an integral and effective element in the structure of public higher
7 education in the state. The work of the board of governors shall at
8 all times be directed to maintaining and continuing, to the
9 maximum degree permissible, local authority and control in the
10 administration of the California Community Colleges.

11 (b) Subject to, and in furtherance of, subdivision (a), and in
12 consultation with community college districts and other interested
13 parties as specified in subdivision (e), the board of governors shall
14 provide general supervision over community college districts, and
15 shall, in furtherance of those purposes, perform the following
16 functions:

17 (1) Establish minimum standards as required by law, including,
18 but not limited to, the following:

19 (A) Minimum standards to govern student academic standards
20 relating to graduation requirements and probation, dismissal, and
21 readmission policies.

22 (B) Minimum standards for the employment of academic and
23 administrative staff in community colleges.

24 (C) Minimum standards for the formation of community colleges
25 and districts.

26 (D) Minimum standards for credit and noncredit classes.

27 (E) Minimum standards governing procedures established by
28 governing boards of community college districts to ensure faculty,

1 staff, and students the right to participate effectively in district and
2 college governance, and the opportunity to express their opinions
3 at the campus level and to ensure that these opinions are given
4 every reasonable consideration, and the right of academic senates
5 to assume primary responsibility for making recommendations in
6 the areas of curriculum and academic standards.

7 (2) Evaluate and issue annual reports on the fiscal and
8 educational effectiveness of community college districts according
9 to outcome measures cooperatively developed with those districts,
10 and provide assistance when districts encounter severe management
11 difficulties.

12 (3) Conduct necessary systemwide research on community
13 colleges and provide appropriate information services, including,
14 but not limited to, definitions for the purpose of uniform reporting,
15 collection, compilation, and analysis of data for effective planning
16 and coordination, and dissemination of information.

17 (4) (A) Provide representation, advocacy, and accountability
18 for the California Community Colleges before state and national
19 legislative and executive agencies.

20 (B) *In order to wholly engage in the recognition review process*
21 *of an accrediting agency pursuant to subdivision (c) of Section*
22 *72208, to conduct a survey of the community colleges, including*
23 *consultation with representatives of both faculty and classified*
24 *personnel, to develop a report to be transmitted to the United*
25 *States Department of Education and the National Advisory*
26 *Committee on Institutional Quality and Integrity that reflects a*
27 *systemwide evaluation of the accrediting agency based on the*
28 *criteria used to determine an accreditor's status.*

29 (5) Administer state support programs, both operational and
30 capital outlay, and those federally supported programs for which
31 the board of governors has responsibility pursuant to state or federal
32 law. In so doing, the board of governors shall do the following:

33 (A) (i) Annually prepare and adopt a proposed budget for the
34 California Community Colleges. The proposed budget shall, at a
35 minimum, identify the total revenue needs for serving educational
36 needs within the mission, the amount to be expended for the state
37 general apportionment, the amounts requested for various
38 categorical programs established by law, the amounts requested
39 for new programs and budget improvements, and the amount
40 requested for systemwide administration.

1 (ii) The proposed budget for the California Community Colleges
2 shall be submitted to the Department of Finance in accordance
3 with established timelines for development of the annual Budget
4 Bill.

5 (B) To the extent authorized by law, establish the method for
6 determining and allocating the state general apportionment.

7 (C) Establish space and utilization standards for facility planning
8 in order to determine eligibility for state funds for construction
9 purposes.

10 (6) (A) Establish minimum conditions entitling districts to
11 receive state aid for support of community colleges. In so doing,
12 the board of governors shall establish and carry out a periodic
13 review of each community college district to determine whether
14 it has met the minimum conditions prescribed by the board of
15 governors.

16 (B) In determining whether a community college district satisfies
17 the minimum conditions established pursuant to this section, the
18 board of governors shall review the accreditation status of the
19 community colleges within that district.

20 (7) Coordinate and encourage interdistrict, regional, and
21 statewide development of community college programs, facilities,
22 and services.

23 (8) Facilitate articulation with other segments of higher
24 education with secondary education.

25 (9) Review and approve comprehensive plans for each
26 community college district. The plans shall be submitted to the
27 board of governors by the governing board of each community
28 college district.

29 (10) Review and approve all educational programs offered by
30 community college districts, and all courses that are not offered
31 as part of an educational program approved by the board of
32 governors.

33 (11) Exercise general supervision over the formation of new
34 community college districts and the reorganization of existing
35 community college districts, including the approval or disapproval
36 of plans therefor.

37 (12) Notwithstanding any other provision of law, be solely
38 responsible for establishing, maintaining, revising, and updating,
39 as necessary, the uniform budgeting and accounting structures and
40 procedures for the California Community Colleges.

1 (13) Establish policies regarding interdistrict attendance of
2 students.

3 (14) Advise and assist governing boards of community college
4 districts on the implementation and interpretation of state and
5 federal laws affecting community colleges.

6 (15) Contract for the procurement of goods and services, as
7 necessary.

8 (16) Carry out other functions as expressly provided by law.

9 (c) Subject to, and in furtherance of, subdivision (a), the board
10 of governors shall have full authority to adopt rules and regulations
11 necessary and proper to execute the functions specified in this
12 section as well as other functions that the board of governors is
13 expressly authorized by statute to regulate.

14 (d) Wherever in this section or any other statute a power is
15 vested in the board of governors, the board of governors, by a
16 majority vote, may adopt a rule delegating that power to the
17 chancellor, or any officer, employee, or committee of the California
18 Community Colleges, or community college district, as the board
19 of governors may designate. However, the board of governors
20 shall not delegate any power that is expressly made nondelegable
21 by statute. Any rule delegating authority shall prescribe the limits
22 of delegation.

23 (e) In performing the functions specified in this section, the
24 board of governors shall establish and carry out a process for
25 consultation with institutional representatives of community college
26 districts so as to ensure their participation in the development and
27 review of policy proposals. The consultation process shall also
28 afford community college organizations, as well as interested
29 individuals and parties, an opportunity to review and comment on
30 proposed policy before it is adopted by the board of governors.

31 SEC. 2. Section 72208 of the Education Code is amended to
32 read:

33 72208. (a) The accrediting agency for the community colleges
34 shall report to the appropriate policy and budget subcommittees
35 of the Legislature upon the issuance of a decision that affects the
36 accreditation status of a community college and, on a biannual
37 basis, *report* any accreditation policy changes that affect the
38 accreditation process or status for a community college.

39 (b) The Office of the Chancellor of the California Community
40 Colleges shall ensure that the appropriate policy and budget

1 subcommittees of the Legislature are provided the information
2 required to be reported pursuant to subdivision (a).

3 *(c) The accrediting agency shall report to the board of governors*
4 *as soon as practicable after the National Advisory Committee on*
5 *Institutional Quality and Integrity has notified the accrediting*
6 *agency of the date by which their application for continued*
7 *recognition is due.*

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AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015—16 REGULAR SESSION

ASSEMBLY BILL

No. 1385

Introduced by Assembly Member Ting

February 27, 2015

~~An act relating to community colleges. An act to add Section 72218 to the Education Code, relating to community colleges.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1385, as amended, Ting. Community colleges: accreditation.

Existing law establishes the California Community Colleges, under the administration of the Board of Governors of the California Community Colleges, as one of the segments of public postsecondary education in this state. Existing law specifies the duties of the board of governors, including, among other duties, establishing minimum standards for the formation of community colleges and districts. Under existing regulatory authority, the board of governors requires each community college to be accredited.

~~This bill would declare the intent of the Legislature to enact legislation that would increase the transparency and fairness of the accreditation process for community colleges.~~

This bill would require the accrediting agency designated by the board of governors to notify the board of governors before increasing membership fees, special assessments, or other payments charged to a community college or community college district, and state in the notification the reasons for, and the amount of, the increase.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 72218 is added to the Education Code,
2 to read:

3 72218. (a) The accrediting agency shall notify the Board of
4 Governors of the California Community Colleges before increasing
5 membership fees, special assessments, or other payments charged
6 to a community college or community college district, and state
7 in the notification the reasons for, and the amount of, the increase.

8 (b) This section does not apply to the accrediting agency's
9 activities that are related to private educational institutions in the
10 state or educational institutions outside of the state.

11 (c) This section does not affect the authority of the United States
12 Department of Education regarding educational institutions.

13 ~~SECTION 1. It is the intent of the Legislature to enact~~
14 ~~legislation that would increase the transparency and fairness of~~
15 ~~the accreditation process for California community colleges.~~

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ASSEMBLY BILL

No. 1397

Introduced by Assembly Member Ting

February 27, 2015

An act to add Section 72216 to the Education Code, relating to community colleges.

LEGISLATIVE COUNSEL'S DIGEST

AB 1397, as introduced, Ting. Community colleges: accreditation.

Existing law establishes the California Community Colleges, under the administration of the Board of Governors of the California Community Colleges, as one of the segments of public postsecondary education in this state. Existing law specifies the duties of the board of governors, including, among other duties, establishing minimum standards for the formation of community colleges and districts. Under existing regulatory authority, the board of governors requires each community college to be accredited.

This bill would require the accrediting agency for the community colleges to provide an opportunity for public comment before taking any action related to the accreditation status of a community college.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 72216 is added to the Education Code,
2 to read:
3 72216. (a) The accrediting agency for the California
4 Community Colleges shall provide an opportunity for public

1 comment before taking any action related to the accreditation status
2 of a community college.

3 (b) This section does not affect the accreditation status of a
4 community college on January 1, 2016.

5 (c) This section does not apply to the accrediting agency's
6 activities that are related to private educational institutions in the
7 state or educational institutions outside of the state.

8 (d) This section does not affect the authority of the United States
9 Department of Education regarding educational institutions.

10 (e) The provisions of this section are severable. If any provision
11 of this section or its application is held invalid, that invalidity shall
12 not affect other provisions or applications that can be given effect
13 without the invalid provision or application.

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Print Form

Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp
or meeting date _____

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion, or Charter Amendment)
- 2. Request for next printed agenda ~~Without Reference~~ to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [] inquires"
- 5. City Attorney request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. []
- 9. Reactivate File No. []
- 10. Question(s) submitted for Mayoral Appearance before the BOS on []

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative Form.

Sponsor(s):

Mar, Yee

Subject:

Supporting Assembly Bills 404 (Chiu), 1385, and 1397 (Ting) Regarding Community Colleges and Accreditation

The text is listed below or attached:

See attached

Signature of Sponsoring Supervisor: 

For Clerk's Use Only: