

AMENDED IN SENATE JULY 8, 2015  
AMENDED IN ASSEMBLY MAY 28, 2015  
AMENDED IN ASSEMBLY MAY 5, 2015  
AMENDED IN ASSEMBLY APRIL 14, 2015  
CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1397**

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**Introduced by Assembly ~~Member Ting~~ Members *Ting and Bonta*  
(Coauthors: Assembly Members *Gipson, Mullin, Santiago, and  
Wagner*)**

(Coauthor: Senator ~~Hall~~)  
(Coauthors: Senators *Beall, Hall, and Nielsen*)

February 27, 2015

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An act to add Article 8 (commencing with Section 72800) to Chapter 6 of Part 45 of Division 7 of Title 3 of the Education Code, relating to community colleges.

LEGISLATIVE COUNSEL'S DIGEST

AB 1397, as amended, Ting. Community colleges: California Community Colleges Fair Accreditation Act of 2015.

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

This bill would enact the California Community Colleges Fair Accreditation Act of 2015. The act would require that an appropriate percentage of each visiting accreditation team from the accrediting agency for the California Community Colleges be composed of academics, as defined. The bill would prohibit persons with conflicts of interest, as defined, from serving on a visiting accreditation team.

The bill would require the accrediting agency to conduct the meetings of its decisionmaking body to ensure the ability of members of the public to attend those meetings. The bill would require the accrediting agency to preserve all documents generated during an accreditation-related review, as specified. The bill would require the agency's accreditation-related decisions to be based on written, published standards in accordance with state and federal statutes and regulations, as specified.

The bill would authorize an institution to submit an appeal of a decision by the accrediting agency to subject that institution to a sanction of probation or a more serious sanction. *The bill would require a member of a panel that would hear one of these appeals to file a specified disclosure form under penalty of perjury. By expanding the scope of the crime of perjury, this bill would impose a state-mandated local program.*

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that no reimbursement is required by this act for a specified reason.*

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

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

1 SECTION 1. Article 8 (commencing with Section 72800) is  
2 added to Chapter 6 of Part 45 of Division 7 of Title 3 of the  
3 Education Code, to read:

4  
5 Article 8. Accreditation  
6

7 72800. (a) This article shall be known, and may be cited, as  
8 the California Community Colleges Fair Accreditation Act of  
9 2015.

10 (b) The Legislature finds and declares all of the following:

11 (1) The goal of accreditation is to promote and ensure higher  
12 education quality through peer evaluation and review.

13 (2) The community college accrediting agency should be a  
14 nonprofit, private educational association of regional scope,  
15 responsible for developing evaluation criteria, conducting peer  
16 evaluations, assessing whether criteria are met, and supporting  
17 institutional development and improvement.

18 (3) The community college accrediting agency should have a  
19 comprehensive and nondiscriminatory accreditation process that  
20 is in compliance with the requirements of applicable federal and  
21 state laws and regulations.

22 (c) This article shall apply only to accrediting procedures  
23 regarding institutions located in California.

24 72801. (a) As used in this article:

25 (1) “Academic” means a person who is currently, or has recently,  
26 directly engaged in a significant manner in postsecondary teaching  
27 or research.

28 (2) “Agency” means the accrediting agency for the California  
29 Community Colleges.

30 (3) “Near relative” means a spouse, including a registered  
31 domestic partner, child, parent, sibling, person in an in-law  
32 relationship, or a step relative in one of the relationships referenced  
33 in this subparagraph.

34 (b) The agency shall operate only by policies that are in  
35 compliance with the federal criteria for recognition of an  
36 accrediting agency pursuant to Subpart 2 (commencing with  
37 Section 496) of Part H of Title IV of the federal Higher Education  
38 Act of 1965, as amended.

1 (c) (1) Each visiting accreditation team sent out by the agency  
2 shall be composed of an appropriate percentage of academics.

3 (2) The agency shall establish and enforce procedures to ensure  
4 that persons serving on visiting accreditation teams do not have  
5 conflicts of interest. No person may serve on a visiting  
6 accreditation team who has a conflict of interest. For the purposes  
7 of this paragraph, a conflict of interest is determined by any  
8 circumstance in which an individual’s capacity to make an  
9 impartial or unbiased accreditation recommendation may be  
10 affected, including, but not necessarily limited to, any of the  
11 following:

12 (A) Paid service in any capacity to the institution under review.

13 (B) Serving as, or having a near relative serving as, a current  
14 member, staff member, or consultant of the agency’s  
15 decisionmaking body.

16 (C) Serving as, or having a near relative serving as, a current  
17 member, staff member, or consultant of the institution’s governing  
18 body.

19 (D) *Candidacy for employment at the institution being evaluated.*

20 (E) *A written agreement with an institution that may create a*  
21 *conflict of interest or appearance of a conflict of interest with the*  
22 *institution being evaluated.*

23 (F) *Having a personal or financial interest in the ownership or*  
24 *operation of the institution being evaluated.*

25 (G) *Receipt of honoraria, honors, or awards from the institution*  
26 *being evaluated.*

27 (H) *Other personal or professional connections that would*  
28 *create a conflict of interest or the appearance of a conflict of*  
29 *interest.*

30 (3) A prospective member of a visiting accreditation team shall  
31 submit an appropriate disclosure form to the agency, declaring  
32 that he or she does not violate the visiting team conflict-of-interest  
33 criteria in paragraph (2). Copies of these forms shall be provided  
34 to the institution under review.

35 (d) (1) The agency shall conduct its meetings so as to ensure  
36 that those members of the public who desire to appear at open  
37 sessions of agency meetings have an opportunity to attend those  
38 portions of the meetings.

39 (2) A sufficient length of time shall be allowed for public  
40 comment at agency meetings, and no agency action related to an

1 institution's accreditation shall be made prior to the decisionmaking  
2 body's taking of public comment.

3 (3) The agency shall make an accreditation decision by a vote  
4 of its decisionmaking body. The outcome of the vote shall be  
5 recorded and posted to the agency's Internet Web site. Minutes  
6 from all open session portions of the meetings of the  
7 decisionmaking body of the agency shall be recorded and posted  
8 to the agency's Internet Web site.

9 (4) Any ~~officer or employee~~ *officer, employee, representative,*  
10 *or consultant* of the agency with an actual or appearance of a  
11 conflict of interest shall be disqualified from participating in  
12 discussion and voting. For purposes of this clause, a conflict of  
13 interest is defined as any circumstance in which an individual's  
14 capacity to make an impartial or unbiased recommendation or  
15 decision may be affected, including by ~~either~~ *any* of the following:

16 (A) Paid service in any capacity to the institution under review.

17 (B) Serving as, or having a near relative serving as, a current  
18 member, staff member, or consultant of the institution's governing  
19 body.

20 (C) *Having served on the most recent evaluation team of an*  
21 *institution being considered.*

22 (D) *Candidacy for employment at the institution being evaluated.*

23 (E) *A written agreement with an institution that may create a*  
24 *conflict of interest or appearance of a conflict of interest with the*  
25 *institution being evaluated.*

26 (F) *Having a personal or financial interest in the ownership or*  
27 *operation of the institution being evaluated.*

28 (G) *Receipt of honoraria, honors, or awards from the institution*  
29 *being evaluated.*

30 (H) *Other personal or professional connections that would*  
31 *create a conflict of interest or the appearance of a conflict of*  
32 *interest.*

33 (I) *Any other relationship that would impede an individual's*  
34 *objectivity.*

35 (e) The agency shall preserve all documents generated during  
36 an accreditation-related review, including, but not necessarily  
37 limited to, email correspondence, for no less than 36 months after  
38 the completion of an accreditation-related review. All reports,  
39 evaluations, recommendations, and decision documents generated  
40 during an accreditation-related review shall be retained indefinitely.

1 (f) The agency's accreditation-related decisions shall be based  
2 on written, published standards, and shall be in accordance with,  
3 and not be inconsistent with, state and federal statutes and  
4 regulations.

5 (g) No revision shall be made by the agency to a proposed  
6 visiting accreditation team report unless the revision is shared with  
7 the members of the visiting accreditation team and with the  
8 institution under review, and each is afforded an opportunity to  
9 comment on the revision.

10 (h) (1) A community college or a community college district  
11 shall be given advance notice of proposed visiting accreditation  
12 team reports, so that the college or district may respond to correct  
13 factual errors or dissent from conclusions. The institution under  
14 review shall be afforded adequate time to review the reports before  
15 a meeting of the agency's decisionmaking body at which a decision  
16 relating to the institution's accreditation is to be made, which shall  
17 be no less than six weeks before the meeting. The institution under  
18 review may respond to these reports in writing, orally at the  
19 meeting, or in both of those ways.

20 (2) Any visiting accrediting team recommendation for action  
21 shall be shared with the institution under review at least six weeks  
22 before a meeting of the agency's decisionmaking body, so that the  
23 institution may decide whether and how to respond to the  
24 recommendation. Any recommendation for action made to the  
25 agency's decisionmaking body by a person employed by or  
26 representing the agency, including its staff, agents, and employees,  
27 shall be shared with the institution subject to the recommendation  
28 at least six weeks before a meeting of the agency's decisionmaking  
29 body relating to the recommendation.

30 (i) (1) The agency shall have a written policy, consistent with  
31 federal law, that does both of the following:

32 (A) Identifies a period for an institution to correct any  
33 deficiencies that have prevented the institution from receiving full  
34 accreditation.

35 (B) Provides criteria for altering that period.

36 (2) The policy adopted under paragraph (1) shall be published,  
37 and shall provide a process through which an institution may  
38 submit applications for an extension, even if a decision has  
39 expressly denied such an extension. An application for an

1 extension, and the decision of the agency as to the application,  
2 shall be made publicly available.

3 (j) (1) Whenever the agency's decisionmaking body issues a  
4 sanction of probation or a more serious sanction, the institution  
5 subject to the sanction shall be given written notice of the alleged  
6 sanctionable offenses or deficiencies. The institution shall be  
7 afforded an opportunity to submit an appeal of the decision to issue  
8 the sanction.

9 (2) A member of an appeal panel with an actual conflict of  
10 interest, or the appearance of a conflict of interest, shall be  
11 disqualified from participating in an appeal submitted pursuant to  
12 paragraph (1). For purposes of this paragraph, a conflict of interest  
13 shall be defined as any circumstance in which an individual's  
14 capacity to make an impartial or unbiased recommendation or  
15 decision may be affected, including by any of the following:

16 (A) Paid service in any capacity to the institution under review.

17 (B) Serving as, or having a near relative serving as, a current  
18 member, staff member, or consultant of the institution's governing  
19 body.

20 (C) Having voted or had the opportunity to vote, as a member  
21 of the agency's decisionmaking body, on the sanction being  
22 appealed.

23 (D) ~~Having served as a member of the visiting accreditation~~  
24 ~~team which submitted the recommendation for the sanction on any~~  
25 ~~team, review committee, or body on behalf of the commission that~~  
26 ~~was involved with the action of the commission being appealed.~~

27 (E) *Current service on the commission.*

28 (3) A prospective member of an appeal panel shall submit an  
29 appropriate disclosure ~~form~~ *form, signed under penalty of perjury,*  
30 to the agency, declaring that he or she does not violate the  
31 conflict-of-interest criteria listed in subparagraphs (A) to (D),  
32 inclusive, of paragraph (2). Copies of these forms shall be provided  
33 to the institution that is making the appeal.

34 *SEC. 2. No reimbursement is required by this act pursuant to*  
35 *Section 6 of Article XIII B of the California Constitution because*  
36 *the only costs that may be incurred by a local agency or school*  
37 *district will be incurred because this act creates a new crime or*  
38 *infraction, eliminates a crime or infraction, or changes the penalty*  
39 *for a crime or infraction, within the meaning of Section 17556 of*  
40 *the Government Code, or changes the definition of a crime within*

- 1 *the meaning of Section 6 of Article XIII B of the California*
- 2 *Constitution.*

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