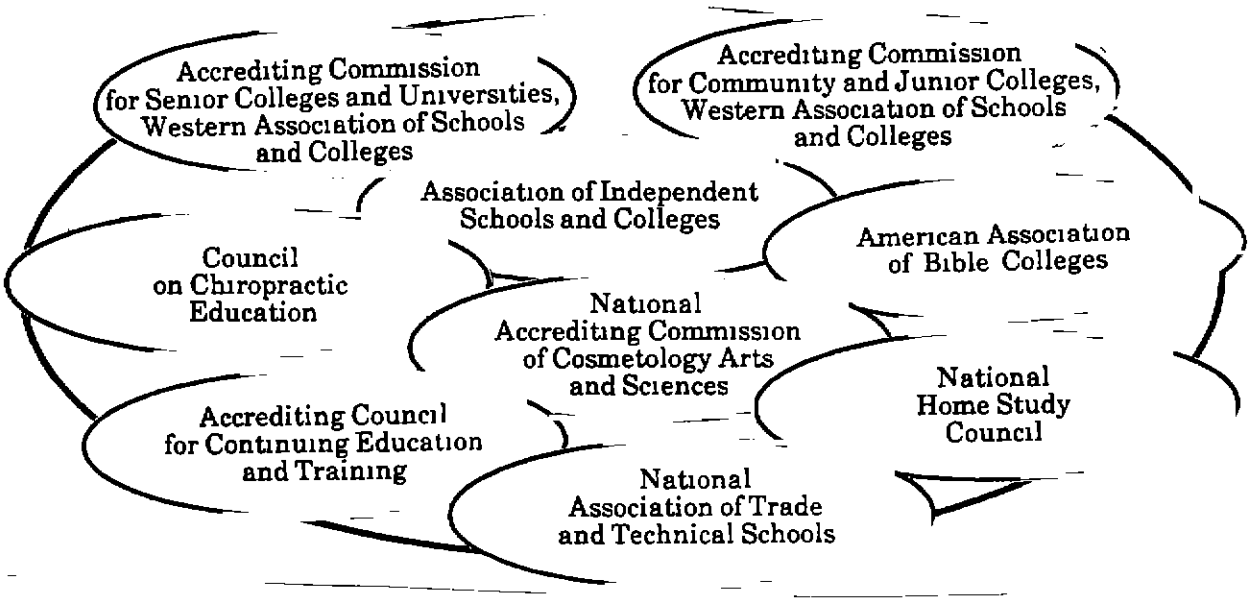
THE STATE'S RELIANCE ON NON-GOVERNMENTAL ACCREDITATION



CALIFORNIA POSTSECONDARY EDUCATION COMMISSION

Summary

Since 1958, California has relied on non-governmental accrediting agencies to maintain standards of quality and integrity in its accredited private colleges, universities, and vocational schools In doing so, the State has exempted these institutions from review by its own licensing agency -- the Private Postsecondary Education Division of the State Department of Education

Through Assembly Concurrent Resolution 78 (Hughes 1988), the Legislature directed the California Postsecondary Education Commission to review this policy and to consider whether any or all of the responsibilities currently delegated to accrediting agencies should be assumed by the State In carrying out this request, the Commission reviewed the operation, procedures, and standards of nine nationally recognized accrediting commissions that accredit approximately 95 per cent of all accredited postsecondary institutions in the State

This report contains the findings of that review Part One on pages 1-4 contains a summary of findings and recommended policy guidelines regarding California's reliance on accreditation Part Two on pages 5-8 then explains the origins and methods of the study Part Three on pages 9-24 focuses on the nature and limits of accreditation at large Part Four on pages 25-30 discusses the three basic purposes for which the State relies on accrediting agencies Part Five on pages 31-40 gives specific examples of the State's overreliance on these agencies along with a set of seven premises for establishing a coherent policy for State oversight of private postsecondary institutions

As the first report in a series of three Commission reports on California's oversight of private postsecondary institutions, this report does not contain detailed recommendations for changes in State oversight or its reliance on accrediting agencies Instead, it seeks to provide the basis for such recommendations in the third of the series, *Recommendations for Revising the Private Postsecondary Education Act of 1977* (April 1989)

The Commission adopted this report at its meeting on March 21, 1989, on recommendation of its Policy Evaluation Committee Additional copies of the report may be obtained from the Library of the Commission at (916) 322-8031 Questions about the substance of the report may be directed to William K Haldeman of the Commission staff at (916) 322-7991

THE STATE'S RELIANCE ON NON-GOVERNMENTAL ACCREDITATION

A Report to the Legislature in Response to Assembly Concurrent Resolution 78 (Resolution Chapter 22, 1988)

CALIFORNIA POSTSECONDARY EDUCATION COMMISSION
Third Floor • 1020 Twelfth Street • Sacramento, California 95814-3985

CALIFORNIA POSTSECONDARY EDUCATION COMMISSION

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1 *Findings and Policy Guidelines*

Findings

1 *Extent of accreditation* Some 900 institutions of postsecondary education in California are currently accredited by one or another of nine federally recognized accrediting agencies

The Accrediting Commission for Community and Junior Colleges of the Western Association of Schools and Colleges (WASC)

The Accrediting Commission for Senior Colleges and Universities of WASC

The Accrediting Council for Continuing Education and Training

The American Association of Bible Colleges

The Association of Independent Colleges and Schools

The Council on Chiropractic Education

The National Accrediting Commission of Cosmetology Arts and Sciences

The National Association of Trade and Technical Schools

The National Home Study Council

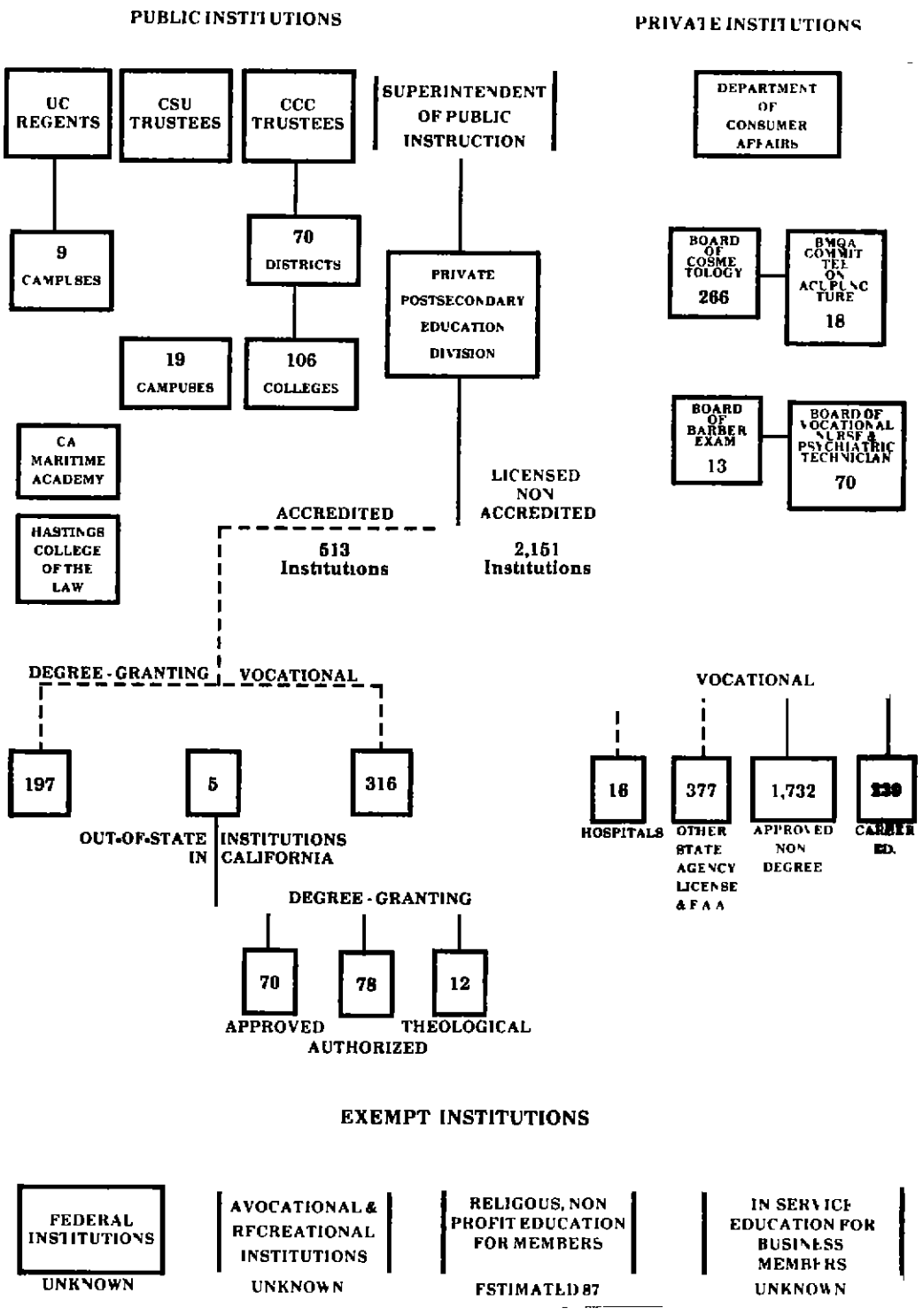
These 900 institutions include all of the State's 136 publicly-supported colleges and universities, plus 764 private degree-granting and non-degree-granting institutions The distribution of the responsibilities for the oversight of these institutions in the State is illustrated by the diagram on the following page

2 *Importance of accreditation* The non-governmental accreditation of postsecondary institutions is a socially important process that warrants State encouragement and support It is essentially a process of peer evaluation Its participants define standards of quality and seek to improve their educational programs and institutions through a self-regulatory means that involves both internal and external evaluation components Both its strengths and its weaknesses emanate from its voluntary non-governmental nature that depends heavily upon peer pressure to achieve its ends In 1984, the Commission recommended that California should "protect and preserve" non-governmental accreditation, and that the State should not attempt to replace or duplicate non-governmental accreditation in "its role in promoting educational quality " The Commission hereby reaffirms that recommendation

3 *State reliance on accreditation* Once an institution is accredited by an accrediting agency, California relies on its accredited status and the continuing monitoring of the accrediting agency in three ways (1) to stand in lieu of the standards and the monitoring of its own oversight agency -- the Private Postsecondary Education Division of the State Department of Education -- in ensuring consumer protection and the integrity of degrees, (2) to establish an institution's eligibility to participate in State and federal student aid programs, and (3) to certify institutional quality as a basis for admitting the graduates of these institutions to professional licensure examinations In effect, the State accepts the judgments of *all* federally recognized accrediting commissions regarding the quality, integrity and stability of institutions and their programs on the assumption that the judgments of all these agencies ensure institutional compliance with the State's minimum standards for consumer protection In the judgment of the Commission, this is a most serious relinquishing of responsibility on the part of the State

4 *Evidence of overreliance on accreditation* Problems arise from this nearly total dependence on non-governmental associations because accreditation and State oversight differ fundamentally in (1) their bases of authority, (2) their purposes, (3) their standards, and (4) their procedures Accreditation focuses on the voluntary improvement of educational institutions by means of peer review, and the enforcing of state and federal statutes inhibits this process In contrast,

State Oversight of Postsecondary Education Institutions in California



Source. California Postsecondary Education Commission staff analysis

State oversight seeks to ensure the maintenance of minimum educational standards and of essential consumer protection -- and enforcing compliance with these requirements This function should not be delegated without restriction to all recognized accrediting agencies Moreover, these agencies vary significantly in their policies and procedures, their standards, and the rigor of their operations Some have particular problems with institutions closing abruptly without making proper arrangements for their students and institutions with high default rates on State and federal loans

5 *Need for flexible State reliance on accreditation* These variations in accrediting agency problems and practices require a more flexible State policy on accreditation than has been maintained during the past several decades The Legislature has established in statute a blanket policy of full reliance upon federally-recognized accrediting agencies for consumer protection provisions, but the State can be assured about the relative effectiveness of these accrediting agencies only if the agencies can demonstrate that their standards and procedures substantially cover the standards and consumer protection requirements of the State's licensing laws

The State should hold all private institutions accountable for meeting its licensing laws, but it should provide some relief from a duplicative institutional assessment by its licensing agency for those institutions that have successfully undergone a review by an accrediting agency the standards and procedures of which are judged to adequately cover the State's laws

6 *Licensure of out-of-state accredited institutions* The State's review and licensure of branches of out-of-state accredited institutions operating in California (*Education Code* 94310 1b) is an exception to the policy of general reliance upon accreditation This part of the licensing statutes provides an example of how State licensure and accreditation might work together with regard to other types of accredited institutions

The addition of this Section of the Code requiring the licensure of branches of out-of-state institutions was made at a time when regional accrediting associations outside of California were not providing adequate review of their California branches The State's licensing agency was given the responsibility through Senate Bill 1036 (1985, Montoya) to conduct licensing reviews of the operations "whenever possible in conjunction with institutional reviews by the regional accrediting association "

7 *Minimal collaboration between State licensing agency and accrediting agencies* State licensure and institutional accreditation share some similar concerns relating to the integrity and stability of institutions Both functions can become stronger and more effective when the agencies involved collaborate Because the Private Postsecondary Education Division has little authority over accredited institutions, there are few occasions for collaboration to be exercised The Division is further handicapped by not having the resources to mount an effective cooperative effort with accrediting agencies because of the Division's inability to collect licensing fees from accredited institutions

A number of different types of working relationships are possible These include joint visits to an institution during which both licensure and accreditation concerns are covered, the inclusion of a State staff participant or observer on an accreditation visit, or the routine exchange between agencies of pertinent institutional information Examples of such cooperation found in other states show that collaboration is both possible and desirable There are compelling reasons for promoting cooperation between the agencies which implement the complementary functions of State licensure and non-governmental accreditation The lack of cooperation can lead to misunderstandings about the scope of review being undertaken, or it can lead to duplicative and perhaps unnecessary reviews Close cooperation, on the other hand, can provide mutual support and can increase the benefits of both types of institutional reviews

8 *Gaps in the State's postsecondary institution data base* The California Postsecondary Education Commission annually collects statistical data from about one-fourth of the approximately 2,600 postsecondary institutions in the State

The Commission is able to secure only scattered information about the education of an estimated 500,000 students each year, 200,000 of whom attend accredited vocational schools The Commission seeks to collect information from vocational schools that offer programs of two or more years in length, but it does not survey vocational schools offering less than a two-year program because their response rate has been too low to justify the expense The Commission concludes from this experience that the provision of institutional data to the State's Postsecondary Education Data Base should probably be a statutory requirement for operating a private postsecondary institution in the State, since voluntary participation in supplying institutional data has led to significant and critical gaps in the information State policy makers have regarding educational services in the State

These findings lead to the following two guidelines for State policy

- **In the oversight of private postsecondary institutions in California, the State should retain the responsibility for ensuring compliance with its minimum quality standards and consumer protection laws.**

- **The State should rely upon individual accrediting agencies for purposes of protecting the consumer and maintaining the integrity of degrees and other awards on an agency-by-agency basis as determined by the appropriate State agency. Such reliance should be found appropriate only when an accrediting agency can demonstrate that its standards and procedures substantially cover the standards and consumer protection requirements in the State's licensing laws and that these are rigorously enforced. This decision to rely on an accrediting agency for this purpose should be subject to periodic evaluation by a responsible agency of the State.**

2 *Impetus for the Study*

IN 1984, the Commission examined California's policy of exempting accredited institutions from State oversight in its report, *Public Policy, Accreditation, and State Approval* At issue in that study were such questions as the extent of the State's dependence upon a non-governmental process as an indicator of quality for the State's professional licensure processes and the dispensing of student financial aid, the increase in the number of specialized accrediting agencies and the resultant increase in costs and external pressures that these additional accrediting requirements imposed on both private and public institutions, the efficacy of accreditation in the protection of students as consumers of education, and the necessity for greater cooperation between the State's postsecondary oversight agency and the accrediting agencies in the review of out-of-state accredited institutions operating off-campus centers in California

The Commission's 1984 report contained 14 recommendations relating to these issues (reproduced in Appendix A), among which were recommendations that the State should continue its reliance upon non-governmental accreditation while encouraging improvements in both the accreditation and State licensure standards and procedures Since then, the State amended its statutes to provide State licensure of out-of-state accredited institutions operating in California, a revised State institutional approval process, and authority to the Superintendent of Public Instruction to rescind the license of an accredited vocational institution if the institution is not in compliance with the standards of its accrediting association But the State's policy of relying on non-governmental accrediting associations for overseeing the operations of their member institutions has remained unchanged

The present report continues the discussion of this issue Through Assembly Concurrent Resolution 78 (Hughes, 1988, reproduced in Appendix B), the Legislature directed the Commission to "conduct a study of the operations and procedures of accrediting associations which accredit postsecondary institutions operating pursuant to either Section 94310 1 (degree-granting institutions) or subdivision (c) of Section 94311 of the *Education Code* "

As a result, in this report the Commission has examined in more detail than the earlier report had done the purposes and operations of accrediting associations that accredit postsecondary institutions in the State These include the national accrediting commissions such as the Association of Independent Colleges and Schools and the National Association of Trade and Technical Schools which were not reviewed in 1984

A number of important problems have motivated a return to this policy arena

- Accreditation continues to be used as the basis for directing the student aid funds provided by the federal and state governments to qualifying institutions The increasing competition among institutions for these funds and the continuing concern with high default rates among the graduates of certain types of institutions suggest that we should evaluate whether the current process of determining institutional accountability for these funds is working satisfactorily
- New branches of institutions of all types multiply throughout the State, increasing access to postsecondary opportunities, but also increasing interinstitutional competition and multiplying the difficulties associated with monitoring quality A review of the procedures used by the accrediting commissions for evaluating the off-campus centers of their member institutions may aid State agencies in deciding what, if any, additional oversight is necessary
- The recent abrupt closures of accredited proprietary institutions which resulted in serious loss of time and money to students and to the State and federal governments raise questions about the quality of communication and cooperation between the State's licensing arm, the Private Postsecondary Education Division, and the various accrediting agencies responsible for accrediting California's institutions

- The growing recognition of the public benefits of non-governmental accreditation and the quasi-public nature of the accrediting associations' work prompt a continuing concern for their capacity to act in the public interest The composition of the association boards, and the procedures used to nominate and select commission members all influence this capacity The State maintains an interest in the extent to which accrediting commissions which accredit institutions in California are able to act in the public interest
- Over the past decade, the State has made an effort to raise the standards it employs for licensing nonaccredited postsecondary institutions Yet the relationship between these standards and procedures for State licensure and the standards and procedures used in non-governmental accreditation remains unclear The Legislature's intent of protecting "the integrity of degrees" through licensure and accreditation, as expressed in the Private Postsecondary Education Act of 1977, is explicit the implementation of this intent is still subject to intense debate over such issues as levels of quality and definitions of degrees

Concurrent with this review of accreditation, the Commission is also conducting a review and evaluation of the administration of the entire Private Postsecondary Education Act of 1977 and the effectiveness of the Act's provisions for approving and authorizing nonaccredited institutions to award degrees Both the conclusions and recommendations of the present report and those of this parallel Commission evaluation of the Private Postsecondary Education Act will provide the basis for Commission advice on possible amendments and reinstatement of the Act upon its sunsetting on June 30, 1991

Methods of the study

The accrediting associations selected for review were chosen if they met the following criteria

1 The association is a non-governmental, voluntary organization,

2 It is recognized by the federal Department of Education, and

3 It provides the sole institutional accreditation for five or more postsecondary institutions in California

A questionnaire was sent to the executive director of each of the nine accrediting commissions The questionnaire asked for information about the operations and procedures of the commission and about its membership

Data were also collected from a number of State agencies having some type of oversight over accredited private postsecondary institutions These agencies included the Private Postsecondary Education Division of the State's Department of Education, the California Student Aid Commission, the Commission on Teacher Credentialing, and the Department of Consumer Affairs (including a number of its licensing boards) In connection with the Commission's current study of the Private Postsecondary Education Act under the direction of JB Hefferlin, information was also sought from other states regarding their reliance on non-governmental accreditation

Acknowledgements

To help with the study, the Commission appointed a technical advisory committee consisting of the following members

Richard Baiz, Deputy Director
California Department of Consumer Affairs

Joseph Barankin, Director
Pat Brown (Alternate)
Private Postsecondary Education Division
California State Department of Education

Garnet Birch, Dean
Curriculum and Standards
National University, San Diego

Jonathan Brown, Vice President
Association of Independent California Colleges and Universities

Sally L Casanova, Dean
Academic Affairs
The California State University

Larry K Dodds, President
Accrediting Council for Continuing Education and Training
Richmond, Virginia

William A Fowler, Executive Secretary
Michael P Lambert
Associate Director, (Alternate)
National Home Study Council
Washington, D C

Coleman Furr, Chairman of the Board
Coleman College, La Mesa (representing the Association of Independent Colleges and Schools)

Greg Gollihur, Deputy Director
Dana Callihan (Alternate)
California Student Aid Commission

Mark Gross, President
National Accrediting Commission of Cosmetology Arts and Sciences, Ontario

Gus Guichard
Senior Vice Chancellor for Planning and Special Projects
California Community Colleges

Karen Merritt, Director
Planning and Program Review
University of California, Berkeley

John Murphy, Vice President, Public Affairs
University of Phoenix, San Jose

Denise D Ostton, Executive Officer
Jeff Weir, Program Analyst (Alternate)
Board of Cosmetology

John C Petersen, Executive Director
Accrediting Commission for Community and Junior Colleges
Western Association of Schools and Colleges

Bob Salley, Administrator
Program Evaluation
Commission on Teacher Credentialing

Catherine Sizemore
Legislative Representative
California Association of Private Postsecondary Schools

Stephen J Smith
Government Relations Manager
California State Employees Association
(representing the Council for Private Postsecondary Educational Institutions)

Ralph A Wolff, Associate Executive Director
Accrediting Commission for Senior Colleges and Universities
Western Association of Schools and Colleges

Richard Zaiden, President
Technician Training School, McKees Rocks, Pennsylvania (representing the National Association of Trade and Technical Schools)

The Commission wishes to thank them for their assistance in the study, together with the officials of the nine accrediting agencies discussed in this report

3 *Nature and Limits of Accreditation*

WESTLAND College, enrolling 1,200 students on its two campuses in Sacramento and Clovis (near Fresno), opened in 1981 and was accredited in 1983 by the Association of Independent Schools and Colleges -- a non-governmental accrediting association headquartered in Washington, D C In 1985, Westland was audited by the California Student Aid Commission and the U S Department of Education, during which more than $500,000 in liabilities were disclosed, and in late 1985 it was fined $50,000 by the Department of Education On or about February 11, 1986, the Private Postsecondary Education Division of California's State Department of Education was informed of the sale of Westland's assets to Sierra College of Business and authorized the institution to continue operation About February 19, 1986, the Association of Independent Schools and Colleges extended the institution's accreditation under the new owner On May 1 of that year, the institution closed, leaving a liability of some $600,000 in unpaid student tuition refunds and unauthorized federal funds

During the past three years, 44 of California's accredited private postsecondary institutions closed Fifteen of them were accredited by the Association of Independent Colleges and Universities, and 12 by the National Association of Trade and Technical Schools One chain of eight AICS schools in California closed abruptly, leaving hundreds of students stranded with incomplete programs that were not transferable to other colleges and with federal student loans they could not afford to pay

Institutional closures create one of several types of problems that prompt the questions raised by ACR 78 In brief, these questions can be reduced to two (1) Should the State continue to rely on non-governmental accreditation to fulfill any of the State's oversight responsibilities? and (2) If so, what is the appropriate relationship between the responsibilities of the accrediting agencies and State oversight? To answer these questions requires an understanding of the nature of accreditation and of accrediting agencies

Nature of accreditation

As noted in Part One, the accreditation of postsecondary institutions is essentially a process of peer evaluation Its participants define standards of quality and seek to improve their educational programs and institutions through a self-regulatory means that involves both internal and external evaluation components Both its strengths and its weaknesses emanate from its voluntary, non-governmental nature which depends heavily upon peer pressure to achieve its ends

Accreditation is uniquely an American phenomenon While other countries have centralized educational systems that define the purposes, standards and limits of its various educational institutions, our federal government is given no direct powers over education These powers devolve to the states as a result of the Tenth Amendment of the Constitution The states express these powers by establishing publicly supported educational institutions and by chartering or licensing private institutions

The decentralization of responsibilities for setting educational standards left the nation without a means for attaining a consensus on such matters Prior to the beginning of the twentieth century, the United States had no established method for maintaining an educational currency of credits and degrees that would be understood throughout the country The absence of national standards for both secondary and postsecondary institutions led to wide variations in standards from state to state In 1895, the first voluntary associations of these institutions formed for the purposes of defining the high school and college and developing quality guidelines and procedures of peer review

Out of this need for national standards, two basic types of accrediting bodies developed institutional and programmatic or professional

- Institutional accrediting bodies review the entire institution including its educational offerings, student personnel services, financial condi-

tion and administrative strength These bodies are either regional or national in scope

- Programmatic accrediting bodies, as a rule, review a specialized part of an institution These bodies are generally associated with an occupation or profession and are concerned with those parts of an institution which contribute to the training for that occupation

The two basic types of accreditation developed almost contemporaneously during the last decade of the nineteenth century and the first decade of the twentieth The first institutional associations the North Central and the Southern regional associations -- were organized in 1895, the first programmatic associations -- the American Association of Law Schools, the Society of American Foresters, and the Committee on Education of the American Osteopathic Association -- were organized in 1900, 1900, and 1901, respectively

The Postsecondary Education Commission examined the development of both types of accreditation in some depth in its 1984 report As a result, the present report omits some elements of general background about them Additional details on their evolution can be found in the earlier document The Commission's obligations in this report, however, require that it review at least three facets of accreditation -- its purposes, its basis of authority, and its chief elements

The purposes of accreditation

The Council on Postsecondary Accreditation (COPA) a national association of accrediting commissions, describes the purposes of accreditation in six major goals (Young, 1983, pp 22-23)

1 To foster excellence in postsecondary education through the development of criteria and guidelines for assessing educational effectiveness

2 To encourage improvement of institutions and programs through continuous self-study and planning

3 To assure other organizations and agencies, the education community, and the general public that an institution or a particular program has both clearly defined and appropriate objectives, maintains conditions under which their achievement can reasonably be expected, appears in fact to be accomplishing them substantially, and can be expected to continue to do so

4 To provide counsel and assistance to established and developing institutions and programs

5 To encourage the diversity of American postsecondary education and allow institutions to achieve their particular objectives and goals

6 To endeavor to protect institutions against encroachments that might jeopardize their educational effectiveness or academic freedom

Although these purposes include "the development of criteria and guidelines for assessing educational effectiveness," the establishing of quality thresholds or minimum standards is a practice that most institutional accrediting associations tend to avoid As Kenneth Young puts it, 'accreditation as a whole is more accurately characterized as an elaborate process that involves many people making subjective judgments, individually and collectively" (ibid) In a statement on "The Role and Value of Accreditation" adopted by the Board of the Council on Postsecondary Accreditation in 1982, accreditation is represented as having two fundamental purposes "to assure the quality of the institution or program, and to assist in the improvement of the institution or program " "The ultimate test of institutional accreditation," Young states, "is whether the accredited institution is acceptable to other accredited institutions" (p 24)

The COPA statement of the purposes of accreditation generally represented a national consensus in the early 1980s, but that consensus may be breaking down For example, a representative of the Senior Commission of the Western Association of Schools and Colleges (WASC) states that the COPA purposes do not fully reflect the purposes of WASC "These statements [purposes] are incomplete to the extent that they do not reflect one of our major goals, indeed the first major goal, which is to determine if institutions are in compliance with our standards " Few other associations are as clear as WASC is about the accrediting association's responsibility to provide rigorous external standards for the accrediting process

Peer acceptance as the basis of accreditation's authority

Postsecondary accreditation evolved as a voluntary enterprise in which an institution could choose or not choose to seek an evaluation by its peers At some point early in the lives of institutions, many choose this association because it lends credibility to their programs Once accredited, an institution can then attract a better quality of students and a higher level of financial support Its regard in the educational community and with the public at large is heightened The authority of the accredited institution in this type of voluntary environment is based on the collective credibility of the institutions with which it has associated

Today accreditation can no longer be considered entirely voluntary Eligibility for federal funds and, more often than not, professional licensure at the State level require that an institution be accredited This governmental reliance upon accreditation, though readily accepted by the accrediting bodies, has nevertheless increased governmental expectations of accrediting commissions to a point which may require a substantial change in the purposes of accreditation To understand how these expectations might affect accreditation, we must first review the general elements of the accreditation process

Elements of accreditation

Certain ingredients are common to all non-governmental accrediting entities

1 A fostering association which develops and publishes a set of standards and procedures,

2 An institutional self-study, based on the association's guidelines, which examines the institution's effectiveness in attaining its own mission and objectives,

3 An evaluation of the institution by a team of experts from outside the institution which spends time at the institution reviewing the institution in light of the association's standards and the institution's mission,

4 A written team report which contains both commendations and recommendations to the institution and a recommendation to the accrediting commission regarding initial or continuing accreditation, and

5 A decision by the accrediting commission to accredit or not to accredit the institution

Every element of this process is critical to the overall success of accreditation as a measure of institutional quality, but accrediting agencies vary greatly in the degree of rigor with which these elements are implemented Only when all these elements are effectively administered can the State consider that its reliance upon accreditation is conceivably appropriate Potential difficulties exist with each step in the process

1 The standards may not be explicit enough nor comprehensive enough to provide a firm basis for evaluation of institutional effectiveness

2 Institutional self-studies may be incomplete or may lack objective data about the institution's effectiveness

3 The visiting team may be untrained, may not be fully expert on all aspects of the institution under evaluation, or may spend too brief a period of time on site reviewing the institution

4 The visiting team's report may not cite important deficiencies at the institution or may lack specific support for deficiencies cited

5 The accrediting commission may not be representative of the community of interest (especially the general public) or may have too heavy an agenda to be able to give careful consideration to each case

Accrediting bodies show important variations in composition, size, and workload

While most accrediting bodies exhibit the common characteristics and purposes discussed above, they also differ in crucial ways This section and the one to follow (page 18) discusses these differences by first examining the physical features of accrediting associations and then reviewing their standards and procedures

The purpose of this discussion is to underscore the fact that what appears to be a simple, consistent State policy of relying on accreditation turns out to

be a State policy of substantial irregularity in the treatment of private institutions In the course of analyzing the differences among the accrediting bodies, we do not attempt to rank or grade them Most have strong points worthy of emulation, and all have weak points that need strengthening The objective of presenting the data in Displays 1 through 8 and the discussion of workload characteristics and differential standards is to demonstrate that the diversity among accrediting associations is too great for the State inflexibility to rely on

Clearly, a primary reason for the variation among the nine associations we reviewed lies in the make up of the associations' constituent institutions Practices, standards, procedures tend to vary because of differences (1) in the basis of control (public, private/non-profit, or private/for-profit) and (2) in the academic or vocational objectives of its programs Analyzed along these dimensions, the California institutions accredited by these associations fall into the categories displayed in Display 1

Descriptions of these accrediting commissions are stated in Display 2 in terms of the types of institutions they accredit A more complete statement of their purposes is contained in Appendix D

A selective comparison of the differences in procedures and standards among these nine commissions is the subject of the discussion that follows In some cases, the differences are rather obvious and need little exposition for example, it is clear that associations composed of not-for-profit, degree-granting institutions differ in important ways from associations composed totally of for-profit, vocational schools Similarly, it may be easily apparent, but still noteworthy, that some associations composed entirely of single-purpose institutions (in particular the American Association of Bible Colleges, the Council on Chiropractic Education, and the National Accrediting Commission of Cosmetology Arts and Sciences), have quite homogeneous constituencies while others (especially the National Home Study Council and, to some extent, the Senior Commission of WASC), have a much more diverse set of member institutions.

Variety of institutions accommodated

From time to time, accrediting commissions have been criticized for too much sameness, and too little accommodation of institutional differences The criticism may be apt where associations have insisted on familiar patterns of educational resources and processes as evidence of quality, but this practice is changing and, thus, the criticism is less pertinent today The range of types of accrediting associations and the range of differences accommodated within accrediting associations is rapidly expanding Today there are more than 80 institutional and professional accrediting associations recognized by the federal Department of Education

The range of types of institutions accommodated by the nine associations covered in this report includes traditional residential colleges and universities, commuter colleges, external degree institutions, a free-standing (i e , single-purpose) graduate institution, a free-standing law school serving predominantly minority and older adult students, a college requiring study in the Third World, the only institution in the Western World whose mission it is to serve the Armenian community, a nontraditional institution offering doctoral degrees integrating Eastern philosophy with Western psychology, a college founded on the basis of supporting the study of scientific creationism, an institution offering master's degrees in computer science through satellite telecommunications, and an institution offering doctoral degrees in public policy studies as part of the operations of the Rand Corporation

In actuality, this range of institutions is accredited by just one of the nine commissions -- the Senior Commission of WASC With the exception of the first two types in this list, these institutions are not what the layperson would call "mainline" institutions, even though they have been assessed against the substantial standards this Association uses for accrediting the more traditional institutions

Taken together, the other eight accrediting commissions accredit an even wider range of institutions including two year degree and non-degree institutions, home study schools (both degree and non-degree types), business schools (both degree and non-degree types) trade and technical schools (both degree and non-degree types), bible colleges, chiropractic colleges, cosmetology schools, continuing education and training programs in foreign languages, public speaking, hypnosis, truck driving, financial planning, massage, child birth education, and banking

DISPLAY 1 *Number of Accredited Postsecondary Institutions in California by Level, Type, and Accreditation, 1988*

	Public	Private, Non-Profit	Private, For-Profit
Baccalaureate degrees and above	30 Senior Commission, WASC	99 Senior Commission, WASC 5 Council on Chiropractic Education 6 American Association of Bible Colleges	3 Senior Commission, WASC 1 National Home Study Council 7 National Association of Trade and Technical Schools
Awards of less than four years but at least two years	106 Junior Commission, WASC	20 Junior Commission, WASC	3 Junior Commission, WASC 13 National Association of Trade and Technical Schools 10 Association of Independent Colleges and Schools 1 National Home Study Council
Awards of less than two years	7 Junior Commission, WASC	2 National Home Study Council 1 American Association of Bible Colleges 10 Accrediting Council for Continuing Education and Training	230 National Accrediting Commission of Cosmetology Arts and Sciences 203 National Association of Trade and Technical Schools 150 Accrediting Council for Continuing Education and Training 45 Association of Independent Colleges and Schools 10 National Home Study Council

Source California Postsecondary Education Commission

The variety of accrediting associations allows for some degree of specializing The National Association of Trade and Technical Schools accredits only proprietary schools The National Home Study Council accredits only correspondence schools, and WASC, sr accredits only institutions that grant the baccalaureate and higher degrees The process these associations must go through in order to be recognized by the national Council on Postsecondary Accreditation or the United States Department

DISPLAY 2 Accrediting Associations Recognized by the Federal Department of Education That Accredit Postsecondary Institutions Based and Operating in California

ACCREDITING COMMISSION FOR COMMUNITY AND JUNIOR COLLEGES, WASC: The Western Association of Schools and Colleges is one of six regional accrediting associations covering the United States, whose purpose is continual improvement of education and cooperation among educational institutions WASC accredits institutions in California, Hawaii, the Federated States of Micronesia, the Commonwealth of the Northern Marianas, the Marshall Islands, the Republic of Palau, Guam, American Samoa and other areas of the Pacific Basin WASC is composed of three separate accrediting commissions -- the two cited here and the Accrediting Commission for Schools, which is responsible for accrediting secondary and some elementary schools

The Accrediting Commission for Community and Junior Colleges of WASC provides accreditation services for one and two-year postsecondary educational institutions in the region described above The Commission evaluates institutions, specialized program accreditation is furnished through other agencies

ACCREDITING COMMISSION FOR SENIOR COLLEGES AND UNIVERSITIES, WASC: WASC's "Senior Commission" accredits degree-granting institutions and the baccalaureate and graduate levels throughout the WASC region described above

ACCREDITING COUNCIL FOR CONTINUING EDUCATION AND TRAINING (ACCET) Formerly named the Council for Noncollegiate Continuing Education, the Council is a voluntary group of educational organizations established in 1974 to assess the quality of continuing education programs in the noncollegiate, noncredit field

AMERICAN ASSOCIATION OF BIBLE COLLEGES (AABC) AABC is an autonomous league of colleges seeking to enhance Christ-centered, biblically-based higher education in North America AABC accredits private, non-profit institutions at the baccalaureate level, its authority does not extend to accrediting institutions at the graduate level

ASSOCIATION OF INDEPENDENT COLLEGES AND SCHOOLS (AICS) The Accrediting Commission of AICS operates within the corporate structure of the Association AICS is a national, non-profit educational association comprised of institutions accredited by the Commission The Commission accredits eligible institutions in the United States and its territories which offer programs that prepare students for careers in business or business-related professions It also accredits schools outside the United States if their organizational structure and program of instruction are comparable to those in this country

COUNCIL ON CHIROPRACTIC EDUCATION (CCE) CCE is a national organization advocating high standards of quality in chiropractic education, establishing criteria of institutional excellence for educating primary health care chiropractic physicians, inspecting and accrediting colleges through its Commission on Accreditation, and publishing lists of those institutions which conform to its standards and policies

NATIONAL ACCREDITING COMMISSION OF COSMETOLOGY ARTS AND SCIENCES (NACCAS) NACCAS accredits private postsecondary schools and departments of cosmetology arts and sciences located within the United States jurisdiction

NATIONAL ASSOCIATION OF TRADE AND TECHNICAL SCHOOLS (NATTS) NATTS is a voluntary association of private schools The primary purpose of the Accrediting Commission is to establish and maintain high educational standards and ethical business practices in its field Only private postsecondary residential schools with trade or technical educational objectives are eligible for accreditation

NATIONAL HOME STUDY COUNCIL (NHSC) The Accrediting Commission of the NHSC establishes educational, ethical, and business standards, it examines and evaluates home study schools in terms of these standards, and accredits those that qualify The Commission is recognized to accredit private and non-private correspondence institutions at the degree and non-degree level

Source California Postsecondary Education Commission

of Education requires that they demonstrate a need for their services that is not being served by some other agency

> Duplication of accrediting in the same general area is to be avoided since it invites inconsistent and contradictory standards and accrediting actions and thus leads to confusion on the part of students, institutions, and the public (Council on Postsecondary Accreditation, 1982)

> it is unlikely that more than one association or agency will qualify for recognition (1) in a defined geographical area of jurisdiction or (2) in a defined field of program specialization within secondary or postsecondary education (United States Department of Education, 1988) (A complete set of the federal *Criteria and Procedures* is reproduced in Appendix C)

Variety of institutional membership among accrediting associations as well as within individual associations is not the only important difference to note Associations differ in size of membership, composition of the decision-making body (commission, council), size of staff and workload, and the rigor of association standards and accrediting procedures As their membership and purview are limited in scope, so these other factors sometimes limit an association's perspective These limitations then may affect an association's effectiveness in areas of responsibility the State has expected the accrediting body to discharge

Size and scope of accrediting agencies

The size and scope of an accrediting agency in terms of the number and types of institutions it covers can affect the quality of oversight it provides these institutions Some agencies have relatively few institutions to assess These institutions are homogeneous and the number of institutions per staff member is relatively low The latter factor especially (a low number of institutions per staff member) would tend to aid effective assessment and ongoing monitoring of the institutions

Display 3 on page 16 shows the degree of variation in the total size of membership, and the type of institutions involved

The accrediting associations, which include both regional and national associations, also vary appreciably in the proportion of their institutional membership that is comprised of California institutions Information in Display 4 on page 17 indicates, for example, that the two regional commissions in WASC have a very large California representation while AABC and AICS, both national commissions, have only 7 percent and 5 percent, respectively, of their institutions in this State

An accrediting agency discharges its oversight responsibilities most directly when it takes a formal action regarding an institution under its purview When a commission takes an action to accredit, renew an accreditation, place an institution on probation, or revoke its accreditation, the full complement of its resources (team visit, staff analysis, conferring with the leaders of the institution, deliberation by the commission) are usually brought into the decision-making process Thus, the amount of attention paid to its member institutions is indicated by the number of formal actions a commission takes

The size of staff and the size of a commission's operational budget are also indicative of the level of oversight an accrediting organization is able to provide Display 5 on page 18 reduces the information about the size of staff and number of visits to two coefficients in order to simplify the comparison of different sized accrediting associations

- The first (Staffing Level) indicates the amount of staff attention available to prepare each decision as indicated by the number of available staff divided by the number of actions taken
- The second (Monitoring Level) indicates a level of attention individual institutions received from their accrediting commission as measured by the number of official actions taken by the commission divided by the number of institutions To help provide some context for understanding the significance of this number, it is useful to compare it with the coefficient produced by a commission that averages an official review of an institution every five years (i e , 0 2) or every ten years (i e , 0 1)

In each case, the higher the coefficient is, the more positive the indicator if one assumes that more external evaluation is a good practice

As in decisions regarding the licensure of an institution to operate in a state, so also in decisions re-

DISPLAY 3 Types and Number of Institutions Accredited

Association	Degree	Public	Private	Total
National Accrediting Commission of Cosmetology Arts and Sciences	Degree	0	0	0
	Non-Degree	0	1,802	1,802
	Total	0	1,802	1,802
National Association of Trade and Technical Schools	Degree	0	210	210
	Non Degree	0	1,042	1,042
	Total	0	1,252	1,252
Association of Independent Colleges and Schools	Degree	0	381	381
	Non-Degree	0	759	759
	Total	0	1,140	1,140
Accrediting Council for Continuing Education and Training	Degree	0	0	0
	Non-Degree	0	1,367	1,367
	Total	0	1,367	1,367
Accrediting Commission for Community and Junior Colleges, WASC	Degree	117	24	141
	Non-Degree	7	0	7
	Total	124	24	148
Accrediting Commission for Senior Colleges and Universities, WASC	Degree	36	104	140
	Non-Degree	0	0	0
	Total	36	104	140
American Association of Bible Colleges	Degree	0	86	86
	Non-Degree	0	1	1
	Total	0	87	87
National Home Study Council	Degree	0	7	7
	Non-Degree	4	59	63
	Total	4	66	70
Council on Chiropractic Education	Degree	0	15	15
	Non-Degree	0	0	0
	Total	0	15	15

Source California Postsecondary Education Commission

garding the accreditation of an institution, complex issues of quality and institutional integrity are at stake In the case of licensure, the very existence of the institution may be at risk, in the case of accreditation, the reputation of the institution, its status and its access to federal funds all may be affected The amount of time an accreditation commission has available to deliberate such weighty matters can be viewed as some indicator of the depth to which an association goes to protect both its institutions and the educational consumer

Display 6 on page 19 shows the number of meetings they hold each year, the length of these meetings, and the number of actions taken at them While such meetings nearly always include association business other than accreditation actions, the aver

DISPLAY 4 Number of Institutions and Students Served by Each Accrediting Association, Total Region and California

	Area	Number of Institutions	Number of Students
National Accrediting Commission of Cosmetology Arts and Sciences	Nation	1,802	135,715
	California	230	17,300
National Association of Trade and Technical Schools	Nation	1,252	590,000
	California	223	est 104,000
Association of Independent Colleges and Schools	Nation	1,140	667,445
	California	57	63,631
Accrediting Council for Continuing Education and Training	Nation	1,367	1,000,000
	California	160	est 100,000
Accrediting Commission for Community and Junior Colleges, WASC	Region	148	1,284,282
	California	136	1,261,329
Accrediting Commission for Senior Colleges and Universities, WASC	Region	140	>565,000 fte
	California	132	>535,000 fte
American Association of Bible Colleges	Nation	87	29,575
	California	6	2,026
National Home Study Council	Nation	70	1,306,000
	California	14	29,000
Council on Chiropractic Education	Nation	15	9,881
	California	5	2,558

Source California Postsecondary Education Commission

age number of actions per meeting compared to the length of these meetings provides an approximation of the range found in the depth of review engaged in by the decision-making body prior to its action regarding the accreditation status of its institutions

The variation among accrediting agencies is considerable The National Accrediting Commission of Cosmetology Arts and Sciences, for example, which meets for seven days at a time three times a year, must consider and vote upon 41 accreditation reviews per day The Accrediting Commission of the National Association of Trade and Technical Schools is required to consider 23 actions per day In contrast, the agenda of the Senior Commission of the Western Association of Schools and Colleges has an average of only 12 accreditation reviews per day, the National Home Study Council has eight, and the Council for Chiropractic Education has an average of less than 1 per day

Display 7 on page 20 shows the number of adverse actions taken by the nine agencies during the last year throughout its region and solely in California An adverse action such as placing an institution on probation, or show cause, demonstrates a firmness in a commission's maintenance of its standards While there appears to be no basis for assuming that any particular level of adverse actions should be achieved by an association that is firmly upholding its standards, a comparatively low rate of ad

DISPLAY 5 Accrediting Commission Staff, Workload, and Budget

Association	Number of Institutions	Number of Staff	Staffing Level	Number of Actions/Year	Monitoring Level	Annual Budget
National Accrediting Commission of Cosmetology Arts and Sciences	1,802	27	03	864	47	$2,750,000
National Association of Trade and Technical Schools	1,252	20	05	405	32	1,300,000
Association of Independent Colleges and Schools	1,140	15	03	450	39	400,000*
Accrediting Council for Continuing Education and Training	1,367	19	01	150	11	1,500,000
Accrediting Commission for Community and Junior Colleges, WASC	148	2 5	08	30	20	325,331
Accrediting Commission for Senior Colleges and Universities, WASC	140	4 5	05	90	64	449,793
American Association of Bible Colleges	87	4	08	50	57	265,000
National Home Study Council	70	3	12	26	37	610,000
Council on Chiropractic Education	15	4 5	1 13	4	27	225,000

*AICS annual budget excludes staff salaries

Source· California Postsecondary Education Commission

verse actions might be cause for questioning the diligence of an accrediting organization

Variations in critical accreditation standards and procedures

The foregoing information on differences in composition, size, and workload of the nine accrediting commissions aids in understanding why variations in the oversight of accredited institutions occur A further examination of a different aspect of these commissions -- the variation in accreditation standards and practices -- reveals more fundamental differences that bear directly upon California's concern for the integrity of postsecondary institutions and the protection of educational consumers Differences regarding the stability of the institution, the integrity of its programs and administration, and the probity of its dealings with potential and enrolled students strongly call into question California's policy of total exemption from direct State oversight of the 764 private institutions that are currently accredited by these agencies

Stability of the institution

Of the 44 accredited private postsecondary institutions that ceased operating in California during the past year, 15 were accredited by the Association of Independent Schools and Colleges, as noted earlier, and 12 were accredited by the National Association of Trade and Technical Schools By comparison, each of the two postsecondary commissions of the Western Association of Schools and Colleges had only one closure during this time, although com-

DISPLAY 6 Accrediting Commissions' Length of Meetings, Compared With the Number of Actions

Association	Number of Meetings/Year	Length of Meetings	Number of Actions/Meeting
National Accrediting Commission of Cosmetology Arts and Sciences	3	7 days	288
National Association of Trade and Technical Schools	3	6 days	135
Association of Independent Colleges and Schools	3	5 days	150
Accrediting Council for Continuing Education and Training	3	3-4 days	50
Accrediting Commission for Community and Junior Colleges, WASC	2	2 days	15
Accrediting Commission for Senior Colleges and Universities, WASC	3	2 5 days	30
American Association of Bible Colleges	1	3 days	19
National Home Study Council	2	3 days	23
Council on Chiropractic Education	2	4 days	2

Source California Postsecondary Education Commission

bined they accredit more than twice the number of California private institutions accredited by the Association of Independent Schools and Colleges, and they accredit slightly more than half the private institutions accredited by the National Association of Trade and Technical Schools

A number of the nine agencies have standards for assessing the financial health of their institutions Several have fairly demanding financial reporting requirements, but some have neither standards nor a demanding reporting procedure The Postsecondary Education Commission asked the agencies if they routinely require an audited financial report of their institutions at times of initial accreditation, renewal of accreditation, for annual reports to the commission, and/or at other times the commission may designate The responses varied, as shown in Display 8 on page 21

The requirement of an audited financial report in itself may be a strong indication, but certainly not a sufficient guarantee, that an accrediting association is adequately monitoring the financial health of its institutions A combination of at least three elements in the area of financial accounting and reporting is necessary to provide responsible oversight of this aspect of institutional life

1 An audited financial statement at the time of initial accreditation and at each renewal as well as at regular intervals (not less often than biennially) between accreditation visits.

2 Published criteria for judging the financial health of an institution, and

3 A procedure for more closely monitoring and working with a financially weak institution

To a large extent, the American Association of Bible Colleges exemplifies these characteristics It requires audited financial statements (except for its annual reports), it includes general criteria on financial health among its guidelines, and it has a published procedure for monitoring marginal institutions In its *Manual on Procedures, Criteria, and*

DISPLAY 7 Adverse Actions Taken During the Most Recent Year (Fall 1988)

Association	In the Nation or Region: Total Number of Institutions	Total Adverse Actions	Number of Institutions per Adverse Action	California Institutions	In California: Total Adverse Actions in California	Number of Institutions per Adverse Action
National Accrediting Commission of Cosmetology Arts and Sciences	1,802	15	120	230	5	46
National Association of Trade and Technical Schools	1,252	38	33	223	10	22
Association of Independent Colleges and Schools	1,140	16	71	57	2	9
Accrediting Council for Continuing Education and Training	1,367	10	137	160	0	160*
Accrediting Commission for Community and Junior Colleges, WASC	148	4	37	136	3	45
Accrediting Commission for Senior Colleges and Universities, WASC	140	11	12	132	9	15
American Association of Bible Colleges	87	7	12	6	0	6*
National Home Study Council	70	13	31	14	4	4
Council on Chiropractic Education	15	1	15	5	1	5

Average number of institutions per adverse action region wide = 41

Average number of institutions per adverse action in California = 26

* These numbers are provided only for comparative purposes They would be correct if the Commissions had each taken *one* adverse action during the year

Source California Postsecondary Education Commission

Policies, the association provides detailed guidelines on business and financial administration that cover ten topics such as the organization of business functions, internal control, fund accounting, management of investments, and budget (including six types of budget data that should be provided to the association) These financial health criteria are part of 11 criteria that the association uses for gathering evidence on the stability of the accredited institutions They are used to examine "stability in financial resources and management practices," and "budget patterns" (1988, p 11)

Under a section of its manual titled "Maintaining Membership Standards," the association provides the following procedure for monitoring a marginal institution

> Institutions which evidence weakness in one or more areas of financial stability will receive letters of concern from the AABC A written response declaring the institution's financial progress or regression is to be submitted to the Review Committee prior to its next meeting Deteriorating conditions after the initial letter of concern and institutional response could lead to any or all of the following actions
>
> 1 A request for a detailed recovery plan and progress report,

DISPLAY 8 Accrediting Association Requirements Regarding Audited Financial Statements

Association	Initial Accreditation	Renewal of Accreditation	Annual Report	Other
National Accrediting Commission of Cosmetology Arts and Sciences	No	No	No	No
National Association of Trade and Technical Schools	No	No	No	Yes
Association of Independent Colleges and Schools	Yes	Yes	No	Yes
Accrediting Council for Continuing Education and Training	No	No	No	Yes
Accrediting Commission for Community and Junior Colleges, WASC	Yes	Yes	Yes	No
Accrediting Commission for Senior Colleges and Universities, WASC	Yes	Yes	No	Yes
American Association of Bible Colleges	Yes	Yes	No	Yes
National Home Study Council	Yes	No	No	Yes
Council on Chiropractic Education	Yes	Yes	Yes	Yes

Source California Postsecondary Education Commission

2 The assignment of an AABC approved resource person(s) for on-site counsel, at the institution's expense, and

3 The visit of a supplementary evaluation team by the Association

The procedures and standards of the Accrediting Council for Continuing Education and Training and of the National Association of Trade and Technical Schools offer approaches that contrast sharply with those of the American Association of Bible Colleges These commissions require no audited reports either as a part of the institutions' accreditation process or as a part of a periodic monitoring requirement, have no published criteria for judging financial health, and no procedure in their guidelines for monitoring weak institutions

The reason that the State has been and should continue to be interested in the financial condition of private institutions is that a financial report is the single most complete indicator of institutional stability A deteriorating financial report nearly always precedes abrupt school closures Many of the negative consequences of this type of closure can be measurably diminished but only if there is positive intervention by the accrediting commission or by the State licensing agency This intervention would have to occur some time prior to the point that students are put out on the streets with thousands of dollars in federal and State loan obligations and only a partially complete educational program

Monitoring the financial conditions of private institutions is difficult to do under the best of conditions; detecting a struggling institution on the verge of collapse is even less likely to occur for accrediting associations which have no financial health criteria, and have inadequate guidelines for their institutions and evaluators

The integrity of institutional programs and administration

Institutional integrity has many dimensions It is a characteristic the lack of which is often easier to observe than its presence is to measure In the simplest of definitions it is made up of three components

1 The institution demonstrates a clarity and preeminence of educational mission in the operations of the institution,

2 The institution represents itself accurately and honestly to its clienteles, and

3 The institution operates its programs ethically and is accountable for every aspect of its programs

The integrity of an institution's programs and administration can be compromised when it expands too quickly For example, between 1980 and 1986, Adelphi Institute, accredited by the Association of Independent Schools and Colleges, opened 20 campuses in six states Eight of these campuses were opened in California within a period of four years (1982-1985) All were accredited immediately Adelphi filed for bankruptcy in 1987, leaving an estimated $5 million in unpaid tuition refunds owed to students Yet Adelphi's expansion was accomplished within the procedures and guidelines of the Association of Independent Schools and Colleges, which require a staff verification visit "prior to interim inclusion of a branch within the scope of an institution's grant of accreditation" and a full on-site evaluation within six months of the date of its interim inclusion

Probity of an institution's dealings with students

The probity of an institution's dealings with potential and enrolled students is a critical factor in the integrity of an institution This aspect of an institution's operations is especially important for vocational schools

Integrity is compromised when an institution makes promises on which it cannot deliver For example, "Jubilee" Truck Driving School (fictitious name) operates a school with five "auxiliary classrooms" in Southern California Licensed to operate by the California Department of Motor Vehicles, the Southern California site is technically a "branch campus" of a midwestern college accredited by the National Association of Trade and Technical Schools At the time the California branch was being established, the college, which operates 24 hours a day, was being sued by its students for providing alleged inadequate educational services at the home campus Nevertheless, the National Association of Trade and Technical Schools allowed the college to open the "branch campus" and five auxiliary classrooms in California in locations as distant as 100 miles from each other with only a preview visit to three of the six locations by a single representative of the association Thus the school's eligibility for federal and State aid was available from the first day of operation (In contrast, new institutions are required to operate a minimum of two years before qualifying to participate in future student aid programs) Its tuition for an eight weeks course is $3,390, and students borrow up to $4,500 in order to complete the five weeks residence portion of the course if they come from the San Joaquin Valley Approved for student aid in July 1988, the school already had an outstanding loan total of approximately $3,000,000 in less than four months of operation

"Jubilee" came to the attention of the Postsecondary Education Commission as the result of a student complaint The Commission's subsequent inquiry determined that a number of dissatisfied students could not find employment, despite the fact that an official school representative had informed one telephone inquirer that their placement rate was 99 percent The school's accrediting commission places a high value on the integrity of the information, data, and statements provided by an institution in its accreditation process, and it maintains this same standard for information provided to students in the recruiting process 'No overt or implied claim or guarantee of individual employment is made at any time " Although a claim of "99 percent placement" is not exactly a guarantee of employment, it must call into question the integrity of the institution

The policy of an accrediting body like the National Association of Trade and Technical Schools allowing distant "branch campuses" to begin operation without a full review but with the benefit of accreditation and the eligibility to participate in federal student aid encourages (or at least permits) the proliferation of marginal schools and the exploitation

of students The maintenance of a certain level of probity among accredited institutions depends on the thoroughness of an accreditation agency's procedures, the clarity of its criteria, and the level of monitoring of institutional activity an accrediting commission is able to conduct Additionally, a well-publicized and efficient student complaint procedure allows responsible agencies to detect serious breeches of institutional integrity Such does not clearly exist at present but could be more effectively promoted by improved collaboration between accrediting associations and the State's licensing agency

Wide variation in educational standards

In no division of the guidelines, criteria or standards used by accrediting associations is the wide range of quality more apparent than in the area of educational programs and degrees As we discuss later in Part 5, some associations which accredit degree-granting institutions rely almost entirely on the state's licensing agency to set the standards and monitor the quality of those degree programs

Among those associations that do provide degree program standards, the variation is extreme One association -- the WASC senior commission -- provides extensive details regarding the objectives, structure and content of degrees at both the undergraduate and graduate levels, while the Accrediting Commission of the Home Study Council provides general guidelines applicable to both undergraduate and graduate programs

Display 9 on page 24 compares just one of several subsections of the educational program requirements, the general education or core curriculum requirement For both accrediting associations, the portion of the standard on educational program is abstracted from a longer list of items, but care was given in the effort to extract all each association had to say on this limited topic

The section from the WASC standard is clearly more comprehensive, more specific, and provides a rationale for the requirement of general education within a particular level of degree -- the bachelor's degree (The senior commission does not accredit institutions offering the two-year undergraduate degree)

The NHSC guideline essentially instructs an institution to "identify and describe" what is "necessary to meet the requirement for each degree" without requiring any particular amount or rationale for its inclusion in the degree program Apparently any amount of core curriculum at any level would be acceptable

Summary

The variations among accrediting association standards and procedures cited here are only a sample of the areas of important differences Additional examples could be provided in the areas of governance, graduation requirements, evidence of quality in curriculum, and faculty qualifications The point to be drawn is that in the State's full reliance on accreditation it is depending on a group of non-governmental agencies with a wide range of standards and various levels of reliability to carry out State constitutional responsibilities There is no single point of accountability At times these responsibilities are conducted with great care and effectiveness, at other times serious problems have arisen When accrediting agencies are lax in their oversight, tremendous harm can occur because so much responsibility has been delegated to them

DISPLAY 9 Standards on General Education of the Accrediting Commission for Senior Colleges and Universities (WASC) and the National Home Study Council

Accrediting Commission for Senior Colleges and Universities, WASC

Standard 4.B Undergraduate Programs

The undergraduate program is designed to give students a substantial, coherent, and articulated exposure to the major, broad domains of higher education

With a few exceptions, Bachelor's degree programs have a tripartite structure the General Education segment requires students to master enabling skills for autonomous learning and to develop an understanding of the fundamental areas of knowledge, the Major segment requires students to achieve depth in a specific area, and the Electives segment provides the opportunity for students to select diverse exposure to other areas of interest

4 B 2 Undergraduate studies ensure, among other outcomes (a) competence in written and oral communication, (b) quantitative skills, and (c) the habit of critical analysis of data and argument In addition to these basic abilities and habits of mind, goals also include an appreciation of cultural diversity

4 B 4 The general education segment of the undergraduate program is based on a rationale that is clearly articulated, informs the design of all courses, and provides the criteria by which the appropriateness of each course to the general education segment is evaluated

4 B 5 In setting the pattern for general education, an institution specifies the minimum number of general education units to be required for *all* undergraduate students working toward any Bachelor's degree Where exceptions are provided to special groups of students (e g , through double counting), they are clearly stated and justified

4 B 6 General education is integrated with the entire undergraduate program and includes offerings at the upper-division level

4 B 7 The general education program ensures adequate breadth for all students pursuing the Bachelor's degree Offerings are included that focus on the subject matters and methodologies of the humanities, the natural sciences (including mathematics), and the social sciences, the program may also include courses that focus on the interrelationships between subject matters in these three major disciplinary fields

4 B 8 The institution has clearly articulated policies or the transfer of credit to ensure that students who transfer in with general education course credits meet its own standards for the completion of the general education requirement Where patterns of transfer from specific community and junior colleges are established, efforts are undertaken to formulate articulation agreements regarding general education

4 B 9 The equivalent of two years of study toward the baccalaureate degree will be in general education and unrestricted electives even if this extends the basic program Institutions which offer programs that do not meet this standard bear the burden of proof that the tripartite goals of the baccalaureate are otherwise met

National Home Study Council

IV. Program Requirements

2. Core Curriculum
Institutions must identify and describe the analytical, communications, and quantitative skills and levels of achievement necessary to meet the requirements for each degree program Adequate performance measures of student mastery of these skills must exist and students must successfully demonstrate mastery of them as a requirement for earning a degree

Source Accrediting Commission for Senior Colleges and Universities (WASC) and the National Home Study Council

4 State Reliance on Accreditation

CALIFORNIA relies on accreditation to accomplish three basic State purposes

1 Maintaining a standard of quality, probity and stability among the accredited institutions that is at least equivalent to the State's oversight standards,

2 Determining eligibility for federal and State student aid in cooperation with the United States Department of Education, and

3 Providing a qualitative filter for individuals applying to take professional licensing examinations

As a rule, the first two of these purposes rely on institutional accreditation and are most directly relevant to this study of the State's reliance on institutional accreditation Professional licensure, with a few exceptions, generally relies upon programmatic accreditation, and that type of accreditation lies outside the scope of the present investigation

Exemption from State oversight standards

California relies upon accreditation to fulfill its licensing responsibilities by exempting accredited institutions from detailed oversight by the State Superintendent of Public Instruction and the Superintendent's delegated licensing agency -- the Private Postsecondary Education Division in the State Department of Education

> Accreditation by a national or applicable regional accrediting agency recognized by the United States Department of Education shall be accepted by the superintendent as evidence of compliance with the minimum standards established by the accrediting or licensing agency and therefore as evidence of compliance with the minimum standards specified in the provisions of this section (*Education Code* Section 94312, letter l)

The rationale for this exemption has never been made explicit, but it seems reasonable to assume that at the time this exemption was first introduced in 1958, the rather comprehensive list of accreditation standards more than adequately covered the minimal State licensing requirements then in existence As State consumer protection laws have developed in the past decade or so and new accrediting bodies have begun operating, this apparent rationale has required closer examination

The State *Education Code* exempts both accredited degree-granting institutions and non-degree-granting vocational schools from most statutory requirements made of nonaccredited institutions Section 94310 1 provides a means whereby degree-granting institutions "accredited by a national accrediting agency recognized by the United States Department of Education, the Western Association of Schools and Colleges, or by the Committee of Bar Examiners of the State of California" are authorized to operate in California without further evaluation of their standards or their compliance with State consumer protection standards In much the same way, Sections 94311c and 94312 (letter l) exempt vocational schools from similar standards, and Section 94315 provides the same exemption for continuing education entities

The significance of these exemptions can best be understood by reviewing the scope and purpose of State licensure of postsecondary institutions In California, this scope and purpose have changed over time, as Appendix E notes One of the first actions taken by California's Legislature when it was first formed in 1850 was to establish a means for chartering colleges The Act of 1850, as that landmark statute has become known, required institutional stability and competent governance and granted to the trustees of institutions chartered under this Act the right to grant degrees

> Any College may be incorporated in this State, according to the provisions of this Act, by the Supreme Court of the State, upon application.

> In case the Court shall be satisfied that the proposed College within this State has an endowment of twenty thousand dollars, and that the proposed trustees are capable men, then the Court shall, by an instrument under its seal, declare the College incorporated,
>
> Every diploma granted by such trustees shall entitle the possessor to all the immunities which by usage or statute, are allowed to pos sessors of similar diplomas, granted by any University, College, or Seminary of learning in the United States (California Statutes, Act of 1850)

By the second half of the 1900s, this limited pur view of the State had grown to require fiscal accountability, consumer protection, and institutional quality standards but only for nonaccredited institutions As pointed out earlier, the apparent assumption was that accrediting bodies would promote these standards among their constituencies The expansion of postsecondary education opportunities after the Second World War had been fueled by a series of G I Bills The veterans' financial aid programs were successful beyond anyone's expectations Twenty times the expected number of veterans actually took advantage of their educational benefits and new institutions (especially technical schools) flourished (Chambers, 1983, p 239)

As the federal government took the lead in providing financial aid to returning veterans, so it also took the lead in determining at which institutions it would be acceptable for veterans to spend their federal aid The Veterans Administration was first given the authority to approve these institutions In 1952 this VA approval process was assigned to each state and the federal Office of Education was asked to publish a list of "recognized" accrediting agencies and associations that the Commissioner of Education deemed to be "reliable" authorities of quality This list became the primary basis for determining institutional eligibility for federal funds from that time to the present California licensing laws appear to have been influenced by these events at the federal level In 1958 a provision was added to the State's statutes which allowed the Superintendent of Public Instruction, at his discretion, to waive the licensure process for accredited California institutions

> For the purpose of this subdivision, the Superintendent of Public Instruction may rely on the findings of an accrediting agency generally accepted by the class of institution concerned (1958 Amendments to the *Education Code*, Section 24206[f])

The *Education Code* was further amended in 1963 to remove entirely the discretionary licensure of accredited private institutions from the Superintendent and replace it with categories for accredited degree-granting (Section 94310 1) and accredited vocational institutions (Section 94311c) which exempted them from all State licensing standards Currently this law removes about 590 private institutions from State licensing review As shown in Display 10 on the opposite page, these private institutions are accredited by eight of the accrediting associations discussed in Part Three of this report (The 230 accredited cosmetology schools accredited by the National Accrediting Commission of Cosmetology Arts and Sciences are not included here because the policy of the State Board of Cosmetology does not exempt them from State review)

What is the result of this exclusion from State review? It means that the State is unable directly to exercise its responsibilities inherent in the purposes of State licensure The purposes of State licensure are to provide consumer protection to the many clients of education by

1 Certifying the integrity of the institution's leadership,

2 Determining that the institution is stable,

3 Ensuring the integrity of academic degrees and other educational certification,

4 Maintaining complete and accurate information about the educational institutions operating within its borders,

5 Guaranteeing an expeditious response to student complaints

6 Providing for equitable tuition refunds,

7 Providing for the maintenance of academic records in case of school closure, and

8 Protecting students against loss of time and money due to institutional fraud or bankruptcy

DISPLAY 10 Number of Accredited Private Postsecondary Institutions in California Exempted from State Regulations

Accrediting Agency	Degree Granting	Non Degree Granting
Accrediting Commission for Senior Colleges and Universities, WASC	102	0
Accrediting Commission for Community and Junior Colleges, WASC	23	0
American Association of Bible Colleges (AABC))	6	0
Accrediting Council for Continuing Education and Training (ACCET)	0	160
Association of Independent Colleges and Schools (AICS)	12	45
Council on Chiropractic Education (CCE)	5	0
National Association of Trade and Technical Schools (NATTS)	20	203
National Home Study Council (NHSC)	2	12

Source California Postsecondary Education Commission

Exemption from State licensure makes sense only when the State can be assured that these purposes are being adequately carried out Our examination of nine accrediting associations reconfirmed what the literature on accreditation has often stated -- that voluntary accrediting associations, for the most part, incorporate within their standards the concerns reflected in these State licensure objectives, but they neither accept the role of a compliance agency in enforcing the standards or statutes related to these objectives nor do they accept the responsibility for communicating with enforcement agencies any noncompliance they may observe during their institutional assessment processes

Determining eligibility for federal and State funding

California relies on accreditation in an indirect manner to determine an institution's eligibility to apply for State student aid funds The State requires an institution to participate in at least two campus-based federal aid programs (e g , the Perkins Loan Program and the College Work-Study Program) for which accreditation is required by the federal government If an institution meets this requirement, then it may also be eligible for its students to receive Cal Grants or California Guaranteed Student Loans

Student financial aid is big business in California Over the past five years the amount of public funds directed to students through federal and State financial programs has increased from $596 million per year in 1979-80 to $1 5 billion in 1987-88 In addition to making it possible for independent students with little in the way of financial resources to attend college, the easy access to public funds has enabled some profit making institutions, with more attention to profit than to educational integrity, to expand rapidly, as illustrated in Part Three by Adelphi Institute and "Jubilee" Truck Driving School

During the period in which California was moving to total reliance upon accreditation for State licensure and student aid eligibility purposes, some administrators at the federal level expressed serious doubts about the abilities of the federally-recognized accrediting associations to protect the interests of the public and especially the student consumer Problems created by the explosive growth of new institutions during the 1950s, '60s, and '70s came to the attention of federal legislators, the Office of Education, the Federal Trade Commission, and the General Accounting Office of the U S Comptroller General

In a 1979 report to Congress titled, *What Assurance Does Office of Education's Eligibility Process Provide?*, the General Accounting Office summarized

the problems it found in reviewing accredited institutions participating in federal programs (p 14)

- Questionable admission and grading policies,
- False or misleading advertisements,
- Failure to provide promised services,
- Failure to offer listed courses,
- Use of refund policies resulting in little or no tuition and dormitory refunds,
- Use of inadequately trained teachers, and
- Lack of information to students on attrition or graduation rates

In recent years, the number one problem has been the dramatic rise in the default rates on Guaranteed Student Loans Some institutions have default rates as high as 50 to 60 percent In California, from 1986 through 1988, the total amount of student loans in default rose from $393 million to $612 million, an increase of more than 28 percent per year (California Student Aid Commission, 1988b)

Currently, the sector of postsecondary education experiencing the highest default rate -- the accredited, profit-making vocational schools -- is one over which the State has relinquished its licensing responsibilities In 1987, the average student default rate for this group of schools was 33 5 percent with individual schools reaching default rates as high as 81 percent These schools, which enroll 10 percent of the students eligible to receive financial aid, account for 35 percent of the total dollars in default in California During the 1987-88 school year, students in these schools received $462 million in public financial aid funds Included in this total was $104 million in Pell Grants, an amount which represents 38 percent of the total Pell Grant awards given in the State and 66 percent greater than the $65 million in grants awarded community college students in the same year

The causes of high student default rates have been exhaustively studied The chief group of student defaulters is comprised of those that have taken out only one loan and have subsequently dropped out of school In a recent report, the California Student Aid Commission concluded that "institutional admissions policies, instructional practices and performance, the level of support services, and student financial aid packages should all be examined as they relate to student retention and performance - one of the most powerful predictors of successful repayment on student loans" (1988a, p 60)

The strong relationship between institutional integrity, educational quality and student achievement is generally accepted The high correlation between deficiencies in these institutional characteristics and student loan defaulters is becoming increasingly clear, although information on this correlation is difficult to obtain The chief reason for this difficulty is the minimal level of information sharing among the agencies that have relevant data (the accrediting commissions, the Student Aid Commission, and the U S Department of Education) and the fact that the State licensing agency has only a minimal role in the oversight of accredited institutions and collects almost no data on these accredited institutions

Indicating quality for purposes of professional licensure

The third way in which the State relies on accreditation is related to the State's practice of licensing certain professionals such as medical doctors, nurses, teachers, and attorneys, as well as other occupations where the health and safety of the State's citizens are concerned (e g , barbers and cosmetologists, marriage, family and child counselors, and opticians) In the Commission's 1984 report on *Public Policy, Accreditation, and State Approval in California*, the Commission cites 22 occupations that list education at an accredited institution as a requisite (or an alternative requisite) for State licensure (pp 56-58)

In general, this requirement is made by the State licensing board for the occupation concerned The type of accreditation required (institutional or professional) varies among the licensing boards For example, although the American Association of Psychology accredits psychology *programs*, the State's Board of Behavioral Science Examiners requires regional accreditation in the licensing of its educational psychologists For professional licensure in medicine, optometry, podiatry, and pharmacy, the State licensing boards require that applicants must have attended an institution which has professional (or programmatic) accreditation

Professional accreditation involves in two ways the

concern about the State's reliance on institutional accreditation that is the focus of Assembly Concurrent Resolution 78

- First, in multi-purpose institutions, professional accreditation usually relies on prior institutional accreditation In this way it is as much dependent as the State on an effective institutional accrediting process A strong professional program needs the firm grounding of a strong institution, but it is generally beyond the scope of professional accrediting associations to inquire into the administration and financial health of the institution as a whole
- Second, professional accreditation becomes institution-wide accreditation when it is the only accreditation a single-purpose institution has The American Association of Bible Colleges, the National Accrediting Commission of Cosmetology Arts and Sciences, and The Council on Chiropractic Education are all examples of programmatic accrediting agencies active in California which are the sole accrediting authority for some single purpose institutions Our review of these agencies focuses in large part on the question of their expertise in assessing *institutions*

The professional licensing of individuals always involves a State licensing board and, for that reason, the concerns about the State's reliance on professional accreditation are both somewhat less germane on the one hand yet quite complex and relevant on the other The concern about the effectiveness of the assessment carried out by an accrediting body may be partially ameliorated by the fact that professional licensure ultimately results in an examination of individuals the objective of which is to determine their fitness to practice their occupation The accreditations of an institution and its programs are merely one kind of several assessments made on the route to the finishing of a practicing professional But for some of the occupational areas the relationships of licensing boards and accrediting associations give the appearance of adequate (or even redundant) institutional review when, in fact, the sum of the institutional reviews by the various boards and accrediting agencies may not cover critical aspects of institutional operations

The relationship between institutional accreditation and professional licensure varies considerably among the licensed occupations and professions The usual arrangement involves (1) a licensing board that reviews the institution or program, (2) an accreditation agency, and (3) a licensing examination for an individual educated in the accredited institution or program Two brief examples will illustrate variations from this normal pattern -- licensure for the occupation of cosmetology and certification for teaching in the public schools

Accreditation and the Board of Cosmetology

The California State Board of Cosmetology does not rely on accreditation at all Its approval authority of private cosmetology schools and its licensing of cosmetologists are both completely independent of the accreditation provided by the National Accrediting Commission of Cosmetology Arts and Sciences (NACCAS)

The school licensing portion of the Cosmetology Act (Chapter 10, Division 3 of the California Business and Professions Code) specifies various State requirements for operating a school of cosmetology including, for example minimum student enrollment, school advertising limitations, the length of the cosmetologist course, school equipment, staff, and financial ability This statute also cross-references private school standards contained in the *Education Code*, Section 94312

The Board of Cosmetology currently licenses 266 private schools of cosmetology of which 230 are also accredited by NACCAS Before a school is licensed, the Board conducts inspections to ensure the readiness of the school to train cosmetology students This inspection is conducted by a single staff member of the Board and reported to the Board for approval Such inspections are conducted twice a year to check for adherence to the laws and regulations governing the operation of these schools

Accreditation and the Commission on Teacher Credentialing

The California Commission on Teacher Credentialing (CTC) relies on regional accreditation of higher education institutions as a preliminary indication of quality in its process of program approval This reliance is explicit and, although opened for re-examination in recent years, this policy has repeatedly been solidly affirmed by the CTC's members

The CTC's procedures of approving teacher education programs at accredited institutions will certainly change as a result of recent legislation Senate Bill 148, 1988 requires that CTC adopt "an accreditation framework which shall set forth the policies of the commission regarding the accreditation of preparation programs for teachers and other certificated educators " The language of the legislation clearly expresses the intent that CTC's program approval process, which specifies in some detail curriculum requirements and expected outcomes should be replaced with broader standards that concentrate "on the overall quality of academic and professional preparation, and that holds professional elementary, secondary and postsecondary educators responsible for the quality of preparation "

The process, which may come to be best described as State professional (program) accreditation, will likely be conducted by an in-State accrediting body yet to be selected in much the same way in which most accrediting processes are conducted, using an institutional self-study, and a visit by a team of experts, which results in a team report and recommendation to the Commission for (or against) accreditation

In the past, these team visits to private as well as public institutions have been funded by the teachers' credentialing fees Section 44374 of SB 148 allows the Commission "to collect fees from accredited postsecondary education institutions to recover any additional costs resulting from the replacement of program approval with program accreditation " The current lack of institutional fees to support this function is an outstanding exception to the otherwise universal (but often criticized) practice of basing program review and accreditation on the collection of fees from the institutions involved Critics of funding accreditation through the assessment of institutional fees believe that the fees create a conflict of interest for the accreditor and thus results in a less rigorous evaluation (Dumke, 1986, p 104)

5 State Oversight and Non-Governmental Accreditation

California's overreliance on accreditation for oversight

The State of California's short history of relying entirely on accrediting agencies for the oversight of the private institutions within their membership mistakenly casts the issue of oversight as an either/or question either the State is responsible or the accrediting body It is one of the ironies of this current policy that many of the accrediting agencies rely explicitly on the State to monitor their institutions' compliance with State laws while California holds the accrediting agencies responsible for maintaining standards that are at least equivalent to these laws

As a general rule, accrediting commissions require that their member institutions continue to comply with State licensure laws after they are accredited This approach is based on the observation that in matters subject to State licensure, states differ Certain associations tend to treat State licensure and accreditation as complementary functions Among the associations studied for this report, this tends to be more true of the national associations than of the two regional commissions, perhaps because the range of variation is greater for the nation as a whole than it is for the several states within the region covered by the Western Association of Schools and Colleges

Two examples illustrate this point

- The American Association of Bible Colleges looks to the states for legal guidelines in the definition of degrees Its manual states, "Due to the variations in the legal requirements of states and differences in regional practices, considerable latitude is allowed in this matter" and goes on to indicate that while the association is not indifferent to the matter of degree titles and content, it is guided by the laws of the region
- Like the American Association of Bible Colleges, the Accrediting Commission of the Association of Independent Colleges and Schools looks to state licensing for oversight of degrees

  > The Commission takes the position that authority for institutions to award degrees resides with the individual states inasmuch as the Commission does not accredit degrees or separate degree programs it accredits institutions as a whole Therefore, if an institution is authorized to award a degree, the entire institution and all of its other programs must, to a large extent, support and feed into that degree

Both associations are quite clear that they regard the states as the appropriate source for legal guidelines for degrees But California's law is deficient in this regard In its Private Postsecondary Education Act of 1977, the Legislature expressed its intent to "protect the integrity of degrees and diplomas," yet it relied on the standards of the various accrediting associations to do so, while many of them in turn rely on the State

In several other sectors of institutional operation, accrediting associations make similar references to state requirements

- Accrediting Council for Continuing Education and Training "Cancellation and refund policies comply with applicable Federal and State laws and regulations "
- Association of Independent Colleges and Schools, regarding recruitment "An institution shall conform to the laws and regulations of each of the states in which it operates, and be sure that each of its representatives is properly licensed or registered as required by the laws of that state "
- National Accrediting Commission of Cosmetology Arts and Sciences "Ownership and management personnel are in compliance with applicable federal, state, and local laws and regulations which apply to all cosmetology schools under ownership "

- National Association of Trade and Technical Schools, regarding change of ownership "Documentation from the state on the status of the school after the change of ownership "

These four examples and the discussion about state degree guidelines that preceded them illustrate how accrediting associations build the compliance with state licensing standards into their accreditation standards and procedures But the determination of whether institutions actually comply with state or federal laws is less easily dealt with Two problems exist in this regard

- First, accrediting agencies do not accept the role of enforcing compliance with these laws While accrediting teams are asked to verify an institution's compliance with state licensing standards, this compliance is often simply assumed to occur in the absence of readily available evidence to the contrary
- Second, if evidence of significant noncompliance is turned up during the course of a campus visit, the breach of law may become material for an adverse accreditation action involving the institution, but it is not reported to relevant state or federal authorities For example, a Postsecondary Education Commission staff member observed an accrediting commission's discussion in closed session of a member institution's breach of federal law The institution appeared to have misrepresented a new off-campus program in order to qualify its students for federal financial aid Although the accrediting commission was continuing to monitor this development closely and seek additional information, it has no policy to alert the federal authorities to the existence of the noncompliance This policy of confidentiality maintained by accrediting agencies prohibits the release of such information to public authorities In some states, court sanctions have reinforced the confidential nature of the institution's self-study for accreditation and the visiting team's report (Bender, 1983, pp 80-81)

In states like Pennsylvania and Maryland, where the state licensing agency is responsible for monitoring accredited institutions for their compliance with state laws, the policy of confidentiality is less of a problem But for the State of California, the result of this policy is that where an accrediting agency may find noncompliance with State or federal laws, the State will likely remain unaware of the violation

As noted in Part Four, accredited cosmetology schools are not exempt from State licensure In this regard, they are an exception to the rule The State Board of Cosmetology has a fairly detailed licensing process that entails four different phases for initial licensure Once licensure is granted and the schools subsequently achieve accreditation, the board continues to conduct inspections semiannually In this case, the board is in much closer contact with the schools than is the accrediting agency, and the issue of whether the accrediting agency relays State noncompliance matters to the licensing board is moot

In fields other than cosmetology, however, the State unrealistically relies on accrediting agencies to carry out its own responsibilities Accrediting agencies are not uniform in their standards and procedures Some of them on which the State relies in turn rely on the State for certain standards and guidelines, which currently do not exist, and they expect the State to be responsible for monitoring institutional compliance with its own standards Moreover, their policy of confidentiality prohibits accrediting commissions from relaying information to State oversight officials regarding compliance violations when such violations are discovered

Other types of State oversight

While California's reliance on accreditation is nearly absolute for degree-granting institutions, for a scattering of accredited institutions the State does maintain some statutory oversight The activities of these agencies do not cover the universe of private accredited institutions nearly as comprehensively as the accrediting commissions do, but they involve elements that could contribute to a better licensing system for those institutions They include (1) the State's licensing of California branches of out-of-state, accredited degree-granting institutions, (2) the State's data collection efforts for postsecondary education, (3) institutional licensure as conducted by the Private Postsecondary Education Division of the Department of Education, (4) institutional licensure as conducted by other licensing boards, (5) compliance audits, and

(6) program approval Display 11 on pages 34-35 summarizes these six types of oversight

Licensure of accredited out-of-state institutions

Under Section 94310 1b of the *Education Code*, the State conducts a full review (evaluation team visit) of branches of out-of-state accredited colleges and universities operating in California This recent departure from the State's full reliance on accrediting agencies for such oversight occurred in 1985 because regional accrediting agencies were, at that time, giving less than their full attention to "foreign" branches of the institutions they accredited

The standards and the process the State uses to review the dozen branches operating in California (five have been reviewed so far) tend to blend elements of both State licensure and non governmental accreditation The State's experience with this new procedure is limited at this point and there are complaints from a couple of the institutions about the perceived unnecessary duplication of the review of their branch operations The process, nevertheless, represents the State's strongest, most thorough assessment process and promises to provide a useful precedent for extending the State's oversight to its own accredited private institutions

California's data collection efforts for postsecondary education

The State needs information about the number of students enrolled in postsecondary education and the number and types of degrees and other awards granted by postsecondary institutions in order to make informed public policy decisions about the adequacy of services at this level of education Such information gathering is the most basic and benign form of State monitoring of private institutions, yet with more than 2,600 private postsecondary institutions of all types within its borders, California routinely collects information from only about 6 percent of these private institutions

Of the approximately 764 accredited private postsecondary institutions in California, the State periodically collects institutional information (enrollments, degrees and other awards granted, tuition) from only 164 (or about 20 percent) of these institutions.

In addition to the 600 accredited institutions from which the State collects little information, even less data on student enrollments or degrees awarded are collected from the 1,850 nonaccredited institutions (of which about 350 are degree-granting institutions)

The State's current policy is fairly clear Information is sought from those institutions in which the large majority of students is enrolled and which receive the largest amount of public funds The exception to this is, as Display 12 on page 36 suggests, that little information is available on the accredited, non-degree-granting schools through which $356 million in public funds flow (Estimates of student enrollments in these latter schools were obtainable only from the nine accrediting associations that cooperated in this study)

Either of two existing State agencies could serve as the information collection agency for these sectors of postsecondary about which the State now has little information -- the Postsecondary Education Commission or the Private Postsecondary Education Division of the State Department of Education

- The Postsecondary Education Commission is directed by statute to collect information from public postsecondary institutions (*Education Code*, Section 66902), to collect, conduct and disseminate studies of manpower supply and demand (Section 66903[10]), and to "develop a comprehensive data base insuring comparability of data from diverse sources" (Section 66903[14]) In its role of information clearinghouse, the Commission collects and processes the annual federal survey of institutions known as the Integrated Postsecondary Education Data System (IPEDS) Data forms are collected from degree-granting institutions only (Sectors I and III in Display 12) at State expense The Commission receives no federal support for collecting and processing the information that it sends to the federal Department of Education
- Conceivably, the Private Postsecondary Education Division, in its role as the State's oversight agency for private postsecondary institutions, could collect data from those institutions not included in the Postsecondary Education Commission's data base These would include the 500 accredited non-degree-granting institutions whose 200,000 students are currently receiving $356

DISPLAY 11 Non-Governmental Accreditation Compared with Six Types of State Review of Private

Organizational and Procedural Elements	Nongovernmental Accreditation	1. Out-of-State Institution Licensure (PPED)	2. Postsecondary Data Collection	3. Institutional Licensure (PPED)
State Agency	-	Private Postsecondary Education Division (PPED), State Department of Education	California Postsecondary Education Commission	Private Postsecondary Education Division (PPED), State Department of Education
Source of Mandate	Various voluntary associations	*Education Code* Section 94310 1(b)	*Education Code* Section 66903, private institutions participate voluntarily	*Education Code* Sections 94300 ff
Responsible Board	Appointed by each association, self-perpetuating	None, Superintendent of Public Instruction is responsible, advised by advisory council	Appointed by Governor, Legislature, and the educational segments	None, Superintendent of Public Instruction is responsible, advised by advisory council
Institutional Types	Degree and non-degree granting, public and private	Out-of-State degree-granting public and private regionally accredited	Public degree granting institutions required private insts requested	Private, non-accredited degree and non-degree granting institutions
Relationship to Accreditation	-	Must be accredited by regional accrediting association to operate in California	Both accredited and non-accredited sought but few non accredited institutions participate	Accredited institutions are exempt from most requirements of the statute
Standards or Criteria	Standards adopted by association	Regulations to be developed by the Superintendent of Public Instruction	Federal Information survey forms (IPEDS) are used for private institutions	Regulations being developed for degree-granting institutions
Institutional Report	Institutional self-study report	Institution's most recent self-study, plus additional data on its California operations	Data requested on institutional characteristics (see list below)	Institutional disclosure report required for all types of non-accredited institutions
Site Visit and Report	Yes, team report	Yes, staff report	No	Yes, staff report
Site Visitors	Team of peer evaluators	Staff, team not required	-	Team appointed by Superintendent of Public Instruction
Scope of Institutional Review	Entire institution, emphases vary by association	Entire institution, financial resources, faculty, curriculum facilities, educational outcomes	IPEDS components • Institutional data • Enrollments • Completions • Faculty • Finances • Libraries	Entire institution
Term Between Reviews	Longest for most associations is five years	Maximum of five years	Annual institution data, completions, enrollment, and finances, biennial ethnicity, faculty	Three to five years
Adverse Actions	Denial Probation Termination	Denial Termination	None	Denial Probation Termination
Source of Funds	Institutional fees	Institutional fees	State General Fund	Institutional fees
Availability of Report on Institution	Generally confidential but may be released by institution itself	Available to public	Available to public	Available to public

Source California Postsecondary Education Commission

Postsecondary Education Institutions

4. Institutional Other than Private Postsecondary Education Division			5. Compliance	6 Program Approval
Motor Vehicles	Acupuncture	Cosmetology	Audits	or "Accreditation"
Department of Motor Vehicles	Department of Consumer Affairs, Board of Medical Quality Assurance, Acupuncture Examining Committee	Department of Consumer Affairs Board of Cosmetology	California Student Aid Commission	Commission on Teacher Credentialing
Vehicle Code Sections 320, 1670, and 1671	*Business and Professions Code* Section 4929	*Business and Professions Code* Section 7300	*Administrative Code* Section 30116 (34CFR682410c2)	*Education Code* Section 44300
None	Committee appointed by Governor (nine members), Senate Rules (one member), and Assembly Speaker (one)	Board appointed by Governor (five members), Senate Rules (one member), and Assembly Speaker (one)	Appointed by Governor	Appointed by Governor
Private, non-degree, most are accredited	Private degree and non degree institutions first licensed by PPED	Private, non-degree granting institutions	Public and private degree- and non degree granting accredited institutions	Public and private four-year degree-granting regionally accredited insts
Institutional licensure bears no relationship to accreditation status	Institutional licensure (known as "school approval") bears no relationship to accreditation status	Institutional licensure bears no relationship to accreditation status	Accreditation is required by the federal Department of Education	Regional accreditation is a prerequisite under *Education Code* Section 44225
Various application forms	Standards adopted by Committee, placed in regulation *California Code of Regulations*, Section 1399 436b	Standards adopted by Board and placed in regulation, *California Administrative Code* Title 16, Chapter 9	Must maintain federal eligibility requirements, including accreditation	Standards adopted by the Commission (generally not in formal regulations)
Various application forms, owner's background, Equipment Surety Bond of $2,000	Various application forms	Various application forms	None	Program report
Yes, staff report	Yes, team completes various forms	Yes, inspection checklist with staff comments	Yes, staff report	Yes, team report
One staff member	Team of one staff and three subcommittee members	One staff member	Usually one staff member, occasional joint visit with cooperating agency	Team of peer evaluators (professors, school teachers, and adminstrators)
Equipment, classrooms, advertising, student records	Administrative files, student files, faculty, financial condition, curriculum	Equipment, facilities, curriculum, textbooks, financial condition	Financial aid records Student files Consumer information	Program components • Program development and coherence • Admission requirements • Institutional resources • Student assessment • Faculty • Curriculum
License renewed annually, no renewal visit	Approved status is perpetual, institution is required to report new programs and faculty	Institutions must renew their license annually Staff makes two site inspections annually	One to five years, depends on volume of aid, default rate, complaints	Five to six years
Denial Revocation	Denial Termination	--	Limitation Suspension Termination Fines	Denial Conditional approval Probation Termination
Institutional fees	Occupational licensing fees, institution approval fees	Occupational and institutional licensing fees	Federal administrative funds from Loan Reserve	Teacher credential fees
Available to public	Available to public (except financial report)	Available to public	Available to public 30 days after mailing to institution	Available to public

DISPLAY 12 Student Enrollments, Expenditure of Public Funds, and Level of Available Information for Public and Private Postsecondary Institutions

Sector	Number of Institutions	Enrollments	Public Funds (000s)	Information Level
1 Accredited degree-granting	313	1,750,000	$3,068,119* 1,340,639**	High
2 Accredited non-degree-granting	451	200,000	356,483**	Very low
3 Non-accredited degree-granting	350	est 175,000	0	Low
4 Non-accredited non-degree-granting	1,500	est 150,000	0	Very low

* General Fund
** Student Aid Fund

Source California Postsecondary Education Commission

million in financial aid These accredited institutions are among those exempted from the Division's oversight, however, and thus the Division currently has neither the resources nor the authority to collect this information

In view of the considerable investment of public funds in Sector II of Display 12, it is reasonable to assume that the collection of data about these institutions would serve an important public policy function by enabling the Legislature and Governor to be knowledgeable about the productivity of the institutions and to better utilize their resources At present, neither agency has the resources to add this task to its workload

Institutional licensing through the Private Postsecondary Education Division

The third type of State oversight listed in Display 11 is the institutional licensing function conducted by the Private Postsecondary Education Division All new private postsecondary institutions not specifically exempted by the *Education Code* are required to secure State authorization or approval from the Division before they begin offering instruction The Education Code permits a wide range of nonaccredited degree-granting and nondegree-granting institutions to operate under this statutory provision subject to periodic review by the Division. Currently, some 160 degree-granting colleges and universities and 1,700 vocational schools come under its direct review

Non-governmental accrediting agencies require that institutions applying to become candidates for accreditation (the first step in the accreditation process) first obtain a State license (authorization, approval) to operate and operate continuously for a minimum of two years or until they have graduated their first class, whichever is the longer period of time

The institutional licensing process for degree-granting institutions bears some apparent similarities to the process used by non-governmental accrediting bodies in such procedural elements as the use of standards (termed "regulations" in State statute), an institutional report, a site visit, and a report on the assessment of the institution based on the team's visit These appearances are deceptive

The differences between non-governmental accreditation and the State's licensure of degree-granting institutions are profound, and it is a serious error to confuse one with the other The comparisons in Display 13 on page 38 illustrate the number and degree of dissimilarities between the two institutional assessment processes

Institutional licensure through other State agencies

The fourth type of State oversight -- institutional licensure by State agencies other than the Private Postsecondary Education Division -- is carried out by several of the occupational licensing boards

DISPLAY 13 Differences Between Non-Governmental Accreditation and California State Licensure

Non-Governmental Accreditation	State Licensure
• Primary purpose is to maintain and improve institutional quality	• Primary purpose is to ensure a base level of institutional integrity and consumer protection
• Accredited status is voluntary, although it is a necessary precondition for an institution to become eligible for federal student aid funds	• Licensure is mandated by statute in order for an institution to operate
• Decisions are made by a private commission with some public members	• Decisions are made by an individual executive staff member accountable to the State Superintendent of Public Instruction
• The external evaluation team is composed of peer evaluators from other accredited institutions	• An external evaluation team is composed of a Division staff member (who chairs the team) and several peer evaluators (approval) or one peer evaluator and a staff member of the California Postsecondary Education Commission (authorization)
• Site visit reports are written by the team members	• Site visit reports are written by the Division staff member who chairs the team

Source California Postsecondary Education Commission

The relevance this information holds for the issues raised by ACR 78, is that, unlike the relationship of accreditation to the licensure administered by the Division, the oversight of these licensing boards is not relinquished when institutions under their purview become accredited The Board of Cosmetology was cited as an example of this relationship in Part Four The Board of Barbering, the Board of Vocational Nurse and Psychiatric Technician Examiners, the Acupuncture Examining Committee and the Department of Motor Vehicles (through December 1988) are additional examples of State licensing boards that inspect, license, and monitor schools in which their occupational skills are taught regardless of whether the schools are accredited

Compliance audits

The California Student Aid Commission -- the State's guarantee agency for federal and State student financial aid -- is an example of the fifth type of oversight Its enforcement responsibilities require it to audit 771 accredited postsecondary institutions (635 of which are private institutions) "on a regular basis, except that institutions that fall within the top 10 percent of loan volume are reviewed every two years" (California Student Aid Commission) The on-site "organizational evaluation" conducted by a single Student Aid Commission staff auditor includes an examination and analysis of the organization and management of academic activity, financial aid administration, accounting and financial disbursement systems, and placement activity for a school by the review of the following (with respect to financial aid administration only)

Student financial aid files,
Admission files,
Attendance records,
Transcripts, i e , grades, units completed, and units enrolled,
Student ledger accounts/tuition cards,
School catalog, consumer information,
Brochure,
Placement records and statistics,
Satisfactory progress policies,
Previous audit report,

Profit and loss statement,
Transaction dates,
Needs analysis calculations, and
Accreditation reports

State program approval

The program approval responsibilities (soon to become program "accreditation") of the California Commission on Teacher Credentialing illustrates the sixth type of State oversight detailed in Display 11 Recently modified in Senate Bill 148, this process will become even more like non-governmental program accreditation than it is now While this function is not an institutional evaluation process, it is included here in Display 11 in order to compare a number of its elements with those of State institutional licensure and voluntary accreditation In many respects, the CTC's process, as it currently operates, parallels the non-governmental program accreditation process and is more akin to non-governmental professional accreditation than to State licensure It differs from non-governmental accreditation chiefly in the fact that it is based upon State statutes rather than upon the authority of a voluntary association Its scope is limited to an assessment of teacher preparation programs rather than the entire institution Institutional accreditation by the senior commission of WASC is a prerequisite for applying for review by the Commission on Teacher Credentialing, and this characteristic is also similar to most non-governmental professional accreditation

Lessons for the future

What can be learned from this comparison of types of State agency oversight of private institutions? Even a cursory glance at Display 11 shows that there are many ways in which State oversight is implemented Less apparent is the fact that there are several levels of rigor or thoroughness (although this might be partially inferred from information such as whether or not there is use of a visiting team or periodic revisits by representatives of an agency)

These levels or types of oversight reflect different purposes and different public (or public policy) needs in one case, the Postsecondary Education Commission's information collection process provides information for public policy decisions, in other cases, the Board of Cosmetology licensing helps to ensure the public's health and safety The Student Aid Commission's compliance audit promotes institutional accountability in the use of public funds

The information in Display 11 also shows that there are various relationships to non-governmental accreditation Program approval by the Commission on Teacher Credentialing has institutional accreditation as a prerequisite. compliance audits by the Student Aid Commission deal only with accredited institutions because of a federal requirement, the licensing boards' procedures in acupuncture and cosmetology are independent of accreditation. and the information gathering efforts of the Postsecondary Education Commission cover only some accredited institutions -- those that award degrees

Most important, each of these agency processes exists to provide information for public policy purposes, in some cases, to ensure the public's health and safety, and to see that public funds are responsibly spent Clearly, the direction in which state oversight of private institutions has been evolving elsewhere in the nation has been toward increasing regulation for these purposes The increase in California's regulation of nonaccredited institutions has resulted in part from this national regulatory environment, but California's laws regarding accredited institutions have not been similarly affected What is now needed is a more coherent philosophy of State oversight of private postsecondary education institutions -- both accredited and nonaccredited

To provide a basis for this philosophy, at least seven premises can be derived from the State's experience in relying on accreditation to fulfill its oversight responsibilities

1 The licensing of private postsecondary institutions is an appropriate expression of the constitutional goal and of the authority of the State

2 The State has a responsibility for determining whether postsecondary institutions have a governance structure that will ensure reasonable

review of educational policies and outcomes and will provide for continuity of the institution

3 Ensuring the integrity of degrees, diplomas and certificates is a State responsibility which ought to involve the voluntary participation of relevant professional and vocational peer groups

4 Within its role in licensing an institution, the State has the authority to determine whether an institution is financially stable both at the time of its initial licensing and on an ongoing basis

5 The protection of students' rights as consumers of education is a fundamental responsibility of the State

6 Licensing institutions on the basis of minimum standards of quality is consonant with the State's general authority, promoting quality improvement in private institutions as a primary organizational function is more appropriately left to a voluntary, non-governmental association

7 Providing comprehensive information to the State about the purposes, programs, students and degrees or diplomas awarded ought to be a requirement that accompanies the granting of a license to operate an institution

The Commission expects to use these premises in its continuing analyses of the relation of non-governmental accreditation to State oversight and in developing specific recommendations for California's future reliance on accrediting agencies

Appendix A

Recommendations of the California Postsecondary Education Commission Regarding Accreditation and State Approval, 1984

RECOMMENDATION 1 Because non-governmental accreditation serves important functions that should be protected and preserved, accreditation should remain a non-governmental activity, and the State should not initiate activities designed to replace or inhibit its role in promoting educational quality

RECOMMENDATION 2 California should continue to utilize the two separate processes of non-governmental accreditation and State approval for independent and private institutions as they perform different yet complementary functions Efforts should be made to strengthen both processes wherever possible

RECOMMENDATION 3 The State-approval process for degree-granting institutions should continue to be programmatic approval, but it should be revised to stipulate that an institution cannot advertise itself as having State approval status until all of its degree programs have been qualitatively reviewed and approved by the State's oversight agency

RECOMMENDATION 4 To provide an opportunity for an institution with institution-wide programmatic approval to add a new program on a tentative basis, after operating with approval status for at least two years, it should be eligible to offer a maximum of one unapproved program for a period of no longer than three years After that period, the program should be expected to achieve State approval or be eliminated

RECOMMENDATION 5 The State should continue to rely on accrediting associations to exercise primary responsibility for the oversight of accredited independent and private institutions Nonetheless, when available evidence suggests a reasonable probability of non-compliance by an accredited institution with State standards for approval, the State oversight agency should work with the accrediting association to correct the situation The State agency should provide the accrediting association with all available evidence and request the association to provide a written response to the specific issues raised by the State As a last resort, however, if the issues still remain unresolved after the accrediting association has had a reasonable period of time to work with the institution, the State should have the authority, after exhausting all administrative procedures necessary to insure the involved institution due process of law, to rescind the license of an accredited institution which is not in compliance with State standards

RECOMMENDATION 6 The Senior and Community College Commissions of the Western Association of Schools and Colleges should review their current guidelines for tuition refund as well as the "Policy Guidelines for Refund of Student Charges" drafted by the National Association of College and University Business Officers, to determine if more specific guidelines on this issue should be implemented by the two commissions

RECOMMENDATION 7 The State criteria utilized to determine institutional eligibility for participation in State-funded undergraduate and graduate student assistance programs should be examined by the Student Aid Commission during the next year This examination should consider the impact of modifying the criteria regarding institutional eligibility so that institutions qualitatively reviewed and approved by non-governmental accrediting associations or having institution-wide programmatic approval from the State oversight agency (as provided in Recommendation 3 above) are eligible for participation in the State programs if they meet all other State requirements In preparing this review, the Student Aid Commission should include an analysis of the total cost for any changes in institutional eligibility for participation in State financial aid programs, with this information submitted to the Legislature as appropriate

RECOMMENDATION 8 The expertise of specialized accrediting associations should continue to be used in the health professions as a means of screen-

ing out potential practitioners who have not met specific predetermined standards In all other professions, graduation from an institution with regional accreditation or institution-wide programmatic approval by the State (as proposed in Recommendation 3) should continue to be required as a means of identifying individuals who have potentially met the requirements for licensure

RECOMMENDATION 9 The Behavioral Science Examiners Board and the Geologist/Geophysicists Board should review their current practices that require graduation from a regionally accredited institution as a requirement for individuals to sit for licensure examinations in educational psychology and geology, respectively Consideration should be given to the utilization of institution-wide programmatic approval by the State as an additional means to identify institutions with adequate educational programs

RECOMMENDATION 10 Two important principles of the current WASC procedures for the review of California-based operations of out-of-state accredited institutions should be continued (1) the utilization of WASC standards as the basis for accreditation, with (2) the final accreditation decision made by the Senior Commission of WASC These institutions should also continue to have the option for either authorization or approval by the State oversight agency as an alternative for WASC accreditation

RECOMMENDATION 11 The Committee of Bar Examiners should establish a separate committee with the responsibility for accrediting law schools, with the composition of this committee similar to that of the American Bar Association, including significant representation from accredited institutions In addition, the Committee should develop and implement an appeals process for institutions similar to that maintained by the American Bar Association

RECOMMENDATION 12 The Senior Commission of WASC should continue to review its current process for the selection of commissioners and examine the processes used by other regional accrediting associations to determine if there is a method of more directly involving the member institutions and the various constituencies of accreditation in the selection of commissioners

RECOMMENDATION 13 The systemwide offices of the three public segments should review their policies regarding the role of accreditation, with special attention to those specialized accrediting associations with standards and criteria for membership that are so specific and intrusive as to limit campus authority over curriculum and resource allocation Campuses should be encouraged to take the lead within specialized accrediting associations to modify those standards and practices which are particularly intrusive into campus authority If these efforts are unsuccessful, campuses should consider terminating their membership in these associations until such standards are modified, and students and the public should be informed about the reasons for this voluntary termination

RECOMMENDATION 14 The systemwide offices and the campuses of the three public segments should give special attention to the need for campuswide coordination of accrediting activities to facilitate cooperation, communication, and common planning for phased or joint evaluations by institutional and specialized accrediting associations in harmony with the institutions' own planning and evaluation cycles

Appendix B

Assembly Concurrent Resolution 78
(1988, Hughes)

RESOLUTION CHAPTER 22

Assembly Concurrent Resolution No. 78—Relative to nongovernmental associations for accreditation of postsecondary educational institutions

[Filed with Secretary of State April 6, 1988]

LEGISLATIVE COUNSEL'S DIGEST

ACR 78, Hughes Private educational accrediting associations.

This measure would request that the California Postsecondary Education Commission conduct a study of the operations and procedures of accrediting associations which accredit postsecondary educational institutions, as specified

This measure would also request that the Executive Director of the California Postsecondary Education Commission establish an advisory committee, as specified, to assist in the identification of issues to be included in the study, and would provide that the results of the study be transmitted to the education and budget committees of each house of the Legislature by February 15, 1989

WHEREAS, The California state government has increasingly turned to nongovernmental accrediting associations for assistance in assuring and increasing the quality of educational programs offered by public, independent, and private postsecondary institutions, and

WHEREAS, Nongovernmental accrediting associations have been given increasing responsibility to monitor independent and private institutions to assure their compliance with minimum standards for consumer protection, educational quality, and financial stability; and

WHEREAS, California relies upon accrediting associations to identify institutions eligible to participate in state and federally funded student assistance programs, and

WHEREAS, California policy relies upon accrediting associations to identify both (1) institutions which offer professional training programs of sufficient quality that they can be relied on in the licensure of practitioners and (2) teacher education programs which are considered to be of sufficient quality to merit review by the State Commission on Teacher Credentialing, and

WHEREAS, Accrediting associations are expected to adopt policies and practices which are responsive to the public interest and consistent with public policy, now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the California Postsecondary Education Commission is requested to conduct a study of the operations and procedures of accrediting associations which accredit postsecondary institutions operating pursuant to either Section 94310 1 or

subdivision (c) of Section 94311 of the Education Code This study shall consider, but not be limited to, the following issues

(1) What are the purposes of nongovernmental accreditation, as stated by each accrediting association

(2) What are the state's responsibilities in the licensure and oversight of postsecondary institutions which operate in California? Which, if any, of these responsibilities has been delegated to nongovernmental accreditation associations? Should the state assume any or all of the responsibilities currently delegated to nongovernmental accrediting associations?

(3) What criteria should be used by the state to assess the capacity of the accrediting associations to act in the public interest and consistent with public policy?

(4) Is the current level of state monitoring of nongovernmental accrediting associations effective, and if not, how should the monitoring be strengthened?

(5) What is the process by which members of the accrediting commission are selected? Does this process provide a mechanism for the involvement of faculty, administrators, and public representatives in the selection of accreditation commissioners?

(6) How are the operations of each accrediting association funded?

(7) What issues are considered during the public sessions of the meetings of each accreditation association? What issues are considered during the executive sessions of these meetings? To what extent is the public business of the accrediting association conducted in public, and be it further

Resolved, That the Executive Director of the California Postsecondary Education Commission, in the preparation of this study, shall establish an advisory committee composed of, but not necessarily limited to, representatives of California institutions accredited by the National Home Study Council, by the National Association of Trade and Technical Schools, by the Association of Independent Schools and Colleges, and by the Western Association of Schools and Colleges The advisory committee shall assist in the identification of issues to be included in this study and shall have the opportunity to review and comment on a preliminary draft of the commission's report, and be it further

Resolved, That the California Postsecondary Education Commission shall complete the study prior to February 15, 1969, and transmit the results to the education policy committee of the Assembly and of the Senate and the budget committee of the Assembly and of the Senate, and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the California Postsecondary Education Commission

Appendix C

Federal Criteria and Procedures for Recognition of Nationally Recognized Accrediting Agencies and Associations

The criteria and procedures for recognizing accrediting bodies were published in Title 34 of the Code of Federal Regulations on August 20, 1974, as follows:

Part 603 — Secretary's Recognition Procedures for National Accrediting Bodies and State Agencies

Subpart A — Criteria for Nationally Recognized Accrediting Agencies and Associations

Sec
603 1 Scope
603.2 Definitions.
603.3 Publication of list.
603 4 Inclusion on list
603.5 Initial recognition. renewal of recognition.
603 6 Criteria

Authority (20 U.S C. 682(b). 1058(2)(iv). 1061(2)(iv). 1085(b) 1085(c). 1085(f). 1088(a)(2). 1088(b)(4). 1088(c). 1141(a). 1401(11)(E). 2002(4). 3207(2)(E). 2461(21). 3381(e)). (12 U.S C. 1749c(b)). (42 U.S.C. 293a(b)(1) 294j(2). 294s(a). 294z(a). 295-(2)(c). 295c(a)(2). 295c(b)(2). 295(b)(1) and (2). 295-(f)-2(b). 295g-8(g)(2). 295(c)(2)(B) 295h-4(2)(D). 297-1. 908(d)(2). 3791(17)); (8 U.S C 1101(a)(15)(F). 1182(a)(32). 1182(j)(1)). (10 U.S.C. 213(d)) (25 U.S C. 1801(5)). (38 U.S.C. 1652(g). 1701(11). 1775(a) 5073(b)(1)(D)); (15 U.S.C. 1352(c)); (44 U.S.C. 1916)

Subpart A — Criteria for Nationally Recognized Accrediting Agencies and Associations

§603.1 Scope

Accreditation of institutions or programs of institutions by agencies or associations nationally recognized by the U S Secretary of Education is a prerequisite to the eligibility for Federal financial assistance of institutions and of the students attending such institutions under a wide variety of federally supported programs. The recognition of such agencies is reflected in lists published by the Secretary in the FEDERAL REGISTER. Inclusion on such list is dependent upon the Secretary's finding that any such recognized agency or association is a reliable authority as to the quality of training offered. The Secretary's recognition is granted and the agency or association is included on the list only when it meets the criteria established by the Secretary and set forth in §603.6 of this part.
(20 U.S C. 1141(a))

§603.2 Definitions.

"Accrediting" means the process whereby an agency or association grants public recognition to a school. institute. college. university. or specialized program of study which meets certain established qualifications and educational standards. as determined through initial and periodic evaluations. The essential purpose of the accreditation process is to provide a professional judgment as to the quality of the educational institution or program(s) offered. and to encourage continual improvement thereof

"Adverse accrediting action" means denial of accreditation or preaccreditation status or the withdrawal of accreditation or preaccreditation status.

"Agency or association" means a corporation. association. or other legal entity or unit thereof which has the principal responsibility for carrying out the accrediting function:

"Institutional accreditation" applies to the total institution and signifies that the institution as a whole is achieving its educational objectives satisfactorily;

"Regional" means the conduct of institutional accreditation in three or more States.

"Representatives of the public" means representatives who are laymen in the sense that they are not educators in. or members of. the profession for which the students are being prepared. nor in any way are directly related to the institutions or programs being evaluated.
(20 U.S.C. 1141(a))

§603.3 Publication of list.

Periodically the U.S. Secretary of Education will publish a list in the FEDERAL REGISTER of the accrediting agencies and associations which he determines to be reliable authorities as to the quality of training offered by educational institutions or programs. either in a geographical area or in a specialized field. The general scope of the recognition granted to each of the listed accrediting bodies will also be listed
(20 U.S.C. 1141(a))

§603.4 Inclusion on list.

Any accrediting agency or association which desires to be listed by the Secretary as meeting the criteria set forth in §603.6 should apply in writing to the Chief. Agency

Evaluation Staff Higher Education Management Services. Office of Postsecondary Education. Department of Education Washington D C 20202
(20 U S C 1141(a))

§603.5 Initial recognition and renewal of recognition.

(a) For initial recognition and for renewal of recognition, the accrediting agency or association will furnish information establishing its compliance with the criteria set forth in §603 6 This information may be supplemented by personal interviews or by review of the agency's facilities, records, personnel qualifications, and administrative management Each agency listed will be reevaluated by the Secretary at his discretion, but at least once every four years. No adverse decision will become final without affording opportunity for a hearing

(b) In view of the criteria set forth in §603 6, it is unlikely that more than one association or agency will qualify for recognition (1) in a defined geographical area of jurisdiction or (2) in a defined field of program specialization within secondary or postsecondary education If two or more separate organizations in a defined field do seek recognition, they will both be expected to demonstrate need for their activities and show that they collaborate closely so that their accrediting activities do not unduly disrupt the affected institution or program
(20 U S C 1141(a))

§603.6 Criteria.

In requesting designation by the U.S. Secretary of Education as a nationally recognized accrediting agency or association, an accrediting agency or association must show

(a) Functional aspects Its functional aspects will be demonstrated by·

(1) Its scope of operations

(i) The agency or association is national or regional in its scope of operations.

(ii) The agency or association clearly defines in its charter, by-laws or accrediting standards the scope of its activities, including the geographical area and the types and levels of institutions or programs covered

(2) Its organization·

(i) The agency or association has the administrative personnel and procedures to carry out its operations in a timely and effective manner

(ii) The agency or association defines its fiscal needs, manages its expenditures, and has adequate financial resources to carry out its operations, as shown by an externally audited financial statement

(iii) The agency's or association's fees, if any, for the accreditation process do not exceed the reasonable cost of sustaining and improving the process.

(iv) The agency or association uses competent and knowledgeable persons, qualified by experience and training, and selects such persons in accordance with non-discriminatory practices.

(A) to participate on visiting evaluation teams,

(B) to engage in consultative services for the evaluation and accreditation process, and

(C) to serve on policy and decision-making bodies.

(v) The agency or association includes on each visiting evaluation team at least one person who is not a member of its policy or decision-making body or its administrative staff

(3) Its procedures·

(i) The agency or association maintains clear definitions of each level of accreditation status and has clearly written procedures for granting, denying, reaffirming, revoking, and reinstating such accredited statuses.

(ii) The agency or association, if it has developed a preaccreditation status, provides for the application of criteria and procedures that are related in an appropriate manner to those employed for accreditation

(iii) The agency or association requires, as an integral part of its accrediting process, institutional or program self-analysis and an on-site review by a visiting team

(A) The self-analysis shall be a qualitative assessment of the strengths and limitations of the institution or program, including the achievement of institutional or program objectives, and should involve a representative portion of the institution's administrative staff, teaching faculty, students, governing body, and other appropriate constituencies.

(B) The agency or association provides written and consultative guidance to the institution or program and to the visiting team.

(b) Responsibility Its responsibility will be demonstrated by the way in which —

(1) Its accreditation in the field in which it operates serves clearly identified needs, as follows.

(i) The agency's or association's accreditation program takes into account the rights, re-

sponsibilities, and interests of students, the general public, the academic, professional, or occupational fields involved, and institutions.

(ii) The agency's or association's purposes and objectives are clearly defined in its charter, by-laws, or accrediting standards.

(2) It is responsive to the public interest, in that

(i) The agency or association includes representatives of the public in its policy and decision-making bodies, or in an advisory or consultative capacity that assures attention by the policy and decision-making bodies.

(ii) The agency or association publishes or otherwise makes publicly available

(A) The standards by which institutions or programs are evaluated,

(B) The procedures utilized in arriving at decisions regarding the accreditation status of an institution or program,

(C) The current accreditation status of institutions or programs and the date of the next currently scheduled review or reconsideration of accreditation,

(D) The names and affiliations of members of its policy and decision-making bodies, and the name(s) of its principal administrative personnel,

(E) A description of the ownership, control and type of legal organization of the agency or association

(iii) The agency or association provides advance notice of proposed or revised standards to all persons, institutions, and organizations significantly affected by its accrediting process, and provides such persons, institutions and organizations adequate opportunity to comment on such standards prior to their adoption

(iv) The agency or association has written procedures for the review of complaints pertaining to institutional or program quality, as these relate to the agency's standards, and demonstrates that such procedures are adequate to provide timely treatment of such complaints in a manner that is fair and equitable to the complainant and to the institution or program

(3) It assures due process in its accrediting procedures, as demonstrated in part by,

(i) Affording initial evaluation of the institutions or programs only when the chief executive officer of the institution applies for accreditation of the institution or any of its programs,

(ii) Providing for adequate discussion during an on-site visit between the visiting team and the faculty, administrative staff, students, and other appropriate persons,

(iii) Furnishing, as a result of an evaluation visit, a written report to the institution or program commenting on areas of strengths, areas needing improvement, and when appropriate, suggesting means of improvement and including specific areas, if any, where the institution or program may not be in compliance with the agency's standards;

(iv) Providing the chief executive officer of the institution or program with an opportunity to comment upon the written report and to file supplemental materials pertinent to the facts and conclusions in the written report of the visiting team before the accrediting agency or association takes action on the report;

(v) Evaluating, when appropriate, the report of the visiting team in the presence of a member of the team, preferably the chairman;

(vi) Providing for the withdrawal of accreditation only for cause, after review, or when the institution or program does not permit reevaluation, after due notice;

(vii) Providing the chief executive officer of the institution with a specific statement of reasons for any adverse accrediting action, and notice of the right to appeal such action,

(viii) Establishing and implementing published rules of procedure regarding appeals which will provide for

(A) No change in the accreditation status of the institution or program pending disposition of an appeal,

(B) Right to a hearing before the appeal body;

(C) Supplying the chief executive officer of the institution with a written decision of the appeal body, including a statement of specifics.

(4) It has demonstrated capability and willingness to foster ethical practices among the institutions or programs which it accredits, including equitable student tuition refunds and nondiscriminatory practices in admissions and employment.

(5) It maintains a program of evaluation of its educational standards designed to assess their validity and reliability

(6) It secures sufficient qualitative information regarding the institution or program which shows an on-going program of evaluation of outputs consistent with the educational goals of the institution or program

(7) It encourages experimental and innovative programs to the extent that these are conceived and implemented in a manner which ensures the quality and integrity of the institution or program

(8) It accredits only those institutions or programs which meet its published standards, and demonstrates that its standards, policies, and procedures are fairly applied and that its evaluations are conducted and decisions rendered under conditions that assure an impartial and objective judgment

(9) It reevaluates at reasonable intervals institutions or programs which it has accredited

(10) It requires that any reference to its accreditation of accredited institutions and programs clearly specifies the areas and levels for which accreditation has been received

(c) Reliability Its reliability is demonstrated by —

(1) Acceptance throughout the United States of its policies, evaluation methods, and decisions by educators, educational institutions, licensing bodies, practitioners, and employers,

(2) Regular review of its standards, policies and procedures, in order that the evaluative process shall support constructive analysis, emphasize factors of critical importance, and reflect the educational and training needs of the student.

(3) Not less than two years' experience as an accrediting agency or association,

(4) Reflection in the composition of its policy and decision-making bodies of the community of interests directly affected by the scope of its accreditation

(d) Autonomous Its autonomy is demonstrated by evidence that —

(1) It performs no function that would be inconsistent with the formation of an independent judgment of the quality of an educational program or institution;

(2) It provides in its operating procedures against conflict of interest in the rendering of its judgments and decisions.

(20 U.S C 1141(a))

Appendix D

Statements of Purpose by Non-Governmental Accrediting Agencies

One of the questions in Assembly Concurrent Resolution 78 asked, "What are the purposes of nongovernmental accreditation, as stated by each accrediting association?" The following statements have been abstracted from the accrediting materials of each of the commissions in the Commission's study As might be expected, each commission treats the subject somewhat differently One commission -- the National Accrediting Commission of Cosmetology Arts and Sciences -- does not treat the topic at all The eight abstracts follow in alphabetical order

Accrediting Commission for Junior and Community Colleges, Western Association of Schools and Colleges

Institutional accreditation at the postsecondary level is a means used by regional accrediting commissions for purposes of

1 Fostering excellence in postsecondary education through the development of criteria and guidelines for assessing educational effectiveness

2 Encouraging institutional improvement of educational endeavors through continuous self-study and evaluation

3 Assuring the educational community, the general public, and other agencies or organizations that an institution has clearly defined appropriate educational objectives, has established conditions under which their achievement can reasonably be expected, appears in fact to be accomplishing them substantially, and is so organized, staffed, and supported that it can be expected to continue to do so

4 Providing counsel and assistance to established and developing institutions

5 Protecting institutions against encroachments which might jeopardize their educational effectiveness or academic freedom

Accreditation is attained through a process of evaluation and periodic review of total institutions conducted by regional commissions in accord with national policies and procedures

Accrediting Commission for Senior Colleges and Universities, Western Association of Schools and Colleges

In order to assist institutions in determining their educational effectiveness, the Commission has recognized four major purposes of accreditation

1 To assure the educational community, the general public, and other organizations and agencies that an institution has clearly defined objectives appropriate to higher education and that it meets Commission standards,

2 To encourage institutional development and improvement through self-study and periodic evaluation by qualified peer professionals,

3 To develop and use standards to assess and enhance educational quality and institutional performance, and to validate these standards by ongoing research, and

4 To promote interchange of ideas among public and independent institutions through peer review

American Association of Bible Colleges

Since one of the principal values of accreditation is the stimulus and growth that colleges experience in

the accrediting process, the spirit of accreditation should be one of constructive evaluation and helpfulness Accordingly, examiners are looked upon as consultants rather than police inspectors checking up on conformity to arbitrary standards

Acceptance of a college is based upon its overall strength Strict conformity in every detail is not insisted upon, for excellence in major areas may well compensate for minor deficiencies Then, too, the final test of an institution's strength is whether it is achieving its objectives in preparing students for effective Christian living and service

Accrediting Council for Continuing Education and Training

ACCET (a) promotes high quality in continuing education programs, (b) verifies such quality, and (c) publicly attests to it ACCET achieves its purpose primarily through established standards of quality, on-site examinations, related consultations, publications, and conferences

Accreditation is intended to

- Help good continuing education programs become better
- Verify the quality of continuing education programs
- Assure licensing authorities, certifying bodies, registration agencies, governmental offices, employers, potential enrollees, and the public of the quality of specific continuing education programs

Association of Independent Colleges and Schools

Accreditation is an independent appraisal of an institution during which its overall educational quality (including outcomes), its professional status among similar institutions, and its operational ethics are judged by peers Accreditation is a voluntary activity separate and distinct from business licensing, authority to award educational credentials, and eligibility to administer student financial assistance .

1-1-101 Business and Related Emphasis The Commission evaluates for initial and continuing accreditation those otherwise eligible institutions that offer educational programs through which students gain knowledge and skills that equip them to seek and acquire gainful employment in numerous career fields Historically, the career fields emphasized in programs of Commission-accredited institutions have been in business or business-related professions The Commission feels that it is important to the institutions that it accredits for them to maintain that emphasis

Council on Chiropractic Education

The Council on Chiropractic Education is a national organization advocating high standards of quality in chiropractic education, establishing criteria of institutional excellence for primary health care chiropractic physicians, inspecting and accrediting colleges through its Commission on Accreditation, and publishing lists of those institutions which conform to its standards and policies

National Association of Trade and Technical Schools

The National Association of Trade and Technical Schools is a voluntary association of private schools A primary purpose is to establish and maintain high educational standards and ethical business practices in its field

Accreditation, as herein outlined, is intended to be a means of assisting good private trade and technical schools to become better schools by setting standards to which all private trade and technical schools can aspire

National Home Study Council

Simply stated, home study school accreditation is certification by a recognized body that a school has voluntarily undergone a comprehensive study and examination which has demonstrated that the school does in fact perform the functions that it claims that the school has set educational goals for students who enroll, and furnishes materials and services that enable students to meet these stated criteria

Historically and currently, accreditation may be said to

- foster excellence in education through the development of standards for assessing educational effectiveness,
- encourage improvement through continuous self-evaluation and planning, and
- assure the educational community, the general public, and other agencies or organizations that an institution has both clearly defined and appropriate objectives, maintains conditions under which their achievements can be reasonably expected, appears in fact to be accomplishing them, and can be expected to continue to do so

Appendix E

Origins and History of State Licensure of Private Postsecondary Education Institutions in California from 1850 to 1977

The State: Locus of responsibility

The roots of the State's responsibility for the oversight of private postsecondary institutions reach back to colonial times when, either through a charter obtained from the General Court of the colony (as in the case of Harvard and Yale) or directly from the crown (William and Mary), our nation's earliest collegiate institutions were established (Herbst, 1974, p 7) As a result of the nation's independence, the powers of government formerly exercised by the crown devolved to the people and were exercised through the state government when not expressly provided for in the Constitution of the United States

Thus enabled by the Tenth Amendment of the nation's Constitution, the authors of the California State Constitution included among its many provisions a section on education (Article IX) which contains this statement of legislative policy

> Section 1 A general diffusion of knowledge and intelligence being essential to the preservation of the rights and liberties of the people, the Legislature shall encourage by all suitable means the promotion of intellectual, scientific, moral, and agricultural improvement

The "suitable means" employed by the Legislature in implementing this goal have included establishing public institutions and licensing private institutions The credentials (i e , degrees, diplomas) issued by a State college or university carry the authority of the government directly, the act of licensing a private institution transmits a similar legal status to the credentials awarded by the licensed institution

Authoritative credentials

The authority to issue credentials of competence is a critical matter in a technological society A task force organized by the American Council of Education to examine the use of educational credentials identified six principles that should govern the appropriate use of the credentialing function While these relate primarily to the licensing of qualified individuals, they are also pertinent to the public policy at issue in this study and illustrate the interest of the State in the chartering of private institutions as well

Principles of Credentialing

1 Credentialing should minimize risks to the public health, safety, and welfare by identifying the qualified

2 Credentialing that recognizes and encourages pride in accomplishment and the mastery of knowledge and skills is in the public interest

3 Mandatory credentialing should be exercised only where there is demonstrable relationship to the public health, safety, and welfare

4 Credentialing is substantially interlinked with economic and social rewards in the society In order to assure social equity, then, all credentialing systems should recognize requisite competencies and learning for a given credential regardless of how or where they are achieved

5 Credentialing activities of agencies and institutions, whether controlled by agencies of government or sponsored by voluntary occupational and professional organizations, substantially intersect the public interest The policy-making and governing boards of such agencies should therefore be representative of broad social interests

6 The credentialing process in fields closely related to the public health, safety, and welfare should include provision that the credentialed be required periodically to prove that they still possess the requisites for acceptable practice

and have kept pace with advances in the field (Miller and Mills, 1978, pp 10-11)

One of the California Legislature's first major acts in the State's first year of statehood -- 1850 -- was to provide for the establishing of collegiate institutions In this landmark statute, the Act of 1850, and in the multitude of amendments that followed, the State conferred its authority to the colleges it chartered to award the appropriate credential of college graduation, i e , the diploma or degree The Act of 1850 stated in part,

> Every diploma granted by such trustees shall entitle the possessor to all the immunities which by usage or statute, are allowed to possessors of similar diplomas, granted by any University, College, or Seminary of learning in the United States

Permanent, well-governed institutions

The State's first collegiate institutions were private institutions chartered under this Act The imprimatur of the State was important to their alumni Only slightly more than a century later, in 1958, the Legislature affirmed its continuing commitment to private higher education by adding to the end of some extensive amendments to the *Education Code* this statement of legislative intent

> It is the intent of the Legislature to foster privately supported education and protect the integrity of diplomas conferred by privately supported as well as publicly supported educational institutions

Institutional permanence and competent governance were the first considerations reflected in the Act of 1850 At that time, the statute required that (1) an application be made to the State Supreme Court for incorporation as a college, (2) the corporation have "an endowment of twenty thousand dol lars," and that (3) the proposed trustees be capable men A list of trustee powers appropriate to a college Board of Trustees was also specified During the first few years under this Act, some of the State's most renowned institutions were chartered University of the Pacific, 1851, University of Santa Clara, 1851, University of San Francisco, 1855, and the College of California (a private college) which later became the University of California, Berkeley, 1855

The specified endowment of $20,000 was, however, in 1850, not a substantial requirement for the founding of a collegiate institution Although admittedly few in number, endowment gifts during the mid-1800s even to noncollegiate educational enterprises were to be found in the range of $250,000 to $400,000 (Rudolph, 1962, p 180) and in 1906 in the State of New York, an institution had to have "a productive endowment of not less than $200,000" to be ranked as a college by the Regents Board of the State of New York (Carnegie Foundation for the Advancement of Teaching, 1906, pp 66, 79)

This modest financial requirement of $20,000 remained in Statute for about 30 years and then was deleted from the law by the Amendments of 1885 In 1927 it was reinstated in the form of a requirement of $50,000 in "real and personal property used exclusively for the purposes of education " The State continued into the 1980s to use this requirement as the sole financial criterion for State authorization, making California's licensing laws the subject of ridicule throughout the country By 1980, inflation had long since reduced the value of the amount to less than $12,000 (in 1927 dollars) This minimal financial requirement continues to survive in current statutes as a condition of authorization for institutions awarding "degrees in theology and other areas of religious studies" (*Education Code* Section 94310 4)

The State's concern for institutional stability was more substantially expressed in the requirement that collegiate institutions had to be incorporated in order to offer academic or professional degrees This stipulation, which occurred as a condition of licensure in the Act of 1850, was reinforced by a 1927 amendment prohibiting any other form of collegiate entity

> No person, firm, association or corporation, other than a corporation incorporated under the provisions of this title, shall have the power to confer academic or professional degrees (*California Civil Code*, Section 651a, 1927)

The merits of corporate status for an educational institution were expressed pointedly in the Supreme Court's decision in the Dartmouth case

(1819) about which the framers of the 1850 Act were undoubtedly well informed

> A corporation is an artificial being, invisible, intangible, and existing only in contemplation of law Being the mere creature of law, it possesses only those properties which the charter of its creation confers upon it, either expressly, or as incidental to its very existence These are such as are supposed best calculated to effect the object for which it was created Among the most important are immortality, and, if the expression may be allowed, individuality, properties by which a perpetual succession of many persons are considered as the same, and may act as a single individual They enable a corporation to manage its own affairs, and to hold property without the perplexing intricacies, the hazardous and endless necessity of perpetual conveyances, for the purpose of transmitting it from hand to hand It is chiefly for the purpose of clothing bodies of men, in succession, with these qualities and capacities, that corporations were invented, and are in use By these means a perpetual succession of individuals are capable of acting for the promotion of the particular object, like one mortal being (The Trustees of Dartmouth College v Woodward, 4 Wheat (U S) 518 (1819)

In addition to the virtue of "perpetual succession," the corporate form also has the merit of placing the ultimate authority for the educational enterprise in the hands of a deliberative, democratic body of individuals (the Act of 1850 specified 12 to 24 "capable men") rather than one individual as may occur presently in "sole proprietorship universities" in California Standard 3A of the senior commission of the Western Association of Schools and Colleges identifies the role of the governing board in the following manner

> The governing board is ultimately responsible for the quality and integrity of the institution
>
> The board protects the institution from external pressures antithetical to academic freedom, to institutional autonomy, or to integrity (Accrediting Commission for Senior Colleges and Universities, Western Association of Schools and Colleges, 1988, p 19)

Institutions that do not grant degrees, namely those vocational schools that have as their goal the training of students for a particular occupation, have never been under this requirement in California Some of these institutions, such as Woodbury University, Heald College, and Golden Gate University, began as business schools founded by individuals (Golden Gate University began as a law program sponsored by the San Francisco YMCA) and later became incorporated in order to qualify to award degrees.

Proprietary institutions

In 1958, the requirement that degree-granting institutions must be incorporated was deleted in a major revision of the State s statutes governing the licensing of private institutions The decade of the 1950s was a dynamic era of growing enrollments of veterans returning to school on the "G I Bills" of 1944 and 1952 Poor quality educational programs were being reported among the proprietary schools, and a State approval process required by federal code (Title 38) was established to mitigate the abuses of these programs (Chambers, 1983, p 243)

Because of the great popularity of proprietary vocational schools among the veterans, these schools were instrumental in securing a place in both federal and State statutes which would continue to qualify them to serve veterans But in granting these institutions this legal status, the California Legislature blurred the distinctions between vocational schools and degree-granting institutions This merging of these types of institutions occurred by defining "diploma" to include all types of credentials or certificates including academic degrees as well as vocational certificates and then treating all diploma-granting institutions under similar provisions of the statutes In this process, it was politically infeasible to require all proprietary schools to adopt a corporate structure, consequently, the mandation was removed from the law

Fiscal accountability, consumer protection, and institutional quality

In many respects, California's 1958 statute affecting private postsecondary education was a major turning point in the types of State concerns ex-

pressed in statutory law Through the first half of the twentieth century, state policies were based on the expectation that institutions would regulate themselves, California, like other states in the nation, tended to avoid a regulatory posture (Accred Bender, 1983, p 20) But by the latter 1950s, the active role of the federal government in postsecondary education began to affect state policy Issues of fiscal accountability, consumer protection, and institutional quality came to the fore in the 1970s, propelled by federal concerns for the proper and productive use of public funds The federal government led the way, California grudgingly followed

The early events that were influential in the State's first major legislation affecting private postsecondary institutions during this period were

1 The resurgence of veterans attending college under The Serviceman's Readjustment Act of 1944 and The Veterans Readjustment Assistance Act of 1952 (after some decline in the early 1950s), and the particular aspects of the latter Act affecting the selection of institutions serving these students

   a The state approval process required by the Act,

   b The publication by the federal Commissioner of Education of "a list of nationally recognized accrediting agencies and associations which he determines to be reliable authorities of quality "

2 The large increase in proprietary institutions springing up, some of dubious quality, to serve the veterans (Chambers, p 239)

These developments resulted in the passage of the State's Amendments of 1958, strongly supported, if not actually sponsored, by the private institutions The codification of statutory language from federal legislation, from the State's Health and Safety Code, the Business and Professions Code, the Government Code, reflected an effort to make this legislative product a comprehensive statement of current State concerns regarding its responsibilities for the oversight of private postsecondary education

The outcome was a lengthy statute covering these new or expanded policy areas

1 A definition of the term diploma

2 The inclusion of proprietary institutions in the *Education Code* (These institutions were strictly vocational schools up to this time and were covered in the Business and Professions Code) The revision allowed proprietary *degree-granting* institutions to operate under the law for the first time in the State

3 The provision allowing the Superintendent of Public Instruction to "rely on an accrediting agency generally accepted by the class of institutions concerned "

4 The provision to empower the Superintendent of Public Instruction to "make such investigations as are necessary to determine whether or not there has been compliance " In addition, the State's adjudicatory hearing process was made "applicable to any determination of the superintendent pursuant to this subdivision " (In so far as earlier compliance language is concerned, a penalty for violating this Section of the Code was first introduced in 1927 [a violation was a misdemeanor in 1927, this was upgraded to a felony in 1958], and the Attorney General was enjoined to take steps to dissolve the noncomplying corporation, restrain fraudulent practices and punish any person guilty of fraudulent practices [also in 1927])

5 The Legislature provided General Fund support for the administration of this law ($25,665 for FY 1958-59)

6 Legislative intent language was added to the end of Section 24220 expressing support for fostering private education and protecting the integrity of the degree It was during this period of planning for the rapid growth of higher education enrollments that the Master Plan Committee had projected a nearly 300 percent increase in college enrollments during the years 1960-1975 In point of fact, their best projections seriously underestimated enrollments in 1975 and had not even taken into account the proprietary sector It was this environment which produced the statement of legislative intent which is still continued in the *Education Code*

In the present period the need for educational services for the *youth* (emphasis added) is so

great that it cannot be met by tax-supported institutions alone The contribution of privately supported educational institutions to the preservation of our liberties is essential These can best be served by protecting the integrity of diplomas issued by such institutions

Six categories of State licensure of institutions were created or codified in this 1958 Statute Section 24206 of the *Education Code* contained the language which stated that "except as otherwise provided by law, no person, firm, association, partnership or corporation may issue or confer a diploma or honorary diploma unless such person, firm, association, partnership or corporation meets the requirements of one of the following subdivisions "

a A corporation which has filed an affidavit stating that it owns an interest in real or personal property used exclusively for educational purposes, of a value of not less than $50,000

b A hospital licensed under the Health and Safety Code

c A person, firm, partnership or corporation which is approved by a licensing board under the Department of Professional and Vocational Standards

d Any educational institution accredited by the State Board of Education for offering training for teacher credentialing purposes

e Any institution approved by the Bureau of Readjustment Education of the Department of Education

f A person, firm, association, partnership or corporation authorized by the Superintendent of Public Instruction to issue specified diplomas Such authorization was available to the institution if it could demonstrate "that the courses of instruction, and the faculty or requirements of such applicants will afford students or require of students a course of education comparable to that being furnished by persons, firms, associations, partnerships and corporations offering similar instruction and complying with other subdivisions hereof" For the purpose of this subdivision, *the Superintendent of Public Instruction may rely on the findings of an accrediting agency generally accepted by the class of institution concerned* (emphasis added) and shall consider the results of the examination taken pursuant to Business and Professions Code, Section 2941 5 by students of any applicant (This section of the *Business and Professions Code* governed the administration of junior examinations, listed qualifications, and scope of examination)

As an expression of State concerns in the oversight of private postsecondary education, the 1958 Act was a curious piece of legislation It was clearly inclusionary, that is to say, every effort appears to have been made to include every category of licensure (including *state* accreditation) in the State in the six categories of institutional qualification in the *Education Code* One result was that the terms authorization, approval, and accreditation were all used without either an explicit or implied hierarchical structure The 1958 Act also reflected an effort to strengthen the compliance authority of the Superintendent by providing a basis for prosecuting the fraudulent issuance of diplomas, but at the same time it did little for ensuring the integrity of diplomas within the universe of State licensed institutions The Statute expressed the intent but did not come fully to grips with the means for carrying out that intent

Significant deletions of State policy

The new statutes of 1958 omitted some significant requirements from earlier law (1) the requirement that degree-granting institutions be incorporated and, thus, have corporate (governing) boards (required since 1850), (2) the restriction against distributing profits of profit-making educational corporations (degree-granting) except upon dissolution of the corporation (required since 1927), and (3) the requirement (since 1927) that degree-granting institutions submit an annual report to the Superintendent containing the number of students of the corporation, together with the names and addresses of the students, the courses of study offered by the corporation, the names and addresses of the teachers employed by the corporation, the subjects taught by them, the degrees, diplomas, or certificates, if any, granted by the corporation, and to whom granted, the curricula upon which the degrees, diplomas, or certificates were granted, and any other information concerning the educational work or activities of the corporation that may be re-

quired by the Superintendent of Public Instruction (*1943 Education Code*, Section 24213)

While the 1958 Statute brought together in one Section of the *Education Code* a number of licensing procedures that had existed in a variety of Codes and actually added one which for the first time allowed the State to rely upon non-governmental accreditation, it did more to confuse State licensure responsibilities than to improve them By placing the six licensure categories in juxtaposition without any apparent sense of relationship or qualitative ranking, the State inadvertently gave the impression that there were no useful distinctions to be made between the "state-accredited" teacher education institutions, the "state-approved" institutions (*approved* for veterans' benefits), and a "state-authorized" institution authorized by the Superintendent on the basis of its accreditation or on the basis of having $50,000 in net assets Each of the licensing processes and criteria were very different and had been developed by different agencies for very different purposes

Several negative by-products developed from the 1958 amendments As a result of this new Statute, the State made it feasible for a single individual (without incorporating) to operate a profit-making "university" under Section 24206 (f) A Section 24206 (a) corporation could operate even if its $50,000 in personal assets were maintained out-of-state (34 Ops Att Gen 98) All private institutions were given equal status under the law, although only accredited institutions and, to a lesser degree, institutions approved for veterans' benefits, had on-site reviews that were not required of the $50,000 schools Because the annual reporting process had been deleted, the $50,000 schools also had no requirement to report any instructional or degree-granting activities The law did require that records of students be maintained for three years, but a site visit by State representatives to examine the records or any other aspect of the institution's operations was not a standard operating procedure It was not until 20 years later that the Private Postsecondary Education Act of 1977 made authorization site visits mandatory

* The Commission's 1976 report, *The Role of the State in Private Postsecondary Education Recommendations for Change*, examined three critical issues the lack of consumer protection provisions in State statutes, the ineffective enforcement of compliance with these statutes, and the problems inherent in the State's relying upon accreditation as a measure of institutional quality and probity

Reform begins in the 1970s

Throughout the 1960s and the early 1970s, the State's licensing statutes were gradually amended to provide (1) a differentiation in levels of quality in the State's licensing process, (2) more consumer protection, and (3) more on-site review of institutions The first two of these three major changes were the results of developments at the national level which compelled the State to upgrade its statutes, the latter change resulted largely from a Commission recommendation amended into the Private Postsecondary Education Act of 1977 *

The assessment of institutional quality and State recognition

The current *Education Code* has three levels of State recognition for collegiate institutions which require descending degrees of qualitative standards and rigor in their evaluation procedures These three levels are accreditation by a non-governmental accrediting agency, State approval, and State authorization (*Education Code* Sections 94310 1a,b, 94310 2, and 94310 3/94310 4, respectively) Prior to the adoption of the State's 1958 licensing law, references to qualitative standards for institutions did not exist As a matter of fact, unless one holds that the requirements that an institution's board members be "capable men" or that the minimal financial requirement of $50,000 in net assets are qualitative standards, one could argue that the State of California did not consider institutional quality to be a matter of governmental concern until after the federal government (in 1952) had found it necessary to rely upon certain "accreditation agencies as reliable authorities as to the quality of training offered by an educational institution " (P L 82-550, Section 1775)

As mentioned earlier, the first reference to a reliance on accreditation in California's licensing Statute was made in 1958 By 1963, the accredited institutions in California (those accredited by a national or regional accrediting agency recognized by

the federal Office of Education) were able to maintain their *licensed* status merely by submitting an annual affidavit stating that the institution was accredited If the question of whether the State should require an assessment of institutions beyond that required for accreditation as a part of its licensing process was an issue, on this issue the State deferred The CPEC cautioned in 1976 that non-governmental accreditation was not a foolproof process of institutional assessment, that the State had given up its responsibility for oversight of accredited institutions in the licensing law (*Education Code* Section 29023 (a)(1)), and that such abdication "is not only unwise, but may subject the State to civil liability" (CPEC, 76-7) This wholesale relinquishing of authority was recently remedied in part by SB 1884 of 1988 This law empowers the Superintendent of Public Instruction to remove an accredited institution's license to operate in the State if the institution is not in compliance with its own accreditation agency's standards and the accrediting association has not addressed the institution's lack of such non-compliance

If the evolution of California's licensing law is any indication, there seems to have emerged within the last decade a growing consensus that it is an appropriate function of the State to be concerned with the quality of the private postsecondary institutions that operate within its boundaries Such a judgment seems justified on the basis of two relatively recent developments

> *State licensure of out-of-state accredited institutions Education Code* Section 94310 1b provides a process for the State to review the California branches of accredited institutions from other regions of the nation The standards adopted by the Private Postsecondary Education Division for use in this process reflect the qualitative standards of the regional accrediting associations which have accredited the main campuses of these institutions (1986 amendment)
>
> *State approval by means of a qualitative review and assessment of an institution Education Code* Section 94310 2 provides for a qualitative review and assessment of each program of an institution seeking State approval, including a determination that "the curriculum is consistent in quality with curricula offered by appropriate established accredited institutions " (1986 amendments)

A discussion of the implementation of these processes is a topic more appropriately reserved for the Commission's review of the entire Private Postsecondary Education Act of 1977, *Protecting the Integrity of California Degrees* The relationship of the State's concern with the quality of an institution's programs to questions of compliance with minimum standards is a topic which deserves more attention than can be given here It is perhaps sufficient at this point to observe that the State has made a commitment to assess the quality of certain institutions under its purview and is currently involved in carrying out this task

Consumer protection

The student has been the object of concern in the discussions of consumer protection from at least the 1960s to the present There is another group of consumers -- "the persons, groups, or agencies benefitting from or using the judgments of the credentialing authority" (Miller and Mills, p 9) These consumers -- the employers of students once they have graduated -- also have rights that should be protected, however, the interests of this consumer clientele are usually considered in discussions relating to the ensuring of institutional quality and the integrity of the degree rather in discussions of "consumer protection "

Certain protection was afforded students through amendments introduced into the State's licensure law as early as 1963 when a number of prohibitions relating to false advertising were added (Statutes of 1963, *Education Code* Section 29008) The major effort to address the problems students were experiencing came in the 1970s The Federal Trade Commission held extensive hearings on private postsecondary institutions to determine the extent of the lack of student protection The CPEC report cited above (76-7, pp 87-102), drew from the results of this process in listing seven problem areas ranging from tuition refund problems, to abrupt school closures, and the lack of an effective procedure for handling student complaints In each case, an appropriate remedy through State law was recommended and many of these recommendations subse-

quently were adopted in the Private Postsecondary Education Act of 1977

Increase in team site visits in the licensing process

In 1982, only the approval process for licensing degree-granting institutions (*Education Code* Section 94310 2) required a campus review by a team composed of peer evaluators and State personnel Since that time, institutional review teams have been instituted for out-of-state accredited institutions operating in California and for authorized institutions operating under both *Education Code* Sections 94310 3 and 94310 4 The number of State evaluation visits to these institutions has risen from only a few institutions per year in 1982 to about 50 during 1987

As an expression of the State's responsibility for the oversight of private institutions, the increases in the number of campus visits by State review teams may seem to be of secondary importance Specific goals of the State's oversight -- maintaining the integrity of degrees, determining the financial stability of institutions, or ensuring that student protection provisions are working -- seem to be more central to the questions of the State's responsibilities regarding the operation of private institutions and of its reliance upon accreditation

The changes in statute which brought about the increase in on-site reviews by State evaluation teams does not signify a change in State goals in the oversight of private postsecondary education, but it does indicate an important change in the administrative attitude toward the pursuit of these goals a change from a distant, *laissez faire* posture to a more active, involved oversight

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CALIFORNIA POSTSECONDARY EDUCATION COMMISSION

THE California Postsecondary Education Commission is a citizen board established in 1974 by the Legislature and Governor to coordinate the efforts of California's colleges and universities and to provide independent, non-partisan policy analysis and recommendations to the Governor and Legislature

Members of the Commission

The Commission consists of 17 members. Nine represent the general public, with three each appointed for six-year terms by the Governor, the Senate Rules Committee, and the Speaker of the Assembly Six others represent the major segments of postsecondary education in California. Two student members will be appointed by the Governor

As of January 1992, the Commissioners representing the general public are

Helen Z Hansen, Long Beach, *Chair*
Henry Der, San Francisco; *Vice Chair*
Mim Andelson, Los Angeles
C Thomas Dean, Long Beach
Rosalind K. Goddard, Los Angeles
Mari-Luci Jaramillo, Emeryville
Lowell J. Paige, El Macero
Mike Roos, Los Angeles
Stephen P Teale, M.D , Modesto

Representatives of the segments are·

William T Bagley, San Francisco, appointed by the Regents of the University of California,

Joseph D Carrabino, Los Angeles, appointed by the California State Board of Education,

Timothy P Haidinger, Rancho Santa Fe, appointed by the Board of Governors of the California Community Colleges;

Ted J Saenger, San Francisco, appointed by the Trustees of the California State University; and

Harry Wugalter, Ventura, appointed by the Council for Private Postsecondary and Vocational Education

The position of representative of California's independent colleges and universities is currently vacant, as are those of the two student representatives

Functions of the Commission

The Commission is charged by the Legislature and Governor to "assure the effective utilization of public postsecondary education resources, thereby eliminating waste and unnecessary duplication, and to promote diversity, innovation, and responsiveness to student and societal needs "

To this end, the Commission conducts independent reviews of matters affecting the 2,600 institutions of postsecondary education in California, including community colleges, four-year colleges, universities, and professional and occupational schools.

As an advisory body to the Legislature and Governor, the Commission does not govern or administer any institutions, nor does it approve, authorize, or accredit any of them Instead, it performs its specific duties of planning, evaluation, and coordination by cooperating with other State agencies and nongovernmental groups that perform those other governing, administrative, and assessment functions

Operation of the Commission

The Commission holds regular meetings throughout the year at which it debates and takes action on staff studies and takes positions on proposed legislation affecting education beyond the high school in California. By law, its meetings are open to the public Requests to speak at a meeting may be made by writing the Commission in advance or by submitting a request before the start of the meeting

The Commission's day-to-day work is carried out by its staff in Sacramento, under the guidance of its executive director, Warren H Fox, Ph D , who is appointed by the Commission

The Commission publishes and distributes without charge some 20 to 30 reports each year on major issues confronting California postsecondary education Recent reports are listed on the back cover

Further information about the Commission and its publications may be obtained from the Commission offices at 1020 Twelfth Street, Third Floor, Sacramento, CA 98514-3985; telephone (916) 445-7933

The State's Reliance on Non-Governmental Accreditation

California Postsecondary Education Commission Report 89-13

ONE of a series of reports published by the Commission as part of its planning and coordinating responsibilities Additional copies may be obtained without charge from the Publications Office, California Postsecondary Education Commission, Third Floor, 1020 Twelfth Street, Sacramento, California 95814-3985

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