



CALIFORNIA TEACHERS ASSOCIATION
DEPARTMENT OF LEGAL SERVICES

March 16, 2009

Barbara Beno, PhD, President
Accrediting Commission for
Junior and Community Colleges
10 Commercial Blvd, Ste 204
Novato, CA 94949

Re: Solano Community College - Accreditation

Dear Dr. Beno:

Our office is counsel to the Solano College Faculty Association, CCA/CTA/NEA (Association).

I write to discuss and clarify various statements you have made pertaining to the future of the Solano County Community College District that have been reported in the media and have caused great consternation and anxiety among the faculty.

The statements that are attributed to you include the following: If the faculty do not adopt Student Learning Outcomes (SLOs) regardless of collective bargaining the college will lose its accreditation and close at the end of the 2009 Spring semester.

As you know, the terms and conditions of employment of the faculty are governed by the California Education Code and the Educational Employment Relations Act (EERA). This law mandates that public school employers, including community colleges, negotiate with the exclusive representative of the faculty over wages and other terms and conditions of employment. Most subjects that relate to the terms and conditions of employment of faculty are mandatory subjects of bargaining and cannot be changed or imposed by college employers.

Although the Association understands the Commission's perceived need for SLOs at its member institutions, the process and the product must be agreed to by the College and the Association. A prerequisite to such bargaining is that the college must sunshine and make a proposal at an appropriate time when the collective bargaining agreement is open. Thereafter, the collective bargaining parties may enter into discussions and try to reach agreement on this

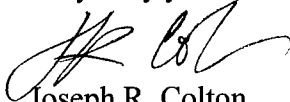
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subject. Currently the contract between the College and the Association is not open. We are advised that the Association is not necessarily opposed to SLOs, but the college has not made a specific proposal. As a result your directive that a dialogue among all constituent groups take place, regardless of collective bargaining is unlawful. The method you advocate, a discussion among all constituencies over a subject like SLOs, that is within the scope of negotiations, would violate California law in that the college employer cannot negotiate directly with the faculty thus bypassing the Association. Consequently your directive has put the college in a difficult position. If it imposes SLOs based solely on your directive it violates California law, but if it negotiates SLOs or some alternative it would appear to put its accreditation at risk.

It appears to us that the directives and threats from your office are causing more problems than they solve. As you know the ACCJC of WASC has a much higher percentage of institutions on probation, warning or show cause status than do the other accreditation agencies elsewhere in the United States. While the other college accreditation agencies have a small percent of institutions in some negative status, ACCJC of WASC has approximately 37% of its member institutions on a negative status. Needless to say this is a statistic that is setting off alarms in the minds of higher educators both in California and in Washington, D.C.

We suggest that you give serious thought to moderating the tone and volume of the rhetoric. If that or some other approach does not de-escalate the threat of the college losing its accreditation because it is attempting to follow California law, it appears that the courts will become the ultimate arbiter of whether ACCJC/WASC may revoke accreditation when the conduct of the institution is mandated by state law. That being said, it is a result that no one is hoping for.

Very truly yours,



Joseph R. Colton
Attorney for Solano College Faculty
Association, CCA/CTA/NEA

JRC:mt

cc: Ron Norton Reel
Alan Frey
Diana Lisi