



City Attorney Dennis Herrera News Release

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Herrera sues to block accreditors from shuttering City College of San Francisco

Dual actions allege conflicts of interest, retaliation by ACCJC; unlawful delegation of public duties by State Board of Governors to unaccountable private agency

SAN FRANCISCO (Aug. 22, 2013)—City Attorney Dennis Herrera today filed dual legal challenges involving the termination of City College of San Francisco’s accreditation, which, if successful, could enjoin private accreditors from shuttering California’s largest community college, and require the state governing board charged with evaluating college standards and eligibility for public funding to reassume its legal duties.

Herrera’s lawsuit against the Accrediting Commission for Community and Junior Colleges, or ACCJC, alleges that the private agency unlawfully allowed its advocacy and political bias to prejudice its evaluation of college accreditation standards. The ACCJC has been a leading advocate to dramatically reshape the mission of California’s community colleges through more restrictive policies focusing on degree completion to the exclusion of additional vocational, remedial and non-credit offerings. The controversial political agenda—whose proponents include conservative advocacy organizations, for-profit colleges and corporate student lenders—represents a significant departure from the abiding “open access” mission pursued by San Francisco’s Community College District since it was first established, and also repeatedly affirmed by the state legislature. Herrera’s civil action alleges that the commission acted to withdraw accreditation “in retaliation for City College having embraced and advocated a different vision for California’s community colleges than the ACCJC itself.” The complaint filed in San Francisco Superior Court this morning concludes that the accrediting commission’s multiple conflicts of interest, improper evaluation process and politically motivated decision-making constitute unfair and unlawful business practices under California law.

In a separate legal action also filed today, Herrera targeted improper actions by the Board of Governors of the California Community Colleges, the public agency charged by statute with

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overseeing the state's 112 community colleges and 72 community college districts. The legal challenge and rulemaking petition alleges that the state board impermissibly delegated its statutory obligations to set standards and determine eligibility for public funding to a wholly unaccountable private entity in the ACCJC.

"Nothing about the actions I've filed today should distract or delay City College from doing everything in its power to solve the problems threatening its survival," said Herrera. "But neither should these steps tempt accreditors to consider—for even one moment—retaliating against City College for legitimate challenges to their conduct and authority under the law."

"The evidence is clear that the ACCJC ignored multiple conflicts of interest, flouted laws, and allowed its political advocacy to color public responsibilities it should frankly never have been given," Herrera continued. "For this, the State Board of Governors is also to blame for unlawfully ceding its public duties to a private entity wholly beyond the reach of public accountability. Though I seek to enjoin the ACCJC from improperly terminating City College's accreditation, the issues raised by both actions go far beyond any single college alone. This accreditation process has exposed bias, institutional flaws and illegalities in the oversight of the nation's largest higher education system. It potentially affects 72 community college districts, 112 community colleges, and more than 2 million students in California. The issues are serious, and they merit rigorous scrutiny."

Herrera's complaint against the ACCJC outlines its extensive financial and political relationships with advocacy organizations and private foundations representing for-profit colleges and powerful student lender interests, with which the ACCJC has in recent years shared a policy agenda to significantly narrow community colleges' longstanding open access mission. The so-called "student success" agenda prioritizes courses "geared toward helping students walk across a stage wearing a cap and gown on graduation day"—to the detriment of broader educational offerings that include remedial courses to benefit underserved and disadvantaged students, under- and unemployed adults, seniors and disabled students, new parents, immigrants learning English as a second language, and other non-traditional learners.

Over a period of months preceding and during City College of San Francisco's evaluation process for re-accreditation, the college's trustees, faculty and students increasingly found themselves at odds with the ACCJC's aggressive advocacy to push California's community colleges toward a junior college, degree-focused model. Contentious disputes included arguments over recommendations by the "Student Success Task Force" and the "Seymour-Campbell Student Success Act of 2012," or S.B. 1426, which sought to implement several task force recommendations statewide. The controversial state legislation—strongly supported by ACCJC and opposed just as strongly by advocates from the City College of San Francisco community—would have limited low-income students' eligibility for fee-waivers to those who identified a specific degree or certificate, and who didn't exceed a "maximum unit cap." Both provisions were later eliminated from the legislation, largely at the urging of open access advocates, including many from the City College community.

Herrera's lawsuit goes on to detail retaliatory actions taken by ACCJC, beginning with its "show cause" sanction on July 2, 2012 through its unexpected decision less than a year later to terminate accreditation for the college of 85,000 students. Several bases for ACCJC's negative findings suspiciously mirror policy conflicts between the ACCJC and the City College community, including criticisms that the "college has not demonstrated the will to reexamine the scope of the college's mission" and that "there is no process to reduce the scope of programs and services."

The complaint additionally offers evidence of ACCJC’s demonstrable double-standard in evaluating City College as compared to its treatment of six other California colleges under identical “show cause” sanctions during the preceding five years. Though several of the sanctioned schools failed to adequately correct their inadequacies, none saw their accreditation terminated. Yet despite ACCJC’s own acknowledgement that City College made “significant progress” in addressing accreditors’ recommendations, the ACCJC voted in closed session in June to terminate City College of San Francisco’s accreditation effective July 31, 2014.

City College had never once been sanctioned previously, Herrera’s complaint contends, noting that the ACCJC’s retaliatory bias is also evident from the college’s educational success by multiple objective standards. City College boasts a remedial progress rate in English as a Second Language, or ESL, of 52.3 percent—more than double that for California community colleges statewide. Its completion rate of 55.6 percent exceeds the California community college average of 49.2 percent; and its 75.2 percent overall persistence rate (which gauges student matriculation over consecutive semesters) far outpaces the system-wide average of 65.8 percent. Similarly, City College students transferring to the California State University system achieve a notably higher Cal State grade point average than the statewide average for community college transfers—3.08 for City College graduates as compared to 3.03 statewide.

The cases are: *People of the State of California ex rel. Dennis Herrera v. Accrediting Commission for Community and Junior Colleges, et al.*, San Francisco Superior Court No. 13-533693, filed Aug. 22, 2013; and *In re Legal Challenge and Petition for Rulemaking*, Before the Board of Governors of California Community Colleges, filed Aug. 22, 2013.

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