



## City Attorney Dennis Herrera Statement

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For Immediate Release:  
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### Herrera hails ACCJC's ouster

*Community Colleges' Board of Governors votes 14-0 to replace accreditation model, citing lawsuits over ACCJC's 'unfair treatment and punitive approach'*

SAN FRANCISCO (Nov. 16, 2015)—The embattled accrediting commission that for more than two years sought to terminate City College of San Francisco's accreditation will itself be terminated in California, as the Board of Governors of the state's community colleges voted 14-0 today to implement a new accreditation model. The board's resolution cited lawsuits, state audits and legislative actions that identified "grave concerns" about the "lack of transparency, non-collegiality, unfair treatment and punitive approach toward California community colleges" by the Accrediting Commission of Community and Junior Colleges, or ACCJC. Today's resolution concluded that the "current structure of ACCJC, along with its lack of credibility as perceived by its peers and the public, no longer meet the current and anticipated needs of California community colleges."

City Attorney Dennis Herrera, whose 2013 litigation against the ACCJC blocked the commission from moving forward with its plans to terminate the City College's accreditation, hailed the Board of Governor's decision late this afternoon.

"Today's resolution is enormously important to protect all California community colleges, but it's especially sweet vindication to those who fought so hard to save City College of San Francisco from the excesses of these out-of-control accreditors," said Herrera. "The entire City College community—students, faculty, administrators, employees and trustees—deserves credit for the remarkable and worthwhile progress they've made in recent years, even when responding to ACCJC demands that were inconsistent and even irrational. I'm proud to lead an office whose legal advocacy played a key role in helping save our cherished San Francisco institution from the ACCJC, and I'm grateful that other community colleges will be spared from similar unlawful actions."

Herrera sued the Novato, Calif.-based ACCJC in San Francisco Superior Court on Aug. 22, 2013, alleging unfair and unlawful practices in the agency's evaluation of City College. Months later, after a series of procedural delays by the accreditors' attorneys, Herrera filed a high-stakes motion for preliminary injunction to block the ACCJC from moving forward with its plans to terminate the

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college's accreditation. San Francisco Superior Court Judge Curtis E.A. Karnow granted the major portion of Herrera's motion on Jan. 2, 2014, preliminarily enjoining the ACCJC from finalizing its planned termination of City College's accreditation during the course of the litigation.

On Jan. 16, 2015, Judge Karnow issued a detailed 72-page ruling that found ACCJC had engaged in "significant unlawful practices" in reaching its 2013 decision to terminate City College's accreditation. The ruling vindicated Herrera's decision to file the lawsuit, which was harshly criticized by the *San Francisco Chronicle* and even some city leaders.

The ACCJC took its first public step to terminate City College's accreditation in June 2012, when the private commission unexpectedly issued the harshest sanction an accreditation process can produce: a "show cause" letter, placing the burden on the college to prove why its accreditation should not be terminated. A year later, in June 2013, despite significant progress to address the deficiencies identified by accreditors, the commission announced its intention to terminate City College's accreditation effective July 31, 2014. Such a termination would have made City College's closure a virtual certainty, had Herrera's injunction not blocked the ACCJC from moving forward.

The case is: *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.

# # #



**RESOLUTION OF THE BOARD OF GOVERNORS  
CALIFORNIA COMMUNITY COLLEGES  
No. 2015-03**

*Whereas*, California Code of Regulations, title 5 Section 51016 requires each community college to be accredited by an accrediting agency that is recommended by the Chancellor and approved by the Board of Governors.

*Whereas*, the Accrediting Commission for Community and Junior Colleges (ACCJC) is the current accrediting agency.

*Whereas*, of the six regions, only the Western Association of Schools and Colleges (WASC) is subdivided into separate commissions for community and junior colleges (ACCJC) and for institutions offering bachelor's and higher degrees (WASC Senior College and University Commission).

*Whereas*, with the establishment of community college baccalaureate degree programs and development of associate degrees for transfer, California community colleges need to be on par with other community colleges throughout the country and to benefit also from the peer review of 4-year colleges and universities in order to ensure the highest quality of educational services for students.

*Whereas*, within a span of 10 years, ACCJC placed 2/3 of all community colleges in California on some level of sanction; and between 2009 and 2013, ACCJC had a sanction rate of approximately 53% (compared to 12% within other regions).

*Whereas*, due to ACCJC's sanctions, the Board of Governors was compelled to appoint special trustees for two college districts and suspending the authority of democratically elected local governing boards.

*Whereas*, through legislative action, state audit, and lawsuits, the people of California have expressed grave concerns about ACCJC's lack of transparency, non-collegiality, unfair treatment and punitive approach toward California community colleges.

*Whereas*, despite these ACCJC sanctions, the people of California continue to have confidence in California community colleges, as demonstrated by tremendous investments in the Student Success Act, creation of BA degrees pilot program, 1900 Associate Degrees for Transfers created within 3 years, and increase concurrent/dual enrollment.

*Whereas*, despite ACCJC's conduct, California community colleges continue to seek ways to improve their educational services by voluntarily participating in the Institutional Effectiveness Partnership Initiative, a state-funded program with the primary mission of assisting colleges in meeting accreditation standards.

*Whereas*, numerous efforts were made throughout the years by community college leaders, including some members on the Commission and staff, to provide constructive feedback to ACCJC; and although some progress was made, the changes made by ACCJC were insufficient to change the negative perception of ACCJC.



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*Whereas*, two Chancellors of the California Community Colleges have convened three advisory task forces to address the increased complaints and concerns about ACCJC for over a decade.

*Whereas*, the 2015 Accreditation Task Force representing a cross section of peers in the California community colleges unanimously voted to express its loss of confidence in ACCJC; and recommended that the Chancellor and Board of Governors investigate “all available avenues for establishing a new model for accreditation” and to do so in expeditious manner, working through the system’s established consultation process, to bring a recommendation for action to the Board of Governors by Spring 2016.

*Whereas*, the following statewide organizations endorsed the 2015 Accreditation Task Force report: California Community College Trustees (CCCT), Chief Executive Officers of the California Community Colleges (CEOCCC), Academic Senate for California Community Colleges (ASCCC), California Community Colleges Chief Instructional Officers (CIOCCC), Faculty Association of California Community Colleges (FACCC), Community College Association of California (CCA), California Teachers Association (CTA), California Community College Independents (CCCI), California Federation of Teachers (CFT), and Community College Council of the California Federation of Teachers (CCC/CFT).

*Whereas*, accreditation is a peer review process, and it is essential that peers trust the process is fair, transparent, and professional in order for it to be effective and meaningful.

*Whereas*, the public needs to trust that an accrediting agency recommended by the Chancellor and approved by the Board of Trustees, pursuant to title 5 Section 51016, meets the highest standard of professionalism and expertise.

**THEREFORE, BE IT RESOLVED**, at its November 16-17 board meeting, that the Board of Governors accepts the 2015 Accreditation Task Force’s findings and recommendations, and **HEREBY DECLARES**:

The current structure of ACCJC, along with its lack of credibility as perceived by its peers and the public, no longer meet the current and anticipated needs of California community colleges.

Thus, in an effort to raise the professionalism of accreditation processes and usher California community colleges into a new era of baccalaureate degrees and closer ties with 4-year universities, the Board of Governors hereby directs the **Chancellor, working through the system’s established consultation processes, to bring to the Board of Governors at its March 2016 meeting**:

1. A recommendation for action to establish a new model for an accrediting agency; and
2. An implementation plan, along with timeline.

AYES:            NAYS:            ABSTAIN: