



California Federation of Teachers
American Federation of Teachers, AFL-CIO

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Contact: Fred Glass, 510-579-3343, fglass@cft.org

Accreditor on defensive in advance of October trial
Governor signs two bills; judge dismisses objections to suit

Over the past ten days, the Accrediting Commission for Community and Junior Colleges (ACCJC) received three setbacks in its ideological quest to run roughshod over fair accreditation practices and common decency.

Governor Brown signed two bills that claw back a bit of the damage done by the ACCJC in its unfair and illegal actions to close City College of San Francisco. And late Friday, Superior Court judge Curtis Karnow rejected the ACCJC's arguments for dismissal of the case brought by S.F. City Attorney Dennis Herrera against it, and granted summary adjudication on one issue argued by Herrera.

Herrera's suit seeks to reverse the ACCJC's closure order against City College of San Francisco (CCSF) due to the agency's violations of its own policies and state law. In a hearing on September 10, the ACCJC argued the agency could not be tried under California law because it was not a business.

In his [40 page ruling](#) Judge Karnow found the Commission is a business governed by California's Unfair Competition law. He determined that the courts had widely applied Business and Professions Code Section 17200 to "associations and other organizations of persons" and other private entities.

Karnow also ruled that the ACCJC "violated controlling federal regulations" when it staffed a 2013 CCSF evaluation panel with just one academic among nine reviewers. "The judge slapped aside the ACCJC attorney's attempt to argue in court that no regulation specified what constituted a balanced team—as if eight to one represents balance in any universe," said CFT president Joshua Pechthalt.

Karnow said in his ruling that if the evidence at trial is sufficient, the law recognizes that the Court may issue injunctive relief that restores City College's accreditation.

On the legislative front, AB 1942 (Bonta) mandates more transparency and accountability from the ACCJC by requiring biannual reports of policy changes and other specific reporting to the Legislature. Given federal jurisdiction over most accreditation matters, this was as far as state legislators could go after initially considering a more

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comprehensive bill. Nonetheless, “It is a step in the right direction for more transparency in the notoriously secretive agency, and signals that previously hands-off legislators understand that they need to monitor the commission more closely,” Pechthalt said.

And AB 2087 (Ammiano) requires the state Community College Board of Governors to include benchmarks for restoration of an elected local college district board of trustees if it is replaced by a “special trustee,” as occurred in San Francisco. It also requires the “special trustee” to consult meaningfully with the college district in decisionmaking, instead of simply issuing decisions by fiat.

The CFT and its affiliate at CCSF, AFT 2121, filed the original complaint with the U.S. Department of Education that argued the ACCJC, in its dealings with City College and many other colleges, has consistently violated its own policies and state and federal law. After the Department agreed with significant portions of the complaint a year ago, the City Attorney filed suit against the ACCJC, and legislators crafted bills targeting the agency’s actions. Judge Karnow issued an injunction in January 2104 to keep CCSF open and accredited for its 80,000 students pending trial.

The CFT represents more than 25,000 faculty in thirty community college districts, and 120,000 educational employees at every level of the education system, from Head Start to UC. More information: www.cft.org.

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