
SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2019 - 2020 Regular

Bill No: SB 777 **Hearing Date:** April 10, 2019
Author: Rubio
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Consultant: Olgalilia Ramirez

Subject: Community colleges: full-time instruction

SUMMARY

This bill modifies provisions relating to the percent of credit instruction taught by full-time faculty at the California community colleges (CCC) by requiring in statute districts below the 75 percent threshold to annually reduce by 10 percent the deficit between their existing full-time faculty percentage and the 75 percent goal, rather than applying a portion of their "program improvement" funds toward reaching that 75 percent goal.

BACKGROUND

Existing law:

- 1) Defines "faculty" as those employees of a community college district who are employed in academic positions that are not designated as supervisory or management. Faculty includes, but are not limited to, instructors, librarians, counselors, community college health services professionals, handicapped student programs and services professionals, and extended opportunity programs and services professionals (Education Code §87003).
- 2) Defines any person who is employed to teach for not more than 67 percent of the hours per week on a full-time assignment to be a temporary (part-time) employee. (EC § 87482.5 and § 87882)
- 3) The Board of Governors (BOG) of the California Community Colleges (CCC) has had a longstanding policy that at least 75 percent of the hours of credit instruction in the CCC, as a system, should be taught by full-time instructors (commonly referred to as "75/25"). Existing law requires the BOG to adopt regulations regarding the percent of credit instruction taught by full-time faculty and authorizes CCC districts with less than 75 percent full-time instructors to apply a portion of their "program improvement" funds toward reaching a 75 percent goal. However, the state has stopped providing program improvement funds and the BOG has since required CCC districts to provide a portion of their growth funds to hiring more full-time faculty. (EC § 87482.6) (California Code of Regulations, Title 5, § 51025)

ANALYSIS

This bill modifies provisions relating to the percent of credit instruction taught by full-time faculty at the California community colleges by requiring in statute districts below the 75

percent threshold to annually reduce by 10 percent the deficit between their existing full-time faculty percentage and the 75 percent goal, rather than applying a portion of their “program improvement” funds toward reaching that 75 percent goal. Specifically, it:

- 1) Requires that Community college districts that have less than 75 percent of their hours of credit instruction taught by full-time faculty make, at a minimum, an annual 10-percent reduction in the district’s deficit, rounded up to the nearest whole number, until the 75-percent goal is reached, as specified.
- 2) Specifies, for purposes of 1) above, a district’s deficit is defined as the gap between 75 percent of the total district credit hours taught and the total of those taught by full-time faculty.
- 3) Removes the authority of the board of governors to amend certain provisions and instead requires that those provisions be included when adopting regulations for the effective administration of the bill. Those provisions include both of the following:
 - a) Exclude the hours of overload teaching by full-time faculty from both the total district credit hours taught and the total district credit hours taught by full-time faculty, in the computation for the percentage of credit hours taught by full-time faculty.
 - b) Define a full-time faculty as any regular and contract faculty member teaching credit instruction.
- 4) Requires the chancellor to annually compute and report by March 15 of each year to each community college district both of the following:
 - a) The district’s status with respect to progress toward the 75-percent goal and the additional hours of full-time faculty credit instruction needed to make a 10-percent improvement in the district’s deficit.
 - b) The conversion of hours computed from, a) above, to the number of additional full-time faculty required, as specified.
- 5) Requires a district to develop and maintain a five-year plan for making progress towards achieving the 75-percent full-time faculty goal, including specific strategies for achieving the goal as provided.
- 6) Requires that the board of governors determine how to apply the 75-percent goal to both credit and noncredit faculty in both state supported and basic-aid districts.
- 7) Requires that the Chancellor annually review each district’s progress towards the district’s 75-percent goal to assist these districts in determining strategies to more aggressively progress toward the 75-percent goal.
- 8) Modifies provisions relative to reductions in a district’s base budget by an amount equivalent to the average replacement cost times the deficiency in the number of

full-time faculty when districts fail to retain the appropriate number of additional full-time faculty.

- 9) Modifies and recasts provisions relative to the computation of “replacement costs,” by providing that the average replacement cost be calculated as the district average faculty salary, rather than the statewide average, plus benefits minus the product of the number of hours equivalent to full-time teaching load and the district average hourly rate, rather than the statewide average hourly rate, of compensation for part-time instructor.
- 10) Requires that each district provide all information to the Chancellor necessary for the Chancellor to, comply with making the determination of the additional number of full-time faculty required for each district, not less than 60 days before Chancellor’s determination is due.
- 11) Modifies legislative findings and declarations by striking outdated provisions and adds provisions declaring it a priority of the California Community Colleges (CCC) to support additional full-time faculty positions.
- 12) Makes other technical and conforming changes.
- 13) Deletes provisions that require CCC Districts that had in the prior 67-75 percent of their hours of credit instruction taught by full-time instructors to apply up to 33 percent of their program improvement allocation as necessary to reach the 75 percent standard or if a district choose not to improve its percentage than a portion of their program improvement allocation would be withheld.
- 14) Deletes provisions that require districts that in the prior fiscal year, had less than 67 percent of their hours of credit instruction taught by full time instructors apply up to 40 percent of their program improvement allocation as necessary to reach the 75 percent standard or a portion of their program improvement allocation would be withheld.
- 15) Deletes provisions that allow districts, which maintain 75 percent or more of their hours of credit instruction taught by full-time instructors to use freely their program improvement allocation for any of the purposes specified.
- 16) Deletes provisions relative to calculations for full time faculty based upon portions of program improvement revenue and replacement costs.
- 17) Deletes the requirement that the chancellor report to each district an estimate of the number of full-time faculty to be secured based upon the appropriations of revenues contained in the annual Budget bill.

STAFF COMMENTS

- 1) ***Need for the bill.*** The Workgroup, appointed by the California Community College (CCC) Chancellor, is made up of community college administrators and faculty, According to the author, “The collaborative work of the Workgroup resulted in a report in which the Workgroup recommends concrete steps to

achieve the state's goal of 75%. The Workgroup also discussed the 50% Law (EC 84362), but there has yet to be an agreement on a recommendation. This bill only seeks to adopt the agreed recommendations on steps to reach the 75% fulltime instruction goal."

- 2) **Existing policy.** The CCC Board of Governors has had a longstanding policy that at least 75 percent of the hours of credit instruction in the CCC, as a system, should be taught by full-time instructors. Existing regulations require specified steps to be taken by community college districts to achieve the 75 percent standard, many are contingent upon adequate funding. According to the last published ratio, approximately 56.9 percent of credit bearing courses across the CCC system are taught by full-time faculty. This bill would require districts to make annual progress toward the full-time faculty target.
- 3) **Premature changes to 75 percent goal.** According to the California Community Colleges Chancellor's Office, in 2015, Chancellor Brice Harris commissioned a small workgroup of faculty and administrators to explore the 50 percent Law (Education Code Section 84362) and the Faculty Obligation Number (FON, Title 5 Sections 51025 and 53311) and, if possible, develop a proposal for reform. The workgroup considered a number of relevant issues, including the changing environment since these laws were enacted, in 1961 and 1988, respectively. The discussion focused on the greater need for instructional support services inside and outside the classroom, increased emphasis on accountability and a greater dependence on instructional technology. The group also explored ways in which the system might make steady progress toward the goal of 75 percent of instructional hours being provided by full-time faculty. The workgroup developed proposals for revising the 50 percent Law and the FON, together. However, these discussions constituted only the first step in a process. The workgroup agreed that a further set of meetings to review statistical data and establish the recommended changes were required in order for these proposals to move forward.

Late in 2017, Chancellor Eloy Ortiz Oakley requested the workgroup to reconvene and consider revisions to its original proposal in order to align it with the California Community Colleges' Vision for Success document accepted by the Board of Governors in July 2017; and, in early 2019, Chancellor Oakley requested the workgroup to consider revisions to the original proposal in light of the enactment of the Student Centered Funding Formula. The workgroup has now concluded its work and the recommendations will be discussed by Consultation Council on April 18, 2019. The Chancellor will determine, based on that consultation, whether the recommendations have sufficient support within the system to move to the Board of Governors for consideration.

This bill would implement workgroup recommendations with respect to attaining the 75 percent goal prior to consultation and prior to consideration from the Board of Governors. Is it prudent to make such significant changes to a program prior to the final step in review, evaluation by the advisory body and consideration of the California Community Colleges governing board?

4) ***Related budget activity.*** The 2015-16 Budget Act included \$62 million for community college districts to hire additional full-time faculty. The 2016-17 and 2017-18 budgets did not include additional funding for this purpose. The CCC Chancellor's Office unsuccessfully requested an additional \$100 million in 2017-18 to hire full-time faculty. However, the 2017-18 Budget Act includes \$183.6 million in unallocated base increase, which could be used to increase full-time faculty. Finally, the 2018-19 Budget Act provides \$50 million Proposition 98 General Fund ongoing to colleges to increase the number of new full-time faculty toward meeting the 75 percent full-time faculty target. It's unclear whether districts will need additional money beyond this allocation to meet the requirements of this bill.

5) ***Related and prior legislation.***

ACR 32 (Medina, Resolution Chapter 142, 2017) this resolution encourages the Chancellor of the California Community Colleges (CCC), in consultation with affected stakeholders, to develop proposals for legislative consideration to address the longstanding challenges to achieving the goal of 75 percent of credit classroom instruction taught by full-time faculty and compensation equity for part-time faculty.

SB 373 (Pan, 2015) established the Community College Excellence in Education Act and sets a cap on the number of part-time faculty for each community college district based on the 2014-15 fiscal year, thereby limiting new hires to only full-time faculty until the district reaches a 75 percent threshold of full-time faculty. This bill also prohibited new tenure-track faculty from performing overload assignments during their probationary period. Finally, this bill sets forth a series of provisions governing how the threshold is maintained and repercussions in cases when it is not maintained. SB 373 was held in the Senate Appropriations Committee.

AB 950 (Chau, 2013) prohibited a full-time faculty member for a community college district from being assigned a workload that includes overload or extra assignments if the overload or extra assignments exceed 50 percent of a full-time workload in a semester or quarter that commences on or after January 1, 2014, with several exceptions. AB 950 was held in the Senate Appropriations Committee.

AB 1826 (Hernandez, 2012) prohibited a full-time faculty member from being assigned a workload with an overload or extra assignments exceeding 50 percent of the full-time semester or quarter workload. AB 1826 was held in the Senate Appropriations Committee.

ACR 138 (Nava, Resolution Chapter 142, 2010) stated legislative intent that part-time and temporary faculty receive pay and benefits that are equal to those of specified tenure-track faculty, to the extent funding is provided, and that the CCC increase the percentage of full-time tenured and tenure-track faculty.

AB 1343 (Mendoza, 2007) required the CCC and the California State University to achieve 75 percent full-time equivalent faculty by 2014-15, to achieve certain standards in pro-rata salary and benefits, and provided preferential treatment for part-time faculty in the hiring process for new full-time faculty positions. AB 1343 was held in the Senate Appropriations Committee.

SUPPORT

California Community College Independents
Consumer Attorneys of California
Faculty Association of California Community Colleges

OPPOSITION

Association of California Community College Administrators
California Community College League

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