

ASSEMBLY BILL

No. 906

Introduced by Assembly Member Eng

February 22, 2007

An act to amend Section 84362 of the Education Code, relating to community colleges.

LEGISLATIVE COUNSEL'S DIGEST

AB 906, as introduced, Eng. Community colleges: salaries of classroom instructors.

Existing law establishes the California Community Colleges, under the administration of the Board of Governors of the California Community Colleges, as one of the segments of public postsecondary education in this state. The board of governors is required to appoint a chief executive officer, who is known as the Chancellor of the California Community Colleges. Existing law establishes community college districts throughout the state, and authorizes these districts to provide instruction at community college campuses. An existing provision requires each community college district to expend, for payment of the salaries of classroom instructors, as defined, 50% of the district's current expense of education, as defined.

This bill would further provide that, in order to encourage compliance with this requirement, and to determine the extent to which districts are complying with this requirement, the chancellor shall conduct random audits of 5 community college districts each year. The bill would also make various technical, nonsubstantive changes in the provision.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 84362 of the Education Code is amended
2 to read:

3 84362. (a) As used in this section, ~~“salaries of classroom~~
4 ~~instructors” means:~~

5 ~~(1) The salary paid to each instructor employed by the district~~
6 ~~whose duties require that the full time for which the instructor is~~
7 ~~employed be devoted to the instruction of students of the district.~~

8 ~~(2) The portion of the salary of each instructor whose duties~~
9 ~~require that a part, but not all, of the full time for which the~~
10 ~~instructor is employed be devoted to the instruction of students of~~
11 ~~the district, which is equal to the portion of the full time actually~~
12 ~~devoted by the instructor to teaching students of the district.~~

13 ~~(3) The salary paid to each instructional aide employed by the~~
14 ~~district, any portion of whose duties are required to be performed~~
15 ~~under the supervision of an instructor. However, the cost of all~~
16 ~~health and welfare benefits provided to the instructors by the~~
17 ~~community college district shall be included within the meaning~~
18 ~~of “salaries of classroom instructors.”~~

19 ~~(b) (1) As used in this section, an “instructor” means an~~
20 ~~employee of the district employed in a position requiring minimum~~
21 ~~qualifications and whose duties require him or her to teach students~~
22 ~~of the district for at least one full instructional period each~~
23 ~~school day for which the employee is employed. An instructional~~
24 ~~period is the number of minutes equal to the number of minutes~~
25 ~~of the regular academic period in the community college in which~~
26 ~~the instructor is employed.~~

27 ~~(2) As used in this section, “administrator”~~

28 ~~(1) “Administrator” means any employee in a position having~~
29 ~~significant responsibilities for formulating district policies or~~
30 ~~administering district programs; and “supervisor” means any~~
31 ~~employee having authority, on behalf of the district, to hire,~~
32 ~~transfer, suspend, lay off, recall, promote, discharge, assign,~~
33 ~~reward, discipline other employees, adjust their grievances, or~~
34 ~~effectively recommend that action, if the exercise of the authority~~
35 ~~is not of a merely routine or clerical nature.~~

36 ~~(e)~~

37 ~~(2) “Current expense of education” means the gross total~~
38 ~~expended (not reduced by estimated income or estimated federal~~

1 and state apportionments) for the purposes classified in the final
2 budget of a district (except one which, during the preceding fiscal
3 year, had less than 101 units of full-time equivalent student) for
4 academic salaries other than academic salaries for student
5 transportation, food services, and community services; classified
6 salaries other than classified salaries for student transportation,
7 food services, and community services; employee benefits other
8 than employee benefits for student transportation personnel, food
9 services personnel, and community services personnel; books,
10 supplies, and equipment replacement other than for student
11 transportation and food services; and community services,
12 contracted services, and other operating expenses other than for
13 student transportation, food services, and community services.
14 “Current expense of education,” for purposes of this section, shall
15 not include those expenditures classified as sites, buildings, books,
16 and media and new equipment (object of expenditure 6000 of the
17 Accounting Manual for California Community Colleges), the
18 amount expended from categorical aid received from the federal
19 or state government which funds were granted for expenditures in
20 a program not incurring any instructor salary expenditures or
21 requiring disbursement of the funds without regard to the
22 requirements of this section, or expenditures for facility acquisition
23 and construction; and shall not include the amount expended
24 pursuant to any lease agreement for plant and equipment or the
25 amount expended from funds received from the federal government
26 pursuant to the “Economic Opportunity Act of 1964” or any
27 extension of that act of Congress or the amount expended by a
28 community college from state or federal funds received by the
29 community college for grants to community college students or
30 for the employment of community college students.

31 (3) “*Instructor*” means an employee of the district employed in
32 a position requiring minimum qualifications and whose duties
33 require him or her to teach students of the district for at least one
34 full instructional period each schoolday for which the employee
35 is employed. An instructional period is the number of minutes
36 equal to the number of minutes of the regular academic period in
37 the community college in which the instructor is employed.

38 (4) “*Salaries of classroom instructors*” means:

1 (A) *The salary paid to each instructor employed by the district*
 2 *whose duties require that the full time for which the instructor is*
 3 *employed be devoted to the instruction of students of the district.*
 4 (B) *The portion of the salary of each instructor whose duties*
 5 *require that a part, but not all, of the full time for which the*
 6 *instructor is employed be devoted to the instruction of students of*
 7 *the district, which is equal to the portion of the full time actually*
 8 *devoted by the instructor to teaching students of the district.*
 9 (C) *The salary paid to each instructional aide employed by the*
 10 *district, any portion of whose duties are required to be performed*
 11 *under the supervision of an instructor. However, the cost of all*
 12 *health and welfare benefits provided to the instructors by the*
 13 *community college district shall be included within the meaning*
 14 *of “salaries of classroom instructors.”*
 15 ~~(d)~~
 16 (b) There shall be expended during each fiscal year for payment
 17 of salaries of classroom instructors by a community college district,
 18 50 percent of the district’s current expense of education.
 19 ~~(e)~~
 20 (c) If the board of governors determines that a district has not
 21 expended the applicable percentage of current expense of education
 22 for the payment of salaries of classroom instructors during the
 23 preceding fiscal year, the board shall, in apportionments made to
 24 the district from the State School Fund after April 15 of the current
 25 fiscal year, designate an amount of the apportionment or
 26 apportionments equal to the apparent deficiency in district
 27 expenditures. Any amount so designated by the board of governors
 28 shall be deposited in the county treasury to the credit of the
 29 community college district, but shall be unavailable for expenditure
 30 by the district pending the determination to be made by the board
 31 of governors on any application for exemption which may be
 32 submitted to the board of governors. In the event it appears to the
 33 governing board of a community college district that the application
 34 of the preceding subdivisions during a fiscal year results in serious
 35 hardship to the district, or in the payment of salaries of classroom
 36 instructors in excess of the salaries of classroom instructors paid
 37 by other districts of comparable type and functioning under
 38 comparable conditions, the governing board may apply to the board
 39 of governors, in writing, not later than September ~~15th~~ 15 of the

1 immediately succeeding fiscal year for exemption from the
2 requirements of this section.

3 ~~(f)~~

4 (d) Immediately upon applying for the exemption described in
5 subdivision ~~(e)~~ (c), the governing board shall provide the exclusive
6 representative of the district's academic employees or, if none
7 exists, the district or college academic senate, and all academic
8 employee organizations eligible for payroll dues deduction, with
9 a copy of the application. The exclusive representative, or the
10 district or college academic senate, and all academic employee
11 organizations eligible for payroll dues deduction, within 30 days
12 of its receipt of the application, may transmit to the board of
13 governors a written statement opposing the application, setting
14 forth reasons for its opposition.

15 ~~(g)~~

16 (e) Upon receipt of the application described in subdivision ~~(f)~~
17 (d), duly approved, and of the statement of opposition, if any, the
18 board of governors shall grant the district exemption for any
19 amount that is less than one thousand dollars (\$1,000). If the
20 amount is one thousand dollars (\$1,000) or more, the board of
21 governors may grant the district exemption from the requirement
22 for the fiscal year for which the application is made if a majority
23 of all the members of the board of governors finds, in writing, that
24 the district will in fact suffer serious hardship or will have to pay
25 salaries of classroom instructors in excess of those paid by other
26 districts of comparable type and functioning under comparable
27 conditions unless the district is granted an exemption. If the
28 exemption is granted, the designated moneys shall be immediately
29 available for expenditure by the community college district
30 governing board. If no application for exemption is made or
31 exemption is denied, the board of governors shall order the
32 designated amount or amount not exempted to be added to the
33 amounts to be expended for salaries of classroom instructors during
34 the next fiscal year.

35 ~~(h)~~

36 (f) The board of governors shall enforce the requirements
37 prescribed by this section, and may adopt necessary rules and
38 regulations to that end. It may require the submission during the
39 college year, by community college district governing boards and
40 county superintendents of schools, of the reports and information

1 as may be necessary to carry out this section. *In order to encourage*
2 *compliance with this section, and to determine the extent to which*
3 *districts are complying with this section, the chancellor shall*
4 *conduct random audits of five community college districts each*
5 *year.*

6 (i)

7 (g) The board of governors, no later than the 10th calendar day
8 of each year of the Legislature, shall submit to the Legislature a
9 written report on the operation, effect, and the extent of compliance
10 with this section by community college districts in the state during
11 the two most recently ended fiscal years. The report shall describe
12 the activities of the board of governors and the chancellor's office,
13 undertaken to ensure compliance with this section, and may contain
14 recommendations for legislation pertaining to that subject.