

AMENDED IN ASSEMBLY APRIL 13, 2015

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 626

Introduced by Assembly Member Low
(Principal coauthor: Assembly Member Roger Hernández)
(Coauthor: Assembly Member Dababneh)

February 24, 2015

An act to amend Section 87482.6 of the Education Code, relating to community colleges.

LEGISLATIVE COUNSEL'S DIGEST

AB 626, as amended, Low. Community colleges: employees.

(1) Existing law establishes the California Community Colleges under the administration of the Board of Governors of the California Community Colleges. Existing law establishes community college districts, which provide instruction to students at campuses throughout the state.

Existing law provides that, until specified statutory provisions are implemented regarding program-based funding, community college districts that have less than 75% of their hours of credit instruction taught by full-time instructors shall apply a portion of their program improvement allocations toward reaching that 75% standard, as specified. Existing law requires the board of governors to adopt ~~regulations, as provided,~~ *regulations* for the effective administration of the law concerning the appropriate percentage of hours of credit instruction taught by full-time instructors. Existing law requires the Chancellor of the California Community Colleges to compute the

number of full-time faculty required to be secured using program improvement allocations, as specified, to determine the extent to which each community college district has hired that number of full-time faculty, and, to the extent that the cumulative number of full-time faculty have not been retained, to reduce the district's base budget for 1991–92 and subsequent fiscal years in accordance with a certain formula.

This bill would repeal the requirement to expend a portion of the program improvement allocation to increase the ratio of full-time to part-time faculty and, with respect to community college districts that have not reached the 75% standard referenced above, would require similar expenditures of Student Success and Support Program funds to increase that ratio, *and to support part-time faculty*. The bill would specify purposes for which allocations of these funds could be made by community college districts that had not reached the 75% standard. To the extent that this provision would impose new duties on community college districts, it would constitute a state-mandated local program.

The bill would express the intent of the Legislature that the board of governors work together with the Academic Senate for California Community Colleges and other relevant entities to develop goals for the full-time to part-time faculty ratio in noncredit education.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

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

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) In 1988, the Education Code was amended to read that “the
- 4 Legislature wishes to recognize and make efforts to address
- 5 longstanding policy of the board of governors that at least 75
- 6 percent of the hours of credit instruction in the California
- 7 Community Colleges, as a system, should be taught by full-time
- 8 instructors.”

1 (b) The expectations for full-time faculty go beyond classroom
2 instruction to include, among other full-service activities, all of
3 the following: developing and evaluating academic programs;
4 holding office hours and participating in meetings after classes;
5 student advising; participation in institutional governance; and
6 accreditation-related responsibilities such as the assessment of
7 departmental and student learning outcomes, curriculum
8 development, and preparing institutional self-studies.

9 (c) In ~~2013~~, 2014, the percentage of credit courses taught by
10 full-time faculty in the system was only 56.14 percent.

11 (d) The Legislature acknowledged the commitment of the Board
12 of Governors of the California Community Colleges, through its
13 regular budget process, to evaluate resource needs and seek funding
14 for essential educational priorities that contribute to student
15 success. These priorities include, but are not necessarily limited
16 to, the hiring of more full-time faculty and increasing support for
17 part-time faculty.

18 (e) In the Seymour-Campbell Student Success Act of 2012, the
19 Legislature acknowledged the importance of counselors, who,
20 along with librarians, are considered to be faculty for purposes of
21 the 75-percent goal.

22 (f) Students enrolled in noncredit education are most often
23 deprived of the benefit of working with full-time faculty, as
24 statewide goals relating to the ratio of full-time to part-time faculty
25 have yet to be developed with respect to noncredit courses.

26 SEC. 2. Section 87482.6 of the Education Code is amended to
27 read:

28 87482.6. (a) It has long been the intent of the Legislature to
29 improve the equity and predictability of community college funding
30 in order to enhance the ability of both the full-time and part-time
31 faculty of the California Community Colleges to provide
32 high-quality instructional services.

33 (b) Notwithstanding any other law, until the provisions of
34 Section 84750.5 regarding program-based funding are implemented
35 by a standard adopted by the board of governors that establishes
36 the appropriate percentage of hours of credit instruction that should
37 be taught by full-time instructors, the Legislature wishes to
38 recognize and make efforts to address longstanding policy of the
39 board of governors that at least 75 percent of the hours of credit
40 instruction in the California Community Colleges, as a system,

1 should be taught by full-time instructors. To this end, community
2 college districts that have less than 75 percent of their hours of
3 credit instruction taught by full-time instructors shall be subject
4 to both of the following:

5 (1) In a fiscal year when funds are specifically appropriated for
6 purposes of the Student Success and Support Program under Article
7 1 (commencing with Section 78210) of Chapter 2 of Part 48, and
8 in which ~~no~~ funds have *not* been specifically designated to increase
9 the ratio of full-time faculty to part-time faculty, *and to support*
10 *part-time faculty*, in programs ~~including~~, *which may include* but
11 *are* not necessarily limited to, the Community College Part-Time
12 Faculty Office Hours Program established by Article 10
13 (commencing with Section 87880), one-half of the amount of the
14 district match requirement under subdivision (b) of Section 78216
15 shall be allocated in the following manner:

16 (A) Districts that, in the prior fiscal year, had between 67 percent
17 and 75 percent of their hours of credit instruction taught by
18 full-time instructors shall apply up to 33 percent of this allocation
19 as necessary to reach the 75 percent standard. Districts that, in the
20 prior fiscal year, had less than 67 percent of their hours of credit
21 instruction taught by full-time instructors shall apply up to 40
22 percent of this allocation as necessary to reach the 75 percent
23 standard.

24 (B) The funds remaining after allocations are made pursuant to
25 subparagraph (A) shall, to the extent feasible, and in a manner
26 consistent with an applicable collective bargaining agreement, be
27 ~~divided equally~~ between expenditures in support of functions
28 performed by full-time faculty and expenditures in support of
29 functions performed by part-time faculty, with the allocations for
30 part-time faculty support used, to the extent feasible, for the
31 funding of the participation of part-time faculty in ~~office hours~~
32 *areas that contribute to student success, which may include office*
33 *hours, as determined locally.*

34 (2) Notwithstanding paragraph (1), in a fiscal year when funds
35 are specifically appropriated for purposes of the Student Success
36 and Support Program under Article 1 (commencing with Section
37 78210) of Chapter 2 of Part 48, and in which ~~no~~ funds have *not*
38 been specifically designated to increase the ratio of full-time faculty
39 to part-time faculty, *and to support part-time faculty*, in programs
40 ~~including~~ *which may include*, but *are* not necessarily limited to,

1 the Community College Part-time Faculty Office Hours Program
2 established by Article 10 (commencing with Section 87880), but
3 in which, notwithstanding subdivision (b) of Section 78216, there
4 is no district matching requirement, one-half of the Student Success
5 and Support Program funds received by the district shall be
6 allocated as indicated in subparagraphs (A) and (B) of paragraph
7 (1).

8 (3) Once a district has achieved the goal of at least 75 percent
9 of credit instruction hours being taught by full-time faculty, with
10 part-time faculty being fully supported for those activities that
11 contribute to student success as determined locally, the district
12 may use the funds referenced in paragraphs (1) and (2) for other
13 purposes that are consistent with the Student Success and Support
14 Program.

15 (c) The board of governors shall adopt regulations for the
16 effective administration of this section. Unless and until amended
17 by the board of governors, the regulations shall provide as follows:

18 (1) In computing the percentage of hours of credit instruction
19 taught by full-time instructors, the hours of overload teaching by
20 full-time instructors shall be excluded from both the total hours
21 of credit instruction taught by full-time and part-time instructors
22 and the total hours of instruction taught by full-time instructors.

23 (2) A full-time instructor shall be defined as any regular and
24 contract faculty member teaching credit instruction.

25 (3) The chancellor shall compute and report to each community
26 college district the number of full-time faculty (FTF) which are to
27 be secured through the use of the prescribed portion of the Student
28 Success and Support Program revenue allocated to each district,
29 or district matching funds, as applicable. This computation shall
30 be made by dividing the revenue required to be expended pursuant
31 to paragraph (1) or (2) of subdivision (b) by the statewide average
32 “replacement cost” (a figure which represents the statewide average
33 faculty salary plus benefits, minus the statewide average hourly
34 rate of compensation for part-time instructors times the statewide
35 average full-time teaching load). If the quotient is not a whole
36 number, then the quotient shall be rounded down to the nearest
37 whole number. If this quotient, once applied, will result in the
38 district exceeding the 75 percent standard, the chancellor shall
39 further reduce the quotient to a whole number that will leave the

1 district as close as possible to, but in excess of, the 75 percent
2 standard.

3 (4) By March 15 of each year, the chancellor shall report to
4 each district an estimate of the number of FTF to be secured based
5 upon the appropriation of revenues contained in the annual Budget
6 Bill and the district match requirement.

7 (5) On or before December 31, 1991, the chancellor shall
8 determine the extent to which each district, by September 30, 1991,
9 has hired the number of FTF determined pursuant to paragraph
10 (3) for the 1989–90 and 1990–91 fiscal years. To the extent that
11 the cumulative number of FTF have not been retained, the
12 chancellor shall reduce the district's base budget for 1991–92 and
13 subsequent fiscal years by an amount equivalent to the average
14 replacement cost times the deficiency in the number of FTF.

15 (d) It is the intent of the Legislature that the board of governors
16 work together with the Academic Senate for California Community
17 Colleges and other relevant entities to develop goals for the
18 full-time to part-time faculty ratio in noncredit education.

19 SEC. 3. If the Commission on State Mandates determines that
20 this act contains costs mandated by the state, reimbursement to
21 local agencies and school districts for those costs shall be made
22 pursuant to Part 7 (commencing with Section 17500) of Division
23 4 of Title 2 of the Government Code.