

AMENDED IN ASSEMBLY JUNE 1, 2015

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~~

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 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.~~

This bill would require the office of the Chancellor of the California Community Colleges to convene a group of stakeholders on or before July 1, 2016, and every 4 years thereafter, to develop recommendations on funding strategies to enable the community colleges to achieve the 75% standard and increase district participation in the support of part-time faculty. The bill would require the chancellor's office to report these recommendations to the Legislature, as specified.

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

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.”

9 (b) The expectations for full-time faculty go beyond classroom
10 instruction to include, among other full-service activities, all of
11 the following: developing and evaluating academic programs;
12 holding office hours and participating in meetings after classes;
13 student advising; participation in institutional governance; and
14 accreditation-related responsibilities such as the assessment of
15 departmental and student learning outcomes, curriculum
16 development, and preparing institutional self-studies.

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

19 (d) The Legislature acknowledged the commitment of the Board
20 of Governors of the California Community Colleges, through its
21 regular budget process, to evaluate resource needs and seek funding
22 for essential educational priorities that contribute to student
23 success. These priorities include, but are not necessarily limited
24 to, the hiring of more full-time faculty and increasing support for
25 part-time faculty.

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

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

34 *SEC. 2. Section 87482.6 of the Education Code is amended to*
35 *read:*

36 87482.6. (a) Until the provisions of Section ~~84750~~ 84750.5
37 regarding program-based funding are implemented by a standard
38 adopted by the board of governors that establishes the appropriate

1 percentage of hours of credit instruction that should be taught by
 2 full-time instructors, the Legislature wishes to recognize and make
 3 efforts to address longstanding policy of the board of governors
 4 that at least 75 percent of the hours of credit instruction in the
 5 California Community Colleges, as a system, should be taught by
 6 full-time instructors. To this end, community college districts
 7 ~~which that~~ have less than 75 percent of their hours of credit
 8 instruction taught by full-time instructors shall apply a portion of
 9 the program improvement allocation received pursuant to Section
 10 84755 as follows:

11 (1) Districts ~~which, that,~~ in the prior fiscal year, had between
 12 67 percent and 75 percent of their hours of credit instruction taught
 13 by full-time instructors shall apply up to 33 percent of ~~their~~
 14 ~~program improvement~~ *this* allocation as necessary to reach the ~~75~~
 15 ~~percent~~ *75-percent* standard. If a district in this category chooses
 16 instead not to improve its percentage, the board of governors shall
 17 withhold 33 percent of ~~the district's program improvement~~ *this*
 18 allocation.

19 (2) Districts ~~which, that,~~ in the prior fiscal year, had less than
 20 67 percent of their hours of credit instruction taught by full-time
 21 instructors shall apply up to 40 percent of ~~their program~~
 22 ~~improvement~~ *this* allocation as necessary to reach the ~~75 percent~~
 23 *75-percent* standard. If a district in this category chooses instead
 24 not to improve its percentage, the board of governors shall withhold
 25 40 percent of ~~the district's program improvement~~ *this* allocation.

26 ~~Districts which~~
 27 (3) *Districts that* maintain 75 percent or more of their hours of
 28 credit instruction taught by full-time instructors shall otherwise
 29 be free to use their program improvement allocation for any of the
 30 purposes specified in Section 84755.

31 (b) The board of governors shall adopt regulations for the
 32 effective administration of this section. Unless and until amended
 33 by the board of governors, the regulations shall provide as follows:

34 (1) In computing the percentage of hours of credit instruction
 35 taught by full-time instructors, the hours of overload teaching by
 36 full-time instructors shall be excluded from both the total hours
 37 of credit instruction taught by full-time and part-time instructors
 38 and the total hours of instruction taught by full-time instructors.

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

1 (3) (A) The chancellor shall compute and report to each
2 community college district the number of full-time faculty (FTF)
3 which are to be secured through the use of the prescribed portion
4 of program improvement revenue allocated to each district. This
5 computation shall be made by dividing the applicable portion of
6 program improvement revenue (0 percent, 33 percent, or 40 percent
7 of the program improvement allocation), by the statewide average
8 “replacement cost” (a figure which represents the statewide average
9 faculty salary plus benefits, minus the statewide average hourly
10 rate of compensation for part-time instructors times the statewide
11 average full-time teaching load). If the quotient is not a whole
12 number, then the quotient shall be rounded down to the nearest
13 whole number. If this quotient, once applied, will result in the
14 district exceeding the ~~75-percent~~ 75-percent standard, the
15 chancellor shall further reduce the quotient to a whole number that
16 will leave the district as close as possible to, but in excess of, the
17 ~~75-percent~~ 75-percent standard.

18 **By**

19 (B) ~~By March 15th~~ 15 of each year, the chancellor shall report
20 to each district an estimate of the number of FTF to be secured
21 based upon the appropriation of revenues contained in the annual
22 Budget Bill.

23 (4) On or before December 31, 1991, the chancellor shall
24 determine the extent to which each district, by September 30, 1991,
25 has hired the number of FTF determined pursuant to paragraph
26 (3) for the 1989–90 and 1990–91 fiscal years. To the extent that
27 the cumulative number of FTF have not been retained, the
28 chancellor shall reduce the district’s base budget for 1991–92 and
29 subsequent fiscal years by an amount equivalent to the average
30 replacement cost times the deficiency in the number of FTF.

31 (c) *The office of the Chancellor of the California Community*
32 *Colleges shall convene a group of stakeholders, which shall include*
33 *faculty and students, on or before July 1, 2016, and every four*
34 *years thereafter, to develop recommendations on funding strategies*
35 *to enable the community colleges to achieve the 75-percent*
36 *standard and increase the participation of districts in the support*
37 *of part-time faculty, including, but not limited to, support of*
38 *part-time faculty office hours. The office of the chancellor shall*
39 *report the recommendations developed by the stakeholder group*

1 to the Legislature, as provided in Section 9795 of the Government
 2 Code, on or before March 1, 2017, and every four years thereafter.

3 SEC. 3. It is the intent of the Legislature that the office of the
 4 Chancellor of the California Community Colleges work together
 5 with the Academic Senate for California Community Colleges and
 6 other relevant entities to develop goals for the full-time to part-time
 7 faculty ratio in noncredit education.

8 SEC. 2. Section 87482.6 of the Education Code is amended to
 9 read:

10 ~~87482.6. (a) It has long been the intent of the Legislature to~~
 11 ~~improve the equity and predictability of community college funding~~
 12 ~~in order to enhance the ability of both the full-time and part-time~~
 13 ~~faculty of the California Community Colleges to provide~~
 14 ~~high-quality instructional services.~~

15 ~~(b) Notwithstanding any other law, until the provisions of~~
 16 ~~Section 84750.5 regarding program-based funding are implemented~~
 17 ~~by a standard adopted by the board of governors that establishes~~
 18 ~~the appropriate percentage of hours of credit instruction that should~~
 19 ~~be taught by full-time instructors, the Legislature wishes to~~
 20 ~~recognize and make efforts to address longstanding policy of the~~
 21 ~~board of governors that at least 75 percent of the hours of credit~~
 22 ~~instruction in the California Community Colleges, as a system,~~
 23 ~~should be taught by full-time instructors. To this end, community~~
 24 ~~college districts that have less than 75 percent of their hours of~~
 25 ~~credit instruction taught by full-time instructors shall be subject~~
 26 ~~to both of the following:~~

27 ~~(1) In a fiscal year when funds are specifically appropriated for~~
 28 ~~purposes of the Student Success and Support Program under Article~~
 29 ~~1 (commencing with Section 78210) of Chapter 2 of Part 48, and~~
 30 ~~in which funds have not been specifically designated to increase~~
 31 ~~the ratio of full-time faculty to part-time faculty, and to support~~
 32 ~~part-time faculty, in programs, which may include but are not~~
 33 ~~necessarily limited to, the Community College Part-Time Faculty~~
 34 ~~Office Hours Program established by Article 10 (commencing~~
 35 ~~with Section 87880), one-half of the amount of the district match~~
 36 ~~requirement under subdivision (b) of Section 78216 shall be~~
 37 ~~allocated in the following manner:~~

38 ~~(A) Districts that, in the prior fiscal year, had between 67 percent~~
 39 ~~and 75 percent of their hours of credit instruction taught by~~
 40 ~~full-time instructors shall apply up to 33 percent of this allocation~~

1 as necessary to reach the 75 percent standard. Districts that, in the
2 prior fiscal year, had less than 67 percent of their hours of credit
3 instruction taught by full-time instructors shall apply up to 40
4 percent of this allocation as necessary to reach the 75 percent
5 standard.

6 ~~(B) The funds remaining after allocations are made pursuant to~~
7 ~~subparagraph (A) shall, to the extent feasible, and in a manner~~
8 ~~consistent with an applicable collective bargaining agreement, be~~
9 ~~divided between expenditures in support of functions performed~~
10 ~~by full-time faculty and expenditures in support of functions~~
11 ~~performed by part-time faculty, with the allocations for part-time~~
12 ~~faculty support used, to the extent feasible, for the funding of the~~
13 ~~participation of part-time faculty in areas that contribute to student~~
14 ~~success, which may include office hours, as determined locally.~~

15 ~~(2) Notwithstanding paragraph (1), in a fiscal year when funds~~
16 ~~are specifically appropriated for purposes of the Student Success~~
17 ~~and Support Program under Article 1 (commencing with Section~~
18 ~~78210) of Chapter 2 of Part 48, and in which funds have not been~~
19 ~~specifically designated to increase the ratio of full-time faculty to~~
20 ~~part-time faculty, and to support part-time faculty, in programs~~
21 ~~which may include, but are not necessarily limited to, the~~
22 ~~Community College Part-time Faculty Office Hours Program~~
23 ~~established by Article 10 (commencing with Section 87880), but~~
24 ~~in which, notwithstanding subdivision (b) of Section 78216, there~~
25 ~~is no district matching requirement, one-half of the Student Success~~
26 ~~and Support Program funds received by the district shall be~~
27 ~~allocated as indicated in subparagraphs (A) and (B) of paragraph~~
28 ~~(1).~~

29 ~~(3) Once a district has achieved the goal of at least 75 percent~~
30 ~~of credit instruction hours being taught by full-time faculty, with~~
31 ~~part-time faculty being fully supported for those activities that~~
32 ~~contribute to student success as determined locally, the district~~
33 ~~may use the funds referenced in paragraphs (1) and (2) for other~~
34 ~~purposes that are consistent with the Student Success and Support~~
35 ~~Program.~~

36 ~~(e) The board of governors shall adopt regulations for the~~
37 ~~effective administration of this section. Unless and until amended~~
38 ~~by the board of governors, the regulations shall provide as follows:~~

39 ~~(1) In computing the percentage of hours of credit instruction~~
40 ~~taught by full-time instructors, the hours of overload teaching by~~

1 full-time instructors shall be excluded from both the total hours
2 of credit instruction taught by full-time and part-time instructors
3 and the total hours of instruction taught by full-time instructors.

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

6 (3) ~~The chancellor shall compute and report to each community
7 college district the number of full-time faculty (FTF) which are to
8 be secured through the use of the prescribed portion of the Student
9 Success and Support Program revenue allocated to each district,
10 or district matching funds, as applicable. This computation shall
11 be made by dividing the revenue required to be expended pursuant
12 to paragraph (1) or (2) of subdivision (b) by the statewide average
13 "replacement cost" (a figure which represents the statewide average
14 faculty salary plus benefits, minus the statewide average hourly
15 rate of compensation for part-time instructors times the statewide
16 average full-time teaching load). If the quotient is not a whole
17 number, then the quotient shall be rounded down to the nearest
18 whole number. If this quotient, once applied, will result in the
19 district exceeding the 75 percent standard, the chancellor shall
20 further reduce the quotient to a whole number that will leave the
21 district as close as possible to, but in excess of, the 75 percent
22 standard.~~

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

27 (5) ~~On or before December 31, 1991, the chancellor shall
28 determine the extent to which each district, by September 30, 1991,
29 has hired the number of FTF determined pursuant to paragraph
30 (3) for the 1989-90 and 1990-91 fiscal years. To the extent that
31 the cumulative number of FTF have not been retained, the
32 chancellor shall reduce the district's base budget for 1991-92 and
33 subsequent fiscal years by an amount equivalent to the average
34 replacement cost times the deficiency in the number of FTF.~~

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

39 SEC. 3. ~~If the Commission on State Mandates determines that
40 this act contains costs mandated by the state, reimbursement to~~

1 ~~local agencies and school districts for those costs shall be made~~
2 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
3 ~~4 of Title 2 of the Government Code.~~

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