

AMENDED IN SENATE APRIL 6, 2015

SENATE BILL

No. 373

Introduced by Senator Pan
(Coauthor: Senator Block)
(Coauthor: Assembly Member Gonzalez)

February 24, 2015

An act to add Section 84362.5 to the Education Code, relating to community college faculty.

LEGISLATIVE COUNSEL'S DIGEST

SB 373, as amended, Pan. California Community Colleges: ~~overload assignments and full-time faculty percentage.~~

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. Existing law establishes community college districts, administered by governing boards, throughout the state, and authorizes these districts to provide instruction to students at the community college campuses maintained by the districts. Existing law authorizes the employment of community college faculty and establishes certain rights for these employees.

This bill would require community college districts to report to the board of governors, by March 31, 2016, the total number of full-time equivalent faculty (FTEF) ~~positions staffed by faculty teaching overload assignments attributable to part-time temporary faculty and to contract or regular faculty while working on overload assignments~~ during the period of July 1, 2014, to June 30, 2015, inclusive. Effective July 1, 2016, the bill would require that reported number to become that district's maximum allowable number of FTEF ~~positions~~ that may be

staffed by ~~faculty teaching overload assignments~~ *part-time temporary faculty and by contract or regular faculty while working on overload assignments* until the district's full-time faculty percentage is greater than or equal to 75%. Upon reaching the 75% threshold, the bill would require a district to maintain a full-time faculty percentage of 75% or higher, or not exceed the district's previously calculated maximum allowable number of FTEF ~~positions~~ that may be staffed by ~~faculty teaching overload assignments~~. *part-time temporary faculty and by contract or regular faculty while working on overload assignments.* The bill would require the governing board to determine if a district has failed to comply with the above requirements, and, if so, to designate a specified amount of the district's apportionment or apportionments that would be required to be deposited in the county treasury, but unavailable to the district. The bill would authorize a district to submit an application for an exemption from the requirements of the bill in cases of serious hardship, as specified. Upon receipt of the exemption application, the bill would require the governing board to grant exemptions, as specified. The bill would require the amount exempted to be immediately available for expenditure by the governing board and the amount not exempted to be returned to the State School Fund. The bill would require the board of governors to enforce the requirements of the bill and would authorize them to adopt necessary rules and regulations.

This bill would prohibit a district from assigning a person hired as a contract faculty member after July 1, 2016, to teach any overload assignment in excess of the equivalent of a full-time teaching load until the person achieves tenured status as a ~~full-time~~ *regular* faculty member.

By placing additional requirements on community college districts, this bill would impose a state-mandated local program.

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. In consideration of the diminished numbers of
2 full-time faculty in the community college system due to the state
3 recession and the concomitant budget cuts in public education
4 generally and community colleges specifically, it is the intent of
5 the Legislature to improve and enhance the mission of the
6 community colleges and the services and opportunities provided
7 to students by increasing the number of full-time faculty in the
8 California Community Colleges to better situate the community
9 colleges to realize their mission goals and the goals and
10 recommendations set forth by the Student Success Task Force
11 report of 2012.

12 SEC. 2. Section 84362.5 is added to the Education Code, to
13 read:

14 84362.5. (a) This section shall be known, and may be cited,
15 as the Community College Excellence in Education Act.

16 (b) All districts shall report to the board of governors, by March
17 31, 2016, the total number of *classroom and nonclassroom*
18 full-time equivalent faculty (FTEF) ~~positions staffed by faculty~~
19 ~~teaching overload assignments attributable to hours worked by~~
20 ~~part-time temporary faculty, and by contract or regular faculty~~
21 ~~while working on overload assignments~~, during the period of July
22 1, 2014, to June 30, 2015, inclusive.

23 (c) Effective July 1, 2016, each district's calculation pursuant
24 to subdivision (b) shall become that district's maximum allowable
25 number of *classroom and nonclassroom* FTEF ~~positions~~ that may
26 be staffed by ~~faculty teaching overload assignments~~ *part-time*
27 *temporary faculty and by contract or regular faculty while working*
28 *on overload assignments* until the district's full-time faculty
29 percentage, as calculated pursuant to Section 53308 of Title 5 of
30 the California Code of Regulations, is greater than or equal to 75
31 percent.

32 (d) Upon reaching the 75-percent threshold pursuant to
33 subdivision (c), a district shall do either of the following:

34 (1) Maintain a full-time faculty percentage of 75 percent or
35 greater.

36 (2) Not exceed its maximum allowable number of *classroom*
37 *and nonclassroom* FTEF ~~positions~~ that may be staffed by ~~faculty~~
38 ~~teaching overload assignments, as part-time temporary faculty and~~

1 *by contract or regular faculty while working on overload*
2 *assignments, which shall be the number calculated pursuant to*
3 *subdivision (b).*

4 (e) (1) The board of governors shall determine whether a district
5 failed to comply with subdivision (b), (c), or (d) during the
6 preceding fiscal year, and, if so, shall, in apportionments made to
7 the district from the State School Fund after April 15 of the current
8 fiscal year, designate an amount of the district's apportionment or
9 apportionments that is equal to the difference between the current
10 fiscal year apportionment or apportionments and the lesser of the
11 district's apportionment for the 2014–15 fiscal year or for the
12 preceding fiscal year.

13 (2) The amount designated pursuant to paragraph (1) shall be
14 deposited in the county treasury to the credit of the district, but
15 shall be unavailable for expenditure by the district pending the
16 determination to be made by the board of governors pursuant to
17 subdivision (g).

18 (f) (1) If it appears to the governing board of a district that the
19 application of this section will result in a serious hardship to the
20 district, the governing board of the district may apply in writing
21 to the board of governors for exemption from the requirements of
22 this section by no later than September 15 of the fiscal year
23 immediately succeeding the serious hardship.

24 (2) Immediately upon applying for an exemption described in
25 paragraph (1), the governing board of the district shall provide the
26 exclusive representative of the district's academic employees or,
27 if none exists, the district or community college academic senate,
28 and all academic employee organizations eligible for a payroll
29 dues deduction, with a copy of the application. Those persons may,
30 within 30 days of receipt of the application, transmit to the board
31 of governors a written statement opposing the application, setting
32 forth reasons for its opposition.

33 (g) Upon receipt of the application and statement of opposition,
34 if any, described in subdivision (f), the board of governors shall
35 do either of the following:

36 (1) Grant the district an exemption for any amount that is less
37 than one thousand dollars (\$1,000), which shall be immediately
38 available for expenditure by the governing board.

39 (2) Grant an exemption of one thousand dollars (\$1,000) or
40 more if a majority of the members of the board of governors finds,

1 in writing, that the district will in fact suffer serious hardship unless
2 the district is granted an exemption. If the exemption is granted,
3 the exempted amount shall be immediately available for
4 expenditure by the governing board of the district.

5 (h) If no application for exemption is made pursuant to
6 subdivision (f), or a portion of the exemption is denied, the board
7 of governors shall order the entire designated amount, or the
8 amount not exempted, as applicable, to be returned to the State
9 School Fund.

10 (i) The board of governors shall enforce the requirements
11 prescribed by this section, and may adopt necessary rules and
12 regulations, which may require, among other things, district
13 governing boards to submit reports and information throughout
14 the academic year.

15 (j) A district shall not assign a person hired as a contract faculty
16 member after July 1, 2016, to teach any overload assignment in
17 excess of the equivalent of a full-time teaching load until the person
18 has achieved tenured status as a ~~full-time~~ *regular* faculty member.

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.