

Introduced by Senator Anderson

February 8, 2011

An act to ~~relating to education finance~~ amend Section 87482.5 of the Education Code, relating to community colleges.

LEGISLATIVE COUNSEL'S DIGEST

SB 189, as amended, Anderson. ~~Education finance: categorical education programs: flexibility. Community colleges: faculty.~~

Existing law requires that a person employed to teach adult or community college classes for not more than 67% of the hours per week of a full-time employee having comparable duties, excluding substitute service, be classified as a temporary employee and not become a contract employee. Existing law provides that service in professional ancillary services, including, but not necessarily limited to, governance, staff development, grant writing, and advising student organizations, by persons employed under these provisions shall not be used for purposes of calculating eligibility for contract or regular status unless otherwise provided for in a collective bargaining agreement applicable to a person employed under this provision.

This bill would provide that dual enrollment shall not be used for purposes of calculating eligibility for contract or regular status, as specified. To the extent that this provision would impose additional duties on community college districts when they are required to determine the status of academic employees as contract, regular, or temporary employees, it 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.

~~Existing law establishes various categorical education programs and appropriates the funding for those programs in the annual Budget Act. Existing law requires the Superintendent of Public Instruction, for the 2008–09 to 2012–13 fiscal years, inclusive, to apportion from the amount provided in the annual Budget Act for specified categorical education programs an amount based on the same relative proportion that the local educational agency received in the 2008–09 fiscal year for those programs and authorizes school districts, for those fiscal years, to use these funds, with specified exceptions, for any educational purpose, to the extent permitted by federal law. Existing law, for those fiscal years, deems local educational agencies that use these categorical education program funds for any educational purpose to be in compliance with the program and funding requirements of those categorical education programs, including requirements related to average daily attendance accounting.~~

~~This bill would state the intent of the Legislature to enact legislation that would provide for a study of categorical education program flexibility.~~

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

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

1 SECTION 1. Section 87482.5 of the Education Code is amended
2 to read:
3 87482.5. (a) Notwithstanding any other law, a person who is
4 employed to teach adult or community college classes for not more
5 than 67 percent of the hours per week considered a full-time
6 assignment for regular employees having comparable duties shall
7 be classified as a temporary employee, and shall not become a
8 contract employee under Section 87604. If the provisions of this
9 section are in conflict with the terms of a collective bargaining
10 agreement in effect on or before January 1, 2009, the provisions

1 of this section shall govern the employees subject to that agreement
2 upon the expiration of the agreement.

3 (b) Service as a substitute on a day-to-day basis by persons
4 employed under this section shall not be used for purposes of
5 calculating eligibility for contract or regular status.

6 (c) (1) Service in professional ancillary activities by persons
7 employed under this section, including, but not necessarily limited
8 to, governance, staff development, grant writing, *dual enrollment*,
9 and advising student organizations, shall not be used for purposes
10 of calculating eligibility for contract or regular status unless
11 otherwise provided for in a collective bargaining agreement
12 applicable to a person employed under this section.

13 (2) This subdivision may not be construed to affect the
14 requirements of subdivision (d) of Section 84362.

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

20 ~~SECTION 1. It is the intent of the Legislature that would enact~~
21 ~~legislation to provide for a study of categorical education program~~
22 ~~flexibility.~~