

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 626**

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

February 24, 2015

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An act to amend Section ~~87482.7~~ 87482.6 of the Education Code, relating to community colleges.

LEGISLATIVE COUNSEL'S DIGEST

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

**Existing**

(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 requires the board of governors to adopt regulations that establish minimum standards regarding the percentage of hours of credit instruction to be taught by full-time instructors.~~

*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, 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 make nonsubstantive changes to that requirement. 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. 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: ~~no~~-yes.  
 State-mandated local program: ~~no~~-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*

1 *percent of the hours of credit instruction in the California*  
2 *Community Colleges, as a system, should be taught by full-time*  
3 *instructors.”*

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

12 *(c) In 2013, the percentage of credit courses taught by full-time*  
13 *faculty in the system was only 56.14 percent.*

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

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

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

29 *SEC. 2. Section 87482.6 of the Education Code is amended to*  
30 *read:*

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

36 *(b) Notwithstanding any other law, until the provisions of*  
37 *Section ~~84750~~ 84750.5 regarding program-based funding are*  
38 *implemented by a standard adopted by the board of governors that*  
39 *establishes the appropriate percentage of hours of credit instruction*  
40 *that should be taught by full-time instructors, the Legislature wishes*

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

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

19 (†)

20 (A) ~~Districts which, that,~~ in the prior fiscal year, had between  
 21 67 percent and 75 percent of their hours of credit instruction taught  
 22 by full-time instructors shall apply up to 33 percent of ~~their~~  
 23 ~~program improvement~~ *this* allocation as necessary to reach the 75  
 24 percent standard. ~~If a district in this category chooses instead not~~  
 25 ~~to improve its percentage, the board of governors shall withhold~~  
 26 ~~33 percent of the district's program improvement allocation.~~  
 27 *Districts that, in the prior fiscal year, had less than 67 percent of*  
 28 *their hours of credit instruction taught by full-time instructors*  
 29 *shall apply up to 40 percent of this allocation as necessary to reach*  
 30 *the 75 percent standard.*

31 (2) ~~Districts which, in the prior fiscal year, had less than 67~~  
 32 ~~percent of their hours of credit instruction taught by full-time~~  
 33 ~~instructors shall apply up to 40 percent of their program~~  
 34 ~~improvement allocation as necessary to reach the 75 percent~~  
 35 ~~standard. If a district in this category chooses instead not to~~  
 36 ~~improve its percentage, the board of governors shall withhold 40~~  
 37 ~~percent of the district's program improvement allocation.~~

38 ~~Districts which maintain 75 percent or more of their hours of~~  
 39 ~~credit instruction taught by full-time instructors shall otherwise~~

1 be free to use their program improvement allocation for any of the  
2 purposes specified in Section 84755.

3 (B) *The funds remaining after allocations are made pursuant*  
4 *to subparagraph (A) shall, to the extent feasible, and in a manner*  
5 *consistent with an applicable collective bargaining agreement, be*  
6 *divided equally between expenditures in support of functions*  
7 *performed by full-time faculty and expenditures in support of*  
8 *functions performed by part-time faculty, with the allocations for*  
9 *part-time faculty support used, to the extent feasible, for the funding*  
10 *of the participation of part-time faculty in office hours.*

11 (2) *Notwithstanding paragraph (1), in a fiscal year when funds*  
12 *are specifically appropriated for purposes of the Student Success*  
13 *and Support Program under Article 1 (commencing with Section*  
14 *78210) of Chapter 2 of Part 48, and in which no funds have been*  
15 *specifically designated to increase the ratio of full-time faculty to*  
16 *part-time faculty in programs including but not necessarily limited*  
17 *to, the Community College Part-time Faculty Office Hours*  
18 *Program established by Article 10 (commencing with Section*  
19 *87880), but in which, notwithstanding subdivision (b) of Section*  
20 *78216, there is no district matching requirement, one-half of the*  
21 *Student Success and Support Program funds received by the district*  
22 *shall be allocated as indicated in subparagraphs (A) and (B) of*  
23 *paragraph (1).*

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

31 ~~(b)~~

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

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

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

3 (3) The chancellor shall compute and report to each community  
4 college district the number of full-time faculty (FTF) which are to  
5 be secured through the use of the prescribed portion of ~~program~~  
6 ~~improvement~~ *the Student Success and Support Program* revenue  
7 allocated to each ~~district~~ *district, or district matching funds, as*  
8 *applicable*. This computation shall be made by dividing the  
9 ~~applicable portion of program improvement revenue (0 percent,~~  
10 ~~33 percent, or 40 percent of the program improvement allocation),~~  
11 *revenue required to be expended pursuant to paragraph (1) or (2)*  
12 *of subdivision (b)* by the statewide average "replacement cost" (a  
13 figure which represents the statewide average faculty salary plus  
14 benefits, minus the statewide average hourly rate of compensation  
15 for part-time instructors times the statewide average full-time  
16 teaching load). If the quotient is not a whole number, then the  
17 quotient shall be rounded down to the nearest whole number. If  
18 this quotient, once applied, will result in the district exceeding the  
19 75 percent standard, the chancellor shall further reduce the quotient  
20 to a whole number that will leave the district as close as possible  
21 to, but in excess of, the 75 percent standard.

22 ~~By March 15th~~

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

27 ~~(4)~~

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

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

1     *SEC. 3. If the Commission on State Mandates determines that*  
2 *this act contains costs mandated by the state, reimbursement to*  
3 *local agencies and school districts for those costs shall be made*  
4 *pursuant to Part 7 (commencing with Section 17500) of Division*  
5 *4 of Title 2 of the Government Code.*

6     ~~SECTION 1. Section 87482.7 of the Education Code is~~  
7 ~~amended to read:~~

8     ~~87482.7. (a) The board of governors shall, pursuant to~~  
9 ~~paragraph (6) of subdivision (b) of Section 70901, adopt regulations~~  
10 ~~to establish minimum standards regarding the percentage of hours~~  
11 ~~of credit instruction that shall be taught by full-time instructors.~~

12     ~~(b) Upon notification by the board of governors, the Department~~  
13 ~~of Finance shall transfer any amount of money deducted from~~  
14 ~~district apportionments pursuant to the regulations adopted under~~  
15 ~~this section. This money shall be transferred to the Employment~~  
16 ~~Opportunity Fund pursuant to Section 87107.~~