

Introduced by Senator Rubio

February 22, 2019

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

legislative counsel's digest

SB 777, as introduced, Rubio. Community colleges: full-time instruction.

Existing law establishes the California Community Colleges under the administration of the Board of Governors of the California Community Colleges. Existing law authorizes the establishment of community college districts under the administration of community college governing boards, and authorizes these districts to provide instruction at community college campuses throughout the state. Existing law requires that community college districts with less than 75% of their hours of credit instruction taught by full-time instructors apply a portion of their program improvement allocation, as provided, to reaching the 75% standard.

This bill would require a district that has less than 75% of its hours of credit instruction taught by full-time instructors to make, at a minimum, an annual 10% reduction in the district's deficit, defined as the gap between 75% of the total district credit hours taught and the total of those taught by full-time faculty. This bill would require the chancellor to annually compute and report by March 15 of each year to each community college district, the district's status with respect to progress toward the 75% goal, the additional hours of full-time faculty credit instruction needed to make a 10% improvement in the district's deficit, and a conversion of the calculated hours to the number of full-time faculty required. This bill would require a district to develop

and maintain a 5-year plan for making progress towards achieving the 75% full-time faculty goal, including specified strategies. This bill would require the chancellor to annually determine, on or before December 31, the extent to which each district, by September 30, has hired the number of full-time faculty to achieve the 10% reduction in the district's deficit, and reduce the district's base budget for the current year and subsequent fiscal years by an amount equivalent to the average replacement cost times the deficiency in the number of full-time faculty. By placing additional duties upon a community college district, the 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 the statutory provisions noted above.

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

3 ~~87482.6. (a) Until the provisions of Section 84750 regarding~~
4 ~~program based funding are implemented by a standard adopted~~
5 ~~by the board of governors that establishes the appropriate~~
6 ~~percentage of hours of credit instruction that should be taught by~~
7 ~~full time instructors, the~~ *The Legislature finds and declares all of*
8 *the following:*

9 (1) *The Legislature wishes to recognize and make efforts to*
10 *address the longstanding policy of the board of governors that at*
11 *least 75 percent of the hours of credit instruction in the California*
12 *Community Colleges, as a system, should be taught by full-time*
13 ~~instructors. To this end, community college districts which have~~
14 *faculty.*

15 (2) *Reaching this goal would help achieve the California*
16 *Community Colleges' systemwide goals identified in the Vision*
17 *for Success, which were adopted by the Board of Governors in*

1 2017, and would support each college's efforts to meet student
2 success needs.

3 (3) *It is a priority of the California Community Colleges to*
4 *support additional full-time faculty positions.*

5 (b) (1) *Community college districts that have less than 75*
6 *percent of their hours of credit instruction taught by full-time*
7 *instructors faculty shall apply a portion of the program*
8 *improvement allocation received pursuant to Section 84755 as*
9 *follows: make, at a minimum, an annual 10-percent reduction in*
10 *the district's deficit, rounded up to the nearest whole number, until*
11 *the 75-percent goal is reached, as calculated pursuant to*
12 *paragraph (2) of subdivision (d).*

13 (2) *For this purpose, the district's deficit is 75 percent of the*
14 *total number of hours of credit instruction taught by the district*
15 *less the number of those hours taught by full-time faculty.*

16 (1) ~~Districts which, in the prior fiscal year, had between 67~~
17 ~~percent and 75 percent of their hours of credit instruction taught~~
18 ~~by full time instructors shall apply up to 33 percent of their~~
19 ~~program improvement allocation as necessary to reach the 75~~
20 ~~percent standard. If a district in this category chooses instead not~~
21 ~~to improve its percentage, the board of governors shall withhold~~
22 ~~33 percent of the district's program improvement allocation.~~

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

30 ~~Districts which maintain 75 percent or more of their hours of~~
31 ~~credit instruction taught by full-time instructors shall otherwise~~
32 ~~be free to use their program improvement allocation for any of the~~
33 ~~purposes specified in Section 84755.~~

34 (b)

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

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

1 teaching by full-time ~~instructors~~ *faculty* shall be excluded from
2 both the total hours of credit instruction taught ~~by full-time and~~
3 ~~part-time instructors~~ *by the district* and the total hours of *credit*
4 instruction taught by full-time ~~instructors~~ *faculty*.

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

7 ~~(3)~~

8 (d) The chancellor shall *annually* compute and report *by March*
9 *15 of each year* to each community college district ~~the number of~~
10 ~~full-time faculty (FTF) which are to be secured through the use of~~
11 ~~the prescribed portion of program improvement revenue allocated~~
12 ~~to each district. This computation shall be made by dividing the~~
13 ~~applicable portion of program improvement revenue (0 percent,~~
14 ~~33 percent, or 40 percent of the program improvement allocation),~~
15 ~~by the statewide average “replacement cost” (a figure which~~
16 ~~represents the statewide average faculty salary plus benefits, minus~~
17 ~~the statewide average hourly rate of compensation for part-time~~
18 ~~instructors times the statewide average full-time teaching load).~~
19 ~~If both of the following:~~

20 (1) *The district status with respect to progress toward the*
21 *75-percent goal and the additional hours of full-time faculty credit*
22 *instruction needed to make a 10-percent improvement in the*
23 *district’s deficit.*

24 (2) *The conversion of the hours computed pursuant to paragraph*
25 *(1) to the number of additional full-time faculty required. If the*
26 ~~quotient~~ *result of this conversion is not a whole number, then the*
27 ~~quotient~~ *determination of the number of additional full-time faculty*
28 *required shall be rounded down up to the nearest whole number.*
29 ~~If this quotient, once applied, will result in the district exceeding~~
30 ~~the 75-percent standard, the chancellor shall further reduce the~~
31 ~~quotient to a whole number that will leave the district as close as~~
32 ~~possible to, but in excess of, the 75-percent standard.~~

33 ~~By March 15th of each year, the chancellor shall report to each~~
34 ~~district an estimate of the number of FTF to be secured based upon~~
35 ~~the appropriation of revenues contained in the annual Budget Bill.~~

36 (e) *A district shall develop and maintain a five-year plan for*
37 *making progress towards achieving the 75-percent full-time faculty*
38 *goal, including specific strategies for achieving the goal. These*
39 *strategies shall include the means to improve and maintain the*
40 *percentage during economic downturns, details of the district’s*

1 *historic full-time faculty hiring progress, and identification of new*
 2 *positions that are not replacements but are additions to the total*
 3 *full-time faculty.*

4 *(f) Because noncredit instruction has an increasing role in*
 5 *college efforts to address student success needs, the board of*
 6 *governors shall determine how to apply the 75-percent goal to*
 7 *both credit and noncredit faculty in both state-supported and*
 8 *basic-aid districts.*

9 *(g) The chancellor shall annually review each district's progress*
 10 *towards the district's 75-percent goal and provide guidance to*
 11 *those districts farthest from the 75-percent goal to assist these*
 12 *districts in determining strategies to more aggressively progress*
 13 *toward the 75-percent goal.*

14 ~~(4)~~

15 *(h) On or before December 31, ~~1991~~, of each year, the*
 16 *chancellor shall determine the extent to which each district, by*
 17 *September 30, ~~1991~~, of that year has hired the number of FTE*
 18 *full-time faculty determined pursuant to paragraph ~~(3)~~ for the*
 19 *~~1989-90 and 1990-91~~ fiscal years. (2) of subdivision (d). To the*
 20 *extent that the cumulative number of ~~FTE~~ have full-time faculty*
 21 *has not been retained, the chancellor shall reduce the district's*
 22 *base budget for ~~1991-92~~ the current and subsequent fiscal years*
 23 *by an amount equivalent to the average replacement cost times the*
 24 *deficiency in the number of ~~FTE~~ full-time faculty. The average*
 25 *replacement cost shall be calculated as the district average faculty*
 26 *salary plus benefits minus the product of the number of hours*
 27 *equivalent to a full-time teaching load and the district average*
 28 *hourly rate of compensation for a part-time instructor. Each district*
 29 *shall provide all information to the chancellor necessary for the*
 30 *chancellor to comply with this subdivision not less than 60 days*
 31 *before the chancellor's determination is due.*

32 SEC. 2. If the Commission on State Mandates determines that
 33 this act contains costs mandated by the state, reimbursement to
 34 local agencies and school districts for those costs shall be made
 35 pursuant to Part 7 (commencing with Section 17500) of Division
 36 4 of Title 2 of the Government Code.

O