



**Executive Order:** 2020-09

**Effective Date:** September 23, 2020

**Title:** Temporary Suspension of Regulations Related to the Deferral of Faculty Obligation Number Penalties

Executive Order 2020-09 is issued pursuant to title 5, section 52020, of the California Code of Regulations, adopted by the Board of Governors of the California Community Colleges on September 21, 2020, conferring on the Chancellor's authority to take emergency actions, upon a written finding made in consultation with the President and Vice President of the Board of Governors, for the purpose of maintaining the continuity of educational services. This authority allows the temporary suspension of regulations adopted by the Board of Governors and the temporary suspension of local rules and regulations that are a barrier to the continuity of educational services; and the temporary establishment of procedures in order to promote the continuity of educational services.

WHEREAS, the COVID-19 state of emergency declared by the Governor on March 4, 2020, continues; and

WHEREAS, the COVID-19 pandemic and the resulting public health measures, such as required social distancing, have substantially disrupted instruction, and faculty recruitment activities in the California Community Colleges; and

WHEREAS, to address these public health measures, community college districts throughout the state have converted face-to-face courses to online or alternative formats, and have limited campus access to essential personnel; and

WHEREAS, college district administrators and administrative processes are expected to shoulder substantial burdens in many areas during the COVID-19 emergency, including anticipated uncertainties related to the number and expertise of faculty who should be recruited, and the methods of conducting recruitments with demonstration elements in a remote environment.



WHEREAS, college districts would benefit from, and the continuity of educational services would be served by, temporary suspension of regulations limiting the Chancellor's authority to defer penalties for community college districts in violation of their faculty obligation number; and

WHEREAS, the President and Vice-President of the Board of Governors have authorized the issuance of this executive order.

THEREFORE, as the Chancellor of the California Community Colleges, I declare the following:

1. The above recitals are true and correct.
2. Section 52020, of the California Code of Regulations, authorize me to take all appropriate actions to maintain the continuity of educational services for community college students during the period of emergency proclaimed by the Governor of the State of California on March 4, 2020, including the temporary suspension of regulations adopted by the Board of Governors and the suspension of local rules and regulations that are a barrier to the continuity of educational services; and the temporary establishment of procedures in order to promote the continuity of educational services.
3. After consultation with affected stakeholders prior to the issuance of Executive Order 2020-05 under my prior temporary authority, I find that the uncertainty occasioned by the COVID-19 pandemic with respect to future enrollments as well as the method of instructional delivery will render it difficult for community college districts to be able to conduct recruitments and engage in hiring necessary to meet their faculty obligation number.
4. Due to the existing state of emergency, strict adherence to section 51025, subdivision (e), of title 5, of the California Code of Regulations will create barriers to the continuity of educational services and is hereby temporarily suspended to the extent described in this paragraph. Subdivision (e) restricts the Chancellor's authority to defer the payment of faculty obligation number



penalties to circumstances under which the Board of Governors has determined that funding is inadequate to fully implement the faculty obligation number, and limits the duration of any deferral to three years. In addition, any deferral must be conditioned upon the district otherwise meeting its full-time faculty obligation and the Chancellor determining the district's financial integrity would be jeopardized without the deferral.

5. The Chancellor's Office will continue to calculate and publish faculty obligation number information for Fall 2020, but all penalties related to faculty obligations for the 2019-20 fiscal year will be deferred until further notice. Districts must continue to report actual full-time and part-time faculty data to the Chancellor's Office. Reporting instructions will be provided at a later date.
6. Any local district board policies or regulations in conflict with the above regulatory suspension shall also be suspended for the remainder of the 2020-2021 fiscal year.
7. This executive order shall remain in full force and effect through the end of the 2020-2021 fiscal year.

A handwritten signature in black ink, appearing to read 'ELOY ORTIZ OAKLEY'.

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Eloy Ortiz Oakley, Chancellor

Dated: September 23, 2020