THE COMMUNITY COLLEGE ENVIRONMENT

Navigating Structural & Regulatory Complexities Unique to California

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Important Laws

Timeline

1961 - Fifty Percent Law
1977 - Educational Employment Relations Act (EERA)
1988 - AB 1725
1988 - 75/25
1989 - Faculty Obligation Number (FON)

Other Requirements
- Accreditation
- Minimum Conditions
FIFTY PERCENT LAW
Fifty Percent Law

Background

- Included in Education Code (§84362).
- Originally enacted in 1961 when most community college districts were part of K-12.
- Designed to result in districts allocating sufficient revenue to support instruction
- Enacted before collective bargaining was implemented.
Fifty Percent Law

Specifics

• “There shall be expended during each fiscal year for payment of salaries of classroom instructors by a community college district, 50 percent of the district's current expense of education.”

• Defines an instructor as an “… employee of the district employed in a position requiring minimum qualifications and whose duties require him or her to teach students of the district for at least one full instructional period each school day for which the employee is employed.”
## Unintended Consequences

### 50 Percent Law Definition of Instruction

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<th>Non-Allowable</th>
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EDUCATIONAL EMPLOYMENT RELATIONS ACT (EERA)
Educational Employment Relations Act (EERA)

Background

• Enacted by the Legislature in 1975 to implement collective bargaining in school and community college districts.

• Included in Government Code §3540 *et seq.*
Educational Employment Relations Act (EERA)

Intent

• Counselors, librarians, and instructional curriculum developers are defined as “public school employees” for purposes of collective bargaining agreements.

• Their salaries are negotiated along with salaries of other faculty.
Educational Employment Relations Act (EERA)

• Scope of Bargaining - Ed. Code § 3543.2(a): matters relating to:
  – Salary and benefits of all faculty
  – Hours of work
  – Leaves of all faculty
  – Evaluation procedures
  – Safety conditions of employment
  – Procedures for processing grievances
AB 1725
AB 1725

Background

• Before Prop. 13, local trustee boards set student fees and tax rates.

• Following the passage of Prop. 13 in 1978, there was increasing frustration with Legislature’s control over community colleges.
AB 1725

Specifics 10 +1

• The district governing board shall develop policies to assure it relies primarily on advice of Faculty Senate on “academic and professional matters”:
  1. Curriculum, including establishing prerequisites and placing courses within disciplines.
  2. Degree and certificate requirements.
  3. Grading policies.
  4. Educational program development.
  5. Standards or policies regarding student preparation and success.
  6. District and college governance structures, as related to faculty roles.
“Academic and Professional Matters,” cont’d:
7. Faculty roles and involvement in the accreditation processes, including the self-study and annual reports.
8. Policies for faculty professional development activities.
9. Processes for program review.
10. Processes for institutional planning and budget development.
11. Other academic and professional matters as mutually agreed upon between the governing board and the academic senate.
75/25
75/25

Background

• Education Code §87482.6
• “... the Legislature wishes to recognize and make efforts to address longstanding policy of the board of governors that at least 75 percent of the hours of credit instruction in the California Community Colleges, as a system, should be taught by full-time instructors.

• Districts were required to spend a portion of program improvement funds (much of which were never received) to improve their full-time to part-time ratio.
• Program improvement funds were not included in the state budget after 1991, yet the mandate remains.
### 75/25

#### Specifics

- **Key factors in determining 75/25 compliance:**

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Faculty Obligation Number (FON)

Background

• Designed as a mechanism to partially comply with the goal of having 75% of instruction provided by full-time faculty.

• It did not generally succeed in ensuring attainment of the 75% goal due to the expense of reaching the goal.

• However, it set an annual minimum number of full-time faculty that each district was obligated to hire.
Faculty Obligation Number (FON)

Specifics

• Under these regulatory requirements, each fall term districts must employ a minimum number of full-time faculty.
• This requirement is expressed in terms of full-time-equivalent faculty positions and is referred to as the full-time faculty “obligation,” or FON.
• In years in which the BOG determines adequate funds are available for full implementation, each district’s obligation increases approximately by its percentage increase in funded full-time equivalent students (FTES) in credit courses.
Faculty Obligation Number (FON)

Specifics
• In addition to classroom instructors, counselors and librarians both count toward meeting the FON obligation.
• A penalty is assessed by the Chancellor’s Office for not meeting the FON:
  – Penalty is determined by multiplying the number of faculty below the target by the statewide average replacement cost of a faculty member.
  – Payment of the penalty can be deferred for 1 year, but it cannot be waived.
Faculty Obligation Number (FON)

- The FON is not locally set - the State Chancellor’s Office calculates the FON every Fall: LOCAL DISTRICTS HAVE NO ROLE IN THIS
- State funding shortfalls can result in the FON being frozen or decreased:
- Title 5 states that if the state budget does NOT provide adequate funding for the Community College System, the Board of Governors may “freeze” each district’s FON at the previous year’s level
- Due to many years of cuts to Community College funding, the FON was “Frozen” in Fall 2009, Fall 2010, Fall 2011, Fall 2012
SB 1456 – Student Success Act

Background

• The Board of Governors approved the recommendations made by the Student Success Task Force.

• Areas of emphasis include linkages with K-12 schools, student intake and support, instructional programs, and accountability.
SB 1456 – Student Success Act

Intent

• The Student Success Task Force recommendations are meant to point the way forward for California Community Colleges as the system works to improve the way it helps students to identify their educational goals, achieve them, and transfer or move into the workforce.
SB 1456 – Student Success Act

Specifics

• Students must declare a course of study by the time they complete 15 degree-applicable units or their third semester.
• New students who complete orientation, assessment and have a student education plan will receive higher enrollment priority.
• Implementation of minimum academic standards for students receiving BOG fee waivers.
• Implementation of Student Success Scorecard and Salary Surfer.