

Date of Hearing: April 16, 2024

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Mike Fong, Chair

AB 2277 (Wallis) – As Amended March 6, 2024

**SUBJECT:** Community colleges: part-time faculty.

**SUMMARY:** Increases the maximum amount of instructional hours that a part-time California Community College (CCC) faculty member may teach at any one community college district (CCD). Specifically, **this bill:**

- 1) Updates, as follows, existing provisions requiring CCDs, as a condition of receiving funding allocated for the Student Equity and Achievement Program (SEAP), to negotiate with bargaining representatives specified conditions of employment for part-time faculty:
  - a) For a CCD without a collective bargaining agreement with part-time faculty in effect as of January 1, 2025, to commence negotiations on that date;
  - b) For a CCD with a collective bargaining agreement in effect as of January 1, 2025, to commence negotiations no later than the expiration date of that agreement; and,
  - c) The terms of reemployment preference for part-time faculty assignments must be based on the minimum standards up to the range of 80% to 85% (instead of a range of 60% to 67%) of a full-time faculty member's equivalent load, and the CCD must not restrict the negotiated terms to less than the range of 80% to 85%, unless explicitly agreed upon for an individual part-time faculty member by that faculty member and the CCD.
- 2) Increases, from 67% to 85%, the proportion of hours per week of a full-time faculty assignment that a part-time CCC instructor may teach and still be classified as a temporary employee.
- 3) Stipulates that, if (2), as enumerated above, is in conflict with any collective bargaining agreement already entered into as of January 1, 2025, the terms of that agreement shall govern until its expiration.
- 4) Specifies that in all cases, part-time, temporary faculty assignments must be less than 30 hours per week, consistent with the terms and guidelines of the federal Patient Protection and Affordable Care Act.
- 5) Makes clarifying and technical changes.

**EXISTING LAW:**

- 1) Defines "faculty" as those employees of CCDs who are employed in academic positions that are not designated as supervisory or management, as specified. Faculty include, but are not limited to, instructors, librarians, counselors, community college health services professionals, handicapped student programs and services professionals, and extended opportunity programs and services professionals (Education Code (EC) Section 87003).

- 2) Establishes Legislative intent that the rights of part-time, temporary faculty shall be included as part of the usual and customary negotiations between the CCD and the exclusive representative for part-time, temporary faculty;
- 3) Establishes Legislative intent that the CCD establish minimum standards for the terms of reemployment preference for part-time, temporary faculty, through the negotiation process, which complies with all of the following:
  - a) The standards include all of the following:
    - i) The length of time the faculty have served at the college or CCD;
    - ii) The number of courses faculty have taught at the college or CCD;
    - iii) The evaluations of faculty required pursuant to existing law, and any other related methods of evaluation that can be reliably used to assess educational impact of faculty as it relates to student success; and,
    - iv) The availability, willingness, and expertise of faculty to teach specific classes or take on specific assignments that is necessary for student instruction or services.
  - b) Additional standards may be considered and established through the negotiation process, as necessary;
- 4) Requires, as a condition of receiving Student Success and Support Program (SSSP) funding, a CCD and the exclusive representative of the part-time, temporary faculty to negotiate in good faith all of the following:
  - a) The terms of reemployment preference for part-time, temporary faculty assignments based on the minimum standards established, up to the range of 60 to 67% of a full-time equivalent load; and,
  - b) A regular evaluation process for part-time, temporary faculty; and,
- 5) Requires a CCD that has a collective bargaining agreement in effect as of July 1, 2017, that has satisfied the aforementioned requirements, and that executes a signed written agreement with the exclusive representative of the part-time, temporary faculty acknowledging implementation shall be deemed to be in compliance with this section while the bargaining agreement is in effect (EC 87482.3).
- 6) Defines any person who is employed to teach at a CCD for not more than 67% of the hours per week considered a full-time assignment to be a part-time, temporary employee (EC Section 87482.5).
- 7) The Board of Governors (BOG) of the CCC has had a longstanding policy (commonly referred to as "75/25") that at least 75% of the hours of credit instruction in the community colleges, as a system, should be taught by full-time instructors. Existing law requires the BOG to adopt regulations regarding the percent of credit instruction taught by full-time faculty and authorizes districts with less than 75% full-time instructors to apply a portion of their "program improvement" funds toward reaching a 75% goal. However, the state has

stopped providing program improvement funds and the BOG has since required CCDs to provide a portion of their growth funds to hiring more full-time faculty (EC 87482.6).

**FISCAL EFFECT:** Unknown

**COMMENTS:** *Need for this measure.* According to the author, “part-time faculty in the community college system comprise roughly 70% of all faculty and teach, in many cases, 75% of all courses offered in the system. But, because they are limited to only teaching 67% of a full-time faculty member’s load, many are unable to earn a living teaching at a single district and must commute to teach at other districts. Teaching on multiple campuses requires freeway flying from one campus to the next allowing little time to engage with students or the larger campus communities where they work. Though an 85% load won’t make part-time faculty rich, it may enable many to cut back on the number of campuses they now teach at.”

The author goes on to state that, “providing part-time faculty with an increased course load will improve student educational outcomes by fostering improved student-faculty engagement. We rely on part-time faculty to teach the majority of our community college courses and increasing the hours they can teach is a missing piece of the puzzle on improving transfer rates to four-year universities.”

*Background.* Currently, the "67% Law" limits the teaching load of part-time temporary faculty to 67% of the hours that constitute a full-time faculty assignment for a particular CCD. To note, a full-time teaching load, which varies according to the teaching discipline is defined as the number of in-class hours that a contract/full-time faculty member must fulfill in order to earn a full salary, benefits, and tenure. A full-time teaching load for each discipline is determined at the district level through collective bargaining; however, on average a full-time load is 15 units.

An individual employed to teach adult or community college courses for 67% or less of the hours per week considered a full-time assignment, excluding substitute service, is classified as a temporary employee rather than a contract employee. Under the 67% threshold, many faculty members (the so called "freeway flyers"), teach in multiple CCDs at the same time to piece together a full-time schedule. This constraint thus, to some extent, limits the ability of part-time faculty to participate in the campus community and to be a resource for students.

*Student Equity and Achievement Program (SEAP).* The SEAP provides grants to CCDs to support efforts focused on student success in college. As a condition of receiving funds, a CCD is required to develop student equity plans, deliver student matriculation services and adopt assessment and placement policies, as specified under current law.

*Arguments in support.* According to the San Diego Adjunct Faculty Association (SDAFA) a 501-C6 corporation, by increasing the workload limit for part-time faculty in the CCC from 67% to 80%-85% of a full-time teaching position, this adjustment will enable part-time faculty to teach more classes within a single CCD, thus reducing the necessity for many part-time CCC faculty to commute to multiple campuses in order to assemble a sufficient teaching schedule that supports their families.

The SDAFA states that it, “eagerly anticipates the passage of this legislation as it will empower part-time faculty to engage more deeply at one campus, significantly enhancing their ability to connect with both students and colleagues.”

*Related legislation.* AB 2834 (Rendon), which will be heard by this Committee on April 16, 2024, in part, provides clarifying guidelines for identifying part-time faculty instructors in the schedule of classes and the class bulletin in the CCC.

*Prior legislation.* AB 375 (Medina) of the 2021-22 Legislative Session, which was vetoed by the Governor, was virtually identical to this measure.

The Governor's veto message of stated that, "This bill amends statute relating to part-time faculty at the California Community Colleges, including redefining a community college part-time faculty course load as not to exceed 85% of the hours of a full-time assignment, rather than not to exceed 67%.

Our system of community colleges could not operate without part-time faculty. Even though they carry an enormous amount of the teaching load across the system, these qualified instructors must often teach at multiple campuses in order to piece together higher wages, and do not receive the same salary or benefits as their full-time colleagues.

While I understand the objectives of this legislation, this bill would create significant ongoing cost pressures on the state and community college districts, potentially in the hundreds of millions of dollars. Such a high expenditure is better addressed in the State Budget process, which is why I am committed to considering options to support our community college part-time faculty in my forthcoming January budget proposal."

AB 897 (Medina), of the 2019-20 Legislative Session, which was not heard by the Senate Committee on Education, was substantially similar to this measure.

AB 1690 (Medina), Chapter 877, Statutes of 2016, as amended by SB 1379 (Mendoza), Chapter 891, Statutes of 2016, requires reemployment rights for part-time faculty to be negotiated locally, declares legislative intent regarding minimum reemployment standards and requires CCDs to negotiate these reemployment rights as a condition of certain state funding. The terms of reemployment preference are to be based on minimum standards up to a range of 60% to 67% of a full-time faculty teaching load.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

Faculty Association of California Community Colleges  
San Diego Adjunct Faculty Association

### **Opposition**

None on file.

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