

Date of Hearing: January 11, 2022

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Jose Medina, Chair

AB 1505 (Rodriguez) – As Amended January 4, 2022

SUBJECT: Community colleges: full-time faculty obligation

SUMMARY: Requires the board of governors (BOG) of the California Community Colleges (CCC) to adopt regulations that require the fall of 2023 full-time faculty obligation for each community college district to be set to the actual full-time faculty number reported for the fall of 2022 and annually adjusted pursuant to these regulations as specified.

EXISTING LAW:

- 1) Defines "faculty" as those employees of a community college district (CCD) 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 (EDC) Section 87003).
- 2) Defines any person who is employed to teach for not more than 67% of the hours per week, considered a full-time (F/T) assignment, to be a temporary (P/T) employee (EDC Sections 87482.5 and 87882).
- 3) Requires the CCC BOG to adopt regulations regarding the percent of credit instruction taught by F/T faculty and authorizes CCDs with less than 75% F/T instructors to apply a portion of their "program improvement" funds toward reaching the 75% goal (commonly referred as "75/25") (EDC Section 87482.6).
- 4) Requires a CCD to increase its base number of full-time faculty over the prior year in proportion to the amount of growth in funded credit full-time equivalent students. These regulations, in years in which the board of governors determines that the annual Budget Act does not contain adequate funding to warrant full implementation of this full-time faculty obligation, authorize a community college district to instead choose to maintain, at a minimum, the full-time faculty percentage attained by the community college district in the prior fall term (Title 5 Section 51025 of the California Code of Regulations).

FISCAL EFFECT: Unknown

COMMENTS: *Purpose.* According to the author, "Rebenching the Faculty Obligation Number (FON) to the present full-time faculty values reported by the districts is a cost neutral way to ensure that future investments in new full-time faculty hiring actually result in more full-time faculty hirings and movement toward the 75/25 full-time/part-time goal of the original FON bill."

Background. The CCC BOG has had a longstanding policy that at least 75% of the hours of credit instruction in the CCC, as a system, should be taught by F/T instructors. Existing

regulations require specified steps to be taken by CCDs to achieve the 75% standard, many are contingent upon adequate funding.

FON explained. The CCC BOG, by November 20 of each year, must determine whether adequate cost-of-living adjustment (COLA) funds, growth funds, and funds for other core programs have been provided in the State Budget to allow full or partial implementation of the increase in full-time faculty hiring obligations.

In years in which the CCC BOG determines that the Budget Act does not contain adequate funding to warrant full implementation of the FON, a CCD may choose in lieu of maintaining its base obligation, to maintain, at a minimum the full-time faculty percentage attained in the prior fall term. To the extent that the number of full-time faculty or percentage of full-time faculty, as appropriate, have not been retained for a given year, the CCC Chancellor is required to reduce a district's revenue for the fiscal year by an amount equal to the average replacement cost for the prior fiscal year times the deficiency in the number or equivalent of full-time faculty.

The CCCCCO's 2021 FON compliance report showed that, system-wide, 59.3% of faculty are F/T, with only two CCC districts falling below their FON obligation (by a total of 2.5 faculty).

Full-time faculty funding. Recent state budgets have provided funding specifically aimed at increasing F/T faculty at CCC campuses. The 2018-2019 state budget provided \$50 million in ongoing funding specifically for the hiring F/T faculty, and the 2021-2022 budget increased that investment by \$100 million ongoing.

According to a memorandum from the CCC Chancellor's Office (CCCCO), every CCD will be receiving funding specifically for F/T faculty growth in 2021-2022. When the budget act provides new full-time faculty hiring funds, the FON increases by the total district allocation divided by the current statewide average cost to replace a P/T faculty position with a F/T faculty position. The current statewide average replacement cost is \$86,771. Districts that accepted full-time faculty funds will see an increase by one for each \$86,771 allocated, in addition to the annual adjustment for enrollment. The 2021 Budget Act requires funds "be used to hire new full-time faculty for community college districts to increase their percentage of full-time faculty, toward meeting the 75 percent full-time faculty target."

Arguments in support: The California Federation of Teachers (CFT), a co-sponsor of this legislation, writes that "These investments in new full-time faculty hiring are not being fully maximized because some districts that are already above their FON – the minimum number of full-time faculty community colleges must have - use having met that minimum obligation as justification to use those funds for other purposes. Further, the current FON remains based on 30-year-old numbers from 1988, when the FON was created."

"When funds are allocated in the budget specifically for new full-time faculty hiring, it results in an increase to a districts' FON; however, those funds are often not used for hiring full-time faculty as intended because, despite the increase, districts remain well above their FON."

Committee comments. The FON and existing regulations are the primary mechanisms to measure progress toward the 75/25 goal. Currently, all but two CCDs are above their FON number – yet the statewide average F/T faculty percentage is only 59.3%, and has remained well below the 75% F/T faculty goal for decades. Dedicated funding in the Budget Act will help to ensure that

districts are increasing their F/T faculty numbers, but currently the FON does not appear to be serving as a means to make progress towards the goals established in AB 1725 (Vasconcellos). This bill, in rebenchmarking the FON, seeks to align current district staffing to the goals articulated in law and regulation.

Prior legislation. SB 777 (Rubio) of 2019, which was held in the Assembly Higher Education Committee, modified provisions relating to the percent of credit instruction taught by F/T faculty at the California Community Colleges (CCC) by requiring in statute districts below the 75% threshold to annually reduce by 5% the deficit between their existing F/T faculty percentage and the 75% goal, rather than applying a portion of their “program improvement” funds toward reaching that 75%; and, specified the implementation of this measure is contingent upon an appropriation in the Budget Act or another statute.

ACR 32 (Medina), Resolution Chapter 161, Statutes of 2017, encouraged the CCC Chancellor, in consultation with affected stakeholders, to develop proposals for legislative consideration to address the longstanding challenges to achieving the goal of 75% of credit classroom instruction taught by F/T faculty and compensation equity for P/T faculty.

SB 373 (Pan) of 2015, which was held in the Senate Appropriations Committee, in part, established the Community College Excellence in Education Act and set a cap on the number of P/T faculty for each community college district based on the 2014-15 fiscal year, thereby limiting new hires to only F/T faculty until the district reached a 75% threshold of F/T faculty.

AB 950 (Chau) of 2013, was held in the Senate Appropriations Committee, prohibited a F/T faculty member for a CCD from being assigned a workload that included overload or extra assignments if the overload or extra assignments exceeded 50% of a F/T workload in a semester or quarter that commences on or after January 1, 2014, with several exceptions.

AB 1826 (Roger Hernández) of 2012, which was held in the Senate Appropriations Committee, prohibited a F/T faculty member from being assigned a workload with an overload or extra assignments exceeding 50% of the F/T semester or quarter workload.

ACR 138 (Nava) Resolution Chapter 142, Statutes of 2010, stated legislative intent that P/T and temporary faculty receive pay and benefits equal to those of specified tenure-track faculty, to the extent funding is provided, and that the CCC increase the percentage of F/T tenured and tenure-track faculty.

AB 1343 (Mendoza) of 2007, which was held in the Assembly Appropriations Committee, required the CCC and the California State University to achieve 75% full-time equivalent faculty by 2014-15, to achieve certain standards in pro-rata salary and benefits, and provided preferential treatment for P/T faculty in the hiring process for new F/T faculty positions.

AB 1725 (Vasconcellos), Chapter 973, Statutes of 1988, required CCCs with less than 75% of their hours of credit instruction taught by full-time instructors are to apply a portion of their program-improvement allocation funds toward reaching the 75% goal.

REGISTERED SUPPORT / OPPOSITION:

Support

California Federation of Teachers
Faculty Association of California Community Colleges

Opposition

None on file

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