
SENATE COMMITTEE ON EDUCATION

Senator Carol Liu, Chair

2015 - 2016 Regular

Bill No: SB 373
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Consultant: Lenin Del Castillo
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Fiscal: Yes

Subject: California Community Colleges: overload assignments and full-time faculty percentage

SUMMARY

This bill would establish the Community College Excellence in Education Act and set a cap on the number of part-time faculty for each community college district based on the 2014-15 fiscal year, thereby limiting new hires to only full-time faculty until the district reaches a 75 percent threshold of full-time faculty. This bill would also prohibit new tenure-track faculty from performing overload assignments during their probationary period.

BACKGROUND

Existing law defines "faculty" as those employees of a community college district 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 § 87003)

Existing law defines any person who is employed to teach for not more than 67% of the hours per week considered a full-time assignment to be a temporary (part-time) employee. (Education Code § 87482.5 and § 87882)

The Board of Governors (BOG) of the California Community Colleges (CCC) has had a longstanding policy that at least 75 percent of the hours of credit instruction in the CCC, as a system, should be taught by full-time instructors (commonly referred to as "75/25"). Existing law requires the BOG to adopt regulations regarding the percent of credit instruction taught by full-time faculty and authorizes CCC districts with less than 75% full-time instructors to apply a portion of their "program improvement" funds toward reaching a 75 percent goal. However, the state has stopped providing program improvement funds and the BOG has since required CCC districts to provide a portion of their growth funds to hiring more full-time faculty. (Education Code § 87482.6)

ANALYSIS

This bill:

1. Adds legislative intent to improve and enhance the mission of the community colleges and the services and opportunities provided to students by increasing the number of full-time faculty in the California Community Colleges to better situate the community colleges to realize their mission goals and the goals and recommendations set forth by the Student Success Task Force report of 2012.
2. Establishes the Community College Excellence in Education Act.
3. Requires all community college districts to report to the board of governors, by March 31, 2016, the total number of classroom and non-classroom full-time equivalent faculty attributable to hours worked by part-time temporary faculty and by contract or regular faculty while working on overload assignments during the 2014-15 fiscal year.
4. Provides that effective July 1, 2016, each district's calculation specified above shall become that district's maximum allowable number of classroom and non-classroom full-time equivalent faculty that may be staffed by part-time temporary faculty and by contract or regular faculty while working on overload assignments until the district's full time faculty percentage, as specified, is greater than or equal to 75 percent.
5. Requires a community college district, upon reaching the 75 percent threshold, to do either of the following:
 - A. Maintain a full-time faculty percentage of 75 percent or greater.
 - B. Not exceed its maximum allowable number of classroom and non-classroom full-time equivalent faculty that may be staffed by part-time temporary faculty and by contract or regular faculty while working on overload assignments.
6. Requires the board of governors to determine whether a community college district failed to comply with the bill's provisions during the preceding fiscal year and if so, shall designate an amount of the district's apportionment, after April 15 of the current fiscal year, that is equal to the difference between the current fiscal year apportionment and the lesser of the district's apportionment for the 2014-15 fiscal year or for the preceding fiscal year.
7. Provides that the apportionment amount that the board of governors identifies shall be deposited in the county treasury to the credit of the district, but unavailable for expenditure by the district pending a determination to be made by the board of governors.

8. Allows a community college district to apply in writing to the board of governors for an exemption, as specified, by no later than September 15 if it appears that withholding the apportionment will result in a serious hardship to the district.
9. Requires a community college district that applies for an exemption to provide the exclusive representative of the district's academic employees or academic senate and all academic employee organizations eligible for a payroll dues deduction with a copy of the application. These persons may transmit a written statement opposing the application, setting forth reasons for its opposition.
10. Requires the board of governors, upon receipt of the application and statement of opposition, to do either of the following:
 - A. Grant the district an exemption for any amount that is less than \$1,000, which shall be immediately available for expenditure by the governing board.
 - B. Grant an exemption of \$1,000 or more if a majority of the members of the board of governors finds that the district will suffer serious hardship unless it is granted an exemption.
11. Requires the board of governors, if no application for exemption is made, to order the entire designated amount, or the amount not exempted, to be returned.
12. Requires the board of governors to enforce the requirements prescribed in this bill and allows then to adopt necessary rules and regulations.
13. Prohibits a community college district from assigning a person hired as a contract faculty member, after July 1, 2016, to teach any overload assignment in excess of the equivalent of a full-time teaching load until the person has achieved tenured status as a regular faculty member.

STAFF COMMENTS

1. ***Need for the bill.*** According to the author's office, only 51-56 percent of community college courses are taught by full-time faculty which has disproportionately affected community colleges serving large numbers of first generation college students, low-income, and/or unrepresented groups. Further, the decrease in full-time faculty has resulted in decreased student engagement services shown to increase retention, graduation, and transfer rates. For example, part-time faculty, who are pressed for time, spend zero to few hours in a typical week advising students, even though advising is one of the most sought after services by students. The author's office indicates that full-time professors can help alleviate this high need by

helping provide academic and career guidance to students during office hours. In addition, full-time faculty are available to meet and counsel students, participate in curriculum review and updating, serve as advisors for student organizations, and serve on committees to fulfill the complete mission of the community college.

2. ***Is this the appropriate remedy?*** The bill's objective to increase full-time faculty is consistent with AB 1725 (Vasconcellos, 1988) which established the goal of ensuring that 75 percent of all community college courses be delivered by full-time faculty. While it is difficult to dispute the importance of full-time faculty and their ability to provide student support services and serve in leadership capacities in the campus community, the Committee may wish to consider whether the proposed strategy would be effective without providing additional resources. For example, to the extent that a local community college is looking to offer additional courses due to high demand, the district may not be able to do so if it lacks the resources necessary to hire a full-time faculty member and is prohibited from hiring a part-time faculty member to teach the course. In this scenario, the bill could have an unintended consequence of reducing the flexibility of the district to meet its local needs and quickly respond to changing market demands. Could the bill also have the effect of reducing access for students if the colleges are unable to expand course offerings? Districts that offer unique programs where the number of experts available to teach may be limited could find it particularly challenging to comply with the requirements of this bill. One could also argue the bill infringes upon local decision-making of the community college districts and removes some of their discretion in hiring.
3. ***Shift from "outcomes" to "inputs"?*** Pursuant to Chapter 409, Statutes of 2010 (SB 1143, Liu) the Board of Governors of the California Community Colleges created the Student Success Task Force (SSTF); 20 members (community college chief executive officers, faculty, students, researchers, staff and external stake holders) who spent a year researching, studying and debating the best methods to improve student outcomes at the community colleges. It was their goal to identify best practices for promoting student success and to develop statewide strategies to take these approaches to scale while ensuring that educational opportunity for historically underrepresented students would not just be maintained, but bolstered. The report noted that while a number of disturbing statistics around student completion reflect the challenges faced by the students they serve, they also clearly demonstrate the need for the system to recommit to finding new and better ways to serve its students. The SSTF efforts resulted in 22 specific recommendations which were to be implemented through regulatory changes, system-wide administrative policies, local best practices and legislation.

Additionally, in its commitment to increase transfer and degree and certificate attainment, the Board of Governors of the California Community

Colleges created the Student Success Scorecard, a performance measurement system that tracks student success at all of the 112 community colleges. The data available in the scorecard is intended to tell how well the colleges are doing in remedial instruction, job training programs, retention of students, and graduation and completion rates.

The Committee may wish to consider whether this bill, by focusing on “inputs”, represents a departure from these efforts which are aimed at improving the educational outcomes of students and workforce preparedness.

4. ***Implications on local bargaining.*** The average percentage of full-time faculty statewide is approximately 56 percent. The difference between part-time and full-time faculty is left to local discretion and each of the community college districts may decide differently. By forcing districts to only hire full-time faculty under specified circumstances and prohibiting new tenure-track full-time faculty from teaching overload assignments, this bill could be in conflict with existing local bargaining agreements.
5. ***Overload assignments.*** The term “overload assignments” refers to the practice of full-time faculty electing to teach additional courses (with additional pay) beyond their normal full-time teaching load. While policies regarding overload assignments can vary significantly among community colleges and departments, they are generally designed to ensure that the primary responsibilities of faculty are not compromised by the overload assignments. Some colleges require individual assignments to be approved by department deans while others have negotiated district-wide caps that range from one course to 67% of a full-time load. According to the CCC Chancellor’s Office, a recent survey revealed that 13 of 44 responding colleges indicated that they have a policy or bargaining agreement allowing full-time faculty to have more than a 50% overload. According to the Chancellor’s Office, for the Fall 2011 semester, of the 14,489 tenured or tenured track faculty teaching California Community College (CCC) classes, 172 (1.2%) had an overload exceeding 50%. Note that the Los Angeles Community College District, which encompasses about 8% of statewide CCC enrollment, was not included in this data.

This bill prohibits newly hired tenure-track faculty from teaching overload assignments. While prohibiting excessive overload assignments may make it easier for part-time faculty to continue teaching, this provision could reduce the flexibility of districts to meet local needs and also have local bargaining implications.

6. ***Related and prior legislation.***

AB 950 (Chau, 2013) proposed that a full-time faculty member, as defined, for a community college district shall not be assigned a workload that includes overload or extra assignments if the overload or extra assignments

exceed fifty percent of a full-time workload in a semester or quarter that commences on or after January 1, 2014, with several exceptions, as specified. AB 950 passed this Committee but subsequently failed passage in the Senate Appropriations Committee.

AB 1826 (Hernandez, 2012) would have prohibited a full-time faculty member from being assigned a workload with an overload or extra assignments exceeding 50% of the full-time semester or quarter workload, as specified. AB 1826 passed this Committee but subsequently failed passage in the Senate Appropriations Committee.

SUPPORT

California Federation of Teachers (sponsor)
California Teachers Association
Faculty Association of California Community Colleges
San Diego County Board of Education
San Ysidro School District

OPPOSITION

Community College League of California
Kern Community College District
Los Rios Community College District
Pasadena Community College District
Peralta Community College District
San Diego Community College District
South Orange Community College District
Yuba Community College District

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