**1994 California Law and Regulation Regarding Community College Part-Time Faculty**

California law allows for persons to be employed as temporary faculty employees (**without any probationary or tenure status**) for not more than 60 percent of the hours per week considered a full-time assignment for regular employees (tenured) having comparable duties. If a person is employed for more than 60 percent of a full-time assignment for more than one academic year, than he or she is placed on a tenure track. Tenure in California takes up to 4 years to obtain. The 60 percent provision, **initiated by the AFT and others**, does not allow for multi-year full-time non-tenure faculty positions. Districts seek to assure that no part-time faculty person achieves tenure status by **not allowing part-timers** to work more than 60 percent of a regular load. This action by the districts force many part-time faculty to obtain positions at a number of different districts in order to economically survive.

In August of 1988, the California state legislature passed and the governor signed **Assembly Bill 1725**. AB 1725 was a major reform package for community colleges. It addressed shared governance, funding allocation, affirmative action, the elimination of credentials, a new tenure process, faculty and staff development, and a number of other items. Among the issues addressed was the **overuse of part-time faculty in California's community colleges.**

In Section 4 of AB 1725, the *"Legislature finds and declares the following with regard to faculty, administrators, and staff of the California Community Colleges:*

*(a) The California Community Colleges will face a severe hiring crisis in the next 15 years. It is estimated that fully 55 percent of the current full-time faculty will retire in that period. In this regard there are three major interlocking issues which must be considered:*

1. *There must be guarantees that the full-time positions which become open because of the retirement of these faculty members* ***not be divided into part-time positions that are less expensive*** *to fill than the full-time positions. The division of full-time positions that become vacant into part-time positions is currently occurring all too frequently.* ***The maintenance of a fully staffed, full-time faculty is an essential element of a coherent program.***
2. *Competition for qualified persons is intense, from both other sectors of education and private business.*
3. *Given the emerging turnover in faculty vacancies, the next 15 years represent the last major window of opportunity to significantly change the ethnic mix of the faculty during the next 30 years. It will be imperative for the faculty to be sympathetic and sensitive to cultural diversity in the colleges especially when the student body is continually changing. One means of ensuring this is for the faculty to be culturally balanced and more representative of the state's diversity.*

*(b) If the community colleges are to respond creatively to the challenges of the coming decades, they must have a* ***strong and stable core of full-time faculty with long-term*** *commitments to their colleges. There is proper concern about the effect of an over reliance upon part-time faculty, particularly in the core transfer curricula. Under current conditions, part-time faculty,* ***no matter how talented as teachers, rarely participate in college programs, design departmental curricula, or advise and counsel students.*** *Even if they were invited to do so by their colleagues,* ***it may be impossible*** *if they are simultaneously teaching at other colleges in order to make a decent living.*

1. *However, in many areas the employment of part-time temporary faculty is both appropriate and necessary, especially in vocational programs where part-time faculty members may be practicing professionals in the field.*
2. *Decisions regarding the appropriateness of part-time faculty* ***should be made on the basis of academic and program needs, however, and not for financial savings.*** *The Legislature's concern about abuses in this regard led to the establishment of the current statutory cap on part-time employment.*
3. *There is widespread concern about the current tendency to fill "retiring" full-time positions with multiple part-time positions,* ***and that there is a financial incentive to do so.*** *Under current formulae,* ***part-time faculty receive less money than do full-time faculty, and do not receive benefits.*** *Thus, proposals concerning the status and conditions of parttime faculty will depend upon changes in the pay structure as well as* ***the overall financing of the colleges."***

In order to address the concerns of the legislature that a stable core of full-time faculty be available at each college, AB 1725 put into law a provision that community college districts which have less than **75 percent** of their hours of credit instruction taught by full-time instructors must apply from 33 percent to 40 percent (depending how far away from 75 percent they are) of their **program improvement funds** toward the hiring of full-time teaching faculty. $140 million in Program Improvement funds were provided to the community colleges in the 1990-91 and 1991-92 fiscal years. **Since that time, no program improvement funds have been provided to the colleges.**

The legislature also required that the number of full-time teaching faculty be increased proportionate to any growth funds provided to the community colleges. Both the use of program improvement funds and the use of growth funds are now provided for in Board of Governors regulations (51025, 53300, 53302, 53310,53311, 53312, 53314 attached).

The regulations require the chancellor of the California Community Colleges to determine the number of full-time faculty at each district and reduce district apportionments if the required number of full-time faculty have not been retained. The chancellor failed to carry out this responsibility in 1992-93 and only did so in 1993-94 after I publicly uncovered this information at a Board of Governors meeting. After several years of no mandated increases in the number of full-time faculty, the only remaining active requirement is that districts not decrease their number of full-time faculty unless there is a loss of enrollment or a loss of cost of living adjustment.

The number of full-time teaching faculty over the period since the passage of AB 1725 resulted in some initial **change in the number of full-time faculty but no real change in the percentage of hours** taught by full-time faculty. As enrollments increased, districts hired part-time faculty above the full-time hires that they were required to make.