**Full-Time District Obligation**

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December 2018

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.*

*(c) 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.*

*(d) 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.*

*(e) 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. Due to state fiscal restraints, there have been only a few times when program improvement funds were made available.

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. 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.

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 – thus frustrating the goals of AB 1725.

In Fall of 2017, no district in the state met the 75% goal. The percentages ranged from a high of 72.4% to a low of 36.3%. The statewide average was 56.7%. See below the percentage for each district.

The Chancellor's Office now sends a letter to each district to certify that they are in compliance. The Chancellor’s Office does not routinely investigate whether these certifications are in compliance with Board of Governors’ regulations.

The current Board of Governors regulations:

**CALIFORNIA CODE OF REGULATIONS**

**TITLE 5. EDUCATION**

**DIVISION 6. CALIFORNIA COMMUNITY COLLEGES**

**CHAPTER 4. EMPLOYEES**

**SUBCHAPTER 3. FULL-TIME AND PART-TIME FACULTY**

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**ARTICLE 1. SCOPE AND DEFINITIONS**

53300. Scope.

This Subchapter relates to and should be read in conjunction with the

requirements of Section 51025 concerning the proportion of full-time and

part-time faculty to be employed by community colleges.

53301. Part-Time Faculty.

The term "part-time faculty" includes any faculty member, as defined in Section 53402(c), who is not a regular employee or contract employee of the district pursuant to Sections 87601, 87605, 87608, 87608.5, or 87609 of the Education Code.

53302. Full-Time Faculty.

For purposes of this Chapter the term "full-time faculty" means any faculty member, as defined in Section 53402(c), who is a regular or contract employee of the district pursuant to Sections 87601, 87605, 87608, 87608.5 or 87609 of the Education Code.

53308. Full-Time Faculty Percentage.

For purposes of this Subchapter and Section 51025, a district's full-time

faculty percentage is determined as follows:

(a) Using the rules set forth in Section 53309, calculate the district's full-time equivalent faculty (FTEF) attributable to full-time faculty, as defined in Section 53302.

(b) Determine the district's total FTEF by adding together:

(1) FTEF attributable to full-time faculty, using the rules set forth in Section 53309; and

(2) FTEF attributable to part-time faculty, calculated using the rules set forth in Section 53310.

(c) To obtain the full-time faculty percentage, divide the figure from subdivision (a) (FTEF attributable to full-time faculty) by the figure from subdivision (b) (total FTEF).

53309. Rules for Calculating Full-Time Equivalent Faculty (FTEF) Attributable to Full-Time Faculty.

In calculating full-time equivalent faculty (FTEF) attributable to full-time faculty, the following rules shall be applicable:

(a) With respect to instruction, FTEF shall be calculated based on the percentage of instructional hours per week considered a full-time assignment for regular instructional employees having comparable duties, excluding any noncredit instructional assignments.

(b) With respect to non-instructional activities, FTEF shall be calculated based on the percentage of working hours per week considered a full-time assignment for regular non-instructional employees having comparable duties.

(c) Regular Assignment. Include the regular assignment of full-time faculty as defined in Section 53302.

(d) Overload. Exclude full-time faculty overload from the calculation of FTEF.

(e) Sabbatical. Include full-time faculty sabbatical FTEF, whether paid or unpaid, and exclude the FTEF of replacement faculty, whether full-time or part-time, from the computation to determine the full-time faculty percentage pursuant to Section 53308.

(f) Released/Reassigned Time. Include FTEF for full-time faculty who are released or reassigned. The FTEF of a full-time faculty member on released or reassigned time shall be counted as if the faculty member was teaching/working full-time and had not been provided released or reassigned time. The FTEF of replacement faculty, whether full-time or part-time, shall be excluded from the computation to determine the full-time faculty percentage pursuant to Section 53308.

(g) Unpaid Leave. Include unpaid leave FTEF for a faculty member on unpaid leave. The FTEF of a full-time faculty member on unpaid leave shall be counted as if the faculty member was teaching/working full-time and had not been provided with unpaid leave. The FTEF of replacement faculty, whether full-time or part-time, shall be excluded from the computation to determine the full-time faculty percentage pursuant to Section 53308.

(h) Teaching by Others. Include credit instruction FTEF taught by classified staff or ministrators who are appropriately qualified to teach, under the following conditions:

(1) Only the actual hours of teaching by such individuals shall be included in determining the FTEF; and

(2) The hours of teaching by such individuals must be part of a regular contract, and not taught as an overload assignment.

(i) Late Retirement. The FTEF of a faculty member who resigned or retired and who provided written notice thereof within 45 faculty duty days of the end of the previous Spring primary term and whose position has not been replaced by another full-time faculty member by the current Fall primary term, shall be included. The FTEF o replacement faculty, whether full-time or part-time, shall be excluded from the computation to determine the full-time faculty percentage pursuant to Section 53308.

Districts are required to fill the position(s) by the following Spring primary term unless designees for the district governing board and academic senate jointly agree that it is in the best interests of the district to delay the filling of the position. In such cases, replacement must be made by the following primary term or the Chancellor shall reduce the district's state apportionment revenues for the current year in accordance with the provisions of Section 51025.

If the number of late retirees exceeds 15% of the district's total number of full-time faculty, and the district's governing board and academic senate jointly agree, a district may file a request with the Chancellor's Office for a one-year extension to fulfill its hiring obligation to replace those retirees.

**ARTICLE 2. PROPORTIONS OF FULL-TIME AND PART-TIME FACULTY, COMPUTATION AND REPORTS**

53310. Rules for Calculating Full-Time Equivalent Faculty (FTEF) Attributable to Part-Time Faculty.

In calculating full-time equivalent faculty (FTEF) attributable to part-time faculty, the following rules shall be applicable:

(a) With respect to instruction, FTEF shall be calculated based on the percentage of instructional hours per week considered a full-time assignment for regular instructional employees having comparable duties, excluding any noncredit instructional assignments.

(b) With respect to non-instructional activities, FTEF shall be calculated based on the percentage of working hours per week considered a full-time assignment for regular non-instructional employees having comparable duties.

(c) All instructional and noninstructional activities of part-time faculty shall be included, except the following:

(1) FTEF attributable to part-time faculty who replace full-time faculty on sabbatical leave.

(2) FTEF attributable to part-time faculty who replace full-time faculty on released or reassigned time.

(3) FTEF of part-time faculty replacing full-time faculty on unpaid leave.

(4) FTEF of part-time faculty replacing full-time faculty who resigned or retired late as defined in section 53309(i).

53311. Base Data.

For purposes of this Subchapter, "base data" means both the district's base full-time faculty percentage and its base full-time faculty obligation (the number of full-time faculty the district is required to maintain or the number of additional full-time faculty to be hired by the Fall term of the subsequent year.) The data necessary to calculate the base full-time faculty percentage shall be determined from the current year's Fall management information system staff data submission to the Chancellor's Office.

53312. Additional Full-Time Faculty Positions.

(a) The Chancellor shall compute the number of full-time faculty which each district is to secure in accordance with Sections 51025 and 53308, as the result of applying additional FTES growth and program improvement revenue allotments.

(b) This computation shall be made by dividing the applicable portion of program improvement revenue (0 percent, 33 percent, or 40 percent of the program improvement allocation), by the statewide average "replacement cost" (a figure which represents the statewide average faculty salary plus benefits, minus the statewide hourly rate of compensation for part-time instructors times the statewide average full-time teaching load).

(c) If the quotient determined in paragraph (b) is not a whole number, then the quotient shall be rounded down to the nearest whole number. If the quotient, once applied, will result in the district exceeding the 75 percent standard, the Chancellor shall further reduce the quotient to a whole number that will leave the district as close as possible to, but in excess of, the 75 percent standard.

(d) The computation for the funded growth in full-time equivalent student workload obligation to secure additional full-time faculty shall, when required pursuant to the provisions of Section 51025(a)(1) and (e), be made by multiplying the percentage of funded credit FTES growth times the base number of full-time faculty that were to be in place by Fall of the current year.

53314. Report to Districts.

By the Spring term of each year, the Chancellor shall report to districts the estimated number of full-time faculty each district must secure by the following Fall term based upon the appropriation of revenues contained in that year's Budget Act and the Board of Governors' action pursuant to Section 51025(e).

