

AMENDED IN SENATE APRIL 21, 2008

AMENDED IN SENATE MARCH 25, 2008

SENATE BILL

No. 1620

Introduced by Senator Ashburn

February 22, 2008

An act to amend Sections 87482, 87482.6, and 87482.7 of the Education Code, relating to community colleges.

LEGISLATIVE COUNSEL'S DIGEST

SB 1620, as amended, Ashburn. Community colleges: nursing faculty.

(1) Existing law establishes the California Community Colleges, under the administration of the Board of Governors of the California Community Colleges, as one of the segments of public postsecondary education in this state. Existing law establishes community college districts, administered by a governing board, throughout the state, and authorizes these districts to provide instruction to students at the community college campuses maintained by the districts.

Existing law authorizes the governing board of a district to employ a person serving as full-time faculty or part-time faculty but prohibits employment of a person as a temporary faculty member by any one district for more than 2 semesters or 3 quarters, except that a person serving as full-time or part-time clinical nursing faculty may be employed as a temporary faculty member for up to 4 semesters or 6 quarters within any period of 3 consecutive years between July 1, 2007, and June 30, 2014.

This bill would delete the limitation that temporary clinical nursing faculty be employed for not more than 4 semesters or 6 quarters. The bill would make conforming changes.

(2) Existing law requires the board of governors to adopt regulations that establish minimum standards regarding the percentage of hours of credit instruction taught by full-time instructors.

This bill would exclude the percentage of hours of credit instruction taught by full-time *clinical* nursing faculty from the minimum standards and would make conforming changes.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 87482 of the Education Code is amended
2 to read:

3 87482. (a) (1) Notwithstanding Section 87480, the governing
4 board of a community college district may employ any qualified
5 individual as a temporary faculty member for a complete school
6 year but not less than a complete semester or quarter during a
7 school year. The employment of those persons shall be based upon
8 the need for additional faculty during a particular semester or
9 quarter because of the higher enrollment of students during that
10 semester or quarter as compared to the other semester or quarter
11 in the academic year, or because a faculty member has been granted
12 leave for a semester, quarter, or year, or is experiencing long-term
13 illness, and shall be limited, in number of persons so employed,
14 to that need, as determined by the governing board.

15 (2) Employment of a person under this subdivision may be
16 pursuant to contract fixing a salary for the entire semester or
17 quarter.

18 (b) No person, ~~other than a person serving as clinical nursing~~
19 ~~faculty~~, shall be employed by any one district under this section
20 for more than two semesters or three quarters within any period
21 of three consecutive years.

22 (c) (1) Notwithstanding subdivision (b), a person serving as
23 full-time clinical nursing faculty or as part-time clinical nursing
24 faculty teaching 60 percent or more of the hours per week
25 considered a full-time assignment for regular employees, may be
26 employed by any one district under this section between July 1,
27 2007, and June 30, 2014, inclusive.

28 (2) A district that employs faculty pursuant to this subdivision
29 shall provide data to the chancellor’s office as to how many faculty

1 members were hired under this subdivision, and what the ratio of
2 full-time to part-time faculty was for each of the three academic
3 years prior to the hiring of faculty under this subdivision and for
4 each academic year for which faculty is hired under this
5 subdivision. This data shall be submitted, in writing, to the
6 chancellor's office on or before June 30, 2012.

7 (3) The chancellor shall report, in writing, to the Legislature
8 and the Governor on or before September 30, 2012, in accordance
9 with data received pursuant to paragraph (2), how many districts
10 hired faculty under this subdivision, how many faculty members
11 were hired under this subdivision, and what the ratio of full-time
12 to part-time faculty was for these districts in each of the three
13 academic years prior to the operation of this subdivision and for
14 each academic year for which faculty is hired under this
15 subdivision.

16 SEC. 2. Section 87482.6 of the Education Code is amended to
17 read:

18 87482.6. (a) Until the provisions of Section 84750 regarding
19 program-based funding are implemented by a standard adopted
20 by the board of governors that establishes the appropriate
21 percentage of hours of credit instruction that should be taught by
22 full-time instructors, the Legislature wishes to recognize and make
23 efforts to address longstanding policy of the board of governors
24 that at least 75 percent of the hours of credit instruction in the
25 California Community Colleges, as a system, should be taught by
26 full-time instructors. To this end, community college districts
27 which have less than 75 percent of their hours of credit instruction
28 taught by full-time instructors shall apply a portion of the program
29 improvement allocation received pursuant to Section 84755 as
30 follows:

31 (1) Districts which, in the prior fiscal year, had between 67
32 percent and 75 percent of their hours of credit instruction taught
33 by full-time instructors shall apply up to 33 percent of their
34 program improvement allocation as necessary to reach the 75
35 percent standard. If a district in this category chooses instead not
36 to improve its percentage, the board of governors shall withhold
37 33 percent of the district's program improvement allocation.

38 (2) Districts which, in the prior fiscal year, had less than 67
39 percent of their hours of credit instruction taught by full-time
40 instructors shall apply up to 40 percent of their program

1 improvement allocation as necessary to reach the 75 percent
2 standard. If a district in this category chooses instead not to
3 improve its percentage, the board of governors shall withhold 40
4 percent of the district's program improvement allocation.

5 Districts which maintain 75 percent or more of their hours of
6 credit instruction taught by full-time instructors shall otherwise
7 be free to use their program improvement allocation for any of the
8 purposes specified in Section 84755.

9 (b) The board of governors shall adopt regulations for the
10 effective administration of this section. Unless and until amended
11 by the board of governors, the regulations shall provide as follows:

12 (1) In computing the percentage of hours of credit instruction
13 taught by full-time instructors, the hours of overload teaching by
14 full-time instructors shall be excluded from both the total hours
15 of credit instruction taught by full-time and part-time instructors
16 and the total hours of instruction taught by full-time instructors.

17 (2) A full-time instructor shall be defined as any regular and
18 contract faculty member teaching credit instruction.

19 (3) The chancellor shall compute and report to each community
20 college district the number of full-time faculty (FTF) which are to
21 be secured through the use of the prescribed portion of program
22 improvement revenue allocated to each district. This computation
23 shall be made by dividing the applicable portion of program
24 improvement revenue (0 percent, 33 percent, or 40 percent of the
25 program improvement allocation), by the statewide average
26 "replacement cost" (a figure which represents the statewide average
27 faculty salary plus benefits, minus the statewide average hourly
28 rate of compensation for part-time instructors times the statewide
29 average full-time teaching load). If the quotient is not a whole
30 number, then the quotient shall be rounded down to the nearest
31 whole number. If this quotient, once applied, will result in the
32 district exceeding the 75 percent standard, the chancellor shall
33 further reduce the quotient to a whole number that will leave the
34 district as close as possible to, but in excess of, the 75 percent
35 standard.

36 By March 15th of each year, the chancellor shall report to each
37 district an estimate of the number of FTF to be secured based upon
38 the appropriation of revenues contained in the annual Budget Bill.

39 (4) On or before December 31, 1991, the chancellor shall
40 determine the extent to which each district, by September 30, 1991,

1 has hired the number of FTF determined pursuant to paragraph
2 (3) for the 1989–90 and 1990–91 fiscal years. To the extent that
3 the cumulative number of FTF have not been retained, the
4 chancellor shall reduce the district’s base budget for 1991–92 and
5 subsequent fiscal years by an amount equivalent to the average
6 replacement cost times the deficiency in the number of FTF.

7 (c) For purposes of this section, the percentage of hours of credit
8 instruction shall exclude the hours taught by part-time and full-time
9 *clinical* nursing faculty.

10 SEC. 3. Section 87482.7 of the Education Code is amended to
11 read:

12 87482.7. (a) The board of governors shall, pursuant to
13 paragraph (6) of subdivision (b) of Section 70901, adopt regulations
14 that establish minimum standards regarding the percentage of hours
15 of credit instruction that shall be taught by full-time instructors.

16 (b) Upon notification by the board of governors, the Department
17 of Finance shall transfer any money deducted from district
18 apportionments pursuant to the regulations adopted under this
19 section. This money shall be transferred to the Employment
20 Opportunity Fund pursuant to Section 87107.

21 (c) The minimum standards established under subdivision (a)
22 shall exclude the hours of credit instruction taught by part-time
23 and full-time *clinical* nursing faculty.