

From: [Michael Heumann](#)
To: [College Council](#)
Cc: [Adriana Sano](#); [Ed Gould](#)
Subject: Re: Request for College Council Agenda Items
Date: Tuesday, February 02, 2010 1:28:30 PM
Attachments: [AB1725.pdf](#)
[ATT00001.htm](#)
[ed.pdf](#)
[ATT00002.htm](#)
[Title5-53200-53204.pdf](#)
[ATT00003.htm](#)

College Council,

At the last Council meeting, we discussed shared governance, and a number of questions regarding the history of shared governance came up. After the meeting, I did some research and found quite a bit of information on shared governance's history, and I want to share it with you.

The idea of "shared governance" originally came out of California Assembly bill 1725, which was passed in 1989. That bill established the direction for community colleges going forward, identifying their scope (transfer, basic skills, and vocational training) and governance structure (giving more authority to local boards). [Note: I've attached a copy of the bill along with a 1998 article about the bill written by Tab Livingston, a Math professor at Orange Coast College.] What most people point to when referring to AB 1725 is a sentence in section 4.o.3 (page 14 in the "AB 1725" attachment) which states that colleges should include "Administrators who can lead, organize, plan, and supervise; who understand the needs of faculty and the learning process; and who value institutional governance based upon a genuine sharing of responsibility with faculty colleagues."

You'll notice that the words "governance" and "sharing" appear in this sentence, but they do not appear together. Nevertheless, this was the seed for the concept of shared governance. Over the next few years, revisions to sections 53200-53204 of the Title 5 Education Code helped expand and clarify the concept of shared governance [I've attached these as well]. These revisions focus almost exclusively on defining the role that academic senates play in the governance structure of a college. Specifically, they define the areas where a given college would rely "primarily upon the advice and judgement of the academic senate." 53200 lists ten different areas, including curriculum, grading policies, faculty roles in the governance structure, professional development, and program review.

In short, the bulk of the legal language related to shared governance concerns academic senates. So what about our College Council? Well, a college is made up of a lot more than just those ten "senate" areas. That list does not include building construction or technology or safety (to name a few things). Moreover, the Senate is a faculty-only body; there are no classified, classified manager, or student reps (and the administrative reps are ex-officio). In short, if a college is to have true shared governance, it needs more than just the input of faculty.

Now, while academic senates are defined by Title 5, the rest of the shared governance structure is left to the discretion of each college. I haven't investigated every community college to see how each one deals with shared governance, but I do know that some colleges have set up Classified Senates to mirror the Academic Senate, and other colleges have done what we have done: created a committee with

representation from each group on campus.

So we know that the College Council is a shared governance body, and we know the Academic Senate's primary areas of focus. Do we know the College Council's? According to the IVC's BP 2510, "The College Council is the final recommending body on non-academic matters that go to the President and Board of Trustees." But what exactly does "non-academic matters" mean? As far as I can tell, no one has ever drawn up a list of these matters (and I couldn't find a specific list in the College Council's Standing Rules). Yes, committees like Technology and Environmental Health and Safety are under College Council, but what exactly are the areas that the Council is responsible for?

Perhaps that's part of the problem: we need a list of all "non-academic matters." If we can list everything that Council should be responsible for, then perhaps we can better understand what is and what isn't being addressed in the various sub-committees. So I would like to propose that we spend some time this Spring compiling a comprehensive list of areas that the Council is responsible for. We can begin this at our next meeting on February 8 (which will be chaired by our Vice-Chair, Jessica Waddell).

Thank you for reading this--and I look forward to working with all of you this semester.
mh

AB 1725

INDEXED VERSION

Prepared by

**The Ventura County Federation
Of
Community College Teachers
AFT, AFL-CIO, Local 1828**

March 25, 1990

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1 August 31, 1988

2 August 30, 1988 An act to amend Sections 66701, 71000, 71001, 78205, 84381, 84713, 87102,
3 87104, 87454, 87457, 87602, 87663, and 87743 of, to add Sections 71020.5, 71090.5, 78212.5,
4 84750, 84755, 87001, 87107, 87482.6, 87608.5, 87610.1, 87615, 87743.1, 87743.2, 87743.3,
5 87743.4, and 87743.5 to, to add Article 5 (commencing with Section 87150) to Chapter 1 of Part 51
6 of, to add Chapter 9.2 (commencing with Section 66720) to Part 40 of, and Chapter 2.5 (commencing
7 with Section 87350) to Part 51 of, to add Part 43.5 (commencing with Section 70900) to Division 7
8 of, to repeal and add Sections 71020, 72411.5, 87458, 87605, 87608, 87609, 87610, and 87611 of, to
9 repeal Sections 71023, 71025, 71026, 71027, 71028, 71062, 71063, 71064, 71066, 71068, 71069,
10 71070, 71071, 71072, 71073, 71075, 71076, 71079, 71080, 71091, 72201, 72230, 72231.5, 72233,
11 72282, 72284, 72285, 72286, 72287, 72288, 72289, 72290, 72291, 72292. 72300, 78200, 87455, and
12 87456 of, and to repeal Chapter 2 (commencing with Section 87200) of Part 51 of, the Education
13 Code, relating to community colleges, and making an appropriation therefore.

14 LEGISLATIVE COUNSEL'S DIGEST

15 AB 1725, Vasconcellos. California Community Colleges.

16 This bill would make various changes, as summarized below, in provisions governing the
17 California Community Colleges, in the following general subject areas:

18 GOVERNANCE:

19 (1) Under existing law, the Board of Governors of the California Community Colleges (hereafter
20 board of governors) is created, with specified membership, to administer and govern the statewide
21 system of community colleges.

22 This bill would expressly designate the system as the California Community Colleges, and would
23 make various legislative findings and declarations concerning the system. It would repeal and recast
24 provisions of law relating to the board of governors and the governing boards of community college
25 districts. The bill would revise the membership of the board of governors, to provide that of the 13
26 members appointed by the Governor under existing law, 2 shall be current or former elected
27 members of local community college district governing boards. It would change the number of
28 voting tenured faculty members on the board of governors from one to 2. It would provide that the 2
29 current or former elected members of the governing board of a community college appointed to the
30 board under the provisions of this bill shall occupy the 1st and 3rd seats made available, as specified.

31 It would also provide that the additional voting tenured faculty member appointed to the board
32 under the provisions of this bill shall occupy the 2nd seat made available, as specified. Commencing
33 with appointments made on or after January 1, 1990, the bill would lengthen the terms of board
34 members from 4 to 6 years, except that the faculty member of the board would have a 2-year term,
35 and the student member a one-year term.

36 The bill would expressly establish certain responsibilities of the board of governors in various
37 areas, including the monitoring of community college districts, fiscal management review, and
38 development and submission to the Governor of a position paper regarding affirmative action. The
39 bill would require the Governor to appoint up to 6 deputy and vice chancellors of the California
40 Community Colleges, as specified.

41 (2) The bill would require the board to conduct a thorough review of all statutes affecting the
42 administration and operation of the California Community Colleges, with recommendations for

1 amendment and repeal, and submit the review to the Legislature no later than January 31, 1989.

2 (3) Under existing law, there are no express requirements that the board of governors develop
3 guidelines or plans with respect to the academic senate, and the role of students in governance, or that the
4 board clarify and define particular matters with respect to executive officers, in the community colleges.

5 This bill would require the board of governors to develop policies and guidelines concerning the
6 academic senate, and standards regarding the role of students in governance.

7 (4) Under existing law, the board of governors, in adopting, amending, and repealing its
8 regulations, is subject to existing procedures, administered by the Office of Administrative Law. This
9 bill would exclude the board from these existing procedures, and instead authorize the board of
10 governors to establish its own regulatory procedure, subject to specified existing standards. The
11 board would be required to consult with community college districts, as specified, as a part of this
12 process.

13 **MISSION AND FUNCTIONS:**

14 (5) Existing law provides that the course of study for the California Community Colleges
15 includes, as primary objectives, instruction designed to prepare students for admission to the upper
16 division of 4-year educational institutions, and in vocational and technical fields leading to
17 employment, general or liberal arts courses, and community services.

18 This bill would revise the missions and goals of the community colleges. The bill would also
19 direct the board of governors, the Regents of the University of California (at their option), and the
20 Trustees of the California State University to jointly develop, maintain, and disseminate, as specified,
21 a common core curriculum in general education courses and lower division major preparation
22 curricula for purposes of transfer. This bill would impose a state-mandated local program by
23 requiring that the community colleges award an associate degree to each student who successfully
24 meets certain requirements, including the transfer core curriculum as described.

25 (6) Under existing law, vocational education is one of the statutory purposes of the community
26 college system.

27 This bill would direct the board of governors to provide certain information to the community
28 college districts relative to vocational education programs and to work with community college
29 districts, the State Board of Education, and the Trustees of the California State University to
30 coordinate community college vocational education with vocational education programs, as
31 specified.

32 The bill would direct the board of governors and the State Board of Education to determine the
33 extent to which students are underrepresented in vocational education programs in the community
34 colleges and in public schools, respectively, on the basis of gender or ethnic origin and to jointly file
35 a report with the education policy committees of the Legislature on their findings.

36 The bill would make the provisions summarized in the preceding 2 paragraphs operative only to
37 the extent funds are appropriated for their specific purposes. The bill would require the California
38 Postsecondary Education Commission to conduct a study for the use of the associate of applied
39 sciences degree in community colleges in other states and to report its findings to the Legislature, as
40 specified.

1 (7) Existing law provides for certain matriculation services in the California Community Colleges,
2 including procedures for the academic assessment and counseling of students upon enrollment.

3 This bill would authorize each community college district to develop and maintain, as specified,
4 career resource and placement centers, programs to instruct staff and faculty in the performance of
5 matriculation services, orientation programs, and publicity programs. This bill would also require the
6 board of governors to adopt regulations which substantially incorporates a policy that limits the total
7 number of units of course credit that may be assigned to any student in remedial course work to 30
8 semester units, or 45 quarter units, except pursuant to a specified waiver procedure.

9 (8) Under existing law, the community college system offers instruction in English as a second
10 language.

11 This bill would direct the California Postsecondary Education Commission and the State
12 Department of Education to jointly agree on a coordinated research framework to be utilized by each
13 agency in a review of those programs in the California Community Colleges, the University of
14 California, the California State University, and adult education programs, and of future educational
15 needs in this area. The bill would state the purpose of the study as assessing the ongoing role of the
16 California Community Colleges in this area, in relation to the respective roles of the University of
17 California and the California State University. The bill would require that the results of the review,
18 together with any recommendations for programs of cooperation, be reported to the Legislature no
19 later than January 1, 1990, as specified.

20 **FACULTY, ADMINISTRATORS, AND STAFF:**

21 (9) Existing law requires the governing board of each community college district to establish an
22 affirmative action employment program. Existing law requires that the governing board -of each
23 community college district submit to the board of governors, on or before January 1, 1980, an
24 affirmation of compliance with existing law in this respect.

25 This bill would require the governing board of each district to submit the affirmation
26 periodically, to meet certain requirements in conjunction with goals and timetables, and to publish
27 and distribute, as specified, a record of the success rate of hiring employees through its affirmative
28 action program, and thus, impose a state-mandated local program.

29 (10) Existing law requires the office of the Chancellor of the California Community Colleges to
30 develop guidelines to assist community college districts in developing and implementing affirmative
31 action employment programs.

32 This bill would require the office of the chancellor to establish a technical assistance team to
33 review the affirmative action plan of each district that fails to comply with its plan and to take
34 appropriate measures to effect compliance. The bill would require the board of governors to
35 establish, by July 1, 1989, within the chancellor's office, or through other means, as necessary, a
36 major service function to assist community college districts in specified matters relating to
37 affirmative action. The bill would create the Faculty and Staff Diversity Fund, for allocation by the
38 board of governors, upon appropriation by the Legislature, to districts for various affirmative action
39 purposes. The bill would prescribe allocation standards applicable to the fund, and state the overall
40 goal of the fund as addressing the goal that the system's workforce reflect proportionately the adult
41 population of the state by the year 2005.

42

1 (11) The bill would create the Community College Faculty and Staff Development Fund,
2 available upon appropriation by the Legislature, for district faculty and staff development, as
3 specified.

4 (12) The bill would impose a state-mandated local program by requiring the governing board of
5 each community college district to determine whether it would be beneficial to enter into specified
6 agreements to provide part-time temporary teachers for the district. The bill would require that these
7 teachers not displace persons currently teaching full or part time.

8 (13) This bill would require the Student Aid Commission to conduct, and, on or before January 1,
9 1990, to report to the Legislature and the California Postsecondary Education Commission the results
10 of, a study of community college programs whose purpose is to increase the number of students
11 entering into the teaching profession at the community college level. The bill would require the
12 California Postsecondary Education Commission, on or before March 15, 1990, to review and
13 comment on this report to the Legislature, as specified.

14 (14) Existing law includes provisions relating to the requirements for and issuance, revocation, or
15 suspension of, teaching credentials, and credentials for librarians, counselors, student personnel
16 workers, supervisors, administrators, and chief administrative officers, for community college
17 personnel.

18 This bill would repeal those provisions.

19 This bill would provide that any person employed under a credential as of June 30, 1990, is
20 entitled to serve under the terms of the credential until it terminates, and that during that period the
21 person is not required to meet the minimum qualifications until June 30, 1990.

22 The bill would require the board of governors to adopt regulations, with prior consultation, as
23 specified, to establish prescribed minimum qualifications for these categories, and would institute a
24 procedure for waiver of the qualifications. In addition, the bill would require that the board of
25 governors adopt, subject to enumerated requirements, regulations authorizing governing boards to
26 establish a process for employment of persons who do not meet the minimum qualifications. The bill
27 would require that, among other things, the regulations require that the process, as well as the
28 standards and criteria under which the governing board reaches its determinations, be developed and
29 jointly agreed upon by the representatives of the governing board and the academic senate, and
30 approved by the governing board. The bill would require that the existing process remain in place
31 until the joint agreement is reached and approved. The provisions summarized in this paragraph
32 would impose a state-mandated local program.

33 The bill would require that, with specified consultation, the board of governors establish a
34 process to review minimum qualifications every 3 years.

35 This bill would require that the plan for new faculty qualifications being developed by the
36 Chancellor of the California Community Colleges include a specified transition provision,
37 consideration of projected California demographics, and consideration of affirmative action policies
38 and programs.

39 The bill would require that community college districts, in establishing hiring criteria for faculty
40 and administrators, identify criteria which address specified matters. It would also require that hiring
41 criteria, policies, and procedures for new faculty members be developed and agreed upon jointly by
42 representatives of the governing board and the academic senate, and approved by the governing
43 board, and that until the joint agreement is reached and approved, that the existing process remain in

1 effect. The changes summarized in this paragraph would impose a state-mandated local program.

2 (15) Under existing law, the Community College Fund for Instructional Improvement is
3 established to support alternative educational programs and services, as specified.

4 This bill would include programs for the improvement of the intellectual development of faculty
5 and staff, as specified, within the scope of programs covered by the fund.

6 (16) Existing law authorizes each community college district to employ temporary employees in
7 positions requiring certification qualifications.

8 This bill would require the board of governors to develop a 2-year pilot program regarding the
9 employment of part-time temporary faculty by option-rollover contracts, as specified, in selected
10 areas of specialization. This bill would require the board of governors to select 3 community college
11 districts for participation in the program, thereby imposing a state-mandated local program upon
12 those districts, If t he board of governors deems this pilot program to be beneficial, this bill would
13 require the board of governors, in consultation with the faculty, to establish policy and develop
14 standards for employing part-time temporary faculty under option-rollover contracts.

15 (17) Existing law requires that a person, employed in an administrative or supervisory position
16 requiring certification qualifications, upon completing a contract period, includin8 any time served as
17 a classroom instructor, in the same district, be classified as and become a regular employee as a
18 classroom teacher.

19 This bill would repeal that provision, and impose a state-mandated local program by providing,
20 instead, that a person employed in an administrative position that is not part of the classified service,
21 who has not previously acquired tenured status as a faculty member in the same district, has the right,
22 pursuant to a process developed and agreed upon jointly by representatives of the governing board
23 and the academic senate, to become a 1st year probationary faculty member once his or her
24 administrative assignment expires or is terminated, subject to specified conditions. The bill would
25 require that the existing process remain in place until the joint agreement is reached and approved.

26 (18) Existing law requires that the governing board of a community college district employ
27 persons in positions requiring certification qualifications by contract during their first academic year
28 of employment, as defined.

29 This bill would require employment by contract during the 1st, 2nd, or 3rd year of employment,
30 as specified, of those employees, and would make other related changes. This change would impose
31 a state-mandated local program.

32 (19) Existing law provides that, if a contract employee is working under his or her 2nd
33 consecutive contract, the governing board shall either hire the employee as a regular employee for all
34 subsequent academic years, or shall not employ the contract employee as a regular employee.

35 This bill would, instead, require that the governing board make an election when the employee is
36 employed under his or her 2nd consecutive contract to not enter into a contract for 2 academic years,
37 enter into a contract for 2 academic years, or employ the contract employee as a regular employee for
38 all subsequent academic years. If a contract employee is working under his or her 3rd consecutive
39 contract pursuant to this provision, the bill would require that the governing board elect to employ
40 the probationary employee as a tenured employee for all subsequent academic years, or not employ
41 the probationary employee as a tenured employee. The changes summarized in this paragraph would
42 become operative on July 1, 1990, and would impose a state-mandated local program.

1 The bill would make related changes to existing provisions governing mandatory written notice
2 to a contract employee, thereby imposing a state-mandated local program.

3 (20) Existing law grants a right to a hearing to any contract employee who objects to an
4 employment decision of the board, as specified.

5 This bill would, instead, grant those rights to 2nd- or 3rd- year contract employees. The bill
6 would establish an appeal process regarding tenure decisions, including procedures for grievance and
7 arbitration. This provision would impose a state-mandated local program.

8 (21) Existing law requires that contract employees of a community college district be evaluated
9 at least once every academic year, and that regular employees be evaluated at least once in every 2
10 academic years.

11 This bill would change the required evaluation of regular employees to once every 3 years, and
12 would require that temporary employees be evaluated within the 1st year of employment, and
13 thereafter, at least once every 6 semesters or 9 quarters. This bill, in addition, would require that the
14 evaluation include a peer review process, as specified, and that the peer review process address
15 affirmative action concerns, as specified, and would revise the procedures and standards of
16 evaluation. The changes described in this paragraph would impose a state-mandated local program.

17 In those districts in which evaluation procedures are collectively bargained, this bill would
18 require that the faculty's representative consult with the academic senate before engaging in
19 collective bargaining on those procedures.

20 (22) The bill would establish the minimum degree for tenure as a bachelor's degree or the
21 equivalent from an accredited institution, or an equivalent foreign degree. This requirement would
22 not apply to vocational faculty until January 1, 1994. The bill would also provide for the granting of
23 waivers from the degree requirement, under enumerated conditions, and pursuant to a process
24 developed and agreed upon jointly by representatives of the governing board and the academic
25 senate, and approved by the governing board. The bill would require that the existing process remain
26 in place until the joint agreement is reached and approved. The changes summarized in this
27 paragraph would impose a state-mandated local program.

28 (23) The bill also would impose a state-mandated local program by requiring each district to
29 establish faculty service areas, as defined, that mandate faculty qualification for one or more of these
30 areas, as specified.

31 (24) Existing law requires that the Chancellor of the California Community Colleges convene 2
32 short-term task forces to make recommendations regarding changes in community college financing,
33 as specified, and in faculty and administrator, qualification, peer review, hiring, and retention, as
34 specified.

35 This bill would require that the board of governors review the Education Employment Relations
36 Act, as specified, and report to the Legislature as specified, not later than January 1, 1993. In
37 conducting the review, the board would be required to convene a review committee, with specified
38 representatives.

39

ACCESS TO PROCRAIS, AND THE SUCCESS OF PARTICIPANTS:

1
2 (25) Existing law authorizes the Chancellor of the California Community Colleges to adopt a list
3 of authorized student assessment instruments.

4 This bill would require the chancellor, pursuant to consultation with appropriate community
5 college personnel, to adopt that list.

6 This bill would also direct the chancellor, as specified, to report to the Legislature on the
7 effectiveness of community college programs in the 1988-89 and 1989-90 fiscal years, on student
8 retention, transfer, completion of vocational education programs, and skill level improvement, and on
9 the impact of the matriculation process on community college student populations.

10 (26) The bill would require the chancellor to conduct a specified study regarding the feasibility of
11 establishing, on a pilot basis, interdisciplinary colleges” with a special concern for the integration of
12 vocational and academic study.

RELATED PROVISIONS:

13
14 (27) The bill would revise the procedures and criteria for allocation of funds to community
15 college districts by the board of governors. In accordance with specified criteria, standards, and
16 requirements, the bill would require the board of governors to adopt regulations implementing a
17 system of program-based funding, commencing in the 1991-92 fiscal year. In this connection, the bill
18 would extend the operation of existing community college apportionment provisions from July 1,
19 1989, the date those provisions would become inoperative under existing law, to July 1, 1991. The
20 bill also would require the board of governors and organizational representatives of the California
21 Community Colleges to develop and implement a comprehensive community college educational and
22 fiscal accountability system, as specified.

23 (28) This bill would appropriate \$7,250,000 to the Board of Governors of the California
24 Community Colleges and would allocate that appropriation for enumerated purposes of the bill, in
25 specified amounts and under specified conditions. Based upon specified legislative findings and
26 declarations, the bill would authorize the implementation of certain enumerated provisions only upon
27 the provision of adequate funding, as defined.

28 (29) The bill would make numerous legislative findings, declarations, and statements of intent
29 concerning these changes to existing law.

30 (30) The California Constitution requires the state to reimburse local agencies and school districts
31 for certain costs mandated by the state. Statutory provisions establish procedures for making that
32 reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates
33 which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs
34 exceed \$500,000.

35 This bill would provide that, if the Commission on State Mandates determines that this bill
36 contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those
37 statutory procedures and, if the statewide cost does not exceed \$500,000, shall be made from the
38 State Mandates Claims Fund.

1 Appropriation: yes.

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

3 **SECTION 1.** The Legislature finds and declares as follows, with regard to the general
4 background and intent of this act:

5 (a) The California Community Colleges face an unprecedented challenge in the coming two
6 decades, as California undergoes a major demographic, social, and economic transformation. The
7 community colleges are at the center of this change, and the state's future as a healthy and free,
8 diverse, and creative society depends in major part upon the commitments expressed through and in
9 the community colleges.

10 (b) The community colleges educate hundreds of thousands of Californians every year, are the
11 route to higher education for the majority of our people, provide access to language and citizenship
12 for tens of thousands of immigrants annually, retrain workers in an economy changing more rapidly
13 than any in history, and are the last hope for older citizens seeking skills and involvement in their
14 communities. To do these things well, to bring excitement and power into the lives of students so
15 diverse and needing so much, to serve the economy and society through its service of these students,
16 requires a deep commitment from all who teach and learn, from those who administer and counsel,
17 from those who fund and regulate.

18 (c) The community colleges embody an historic commitment to provide an opportunity for
19 college instruction for all Californians capable of benefiting from instruction. The community
20 colleges have historically found their mission in the statewide scheme for higher education, the
21 Master Plan for Higher Education, and in local commitments to meet the needs of different
22 communities, urban and rural, middle class and poor. From these sources have come the conviction,
23 and the fact, that the community colleges ought to provide high quality lower division instruction for
24 purposes of transfer to baccalaureate institutions, and a wide range of courses and programs to meet
25 vocational and basic education needs. The community colleges have been notable because they are
26 local and accessible, diverse in their responsiveness to local needs, and yet have maintained
27 standards capable of placing students in any of the state's universities or in any of the state's
28 industries.

29 (d) Since the development of the original master plan, there has been a significant change in the
30 populations served by the community colleges, and in the anticipated needs of the state as we move
31 into the 21st century. The state's population will grow by 22 percent between 1986 and 2000, from
32 27 million to roughly 33 million. By the turn of the century, California will have a cultural and ethnic
33 pluralism unknown elsewhere in the mainland United States. Fifty-one percent of the school-age
34 children in 1989 will be minorities; the majority of the population will be nonwhite in the following
35 decade. However, there is no one "minority community;" rather there will be recent immigrants from
36 Asia and Central America, the children of today's urban ghettos, and members of the "working
37 poor." These communities of Californians will turn increasingly to the community colleges for
38 language training, job reskilling, technical education, or the liberal arts.

39 (e) By the year 2000, California will be proportionally older; 20 percent will be senior citizens.
40 California will have more elderly citizens than any other state in the nation. These citizens will turn,
41 as they have already, to the community colleges for continuing education and job skills.

42 (f) By the turn of the century, increasingly more working men and women will come to the
43 community colleges to acquire job skills and retraining. In an economy of rapid change and intense
44 international competition, there will be much job displacement, sometimes on a massive scale. The

1 periodic recessions and the unpredictable collapse of one or more markets, or industries will cause
2 new students to matriculate to the community colleges. But inside the economic center not just at its
3 margins the workers of the future will need new literacy skills, and more ability to communicate and
4 learn on their own. When analysts predict a labor shortage in California by 2000, the real issue will
5 not be numbers but quality. The important questions will be whether working men and women will
6 have the skills required for jobs of rapid transformation, and whether California will be able to
7 compete economically with other states now making massive investment in their educational
8 systems.

9 (g) The convergence of these tendencies both demographic and economic lead to the possibility
10 of an increasingly stratified society. This can include what has been called a “permanent underclass;”
11 mostly minority, and a semipermanent, semiemployable stratum of low-skilled workers. The
12 consequences of this development would be dire: the permanent underutilization of the energies and
13 talents of our people, the deepening of racial resentments and fears, and the constant anxiety among
14 more and more of us that the future has no place for us.

15 (h) The Legislature is committed to an alternative vision in which California remains a place of
16 opportunity and hope - where innovation and creativity mark our economy and our culture, and
17 where the minds and spirits of all our communities contribute to our common future. The community
18 colleges will be at the heart of whatever effort we make to insure that the future is equitable and
19 open, that California’s economy remains healthy and growing, and that both rural towns and rapidly
20 expanding urban centers have educational resources close at hand. The community colleges are not
21 the only place in which Californians will make their investment for an expansive and decent future,
22 but they will have to be one such essential place.

23 (i) The community colleges once envisaged as “junior colleges” devoted primarily to providing
24 middle-class youth with a local option to the lower-division years of college will be called upon for
25 the tasks of retraining workers, teaching English to those recently among us, providing skills and
26 opportunities for the elderly, providing a second chance to those who were failed by our secondary
27 schools, and still providing lower division transfer education of quality and integrity for all who want
28 it.

29 (j) The majority of people in California welcome this new epoch as a challenge of unprecedented
30 opportunity. The Legislature shares this view, and expresses the intent that sufficient funding and
31 resources of this state be provided to forge into a new range of educational engagements for our
32 people. It is important in this regard to honor those who teach basic skills and literacy, as well as
33 those who teach Shakespeare and Plato, to facilitate effective communication between “vocational”
34 and “liberal arts” departments in an epoch where all vocations will require deeper and more subtle
35 forms of literacy, and to build a new and diverse curriculum which engages all our diverse students,
36 and demands the best of their minds and spirits.

37 (k) The people of California should have the opportunity to be proud of a system of community
38 colleges which instills pride among its students and faculty, where rigor and standards are an
39 assumed part of a shared effort to educate, where the hugely diverse needs of students are a challenge
40 rather than a threat, where the community colleges serve as models for the new curricula and
41 innovative teaching, where learning is what we care about most.

42 (l) It is the intent of the Legislature in enacting this act, to strengthen the capacity of the
43 community colleges to meet the emerging needs of our state, and in particular, to better ensure that
44 all Californians are offered a chance, challenged and taught with imagination and inspiration, offered
45 assistance and counseling, and held to honest standards.

1 **SECTION 2.** The Legislature finds and declares the following with regard to the problems
2 facing the California Community Colleges, and their mission and functions in resolving those
3 problems:

4 (a) As the Commission for the Review of the Master Plan for Higher Education noted in its
5 report, and as others have noted, the decline in the number of students seeking to transfer from the
6 California Community Colleges to four-year educational institutions is attributable to a variety of
7 factors, including, but not limited to, a decreased number of high school graduates, a lack of
8 coordination among postsecondary segments and between postsecondary and secondary institutions,
9 and the inadequate provision of student financial aid. This decline represents a serious threat to the
10 historical objective of the community college system to provide access to quality education
11 regardless of personal circumstance. The Legislature finds and declares that transfer between the
12 California Community Colleges and California's four-year public universities is a matter of statewide
13 concern.

14 (b) If the community college system is to fulfill its role in meeting the educational needs of this
15 state in future years, there is a need for a reinvigorated transfer program in that system, involving a
16 closer articulation between the community colleges and the other segments of public postsecondary
17 education as to educational programs, expectations, and responsibilities, and involving the
18 communication of the respective educational expectations of those segments to the high schools. The
19 provision of quality transfer education is a primary mission of the community colleges.

20 (c) There is also a growing need in this state for quality courses and programs of baccalaureate
21 program quality in the community college system for students who either do not desire to transfer to
22 a four-year educational institution or who already possess a baccalaureate degree.

23 (d) Vocational and technical education is a primary mission of the California Community
24 Colleges, and programs of study leading to employment meet the needs of both students and society.
25 The dramatic changes in California's economy will require, however, an ongoing and thorough
26 review of the relevance and responsiveness of current vocational education programs, as well as the
27 relationship between those programs throughout the state.

28 (e) It is necessary that the Board of Governors of the California Community Colleges initiate,
29 through the chancellor's office, a detailed examination of the implications of current economic
30 developments and trends for the development of vocational education programs. In the agriculture,
31 manufacturing, and services sectors, new technologies, the reorganization of production, and the
32 shifting international context require that review.

33 (f) Current vocational programs in the California Community Colleges appropriately include both
34 academic certificate or degree programs and short-term jobs skills and retraining programs. Both are
35 essential to meet the rapidly shifting needs within the economy. Within many of those programs,
36 however, there is a need for greater continuity between the high schools, the community colleges,
37 and the four-year colleges or universities.

38 (g) Vocational "tracks" should have as much connection as possible with courses in the liberal
39 arts and general education. This ensures the greatest variety of career options for students, and
40 addresses a growing conviction on the part of industry that vocational training must include a broad
41 variety of literacy skills beyond technical expertise. The chancellor's office should initiate a review
42 of the curricular relationships between vocational and general education programs.

43 (h) As indicated by the Commission for the Review of the Master Plan for Higher Education,
44 there exist patterns of gender and ethnic underrepresentation in a number of vocational education

1 programs. For example, in 15 of the 30 largest community college vocational education programs,
2 over 80 percent of the students are of the same gender.

3 (i) There is a massive and growing demand in this state for remedial education, resulting from a
4 decline in high school academic standards, the increasing dropout rate, restrictions on funding of
5 adult education programs in the public schools, and the growing number of adults seeking basic
6 skills, language, and literacy training. This need exists in all ethnic groups, and affects students from
7 all socioeconomic backgrounds, whether or not high school graduates. The provision of remedial
8 education is an essential and important mission of the community colleges.

9 (j) The success of the assessment, counseling, and placement system in the community colleges
10 depends upon the ability of community college districts to provide a full range of courses of remedial
11 instruction and related support services.

12 (k) The effectiveness of a program of remedial instruction in offering educational opportunity to
13 underprepared students requires better coordination between adult education programs and
14 community college programs, based upon locally negotiated agreements between those institutions
15 for the provision of remedial instruction.

16 (l) Courses in English as a second language are vital to California's transition to a future as a
17 multicultural society in which men and women of diverse backgrounds can share a common
18 language, and to the opportunity for hundreds of thousands of recent immigrants to become
19 participants in our society. The provision of English as a second language is an essential and
20 important mission of the community colleges.

21 (m) English as a second language is needed by students having enormously varied backgrounds
22 as to place of origin and level of preexisting educational skills, and is therefore necessary as a means
23 of applying their abilities in an English-speaking culture, rather than as an effort to provide
24 remediation or retraining.

25 (n) Because the programs in English as a second language currently offered in the California
26 Community Colleges and the adult schools are inadequate to meet the growing need in this state for
27 those programs, it is essential that the community colleges seek to coordinate those programs with
28 local adult education schools, if any.

29 (o) Adult literacy training and basic skills education are among the most difficult challenges
30 facing California education in the next 1.5 years, based upon 1980 census figures showing that over
31 four million adults in this state, and perhaps up to 25 percent of California's adult population, may be
32 illiterate.

33 (p) Illiteracy prevents those Californians from reading newspapers, work manuals, and labels on
34 cans of poison, and results in incalculable costs to this state in terms of lost economic productivity,
35 higher welfare and public assistance expenditures, unemployment, crime, social isolation, and
36 personal exclusion.

37 (q) Whereas democracy depends upon an informed and engage population, the percentage of our
38 citizens voting in elections is among the lowest of any democracy in the entire world, a fact that may
39 be related to our rate of literacy, which is lower than that of any other industrial democracy.

40

1 (r) Programs in noncredit adult education, including adult literacy and citizenship programs
2 conducted in the California Community Colleges are important and essential functions of that
3 system. The relationship between those programs and similar programs offered by other institutions,
4 governed by a variety of authorities, requires clarification.

5 (s) The Legislature should require that local agreements be entered into between various
6 educational entities for the provision of adult literacy training and basic skills education.

7 **SECTION 3.** It is the intent of the Legislature that the California Community Colleges be
8 governed under an efficient and flexible system, providing adequate fiscal oversight and
9 development of educational standards at the state level, and incentive to design programs meeting the
10 particular needs of each district at the local level. The Legislature recognizes that the California
11 Community Colleges is a statewide system with common standards and practices governing local
12 initiative and control. The Legislature therefore finds and declares that clarifying and strengthening
13 the respective roles of the Board of Governors and the Chancellor of the California Community
14 Colleges will enhance the efficiency and flexibility of the system.

15 **SECTION 4.** The Legislature finds and declares the following with regard to faculty,
16 administrators, and staff of the California Community Colleges:

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

20 (1) There must be guarantees that the full-time positions which become open because of the
21 retirement of these faculty members not be divided into part-time positions that are less expensive to
22 fill than the full-time positions. The division of full-time positions that become vacant into part-time
23 positions is currently occurring all too frequently. The maintenance of a fully staffed, full-time
24 faculty is an essential element of a coherent program.

25 (2) Competition for qualified persons is intense, from both other sectors of education and private
26 business.

27 (3) Given the emerging turnover in faculty vacancies, the next 15 years represent the last major
28 “window of opportunity” to significantly change the ethnic mix of the faculty during the next 30
29 years. It will be imperative for the faculty to be sympathetic and sensitive to cultural diversity in the
30 colleges especially when the student body is continually changing. One means of ensuring this is for
31 the faculty to be culturally balanced and more representative of the state’s diversity.

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

39 (c) However, in many areas the employment of part-time temporary faculty is both appropriate
40 and necessary, especially in vocational programs where part-time faculty members may be practicing
41 professionals in the field.

1 (d) Decisions regarding the appropriateness of part-time faculty should be made on the basis of
2 academic and program needs, however, and not for financial savings. The Legislature's concern
3 about abuses in this regard led to the establishment of the current statutory cap on part-time
4 employment.

5 (e) There is widespread concern about the current tendency to fill "retiring" full-time positions
6 with multiple part-time positions, and that there is a financial incentive to do so. Under current
7 formulae, part-time faculty receive less money than do full-time faculty, and do not receive benefits.
8 Thus, proposals concerning the status and conditions of part-time faculty will depend upon changes
9 in the pay structure as well as the overall financing of the colleges.

10 (f) Changes in the governance of the California Community Colleges will affect, and be affected
11 by, current collective bargaining agreements and the statutes governing those agreements, and that
12 with regard to jurisdictional matters and questions of process, there can be considerable confusion
13 regarding the relationship between collective bargaining agents, academic units organized through
14 the colleges including departments and schools, and the academic senates.

15 (g) Community college instructors, recruited directly from graduate school or from some form of
16 employment other than teaching, may not be prepared to deal effectively with the wide range of
17 student abilities and attitudes found in community college classrooms. As larger numbers of students
18 from many different cultural backgrounds and with significant English language and other
19 deficiencies are enrolled, the problem will become more serious for both administrators and faculty.
20 The proposed establishment of a student assessment, counseling, and placement program on each
21 campus will also require additional training and assistance for both faculty and administrators.

22 (h) Professional development for faculty, support staff, student services staff, and administrators
23 is vital. Further, the success of the assessment, counseling, and placement programs will depend
24 upon the effectiveness of this training.

25 (i) The recruitment of faculty into the community colleges, and the maintaining of morale and
26 enthusiasm among the faculty depends in large part upon the intellectual and personal environment
27 within which faculty work. Much of that environment is created by their own authority over the
28 substantive direction of the programs and courses in which they work, through the quality of their
29 relationship with the college administration, and in the quality of their interactions with the
30 communities of students they teach. At the same time, it is apparent that faculty morale comes from
31 their engagement in the development of new and innovative programs, from their engagement in
32 professional and discipline-based associations, and from an active, intellectual life as scholars and
33 teachers.

34 (j) Community colleges have less resources available for faculty professional and intellectual
35 development than do other segments of the system of higher education, and this disparity may
36 become a substantial barrier to the future recruitment of quality faculty. Yet, faculty in the
37 community colleges should be no less intellectually engaged than their colleagues in the other
38 segments. Their primary commitment to teaching makes it imperative that they have a vibrant and
39 rich intellectual life.

40 (k) The success of the assessment, counseling, and placement system in the California
41 Community Colleges will depend upon the commitment and dedication of trained student services
42 staff. The importance of their role stretches across all aspects of community college life including:
43 counseling, reading and computational assessment and evaluation, financial aid assistance, providing
44 and directing tutorial services, providing outreach into the local community, providing information to

1 continuing students, and assisting the faculty in designing and providing courses of study which meet
2 the particular needs of very different students. It is essential that the college have adequate service
3 staff, and that they be superbly trained, especially in view of the current diversity of student
4 educational needs in the community colleges.

5 (l) The tenure system is an important prerequisite for the maintenance of academic freedom,
6 continuity in academic and vocational programs, and development of a faculty committed to the
7 long-term health of the community colleges. At the same time, the tenure system is a central part of
8 the governance of the colleges. Thus, the determination of standards for tenure, procedures governing
9 tenure, and the actual granting of tenure determine in large part the substantive direction of the
10 colleges.

11 (m) The current tenure system lacks adequate participation by the faculty, provides an inadequate
12 probationary period for the evaluation of permanent faculty, and does not provide uniform
13 systemwide procedures for due process and grievance.

14 (n) It is a general purpose of this act to improve academic quality, and to that end the Legislature
15 specifically intends to authorize more responsibility for faculty members in duties that are incidental
16 to their primary professional duties. It is the intent of the Legislature that, in exercising these
17 increased responsibilities, faculty members are not deprived of their status as employees under
18 Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code. It is
19 also the intent of the Legislature that the exercise of this increased responsibility shall not make these
20 faculty members managerial or supervisory employees, as those terms are defined in that chapter.

21 There has been a great deal of uncertainty as a result of the decision of the United States Supreme
22 Court in National Labor Relations Board v. Yeshiva University, 444 U.S. 672, 63 L. Ed. 2d 115,
23 regarding whether increased faculty involvement in institutional governance and decision making
24 might subject the faculty members to legal challenges in connection with their rights of collective
25 bargaining. This act is intended to enable faculty members who perform the duties described in
26 subdivision (e) of Section 87610.1 of the Education Code to avoid having to choose between
27 collective bargaining and greater participation in these functions by ensuring that increased
28 participation in the tenure system, which occurs as an outgrowth of this act, shall not subject faculty
29 members to losing their status as employees under Chapter 10.7 (commencing with Section 3540) of
30 Division 4 of Title 1 of the Government Code.

31 (o) Any set of laws, regulations, directives, or guidelines regarding community college faculty
32 and administrator qualifications, evaluation, hiring, or retention should promote the efforts of local
33 community colleges to ensure that their faculty and administration consists of:

34 (1) Teachers who can teach and who are experts in the subject matter of their curriculum.

35 (2) Counselors, librarians, and other instructional and student service faculty who can foster
36 college effectiveness and who are experts in the subject matter of their specialty.

37 (3) Administrators who can lead, organize, plan, and supervise; who understand the needs of
38 faculty and the learning process; and who value institutional governance based upon a genuine
39 sharing of responsibility with faculty colleagues.

40

1 (p) (1) The laws, regulations, directives, or guidelines should help the community colleges ensure
2 that the faculty and administrators they hire and retain are people who are sympathetic and sensitive
3 to the racial and cultural diversity in the colleges, are themselves representative of that diversity, and
4 are well prepared by training and temperament to respond effectively to the educational needs of all
5 the special populations served by community colleges.

6 (2) All state and local policies, rules, and regulations regarding community college faculty and
7 administrator qualifications, evaluation, hiring, or retention should strengthen faculty, administration,
8 and board cooperation in matters related to those topics. They should also

9 (q) (1) In general, the appropriate focus of minimum qualifications is in helping the colleges to
10 ensure that they will select faculty who are competent in subject matter and possess the basic
11 academic preparation needed to work effectively at the college level. The minimum qualifications for
12 all faculty should be the same except where the application of qualifications without differentiation
13 would be clearly unreasonable or impractical.

14 (2) The minimum qualifications for administrators should help the colleges to ensure that they
15 will select individuals who are competent to perform the kind of administrative responsibilities that
16 administrators are normally required to assume, such as supervision, organizational planning, and
17 budget development and administration, and who understand the needs of faculty and the learning
18 process.

19 (r) (1) The pool of underrepresented individuals interested in faculty and administrative positions
20 in the community colleges should be increased. Furthermore, practical and effective ways of finding
21 and recruiting those individuals should be developed and maintained. The state's leadership in this
22 effort is appropriate and urgently needed.

23 (2) The hiring process for administrators and faculty (both temporary and permanent) should be
24 designed so that both faculty and administrators take real responsibility for meeting affirmative
25 action goals and ensuring that affirmative action considerations effectively influence hiring
26 decisions.

27 (s) (1) No single approach to hiring faculty can guarantee attainment of the colleges' affirmative
28 action goals and consistent selection of qualified individuals. Nevertheless, any hiring process
29 adopted by a college should require the joint and cooperative exercise of responsibility by the
30 faculty, administration, and board and should reflect the differing source of each participant's
31 authority and the kind of responsibility that authority conveys.

32 (2) The governing board of a community college district derives its authority from statute and
33 from its status as the entity holding the institution in trust for the benefit of the public. As a result, the
34 governing board and the administrators it appoints have the principal legal and public responsibility
35 for ensuring an effective hiring process.

36 (3) Faculty members derive their authority from their expertise as teachers and subject matter
37 specialists and from their status as professionals. As a result, the faculty has an inherent professional
38 responsibility in the development and implementation of policies and procedures governing the
39 hiring process.

40 (4) Beyond requiring a joint and cooperative exercise of responsibility, the hiring process should
41 be focused on ensuring that the community colleges will select teachers who can teach and who are
42 expert in the subject matter of their curriculum; and counselors, librarians, and other instructional and
43 student services faculty who can foster community college effectiveness and who are experts in the

1 subject matter of their specialty. This means that the colleges may establish criteria for hiring that go
2 well beyond the minimum qualifications set by regulation. The establishment of additional criteria of
3 this sort should be expected and encouraged.

4 (5) The focus of the hiring process for administrators is slightly different from the focus in hiring
5 teachers. In hiring teachers, the goal is to find people who can teach, but in hiring administrators the
6 goal is to ensure that the community colleges will select administrators who are competent to
7 perform the kind of administrative responsibilities that administrators are normally required to
8 assume in the context of the operation and programs of the community colleges.

9 (t) The state should provide the community colleges with enough resources and a sufficiently
10 stable funding environment to enable them to predict their staffing needs and to establish highly
11 effective hiring processes. While the precise nature of the hiring process for faculty should be subject
12 to local definition and control, each community college should, in a way that is appropriate to its
13 circumstances, establish a hiring process that ensures that:

14 (1) Emphasis is placed on the responsibility of the faculty to ensure the quality of their faculty
15 peers.

16 (2) Both faculty members and administrators participate effectively in all appropriate phases of
17 the process.

18 (3) Positions to be filled are normally identified through a well defined, thoughtful, planning
19 process.

20 (4) The time between the announcement of each position and the selection of a candidate for hire
21 is long enough to allow a thorough, complete, and thoughtful search.

22 (5) Clear and complete job descriptions, including all job-related skills requirements and any
23 additional qualifications recommended by the faculty when appropriate, are prepared for each
24 position, and these job descriptions are reviewed before each position is announced, to ensure
25 conformity with the community college's affirmative action and nondiscrimination commitments.

26 (6) All participants in the process are given appropriate training in affirmative action procedures
27 and the affirmative action goals and timetables of the community college so that success in reaching
28 those goals is better assured.

29 (7) Individuals, preferably minorities or women, who are knowledgeable about and responsible to
30 the community college's affirmative action goals are included on all selection committees or similar
31 groups.

32 (8) Final hiring decisions are, whenever reasonably possible, made during the regular academic
33 year and promptly communicated to the faculty; the expectation that faculty recommendations
34 regarding the hiring of faculty will normally be accepted is reinforced; and only in exceptional
35 circumstances, and for compelling reasons communicated to the selection committee and to the
36 president of the academic senate of the college, will someone be hired as a faculty member who has
37 not been found to be among the best qualified by the faculty

38 (u) The state should provide the community colleges with enough resources and a sufficiently
39 stable funding environment to enable them to predict their staffing needs and to establish highly
40 effective hiring processes. While the precise nature of the hiring process for administrators should be
41 subject to local definition and control, each community college should, in a way that is appropriate to

1 its circumstances, establish a hiring process which ensures that:

2 (1) Representatives of the faculty and other employees whose circumstances at work will be
3 directly affected by the employment of the administrator participate effectively in all appropriate
4 phases of the process.

5 (2) Positions to be filled are normally identified through a well defined, thoughtful, planning
6 process.

7 (3) The time between the announcement of each position and the selection of a candidate for hire
8 is long enough to allow a thorough, complete, and thoughtful search.

9 (4) Clear and complete job descriptions that include all job-related skills requirements are
10 prepared for each position and these job descriptions are reviewed before each position is announced,
11 to ensure conformity with the community college's affirmative action and nondiscrimination
12 commitments.

13 (5) All participants in the process are given appropriate training in affirmative action procedures
14 and goals and timetables of the community college, so that success in reaching those goals is better
15 assured.

16 (6) Individuals, preferably minorities or women, who are knowledgeable about and responsive to
17 the college's affirmative action goals are included on all selection committees or similar groups.

18 (7) Final hiring decisions are, whenever reasonably possible, made during 24 the regular
19 academic year and promptly communicated to the faculty and staff.

20 (v) (1) The process should promote professionalism, enhance performance, and be closely linked
21 with staff development efforts.

22 (2) The evaluation process should be effective in yielding a genuinely useful and substantive
23 assessment of performance. Among other things, this requires an articulation of clear, relevant
24 criteria on which evaluations will be based.

25 (3) The evaluation process should be timely. This requires that evaluations be performed
26 regularly at reasonable intervals.

27 (4) The specific purposes for which evaluations are conducted should be clear to everyone
28 involved. This requires recognition that the principal purposes of the evaluation process are to
29 recognize and acknowledge good performance, to enhance satisfactory performance and help
30 employees who are performing satisfactorily further their own growth, to identify weak performance
31 and assist employees in achieving needed improvement, and to document unsatisfactory
32 performance.

33 (5) A faculty member's students, administrators, and peers should all contribute to his or her
34 evaluation, but the faculty should, in the usual case, play a central role in the evaluation process and,
35 together with appropriate administrators, assume principal responsibility for the effectiveness of the
36 process.

37 (6) The procedures defined by negotiations should foster a joint and cooperative exercise of
38 responsibility by the faculty, administration, and governing board of the community college and
39 should reflect faculty and administrator expertise and authority in evaluating professional work as

1 well as the governing board's legal and public responsibility for the process.

2 (w) Faculty tenure fosters academic freedom and should be maintained. For administrators, the
3 need for job security justifies appointments of reasonable duration, but no one should obtain tenure
4 or permanent status in an administrative position. A person should be granted tenure as a faculty
5 member only after it has been determined through a process of evaluation that he or she is, and will
6 likely continue to be, a positive asset to the community college. In other words, the award of tenure
7 should be an affirmative act, rather than the result of default. The faculty's inherent professional
8 responsibility to ensure the quality of their faculty peers requires faculty review to be at the heart of
9 the evaluation process leading to tenure decisions.

10 **SECTION 4.5.** It is the intent of the Legislature that the Board of Governors of the California
11 Community Colleges be broadly and equitably representative of the general public and that
12 appointments to the board of governors include adequate representation on the basis of sex and on
13 the basis of the major racial, ethnic, and economic groups in the state.

14 **SECTION 5.** The Legislature finds and declares the following with regard to access to the
15 California Community Colleges, and the importance and value of success to those who participate in
16 the system:

17 (a) It is the responsibility of this state to provide to every Californian the opportunity to realize
18 his or her intellectual, emotional, and vocational potential. To fulfill this responsibility, and to ensure
19 that California enjoys a healthy economy and society, open access to a quality community college
20 system must be affirmed for a diverse student population, which includes, but is not limited to, recent
21 high school graduates, sent or citizens, persons who are Caucasian, Black, Asian, and Hispanic,
22 disabled men and women, persons at a variety of income levels, businessmen and businesswomen,
23 single parents, women reentering the work force, high school dropouts, and persons with
24 baccalaureate degrees.

25 (b) It is the joint responsibility of the student and the community college to realize the student's
26 goals and aspirations, which often change during the educational experience and which include such
27 diverse purposes as literacy training, English acquisition and development both for persons whose
28 primary language is English and persons having other primary languages, vocational training, job
29 reskilling, skills enhancement, and education oriented toward transfer to a four-year college or
30 university.

31 (c) Open access to community colleges must be assured for all adults who can benefit from
32 instruction, which access is meaningful only if supported by a system of assessment, counseling, and
33 placement that assists students in identifying their talents and abilities, directs them to courses that
34 meet their needs, and maintains standards designed to ensure their success.

35 **SECTION 6.** Section 66701 of the Education Code is amended to read:

36 66701. (a) Public community colleges shall offer instruction through but not beyond the second
37 year of college. These institutions may grant the associate in arts and the associate in science degree.

38 (b) Authorized instruction in the community colleges shall include standard collegiate courses for
39 transfer to other institutions, vocational and technical courses leading to or upgrading, or leading to
40 and upgrading, employment, general or liberal arts courses, adult noncredit courses, and community
41 services programs and courses. However, priorities in the instructional programs shall be as follows:

42 (1) The primary mission of the community colleges is the provision of rigorous, high quality

1 de5ree and certificate curricula in lower division arts and sciences and in vocational and occupational
2 fields.

3 (2) The provision of remedial instruction, English as a second language instruction, and support
4 services which help students succeed at the postsecondary level are essential and important functions
5 of the community colleges.

6 (3) The provision of adult noncredit education curricula in areas defined as being in the state's
7 interest is an essential and important function of the community colleges.

8 (4) The provision of community services courses and programs is an authorized function of the
9 community colleges so long as their provision is compatible with an institution's ability to meet its
10 obligations in its primary missions.

11 **SECTION 7.** Chapter 9.2 (commencing with Section 66720) is added to Part 40 of the Education
12 Code, to read:

13 **CHAPTER 9.2. STUDENT TRANSFER**

14 66720. The Board of Governors of the California Community Colleges, the Regents of the
15 University of California, and the Trustees of the California State University, with appropriate
16 consultation with the Academic Senates of the respective segments, shall jointly develop, maintain,
17 and disseminate a common core curriculum in general education courses for the purposes of transfer.
18 Any per son who has successfully completed the transfer core curriculum, shall be deemed to have
19 thereby completed all lower division general education requirements for the University of California
20 and the California State University.

21 66721. Upon development of the transfer core curriculum pursuant to Section 66720, and upon
22 any subsequent joint revision of that curriculum, the Board of Governors of the California
23 Community Colleges, the Regents of the University of California, and the Trustees of the California
24 State University shall jointly cause the curriculum to be published and distributed to each public
25 school in this state that provides instruction in any of the grades 7 to 12, inclusive, and to each
26 community college in this state, with an emphasis on the communication of that information to each
27 school or college having a high proportion of students who are members of one or more ethnic
28 minorities. In addition, the Board of Governors shall distribute that transfer core curriculum to the
29 State Board of Education, which shall apply that information to ensure, through its curriculum
30 development activities, that public school pupils enrolled in any of the grades 9 to 12, inclusive, are
31 aware of the academic requirements for preparation for higher education and may receive any
32 necessary academic remediation in a timely manner.

33 66723. No provision of this chapter shall apply to the University of California except to the
34 extent that the Regents of the University of California, by appropriate resolution, makes that
35 provision applicable.

36 **SECTION 8.** Part 43.5 (commencing with Section 70900) is added to Division 7 of the
37 Education Code, to read:

38 **PART 43.5. THE CALIFORNIA COMMUNITY COLLEGES**

39 70900. There is hereby created the California Community Colleges, a postsecondary education
40 system consisting of community college districts heretofore and hereafter established pursuant to law
41 and the Board of Governors of the California Community Colleges. The board of governors shall 2

1 carry out the functions specified in Section 70901 and local districts shall carry out the functions
2 specified in Section 70902.

3 70901. (a) The Board of Governors of the California Community Colleges shall provide
4 leadership and direction in the continuing development of the California Community Colleges as an
5 integral and effective element in the structure of public higher education in the state. The work of the
6 board of governors shall at all times be directed to maintaining and continuing, to the maximum
7 degree permissible, local authority and control in the administration of the California Community
8 Colleges.

9 (b) Subject to, and in furtherance of, subdivision (a), and in consultation with community college
10 districts and other interested parties as specified in subdivision (e), the board of governors shall
11 provide general supervision over community college districts, and shall, in furtherance thereof,
12 perform the following functions:

13 (1) Establish minimum standards as required by law, including, but not limited to, the following:

14 (A) Minimum standards to govern student academic standards relating to graduation
15 requirements and probation, dismissal, and readmission policies.

16 (B) Minimum standards for the employment of academic and administrative staff in community
17 colleges.

18 (C) Minimum standards for the formation of community colleges and districts.

19 (D) Minimum standards for credit and noncredit classes.

20 (E) Minimum standards governing procedures established by governing boards of community
21 college districts to ensure faculty, staff, and students the right to participate effectively in district and
22 college governance, and the opportunity to express their opinions at the campus level and to ensure
23 that these opinions are given every reasonable consideration, and the right of academic senates to
24 assume primary responsibility for making recommendations in the areas of curriculum and academic
25 standards.

26 (2) Evaluate and issue annual reports on the fiscal and educational effectiveness of community
27 college districts according to outcome measures cooperatively developed with those districts, and
28 provide assistance when districts encounter severe management difficulties.

29 (3) Conduct necessary systemwide research on community colleges and provide appropriate
30 information services, including, but not limited to, definitions for the purpose of uniform reporting,
31 collection, compilation, and analysis of data for effective planning and coordination, and
32 dissemination of information.

33 (4) Provide representation, advocacy, and accountability for the California Community Colleges
34 before state and national legislative and executive agencies,

35 (5) Administer state support programs, both operational and capital outlay, and those federally
36 supported programs for which the board of governors has responsibility pursuant to state or federal
37 law. In so doing, the board of governors shall do the following:

38 (A) Annually prepare and adopt a proposed budget for the California Community Colleges. The
39 proposed budget shall, at a minimum, identify the total revenue needs for serving educational needs

1 within the mission, the amount to be expended for the state general apportionment, the amounts
2 requested for various categorical programs established by law, the amounts requested for new
3 programs and budget improvements, and the amount requested for systemwide administration.

4 The proposed budget for the California Community Colleges shall be submitted to the
5 Department of Finance in accordance with established timelines for development of the annual
6 Budget Bill.

7 (B) To the extent authorized by law, establish the method for determining and allocating the state
8 general apportionment.

9 (C) Establish space and utilization standards for facility planning in order to determine eligibility
10 for state funds for construction purposes.

11 (6) Establish minimum conditions entitling districts to receive state aid for support of community
12 colleges. In so doing, the board of governors shall establish and carry out a periodic review of each
13 community college district to determine whether it has met the minimum conditions prescribed by
14 the board of governors.

15 (7) Coordinate and encourage interdistrict, regional, and statewide development of community
16 college programs, facilities, and services.

17 (8) Facilitate articulation with other segments of higher education with secondary education.

18 (9) Review and approve comprehensive plans for each community college district. The plans
19 shall be submitted to the board of governors by the governing board of each community college
20 district.

21 (10) Review and approve all educational programs offered by community college districts, and
22 all courses that are not offered as part of an educational program approved by the board of governors.

23 (11) Exercise general supervision over the formation of new community college districts and the
24 reorganization of existing community college districts, including the approval or disapproval of plans
25 therefore.

26 (12) Notwithstanding any other provision of law, be solely responsible for establishing,
27 maintaining, revising, and updating, as necessary, the uniform budgeting and accounting structures
28 and procedures for the California Community Colleges.

29 (13) Establish policies regarding interdistrict attendance of students.

30 (14) Advise and assist governing boards of community college districts on the implementation
31 and interpretation of state and federal laws affecting community colleges.

32 (15) Carry out other functions as expressly provided by law.

33 (c) Subject to, and in furtherance of, subdivision (a), the board of governors shall have full
34 authority to adopt rules and regulations necessary and proper to execute the functions specified in
35 this section as well as other functions that the board of governors is expressly authorized by statute to
36 regulate.

37 (d) Wherever in this section or any other statute a power is vested in the board of governors, the
38 board of governors, by a majority vote, may adopt a rule delegating that power to the chancellor, or

1 any officer, employee, or committee of the California Community Colleges, or community college
2 district, as the board of governors may designate. However, the board of governors shall not delegate
3 any power that is expressly made nondelegable by statute. Any rule delegating authority shall
4 prescribe the limits of delegation.

5 (e) In performing the functions specified in this section, the board of Governors shall establish
6 and carry out a process for consultation with institutional representatives of community college
7 districts so as to ensure their participation in the development and review of policy proposals. The
8 consultation process shall also afford community college organizations, as well as interested
9 individuals and parties, an opportunity to review and comment on proposed policy before it is
10 adopted by the board of governors.

11 70901.5. (a) The board of governors shall establish procedures for the adoption of rules and
12 regulations governing the California Community Colleges. Among other matters, the procedures
13 shall implement the following requirements:

14 (1) Written notice of a proposed action shall be provided to each community college district and
15 to all other interested parties and individuals, including the educational policy and fiscal committees
16 of the Legislature and the Department of Finance, at least 45 days in advance of adoption. The
17 regulations shall become effective no earlier than 30 days after adoption.

18 (2) The proposed regulations shall be accompanied by an estimate, prepared in accordance with
19 instructions adopted by the Department of Finance, of the effect of the proposed regulations with
20 regard to the costs or savings to any state agency, the cost of any state-mandated local program as
21 governed by Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government
22 Code, any other costs or savings of local agencies, and the costs or savings in federal funding
23 provided to state agencies.

24 (3) The board of governors shall ensure that all proposed regulations of the board meet the
25 standards of “necessity,” “authority,” “clarity,” “consistency,” “reference,” and “nonduplication,” as
26 those terms are defined in Section 11349 of the Government Code. A district governing board or any
27 other interested party may challenge any proposed regulatory action regarding the application of
28 these standards.

29 (4) Prior to the adoption of regulations, the board of governors shall consider and respond to all
30 written and oral comments received during the comment period.

31 (5) The effective date for a regulation shall be suspended if, within 30 days after adoption by the
32 board of governors, at least two-thirds of all governing boards vote, in open session, to disapprove
33 the regulation. With respect to any regulation so disapproved, the board of governors shall provide at
34 least 45 additional days for review, comment, and hearing, including at least one hearing before the
35 board itself. After the additional period of review, comment, and hearing, the board may do any of
36 the following:

37 (A) Reject or withdraw the regulation.

38 (B) Substantially amend the regulation to address the concerns raised during the additional
39 review period, and then adopt the revised regulation. The regulation shall be treated as a newly
40 adopted regulation, and shall go into effect in accordance with those procedures.

41 (C) Readopt the regulation as originally adopted, or with those nonsubstantive, technical
42 amendments deemed necessary to clarify the intent of the original regulation. If the board of

1 governors decides to readopt a regulation, with or without technical amendments, it shall also adopt a
2 written declaration and determination regarding the specific state interests it has found necessary to
3 protect by means of the specific language or requirements of the regulation. A readopted regulation
4 may then be challenged pursuant to existing law in a court of competent jurisdiction, and shall not be
5 subject to any further appeal within the California Community Colleges.

6 (6) As to any regulation which the Department of Finance determines would create a state-
7 mandated local program cost, the board of governors shall not adopt the regulation until the
8 Department of Finance has certified to the board of governors and to the Legislature that a source of
9 funds is available to reimburse that cost.

10 (7) Any district or other interested party may propose a new regulation or challenge any existing
11 regulation.

12 (b) Except as expressly provided by this section, and except as provided by resolution of the
13 board of governors, the provisions of Chapter 3.5 (commencing with Section 11340) of Part 1 of
14 Division 3 of Title 2 of the Government Code shall not apply to regulations adopted by the board of
15 governors.

16 70902. (a) Every community college district shall be under the control of a board of trustees,
17 which is referred to herein as the "governing board." The governing board of each community
18 college district shall establish, maintain, operate, and govern one or more community colleges in
19 accordance with law. In so doing, the governing board may initiate and carry on any program,
20 activity, or may otherwise act in any manner that is not in conflict with or inconsistent with, or
21 preempted by, any law and that is not in conflict with the purposes for which community college
22 districts are established.

23 The governing board of each community college district shall establish rules and regulations not
24 inconsistent with the regulations of the board of governors and the laws of this state for the
25 government and operation of one or more community colleges in the district.

26 (b) In furtherance of the provisions of subdivision (a), the governing board of each community
27 college district shall do all of the following:

28 (1) Establish policies for, and approve, current and long-range academic and facilities plans and
29 programs and promote orderly growth and development of the community colleges within the
30 district. In so doing, the governing board shall, as required by law, establish policies for, develop,
31 and approve, comprehensive plans. The governing board shall submit the comprehensive plans to the
32 board of governors for review and approval.

33 (2) Establish policies for and approve courses of instruction and educational programs. The
34 educational programs shall be submitted to the board of governors for approval. Courses of
35 instruction that are not offered in approved educational programs shall be submitted to the board of
36 governors for approval. The governing board shall establish policies for, and approve, individual
37 courses that are offered in approved educational programs without referral to the board of governors.

38 (3) Establish academic standards, probation and dismissal and readmission policies, and
39 graduation requirements not inconsistent with the minimum standards adopted by the board of
40 governors.

41 (4) Employ and assign all personnel not inconsistent with the minimum standards adopted by the
42 board of governors and establish employment practices, salaries, and benefits for all employees not

1 inconsistent with the laws of this state.

2 (5) To the extent authorized by law, determine and control the district's operational and capital
3 outlay budgets. The district governing board shall determine the need for elections for override tax
4 levies and bond measures and request that those elections be called.

5 (6) Manage and control district property. The governing board may contract for the procurement
6 of goods and services as authorized by law.

7 (7) Establish procedures not inconsistent with minimum standards established by the board of
8 governors to ensure faculty, staff, and students the opportunity to express their opinions at the
9 campus level and to ensure that these opinions are given every reasonable consideration, and the
10 right to participate effectively in district and college governance, and the right of academic senates to
11 assume primary responsibility for making recommendations in the areas of curriculum and academic
12 standards.

13 (8) Establish rules and regulations governing student conduct.

14 (9) Establish student fees as it is required to establish by law, and, in its discretion, fees as it is
15 authorized to establish by law.

16 (10) In its discretion, receive and administer gifts, grants, and scholarships.

17 (11) Provide auxiliary services as deemed necessary to achieve the purposes of the community
18 college.

19 (12) Within the framework provided by law, determine the district's academic calendar,
20 including the holidays it will observe.

21 (13) Hold and convey property for the use and benefit of the district. The governing board may
22 acquire by eminent domain any property necessary to carry out the powers or functions of the
23 district.

24 (14) Participate in the consultation process established by the board of governors for the
25 development and review of policy proposals.

26 (c) In carrying out the powers and duties specified in subdivision (b) or other provisions of
27 statute, the governing board of each community college district shall have full authority to adopt rules
28 and regulations, not inconsistent with the regulations of the board of governors and the laws of this
29 state, that are necessary and proper to executing these prescribed functions.

30 (d) Wherever in this section or any other statute a power is vested in the governing board, the
31 governing board of a community college district, by majority vote, may adopt a rule delegating the
32 power to the district's chief executive officer or any other employee or committee as the governing
33 board may designate; provided, however, that the governing board shall not delegate any power that
34 is expressly made nondelegable by statute. Any rule delegating authority shall prescribe the limits of
35 the delegation.

36 **SECTION 9.** Section 71000 of the Education Code is amended to read:

37

1 71000. There is in the state government a Board of Governors of the California Community
2 Colleges, consisting of all of the following:

3 (a) Thirteen members, who are appointed by the Governor with the advice and consent of two-
4 thirds of the Senate. Of the members appointed by the Governor, two shall be current or former
5 elected members of local community college district governing boards. The Governor shall appoint
6 the current or former members of the governing board of a community college district for staggered
7 six-year terms. The voting members who are current or former members of the governing board of a
8 community college district shall first be appointed no later than January 15, 1990, and January 15,
9 1992, respectively.

10 (b) One voting student who is enrolled in a community college with a minimum of five semester
11 units, or its equivalent, at the time of the appointment and throughout the period of his or her term of
12 appointment, or until a replacement has been named. A student member shall be enrolled in a
13 community college at least one semester prior to his or her appointment and shall meet and maintain
14 the minimum standards of scholarship prescribed for community college students. The student
15 member shall be appointed by the Governor for a one-year term commencing on June 1.

16 (c) Two voting tenured faculty members from a community college, who shall be appointed by
17 the Governor for two-year terms. The Governor shall appoint each faculty member from a list of
18 names of at least three persons furnished by the Academic Senate of the California Community
19 Colleges. The first voting tenured faculty member appointed to the board shall occupy the seat on the
20 board that is made available by the next full-term vacancy of a four-year term that exists after
21 January 1, 1984. The first voting tenured faculty member appointed to the additional voting tenured
22 faculty member seat on the board provided by the amendments to this section enacted by the Statutes
23 of 1987 shall occupy the second seat on the board that is made available by the next full-term
24 vacancies that exist after January 1, 1988. Thereafter, each seat shall be designated as a voting
25 tenured faculty member seat and shall in the future be filled by a tenured faculty member from a
26 community college pursuant to this section and Section 71003.

27 (d) Commencing with appointments made on or after January 1, 1990, all members of the board
28 shall be appointed for staggered six-year terms, except in the case of the faculty appointments, which
29 shall be two years, and the student appointment, which shall be one year, and the ex officio members,
30 who shall serve during the period of their tenure in their respective state offices.

31 **SECTION 9.5.** Section 71001 of the Education Code is amended to read:

32 71001. (a) Except for the student member and the faculty member, the terms of office of the
33 members of the board appointed by the Governor shall be as follows:

34 (1) To the positions expiring on December 1, 1985, the Governor shall appoint two persons
35 whose terms shall expire on January 15, 1989

36 (2) To the positions expiring on November 30, 1986, the Governor shall appoint three persons
37 whose terms shall expire on January 15, 1988; three persons whose terms shall expire on January 15,
38 1990; and one person whose term shall expire on January 15, 1991.

39 (3) To the position expiring on January 2, 1987, the Governor shall appoint one person whose
40 term shall expire on January 15, 1991.

41

1 (4) Commencing January 15, 1987, all terms of office of the members of the board, except the
2 terms of the student member and the faculty members appointed by the Governor, shall be four years,
3 and, commencing January 1, 1990, six years.

4 (b) Each term of office shall commence at the expiration of the preceding term.

5 (c) A member whose term has expired shall continue to discharge the duties of office until his or
6 her successor is appointed by the Governor.

7 **SECTION 10.** Section 71020 of the Education Code is repealed.

8 **SECTION 11.** Section 71020 is added to the Education Code, to read:

9 71020. The board of governors shall develop and submit to the Governor, every three years,
10 commencing July 1, 1989, an affirmative action paper concerning its own membership, providing the
11 board's assessment of its role in statewide representation of minorities, women, and the disabled.

12 **SECTION 11.5.** Section 71020.5 is added to the Education Code, to read:

13 71020.5. (a) It is the intent of the Legislature in enacting this section to foster the creation,
14 implementation, and phase-in of a comprehensive community college accountability system which
15 describes the performance of community colleges in meeting the postsecondary educational needs of
16 students. This educational and fiscal accountability system shall provide performance -data on
17 students, programs, and institutions.

18 It is further the intent of the Legislature that this accountability system assist all participants in
19 the community college system, including students, faculty, staff, administrators, local governing
20 boards, the chancellor, the state board of governors, the public, and other interested constituencies, in
21 identifying the educational and fiscal strengths and weaknesses of colleges in order to improve
22 educational quality in community colleges.

23 (b) The board of governors shall develop and implement a comprehensive community college
24 educational and fiscal accountability system. In developing and implementing this system, the board
25 of governors shall solicit consultation from institutional and organizational representatives of the
26 California Community Colleges, including statewide faculty and staff organizations. At a minimum,
27 the system shall:

28 (1) Be consistent with the Legislature's intent as expressed in this act, Chapter 136 of the Statutes
29 of 1987, and Chapter 1465 of the Statutes of 1986.

30 (2) Draw from, and build upon, the system proposed in the report entitled "AB 3409 Community
31 College Accountability Report," prepared pursuant to Chapter 1465 of the Statutes of 1986.

32 (3) Be designed to promote student success in community colleges.

33 (4) Define and measure, quantitatively and qualitatively, accountability information, including:

34 (A) Student access to community colleges.

35 (B) The extent to which the community college student body reflects proportionately the adult
36 population of the state.

37

1 (C) Student transfer rates and programs.

2 (D) Academic standards and student achievement.

3 (E) Student goal satisfaction and success in courses and programs.

4 (F) Completion rates of courses and programs.

5 (G) Occupational preparation relative to state and local workforce needs and for entry-level
6 employment, occupational advancement, and career changes of students.

7 (H) Adequacy of basic skills and English as a Second Language courses and instruction in
8 preparing students to succeed in collegiate level work.

9 (I) Adequacy of and student satisfaction with student services.

10 (J) The extent to which the community college workforce reflects proportionately the adult
11 population of the state.

12 (K) Fiscal conditions of community college districts.

13 (5) Be designed to streamline the use of multiple performance measures from appropriate sources
14 of data, including, but not limited to, matriculation evaluations, categorical program evaluations, the
15 community college management information system, and other existing data collection and
16 evaluation systems.

17 (6) Provide feedback to individual colleges in order to improve access to community colleges,
18 student performance, and educational programs where needed.

19 (7) Produce a published report of community college accountability.

20 (c) The Legislature finds and declares that successful implementation of a comprehensive
21 educational and fiscal accountability system is, in part, dependent upon an adequate data collection
22 and reporting system. The accountability system developed and implemented pursuant to this section
23 shall be phased in, to the extent necessary, with the funding and local implementation of the
24 community college management information system.

25 (d) The chancellor shall provide a written report on the accountability system developed pursuant
26 to this section to the Legislature and Governor on or before July 1, 1990. This report shall not only
27 delineate the accountability system and how it would be phased in, but shall differentiate between
28 those portions of the system which can be implemented without imposing additional mandates on
29 community college districts and those which can be implemented when additional funds are provided
30 to reimburse the mandates on districts.

31 It is the intent of the Legislature that the accountability system be implemented over a three-year
32 period, beginning not later than the 1991-92 academic year, which will provide student performance,
33 program effectiveness, and institutional effectiveness information so that the accountability system,
34 when fully implemented, will encompass the full range of information for effective decision making,
35 planning and budgeting,

36 **SECTION 12.** Section 71023 of the Education Code is repealed.

37 SECTION 12.1. Section 71025 of the Education Code is repealed.

38 SECTION 12.2. Section 71026 of the Education Code is repealed.

1 SECTION 12.3. Section 71027 of the Education Code is repealed.
2 SECTION 12.4. Section 71028 of the Education Code is repealed.
3 SECTION 12.5. Section 71062 of the Education Code is repealed.
4 SECTION 12.6. Section 71063 of the Education Code is repealed.
5 SECTION 12.7. Section 71064 of the Education Code is repealed.
6 SECTION 12.8. Section 71066 of the Education Code is repealed.
7 SECTION 12.9. Section 71068 of the Education Code is repealed.
8 SECTION 12.10. Section 71069 of the Education Code is repealed.
9 SECTION 12.11. Section 71070 of the Education Code is repealed.
10 SECTION 12.12. Section 71071 of the Education Code is repealed.
11 SECTION 12.13. Section 71072 of the Education Code is repealed.
12 SECTION 12.14. Section 71073 of the Education Code is repealed.
13 SECTION 12.15. Section 71075 of the Education Code is repealed.
14 SECTION 12.16. Section 71076 of the Education Code is repealed.
15 SECTION 12.17. Section 71079 of the Education Code is repealed.
16 SECTION 12.18. Section 71080 of the Education Code is repealed.
17 SECTION 12.19. Section 71091 of the Education Code is repealed.

18 **SECTION 13.** Section 71090.5 is added to the Education Code, to read:

19 71090.5. In addition to the position authorized by subdivision (e) of Section 4 of Article VII of
20 the California Constitution, the Governor, with the recommendation of the board of governors, shall
21 appoint up to six deputy and vice chancellors, who shall be exempt from state civil service. These
22 appointments shall not result in any increase in funds, available for expenditure by the board of
23 governors in the 1989-90 fiscal year, above the total amount available to the board in the 1988-89
24 fiscal year. The appointments shall not exceed an aggregate total of six, for both the ~ 27 positions of
25 deputy and vice chancellor.

26 **SECTION 14.** Section 72201 of the Education Code is repealed.
27 SECTION 14.2. Section 72230 of the Education Code is repealed.
28 SECTION 14.3. Section 72231.5 of the Education Code is repealed.
29 SECTION 14.4. Section 72233 of the Education Code is repealed.
30 SECTION 14.5. Section 72282 of the Education Code is repealed.
31 SECTION 14.6. Section 72284 of the Education Code is repealed.
32 SECTION 14.7. Section 72285 of the Education Code is repealed.
33 SECTION 14.8. Section 72286 of the Education Code is repealed.
34 SECTION 14.9. Section 72287 of the Education Code is repealed.
35 SECTION 14.10. Section 72288 of the Education Code is repealed.
36 SECTION 14.11. Section 72289 of the Education Code is repealed.
37 SECTION 14.12. Section 72290 of the Education Code is repealed.
38 SECTION 14.13. Section 72291 of the Education Code is repealed.
39 SECTION 14.14. Section 72292 of the Education Code is repealed.
40 SECTION 14.15. Section 72300 of the Education Code is repealed.
41 SECTION 15. Section 72411.5 of the Education Code is repealed.

42 **SECTION 16.** Section 72411.5 is added to the Education Code, to read:

43 72411.5. Every instructional or student services administrator of a community college district
44 shall be employed, and all other administrators of a community college may be employed, by the
45 governing board of the district by a contract not to exceed four years. The contract may be extended
46 for periods of no more than four years at the discretion of the governing board. However, in the

1 absence of an express agreement, every administrator shall serve in his or her administrative
2 assignment at the pleasure of the governing board. The dismissal of, and imposition of penalties for
3 cause on, an administrator employed by contract pursuant to this section shall, if the administrator
4 does not have tenure as a faculty member, be in accordance with the terms of the contract of
5 employment. If the administrator has tenure as a faculty member, the dismissal of, and imposition of
6 penalties for cause on, the administrator shall be in accordance with the provisions applicable to
7 faculty members.

8 **SECTION 16.5.** Section 78200 of the Education Code is repealed.

9 **SECTION 17.** Section 78205 of the Education Code is amended to read:

10 78205. The minimum requirement for graduation from a two-year community college course of
11 study shall be 60 credit hours of work. An associate degree shall be awarded to any student who
12 successfully completes the prescribed course of study for the degree while maintaining the requisite
13 grade point average, the course of study required for the student's major, and any required academic
14 elective courses.

15 **SECTION 18.** Section 78212.5 is added to the Education Code, to read:

16 78212.5. Each community college district may develop and maintain all of the following within
17 each community college in the district:

18 (a) Career resource and placement centers having the purposes of maintaining information on
19 vocational, technological and educational opportunities, and facilitating career employment.

20 (b) Programs to instruct appropriate staff and faculty members in the performance of
21 matriculation services.

22 (c) Orientation programs designed to explain to new students academic requirements and other
23 regulations of the community college, and the available student support services.

24 (d) A publicity program designed to inform the community served by the community college that
25 the purposes of the mandatory matriculation process are intended to facilitate, rather than restrict,
26 student access to community college instruction, and to enhance each student's awareness of his or
27 her abilities, skills, and potential.

28 (e) A publicity program designed to inform high schools in the community served by the
29 community college, through orientation programs and other means, of student skill levels, and of
30 available student support services.

31 **SECTION 19.** Section 84381 of the Education Code is amended to read:

32 84381. There is hereby created in the State Treasury the Community College Fund for
33 Instructional Improvement. The fund shall consist of a revolving loan program and a direct grant
34 program to support alternative educational programs and services within or on behalf of the
35 California Community Colleges, including:

36 (a) Nontraditional forms, content, and methods of instruction, including, but not limited to, the
37 following:

38 (1) Instructional programs which involve internships and experiential learning opportunities.

1 (2) Individualized instructional programs which require student development of learning
2 objectives through learning contracts.

3 (3) Instructional programs which focus on the development of interpersonal skills.

4 (4) Instructional programs involving independent study.

5 (b) Programs for improving teaching abilities of faculty members.

6 (c) Programs addressing special learning needs of educationally disadvantaged students.

7 (d) Educational services for new clientele, including older, working adults.

8 (e) Efforts to improve traditional instructional programs.

9 (f) Programs for the improvement of the intellectual development of faculty and staff, including,
10 but not limited to, the following:

11 (1) Intersegmental summer programs including research projects and seminars.

12 (2) College programs bringing visiting scholars to local districts.

13 (3) Interdisciplinary programs involving local noncollege institutions in the arts and sciences.

14 (4) Intersegmental research and public information projects on topics of special concern to rural
15 and urban California regarding the environment, social history, and culture.

16 (5) Summer "bridge" programs for the transition period into college life.

17 **SECTION 20.** Section 84713 of the Education Code is amended to read:

18 84713. This article shall become inoperative on July 1, 1991, and, as of January 1, 1992, is
19 repealed, unless a later enacted statute, which becomes effective on or before January 1, 1992,
20 deletes or extends the dates on which it becomes inoperative and is repealed.

21 **SECTION 21.** Section 84750 is added to the Education Code, to read:

22 84750. The board of governors, in accordance with the statewide requirements contained in
23 subdivisions (a) to (j), inclusive, and in consultation with institutional representatives of the
24 California Community Colleges and statewide faculty and staff organizations, so as to ensure their
25 participation in the development and review of policy proposals, shall develop criteria and standards
26 for the purposes of making the annual budget request for the California Community Colleges to the
27 Governor and the Legislature, and for the purpose of allocating the state general apportionment
28 revenues, beginning with the budget request for the 1991-92 fiscal year.

29 In developing the criteria and standards, the board of governors shall utilize and strongly consider
30 the guidelines and work products of the Task Force on Community College Financing as established
31 pursuant to Chapter 1465 of the Statutes of 1986, and shall complete the development of these
32 criteria and standards, accompanied by the necessary procedures, processes, and formulas for
33 utilizing its criteria and standards, by March 1, 1990, and shall submit on or before that date a report
34 on these' items to the Legislature and the Governor.

1 The board of governors shall develop the criteria and standards within the following statewide
2 minimum requirements:

3 (a) The calculations of each community college district's revenue level for each fiscal year shall
4 be based on the level of general apportionment revenues (state and local) the district received for the
5 prior year plus any amount attributed to a deficit of minimum workload growth, with revenue
6 adjustments being made for increases or decreases in workload, for program improvement as
7 authorized by this section or by any other provision of law, for inflation, and for other purposes
8 authorized by law.

9 (b) (1) For credit instruction, the funding mechanism developed pursuant to this section shall
10 recognize the needs among the major categories of operation of community colleges, with categories
11 established for instruction, instructional services and libraries, student services, maintenance and
12 operations, and institutional support.

13 (2) The board of governors may propose to the Legislature, for enactment by statute, other cost
14 categories when adequate data exist.

15 (3) Funding for noncredit classes shall be determined as follows:

16 (A) The preliminary amount per noncredit full-time equivalent student (FTES) for 1991-92 shall
17 be equal to the comparable amount for 1990-91 with increases corresponding to the cost of living
18 adjustment (COLA) specified in subdivision (e) and corresponding to any program improvement
19 provided to the maintenance and operations category for 1991-92.

20 (B) Funds for maintenance and operations shall be included in the funds derived under paragraph
21 (4) of subdivision (c).

22 (C) Funds for institutional support will be derived as part of the computation under paragraph (5)
23 of subdivision (c).

24 (D) From the preliminary amount described in subparagraph (A), a deduction shall be made
25 corresponding to the amounts derived in subparagraphs (B) and (C), and the remainder shall be the
26 funded amount per noncredit FTES for 1991-92.

27 (E) Changes in noncredit FTES shall result in adjustments to revenues as follows:

28 (i) Increases in noncredit FTES shall result in an increase in revenues in the year of the increase
29 and at the average rate per noncredit FTES.

30 (ii) Decreases in noncredit FTES shall result in a revenue reduction as follows:

31 (I) District revenue shall be adjusted at the average rate per noncredit FTES.

32 (II) Revenue adjustments shall be over a three-year period beginning in the year following the
33 initial year of decrease in noncredit FTES.

34 (iii) Districts shall be entitled to restore any reductions in apportionment revenue due to decrease
35 in noncredit FTES during the three years following the initial year of decrease in noncredit FTES if
36 there is a subsequent increase in FTES.

37 (4) Except as otherwise provided by statute, current categorical programs providing direct
38 services to students, including extended opportunity programs and services, and disabled students

1 programs and services, shall continue to be funded separately through the annual Budget Act, and
2 shall not be assumed under budget formulas of program-based funding.

3 (5) District revenues shall be determined based on systemwide funding standards within the
4 categories, and revenue adjustments shall occur based on distinct measures of workload applicable to
5 each category.

6 (c) Workload measures applicable to each category shall be established with the following
7 measures to be provided:

8 (1) For credit instruction, the workload measure shall be the credit FTES. Changes in credit
9 FTES shall result in adjustments in revenues as follows:

10 (A) Increases in FTES shall result in an increase in revenues in the year of the increase and at the
11 statewide average per FTES.

12 (B) Decreases in FTES shall result in a revenue reduction as follows:

13 (i) High revenue districts (those at the statewide average or higher) shall be adjusted at the
14 statewide average per FTES.

15 (ii) Low revenue districts (those below the statewide average) shall be adjusted at one-half of the
16 district's average per FTES.

17 (iii) Revenue adjustments shall be made over a three-year period beginning in the year following
18 the initial year of decrease in FTES.

19 (C) Districts shall be entitled to restore any reductions in apportionment revenue due to decrease
20 in FTES during the three years following the initial year of decrease in FTES if there is a subsequent
21 increase in FTES.

22 (2) For instructional services and libraries, the workload measure shall be the credit FTES.
23 Changes in credit FTES with respect to instructional services and libraries shall result in adjustments
24 to revenues as follows:

25 (A) Increases in FTES shall result in an increase in revenues in the year of the increase and at the
26 statewide average rate per FTES.

27 (B) Decreases in FTES shall result in a revenue reduction as follows:

28 (i) High revenue districts (those at the statewide average or higher) shall be adjusted at the full
29 amount of the statewide average per FTES.

30 (ii) Low revenue districts (those below the statewide average) shall be adjusted at one-half of the
31 district's average per FTES.

32 (iii) Revenue adjustments shall be made-over a three-year period beginning in the year following
33 the initial year of decrease in FTES.

34 (C) Districts shall be entitled to restore any reductions in apportionment revenue due to decreases
35 in FTES during the three years following the initial year of decreases in FTES if there is a subsequent
36 increase in FTES.

1 (3) For student services, the workload measure shall be based on the numbers of credit students
2 enrolled (headcount). Changes in headcount shall result in adjustments to revenues as follows:

3 (A) Increases in FTES shall result in an increase in revenues in the year of the increase at the
4 statewide average per headcount.

5 (B) Decreases in headcount shall result in a revenue reduction as follows:

6 (i) High revenue districts (those at the statewide average or higher) shall be adjusted at the full
7 amount of the statewide average per headcount.

8 (ii) Low revenue districts (those below the statewide average) shall be adjusted at one-half of the
9 district's average per headcount.

10 (iii) Revenue adjustments shall be made over a three-year period beginning in the year following
11 the initial year of decrease in headcount.

12 (C) Districts shall be entitled to restore any reductions in apportionment revenue due to decrease
13 in FTES during the three years following the initial year of decrease in headcount if there is a
14 subsequent increase in headcount.

15 (4) For maintenance and operations, the workload measure shall be based on the number of
16 square feet of owned or leased facilities.

17 Changes in the number of square feet shall be adjusted as follows:

18 (A) Increases in the number of square feet shall result in an increase in revenue in the year that
19 the increase occurs and at the average per square foot.

20 (B) Decreases in the number of square feet shall result in a decrease in revenue beginning July 1
21 of the first full year in which the square feet are no longer owned or leased and at the average rate per
22 square foot.

23 (5) For institutional support, a single fixed percentage which shall apply to all districts shall be
24 established based on the pattern from the most recent data. The percentage shall be obtained from
25 statewide data by comparing expenditures for this category with the total revenue for all five
26 categories.

27 (d) Funding standards, subject to the conditions and criteria of this section, shall be established
28 by the board for the various categories of operation established pursuant to subdivision (b). In
29 consultation as required by subdivision (e) of Section 70901, the board of governors shall annually
30 request program improvement moneys to assist districts in meeting these standards.

31 (e) Annual revenue adjustments shall be made to reflect cost changes, using the Implicit Price
32 Deflator for State and Local Government Purchases of Goods and Services for the United States as
33 published by the United States Department of Commerce, and using the ratio for the fourth calendar
34 quarter of the latest available year to the fourth calendar quarter of the prior year rounded up to the
35 next hundredth.

36 (f) An adjustment for economies of scale for districts and colleges shall be provided.

37

1 (g) The statewide increase in workload of FTES and headcount shall be, at a minimum, the rate
2 of change of the adult population as determined by the Department of Finance, and may be increased
3 through the budget process to reflect such other factors as statewide priorities, the unemployment
4 rate, and the number of students graduating from California high schools. The allocation of changes
5 on a district-by-district basis shall be determined by the board of governors.

6 (h) For fiscal year 1991-92, all districts shall receive at least the amount of revenue to which they
7 would have been entitled pursuant to Article 1 (commencing with Section 84700) of Chapter 5 of
8 Part 50. Thereafter, allocations shall be made pursuant to this section, as implemented by the board
9 of governors pursuant to the annual State Budget.

10 (i) Except as specifically provided by statute, regulations of the board of governors for
11 determining and allocating the state general apportionment to the community colleges shall not
12 require district governing boards to expend the allocated revenues in specified categories of operation
13 or according to the workload measures developed by the board of governors.

14 (j) As used in this section: definitions of criteria, program improvement and standard

15 (1) "Criteria" means the definitions of elements of institutional practice or activity to be included
16 in the categories of operation of community college districts.

17 (2) "Program improvement" means an increase in revenue which is allocated to all districts to
18 fund standards adopted pursuant to subdivision (d). Program improvement also means an increase in
19 revenue allocated to low revenue districts to bring them closer to the statewide average.

20 (3) "Standard" means the appropriate level of service in a category of operation of the
21 community college districts.

22 **SECTION 21.7.** Section 84755 is added to the Education Code, to read:

23 84755. (a) The Legislature finds and declares that program-based funding, once implemented,
24 will more adequately and accountably fund the costs of providing quality community college
25 education. Given that program-based funding will not be implemented until fiscal year 1991-92,
26 given that community colleges will be entering a period of major reform and incurrence of new state
27 mandates commencing in January 1989, and given that community colleges will be entering this
28 period of reform having lost purchasing power since the 1977-78 fiscal year, the Legislature
29 recognizes the need to create a transitional funding mechanism for program improvement and
30 mandate funding that can operate until program-based funding is implemented.

31 (b) For the purpose of improving the quality of community college educational programs and
32 services, for the purpose of reimbursing state-mandated local program costs imposed by this act, and
33 for the purposes of initially implementing specified reforms, the board of governors shall, from
34 amounts appropriated for purposes of this section, allocate program improvement revenues to each
35 district on the basis of an amount per unit of average daily attendance generated in the 1987-88 fiscal
36 year. However, this amount shall be increased or decreased to provide for equalization in a manner
37 determined by the Board of Governors, consistent with the provisions of Sections 84703 to 84705,
38 inclusive.

39 Each community college district shall use its allocation to initially 2 reimburse state-mandated
40 local program costs, and then to implement specified reforms and make authorized program and
41 service improvements as follows:

-
- 1 (1) Developing articulated programs provided for in Section 70 of Assembly Bill 1725 of the
2 1987-88 Regular Session of the Legislature with school districts and campuses of the University of
3 California and California State University.
- 4 (2) Applying minimum qualifications to all newly hired faculty and administrators, including
5 candidates for these positions as required by Section 87356.
- 6 (3) Developing and administering a process for waiver of minimum qualifications as required by
7 Section 87359.
- 8 (4) Establishing and applying local hiring criteria as required by Section 87360.
- 9 (5) Establishing and applying faculty service areas and competency criteria as required by
10 Sections 87743 to 87743.5, inclusive.
- 11 (6) Evaluating temporary employees, instituting peer review evaluation, and widely distributing
12 evaluation procedures as required by Section 87663.
- 13 (7) Establishing and applying new processes for tenure evaluation required by Section 87610.1.
- 14 (8) Establishing and applying the tenure denial grievance procedure required by Section 87610.1.
- 15 (9) Establishing and applying a process for moving administrators into faculty positions as
16 required by Sections 87454 to 87458, inclusive.
- 17 (10) Publishing and distributing a report on the affirmative action success rate as required by
18 Section 87102.
- 19 (11) Improving instruction by reducing the ratio of full-time equivalent students to full-time
20 equivalent instructors.
- 21 (12) Improving instruction by increasing the hiring of full-time instructors and limiting the
22 practice of hiring part-time instructors.
- 23 (13) Augmenting budgets for college libraries and learning resources.
- 24 (14) Augmenting budgets for plant maintenance and operations.
- 25 (15) Adding new courses or programs to serve community need.
- 26 (16) Making progress towards affirmative action goals and timetables established by the district.
- 27 (17) Developing and maintaining programs and services authorized by Section 78212.5.
- 28 (18) Augmenting budgets for student services in the areas of greatest need.
- 29 (19) Providing for release time for faculty and staff as deemed 2 appropriate by community
30 college district governing boards, to enable faculty and staff participation in implementing reforms.
- 31

1 (c) Except as provided by Section 87482.6, and except as necessary to *S* reimburse the costs of
2 new state mandates, district governing boards shall have full authority to expend program
3 improvement allocations for any or all of the authorized purposes specified in subdivision (b).

4 (d) As required by the board of governors, the governing board of each community college
5 district shall submit to the board of governors a plan for using the resources allocated pursuant to this
6 section. The board of governors shall review each plan to ensure that proposed expenditures are
7 consistent with the listing of authorized expenditures provided in this section, and the board of
8 governors shall approve all plans to the full extent that expenditures are authorized by this section.
9 To the extent that a community college district expends its program improvement allocation
10 consistent with its plan, the board of governors shall include the district's allocation as part of the
11 district's base budget for subsequent years.

12 (e) The board of governors, through the annual systemwide budget submitted pursuant to
13 paragraph (5) of subdivision (b) of Section 70901, shall request necessary resources for the purposes
14 of this section. It is the intent of the Legislature that the appropriation and allocation of program
15 improvement money not otherwise provided pursuant to subdivision (b) of this section shall be
16 accomplished through the annual state budget process beginning with the 1989-90 fiscal year. After
17 June 30, 1991, if Section 84750 is implemented, it is the intent of the Legislature to fund the ongoing
18 operations of community college districts pursuant to the provisions of Section 84750.

19 **SECTION 22.** Section 87001 is added to the Education Code, to read:

20 87001. The board of governors shall adopt regulations defining positions subject to minimum
21 qualifications as set forth in subdivisions (a), (b), and (c). Unless and until amended pursuant to
22 Section 87357, the regulations shall initially establish the definitions as the following:

23 (a) "Administrator" means any person employed by the governing board of a community college
24 district in a supervisory or management position as defined in Article 5 (commencing with Section
25 3540) of Chapter 10.7 of Division 4 of Title I of the Government Code.

26 (b) "Instructional or student services administrator" means an administrator who is employed in a
27 position designated by the governing board of the district as having direct responsibility for
28 supervising the operation of or formulating policy regarding the instructional or student services
29 program of the college or district. Instructional and student services administrators include, but are
30 not limited to, chancellors, presidents, and instructional or student services managers.

31 (c) "Faculty" means those employees of a community college district who are employed in
32 positions that are not designed as supervisory or management for the purposes of Article 5
33 (commencing with Section 3540) of Chapter 10.7 of Division 4 of Title 1 of the Government Code
34 and for which minimum qualifications for hire have been specified in the regulations of the board of
35 governors adopted pursuant to subdivision (a) of Section 87356. Faculty include, but are not limited
36 to, instructors, librarians, counselors, community college health services professionals, handicapped
37 student programs and services professionals, extended opportunity programs and services
38 professionals, and individuals employed to perform a service that, before July 1 1990, required
39 nonsupervisory, nonmanagement certification qualifications.

40

1 **SECTION 23.** Section 87102 of the Education Code is amended to read:

2 87102. (a) The governing board of each community college district shall periodically submit, to
3 the Board of Governors of the California Community Colleges an affirmation of compliance with the
4 provisions of this article. The affirmative action employment program shall have goals that ensure
5 participation in, and commitment to, the program by district personnel, and timetables, for its
6 implementation. The affirmative action plan shall include steps that the district will take in meeting
7 and improving hiring goals for both full-time faculty and part-time faculty pursuant to Section
8 87482.6, and the development of the plan shall be a condition for receipt of allowances pursuant to
9 that section.

10 The governing board of each community college district shall be held accountable pursuant to
11 this article and other applicable provisions of law for the success or failure of its affirmative action
12 employment program. The plans shall be a public record within the meaning of the California Public
13 Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the
14 Government Code.

15 (b) The governing board of each community college district shall publish and distribute a record
16 of the success rate of measurable progress, with respect to its goals and timetables, in hiring
17 employees through its affirmative action employment program. This publication shall be a public
18 record within the meaning of the California Public Records Act, and shall include data and
19 information specified by the board of governors.

20 **SECTION 24.** Section 87104 of the Education Code is amended to read:

21 87104. (a) The Board of Governors of the California Community Colleges, out of funds
22 appropriated for these purposes, (1) shall provide assistance to local community colleges in adopting
23 and maintaining high-quality affirmative action programs; (2) report to the Legislature regarding the
24 number of districts which have adopted and are maintaining affirmative action programs, including
25 the effectiveness of the programs in meeting the intent of this article; (3) develop and disseminate to
26 public community college districts guidelines to assist these agencies in developing and
27 implementing affirmative action employment programs; and (4) shall establish a technical assistance
28 team to review the affirmative action plan of each community college district which fails to make
29 measurable progress in meeting the goals and timetables of its adopted plan. The technical assistance
30 team shall recommend appropriate actions to assure reasonable progress in improving success rates.
31 The board of governors shall prescribe those conditions necessary to assure reasonable progress and
32 otherwise meet the legal requirements of affirmative action. The conditions may include the
33 withholding of allowances made pursuant to Sections 87482.6 and 87107.

34 (b) The board of governors shall establish, by July 1, 1989, within the chancellor's office or
35 through other means as deemed necessary, a major service function to assist community college
36 districts in identifying, locating, and recruiting qualified members of underrepresented groups, and in
37 establishing and maintaining effective affirmative action hiring procedures.

38 (c) The board of governors shall, by March 15, 1989, develop and adopt a systemwide plan for
39 strengthenin8 faculty and staff affirmative action policies and programs in the California Community
40 Colleges.

41 **SECTION 25.** Section 87107 is added to the Education Code, to read:

42 87107. (a) There is hereby created in the State Treasury a fund which shall be known as the
43 Faculty and Staff Diversity Fund. The money in the fund shall be available to the board of governors

1 upon appropriation by the Legislature for the purpose of enabling the California Community
 2 Colleges as a system to address the goal that by the year 2005 the system's work force will reflect
 3 proportionately the adult population of the state. For the purpose of administering this fund, the board
 4 of governors shall develop and apply availability data and factors for measuring district progress in
 5 contributing to this goal for the system. Also for the purpose of administering this fund, it is the
 6 intent of the Legislature that the board of governors take the steps which are necessary to reach the
 7 goal that by fiscal year 1992-93, 30 percent of all new hires in the California Community Colleges as
 8 a system will be ethnic minorities.

9 (b) By December 1, 1993, the board of governors shall report upon and assess the extent to which
 10 the California Community Colleges as a system have met or begun to meet the goals specified in this
 11 section. The report shall include conclusions regarding any necessary revisions to these goals. Unless
 12 provided otherwise by the Legislature by statute, the board of governors may, on or after September
 13 30, 1994, adopt regulations to revise these goals.

14 (c) The board of governors shall utilize up to 25 percent of the fund to do all of the following:

15 (1) Reimburse districts for the costs of publishing, distributing, and reporting affirmative action
 16 success rates as provided in Section 87102.

17 (2) Reimburse districts for the cost of preparing and updating affirmative action plans.

18 (3) Carry out the assistance, service, monitoring, and compliance functions specified in Section
 19 87104.

20 (d) The remainder of the fund shall be allocated to districts, in accordance with regulations of the
 21 board of governors, to provide for extended outreach and recruitment of underrepresented groups, for
 22 incentives to hire members of underrepresented groups, for in-service training and for other related
 23 staff diversity programs.

24 (e) It is the intent of the Legislature that the board of governors, in administering this fund, shall,
 25 pursuant to the provisions of this article, give funding priority and shall afford flexibility and
 26 discretion in the use of these funds to districts which have made or are making reasonable progress in
 27 contributing to the achievement of the goals of this fund.

28 **SECTION 26.** Article 5 (commencing with Section 87150) is added to Chapter 1 of Part 51 of
 29 the Education Code, to read:

30 Article 5. Community College Faculty and Staff Development Fund

31 87150. There is hereby created in the State Treasury the Community College Faculty and Staff
 32 Development Fund, to be administered by the Board of Governors of the California Community
 33 Colleges, the purpose of which is to provide state general funds to community colleges for
 34 supporting locally developed and implemented faculty and staff development programs.

35 87151. The Board of Governors of the California Community Colleges shall annually allocate
 36 funds appropriated for the purposes of this article to each community college district whose chief
 37 executive officer has submitted to the chancellor an affidavit which includes:

38 (a) A statement that each campus within the district has an advisory committee, composed of
 39 administrators, faculty, and staff representatives, which has assisted in the assessment of the faculty
 40 and staff development needs and in the design of the plan to meet those needs.

1 (b) A campus human development resources plan has been completed for the current and
2 subsequent fiscal years.

3 (c) A report of the actual expenditures for faculty and staff development for the preceding year.

4 87152. (a) The initial allocation to each district, from funds appropriated by the Legislature
5 therefore, shall be an amount equivalent to one-half of one percent of the fiscal year revenues, as
6 defined by Section 84700, received by the district, for the 1987-88 fiscal year.

7 (b) In subsequent fiscal years, no district shall receive an allocation greater than 2 percent of its
8 fiscal year revenues, as defined in Section 84700, for the prior fiscal year.

9 87153. The authorized uses of funds allocated under this article shall include all of the following:

10 (a) Improvement of teaching.

11 (b) Maintenance of current academic and technical knowledge and skills.

12 (c) In-service training for vocational education and employment preparation programs.

13 (d) Retraining to meet changing institutional needs.

14 (e) Intersegmental exchange programs.

15 (f) Development of innovations in instructional and administrative techniques and program
16 effectiveness.

17 (g) Computer and technological proficiency programs.

18 (h) Courses and training implementing affirmative action and upward mobility programs.

19 (i) Other activities determined to be related to educational and professional development pursuant
20 to criteria established by the Board of Governors of the California Community Colleges, including,
21 but not necessarily limited to programs designed to develop self-esteem.

22 87154. This article shall be operative during any fiscal year only if funds are provided therefore
23 in the annual Budget Act for that fiscal year or other legislation.

24 **SECTION 27.** Chapter 2 (commencing with Section 81200) of Part 51 of the Education Code is
25 repealed.

26 **SECTION 28.** Chapter 2.5 (commencing with Section 87350) is added to Part 51 of the
27 Education Code, to read:

28 CHAPTER 2.5. QUALIFICATIONS FOR COMMUNITY COLLEGE PERSONNEL,

29 **Article 1. General Provisions**

30

1 87350. The plan for a new mechanism of faculty qualifications being developed by the
2 Chancellor of the California Community Colleges pursuant to Chapter 1465 of the Statutes of 1986
3 shall include all of the following:

4 (a) A transition provision which would grandfather existing bargaining unit definitions.

5 (b) Consideration of projected California demographics.

6 (c) Consideration of affirmative action policies and programs.

7 **Article 2. Minimum Qualifications and Hiring Criteria**

8 87355. Any person employed under a credential as of June 30, 1990, including an instructor,
9 librarian, counselor, student personnel worker, supervisor, administrator, or chief administrative
10 officer, shall be entitled to serve under the terms of that credential until it terminates, and during the
11 period the credential is effective, shall not be required to meet the minimum qualifications applicable
12 after July 1, 1990. The board of governors shall adopt regulations as necessary to implement this
13 exemption within 120 days of the effective date of this act.

14 87356. (a) The board of governors shall adopt regulations to establish and maintain the minimum
15 qualifications for hire as a community college faculty member. Unless and until amended pursuant to
16 the process described in Section 87357, the regulations shall establish the minimum qualifications for
17 hire at a community college faculty member teaching any credit course, as any of the following:

18 (1) Possession of a master's degree from an accredited institution, or equivalent foreign degree,
19 in the discipline of the faculty member's assignment.

20 (2) Possession of a master's degree from an accredited institution, or equivalent foreign degree,
21 in a discipline reasonably related to the faculty member's assignment and possession of a bachelor's
22 degree from an accredited institution, or equivalent foreign degree, in the discipline of the faculty
23 member's assignment.

24 (3) For faculty assigned to teach courses in disciplines where the master's degree is not generally
25 expected or available, which are, generally, disciplines in specialized technical, trade, or industrial
26 fields, either of the following:

27 (A) Possession of a bachelor's degree from an accredited institution, or equivalent foreign
28 degree, in a discipline reasonably related to the faculty member's assignment, plus two years of
29 professional experience, plus appropriate certification to practice or licensure or its equivalent, if
30 available.

31 (B) Possession of an associate degree from an accredited institution in a discipline reasonably
32 related to the faculty member's assignment, plus six years of professional experience, plus
33 appropriate certification to practice or licensure or its equivalent, if available.

34 (b) The board of governors shall adopt regulations establishing appropriate minimum
35 qualifications for extended opportunity programs and services workers, pursuant to Section 69648.7.

36

1 (c) The board of governors shall adopt regulations establishing appropriate minimum
2 qualifications for handicapped student programs and services workers, pursuant to Section 78440.5.

3 (d) The board of governors shall adopt regulations to establish and maintain the minimum
4 qualifications for hire as an instructional or student services administrator. Unless and until amended
5 pursuant to the process described in Section 87357, the regulations shall establish the minimum
6 qualifications for hire as an instructional or student services administrator as all of the following:

7 (1) Possession of a master's degree.

8 (2) One year of formal training, internship, or leadership experience reasonably related to the
9 administrator's administrative assignment, which may, but need not be, concurrent with the required
10 full-time service.

11 (e) The Legislature finds and declares that this section does not create a state-mandated local
12 program cost because compensation of faculty will continue to be determined through the collective
13 bargaining process or meet and confer sessions.

14 87357. (a) In establishing and maintaining minimum qualifications pursuant to Section 87356,
15 the board of governors shall do all of the following:

16 (1) With regard to minimum qualifications for faculty, consult with, and rely primarily on the
17 advice and judgment of, the statewide Academic Senate, and with regard to minimum qualifications
18 for instructional or student service administrators, consult with, and rely primarily on the advice and
19 judgment of, an appropriate statewide organization of administrators. In either case, the board of
20 governors shall provide a reasonable opportunity for comment by other statewide representative
21 groups.

22 (2) The board of governors shall establish a process to review at least every three years the
23 continued appropriateness of the minimum qualifications and the adequacy of the means by which
24 they are administered. The process shall provide for the appointment of a representative group of
25 community college faculty, administrators, students, and trustees to conduct or otherwise assist in the
26 review, including particularly, representatives of academic senates, collective bargaining
27 organizations, and statewide faculty associations. In addition, the group shall be broadly
28 representative of academic and vocational programs in the curriculum from both urban and rural
29 districts, and representative of ethnic minority communities.

30 (b) The board of governors, relying primarily upon the advice and judgment of the statewide
31 Academic Senate, shall prescribe by regulation a working definition of the term "discipline" and
32 shall prepare and maintain a list of disciplines that are "reasonably related" to one another, as that
33 phrase is used in the minimum qualifications. The initial list shall be distributed to the community
34 college districts by July 1, 1989, for their use in applying the minimum qualifications for hire.

35 In formulating advice and recommendations to the board of governors regarding the definition of
36 the term "discipline," the statewide Academic Senate shall consult with appropriate statewide
37 organizations representing administrators and faculty collective bargaining agents. The statewide
38 Academic Senate shall incorporate the advice of those groups into its recommendations to the board
39 of governors, particularly as it relates to the practical ramifications of any proposed definition of the
40 term "discipline" on issues of reassignment, transfer, and reduction in force.

41

1 The board of governors, relying primarily upon the advice and judgment of the statewide
2 Academic Senate, shall prepare and maintain a list of disciplines in which the master's degree is not
3 generally expected or available. The initial list shall be distributed to the community college districts
4 by July 1, 1989, for their use in applying the minimum qualifications for hire.

5 87358. The board of governors shall periodically designate a team of community college faculty,
6 administrators, and trustees to review each community college district's application of minimum
7 qualifications to faculty and administrators.

8 87359. The board of governors shall adopt regulations setting forth a process authorizing local
9 governing boards to employ faculty members, instructional administrators, and student services
10 administrators who do not meet the applicable minimum qualifications specified in the regulations
11 adopted by the board pursuant to Section 87356. Unless and until amended pursuant to the process
12 described in Section 87357, the regulations shall require all of the following:

13 (a) No one may be hired to serve as a community college faculty member, instructional
14 administrator, or student services administrator under the authority granted by the regulations unless
15 the governing board determines that he or she possesses qualifications that are at least equivalent to
16 the minimum qualifications specified in regulations of the board adopted pursuant to Section 87356.
17 The criteria used by the governing board in making the determination shall be reflected in the
18 governing board's action employing the individual.

19 (b) The process, as well as criteria and standards by which the governing board reaches its
20 determinations, shall be developed and agreed upon jointly by representatives of the governing board
21 and the academic senate, and approved by the governing board. The agreed upon process shall
22 include reasonable procedures to ensure that the governing board relies primarily upon the advice
23 and judgment of the academic senate to determine that each individual employed under the authority
24 granted by the regulations possesses qualifications that are at least equivalent to the applicable
25 minimum qualifications specified in regulations adopted by the board of governors. The process shall
26 further require that the governing board provide the academic senate with an opportunity to present
27 its views to the governing board before the board makes a determination; and that the written record
28 of the decision, including the views of the academic senate, shall be available for review pursuant to
29 Section 87358.

30 (c) Until a joint agreement is reached and approved pursuant to subdivision (b), the district
31 process in existence on January 1, 1989, shall remain in effect.

32 87359.5. By May 1, 1989, the board of governors shall have reviewed or contracted for review
33 of, the job relevance of the requirements of Sections 87408, 87408.5, 87408.6, and any other physical
34 fitness tests or examinations, and other conditions of employment, applicable to community college
35 personnel.

36 **Article 3. Hiring Criteria**

37 87360. (a) In establishing hiring criteria for faculty and administrators, district governing boards
38 shall, no later than July 1, 1990, develop criteria that include a sensitivity to and understanding of the
39 diverse academic, socioeconomic, cultural, disability, and ethnic backgrounds of community college
40 students.

41 (b) No later than July 1, 1990, hiring criteria, policies, and procedures for new faculty members
42 shall be developed and agreed upon jointly by representatives of the governing board, and the
43 academic senate, and approved by the governing board.

1 (c) Until a joint agreement is reached and approved pursuant to subdivision (b), the existing
2 district process in existence on January 1, 1989, shall remain in effect.

3 **SECTION 29.** Section 87454 of the Education Code is amended to read:

4 87454. A tenured employee, when assigned from a faculty position to an administrative position,
5 or assigned any special or other type of work, or given special classification or designation, shall
6 retain his or her status as a tenured faculty member.

7 **SECTION 30.** Section 87455 of the Education Code is repealed.

8 **SECTION 31.** Section 87456 of the Education Code is repealed.

9 **SECTION 32.** Section 87457 of the Education Code is amended to read:

10 87457. Whenever a person employed in an administrative position is assigned to a faculty
11 position, the governing board of the community college district shall give the employee, when
12 requested by him or her, a written statement of the reasons for the transfer.

13 **SECTION 33.** Section 87458 of the Education Code is repealed.

14 **SECTION 34.** Section 87458 is added to the Education Code, to read:

15 87458. A person employed in an administrative position that is not part of the classified service,
16 who has not previously acquired tenured status as a faculty member in the same district, shall have
17 the right to become a first year probationary faculty member once his or her administrative
18 assignment expires or is terminated if all of the following apply:

19 (a) The process by which the governing board reaches the determination shall be developed and
20 agreed upon jointly by representatives of the governing board and the academic senate, and approved
21 by the governing board. The agreed upon process shall include reasonable procedures to ensure that
22 the governing board relies primarily upon the advice and judgment of the academic senate to
23 determine that the administrator possesses the minimum qualifications for employment as a faculty
24 member. The process shall further require that the governing board provide the academic senate with
25 an opportunity to present its views to the governing board before the board makes a determination;
26 and that the written record of the decision, including the views of the academic senate, shall be
27 available for review pursuant to Section 87358.

28 (b) Until a joint agreement is reached pursuant to subdivision (a), the district process in existence
29 on January 1, 1989, shall remain in effect.

30 (c) The administrator has completed at least two years of satisfactory service, including any time
31 previously served as a faculty member, in the district.

32 (d) The termination of the administrative assignment is for any reason other than dismissal for
33 cause.

34

1 **SECTION 35.** Section 87482.6 is added to the Education Code, to read:

2 87482.6. (a) Until the provisions of Section 84750 regarding program-based funding are
3 implemented by a standard adopted by the board of governors that establishes the appropriate
4 percentage of hours of credit instruction that should be taught by full-time instructors, the Legislature
5 wishes to recognize and make efforts to address longstanding policy of the board of governors that at
6 least 75 percent of the hours of credit instruction in the California Community Colleges, as a system,
7 should be taught by full-time instructors. To this end, community college districts which have less
8 than 75 percent of their hours of credit instruction taught by full-time instructors shall apply a portion
9 of the program improvement allocation received pursuant to Section 84755 as follows:

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

15 (2) Districts which, in the prior fiscal year, had less than 67 percent of their hours of credit
16 instruction taught by full-time instructors shall apply up to 40 percent of their program improvement
17 allocation as necessary to reach the 75 percent standard. If a district in this category chooses instead
18 not to improve its percentage, the board of governors shall withhold 40 percent of the district's
19 program improvement allocation.

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

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

25 (1) In computing the percentage of hours of credit instruction taught by full-time instructors, the
26 hours of overload teaching by full-time instructors shall be excluded from both the total hours of
27 credit instruction taught by full-time and part-time instructors and the total hours of instruction taught
28 by full-time instructors.

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

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

42

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

3 (4) On or before December 31, 1991, the chancellor shall determine the extent to which each
4 district, by September 30, 1991, has hired the number of FTF determined pursuant to paragraph (3)
5 for the 1989-90 and 1990-91 fiscal years. To the extent that the cumulative number of FTF have not
6 been retained, the chancellor shall reduce the district's base budget for 1991-92 and subsequent fiscal
7 years by an amount equivalent to the average replacement cost times the deficiency in the number of
8 FTF.

9 **SECTION 36.** Section 87602 of the Education Code is amended to read:

10 87602. For the purposes of other provisions of law:

11 (a) A contract employee is a probationary employee.

12 (b) A regular or tenured employee is a permanent employee.

13 **SECTION 37.** Section 87605 of the Education Code is repealed.

14 **SECTION 38.** Section 87605 is added to the Education Code, to read:

15 87605. The governing board of a district shall employ faculty for the first academic year of his or
16 her employment by contract. Any person who, at the time an employment contract is offered to him
17 or her by the district, is neither a tenured employee of the district nor a probationary employee then
18 serving under a second or third contract entered into pursuant to Section 87608 shall be deemed to be
19 employed for "the first academic year of his or her employment." A faculty member shall be deemed
20 to have completed his or her first contract year if he or she provides service for 75 percent of the first
21 academic year.

22 **SECTION 39.** Section 87608 of the Education Code is repealed.

23 **SECTION 40.** Section 87608 is added to the Education Code, to read:

24 87608. If a contract employee is working under his or her first contract, the governing board, at
25 its discretion and not subject to judicial review except as expressly provided in Sections 87610.1 and
26 87611, shall elect one of the following alternatives:

27 (a) Not enter into a contract for the following academic year.

28 (b) Enter into a contract for the following academic year.

29 (c) Employ the contract employee as a regular employee for all subsequent academic years.

30 **SECTION 41.** Section 87608.5 is added to the Education Code, to read

31 87608.5. If a contract employee is working under his or her second contract, the governing board,
32 at its discretion and not subject to judicial review except as expressly provided in Sections 87610.1
33 and 87611, shall elect one of the following alternatives:

34 (a) Not enter into a contract for the following academic year.

35 (b) Enter into a contract for the following two academic years.

1 (c) Employ the contract employee as a regular employee for all subsequent academic years.

2 **SECTION 42.** Section 87609 of the Education Code is repealed.

3 **SECTION 43.** Section 87609 is added to the Education Code, to read:

4 87609. If a contract employee is employed under his or her third consecutive contract entered
5 into pursuant to Section 87608.5, the governing board shall elect one of the following alternatives:

6 (a) Employ the probationary employee as a tenured employee for all subsequent academic years.

7 (b) Not employ the probationary employee as a tenured employee.

8 **SECTION 44.** Section 87610 of the Education Code is repealed.

9 **SECTION 45.** Section 87610 is added to the Education Code, to read:

10 87610. (a) The governing board shall give written notice of its decision under Section 87608 or
11 87608.5 and the reasons therefore to the employee on or before March 15 of the academic year
12 covered by the existing contract. The notice shall be by registered or certified mail to the most recent
13 address on file with the district personnel office. Failure to give the notice as required to a contract
14 employee under his or her first or second contract shall be deemed an extension of the existing
15 contract without change for the following academic year.

16 (b) The governing board shall give written notice of its decision under Section 87609 and the
17 reasons therefore to the employee on or before March 15 of the last academic year covered by the
18 existing contract. The notice shall be by registered or certified mail to the most recent address on file
19 with the district personnel office. Failure to give the notice as required to a contract employee under
20 his or her third consecutive contract shall be deemed a decision to employ him or her as a regular
21 employee for all subsequent academic years.

22 **SECTION 46.** Section 87610.1 is added to the Education Code, to read:

23 87610.1. (a) In those districts where tenure evaluation procedures are collectively bargained
24 pursuant to Section 3543 of the Government Code, the faculty's exclusive representative shall
25 consult with the academic senate prior to engaging in collective bargaining on these procedures.

26 (b) Allegations that the community college district, in a decision to grant tenure, made a negative
27 decision that to a reasonable person was unreasonable, or violated, misinterpreted, or misapplied, any
28 of its policies and procedures concerning the evaluation of probationary employees shall be classified
29 and procedurally addressed as grievances.

30 Allegations that the community college district in a decision to reappoint a probationary
31 employee violated, misinterpreted, or misapplied any of its policies and procedures concerning the
32 evaluation of probationary employees shall be classified and procedurally addressed as grievances. If
33 there is no contractual grievance procedure resulting in arbitration, these allegations shall proceed to
34 hearing in accordance with Section 87740.

35 Arbitrations used in this section refers to advisory arbitration, as well as final and binding
36 arbitration.

37

1 (c) Any grievance brought pursuant to the provisions of subdivision (b) may be filed by an
2 employee on his or her behalf, or by the exclusive bargaining representative on behalf of an
3 employee or a group of employees in accordance with Chapter 10.7 (commencing with Section 3540)
4 of Division 4 of Title 1 of the Government Code. The exclusive representative shall have no duty of
5 fair representation with respect to taking any of these grievances to arbitration, and the employee
6 shall be entitled to pursue a matter to arbitration with or without the representation by the exclusive
7 representative. However, if a case proceeds to arbitration with representation by the exclusive
8 representative, the resulting decision shall not be considered a precedent for purposes of interpreting
9 tenure procedures and policies, or the collective bargaining agreement, but instead shall affect only
10 the result in that particular case. When arbitrations are not initiated by the exclusive representative,
11 the district shall require the employee submitting the grievance to file with the arbitrator or another
12 appropriate party designated in the collective bargaining agreement, adequate security to pay the
13 employee's share of the cost of arbitration.

14 (d) The arbitrator shall be without power to grant tenure, except for failure to give notice on or
15 before Marc 15 pursuant to subdivision (b) of Section 87610. The arbitrator may issue an appropriate
16 make-whole remedy, which may include, but need not be limited to, back pay and benefits,
17 reemployment in a probationary position, and reconsideration. Procedures for reconsideration of
18 decisions not to grant tenure shall be agreed to by the governing board and the exclusive
19 representative of faculty pursuant to Chapter 10.7 (commencing with Section 3540) of Division 4 of
20 Title 1 of the Government Code.

21 (e) Any employees who are primarily engaged in faculty or other bargaining unit duties, who
22 perform "supervisory" or "management" duties incidental to their performance of primary
23 professional duties shall not be deemed supervisory or managerial employees as those terms are
24 defined in Section 3540.1 of the Government Code, because of those duties. These duties include, but
25 are not limited to, serving on hiring, selection, promotion, evaluation, budget development, and
26 affirmative action committees, and making effective recommendations in connection with these
27 activities. These employees whose duties are substantially similar to those of their fellow bargaining
28 unit members shall not be considered supervisory or management employees.

29 **SECTION 47.** Section 87611 of the Education Code is repealed.

30 **SECTION 48.** Section 87611 is added to the Education Code, to read:

31 87611. A final decision reached following a grievance or hearing conducted pursuant to
32 subdivision (b) of Section 87610.1 shall be subject to judicial review pursuant to Section 1094.5 of
33 the Code of Civil Procedure.

34 **SECTION 49.** Section 87615 is added to the Education Code, to read:

35 87615. Commencing July 1, 1990, the minimum degree requirement for tenure as a community
36 college faculty member shall be a bachelor's degree or equivalent from an accredited institution, or
37 an equivalent foreign degree, as determined by the board of governors, except that in the case of
38 vocational faculty, this requirement shall commence January 1, 1994. The board of governors shall
39 monitor the effects and anticipated effects of this provision upon hiring practices within the districts,
40 analyze the results, and make a report and recommendation to the Legislature no later than January 1,
41 1993.

42 The governing board may grant tenure to faculty members who do not meet the minimum degree
43 requirement for tenure specified in this section if both of the following are met:

1 (a) The governing board determines that rare and compelling reasons exist 2 justifying the action.
2 The reasons for the governing board's determination shall, be reflected in its action granting tenure to
3 the individual.

4 (b) The process by which the governing board reaches the determination has been developed and
5 agreed upon jointly by representatives of the governing board and the academic senate, and approved
6 by the governing board. The agreed upon process shall include reasonable procedures to ensure that
7 the governing board relies primarily upon the advice and judgment of the academic senate to
8 determine that rare and compelling reasons exist to grant tenure.

9 The process shall further require that the governing board provide the academic senate with an
10 opportunity to present its views to the governing board before the board makes a determination; and
11 that the written record of the decision, including the views of the academic senate, shall be available
12 for review pursuant to Section 87358.

13 (c) Until a joint agreement is reached pursuant to subdivision (b), the district process in existence
14 on January 1, 1989, shall remain in effect.

15 **SECTION 51.** Section 87663 of the Education Code is amended to read:

16 87663. (a) Contract employees shall be evaluated at least once in each academic year. Regular
17 employees shall be evaluated at least once in every three academic years. Temporary employees shall
18 be evaluated within the first year of employment. Thereafter, evaluation shall be at least once every
19 six regular semesters, or once every nine regular quarters, as applicable.

20 (b) Whenever an evaluation is required of a certificated employee by a community college
21 district, the evaluation shall be conducted in accordance with the standards and procedures
22 established by the rules and regulations of the governing board of the employing district.

23 (c) Evaluations shall include, but not be limited to, a peer review process.

24 (d) The peer review process shall be on a departmental or divisional basis, and shall address the
25 forthcoming demographics of California, and the principles of affirmative action. The process shall
26 require that the peers reviewing are both representative of the diversity of California and sensitive to
27 affirmative action concerns, all without compromising quality and excellence in teaching.

28 (e) The Legislature recognizes that faculty evaluation procedures may be negotiated as part of the
29 collective bargaining process.

30 (f) In those districts where faculty evaluation procedures are collectively bargained, the faculty's
31 exclusive representative shall consult with the academic senate prior to engaging in collective
32 bargaining regarding those procedures.

33 (g) It is the intent of the Legislature that faculty evaluation include, to the extent practicable,
34 student evaluation.

35 (h) A probationary faculty member shall be accorded the right to be evaluated under clear, fair,
36 and equitable evaluation procedures locally defined through the collective bargaining process where
37 the faculty has chosen to elect an exclusive representative. Those procedures shall ensure good
38 faith treatment of the probationary faculty member without according him or her *de facto* tenure
39 rights.

1 (i) Governing boards shall establish and disseminate written evaluation 2 procedures for
2 administrators. It is the intent of the Legislature that evaluation of administrators include, to the
3 extent possible, faculty evaluation.

4 **SECTION 51.5.** Section 87743 of the Education Code is amended to read:

5 87743. No tenured employee shall be deprived of his or her position for causes other than those
6 specified in Sections 87453, 87467, and 87484, and Sections 87732 to 87739, inclusive, and no
7 probationary employee shall be deprived of his or her position for cause other than as specified in
8 Section 87740 except in accordance with the provisions of Section 87463 and Sections 87743 to
9 87762, inclusive.

10 Whenever in any school year the average daily attendance in all of the schools of a district for the
11 first six months in which school is in session shall have declined below the corresponding period of
12 either of the previous two school years, or whenever a particular kind of service is to be reduced or
13 discontinued not later than the beginning of the following school year, and when in the opinion of the
14 governing board of the district it shall have become necessary by reason of either of these conditions
15 to decrease the number of tenured employees in the district, the governing board may terminate the
16 services of not more than a corresponding percentage of the employees of the district, tenured as well
17 as probationary, at the close of the school year. However, the services of no tenured employee may
18 be terminated under this section while any probationary employee, or any other employee with less
19 seniority, is retained to render a service in a faculty service area in which the records of the district
20 maintained pursuant to Section 87743.4 reflect that the tenured employee possesses the minimum
21 qualifications prescribed by the board of governors and is competent to serve under district
22 competency criteria.

23 Notice of the termination of services either for a reduction in attendance or reduction or
24 discontinuance of a particular kind of service to take effect not later than the beginning of the
25 following school year, shall be given before the 15th of May in the manner prescribed in Section
26 87740 and services of the employees shall be terminated in the inverse of the order in which they
27 were employed, as determined by the board in accordance with Sections 87413 and 87414. In the
28 event that a tenured or probationary employee is not given the notices and a right to a hearing as
29 provided for in Section 87740, he or she shall be deemed reemployed for the ensuing school year.

30 The board shall make assignments and reassignments in a manner that employees shall be
31 retained to render any service which their seniority and qualifications entitle them to render.

32 **SECTION 52.** Section 87743.1 is added to the Education Code, to read:

33 87743.1. As used in this chapter, "faculty service area" means a service or instructional subject
34 area or group of related services or instructional subject areas performed by faculty and established
35 by a community college district.

36 **SECTION 53.** Section 87743.2 is added to the Education Code, to read:

37 87743.2. Not later than July 1, 1990, each community college district shall establish faculty
38 service areas. The establishment of faculty service areas shall be within scope of meeting and
39 negotiating pursuant to Section 3543.2 of the Government Code. The exclusive representative shall
40 consult with the academic senate in developing its proposals.

41

1 **SECTION 54.** Section 87743.3 is added to the Education Code, to read:

2 87743.3. Each faculty member shall qualify for one or more faculty service areas at the time of
3 initial employment. A faculty member shall be eligible for qualification in any faculty service area in
4 which the faculty member has met both minimum qualifications pursuant to Section 87356 and
5 district competency standards. After initial employment, a faculty member may apply to the district
6 to add faculty service areas for which the faculty member qualifies. The application shall be received
7 by the district on or before February 15 in order to be considered in any proceeding pursuant to
8 Section 87743 during the academic year in which the application is received. Any dispute arising
9 from an allegation that a faculty member has been improperly denied a faculty service area shall be
10 classified and procedurally addressed as a grievance. If the district has no grievance procedure, fair
11 and equitable procedures for the resolution of the disputes shall be developed by the academic senate
12 and representatives of the governing board.

13 **SECTION 55.** Section 87743.4 is added to the Education Code, to read:

14 87743.4. Each district shall maintain a permanent record for each faculty member employed by
15 the district of each faculty service area for which the faculty member possesses the minimum
16 qualifications for service and in which he or she has established competency pursuant to district
17 competency standards. The record shall be contained in the faculty member's personnel file.

18 **SECTION 56.** Section 87743.5 is added to the Education Code, to read:

19 87743.5. To determine competency to serve in a faculty service area for the purposes of Section
20 87743, each community college district shall, not later than July 1, 1990, establish competency
21 criteria for faculty members employed by the district. The development and establishment of such
22 competency criteria shall be within the scope of meeting and negotiating pursuant to Section 3543 of
23 the Government Code.

24 **SECTION 57.** The Board of Governors of the California Community Colleges shall conduct a
25 thorough review of all statutes affecting the administration and operation of the California
26 Community Colleges, and recommend to the Legislature the amendment or repeal of those
27 provisions affected by this act. The review shall be submitted to the Legislature no later than January
28 31, 1989.

29 **SECTION 58.** The Board of Governors of the California Community Colleges shall review the
30 Education Employment Relations Act, Chapter 10.7 (commencing with Section 3540) of Division 4
31 of Title 1 of the Government Code, with regard to the delineation of roles and responsibilities of the
32 academic senate and the faculty bargaining agents, especially in light of proposed changes in the role
33 of faculty concerning hiring, peer review and evaluation, and curricular design. The results of this
34 review includin8 the recommendations of the board of governors shall be submitted to the
35 Legislature no later than January 1, 1993. The board of governors shall convene a committee, for the
36 purpose of conducting the review. The committee shall include representatives from faculty and
37 employee groups, collective bargaining organizations, and academic senates.

38 This section shall become operative only if funds are specifically appropriated to the board of
39 governors for purposes of this section.

40 **SECTION 59.** The California Postsecondary Education Commission and the State Department
41 of Education shall jointly agree on a coordinated research framework to be utilized by each agency in
42 a review of the programs in English as a second language offered through the California Community
43 Colleges, the University of California, the California State University, and adult education programs,

1 and of the future educational needs in this area, and to report its recommendations for programs of
2 effective cooperation between those institutions in this respect. The California Postsecondary
3 Education Commission shall have responsibility for reviewing the programs of the postsecondary
4 segments and the State Department of Education shall have responsibility for reviewing the programs
5 offered by school districts. Both the commission and the State Department of Education shall report
6 the results of their review to the Legislature no later than January 1, 1990. The purpose of the study
7 provided for under this section shall be to assess the ongoing role of the California Community
8 Colleges, in relation to the respective roles of the University of California and the California State
9 University in conducting programs in English as a second language.

10 This section shall become operative only if funds are specifically *IS* appropriated for the
11 purposes of conducting the work specified in this *16* section.

12 **SECTION 60.** The Chancellor of the California Community Colleges shall conduct a study, with
13 the participation of one or more community college districts, on the feasibility of establishing, on a
14 pilot basis, "interdisciplinary colleges" within selected community colleges with a special concern
15 with the integration of vocational and academic study. The study shall include exploration of the
16 possibilities, through the establishment of these colleges, of the integration of work experience and
17 study, and the provision of a more cooperative learning environment as a model for all colleges. On
18 or before January 1, 1990, the chancellor shall submit to the Legislature a report summarizing the
19 findings and recommendations which result from the study conducted pursuant to this section.

20 This section shall become operative only if funds are specifically appropriated for the purposes of
21 this section.

22 **SECTION 61.** The Board of Governors of the California Community Colleges shall, by January
23 1, 1990, do all of the following:

24 (a) Develop policies and guidelines for strengthening the role of the academic senate with regard
25 to the determination and administration of academic and professional standards, course approval and
26 curricula, and other academic matters.

27 (b) In cooperation with community college district and student representatives, develop a plan for
28 encouraging greater student participation in appropriate aspects of campus, district, and statewide
29 governance.

30 **SECTION 62.** The Student Aid Commission shall conduct a study of student aid programs
31 which have as their purpose increasing the number of students entering into the teaching profession
32 at the community college level, and shall report the results of this study to the Legislature and to the
33 California Postsecondary Education Commission on or before January 1, 1990. Prior to March 15,
34 1990, the California Postsecondary Education Commission shall review and comment on this report
35 to the Legislature, and shall propose any recommendations for revisions to improve these programs.

36 This section shall become operative only if funds are specifically appropriated for purposes of
37 this section.

38 **SECTION 63.** The Board of Governors of the California Community Colleges, on or before
39 January 1, 1990, shall provide ongoing information to community college districts relative to the
40 design and operation of vocational education programs. This information shall include, but is not
41 necessarily limited to, summaries and analyses of current economic trends and employment
42 projections, as indicated by industry groups and other sources, and the curriculum implications of
43 that data.

1 This section shall become operative only if funds are specifically appropriated for purposes of
2 this section.

3 **SECTION 64.** The Board of Governors of the California Community Colleges and the State
4 Board of Education shall each determine the extent to which students are underrepresented in
5 vocational education programs in the community colleges and in public schools, respectively, on the
6 basis of gender or ethnic origin, and shall jointly undertake to encourage students to enter those
7 vocational education programs in which they are underrepresented. On or before July 1, 1990, the
8 Board of Governors of the California Community Colleges and the State Board of Education jointly
9 shall file a report with the education policy committees of the Legislature on their findings.

10 This section shall become operative only if funds are specifically appropriated for purposes of
11 this section.

12 **SECTION 65.** (a) The Board of Governors of the California Community Colleges shall develop
13 a pilot program regarding the employment of part-time temporary faculty by option-rollover
14 contracts in selected areas of specialization. The board of governors shall select three community
15 college districts to implement the two-year pilot program. Community college districts eligible to
16 participate in this pilot program shall be those whose proposal for participation has the concurrence
17 of the local exclusive bargaining representative. In districts having no exclusive bargaining
18 representative, the plan must have the concurrence of the local academic senate.

19 (b) The community college districts participating in the pilot program established pursuant to
20 subdivision (a) shall employ part-time temporary faculty for a duration of two years under an option-
21 rollover contract. At the end of the two-year period, the community college district shall have, under
22 the pilot program, the option of retaining the part-time temporary employee by rolling over the
23 contract an additional two years.

24 (c) The pilot program shall be reviewed by the full-time faculty, the part-time temporary
25 employees participating in the pilot program, and the students of the community college district.

26 (d) Upon the completion of the pilot program, the board of governors shall evaluate the review
27 conducted pursuant to subdivision (c) and shall determine whether the pilot program regarding the
28 employment of part-time temporary faculty under option-rollover contracts is beneficial to the
29 community college and its students.

30 (e) If the pilot program is deemed to be beneficial to the community college and its students, the
31 board of governors, in consultation with the faculty, shall establish policy directed at, and shall
32 develop standards for, employing part-time temporary faculty under option-rollover contracts for
33 periods ranging from two to five years. At the conclusion of the contractual period, the employing
34 community college district shall have the option of retaining the employee for a period equal to the
35 duration of the original contract by rolling over the contract for the stated period.

36 (f) It is the intent of the Legislature that the development of for part-time temporary employees
37 not frustrate the policy of the community colleges to strengthen the core of their full-time faculty,
38 including the recruitment and hiring of full-time faculty members.

39

1 (g) The board of governors shall develop standards requiring part-time 2 temporary employees
2 who have contractual status under an option-rollover contract to participate in student advisement
3 and curriculum-related development, in addition to classroom instruction. Part-time temporary
4 employees shall be compensated according to these standards.

5 This section shall become operative only if funds are specifically appropriated for purposes of
6 this section.

7 **SECTION 66.** (a) The governing board of each district may determine whether it would be
8 beneficial for various community college departments to enter into agreements with the analogous
9 graduate department at the University of California or California State University campus closest in
10 proximity to the community college, to provide part-time temporary teaching positions in the district
11 for advanced university graduate students.

12 (b) In determining whether the development of part-time temporary teaching positions would be
13 beneficial for the district, the governing board shall consider that the part-time temporary teaching
14 positions, if implemented, would be university graduate students limited to the following individuals:

15 (1) Advanced graduate students with prior proven teaching experience.

16 (2) Advanced graduate students teaching in areas consistent with the subject area of their
17 graduate program.

18 (3) Advanced graduate students who qualify for employment in positions requiring certification.

19 (4) Advanced graduate students selected by the pertinent community college department and
20 administrators from among a list of candidates provided by the University of California or the
21 California State University graduate department.

22 (c) The governing board shall also consider whether the following intended purposes would be
23 served by the development of part-time temporary teaching positions:

24 (1) Be a form of financial aid to the graduate students, especially for minority and disadvantaged
25 students.

26 (2) Provide access to graduate students who wish to enter into the teaching profession at the
27 community college level.

28 (3) Guarantee community college departments one or two part-time positions each year.

29 (d) In the event that part-time temporary teaching positions are established, graduate students
30 who would teach on a temporary part-time basis shall not displace persons then currently teaching
31 part-time or full-time.

32 **SECTION 67.** Notwithstanding Section 17610 of the Government Code, if the Commission on
33 State Mandates determines that this act contains costs mandated by the state, reimbursement to local
34 agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with
35 Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim
36 for reimbursement does not exceed five hundred thousand dollars (\$500,000), reimbursement shall
37 be made from the State Mandates Claims Fund.

38

1 **SECTION 68.** On or before January 1, 1990, the Board of Governors of the 2 California
2 Community Colleges shall adopt regulations which substantially incorporate the following policy:

3 No more than 30 semester units, or 45 quarter units, in course credit may be assigned to any
4 student for remedial course work, except as to any student who is enrolled in one or more courses in
5 English as a second language or who is identified as having a learning disability. This limit may be
6 waived by the community college district pursuant to regulations of the board of governors, based
7 upon the student's showing of significant, measurable progress toward the development of skills
8 appropriate to his or her enrollment in college level courses. Students needing remedial instruction
9 beyond the course credit restrictions set forth in this section shall be referred to appropriate noncredit
10 adult basic education programs conducted by the community college or an adult school, or to
11 appropriate community services.

12 The board of governors shall examine and review the effects of the limit under this regulation on
13 the students taking remedial courses, including their success rates, attrition rates, and movement into
14 other programs of study or employment. The review shall include an analysis of the composition by
15 ethnicity and gender of the students reaching this limit, as well as a review of district efforts to use
16 faculty and support service personnel to promote the success rate of students in remedial courses. A
17 report concerning this review shall be delivered to the education policy committees of the Senate and
18 Assembly on or before December 31, 1991.

19 **SECTION 69.** Pursuant to paragraph (8) of subdivision (b) of Section 70901 of the Education
20 Code:

21 (a) The board of governors and the State Board of Education shall jointly assist school districts
22 and community college districts in the development and maintenance of articulated programs that
23 coordinate vocational education over the final two years in high school and two years in community
24 college to effectively meet student and employer needs.

25 (b) The Board of Governors of the California Community Colleges and the Trustees of the
26 California State University, shall jointly develop and maintain articulated programs that expand upon
27 the articulated programs developed pursuant to subdivision (a) to include the attainment of the
28 baccalaureate degree where appropriate. These programs shall provide for the transfer of students in
29 vocational education programs in community colleges to the California State University.

30 (c) Plans for the implementation of these programs shall be completed by July 1, 1991.

31 (d) This section shall become operative only if funds are specifically appropriated for purposes of
32 this section.

33 **SECTION 70.** (a) The Legislature finds and declares that the reforms enacted through this act
34 form a mutually dependent and related set of provisions. While some few provisions could be
35 enacted independently, other sections of this act depend upon adequate support for the programs of
36 the community colleges. There is a direct linkage between those sections of this act which constitute
37 the further professionalization of the faculty and the moneys required to enhance the programs of the
38 community colleges for "transitional program improvement," as specified in Section 84755 of the
39 Education Code.

40 For instance, the elimination of credentials must be accompanied by the establishment of
41 minimum qualifications by the board of governors. Minimum qualifications in turn must be
42 implemented by districts through the establishment of faculty service areas, competency criteria, and
43 various waiver processes. The extension of the tenure probationary period to four years as well as the

1 revisions to layoff procedures also depend upon the establishment of tenure denial grievance
2 processes as well as the establishment of faculty service areas and competency criteria. Similarly,
3 because so many of the reforms call for faculty involvement in the determination and implementation
4 of policy, and because the quality, quantity, and composition of full-time faculty have the most
5 immediate and direct impact on the quality of instruction, overall reform cannot succeed without
6 sufficient members of full-time faculty with sufficient opportunities for continued staff development,
7 and with sufficient opportunity for participation in institutional governance.

8 The Legislature further finds that, absent resources to reimburse the state-mandated costs of this
9 act, new full-time faculty to replace part-time faculty, and expanded programs for staff development,
10 the viability or success, or both, of many of the reforms in this act will be jeopardized. The
11 Legislature recognizes that due to unanticipated fiscal conditions the State cannot immediately fund
12 all of the reforms contained in this act. The Legislature also recognizes, however, that if minimal
13 funding is not soon provided that it would be inappropriate to proceed with many reforms.

14 (b) The Legislature finds and declares that the California Community Colleges are entering a
15 period of major reform, but require further assistance in regaining prior purchasing power in order to
16 fully carry out major reforms. The Legislature intends that the reform process be phased in over a
17 reasonable and logical period of time, and that the institution of major reform be based upon the
18 community colleges' ability to deliver enhanced quality in their programs. Pursuant to this act, the
19 Legislature finds and declares that the transitional stage of reform process shall consist of two
20 phases:

21 (1) "Phase I of transitional program improvement," as used in this section, means a period of
22 reform during which community college programs are improved and enhanced to prepare an
23 appropriate environment for the subsequent professionalization of faculty. In this connection, the
24 Legislature finds and declares that it would be an unsound and wasteful policy to expend moneys to
25 professionalize faculty without first making the program changes necessary to enable that faculty to
26 assume a more effective role in the educational process. It is the intent of the Legislature that those
27 changes, combined in proper sequence with the professional improvement of faculty, will improve
28 the overall quality of education within the system. It is the intent of the Legislature that moneys
29 appropriated during Phase I fully fund any state-mandates created pursuant to this section.

30 (2) "Phase II of transitional program improvement" means a period of reform following initial
31 program improvement and professionalization of faculty. During that period, the new educational
32 environment created under Phase I, including such reforms as innovative training programs,
33 evaluation procedures, and minimum qualifications, may be utilized to the fullest extent in hiring
34 new full-time faculty. The Legislature finds that this latter step is a major component of successful
35 reform and the eventual attainment of the highest possible quality in the educational programs of the
36 California Community Colleges. It is the intent of the Legislature that moneys appropriated during
37 Phase II fully fund any state-mandate created pursuant to this section.

38 (c) The Legislature finds and declares that the provisions of subdivisions (d) and (e) address an
39 essential policy issue at the core of the system created by this act. The reforms with delayed
40 operative dates pursuant to subdivisions (d) and (e) will be fiscally and substantively meaningful
41 only if other enumerated reforms, on which the reforms with delayed operative dates depend, are
42 adequately funded as an initial step in the process of improving the structure and quality of the
43 California Community Colleges.

44

1 (d) Sections 27 to 34, inclusive, and Sections 51 to 56, inclusive, of this act shall be implemented
 2 by the board of governors and be mandatory with regard to implementation by community college
 3 districts only if the board of governors certifies in writing to the Governor and to the Legislature that
 4 adequate funding has been provided for Phase I of transitional program improvement and for any
 5 applicable state mandates, as authorized in Section 84755 of the Education Code. If the board of
 6 governors so certifies, each of these sections shall be implemented on the date of certification, or
 7 upon any operative date specified for the particular section in this act, whichever is later. For
 8 purposes of this subdivision, "adequate funding" means those moneys required to provide an
 9 increased quality of instruction and programs. and to carry out applicable mandates of this act, within
 10 the California Community Colleges. Based upon estimates provided by the board of governors and
 11 exhaustive review of the community colleges' operations by the Joint Committee for the Review of
 12 the Master Plan for Higher Education, the Legislature finds and declares that its estimate of this
 13 funding amount is seventy million dollars (\$70,000,000).

14 (e) Sections 21, and 36 to 49, inclusive, of this act shall be implemented by the board of
 15 governors and be mandatory with regard to implementation by community college districts only if
 16 the board of governors certifies in writing to the Governor and to the Legislature that adequate
 17 funding has been provided for Phase II of transitional program improvement and for any applicable
 18 state mandates, as authorized in Section 84755. If the board of governors so certifies, each of these
 19 sections shall be implemented on the date of certification, or upon any operative date specified for
 20 the particular section in this act, whichever is later. For purposes of this subdivision, "adequate
 21 funding" means those moneys required to provide an increased quality of instruction and programs,
 22 and to carry out applicable state mandates of this act, within the California Community Colleges.
 23 Based upon estimates provided by the board of governors and exhaustive review of the community
 24 colleges' operations by the Joint Committee for the Review of the Master Plan for Higher Education,
 25 the Legislature finds and declares that its estimate of this funding amount is seventy million dollars
 26 (\$70,000,000), in addition to the seventy million dollars (\$70,000,000) estimated under subdivision
 27 (d).

28 (f) Notwithstanding this section, the board of governors, commencing January 1, 1989, may
 29 develop criteria and standards, as may be necessary to prepare for implementation of Section 84750
 30 of the Education Code. However, the board of governors may not implement that section until the
 31 terms of this section have been met.

32 **SECTION 71.** Section 70901.5 of the Education Code, as added by Section 8 of this act, shall
 33 become operative on January 1, 1990.

34 **SECTION 72.** The sum of seven million two hundred fifty thousand dollars (\$7,250,000) is
 35 hereby appropriated from the General Fund to the Board of Governors of the California Community
 36 Colleges for expenditure pursuant to this act in the 1988-89 fiscal year in accordance with the
 37 following schedule:

38 (a) For expenditure pursuant to Article 5 (commencing with Section 87150) of Chapter 1 of Part
 39 51 of the Education Code. Notwithstanding subdivision (a) of Section 87152, the board of governors
 40 shall allocate these funds to community college districts on a per average daily attendance (ADA)
 41 basis, using the funded ADA levels for the 1987-88 fiscal year, so that seven dollars (\$7) per ADA,
 42 or as near thereto as possible, is allocated, and so that each district receives at least five thousand
 43 dollars (\$5,000). Before computing the per ADA amount the board of governors may set aside up to
 44 2 percent of the allocation of this subdivision for statewide administration..... \$5,000,000

45

1	(b) For expenditure pursuant to Section 87107 of the Education Code.....	\$1,000,000
2	(c) For purposes of the administration of this act, including the administration of Section 84755	
3	of the Education Code, the adoption of regulations as required by Sections 70901.5, 87356, 87359,	
4	87107, and 87482.6 of the Education Code and Section 69 of this act, the development of a list of	
5	disciplines, as required by Section 87357 of the Education Code, and the review required by Section	
6	87359.5 of the Education Code.....	\$300,000
7	(d) For purposes of commencing implementation of Section 84750 of the Education Code, during	
8	the period of January 1, 1989, through June 30, 1990	\$300,000
9	(e) For purposes of subdivision (b) of Section 87104 of the Education Code.....	\$300,000
10	(f) For purposes of Section 71020.5 of the Education Code	\$150,000
11	(g) To the Community College Fund for instructional improvement pursuant to Section 84381 of	
12	the Education Code	\$200,000

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§ 53200. Definitions.

For the purpose of this Subchapter:

(a) "Faculty" means those employees of a community college district who are employed in positions that are not designated as supervisory or management for the purposes of Article 5 (commencing with Section 3540) of Chapter 10.7 of Division 4 of Title 1 of the Government Code, and for which minimum qualifications for hire are specified by the Board of Governors.

(b) "Academic senate," "faculty council," and "faculty senate" means an organization formed in accordance with the provisions of this Subchapter whose primary function, as the representative of the faculty, is to make recommendations to the administration of a college and to the governing board of a district with respect to academic and professional matters. For purposes of this Subchapter, reference to the term "academic senate" also constitutes reference to "faculty council" or "faculty senate."

(c) "Academic and professional matters" means the following policy development and implementation matters:

- (1) curriculum, including establishing prerequisites and placing courses within disciplines;
- (2) degree and certificate requirements;
- (3) grading policies;
- (4) educational program development;
- (5) standards or policies regarding student preparation and success;
- (6) district and college governance structures, as related to faculty roles;

- (7) faculty roles and involvement in accreditation processes, including self-study and annual reports;
- (8) policies for faculty professional development activities;
- (9) processes for program review;
- (10) processes for institutional planning and budget development; and
- (11) other academic and professional matters as are mutually agreed upon between the governing board and the academic senate.

(d) "Consult collegially" means that the district governing board shall develop policies on academic and professional matters through either or both of the following methods, according to its own discretion:

- (1) relying primarily upon the advice and judgment of the academic senate; or
- (2) agreeing that the district governing board, or such representatives as it may designate, and the representatives of the academic senate shall have the obligation to reach mutual agreement by written resolution, regulation, or policy of the governing board effectuating such recommendations.

Note: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. Amendment of NOTE filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
2. Amendment of NOTE filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
3. Amendment filed 10-30-90 with Secretary of State by Board of Governors, California Community Colleges; operative 11-30-90 (Register 90, No. 49). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).
4. Relocation of article 2 heading filed 5-15-93; operative 6-4-93 (Register 93, No. 25).
5. Amendment filed 9-6-94; operative 10-6-94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).

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§ 53201. Academic Senate or Faculty Council.

In order that the faculty may have a formal and effective procedure for participating in the formation and implementation of district policies on academic and professional matters, an academic senate may be established at the college and/or district level.

Note: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. Amendment filed 2-10-78; effective thirtieth day thereafter (Register 78, No. 6).
2. Amendment of NOTE filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
3. Amendment filed 10-30-90 with Secretary of State by Board of Governors, California Community Colleges; operative 11-30-90 (Register 90, No. 49). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).

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§ 53202. Formation; Procedures; Membership.

The following procedure shall be used to establish an academic senate:

(a) The full-time faculty of a community college shall vote by secret ballot to form an academic senate.

(b) In multi-college districts, the full-time faculty of the district colleges may vote on whether or not to form a district academic senate. Such vote shall be by secret ballot.

(c) The governing board of a district shall recognize the academic senate and authorize the faculty to:

(1) Fix and amend by vote of the full-time faculty the composition, structure, and procedures of the academic senate.

(2) Provide for the selection, in accordance with accepted democratic election procedures, the members of the academic senate.

(d) The full-time faculty may provide for the membership and participation of part-time faculty members in the academic senate.

(e) In the absence of any full-time faculty members in a community college, the part-time faculty of such community college may form an academic senate.

Note: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. Amendment filed 2-10-78; effective thirtieth day thereafter (Register 78, No. 6).

2. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

3. Amendment filed 10-30-90 with Secretary of State by Board of Governors, California Community Colleges; operative 11-30-90 (Register 90, No. 49). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).

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§ 53203. Powers.

(a) The governing board of a community college district shall adopt policies for appropriate delegation of authority and responsibility to its college and/or district academic senate. Among other matters, said policies, at a minimum, shall provide that the governing board or its designees will consult collegially with the academic senate when adopting policies and procedures on academic and professional matters. This requirement to consult collegially shall not limit other rights and responsibilities of the academic senate which are specifically provided in statute or other Board of Governors regulations.

(b) In adopting the policies and procedures described in Subsection (a), the governing board or its designees shall consult collegially with representatives of the academic senate.

(c) While in the process of consulting collegially, the academic senate shall retain the right to meet with or to appear before the governing board with respect to the views, recommendations, or proposals of the senate. In addition, after consultation with the administration of the college and/or district, the academic senate may present its views and recommendations to the governing board.

(d) The governing board of a district shall adopt procedures for responding to recommendations of the academic senate that incorporate the following:

(1) in instances where the governing board elects to rely primarily upon the advice and judgment of the academic senate, the recommendations of the senate will normally be accepted, and only in exceptional circumstances and for compelling reasons will the recommendations not be accepted. If a recommendation is not accepted, the governing board or its designee, upon request of the academic senate, shall promptly communicate its reasons in writing to the academic senate.

(2) in instances where the governing board elects to provide for mutual agreement with the academic senate, and agreement has not been reached, existing policy shall remain in effect unless continuing with such policy exposes the district to legal liability or causes substantial fiscal hardship. In cases where there is no existing policy, or in cases where the exposure to legal liability or substantial fiscal

hardship requires existing policy to be changed, the governing board may act, after a good faith effort to reach agreement, only for compelling legal, fiscal, or organizational reasons.

(e) An academic senate may assume such responsibilities and perform such functions as may be delegated to it by the governing board of the district pursuant to Subsection (a).

(f) The appointment of faculty members to serve on college or district committees, task forces, or other groups dealing with academic and professional matters, shall be made, after consultation with the chief executive officer or his or her designee, by the academic senate. Notwithstanding this Subsection, the collective bargaining representative may seek to appoint faculty members to committees, task forces, or other groups.

Note: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. Repealer and new section filed 10-30-90 with Secretary of State by Board of Governors, California Community Colleges; operative 11-30-90 (Register 90, No. 49). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b). For prior history, see Register 81, No. 3.

2. Amendment filed 9-6-94; operative 10-6-94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).

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§ 53204. Scope of Regulations.

Nothing in this Subchapter shall be construed to impinge upon the due process rights of faculty, nor to detract from any negotiated agreements between collective bargaining representatives and district governing boards. It is the intent of the Board of Governors to respect agreements between academic senates and collective bargaining representatives as to how they will consult, collaborate, share, or delegate among themselves the responsibilities that are or may be delegated to academic senates pursuant to these regulations.

Note: Authority cited: Sections 66700 and 70901 Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. Repealer and new section filed 10-30-90 with Secretary of State by Board of Governors, California Community Colleges; operative 11-30-90 (Register 90, No. 49). Submitted to OAL for printing only pursuant to Education Codesection 70901.5(b). For prior history, see Register 83, No.18.

2. Amendment filed 9-6-94; operative 10-6-94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).

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