



# The 50% Law: A Critical Protection for Quality Education

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**For over 60 years, California’s “50% Law” has upheld the core mission of community colleges—high-quality, affordable education centered on engaged classroom instruction with hands-on faculty support for learning.**

By requiring districts to devote at least half of their unrestricted budgets toward salaries for instructors, this law ensures that our limited resources directly serve students’ academic development rather than contributing to unchecked administrative bloat. However, some critics call for repealing or significantly changing the 50% Law, claiming it arbitrarily limits districts’ flexibility to fund student support services. While thoughtful reforms reflecting current data could allow for reasonable flexibility while retaining core protections, outright elimination based on political rhetoric could damage student success by increasing class sizes, overstressing faculty, minimizing counselor and librarian positions, and reducing student-faculty engagement. The 50% Law should be protected and updated, not dismantled.

## The Value of the 50% Law for Students

Enacted in 1961, the 50% Law recognizes that high-quality education depends first and foremost on a strong, stable core of knowledgeable, committed, and diverse faculty focused intensely on teaching, mentoring, guiding, and engaging directly with students.

By setting a reasonable minimum instructional spending level, the law aims to:

1. Maintain small class sizes to increase hands-on educational engagement
2. Support instructional quality and effectiveness through investment in diverse faculty
3. Improve student learning outcomes and academic success

This law prevents uncontrolled non-instructional cost increases from coming at the expense of student learning. Instructional costs go toward exactly what students entrust their precious time, money, and

dreams in community colleges to receive—engaged teaching and guidance from committed faculty experts in their subjects.

In reality, the 50% Law applies only to districts’ unrestricted general funds, just one portion of overall community college budgets. Many additional funding streams tied to categorical programs also play an important role, as they are allocated for essential student support services including counseling, mental health resources, basic needs assistance, and more. However, while wraparound supports are undoubtedly vital, funding them should not come at the cost of high-quality classroom instruction and faculty engagement, which remains the central purpose of a college education. Considering California’s total allocated budget enveloping all categorical programs and funding streams, only an estimated 37% of expenditures are directed toward colleges’ core instructional costs. This demonstrates that the 50% Law is barely a minimum safeguard, preventing an even greater imbalance favoring non-teaching functions. Recent audits confirm that without the 50% framework, districts could continue shifting away from the classrooms and faculty those funds that were meant to catalyze students’ academic and career growth.

Recent audits demonstrate why upholding the 50% Law remains critically important. According to a 2022 state audit, districts were improperly using or failing to use \$450 million specially allocated by California’s Legislature for hiring full-time faculty. This exacerbates the fact that almost 70% of community college classes are taught by adjunct faculty rather than full-time permanent professors aligned with

a single college. This overreliance on part-time contingent faculty starkly contrasts with the system’s 75/25 goal, envisioning no more than 25% of instruction by temporary part-time staff. Extensive research shows that student success and completion rates improve when faculty teaching conditions allow deeper engagement in college communities. Well-supported full-time faculty committed to a single campus spend more time guiding struggling students, refining curriculum, and participating in shared governance to advocate for resources benefiting classrooms.

Simply put, faculty working conditions are student learning conditions. Without guardrails like the 50% Law, districts could further diminish full-time faculty while expanding bureaucracy. Under this scenario colleges count on knowledgeable, available faculty to fulfill administrative roles at their colleges, detracting from their time available to teach and thereby directly diminishing the quality of education.

## A Closer Look at Staffing Trends

Recent data reveals concerning trends regarding the populations of full-time faculty and administrators. The Chancellor’s Office approved implementing the full Faculty Obligation Number (FON) for 2024–25. However, the calculated FON dropped dramatically, requiring only one district to hire any new full-time faculty next year. Comparing 2019 pre-pandemic numbers reported in the system’s Datamart to 2023, the statewide FON fell from 17,350 positions to 16,304. Actual full-time faculty declined from 19,482 serving 1.053 million students to 18,696 serving 1.029 million students. So, post-pandemic, student enrollment is only down 2.3%, but the number of full-time faculty

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plummeted by 16.3%. In stark contrast, the number of college administrators increased by 15.5% during the same period. Realization that the number of students has remained roughly the same while the number of full-time faculty has declined by 16.3% as 15.5% more administrators have been added brings clarity to understanding why more districts struggle to meet the 50% instructional spending minimum: expanding bureaucracy at the expense of educating students. The 50% Law aims to prevent precisely this scenario.

### Growing Reserves Reveal Flexibility

The most glaring contradiction of the claim that limited financial flexibility prevents college from meeting student basic needs is districts' fiscal data trends. According to statewide reserve balances,

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community college districts increased reserves substantially from an average of 16.1% in 2009–10 to over 35% by 2021–22. Nearly half of districts now report reserves exceeding 25% of expenditures, suggesting sizable and growing fiscal latitude absent the 50% Law.

This trend prompts valid questions about colleges' cries of poverty. What explains their proven ability to amass rising reserves

if districts face debilitating financial limitations? Why do opponents of the 50% Law protest restrictions in spending power, yet districts demonstrate a capacity to stockpile institutional savings? Any district genuinely needing more budget leeway could draw from already robust and mounting reserves.

Additionally, a recent report revealed that many districts are consciously deciding against spending available funds, including those intended for

pandemic relief. California allocated \$650 million to community colleges for COVID support in 2021, yet 80% remained unspent as of January 2023. Though the needs for which these funds were earmarked persist, bureaucratic hurdles and conservative budgeting—not insufficient funding—slow colleges' outlay. The 50% Law rightly compels prioritizing classroom investment as intended rather than accumulating reserves while services lag. Preserving instructional integrity should remain the priority if student learning matters most.

With systemic reserves now double their pre-recession levels, districts possess options despite claims otherwise. Attempts at repealing instructional spending safeguards reflect misplaced priorities, not financial necessity.

### Flawed Alternatives to 50% Law Protections

Some critics claim that faculty unions could negotiate class size caps through collective bargaining without the 50% Law. However, significant variation exists across districts' 80+ contracts, and there is no guarantee that class size protections would persist. Eliminating standardized instructional spending minimums without replacing them invites larger classes, impeding learning.

Similarly, suggestions that shared governance alone suffices also fall short. While governance provides faculty input on planning and budgets, ultimate decision-making authority resides with administrators and trustees, not classroom instructors. Data shows that executive staffing and salaries have swelled while instructional support roles have remained understaffed. Rarely do boards or presidents voluntarily curb administrative growth without external accountability measures.

In reality, no existing framework matches the consistent systemwide protections that the 50% Law provides students through enforced budgeting discipline and class size reduction. Claims otherwise ignore governance and bargaining inconsistencies, while disregarding documented administrative expansion trends.

### Updating Through Data-Driven Reforms

While outright repeal could clearly damage student success, thoughtful updates grounded in data could allow reasonable flexibility while retaining protections. For instance, some have proposed amending the definition of "instructional costs" to include faculty release time, professional development, and vital non-classroom academic support personnel, including counselors, librarians, and tutors. However, that would require adjusting the current 50% benchmark upward proportionally; otherwise, even less funding would flow to core instructional capacity involving faculty and classrooms. Simply incorporating non-teaching personnel definitions without raising the defined instructional spending minimum would dilute the law's intent to uphold educational quality. Any changes must retain the spirit of 50% as a meaningful, data-driven floor for investing in engaged faculty instruction as the heart of community colleges.

Crucially, such changes should mandate minimum staffing ratios to students based on evidence of need and impact. Students benefit from both expanded academic support services and sustained investment in faculty.

Additionally, stronger requirements explicitly limiting the year-over-year expansion of administrative and non-instructional staffs could prevent administrative bloat from crowding out classroom investment under the guise of "flexibility." Rather than requiring districts to spend 50% on instruction, the law could cap non-instructional staffing budgets.

In all cases, changes must retain the 50% Law's spirit: upholding quality, hands-on, high-impact education as the heart of community colleges' purpose and budget bottom line.

### Talking Points for 50% Law Conversations

#### WHAT IS IT?

The 50% law requires community college districts to devote at least 50% of their unrestricted general funds to instructional salaries. Categorical and other funding are exempt.

#### WHY DO WE NEED IT?

The 50% helps maintain small class sizes, support faculty, and improve student outcomes.

#### WHAT WOULD HAPPEN IF WE ELIMINATED IT?

Eliminating the 50% law without equivalent protections risks larger classes, overburdened faculty, uncontrolled administrative cost increases, and reduced student-faculty engagement, which is vital for learning.

#### THE STATS

- Overall, only about 37% of total budgets, including categorical funding, go towards instructional costs.
- Between 2012 and 2022, student enrollment decreased by 20%, yet college administrators increased by 45% while faculty decreased by 2.6%.
- District reserves have grown significantly, reaching over 35% of expenditures by 2021-22.

#### THE SOLUTION

- A state audit reviewing 50% law compliance, which will be completed in the fall of 2024, will help guide data-driven reforms. We should wait for these findings before significantly altering the law.
- Reasonable updates could redefine "instructional costs" and raise the 50% benchmark accordingly, but the core focus must remain on classroom instruction and student-faculty engagement.

### Waiting on Audit Findings

Notably, the California State Auditor is currently conducting an audit approved by the Joint Legislative Audit Committee reviewing the compliance of 10 districts with the 50% Law. The audit also will assess increasing district expenditures and compensation for administrative positions over the past decade compared to changes in faculty and staff positions and student enrollment. It was requested to address concerns over continued non-compliance with the 50% Law based on past audits and the rapid expansion in the number of administrators amid declining student enrollment.

FACCC strongly urges policymakers and stakeholders to wait for the findings of this audit, which should be released this fall, before proposing any significant legislative changes to the 50% Law. Understanding the current reality based on data is crucial. Attempting

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substantial modifications without evidence risks severe consequences. If the audit confirms the persistence of compliance infractions along with disproportionate administrative spending growth, that will strengthen the case for retaining the core protections of the existing 50% Law. However, the audit also could reveal opportunities for more nuanced, incremental improvements. In any case, informed policy is better policy. With the integrity of community college education at stake, a pause for greater wisdom once audit details emerge later this year remains prudent statesmanship.

## Shared Goals, With Care for Students

Student access, learning, and success are shared goals for all community college faculty, staff, administrators, and policymakers. Each plays a vital collaborative role, ensuring colleges have the resources to fulfill the promise of life-changing, affordable higher education.

With care, wisdom, and facts driving decisions, not institutional politics, California's 50% Law could be

responsibly updated to address valid concerns from all parties while retaining its essential purpose – upholding investment in engaged faculty at the core of quality instruction.

But by outright eliminating this law, critics who offer no equivalent replacement invite disaster. Without guardrails on spending, districts could expand administration and overburden faculty with larger classes while claiming that “flexibility” helps instruction. This ambivalent path forward benefits no one, especially students, who count on the proven successful formula of engaged teaching faculty.

FACCC urges faculty to engage with elected representatives and policymakers to avoid reactionary steps toward eliminating the 50% Law. We must reinforce and not dismantle the law, protecting committed investment in community college classrooms, faculty, and, most importantly, students. The future of the affordable, quality community college education we all believe in depends on it. ■

