



California community colleges

Chancellor's office

**WORKGROUP ON
75/25 ISSUES**

**Report
and
Recommendations**

June 1, 2005



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I. Workgroup Membership and Process

A. Members

Constance M. Carroll (Chair)	Chancellor San Diego Community College District
Cathy Crane-McCoy	President, Community College Association, California Teachers Association (CCA/CTA)
Benjamin T. Duran	Superintendent/President Merced Community College District
Richard Hansen	President, Faculty Association of California Community Colleges (FACCC)
Randy Lawson	Vice President of Academic Affairs Santa Monica College
Ian Walton	Vice President Academic Senate for California Community Colleges

Assisted by:

Robert Turnage	Vice Chancellor, Fiscal Policy Chancellor's Office California Community Colleges
Wayne Murphy	Assistant Chancellor, Human Resources San Diego Community College District
Patricia Laurent	Specialist, Fiscal Planning & Administration Chancellor's Office

B. Process

The Workgroup on 75/25 Issues was given a timeline, outlined in the charge by Chancellor Mark Drummond, requiring that the effort, which began



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in February 2005, be completed with a report by June 1, 2005. The Workgroup followed a process designed to fit this timeline with as thorough an effort as possible. The following elements were included.

First, the Workgroup on 75/25 issues made an effort to solicit general information from constituents so that there would be good knowledge of the project within the system of California Community Colleges and that individuals would have an opportunity to share their perspectives in a candid and informal manner. Members of the Workgroup received comments, which proved to be both informative and constructive.

Second, the Workgroup reviewed data provided by the California Community Colleges, documenting annual outcomes by all 72 community college districts, from 1988 to 2004, in relationship to the 75% faculty goal. This data was analyzed and discussed by the Workgroup, which identified patterns for additional study.

Third, the Workgroup developed and disseminated a survey to all 72 districts, requesting the following:

- Verification of the district's 75/25 data, as presented in the survey instrument.
- District perspectives on the 75/25 goal, on the causes for making progress or lack of progress toward the goal, and other matters pertinent to this issue. (The survey instrument is included in the Appendices).
- An opportunity for comment by the CEO.
- An opportunity for comment by the Academic Senate President.

The survey responses were also informative and constructive, providing the Workgroup with a range of perspectives to consider in developing the final report and recommendations.

Fourth, the draft Report of the Workgroup was disseminated to constituents during May 2005 as an additional effort to ensure good information and input regarding findings and recommendations.

Fifth, the Workgroup Report was submitted to the Chancellor of the California Community Colleges on June 1, 2005.



II. Workgroup Charge

Chancellor Mark Drummond's Charge to the Committee

"In response to the direction given by the Board of Governors at its November (2004) meeting, the workgroup is to conduct a review of the current regulatory structure for assuring adequate numbers of full-time faculty to meet educational needs. The group should:

1. Analyze current patterns of compliance.
2. Identify barriers to success.
3. Identify best practices.
4. Recommend necessary changes.

The focus should be on developing answers and processes to deal with considering/analyzing the following:

- a) How can we leave 75/25 as an "ideal backdrop," but develop a more realistic planning range for individual districts based on variables that should predict what is practical to achieve - - then find a way to incorporate this analysis into district planning and goal-setting. In doing this, how would we monitor and report progress or problems?
- b) An exception process clearly available for golden handshakes or other foreseeable intervention issues (base closures, sudden demographic shifts, budget cuts, earthquakes, etc.) that might substantially affect enrollment or employment patterns and that require 3 to 5 years to plan and normalize the way out of (as opposed to the one-year recovery now on the books).
- c) Authority for the Chancellor to fact-find and make determinations about waivers or deferrals, including forgiveness or redirection of fine dollars.

The Governor's Budget released last week has added another issue that the group should examine. As part of the larger proposal by the Governor to expand career technical pathways between high schools and community colleges, the Administration proposes exempting career technical faculty from the 75/25 law. The Administration is concerned that the current law could inhibit colleges from appropriate expansion of vocational offerings. I would like the group to examine whether the facts justify this concern and, if so, whether there are better ways of addressing the concern.



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I would like to be able to report to the Board at its March 7th meeting on the group's progress. I would expect this to be a simple delineation of the problems/questions identified by that point and a progress report on framing possible solutions. I would like the group to complete its work by June 1st, with recommendations for my review and Consultation."



III. History of 75/25 Issue

A. Overview

The numbers of full-time and part-time faculty in community colleges has been a matter of national concern since the inception of two-year institutions of higher education. Junior and community colleges developed and grew in size during the previous century, with the most rapid expansion occurring in the post-World War II years. Although colleges hired cadres of full-time faculty members, part-time faculty members proliferated in greater numbers due to three basic causes: 1) the employment costs were lower; 2) they often offered unique expertise and specialties in occupational fields; and 3) they offered flexible staffing options for institutions experiencing sudden growth or decline.

Although part-time faculty offer the same quality in teaching, the benefits of a sufficient complement of full-time faculty members are numerous, from providing essential stability for planning and curriculum functions to providing the levels of availability that students need outside of the classroom. In their book The American Community College, authors Arthur Cohen and Florence Brawer identified a number of functions which are normally performed either entirely or in greater measure by full-time faculty than by part-time faculty:

Instructional Activities

- Curriculum Management Activities
- Periodic Syllabus Revision
- Joint Teaching with Colleagues
- Interdisciplinary Participation
- Involvement in Honors Courses
- General Education Involvement
- Organization of Extracurricular Activities for Students

Professional Activities

- Participation in Educational Associations
 - Disciplinary Associations
 - Community College Associations
- Service as Department Chair
- Institutional Committee Service

Source: Cohen & Brawer, The American Community College. Jossey-Bass. San Francisco. 2003. p. 88.



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B. (AB 1725)

In 1988, Assembly Bill 1725 was passed by the California legislature and signed by the Governor as an omnibus bill to reform the California community colleges by more closely aligning their practices and criteria with other segments of higher education. AB 1725 included a strong requirement to increase the ratio of full-time to part-time or adjunct faculty in community colleges to 75% of instruction. Section 4 of this legislation provides the legislature's rationale and goals in this regard.

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

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

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

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

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

(d) Decisions regarding the appropriateness of part-time faculty should be made on the basis of academic and program needs, however, and not for financial



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savings. The Legislature's concern about abuses in this regard led to the establishment of the current statutory cap on part-time employment.

(e) There is widespread concern about the current tendency to fill “retiring” full-time positions with multiple part-time positions, and that there is a financial incentive to do so.

Under current formulae, part-time faculty receive less money than do full-time faculty, and do not receive benefits. Thus, proposals concerning the status and conditions of part-time faculty will depend upon changes in the pay structure as well as the overall financing of the colleges.

In addition, in section 35 of AB1725 the Legislature stated:

... the Legislature wishes to recognize and make efforts to address longstanding policy of the Board of Governors that at least 75 percent of the hours of credit instruction in the California Community Colleges, as a system, should be taught by full-time instructors.

This was chaptered as Education Code Section 87482.6.

And again in Section 70 of AB1725 the Legislature found and declared that:

Because the quality, quantity and composition of full-time faculty have the most immediate and direct impact on the quality of instruction, overall reform cannot succeed without sufficient members of full-time faculty...

Implementation was initially achieved by Education Code 87482.7 stating:

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

Subsequently the Board of Governors adopted Title 5 regulations designed to reach the “75% full-time faculty standard.” These regulations appear in sections 51025 and 53300 through 53314.

The Workgroup noted that it was the intent of the legislature to provide funding to ensure that this and other outcomes were achieved. Unfortunately, as happens all too often with California initiatives, the initial funding produced results but was short-lived as other funding priorities emerged in subsequent years.



C. ACCREDITATION STANDARDS

A second source of interest in and requirements for full-time faculty in the community college is the Western Association of Schools and Colleges Accrediting Commission for Community and Junior Colleges. The Accrediting Commission, although it does not quantify the amount, calls for a full-time faculty complement in its Eligibility Standards:

Eligibility Standard 13. Faculty

The institution has a substantial core of qualified faculty with full-time responsibility to the institution. The core is sufficient in size and experience to support all of the institution's educational programs. A clear statement of faculty responsibilities must include development and review of curriculum as well as assessment of learning.

The Accrediting Commission also includes a provision pertaining to full-time faculty in its 2002 Standards of Accreditation.

Standard 3. A. 2

The institution maintains a sufficient number of qualified faculty with full-time responsibility to the institution.

D. Other Supporting Reasons and Documents

The Legislature's comment that "quality, quantity and composition of full-time faculty have the most immediate and direct impact on the quality of instruction" goes to the heart of the issue. The availability of full-time faculty is of great benefit to students in a variety of ways, both in and out of the classroom.

The Academic Senate for California Community Colleges (ASCCC) has adopted numerous resolutions in support of the general goal of 75% full-time instruction and commenting on particular details of the Title 5 regulations. They show consistent, strong support over a long period of time. Most recently in fall 2004 ASCCC:

Resolved, that the Academic Senate for California Community Colleges oppose the exclusion of career and technical faculty from the calculation of 75:25 ratios; and

Resolved, that the Academic Senate for California Community Colleges oppose any modifications to the Education Code that reduce the existing 75:25 full-time



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faculty obligation.

In Spring 2003 ASCCC:

Resolved, that the Academic Senate for California Community reaffirm its commitment to the full-time faculty hiring obligation and the larger goal that 75% of instruction in the California community colleges shall be taught by regular, full-time faculty.

In Spring 2000 ASCCC:

Resolved, that the Academic Senate support placing funding priority on increasing the full-time/part-time ratio to at least the mandated 75:25 level.

In Spring 1999 ASCCC:

Resolved, that the Academic Senate oppose any attempt to include the overload assignments of full-time faculty in computing the full-time faculty percentage.

In Spring 1997 ASCCC:

Resolved, that the Academic Senate direct the Executive Committee to seek a commitment from local trustees, CEOs and local academic senates to establish and maintain a 75:25 ratio at each California community college.

The California State University system has also recognized that full-time faculty are important to students and have identified a similar 75% goal as the community colleges. In September 2001, the Legislature adopted ACR 73 (Strom-Martin) that stated:

That the Legislature urges the Trustees of the California State University, the Academic Senate of the California State University, and the California Faculty Association to jointly develop a plan that will accomplish all of the following:

(a) Raise the percentage of tenured and tenure-track faculty to at least 75 percent, with the unit of measurement to be developed jointly by the entities described in this resolved clause.

Finally, national research also validates the importance of a sufficient complement of full-time faculty – particularly the population served by the California Community Colleges. In his Fall 2002 article “How Over Reliance on Contingent Appointments Diminishes Faculty Involvement in Student Learning,” Ernst Benjamin, senior consultant for the American Association of University Professors writes:

Over-reliance on part-time and other “contingent” instructional staff diminishes faculty involvement in undergraduate learning . . . such over-reliance particularly disadvantages the less-well-prepared entering and lower-division students in the non-elite institutions who most need more substantial faculty attention.



IV. District/College 75/25 Patterns and Data

Data reviewed by the Workgroup included the trends since Fall 1988 of the percentage ratio of full-time faculty for the system as a whole and for each district. Trends involving the faculty obligation number (FON) also were studied. Several observations emerged, looking at the system as a whole. One was the static nature of the system's average percentage over time. The average did not change significantly from year to year. In fact, the system average of 62.2% in Fall 2004 was actually less than the system average of 63.1% in Fall 1988. The Workgroup noted that what little movement has occurred in the system average has been in the wrong direction.

The static nature of the system average masks tremendous variation between districts in starting points, and in trends. In Fall 1988, percentages ranged from a low of 33.9% to a verifiable high of 78.1%. In Fall 2004, percentages ranged from a low of 46.1% to a high of 78.6%. For the intervening years trends were remarkably varied. The Workgroup identified at least six "characteristic" trend patterns in the ratio of faculty who were full-time.

- 17 districts could be characterized as consistently high: 60% or higher in all or nearly all of the 17 years observed.
- 9 districts showed sustained and significant improvement from 1988 to 2004 (at least 9 percentage points of improvement, and in some cases almost 20 percentage points).
- 4 districts could be characterized as stable, "middle of the road." (They stayed within a 12-point range over the entire time period, and ended essentially at the same point at which they started.)
- 17 districts could be characterized as consistently low, with all or nearly all years below 60%.
- 7 districts showed significant decline (at least 9 percentage points).
- 18 districts exhibited sharp and multiple fluctuations over the 17-year time period.

While the system goal is stated in terms of a percentage of instruction performed by full-time faculty, the system compliance mechanism is constructed in terms of a hiring obligation that sets the minimum number of full-time faculty required for each district. This number is adjusted up or down in relation to a district's growth (funded) or decline in credit FTES. In theory, this mechanism should maintain the district ratios of full- to



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part-time instruction that were in place in 1988 when AB 1725 took effect. Therefore, those districts that are among the “consistently high” or “consistently low” in the ratio data are probably in these categories due to historical circumstances. The mechanism should ensure that most districts fall in the “stable” category, so the Workgroup was surprised to find that only four appear here. It was also not easy to discern why districts would be either in the “significant decline” or “significant improvement” categories, because most districts reported in the survey that their planning is usually aimed at meeting their full-time hiring obligation. It is probably understandable that some districts would fall into the “not consistent” category if they faced some difficulties in meeting the obligation over the years.

The net result of this stabilizing mechanism has been a 1 percent decline in the statewide full- to part-time instruction ratio since 1988. This may be within the range of what might be called a “stable” situation, but it unfortunately confirms that the present mechanism will not produce progress toward the 75 percent goal. An analysis of the data for 1997 to 2004 on the full-time obligation number (FON) shows that districts rarely fall below their obligation number. In fact, only one district shows an average (over 1997 to 2004) slightly below the obligation for these years, and this follows from only one significantly low year in 2003, a year of financial instability for the entire system. It should be noted also that this district is among those in the “consistently high” group with regard to percentage of full-time instruction.

Over the years 1997 to 2004, the average annual number above the full-time obligation number comes in at 816 for the system as a whole, or about 11 for each of the 72 districts. All of the categories show annual averages of at least 10 positions per district above the obligation. Those in the “significant improvement” category show an annual average of 13 above, as might be expected, but those in the “significant decline” unexpectedly show an even higher average at 14 above. Being consistently well over the obligation number might be considered good practice, but the data is inconclusive. Every one of the six categories contains at least one district that is consistently well above the obligation number. It is disturbing to note that there is some support in the data to suggest a declining margin, in recent years, at which these “good practice” districts stay above their obligation number.



V. Problems and Impediments in Reaching 75/25 Goal

The Workgroup identified the following issues as problems or impediments for districts in reaching the 75/25 goal:

- Funding inadequacy
- Funding reductions
- Rapid enrollment growth
- Enrollment decline or instability
- Retirement incentive impact
- Nature of the institution
- Institutional priorities and choices

Funding Inadequacy:

The implementation of AB 1725 was accompanied by program improvement funding that was specifically targeted at making progress toward the 75/25 goal. This funding stream was discontinued after only two years, and there has been no dedicated funding mechanism since that time to support progress toward the 75/25 goal. Partnership for Excellence funds, although not specifically allocated for the purpose of full-time faculty hiring, provided the opportunity for some districts to make greater progress toward the goal during the late 1990s. However, Partnership for Excellence was never fully funded, and the 2002-2004 state budget crisis created reductions in ongoing Partnership for Excellence funding. Most districts responding to the Workgroup survey identified a dedicated funding stream as essential for making meaningful progress toward the 75/25 goal.

Funding Reductions:

Both the data and the survey responses show that the state funding reductions that occurred in 1991-1996 and 2002-2004 made it difficult for districts to make progress toward the 75/25 goal and for those districts that had achieved the goal to maintain the full-time/part-time ratio.

Rapid Enrollment Growth:

Since the annual FON (Full-Time Obligation Number) is determined by the previous year's funded growth, substantial growth in the previous year results in a large number of new full-time faculty hires. However, districts that are continuing to grow will



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generally accomplish this by hiring large numbers of part-time faculty members to cover additional course sections. Over several years, this “chasing of the prior year’s growth” will result in little improvement in the full-time/part-time ratio despite the hiring of a large number of full-time faculty members.

Enrollment Decline or Instability:

A sharp decline in enrollment produces a parallel course offering reduction, generally accomplished by canceling course sections taught by part-time faculty members. This can result in an improvement of the full-time/part-time ratio without hiring additional full-time faculty members. Enrollment decline also results in a permanent reduction of the full-time obligation number. Therefore, periods of enrollment instability can greatly distort a district’s record of progress toward the 75/25 goal.

Retirement Incentive Impact:

The offering of faculty retirement incentives is an attractive strategy for addressing severe budget problems in that a successful implementation can eliminate the need for more drastic measures. However, this is most often accomplished as a multi-year strategy, since the true cost savings often depend upon not incurring replacement hiring expenses in the year following the one during which the incentive is paid.

For districts that are well above the FON, a retirement incentive program will reduce the full-time/part-time ratio, even if a district continues to maintain its FON. Districts that are at or slightly above the FON will be faced in the second year with reducing the cost savings by either hiring replacement full-time faculty to reach the FON or being assessed the penalty for falling below the FON. Several districts indicated that they have chosen to pay the penalty because, in their view, it constituted a lesser expense than hiring replacement faculty.

Nature of the Institution:

The current regulations do not take into account how the unique characteristics of an individual college can affect its ability to make progress toward this statewide goal. In particular, small colleges make a convincing case that small class size, difficulty in creating a full-time load in some disciplines, and other built-in inefficiencies make the 75/25 goal unrealistic for them. Rural districts report facing difficulties due to limitations of their part-time faculty pool. Urban districts often cite being disadvantaged by the local high costs of living.

Survey responses also reveal that various historical factors resulted in some colleges starting in 1988 with a low ratio, making significant progress much more difficult to achieve. On the other hand, some colleges started with a much higher ratio and now report facing difficulty in maintaining this position. The current regulations do not take



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into account how the unique characteristics of an individual district/college can affect its ability to make progress toward this statewide goal

Institutional Priorities and Choices:

The Workgroup acknowledges that the substantial difference in the level of progress toward the 75/25 goal among college districts indicates that some districts have chosen to place other institutional priorities above progress toward this goal. Among the competing institutional priorities identified by districts in their survey responses are the hiring of additional classified staff (particularly in support of technology, student services, and learning resources), contractual obligations to existing faculty and staff, the need for flexibility in course offerings to respond to changing community needs, instructional supplies and equipment, professional development, and infrastructure support (custodial, maintenance, etc.) Therefore, the long-range plan for most districts tends to be one of simply meeting the FON rather than making progress toward the 75/25 goal.



VI. Successful Outcomes and Best Practices

The Workgroup identified the following as successful outcomes and best practices for districts in reaching the 75/25 goal:

- District/college policy, goal and funds set-aside to make progress.
- Receipt of special state funding (e.g., AB 1725, Partnership for Excellence)
- General system wide success in meeting FON (Full-time Obligation Number)

District/college policy, goal and funds set-aside to make progress:

Several districts and/or colleges stated that significant progress was made in obtaining their full time faculty obligation number by establishing policy, setting specific goals and/or setting aside funds for this specific purpose. Districtwide goal setting for hiring, including assignment of full-time faculty positions by college, has become part of the planning processes of many multi-college districts. Some colleges also noted that they strove to increase full-time faculty hires by a certain percentage above the full-time faculty obligation number in those years where ongoing, unrestricted funds are provided beyond fully-funded COLA and growth to (the) cap in order to make progress toward the standard of 75% of the total faculty workload hours being taught by full-time faculty. Still others stated that the increase in the percentage of full-time faculty is part of a strategic plan to increase community access to courses and programs.

Receipt of special state funding (e.g., AB 1725, Partnership for Excellence)

Program improvement funding was included with the implementation of AB 1725 and was specifically targeted at making progress toward the 75/25 goal. Unfortunately, this funding stream was discontinued after only two years. During the late 1990s, Partnership for Excellence funds provided the opportunity for some districts to make greater progress toward the goal. Again however, Partnership for Excellence was never fully funded, and the 2002-2004 state budget crisis created reductions in ongoing funding. Another funding mechanism utilized by some districts is Growth. Growth is "predicted" annually and is used by some districts in their planning process for hiring of full-time faculty. While chasing the ongoing Growth allocations with hiring of part-time faculty has caused problems in reaching the 75/25 goal for some districts, still other districts have targeted at least some of this funding to hire full-time faculty.

General systemwide success in meeting FON (Full-time Obligation Number):

The task force would be remiss if it did not acknowledge that districts have with little exception had no difficulty in obtaining the full-time faculty obligation number. While this



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is commendable, it is also notable that, while meeting the FON, many districts have made little to no progress in meeting the 75/25 goal.



VII. Recommendations

Based on the charge given to the Workgroup by Chancellor Drummond, discussions of the Board of Governors, the information gathered from colleagues in the 72 community college districts, and the discussions held by the Workgroup, the Workgroup on 75/25 Issues makes the following general findings and proposes the following recommendations:

General Findings and Recommendations

1. The longstanding goal of having 75% of instructional hours taught by full-time faculty was enacted as policy in AB 1725, the community college reform legislation that was passed in 1988. Funding was initially appropriated to assist community college districts in reaching this goal by increasing the number of full-time faculty positions. However, funding for this purpose was discontinued, followed by decades of underfunding and several years in which large state budget reductions negatively affected community college funding. As a result, the California community colleges as a system have not made progress in meeting the goal, although a successful effort has been made to avoid serious reductions in the present balance of full-time/part-time faculty by annual compliance with the Faculty Obligation Number (FON).
2. Reaching the 75% goal should remain a system priority. The system should make a concerted effort to provide the support, guidance and flexibility needed to reach the goal.
3. The present regulatory system employing a minimum annual full-time faculty hiring requirement (FON) that increases proportionally with funded credit FTES growth serves, at best, to maintain the status quo. Except when Program Improvement Funds are provided, these regulations do not result in progress toward the system's 75% goal.
4. Districts have shown a consistent ability to meet the FON over the years since passage of AB 1725; however, many districts report difficulties doing so and question the unreflective application of the requirement regardless of a district's individual circumstances. Other than contingent local circumstances, districts most often cited size, level of progress toward the 75 percent goal, and level of per FTES funding as factors relevant to a district's ability to meet the FON requirement. Districts did not comment on the effectiveness of recent regulatory reform that allows compliance by either meeting the FON requirement or maintaining the prior year's ratio.



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5. The system has not provided a mechanism for tracking and evaluating progress and problems in meeting the 75 percent target as a system goal. The State Chancellor should make an annual report to the Board of Governors on systemwide data and progress regarding the 75 percent goal and compliance with the Faculty Obligation Number (FON).
6. Although local districts and colleges meet the compliance requirements of the FON, it is not clear how the 75 percent goal is addressed in their long-range and strategic planning processes. It is recommended that districts make a good faith effort to consider the FON a floor rather than a ceiling. It is recommended that local districts and colleges include the 75 percent goal as part of their participatory governance discussions and integrated planning processes so that it remains a visible and viable goal within their planning agendas. This planning information shall be made available to the State Chancellor.
7. Included are findings on two specific items that the Workgroup was asked to consider. The Workgroup's recommendations and rationale follow.

- a) Faculty overload should continue to be a neutral factor in the 75 percent calculation.

Existing law excludes overload classes taught by full-time instructors from both the numerator and the denominator of the ratio calculation. They are excluded from calculation of the FON. Overload is thus a neutral factor.

The Workgroup considered arguments in favor of counting such overload classes as part-time. First, these classes are not funded at the full-time salary rate and represent workload beyond full-time responsibilities. Second, since the fundamental purpose of the 75/25 regulations is to increase opportunities for contact between students and full-time faculty both inside and outside the classroom, overload teaching arrangements actually decrease the opportunities for such additional contact.

The Workgroup also considered arguments in favor of counting such classes as full-time. First, these classes are taught by faculty whose job classification is full-time. Second, since the fundamental purpose of the 75/25 regulations is to increase opportunities for contact between students and full-time faculty both inside and outside the classroom, overload teaching arrangements maintain the opportunities for such contact.

Given the self-contradictory nature of these arguments, the Workgroup concluded that maintaining the status quo in the treatment of full-time overload assignments provides the best solution.



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- b) Occupational faculty assignments should continue to be included in the calculation along with faculty assignments in all other programs.

At present no distinction is made between occupational and other faculty assignments when the 75/25 ratio and FON are calculated. There have been suggestions, mainly external to the system, that the 75/25 regulations hamper the development of occupational programs. The committee found no such evidence and the majority of districts responded to this effect in their survey returns.

Since the regulations apply at the district level, districts already have the flexibility to hire part-time faculty in appropriate occupational programs and to hire full-time faculty in other areas to meet their 75/25 obligation.

Moreover, occupational programs have maintained over the years that it is harmful whenever they are targeted for treatment different from other programs. They also point out that the desired program and curriculum development are the very areas that need a core of full-time faculty in the program.

The Workgroup concluded that maintaining the status quo in occupational programs provides the best solution.

Recommendations Regarding Progress Toward The System Goal

1. The California Community Colleges should submit an annual system budget request (beginning with 2006-2007) for targeted state funding to assist districts in meeting the 75 percent goal. Funding support was the original intent of AB 1725 and is a necessary element for significant progress, especially in a system of community colleges that falls almost 50% below the national average for community college funding per full-time-equivalent student.
 - a) A factor for support costs (e.g., travel, office, etc.) should be included in funding faculty positions beyond the FON or maintenance-of-effort level.
 - b) Technical assistance should be provided to ensure that districts are able to make increases above the FON as a means of making progress toward the 75 percent goal.
2. The Workgroup discussed a number of ideas involving the Faculty Obligation Number and factors affecting districts' ability to make progress, as well as possible incentives for making progress toward reaching the 75% goal. A working group should be formed to explore criteria and mechanisms that would



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assist districts and result in more systematic progress toward the goal. Such mechanisms might include the following, as well as others.

- a) Local shared governance processes to determine district strategies and to identify priorities and financial resources, including current and new streams of revenue.
- b) Identification within the funding formula of incentives for making further progress.
- c) Adjustments in the FON calculation to ensure progress, based on per FTES funding level, size, and degree of progress to the 75% goal.
- d) Automatic annual increase in the FON (note: the Workgroup did not reach consensus regarding this item).

Recommendations Regarding Chancellor's Authority

The Workgroup did not reach consensus regarding the Chancellor's authority in determining waivers or exceptions for districts that have not achieved their assigned FON. The Workgroup was split between those who felt that expanded authority was a necessity in assuring knowledgeable attention to local district issues and those who felt that any additional means for making exceptions to the FON, without having a countervailing means for progress in place (as per item #2.d above) would only serve to undermine the 75 percent goal.

1. A district, unable to comply with its FON or maintain its ratio shall have the option of filing a formal appeal with the Chancellor. The Chancellor shall conduct a fact-finding effort with the affected district and shall report on his/her findings and actions to the Consultation Council and the Board of Governors. The Chancellor may, at his/her determination, involve a review team that includes faculty and administrative representatives from the Consultation Council plus local administration and faculty representatives, to review unforeseen circumstances that hinder the district's ability to meet its obligation. Based upon the fact-finding report, the Chancellor may recommend to the Board of Governors waiver, deferral, adjustment of the amount of funds withheld under current regulations for a period of one year, or some other remedy. (Note: the workgroup did not reach a consensus on this item, as explained above.)
2. The default period for replacement of "late retiring" faculty should be one year. In years where the total number of retirees exceeds the ten-year average in the district by 100%, the replacement period may be extended to two years with the written approval of the local academic senate and integration of this action into the district's plan for reaching the 75% goal.



VIII. Appendices

A. Title 5 Regulations

Section 51025. Full-Time/Part-Time Faculty.

This section relates to an should be read in conjunction with sub-chapter 3 (commencing with Section 53300) of chapter 4 of this division.

(a) By November 20 of each fiscal year the Board of Governors shall determine whether funds provided for cost-of-living adjustment, less any net reductions to the programs and allocations specified in subsection (b), are adequate to allow full or partial implementation of the provisions of paragraph (1) of subsection (c) and whether additional funds have been provided to allow implementation of the provisions of paragraph (6) of subsection (c). The Board of Governors may revise these determinations, and may revise the district's full-time faculty hiring obligations, based on the above criteria, at any time subsequent to the state enacting mid-year reductions to one or more of the programs or allocations specified in subsection (b).

(b) For the purposes of this section the following programs and allocations are deemed to be essential and core to the mission and budgets of the California Community Colleges: general apportionment, growth for apportionment, cost-of-living adjustments, basic skills, Partnership for Excellence, financial aid administration, Extended Opportunity Programs and Services, Disabled Student Programs and Services, matriculation, part-time faculty compensation, part-time faculty health insurance, part-time faculty office hours, program improvement and allocations directed specifically to help reach the 75 percent full-time faculty standard.

(c) If a district's full-time faculty percentage, as calculated pursuant to section 53308, is less than 75 percent, the following shall apply:

(1) If the Board of Governors has determined pursuant to subsection (a) that adequate funds have been provided for implementation of this paragraph, the district's base full-time faculty obligation (as defined in Section 53311) shall be increased for the fall term of the succeeding fiscal year, by the product of the base full-time faculty obligation multiplied by the percentage change in funded credit FTES, rounded down to the nearest whole number.

In computing the district's full-time faculty obligation for the succeeding fiscal year, the base obligation will be increased by the lower of the projected fundable growth



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at the time of the budget enactment or the actual percentage change in funded credit FTES. For the second succeeding fall term the obligation will be adjusted to the actual percentage change in funded credit FTES.

(2) Districts which, as determined from their base data, had a full-time faculty percentage of 67 percent or greater, but less than 75 percent shall apply up to 33 percent of their program improvement allocation pursuant to subsection (b) of section 58775, as necessary to reach the 75 percent standard pursuant to paragraph (4) below.

(3) Districts which, as determined from their base data, had a full-time faculty percentage of less than 67 percent shall apply to 40 percent of their program improvement allocation pursuant to subsection (b) of section 58775, as necessary to reach the 75 percent standard pursuant to paragraph (4) below.

(4) For program improvement funds identified in paragraph (2) or (3), as appropriate, the district's base full-time faculty obligation shall be further increased for the fall term of the succeeding fiscal year, by the quotient of the applicable program improvement funds divided by the statewide average replacement cost for the current fiscal year, rounded down to the nearest whole number.

(5) If the number of full-time faculty derived in paragraphs (1) and (4), or in paragraph (6), result in the district exceeding the 75 percent standard, the Chancellor shall reduce the number of the full-time obligation to a point that leaves the district as close as possible to, but in excess of the 75 percent standard.

(6) If the Board of Governors determines pursuant to subsection (1) that additional funds have been provided for the purpose of increasing the full-time faculty percentage, the district's base full-time faculty obligation shall be further increased for the fall term of the succeeding fiscal year by the quotient of the applicable funds divided by the statewide average replacement costs for the current fiscal year, rounded down to the nearest whole number.

(7) If the Board of Governors determines pursuant to subsection (a) that adequate funds have not been provided to implement paragraph (1), the district's base full-time faculty obligation shall be unchanged. However, for the fall term of the succeeding fiscal year the district may choose, in lieu of maintaining its base obligation, to maintain, at a minimum, the full-time faculty percentage attained in the prior fall term.

(d) Statewide average replacement cost is the statewide average faculty salary plus benefits, minus the product of the statewide average hourly rate of compensation for part-time faculty times the statewide average full-time teaching load.

(e) On or before January 31 of each year, the Chancellor shall determine, based on information submitted by districts, the extent to which each district, by the fall



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term of that fiscal year, has maintained or hired the number of full-time faculty, or maintained the full-time faculty percentage if applicable, determined pursuant to subsection (c) for the prior fiscal year. To the extent that the number of full-time faculty or percentage of full-time faculty has not been maintained or additional full-time faculty have not been retained, the Chancellor shall reduce the district's revenue for the current fiscal year by an amount equal to the average replacement cost for the prior fiscal year times the deficiency in the number or percentage equivalent of full-time faculty. If the Board has determined, pursuant to subsection (a), that there are not adequate funds in the current fiscal year to allow full implementation of paragraph (1) of subsection (c), then the Chancellor may defer this reduction of revenue until the subsequent fiscal year in which the Board determines that adequate funds have been provided to allow full implementation of that paragraph. To the extent a district hire the additional full-time faculty in subsequent fiscal years, the reductions will no longer be levied. Notwithstanding this provision, the Chancellor may not waive reductions that are deferred under the authority of this subsection. The Chancellor may authorize a funding reduction that is deferred under the authority of this subsection to be made over a period not to exceed three fiscal years, provided that the district is meeting its full-time faculty obligation and it is the Chancellor's judgment that the district's financial integrity otherwise would be jeopardized.

(f) All revenues available due to reductions made pursuant to subsection (e), shall be made available for statewide distribution on a one-time basis for that fiscal year, for purposes of promoting equal employment opportunities for faculty and staff pursuant to Education Code section 87107.

(g) For the districts that experience a reduction in base credit FTES, the Chancellor shall make a proportionate reduction to their base number of full-time faculty.

Section 53300. Scope.

This Subchapter relates to and should be read in conjunction with the requirements of Section 51025 concerning the proportion of full-time and part-time faculty to be employed by community colleges.

53301. Part-Time Faculty.

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

53302. Full-Time Faculty.

For purposes of this Chapter the term "full-time faculty" means any faculty member, as defined in Section 53402(c), who is a regular or contract employee of the



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district pursuant to Sections 87601, 87605, 87608, 87608.5 or 87609 of the Education Code.

53308. Full-Time Faculty Percentage.

For purposes of this Subchapter and Section 51025, a district's full-time faculty percentage is determined as follows:

- (a) Using the rules set forth in Section 53309, calculate the district's fulltime equivalent faculty (FTEF) attributable to full-time faculty, as defined in Section 53302.
- (b) Determine the district's total FTEF by adding together:
 - (1) FTEF attributable to full-time faculty, using the rules set forth in Section 53309; and
 - 2) FTEF attributable to part-time faculty, calculated using the rules set forth in Section 53310.
- (c) To obtain the full-time faculty percentage, divide the figure from subdivision (a) (FTEF attributable to full-time faculty) by the figure from subdivision (b) (total FTEF).

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

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

- (a) With respect to instruction, FTEF shall be calculated based on the percentage of instructional hours per week considered a full-time assignment for regular instructional employees having comparable duties, excluding any noncredit instructional assignments.
- (b) With respect to non-instructional activities, FTEF shall be calculated based on the percentage of working hours per week considered a full-time assignment for regular non-instructional employees having comparable duties.
- (c) Regular Assignment. Include the regular assignment of full-time faculty as defined in Section 53302.
- (d) Overload. Exclude full-time faculty overload from the calculation of FTEF.



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

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

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

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

- (1) Only the actual hours of teaching by such individuals shall be included in determining the FTEF; and
- (2) The hours of teaching by such individuals must be part of a regular contract, and not taught as an overload assignment.

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

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



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

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

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

- (a) With respect to instruction, FTEF shall be calculated based on the percentage of instructional hours per week considered a full-time assignment for regular instructional employees having comparable duties, excluding any noncredit instructional assignments.
- (b) With respect to non-instructional activities, FTEF shall be calculated based on the percentage of working hours per week considered a full-time assignment for regular non-instructional employees having comparable duties.
- (c) All instructional and noninstructional activities of part-time faculty shall be included, except the following:
 - (1) FTEF attributable to part-time faculty who replace full-time faculty on sabbatical leave.
 - (2) FTEF attributable to part-time faculty who replace full-time faculty on released or reassigned time.
 - (3) FTEF of part-time faculty replacing full-time faculty on unpaid leave.
 - (4) FTEF of part-time faculty replacing full-time faculty who resigned or retired late as defined in section 53309(i).

53311. Base Data.

For purposes of this Subchapter, "base data" means both the district's base full-time faculty percentage and its base full-time faculty obligation (the number of full-time



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faculty the district is required to maintain or the number of additional full-time faculty to be hired by the Fall term of the subsequent year.) The data necessary to calculate the base full-time faculty percentage shall be determined from the current year's Fall management information system staff data submission to the Chancellor's Office.

53312. Additional Full-Time Faculty Positions

- a) The Chancellor shall compute the number of full-time faculty which each district is to secure in accordance with Sections 51025 and 53308, as the result of applying additional FTES growth and program improvement revenue allotments.
- b) This computation shall be made by dividing the applicable portion of program improvement revenue (0 percent, 33 percent, or 40 percent of the program improvement allocation), by the statewide average "replacement cost" (a figure which represents the statewide average faculty salary plus benefits, minus the statewide hourly rate of compensation for part-time instructors times the statewide average full-time teaching load).
- c) If the quotient determined in paragraph (b) is not a whole number, then the quotient shall be rounded down to the nearest whole number. If the quotient, once applied, will result in the district exceeding the 75 percent standard, the Chancellor shall further reduce the quotient to a whole number that will leave the district as close as possible to, but in excess of, the 75 percent standard.
- d) The computation for the funded growth in full-time equivalent student workload obligation to secure additional full-time faculty shall, when required pursuant to the provisions of Section 51025(a)(1) and (e), be made by multiplying the percentage of funded credit FTES growth times the base number of full-time faculty that were to be in place by Fall of the current year.

53314. Report to Districts

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



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B. Survey of Districts

March 23, 2005

Dear Colleagues:

Chancellor Mark Drummond has formed a “75/25 workgroup,” chaired by San Diego’s Chancellor, Dr. Constance Carroll, to review the current regulatory structure for assuring adequate numbers of full-time faculty to meet educational needs. The name of the group derives from the System’s stated goal that at least 75% of credit instructional hours be taught by full-time faculty members. Chancellor Drummond has asked the workgroup to:

- Analyze current patterns of compliance with the regulations.
- Identify barriers to success in meeting the system’s goal.
- Identify best practices by districts in meeting, or making progress towards, the goal.
- Recommend changes to the current regulatory structure.

By completing this survey, you will help the workgroup meet the above tasks, and assure that the workgroup has your district’s input as the group develops recommended changes to the regulations affecting the hiring of full-time faculty.

- **We ask that you first designate one contact person at your district responsible for coordinating completion of the survey (such as your chief business officer or chief instructional officer).**
- **We also ask that you share the survey with the president of your local academic senate and that this person (or his or her designee) be given the opportunity to include comments from a faculty perspective as part of the survey. (A comment section for that purpose can be found at the end of the survey.)**
- **Please send your completed survey to Patricia Laurent at the System Office on or before Wednesday, April 6, 2005 to plaurant@cccoco.edu or FAX to either (916) 323-3057 or (916) 323-8245.**
- **This survey has been formatted for easy downloading and completion at a computer. This Word-formatted document allows you whatever space is needed to provide complete answers. If you have questions about completing the survey, please call Patricia Laurent at (916) 327-6225.**

1. An additional attachment is an Excel document showing the percentages of full-time faculty that have been reported since 1988 by your district to the Chancellor’s Office. These data indicate that your district’s ratio of full-time faculty to total faculty, as reported for purposes of the 75/25 rules, has _____ since 1988.

- a. Do you agree that your reported data show the described pattern or trend? If not, please provide an alternative description of your district’s historical pattern or trend. (If the data



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are incorrect, please advise and provide corrected data. Minor inaccuracies are not important. The purpose of this survey is not enforcement; it is to understand trends.)

- b. Multiple factors probably explain your district's pattern/trend. These may include:
- The conditions of the district at the time regulation began in 1988.
 - Impacts of state funding decreases (significant decreases occurred in 1991-92 through 1995-96 and again in 2002-03 and 2003-04.)
 - Impacts of local events (such as military base closures, earthquakes, etc.)
 - Impacts of the provision of early retirement incentives to faculty.
 - Impacts of enrollment decline.
 - Impacts of rapid enrollment growth.

Please comment on the major factors that you think may help explain your district's pattern/trend over time.

- c. Does your district's pattern/trend reflect deliberate planning and implementation? If so, what were the strategic goals or objectives? To what extent was the district successful in achieving the goals/objectives? To which factors do you attribute success?
- d. If your district's pattern/trend does not reflect deliberate planning and implementation, please comment on why the trends occurred.

2. Occupational/Career Technical Programs. Have the state's 75/25 regulations been an impediment to expansion of occupational/career technical programs and/or course offerings? If so, please elaborate and explain.

3. Future Plans and Strategies.

a. Please comment on the district's future plan and strategy regarding the percentage of credit instructional hours taught by full-time faculty. For example, does your district intend to:

- Reach or stay at the stated 75% goal?
- Only reach the annual obligation (which is stated in terms of full-time-equivalent positions and can fall short of the 75% goal)?
- Remain close to its present percentage? (assuming this is less than 75%)
- Other objective?
- No decision at this point?



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- b. How does the district intend to carry out its plan? What challenges does the district see?
4. If your district has had success in attaining the 75% goal, or in making progress towards it, what best practices or strategies would you recommend to other districts?
5. Please comment on problems that the current regulations pose, if any, for your district.
6. How can the current set of regulations, and/or the manner in which the Chancellor's Office enforces the regulations, be improved?
7. Additional comments of district CEO (if desired).
8. Comments of Academic Senate president or designee. (As part of your comments, if you disagree with any of the above explanations for your district's trends, please elaborate.)