



50 % Law Once More

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Snapshot of Various Laws and Regulations

1961 – Fifty Percent Law

1977 – Educational Employment Relations Act (EERA)

1988 – AB 1725

1988 – 75/25 Goal

1989 – Faculty Obligation Number (FON)

2006 – SB 361

Other Requirements

- Accreditation
- Minimum Conditions

2012 – SB 1456

2018 – SCFF

The Sacred Cows

- ▶ 50% Law (1961)
- ▶ AB 1725 (1988)
- ▶ 75/25% Goal (1988)
- ▶ Faculty Obligation Number (1989)
- ▶ SB 1456 (2012)
- ▶ Others



Background

- ▶ Originally enacted in 1961 when most community college districts were part of K-14.
- ▶ Designed to result in districts allocating sufficient revenue to support instruction
- ▶ Enacted before collective bargaining was implemented.
- ▶ Included in Education Code (§84362).



Definition

Education Code 84362 (d):

“There shall be expended during each fiscal year for payment of salaries of classroom instructors by a community college district, 50 percent of the district's current expense of education.”

Definition (cont'd)

Title 5 Section 58204 (a):

(a) “Salaries of classroom instructors” as used in Education Code Section 84362 means:

- (1) that portion of salaries paid for purposes of instruction of students by full-time and part-time instructors employed by the district, and
- (2) all salaries paid to district classified employees who are:
 - (A) assigned the basic title of “Instructional Aide” or other appropriate title designated by the governing board which denotes that the employees’ duties include instructional tasks, and
 - (B) employed to assist instructors in the performance of their duties, in the supervision of students, and in the performance of instructional tasks
. . . An employee shall be deemed to be under the supervision of an instructor for the purpose of Education Code Section 84362 if the employee performs duties under the general direction of an instructor.

In addition, salaries of classroom instructors shall include the cost of all benefits provided such instructors and instructional aides.

Intent

- ▶ Designed to be a class-size reduction measure for K-12, but it applies equally to community colleges.
- ▶ “The policy judgment underlying this bill is that school districts are expending too much money on administration and on student counseling and guidance services. It is believed that the need for extensive counseling and administrative services would be substantially reduced if the classroom teacher was not confronted with overly large classes...”
 - *Correspondence from Legislature to the Governor, 1961*
- ▶ “Legislative history appears to demonstrate that the objective was to decrease class size in California’s public schools rather than guarantee teachers any particular level of compensation, as some have argued.”
 - *Fifty Percent Law: Background Paper. Community College League of California, 2000)*

Issues

- ▶ The definition of instruction has changed. It no longer just takes place in the classroom, but the law applies only to classroom instruction. It does not recognize that learning occurs much more broadly and encompasses many factors beyond the traditional teaching model.
- ▶ Students are less prepared now than when the law was instituted. Colleges need to provide more support services to help them succeed—counseling, learning centers, etc. 50% law is a disincentive to fulfill these needs, especially during bad budget times.

Issues

- ▶ Workload reductions depress the instructional side while operating costs rise on the other side (utilities, etc.). When costs are forced down on one side, decisions may be made for the wrong reasons on the other in order to meet 50% Law requirements.
- ▶ 50% Law tends to be discussed/addressed in isolation. It interacts with 75/25% Goal and FON but this is often not acknowledged. However, bad decisions can be made because of pressure from the laws and regulations.
- ▶ Enacted before collective bargaining was implemented in 1975 in school and community college districts (Educational Employment Relations Act – Government Code §3540 et seq.) and for a K-14 education model .

Issues

- ▶ Any release time to engage in collective bargaining counts against 50% Law because it takes faculty out of the classroom; thereby reducing instructional costs.
- ▶ Expenditures for classroom technology, hardware and software needed to offer online/distance education, instructional designers, and online tutors are not considered costs of instruction under 50% Law model.

Unintended Consequences

- ▶ Each of these laws and regulations were designed to address a particular issue, but they overlap in certain areas and are often in conflict with one or more of the others.
- ▶ Many of these requirements also lead to unfunded mandates:
 - Initial funding was sometimes provided when legislation was passed, but funding was later cut, yet the mandates remained.
 - In some cases, legislation was passed without any funding to implement it, yet districts are still required to meet the requirements.

Unintended Consequences

- ▶ Laws and regulations were added one at a time to address specific issues.
- ▶ No one studied the collective impact as new laws, regulations and mandates (funded and unfunded) were proposed and enacted.
- ▶ Initial funding was sometimes provided when legislation was passed, but funding was later cut, yet the mandates remained.
- ▶ In some cases, legislation was passed without any funding to implement it, yet community colleges must still meet the requirements.

Workgroup on CCC Regulations

- ▶ Bonnie engaged in discussions regarding 50% Law and AB 1725 with several CCC Academic Senate Presidents – Beth Smith (2013–14); David Morse (2014–16); Julie Bruno (2016–18) and John Stankas (2018–) .
- ▶ 2013 Bonnie and Beth Smith presented at CCLC and ASCCC Plenary about Quality Education and impact of various laws and regulations in its regard.
- ▶ 2014 David Morse, Willy Duncan and Bonnie motivated by a shared interest in exploration of ways to improve the 50% Law did presentations at various conferences and meetings to include: CCLC, ASCCC, ACCA and ACBO.
- ▶ Chancellor Brice Harris contacted Bonnie and David asking them to co-chair a small workgroup he intended to commission to explore the issues and develop a proposal for reform.

Workgroup on CCC Regulations

- ▶ Chancellor Eloy Ortiz Oakley reached out to Bonnie and David and asked the workgroup to continue its efforts.
- ▶ March 17, 2016 the workgroup presented its initial report titled: “The 50% Law and the Faculty Obligation Number: A Proposal” to Consultation Council.
- ▶ In 2017, Chancellor Oakley asked the workgroup to revisit the proposal in light of policy changes including the BOG’s *Vision for Success* and the system’s implementation of *Guided Pathways*.
- ▶ March 15, 2018 the workgroup presented its updated report to Consultation Council titled: “The 50% Law and the Faculty Obligation Number: An Updated Proposal”.

Workgroup on CCC Regulations

- ▶ Following are the links to both reports:
 - <http://extranet.cccco.edu/SystemOperations/ConsultationCouncil/March2018Agenda.aspx>
 - <http://extranet.cccco.edu/SystemOperations/ConsultationCouncil/AgendasandSummaries/March2016Agenda.aspx>
- ▶ Chancellor Oakley has asked the workgroup to continue its efforts based upon the Student-Centered Funding Formula to be implemented in FY2018-19.
- ▶ The workgroup is expected to reconvene in FY 2018-19 with Dr. John Stankas and Dr. Bonnie Ann Dowd co-chairing the workgroup.
- ▶ Several of the individuals serving in the various roles on the workgroup have changed since it was initially formed due to retirements and changes in ASCCC leadership.

Workgroup on CCC Regulations

▶ FY2018–19 Workgroup Members:

- Dr. Bonnie Ann Dowd, Co–Chair
- Dr. John Stankas, Co–Chair
- Dr. Constance Carroll, CEO
- Willy Duncan, CEO
- Joe Wyse, CEO
- Julie Bruno, ASCCC Immediate Past President
- Jim Mahler, CA Federation of Teachers Community College Council
- Lynette Nyaggah, California Teachers Association
- Richard Hansen, California Community College Independents

Workgroup on CCC Regulations

Next Steps:

- Review data and develop a specific percentage of the general fund budget that will constitute the minimum for instructional expenses under the revised formula. (ED Code Section 84362 – 50% Law).
- Revision of 50% Law must be pursued in conjunction with a demonstrated commitment to progress toward the 75% Goal for full-time faculty.

The Key to Finding a Solution

- ▶ Several attempts have been made in the past to address the 50% Law; however, what makes this workgroup unique is faculty and administrators worked together to find shared interests.
- ▶ Commitment to reaching consensus throughout the process and everyone's willingness to keep an open mind.
- ▶ Trust each other!
- ▶ Recognize that if faculty take the lead in this conversation, it will have a much greater chance to produce results.

