



# **50 % Law & Other “Sacred Cows”**

**ACBO 2024 Institute II  
May 1, 2024**



# Timeline

1961 - Fifty Percent Law

1977 - Educational Employment Relations Act (EERA)

1988 - AB 1725

1988 - 75/25

1989 - Faculty Obligation Number (FON)

2006 - SB 361

2012 - SB 1456

## Other Requirements

- Accreditation
- Minimum Conditions

# Unintended Consequences

- Each of these laws and regulations is designed to address a particular issue, but they overlap in certain areas and are often in conflict with one or more of the others.
- 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 we must still meet the requirements.

# “Sacred Cows”

- ❑ 50% Law (1961)
- ❑ AB 1725 (1988)
- ❑ 75/25% Ratio (1988)
- ❑ Faculty Obligation Number (1989)
- ❑ SB 361 (2006)
- ❑ SB 1456 (2012)
- ❑ Others



# Fifty Percent Law

## Background

- ❑ Included in Education Code (§84362).
- ❑ Originally enacted in 1961 when most community college districts were part of K-12.
- ❑ Designed to result in districts allocating sufficient revenue to support instruction.
- ❑ Enacted before collective bargaining was implemented.



# Fifty Percent Law

## Intent of the Law:

- Designed to be a class-size reduction measure for K-12 and community colleges (i.e., K-14).
- “The policy judgment underlying this bill is that school districts are expending too much money on administration, 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 over large classes...”
  - *Correspondence from Legislature to the Governor, 1961*



# “Sacred Cows” 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.



50%

# 50% Law 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.”





# 50% Law 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.



# 50% Law - Original Intent

“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).*



# 50% Law 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.
- ❑ 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 Issues

- ❑ 50% law tends to be discussed/addressed in isolation. It interacts with 75/25 and FON but this is often not acknowledged. However, bad decisions can be made because of pressure from the laws.
- ❑ 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 .
- ❑ 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.

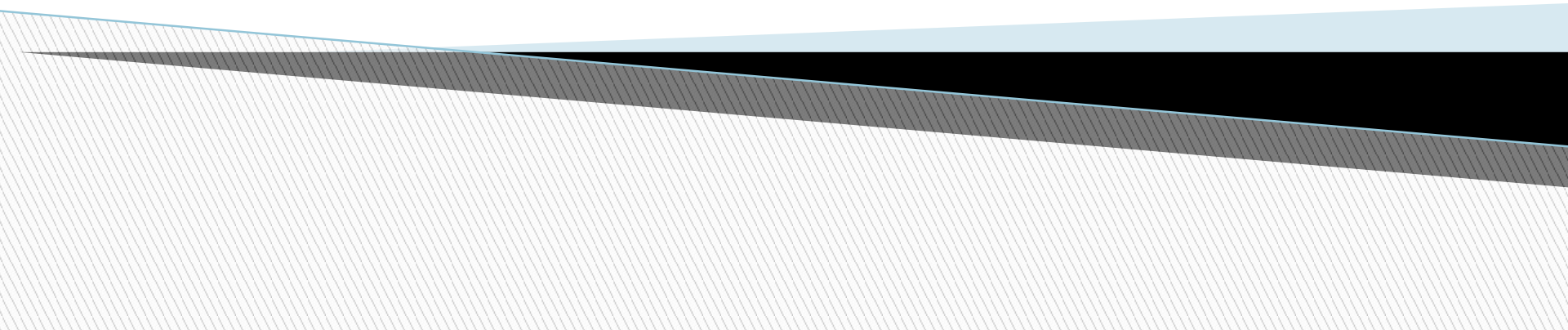


# **Workgroup on CCC Regulations**

**Created by Chancellor Brice Harris (2014)  
Re-convened by Chancellor Eloy Ortiz Oakley (2017)**

**Executive Vice Chancellor Bonnie Ann Dowd, Appointed Co-Chair  
With  
Academic Senate California Community College as Co-Chair**

Consultation Council/Agenda March 2018  
Consultation Council/Agenda March 2016



# The Key to Finding a Solution

- Premise: Given that change is inevitable, do we want to shape it or watch it happen to us?
- If faculty take the lead in this conversation, it will have a much greater chance to produce results.
- Eliminating 50% Law was never an option.
- Progress must be made toward achieving the 75% Goal for more full-time faculty.
- Revisions to the law and goal must be pursued in conjunction with one another, and with the,
- Full commitment of system partners (administrators, labor and senate faculty) to both revisions before either takes place.

Report "The 50% Law and the Faculty Obligation Number" Proposal  
Consultation Council/Agenda March2018  
Consultation Council/AgendaMarch2016

