

Assembly Bill 1725

Signed by Governor George Deukmejian

September 19, 1988

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Faculty Association of California Community Colleges

Assembly Bill No. 1725

CHAPTER 973

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

[Approved by Governor September 19, 1988. Filed with
Secretary of State September 19, 1988.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1725, Vasconcellos. California Community Colleges.

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

GOVERNANCE:

(1) Under existing law, the Board of Governors of the California Community Colleges (hereafter board of governors) is created, with specified membership, to administer and govern the statewide system of community colleges. This bill would expressly designate the system as the California Community Colleges; and would make various legislative findings and declarations concerning the system. It would repeal and recast provisions of law relating to the board of governors and the governing boards of community college districts.

This bill would revise the membership of the board of governors, to provide that of the 13 members appointed by the Governor under existing law, 2. shall be current or former elected members of local community college district governing boards. It would change the number of voting tenured faculty members on the board of governors from one to 2.

It would provide that the current or former elected members of the governing board of a community college appointed to the board under the provisions of this bill shall occupy the 1st and 3rd seats made available, as specified.

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

The bill would expressly establish certain responsibilities of the board of governors in various areas, including the monitoring of community college districts, fiscal management review, and development and submission to the Governor of

a position paper regarding affirmative action. The bill would require the Governor to appoint up to 6 deputy and vice chancellors of the California Community Colleges, as specified.

(2) The bill would require the board to conduct a thorough review of all statutes affecting the administration and operation of the California Community Colleges, with recommendations for amendment and repeal, and submit the review to the Legislature no later than January 31, 1989.

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

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

(4) Under existing law, the board of governors, in adopting, amending, and repealing its regulations, is subject to existing procedures, administered by the Office of Administrative Law.

This bill would exclude the board from these existing procedures, and instead authorize the board of governors to establish its own regulatory procedure, subject to specified existing standards. The board would be required to consult with community college districts, as specified, as a part of this process.

MISSION AND FUNCTIONS:

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

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

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

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

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

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

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

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

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

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

FACULTY, ADMINISTRATORS, AND STAFF:

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

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

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

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

(11) The bill would create the Community College Faculty and Staff Development Fund, available upon appropriation by the Legislature, for district faculty and staff development, as specified. 1 (12) The bill would impose a state-mandated local program by requiring the governing board of each community college district to determine whether it would be beneficial to enter into specified agreements to provide part-time temporary teachers for the district. The bill would require that these teachers not displace persons currently teaching Full or part time.

(13) This bill would require the Student Aid Commission to conduct, and, on or before January 1, 1990, to report to the Legislature and the California Postsecondary Education Commission the results of, a study of community college programs

whose purpose is to increase the number of students entering into the teaching profession at the community college level. The bill would require the California Postsecondary Education Commission, on or before March 15, 1990, to review and comment on this report to the Legislature, as specified.

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

This bill would repeal those provisions.

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

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

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

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

The bill would require that community college districts, in establishing hiring criteria for faculty and administrators, identify criteria which address specified matters. It would also require that hiring criteria, policies, and procedures for new faculty members be developed and agreed upon jointly by representatives of the governing board and the academic senate, and approved by the governing board, and that until the joint agreement is reached and approved, that the existing process remain in effect. The changes summarized in this paragraph would impose a state-mandated local program.

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

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

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

This bill would require the board of governors to develop a 2-year pilot program regarding the employment of part-time temporary faculty by option-rollover contracts, as specified, in selected areas of specialization. This bill would require the board of governors to select 3 community college districts for participation in the program, thereby imposing a state-mandated local program upon those districts. If the board of governors deems this pilot program to be beneficial, this

bill would require the board of governors, in consultation with the faculty, to establish policy and develop standards for employing part-time temporary faculty under option-rollover contracts.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ACCESS TO PROGRAMS, AND THE SUCCESS OF PARTICIPANTS:

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

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

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

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

RELATED PROVISIONS:

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

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

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

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

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

Appropriation: yes.

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

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

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

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

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

(d) Since the development of the original master plan, there has been a significant change in the populations served by the community colleges, and in the anticipated needs of the state as we move into the 21st century. The state's population will grow by 22 percent between 1986 and 2000, from 27 million to roughly 33 million. By the turn of the century, California will have a cultural and ethnic pluralism unknown elsewhere in the mainland United States.

Fifty-one percent of the school age children in 1989 will be minorities; the majority of the population will be nonwhite in the following decade. However, there is no one "minority community" - rather there will be recent immigrants from Asia and Central America, the children of today's urban ghettos, and members of the "working poor." These communities of Californians will turn increasingly to the community colleges for language training, job reskilling, technical education, or the liberal arts.

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

(f) **By the turn of the century, increasingly more working men and women will come to the community colleges to acquire job skills and retraining. In an economy of rapid change and intense international competition, there will be much job displacement, sometimes on a massive scale. The periodic recessions and the unpredictable collapse of one or more markets, or industries will cause new students to matriculate to the community colleges.** But inside the economic center-not just at its margins-the workers of the future will need new literacy skills, and more ability to communicate and learn on their own. When analysts predict a labor shortage in California by 2000, the real issue will not be numbers but quality. The important questions will be whether working men and women will have the skills required for jobs of rapid transformation, and whether California will be able to compete economically with other states now making massive investment in their educational systems.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(h) As indicated by the Commission for the Review of the Master Plan for Higher Education, there exist patterns of gender and ethnic underrepresentation in a number of vocational education programs. For example, in 15 of the 30 largest community college vocational education programs, over 80 percent of the students are of the same gender.

(i) There is a massive and growing demand in this state for remedial education, resulting from a decline in high school academic standards, the increasing dropout rate, restrictions on funding of adult education -programs in the public schools, and the growing number of adults seeking basic skills, language, and literacy training. This need exists in all ethnic groups, and affects students from all socioeconomic backgrounds, whether or not high school graduates.

The provision of remedial education is an essential and important mission of the community colleges.

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

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

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

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

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

(o) **Adult literacy training and basic skills education** are among the most difficult challenges facing California education in the next 15 years, based upon 1980 census figures showing that over four million adults in this state, and perhaps up to 25 percent of California's adult population, may be illiterate.

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

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

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

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

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

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.

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

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

(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 overreliance 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 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.

- (f) Changes in the governance of the California Community Colleges will affect, and be affected by, current collective bargaining agreements and the statutes governing those agreements, and that with regard to jurisdictional matters and questions of process, there can be considerable confusion regarding the relationship between collective bargaining agents, academic units organized through the colleges including departments and schools, and the academic senates
- (g) Community college instructors, recruited directly from graduate school or from some form of employment other than teaching, may not be prepared to deal effectively with the wide range of student abilities and attitudes found in community college classrooms. As larger numbers of students from many different cultural backgrounds and with significant English language and other deficiencies are enrolled, the problem will become more serious for both administrators and faculty. The proposed establishment of a student assessment, counseling, and placement program on each campus will also require additional training and assistance for both faculty and administrators.
- (h) Professional development for faculty, support staff, student services staff, and administrators is vital. Further, the success of the assessment, counseling, and placement programs will depend upon the effectiveness of this training.
- (i) The recruitment of faculty into the community colleges, and the maintaining of morale and enthusiasm among the faculty depends in large part upon the intellectual and personal environment within which faculty work. Much of that environment is created by their own authority over the substantive direction of the programs and courses in which they work, through the quality of their relationship with the college administration, and in the quality of their interactions with the communities of students they teach. At the same time, it is apparent that faculty morale comes from their engagement in the development of new and innovative programs, from their engagement in professional and discipline-based associations, and from an active, intellectual life as scholars and teachers.
- j) Community colleges have less resources available for faculty professional and intellectual development than do other segments of the system of higher education, and this disparity may become a substantial barrier to the future recruitment of quality faculty. Yet, faculty in the community colleges should be no less intellectually engaged than their colleagues in the other segments. Their primary commitment to teaching makes it imperative that they have a vibrant and rich intellectual life.
- (k) The success of the assessment, counseling, and placement system in the California Community Colleges will depend upon the commitment and dedication of trained student services staff. The importance of their role stretches across all aspects of community college life-including: counseling, reading and computational assessment and evaluation, financial aid assistance, providing and directing tutorial services, providing outreach into the local community, providing information to continuing students, and assisting the faculty in designing and providing courses of study which meet the particular needs of very different students. It is essential that the college have adequate service staff, and that they be superbly trained, especially in view of the current diversity of student educational needs in the community colleges.
- (l) The tenure system is an important prerequisite for the maintenance of academic freedom, continuity in academic and vocational programs, and development of a faculty committed to the long-term health of the community colleges. At the same time, the tenure system is a central part of the governance of the colleges. Thus, the determination of standards for tenure, procedures governing tenure, and the actual granting of tenure determine in large part the substantive direction of the colleges.
- (m) The current tenure system lacks adequate participation by the faculty, provides an inadequate probationary period for the evaluation of permanent faculty, and does not provide uniform systemwide procedures for due process and grievance.
- (n) It is a general purpose of this act to improve academic quality, and to that end the Legislature specifically intends to authorize more responsibility for faculty members in duties that are incidental to their primary professional duties. It is the intent of the Legislature that, in exercising these increased responsibilities, faculty members are not deprived of their status as employees under Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code. It is

also the intent of the Legislature that the exercise of this increased responsibility shall not make these faculty members managerial or supervisory employees, as those terms are defined in that chapter.

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

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

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

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

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

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

(2) All state and local policies, rules, and regulations regarding community college faculty and administrator qualifications, evaluation, hiring, or retention should strengthen faculty, administration, and board cooperation in matters related to those topics. They should also strengthen the role of the faculty as an authoritative, professional collegiate body.

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

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

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

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

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

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

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

(4) Beyond requiring a joint and cooperative exercise of responsibility, the hiring process should be focused on ensuring that the community colleges will select teachers who can teach and who are experts in the subject matter of their curriculum; and counselors, librarians, and other instructional and student services faculty who can foster community college effectiveness and who are experts in the subject matter of their specialty. This means that the colleges may establish criteria for hiring that go well beyond the minimum qualifications set by regulation. The establishment of additional criteria of this sort should be expected and encouraged.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(6) The procedures defined by negotiations should foster a joint and cooperative exercise of responsibility, by the faculty, administration, and governing board of the community college and should reflect faculty and administrator expertise and authority in evaluating professional work as well as the governing board's legal and public responsibility for the process.

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

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

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

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

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

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

SEC. 6. Section 66701 of the Education Code is amended to read:

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

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

(1) The primary mission of the community colleges is the provision of rigorous, high quality degree and certificate curricula in lower division arts and sciences and in vocational and occupational fields.

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

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

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

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

CHAPTER 9.2. STUDENT TRANSFER

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

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

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

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

PART 43.5. THE CALIFORNIA COMMUNITY COLLEGES

70900. There is hereby created the California Community Colleges, a postsecondary education system consisting of community college districts heretofore and hereafter established pursuant to law and the Board of Governors of the California Community Colleges. The board of governors shall carry out the functions specified in Section 70901 and local districts shall carry out the functions specified in Section 70902.

70901. (a) The Board of Governors of the California Community Colleges shall provide leadership and direction in the continuing development of the California Community Colleges as an integral and effective element in the structure of public higher education in the state. The work of the board of governors shall at all times be directed to maintaining and

continuing, to the maximum degree permissible, local authority and control in the administration of the California Community Colleges.

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

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

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

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

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

(D) Minimum standards for credit and noncredit classes.

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

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

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

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

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

(A) Annually prepare and adopt a proposed budget for the California Community Colleges. The proposed budget shall, at a minimum, identify the total revenue needs for serving educational needs within the mission, the amount to be expended for the state general apportionment, the amounts requested for various categorical programs established by law, the amounts requested for new programs and budget improvements and the amount requested for systemwide administration.

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

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

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

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

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

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

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

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

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

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

(13) Establish policies regarding interdistrict attendance of students.

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

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

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

(d) Wherever in this section or any other statute a power is vested in the board of governors, the board of governors, by a majority vote, may adopt a rule delegating that power to the chancellor, or any officer, employee, or committee of the California Community Colleges, or community college district, as the board of governors may designate. However, the board of governors shall not delegate any power that is expressly made nondelegable by statute. Any rule delegating authority shall prescribe the limits of delegation.

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

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

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

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

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

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

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

(A) Reject or withdraw the regulation.

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

(C) Readopt the regulation as originally adopted, or with those nonsubstantive, technical amendments deemed necessary to clarify the intent of the original regulation. If the board of governors decides to readopt a regulation, with or without technical amendments, it shall also adopt a written declaration and determination regarding the specific state interests it has found necessary to protect by means of the specific language or requirements of the regulation. A readopted regulation may then be challenged pursuant to existing law in a court of competent jurisdiction, and shall not be subject to any further appeal within the California Community Colleges.

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

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

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

70902. (a) Every community college district shall be under the control of a board of trustees, which is referred to herein as the "governing board." The governing board of each community college district shall establish, maintain, operate, and

govern one or more community colleges in accordance with law. In so doing, the governing board may initiate and carry on any program, activity, or may otherwise act, in any manner that is not in conflict with or inconsistent with, or preempted by, any law and that is not in conflict with the purposes for which community college districts are established.

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

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

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

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

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

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

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

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

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

(8) Establish rules and regulations governing student conduct.

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

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

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

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

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

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

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

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

SEC. 9. Section 71000 of the Education Code is amended to read:

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

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

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

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

(d) Commencing with appointments made on or after January 1, 1990, all members of the board shall be appointed for staggered six-year terms, except in the case of the faculty appointments, which shall be two years, and the student

appointment, which shall be one year, and the ex officio members, who shall serve during the period of their tenure in their respective state offices.

SEC. 9.5. Section 71001 of the Education Code is amended to read:

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

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

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

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

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

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

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

SEC. 10. Section 71020 of the Education Code is repealed.

SEC. 11. Section 71020 is added to the Education Code, to read:

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

SEC. 11.5. Section 71020.5 is added to the Education Code, to read:

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

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

(b) The board of governors shall develop and implement a comprehensive community college educational and fiscal accountability system. In developing and implementing this system, the board of governors shall solicit consultation from

institutional and organizational representatives of the California Community Colleges, including statewide faculty and staff organizations. At a minimum the system shall:

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

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

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

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

(A) Student access to community colleges.

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

(C) Student transfer rates and programs.

(D) Academic standards and student achievement.

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

(F) Completion rates of courses and programs.

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

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

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

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

(K) Fiscal conditions of community college districts.

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

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

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

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

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

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

SEC. 12. Section 71023 of the Education Code is repealed.

SEC. 12. 1. Section 71025 of the Education Code is repealed.

SEC. 12.2. Section 71026 of the Education Code is repealed.

SEC. 12.3. Section 71027 of the Education Code is repealed.

SEC. 12.4. Section 71028 of the Education Code is repealed.

SEC. 12.5. Section 71062 of the Education Code is repealed.

SEC. 12.6. Section 71063 of the Education Code is repealed.

SEC. 12.7. Section 71064 of the Education Code is repealed.

SEC. 12.8. Section 71066 of the Education Code is repealed.

SEC. 12.9. Section 71068 of the Education Code is repealed.

SEC. 12.10. Section 71069 of the Education Code is repealed.

SEC. 12.11. Section 71070 of the Education Code is repealed.

SEC. 12.12. Section 71071 of the Education Code is repealed.

SEC. 12.13. Section 71072 of the Education Code is repealed.

SEC. 12.14. Section 71073 of the Education Code is repealed.

SEC. 12.15. Section 71075 of the Education Code is repealed.

SEC. 12.16. Section 71076 of the Education Code is repealed

SEC. 12.17. Section 71079 of the Education Code is repealed.

SEC. 12.18. Section 71080 of the Education Code is repealed.

SEC. 12.19. Section 71091 of the Education Code is repealed.

SEC. 13. Section 71090.5 is added to the Education Code, to read: 71090.5. In addition to the position authorized by subdivision (e) of Section 4 of Article VII of the California Constitution, the Governor, with the recommendation of the board of governors, shall appoint up to six deputy and vice chancellors, who shall be exempt from state civil service. These appointments shall not result in any increase in funds, available for expenditure by the board of governors in the 1989-90 fiscal year, above the total amount available to the board in the 1988-89 fiscal year. The appointments shall not exceed an aggregate total of six, for both the positions of deputy and vice chancellor.

SEC. 14. Section 72201 of the Education Code is repealed.

SEC. 14.2. Section 72230 of the Education Code is repealed.

SEC. 14.3. Section 72231.5 of the Education Code is repealed.

SEC. 14.4. Section 72233 of the Education Code is repealed.

SEC. 14.5. Section 72282 of the Education Code is repealed.

SEC. 14.6. Section 72284 of the Education Code is repealed.

SEC. 14.7. Section 72285 of the Education Code is repealed.

SEC. 14 .8. Section 72286 of the Education Code is repealed.

SEC. 14.9. Section 72287 of the Education Code is repealed.

SEC. 14 '10. Section 72288 of the Education Code is repealed.

SEC. 14 . 11. Section 72289 of the Education Code is repealed.

SEC. 14 '12. Section 72290 of the Education Code is repealed.

SEC. 14 13. Section 72291 of the Education Code is repealed.

SEC. 14 14. Section 72292 of the Education Code is repealed.

SEC. 14 15. Section 72300 of the Education Code is repealed.

SEC. 15 Section 72411.5 of the Education Code is repealed.

SEC. 16 Section 72411.5 is added to the Education Code, to read:

72411.5. Every instructional or student services administrator of a community college district shall be employed, and all the administrators of a community college may be employed, by the governing board of the district by a contract not to exceed four years. The contract may be extended for periods of no more than four years at the discretion of the governing board. However, in the absence of an express agreement, every administrator shall serve in his or her administrative assignment at the pleasure of the governing board. The dismissal of, and imposition of penalties for cause on, an administrator employed by contract pursuant to this section shall, if the administrator does not have tenure as a faculty member, be in accordance with the terms of the contract of employment. If the administrator has tenure as a faculty member, the dismissal of, and imposition of penalties for cause on, the administrator shall be in accordance with the provisions applicable to faculty members.

SEC. 16.5. Section 78200 of the Education Code is repealed.

SEC. 17. Section 78205 of the Education Code is amended to read:

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

SEC. 18. Section 78212.5 is added to the Education Code, to read:

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

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

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

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

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

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

SEC. 19. Section 84381 of the Education Code is amended to read:

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

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

- (1) Instructional programs which involve internships and experiential learning opportunities.
- (2) Individualized instructional programs which require student development of learning objectives through learning contracts.
- (3) Instructional programs which focus on the development of interpersonal skills.
- (4) Instructional programs involving independent study.
- (b) Programs for improving teaching abilities of faculty members.
- (c) Programs addressing special learning needs of educationally disadvantaged students.
- (d) Educational services for new clientele, including older, working adults.
- (e) Efforts to improve traditional instructional programs.
- (f) Programs for the improvement of the intellectual development of faculty and staff, including, but not limited to, the following:
 - (1) Intersegmental summer programs including research projects and seminars.
 - (2) College programs bringing visiting scholars to local districts.
 - (3) Interdisciplinary programs involving local noncollege institutions in the arts and sciences.
 - (4) Intersegmental research and public information projects on topics of special concern to rural and urban California regarding the environment, social history, and culture.
 - (5) Summer "bridge" programs for the transition period into college life.

SEC. 20. Section 84713 of the Education Code is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) Except as otherwise provided by statute, current categorical programs providing direct services to students, including extended opportunity programs and services, and disabled students programs and services, shall continue to be funded separately through the annual Budget Act, and shall not be assumed under budget formulas of program-based funding.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) For student services, the workload measure shall be based on the numbers of credit students enrolled (headcount).

Changes in headcount shall result in adjustments to revenues as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(j) As used in this section:

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

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

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

SEC. 21.7. Section 84755 is added to the Education Code, to read:

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

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

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

(1) Developing articulated programs provided for in Section 70 of Assembly Bill 1725 of the 1987-88 Regular Session of the Legislature with school districts and campuses of the University of California and California State University.

(2) Applying minimum qualifications to all newly hired faculty and administrators, including candidates for these positions as required by Section 87356.

(3) Developing and administering a process for waiver of minimum qualifications as required by Section 87359.

(4) Establishing and applying local hiring criteria as required by Section 87360.

(5) Establishing and applying faculty service areas and competency criteria as required by Sections 87743 to 87743.5, inclusive.

(6) Evaluating temporary employees, instituting peer review evaluation, and widely distributing evaluation procedures as required by Section 87663.

- (7) Establishing and applying new processes for tenure evaluation required by Section 87610.1.
 - (8) Establishing and applying the tenure denial grievance procedure required by Section 87610.1.
 - (9) Establishing and applying a process for moving administrators into faculty positions as required by Sections 87454 to 87458, inclusive.
 - (10) Publishing and distributing a report on the affirmative action success rate as required by Section 87102.
 - (11) Improving instruction by reducing the ratio of full-time equivalent students to full-time equivalent instructors.
 - (12) Improving instruction by increasing the hiring of full-time instructors and limiting the practice of hiring part-time instructors.
 - (13) Augmenting budgets for college libraries and learning resources.
 - (14) Augmenting budgets for plant maintenance and operations.
 - (15) Adding new courses or programs to serve community need.
 - (16) Making progress towards affirmative action goals and timetables established by the district.
 - (17) Developing and maintaining programs and services authorized by Section 78212.5.
 - (18) Augmenting budgets for student services in the areas of greatest need.
 - (19) Providing for release time for faculty and staff as deemed appropriate by community college district governing boards, to enable faculty and staff participation in implementing reforms.
- (c) Except as provided by Section 87482.6, and except as necessary to reimburse the costs of new state mandates, district governing boards shall have full authority to expend program improvement allocations for any or all of the authorized purposes specified in subdivision (b).
- (d) As required by the board of governors, the governing board of each community college district shall submit to the board of governors a plan for using the resources allocated pursuant to this section. The board of governors shall review each plan to ensure that proposed expenditures are consistent with the listing of authorized expenditures provided in this section, and the board of governors shall approve all plans to the full extent that expenditures are authorized by this section. To the extent that a community college district expends its program improvement allocation consistent with its plan, the board of governors shall include the district's allocation as part of the district's base budget for subsequent years.
- (e) The board of governors, through the annual systemwide budget submitted pursuant to paragraph (5) of subdivision (b) of Section 70901, shall request necessary resources for the purposes of this section. It is the intent of the Legislature that the appropriation and allocation of program improvement money not otherwise provided pursuant to subdivision (b) of this section shall be accomplished through the annual state budget process beginning with the 1989-90 fiscal year. After June 30, 1991, if Section 84750 is implemented, it is the intent of the Legislature to fund the ongoing operations of community college districts pursuant to the provisions of Section 84750.

SEC. 22. Section 87001 is added to the Education Code, to read:

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

(a) "Administrator" means any person employed by the governing board of a community college district in a supervisory or management position as defined in Article 5 (commencing with Section 3540) of Chapter 10.7 of Division 4 of Title 1 of the Government Code.

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

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

SEC. 23. Section 87102 of the Education Code is amended to read:

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

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

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

SEC. 24. Section 87104 of the Education Code is amended to read:

87104. (a) The Board of Governors of the California Community Colleges, out of funds appropriated for these purposes, (1) shall provide assistance to local community colleges in adopting and maintaining high-quality affirmative action programs; (2) report to the Legislature regarding the number of districts which have adopted and are maintaining affirmative action programs, including the effectiveness of the programs in meeting the intent of this article; (3) develop and disseminate to public community college districts guidelines to assist these agencies in developing and implementing affirmative action employment programs; and (4) shall establish a technical assistance team to review the affirmative action plan of each community college district which fails to make measurable progress in meeting the goals and timetables

of its adopted plan. The technical assistance team shall recommend appropriate actions to assure reasonable progress in improving success rates. The board of governors shall prescribe those conditions necessary, to assure reasonable progress and otherwise meet the legal requirements of affirmative action. The conditions may include the withholding of allowances made pursuant to Sections 87482.6 and 87107.

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

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

SEC. 25. Section 87107 is added to the Education Code, to read:

87107. (a) There is hereby created in the State Treasury a fund which shall be known as the Faculty and Staff Diversity Fund. The money in the fund shall be available to the board of governors upon appropriation by the Legislature for the purpose of enabling the California Community Colleges as a system to address the goal that by the year 2005 the system's work force will reflect proportionately the adult population of the state. For the purpose of administering this fund, the board of governors shall develop and apply availability data and factors for measuring district progress in contributing to this goal for the system. Also for the purpose of administering this fund, it is the intent of the Legislature that the board of governors take the steps which are necessary to reach the goal that by fiscal year 1992-93, 30 percent of all new hires in the California Community Colleges as a system will be ethnic minorities.

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

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

(1) Reimburse districts for the costs of publishing, distributing, and reporting affirmative action success rates as provided in Section 97102.

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

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

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

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

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

Article 5. Community College Faculty and Staff Development Fund

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

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

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

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

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

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

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

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

(a) Improvement of teaching.

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

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

(d) Retraining to meet changing institutional needs.

(e) Intersegmental exchange programs.

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

(g) Computer and technological proficiency programs.

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

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

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

SEC. 27. Chapter 2 (commencing with Section 87200) of Part 51 of the Education Code is repealed.

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

CHAPTER 2.5. QUALIFICATIONS FOR COMMUNITY COLLEGE, PERSONNEL

Article 1. General Provisions

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

- (a) A transition provision which would grandfather existing bargaining unit definitions.
- (b) Consideration of projected California demographics.
- (c) Consideration of affirmative action policies and programs.

Article 2. Minimum Qualifications and Hiring Criteria

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

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

- (1) Possession of a master's degree from an accredited institution, or equivalent foreign degree, in the discipline of the faculty member's assignment.
- (2) Possession of a master's degree from an accredited institution, or equivalent foreign degree, in a discipline reasonably related to the faculty member's assignment and possession of a bachelor's degree from an accredited institution, or equivalent foreign degree, in the discipline of the faculty member's assignment.
- (3) For faculty assigned to teach courses in disciplines where the master's degree is not generally expected or available, which are, generally, disciplines in specialized technical, trade, or industrial fields, either of the following:
 - (A) Possession of a bachelor's degree from an accredited institution, or equivalent foreign degree, in a discipline reasonably related to the faculty member's assignment, plus two years of professional experience, plus appropriate certification to practice or licensure or its equivalent, if available.
 - (B) Possession of an associate degree from an accredited institution in a discipline reasonably related to the faculty member's assignment, plus six years of professional experience, plus appropriate certification to practice or licensure or its equivalent, if available.

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

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

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

(1) Possession of a master's degree.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Article 3. Hiring Criteria

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

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

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

SEC.29. Section 87454 of the Education Code is amended to read:

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

SEC. 30. Section 87455 of the Education Code is repealed.

SEC. 31. Section 87456 of the Education Code is repealed.

SEC. 32. Section 87457 of the Education Code is amended to read:

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

SEC. 33. Section 87458 of the Education Code is repealed.

SEC. 34. Section 87458 is added to the Education Code, to read:

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

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

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

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

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

SEC. 35. Section 87482.6 is added to the Education Code, to read:

87482.6. (a) Until the provisions of Section 84750 regarding program-based funding are implemented by a standard adopted by the board of governors that establishes the appropriate percentage of hours of credit instruction that should be taught by full-time instructors, 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. To this end, community college districts which have less than 75 percent of their hours of credit instruction taught by full-time instructors shall apply a portion of the program improvement allocation received pursuant to Section 84755 as follows:

(1) Districts which, in the prior fiscal year, had between 67 percent and 75 percent of their hours of credit instruction taught by full-time instructors shall apply up to 33 percent of their program improvement allocation as necessary to reach

the .75 percent standard. If a district in this category chooses instead not to improve its percentage, the board of governors shall withhold 33 percent of the district's program improvement allocation.

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

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

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

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

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

(3) The chancellor shall compute and report to each community college district the number of full-time faculty (FTF) which are to be secured through the use of the prescribed portion of program improvement revenue allocated to each district. 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 average hourly rate of compensation for part-time instructors times the statewide average full-time teaching load). If the quotient is not a whole number, then the quotient shall be rounded down to the nearest whole number. If this 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.

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

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

SEC. 36. Section 87602 of the Education Code is amended to read:

87602. For the purposes of other provisions of law:

(a) A contract employee is a probationary employee.

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

SEC. 37. Section 87605 of the Education Code is repealed.

SEC. 38. Section 87605 is added to the Education Code, to read:

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

SEC. 39. Section 87608 of the Education Code is repealed.

SEC. 40. Section 87608 is added to the Education Code, to read:

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

- (a) Not enter into a contract for the following academic year.
- (b) Enter into a contract for the following academic year.
- (c) Employ the contract employee as a regular employee for all subsequent academic years.

SEC. 41. Section 87608.5 is added to the Education Code, to read:

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

- (a) Not enter into a contract for the following academic year.
- (b) Enter into a contract for the following two academic years.
- (c) Employ the contract employee as a regular employee for all subsequent academic years.

SEC. 42. Section 87609 of the Education Code is repealed.

SEC. 43. Section 87609 is added to the Education Code, to read:

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

- (a) Employ the probationary employee as a tenured employee for all subsequent academic years.
- (b) Not employ the probationary employee as a tenured employee.

SEC. 44. Section 87610 of the Education Code is repealed.

SEC. 45. Section 87610 is added to the Education Code, to read:

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

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

SEC. 46. Section 87610.1 is added to the Education Code, to read:

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

(b) Allegations that the community college district, in a decision to grant tenure, made a negative decision that to a reasonable person was unreasonable, or violated, misinterpreted, or misapplied, any of its policies and procedures concerning the evaluation of probationary employees shall be classified and procedurally addressed as grievances. Allegations that the community college district in a decision to reappoint a probationary employee violated, misinterpreted, or misapplied any of its policies and procedures concerning the evaluation of probationary employees shall be classified and procedurally addressed as grievances. If there is no contractual grievance procedure resulting in arbitration, these allegations shall proceed to hearing in accordance with Section 87740.

Arbitration as used in this section refers to advisory arbitration, as well as final and binding arbitration.

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

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

(e) Any employees who are primarily engaged in faculty or other bargaining unit duties, who perform "supervisory" or "management" duties incidental to their performance of primary professional duties shall not be deemed supervisory or managerial employees as those terms are defined in Section 3540.1 of the Government Code, because of those duties. These duties include, but are not limited to, serving on hiring, selection, promotion, evaluation, budget development, and

affirmative action committees, and making effective recommendations in connection with these activities. These employees whose duties are substantially similar to those of their fellow bargaining unit members shall not be considered supervisory or management employees.

SEC. 47. Section, 87611 of the Education Code is repealed.

SEC. 48. Section 87611 is added to the Education Code, to read:

97611. A final decision reached following a grievance or hearing conducted pursuant to subdivision (b) of Section 87610.1 shall be subject to judicial review pursuant to Section 1094.5 of the Code of Civil Procedure.

SEC. 49. Section 87615 is added to the Education Code, to read:

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

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

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

(b) The process by which the governing board reaches the determination has been developed and agreed upon jointly by representatives of the governing board and the academic senate, and approved by the governing board. The agreed upon process shall include reasonable procedures to ensure that the governing board relies primarily upon the advice and judgment of the academic senate to determine that rare and compelling reasons exist to grant tenure. The process shall further require that the governing board provide the academic senate with an opportunity to present its views to the governing board before the board makes a determination; and that the written record of the decision, including the views of the academic senate, shall be available for review pursuant to Section 87358.

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

SEC. 51. Section 97663 of the Education Code is amended to read:

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

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

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

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

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

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

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

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

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

SEC. 51.5. Section 87743 of the Education Code is amended to read:

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

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

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

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

SEC. 52. Section 87743.1 is added to the Education Code, to read:

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

SEC. 53. Section 87743.2 is added to the Education Code, to read:

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

SEC. 54. Section 87743.3 is added to the Education Code, to read:

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

SEC. 55. Section 87743.4 is added to the Education Code, to read:

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

SEC. 56. Section 87743.5 is added to the Education Code, to read:

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

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

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

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

SEC. 59. The California Postsecondary Education Commission and the State Department of Education shall jointly agree on a coordinated research framework to be utilized by each agency in a review of the programs in English as a second language offered through the California Community Colleges, the University of California, the California State University, and adult education programs, and of the future educational needs in this area, and to report its recommendations for programs of effective cooperation between those institutions in this respect. The California Postsecondary Education Commission shall have responsibility for reviewing the programs of the postsecondary segments and the State Department of Education shall have responsibility for reviewing the programs offered by school districts. Both the commission and the State Department of Education shall report the results of their review to the Legislature no later than January 1, 1990. The purpose of the study provided for under this section shall be to assess the ongoing role of the California Community Colleges, in relation to the respective roles of the University of California and the California State University in conducting programs in English as a second language.

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

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

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

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

- (a) Develop, policies and guidelines for strengthening the role of the academic senate with regard to the determination and administration of academic and professional standards, course approval and curricula, and other academic matters.
- (b) In cooperation with community college district and student representatives, develop a plan for encouraging greater student participation in appropriate aspects of campus, district, and statewide governance.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (1) Advanced graduate students with prior proven teaching experience.
- (2) Advanced graduate students teaching in areas consistent with the subject area of their graduate program.
- (3) Advanced graduate students who qualify or employment in positions requiring certification.
- (4) Advanced graduate students selected by the pertinent community college department and administrators from among a list of candidates provided by the University of California or the California State University graduate department.

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

- (1) Be a form of financial aid to the graduate students, especially for minority and disadvantaged students.
 - (2) Provide access to graduate students who wish to enter into the teaching profession at the community college level.
 - (3) Guarantee community college departments one or two part-time positions each year.
- (d) In the event that part-time temporary teaching positions are established, graduate students who would teach on a temporary part-time basis shall not displace persons then currently teaching part-time or full-time.

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

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

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

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

SEC. 69. Pursuant to paragraph (8) of subdivision (b) of Section 70901 of the Education Code:

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

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

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

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

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

For instance, the elimination of credentials must be accompanied by the establishment of minimum qualifications by the board of governors. Minimum qualifications in turn must be implemented by districts through the establishment of faculty service areas, competency criteria, and various waiver processes. The extension of the tenure probationary period to four years as well as the revisions to layoff procedures also depend upon the establishment of tenure denial grievance processes as well as the establishment of faculty service areas and competency criteria. Similarly, because so many of the reforms call for faculty involvement in the determination and implementation of policy, and 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 with sufficient opportunities for continued staff development, and with sufficient opportunity for participation in institutional governance.

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

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

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

(2) "Phase II of transitional program improvement" means a period of reform following initial program improvement and professionalization of faculty. During that period, the new educational environment created under Phase 1, including such reforms as innovative training programs, evaluation procedures, and minimum qualifications, may be utilized to the fullest extent in hiring new full-time faculty. The Legislature finds that this latter step is a major component of successful reform and the eventual attainment of the highest possible quality in the educational programs of the California Community Colleges. It is the intent of the Legislature that moneys appropriated during Phase II fully fund any state-mandate created pursuant to this section.

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

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

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

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

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

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

(a) For expenditure pursuant to Article 5 (commencing with Section 87150) of Chapter 1 of Part 51 of the Education Code. Notwithstanding subdivision (a) of Section 87152, the board of governors shall allocate these funds to community college districts on a per average daily attendance (ADA) basis, using the funded ADA levels for the 1987-88 fiscal year, so that seven dollars (\$7) per ADA, or as near thereto as possible, is allocated, and so that each district receives at least five thousand dollars (\$5,000).

Before computing the per ADA amount the board of governors may set aside up to 2 percent of the allocation of this subdivision:

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

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