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Title 5. Education

Division 6. California Community Colleges

Chapter 2. Community College Standards

Subchapter 1. Minimum Conditions

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§ 51025. Full-Time/Part-Time Faculty.

This section relates to and should be read in conjunction with subchapter 3 (commencing with section 53300) of chapter 4 of this division.

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

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

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

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

In computing the district's full-time faculty obligation for the succeeding fiscal year, the base obligation will be increased by the lower of the projected fundable growth at the time of the budget enactment or the actual percentage change in funded credit FTES. For the second succeeding fall term the obligation will be adjusted to the actual percentage change in funded credit FTES.

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

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

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

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

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

(7) If the Board of Governors determines pursuant to subsection (a) that adequate funds have not been provided to implement paragraph (1), the district's base full-time faculty obligation shall be unchanged. However, for the fall term of the succeeding fiscal

year the district may choose, in lieu of maintaining its base obligation, to maintain, at a minimum, the full-time faculty percentage attained in the prior fall term.

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

(e) On or before January 31 of each year, the Chancellor shall determine, based on information submitted by districts, the extent to which each district, by the fall term of that fiscal year, has maintained or hired the number of full-time faculty, or maintained the full-time faculty percentage if applicable, determined pursuant to subsection (c) for the prior fiscal year. To the extent that the number of full-time faculty or percentage of full-time faculty has not been maintained or additional full-time faculty have not been retained, the Chancellor shall reduce the district's revenue for the current fiscal year by an amount equal to the average replacement cost for the prior fiscal year times the deficiency in the number or percentage equivalent of full-time faculty. If the Board has determined, pursuant to subsection (a), that there are not adequate funds in the current fiscal year to allow full implementation of paragraph (1) of subsection (c), then the Chancellor may defer this reduction of revenue until the subsequent fiscal year in which the Board determines that adequate funds have been provided to allow full implementation of that paragraph. To the extent a district hires the additional full-time faculty in subsequent fiscal years, the reductions will no longer be levied. Notwithstanding this provision, the Chancellor may not waive reductions that are deferred under the authority of this subsection. The Chancellor may authorize a funding reduction that is deferred under the authority of this subsection to be made over a period not to exceed three fiscal years, provided that the district is meeting its full-time faculty obligation and it is the Chancellor's judgment that the district's financial integrity otherwise would be jeopardized.

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

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

Note: Authority cited: Sections 66700, 70901, 84750 and 87482.7, Education Code. Reference: Sections 84750 and 87482.7, Education Code.

HISTORY

1. New section filed 7-3-91 and submitted to OAL on 7-12-91 for printing only pursuant to Education Code section 70901.5; operative 8-3-91 (Register 91, No. 46).
2. New first paragraph, amendment of subsections (a)-(a)(4) and (c) and Note filed 8-19-92; operative 9-18-92 (Register 92, No. 34).
3. Amendment filed 9-6-94; operative 10-6-94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
4. Amendment of subsections (a)-(a)(4), (b) and (c) filed 3-25-98; operative 4-24-98. Submitted to OAL for printing only (Register 98, No. 14).
5. Amendment filed 6-23-2000; operative 7-23-2000. Submitted to OAL for printing only (Register 2000, No. 26).
6. Amendment filed 11-6-2003; operative 12-6-2003. Submitted to OAL for printing only (Register 2003, No. 46).

This database is current through 10/10/14 Register 2014, No. 41

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