

**BILL NUMBER: AB 2155 (Ridley-Thomas) as amended March 28, 2016**

**SUMMARY**

AB 2155 requires that collective bargaining agreements or employment agreements that apply to adult education instructors specify the courses for which those members are adult education instructors.

**BOARD POSITION**

**Neutral.** The board's policy is to be neutral on legislation that does not significantly or adversely impact the benefits or services provided through the funds administered by CalSTRS or the administration of the retirement plans.

**REASON FOR THE BILL**

AB 2155 will clarify current law so that adult education courses are specified in collective bargaining or employment agreements in order to correctly apply the minimum requirement for instructional hours for adult education instructors to members teaching those courses.

**SUMMARY OF AMENDMENTS**

The March 28, 2016, amendments:

- Add a requirement that collective bargaining agreements or employment agreements that apply to adult education instructors specify the courses for which those members are adult education instructors, and
- Remove an exception to the minimum requirement for adult education instructors that was added in the introduced version of the bill.

**ANALYSIS**

**Existing Law:**

Under current law, full time is specified under the terms of a collective bargaining agreement or employment agreement. Full time is the days or hours of creditable service that the employer requires to be performed by a class of employees in a school year in order to earn compensation earnable. The minimum standards for full time are specified in current law. The number of days or hours representing full time is used in calculating service credit and final compensation.

Community college instructors employed to teach courses in adult education are subject to the current minimum full-time requirement of 875 instructional hours of creditable service, regardless of whether the member's time bases is full- or part-time. Otherwise, community college instructors who are hired on a full-time basis must work a minimum of 1,050 hours to earn a full year of service credit, while part-time instructors must work a minimum of 525 instructional hours to earn a full year of service credit. "Adult education" is not defined in the Teachers' Retirement Law.

**This Bill:**

This bill requires that collective bargaining agreements or employment agreements that apply to adult education instructors specify the courses for which those members are adult education instructors, which indicates when the minimum standard that applies to adult education instructors is being used by employers. This bill affects agreements that are entered into, extended, renewed or amended on or after January 1, 2017.

**LEGISLATIVE HISTORY**

AB 816 (PER&SS, Chapter 1025, Statutes of 2000) clarified that the adult education standard for community college instructors is 875 hours, regardless of whether the member is a full-time or part-time instructor.

SB 1074 (PE&R, Chapter 939, Statutes of 1999) removed the requirement that “credit” instructors employed on a part-time basis were subject to the 525 hour minimum standard.

AB 1166 (House, Chapter 678, Statutes of 1998) established a minimum standard of 525 hours for all credit instructors employed on a part-time basis and 875 hours for all adult education instructors.

AB 1122 (Cannella, Chapter 390, Statutes of 1995) established minimum standards for full-time employment for all classifications of employees in K-12 and community colleges for crediting service in CalSTRS. Adult education instructors had a minimum full time standard of 1,050 hours per year.

**PROGRAM BACKGROUND**

California community colleges offer credit and noncredit courses. Noncredit courses are categorized into 10 broad categories consisting of:

- Courses for Older Adults,
- Courses for Persons with Substantial Disabilities,
- Elementary and Secondary Basic Skills,
- English as a Second Language (ESL),
- Health and Safety,
- Home Economics/Family and Consumer Science,
- Immigrant Education (Citizenship/Civic Education),
- Parenting,
- Short-Term Vocational Program/Career Technical, and
- Workforce Preparation.

Historically, noncredit courses have received a lower state rate of apportionment than credit courses. Within the category of noncredit courses, career development and college preparation courses have historically received a slightly higher apportionment, which was still less than credit courses. In 2014, SB 860, the education omnibus budget trailer bill, specified that beginning in the 2015–16 fiscal year, noncredit career development and college preparation courses approved by the chancellor would be

funded at the same (higher) rate as credit courses. The criteria for approval are described in regulations regarding approval of courses and programs by the chancellor of the California community colleges. With a higher funding rate, community colleges could reduce the instructional hours required for career development and college preparation courses without negatively affecting course funding. This would allow instructors of these courses to instead use these hours for non-instructional duties.

Existing law sets *minimum* standards for instructional hours for all instructors at community colleges. Community college instructors employed to teach courses in adult education are subject to the current minimum full-time requirement of 875 instructional hours of creditable service, although each community college district may have actual requirements that are higher than this minimum. CalSTRS is not involved in setting the actual instructional hour requirements by community college districts. However, current law requires community college districts to submit to CalSTRS a copy of the agreements that include adult education instructors.

CalSTRS has identified 1,090 faculty from 13 community college districts whose compensation is reported as being for adult education. If an employer was currently reporting these instructors as adult education instructors, this bill would permit the instructors to continue to be reported on that same basis. Similarly, under collective bargaining agreements entered into, extended, renewed, or amended on or after January 1, 2017, employers could continue to report these instructors as adult education instructors. However, those agreements would have to specify the courses for which those members are adult education instructors.

## **FISCAL IMPACT**

Program Cost – None.

Administrative Costs/Savings – None.

## **SUPPORT**

Los Angeles College Faculty Guild (Sponsor)  
California Federation of Teachers  
Faculty Association of California Community Colleges  
Los Rios Community College District  
San Bernardino Community College District  
South Orange Community College District

## **OPPOSITION**

None known.

## **ARGUMENTS**

Pro: Provides employers with the flexibility they require to keep up with changes in education policy and workload.

Con: None.

**LEGISLATIVE STAFF CONTACT**

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