RESPONSE REQUESTED

TO: Community College Governing Board Presidents
    Community College District Superintendents

FROM: Ronald Myron, Executive Director

DATE: July 15, 1977

SUBJECT: SURVEY—POSSIBLE LEGAL ACTION

FACTS

1. The Board of Governors has adopted TITLE V REGULATIONS (attached) mandating Community College Districts to accelerate and possibly modify "affirmative action programs".

2. The Board of Governors is working on extensive "affirmative action" guidelines for local Community College Boards to follow.

3. These Title V Regulations will require most Community Colleges to accomplish something they are presently doing:

   58 Community College Districts have submitted PLANS;
   69 Community College Districts have adopted POLICIES.

4. The authority of the Board of Governors to develop regulations in this area is UNCERTAIN, since personnel matters are normally considered to be within the prerogative of LOCAL GOVERNANCE. The development of policies and/or plans in the area of equal employment opportunity and affirmative action is a personnel matter. Local Board initiative, not Board of Governors regulations, is appropriate.

5. Should the Board of Governors find your "plan" unsatisfactory, your Community College District could have State support withheld.

Note: The legality of these proposed sanctions will be tested if they are ever applied.

6. Your District "plan" must be submitted to the Community Colleges Chancellor's Office for review and APPROVAL.

7. Additional staff (estimates range from 1 to 7 people) will be either hired or transferred to monitor and administer this newly-assumed responsibility.
8. The Board of Governors, by their recent actions, have demonstrated an unwillingness to recognize the dividing line between the responsibilities of locally elected Boards and the State-appointed Board of Governors.

9. The present composition of the Board of Governors leaves little hope that we can establish lines of communication promoting understanding and cooperation.

ACTION PROPOSED

If the CCCT Membership concludes that prompt action is necessary to slow down the centralization of State government and thereby decelerate the erosion of local initiative, CCCT shall research the possibility of bringing a legal action to enjoin the Board of Governors from enforcing their Title V Regulations, guidelines, and proposed fiscal sanctions relating to equal employment opportunity and affirmative action.

NOTE: WHILE CCCT SUPPORTS AND ENCOURAGES THE HUMANISTIC CONCEPTS EMBRACED IN THESE TITLE V REGULATIONS, WE DO OPPOSE THE PROCEDURES EMBRACED BY THE BOARD OF GOVERNORS TO CARRY THEM OUT.

Please have your Governing Board consider this important matter and advise CCCT:

1. whether CCCT should bring a legal action on behalf of all 70 Member Boards to enjoin the enforcement of the Title V Regulations described above;

2. if your Community College District will assist our effort by communicating its concerns directly to members of the Board of Governors at their home addresses (an address list is attached).

When you have received and evaluated the Title V Regulations, as well as the guidelines, we ask that you expedite your response to CCCT so we can begin to carry out the directives given us by our Membership.

RCM:bjc
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CALIFORNIA COMMUNITY COLLEGES

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TO: Community College Governing Boards  
Community College District Superintendents/Chancellors  

FROM: Ronald Myron, Executive Director  

DATE: July 15, 1977  

SUBJECT: BGCCC OPPOSITION TO AB 1812 (CCCT BILL TO ELIMINATE 50% LAW)  

BACKGROUND  

Current law mandates that 50% of Community College Districts' expense of education be spent on classroom instructors' salaries. The law was originally enacted to control class size in K-12, and Community Colleges were routinely swept along as "part of public education".

In this age of collective bargaining and run-away inflation, it is unfair and possibly illegal to establish an artificial plateau restricting the way a Community College Governing Board allocates a major portion of its budget.

ACTIONS TAKEN BY CCCT  

CCCT introduced AB 1812 (Dannemeyer) to remove California Community Colleges from the provisions of this onerous legislation.

CCCT expected opposition from teacher organizations but didn't anticipate active opposition from the Board of Governors.

The Board of Governors is now aware that Community College Districts applied for and received an "exemption" from complying with the 50% Law. The Chancellor's staff has been directed to bring a full report to the BGCCC regarding the justifications for giving these exemptions.

It is clear that exemption requests will be scrutinized very carefully in the future. It is also apparent that many more Community College Districts will not be able to meet the 50% Law in the years ahead.

We must begin now to launch a serious effort to repeal the 50% Law OR to amend it significantly if we are to avoid serious operational problems in the near future.

ACTIONS REQUESTED  

1. Contact your Sacramento representatives; explain the problem and ask them to support AB 1812.

2. Contact all members of the Board of Governors at their home addresses (list on reverse side) ASKING THEM TO WITHDRAW THEIR OPPOSITION. If they can't "help", at least they should refrain from complicating an already difficult task.

RCM: bjc  
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CALIFORNIA COMMUNITY COLLEGE TRUSTEES

RESOLUTION

ENERGY AND WATER CONSERVATION CONFERENCE FOR THE CALIFORNIA COMMUNITY COLLEGES

Members of the Board present adopted unanimously the following resolution concerning Energy and Water Conservation Conference for the California Community Colleges:

WHEREAS the California Community College Trustees, the Board of Governors of the California Community Colleges, the State Department of Water Resources, and the State Energy Resources Conservation and Development Commission have joined in a cooperative effort to foster the development of water and energy conservation measures that may be applied by California Community Colleges, and

WHEREAS it has been emphasized that a leadership role of the Community Colleges is the development of service programs that will foster public awareness and support of conservation and provide training of personnel to serve in new energy-related jobs, and

WHEREAS delegates to the recent Energy and Water Conservation Conference agreed that State-level policy is required to achieve effective implementation of some conservation measures and requirements; therefore, be it

RESOLVED that California Community College Trustee Member Boards consider doing everything possible at the campus and District level to make known the urgency of the energy and water resources crisis in California, to foster positive attitudes toward conservation, to implement conservation measures and programs appropriate to their respective campuses, and to emphasize the Community Colleges' educational potential for achieving community understanding and awareness of the concept of resources conservation as an aspect of responsible citizenship, and

be it also

RESOLVED that California Community College Trustee Member Boards call upon the Board of Directors of the California Community and Junior College Association and Board of Governors of the California Community Colleges, in continued cooperation with the State Energy Resources Conservation and Development Commission and the State Department of Water Resources, to provide leadership that will assist the Community Colleges in developing effective conservation programs, in satisfying energy and water use requirements to be borne by the colleges, in participating in model programs relating to conservation and alternate energy sources, and in creating academic curricula aimed at educating the public on the emerging conservation ethic.

Certified Adopted: May 29, 1977, by CCCT Membership

Lilyan Eldred
Chairman

Ronald Myron
Executive Director
CALIFORNIA COMMUNITY COLLEGE TRUSTEES

RESOLUTION

50% LAW

Members of the Board present adopted unanimously the following resolution concerning the 50% Law.

WHEREAS Section 84362 of the Education Code requires that 50% of the cost of education as defined in Section 84031 be spent on classroom salaries, and

WHEREAS Section 84362 was enacted at a time when traditional forms of instruction to younger students were prevalent in California’s Community Colleges, and

WHEREAS the express purpose of that Section was to insure that Community Colleges allocated the major portion of their resources to the delivery of educational programs, and

WHEREAS recent improvements in the delivery of educational services have stressed the increased use of independent learning centers, libraries, the development of paraprofessional instruction teams, and the need for increased counseling services, and

WHEREAS the student population of California’s Community Colleges includes a greater number of women and mature adults who can best benefit from such developments, and

WHEREAS Section 84362 of the Education Code in fact inhibits certain College Districts from implementing such improvements in the delivery of their educational programs, now therefore be it

RESOLVED that the California Community College Trustees urge the Legislature to repeal Section 84362 of the Education Code so that Community College District resources can be allocated by local Governing Boards to programs which best meet the needs of their Community.

Certified Adopted: May 28, 1977, by CCCT Membership

Lilyan Eldred
Chairman

Ronald Myron
Executive Director
CALIFORNIA COMMUNITY COLLEGE TRUSTEES

RESOLUTION

PART-TIME EMPLOYMENT

Members of the Board present adopted unanimously the following resolution concerning part-time faculty.

WHEREAS Community Colleges are "open door" institutions offering academic and vocational education, including occupational upgrading and retraining, and

WHEREAS such educational service must be academically and technologically correct, progress in certain subject matter areas are dependent upon instructors who are professionals and/or journeyman practitioners in their fields, and

WHEREAS shifting public attitudes and changing economic conditions affect attendance and interest of students (at Community Colleges), which makes it difficult and at times impossible to project faculty needs, and

WHEREAS the Community Colleges have met this challenge in part by employing part-time temporary instructors, and

WHEREAS the flexibility to meet student needs afforded by part-time temporary instructors would be impaired by imposition of tenure as currently defined by law, tenure tracking, applying new limitations retroactively, or lowering the threshold for acquisition of rights and benefits, and

WHEREAS the need for part-time temporary employees varies among the Community College Districts in the State, the situation concerning them has become complex and confused. This complexity and confusion has been compounded by recent collective bargaining legislation; be it therefore

RESOLVED that the CCCT Association is committed to an equitable, just relationship between Trustees and employees and does not equate lack of tenure with exploitation, and that

CCCT establishes a minimum threshold of 41% of full-time employment and 4 years of service as conditions for acquiring due process, reemployment rights, certain benefits, and that

the rights and benefits be stated in appropriate sections of the Education Code at something less than tenure as currently defined, and that

the acquisition of these employment rights and benefits by part-time employees shall be limited to a single District and shall not accrue in any other District also employing that employee, and further that

those instructors employed to teach 40% or less than full-time shall continue to be employed on a part-time temporary basis and will not acquire reemployment rights by length of service.

Certified Adopted: May 28, 1977, CCCT Membership

Lilyan Eldred
Chairman

Ronald Myron
Executive Director
CALIFORNIA COMMUNITY COLLEGE TRUSTEES

RESOLUTION

PROPERTY TAX RELIEF

Members of the Board present adopted unanimously the following resolution concerning property tax relief.

WHEREAS property tax relief is rightfully an urgent issue for resolution by the 1977 Legislature, and

WHEREAS the property tax has been shown to be a regressive tax which should not be the primary funding source for the support of local governmental programs without major modifications, and

WHEREAS the California Community College Trustees have high interest in property tax relief both because of the need for reform and because any property tax relief can have a major impact upon the delivery of Community College educational programs; therefore, be it

RESOLVED 1. that any property tax relief measure must consider the responsibility of the Legislature to reimburse Community Colleges for State-mandated costs. This reimbursement should include not only the costs for legislation but also the costs of State executive orders and adjustments in the local property tax rate to cover the costs of federal mandates and court mandates.

2. that the State of California must fully reimburse local agencies for any property tax relief which it provides. To do otherwise will either force a shift in property tax payments to other property taxpayers or force a reduction in the Community College program.

3. that any property tax relief measure must assure that the "slippage" in State support—the loss of State aid as the local property tax receipts increase—is eliminated.

4. that fixed costs imposed upon Community College Districts by the California Legislature must not increase at a rate greater than the local revenues of California Community Colleges. Fixed costs for salaries, benefits, maintenance, insurance, and the like bear an exceptionally high proportion of the total costs for Community Colleges.

5. that in any legislation regarding school finance and property tax relief, the State needs to measure the cost of such legislation not only for its first year but for five years of funding. In this manner, the State can more realistically measure the true program costs and assure itself that it does not fund property tax relief/Serrano legislation from single-year revenues.

Therefore, be it also

RESOLVED that a copy of this resolution be forwarded to the Speaker of the Assembly, the President Pro Tem of the Senate, the Chairmen of the Fiscal Committees of both Houses of the Legislature, and the authors of the appropriate legislation.

Certified Adopted: May 29, 1977, by CCCT Membership

Lilyan Eldred  Ronald Myron
Chairman  Executive Director