



# Legislative *Update*

March 7, 2022

## **CFT introduces seven bills in legislature, works to combat staff shortages**

### **INTRODUCTION**

As the state Legislature embarks on its second year of the 2021-22 session, the COVID-19 pandemic continues to play a major role in education policy by exacerbating the decline in student enrollment and creating staff shortages with more educators retiring than are being hired.

The CFT will be a leading voice in combating staff shortages and fighting for policies that improve student outcomes. That includes fighting for a historic alteration to TK-12 funding and desperately needed special education monies, expanding school bus and food service programs, seeking parity for part-time faculty in the community colleges, and a much-needed boost in purchasing power for retired educators. (Find our sponsored bills below.)

Additionally, the state budget is anticipated to reach yet another historic high with unprecedented levels of revenue. This windfall presents a unique opportunity to fund schools and community colleges at rates that truly address the inequity in those systems, increase access to quality healthcare for part-time faculty, and buy down retirement costs in CalSTRS and CalPERS.

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### **SPONSORED BILLS**

#### **Wealth tax for a stronger California**

[AB 2289](#) and [ACA 8](#) (Lee, D-San Jose)

This bill creates a first-in-the-nation wealth tax on individuals who have a net worth of \$50 million or more. Current tax strategies have levied income taxes on high-income earners; however, the top 0.7% of the state's wealthy population sits on hundreds of billions of dollars that aren't earned as income. Rather, these individuals hide their institutional wealth in trusts, stock portfolios, and in other ways. This bill would implement a 1% tax on persons worth \$50 million and up, and a 1.5% tax on persons worth one billion dollars and up. It would generate at least \$22 billion annually to the state's general fund.

#### **Correcting wage overpayment in good faith**

[SB 505](#) (Hertzberg, D-Los Angeles)

When an employer accidentally has overpaid an employee, that money must be paid back. This bill requires employers to have a good-faith meeting with any employee that was overpaid to create a fair repayment plan, rather than utilizing collections agencies that harass employees.

## **Implement paid status for classified employees during personnel investigations**

[AB 2413](#) (Carrillo, D-Los Angeles)

Current law provides school employees with certain due process rights, including the right to appeal a disciplinary action to the full governing board. Certificated faculty remain in paid status throughout the appeals process; however, classified staff members are not always guaranteed that same level of protection. This bill would allow a classified employee, not subject to binding arbitration in their collective bargaining agreement, to retain paid status during a personnel investigation, if there is not clear and convincing evidence of the alleged infraction.

## **Restore personnel commission at Compton College**

[AB 2359](#) (Gipson, D-Carson)

When the Compton Community College District faced significant financial hardship in 2004, the state of California provided a bail-out to the district to make ends meet. This loan came with several conditions, including that the district's personnel commission be operated by the board of trustees rather than as an independent commission as intended by law. Without the autonomy that every other personnel commission utilizes in merit districts, the commission has been rendered ineffective. This bill repeals the Education Code that keeps the commission under the direction of the governing board and restores it to its full independent status.

## **Re-bench the Faculty Obligation Number (FON) in community colleges**

[AB 1505](#) (Rodriguez, D-Pomona)

Investments in full-time faculty are not maximized because the current Faculty Obligation Number (FON) is based on 30-year-old numbers from 1988 when the FON was created. Currently, all 70 community college districts are over their FON, in some cases by hundreds of faculty. This bill seeks to re-bench the FON to the present values of full-time faculty reported by the districts to ensure future investment in full-time faculty hiring is used as intended.

## **Increase teaching cap for part-time faculty in community colleges**

[AB 1856](#) (Medina, D-Riverside)

Existing law, known as the "67% law," limits the teaching load of part-time temporary faculty to 67% of the hours that constitute a full-time faculty assignment. Under the 67% threshold, many faculty members are forced to teach in multiple community college districts to piece together a full-time schedule (so-called "freeway flyers"), limiting their ability to participate in the campus community and be a resource to students. AB 1856 would increase the current cap on what part-time faculty can teach from 67 percent of a full-time load to up to 85%.

## **Require charter school employees to participate in CalSTRS or CalPERS**

[SB 1343](#) (Leyva, D-Chino)

Currently, charter schools have an option to participate in the statewide public employee retirement systems, or provide an alternative retirement plan, or none at all. CalSTRS has tracked the increased number of charter schools that are not participating in the retirement plan, which has driven up costs to other employers and continues to bring additional risk to the retirement system. This bill requires all charter schools to participate in the statewide public employee retirement systems — CalSTRS and CalPERS — and creates an automatic payment system so that no harm may come to the retirement funds if a charter were to close down unexpectedly or be delinquent in its payments to the retirement funds.

## **PRIORITY BILLS**

### **Parity for part-time faculty in community colleges**

[AB 1752](#) (Santiago, D-Los Angeles)

Approximately 70 percent of community college courses are taught by part-time faculty, who often divide their time at multiple colleges to make ends meet due to course caps. Part-time faculty are paid less than their full-time colleagues, receive fewer benefits, and even have to fight for office space on campus. This bill would create pay parity for part-time faculty in the California community colleges by requiring districts to adopt terms of compensation for part-time faculty of at least the same ratio to the full-time faculty for comparable duties.

### **Eliminate CalBright online community college**

[AB 2820](#) (Medina, D-Riverside)

This bill would render the CalBright online community college inoperative on January 1, 2024, and repurpose its funding to students who are single mothers, student housing, basic needs centers, and financial aid within the existing community college system.

### **Increase purchasing power for CalSTRS retirees**

[SB 868](#) (Cortese, D-San Jose)

The CalSTRS Supplemental Benefit Maintenance Account exists to provide retirees with ongoing monetary increases to keep up with the rate of inflation and protect retiree “purchasing power.” This fund has seen windfall revenue increases in recent years. This bill would require an increase in the amount provided to retirees based on their length of time in retirement.

### **Accountability for charter school properties**

[AB 2484](#) (Bonta, D-Oakland)

Reports of real estate ownership as it relates to charter schools have been published recently that shine a light on the unregulated manner in which charter schools own property and create profits through lease agreements. This bill requires charter schools to keep the land they are situated on in the hands of taxpayers rather than be transferred to private ownership.

### **Switch to enrollment-based funding for TK-12 schools**

[SB 830](#) (Portantino, D-La Cañada Flintridge)

School funding is currently based on the Average Daily Attendance (ADA) of pupils at each school site. When a pupil is absent from school, funding is lost. Schools in areas that, for socio-economic reasons, have higher absentee rates are chronically underfunded. This bill creates a supplemental funding stream that provides schools with additional funding to bring them to a level as if every pupil was at school every day, thus funding schools on enrollment rather than attendance. It also has a safeguard in place to keep some of the funds to fight chronic absenteeism.

### **Repeal denial of permanent employee status**

[AB 2573](#) (McCarty, D-Sacramento and R. Rivas, D-Salinas)

This bill repeals Education Code language that prevents certain educators from obtaining permanent status, including those working in Adult Education and Regional Occupational Centers/Programs or at school districts with an average daily attendance of 250 or less.

## **The “Road to Success” — school transportation for all**

[SB 878](#) (Skinner, D-Berkeley)

This bill requires districts to provide students transportation to and from their neighborhood school (unless the student is in grades K-6 and lives within a half-mile, or the student is in grades 7-12 and lives within one mile of the campus). Transportation plans would be crafted in consultation with classified and certificated staff (among other stakeholders). Districts may also partner with a publicly owned transit system. The state would reimburse the district at a per-mile rate.

## **Provide career counseling to students**

[AB 2508](#) (Quirk-Silva, D-Fullerton)

This bill is sponsored by the school counselors of California, who are aiming to clarify the role of counselors, including providing career counseling, in addition to college counseling. The bill would urge the governing board of a school district to provide a comprehensive educational counseling program for all pupils enrolled in the district. CFT is focused on ensuring career technical education pathways are as accessible to students.

## **Distribute union membership forms during orientation**

[AB 2497](#) (Reyes, D-Colton)

This bill requires the University of California and the California State University systems to distribute membership authorization forms to each new employee as a part of the new employee orientation process, and to collect and return those forms to the employees’ exclusive bargaining representatives.

## **Expand Classified Employee Summer Assistance to community colleges**

[AB 1691](#) (Medina, D-Riverside)

The Classified School Employee Summer Assistance program currently allows support staff in K-12 schools to set aside a portion of their paycheck in a separate fund — an amount that is matched by the California Department of Education — to assist them with the lack of pay during summer months. This bill adds classified employees in the community colleges to the program and provides \$90 million annually to ensure a dollar-for-dollar match.

## **Designate Juneteenth as state holiday**

[AB 1655](#) (Jones-Sawyer, D-Los Angeles)

This bill adds June 19, known as Juneteenth, to the list of state holidays on which schools and state offices are closed.

## **BUDGET PRIORITIES**

### **Healthcare for community college part-time faculty**

CFT advocated for, and is now supporting, the governor’s proposal to increase the Part-Time Faculty Health Insurance fund by \$200 million, an increase of more than 40,800%. These are ongoing funds, which could significantly expand and improve healthcare coverage provided to part-time faculty.

## **Pandemic support for schools**

The governor's proposed budget includes \$102 billion for Prop. 98, assuming a re-benching for an expansion of Transitional Kindergarten and a recalculation of the prior and current year guarantees. While these investments are appreciated, CFT is focused on ensuring these funds will allow schools to: 1) manage rising ongoing costs due to declining enrollment, absences due to the pandemic, and additional pandemic duties placed on schools, 2) attract and retain staff through adequate compensation and healthy work environments, 3) address the necessary safety of the school community during this global pandemic.

CFT also supports more proposals in the budget — an additional \$500 million for special education, \$1.5 billion for electric buses, \$450 million for food service infrastructure, and \$596 million to implement universal school meals. But CFT is advocating for additional allocations due to increasing cost pressures and the unacknowledged price of implementing any new requirements. Additionally, the Legislature and governor have proposed an additional \$3.4 billion in ongoing funding for afterschool programs and one-time funds of \$970 million for arts and music education.

## **Funding retirement adequately**

CFT joins other educators to ensure our public retirement system is adequately funded and advocates for additional state General Funds to reduce CalSTRS and CalPERS School Employee Pool.

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