



TO: Chief Executive Officers; Chief Human Resource Officers; Chief Instructional Officers; Chief Student Services Officers; Chief Business Officers

FROM: Lizette Navarette, Vice Chancellor, College Finance and Facilities Planning

RE: Novel Coronavirus (COVID-19) Guidance – Deferral of Faculty Obligation Penalties for Fall 2020

The California Community Colleges Board of Governors, on March 16, 2020, granted Chancellor Oakley additional authority to help colleges continue to provide educational services to students including limited authority to temporarily suspend regulations adopted by the Board of Governors and local rules and regulations. (See Resolution of the California Community Colleges Board of Governors No. 2020-01, and title 5, section 52020, of the California Code of Regulations.) The Chancellor's Office has determined that strict compliance with the regulations governing the imposition of penalties for failure to meet the Faculty Obligation Number (FON) will impede the continuity of education during the COVID-19 emergency.

The Board of Governors, at its November 2019 meeting, approved the implementation of the FON for Fall 2020. Implementation includes the assessment of penalties and funding reductions on districts that fail to meet their FON by the fall term of 2020. Under normal conditions, to comply with FON requirements, districts generally begin their hiring cycle in early spring. However, the COVID-19 outbreak has resulted in emergency conditions, hampering a normal faculty hiring cycle and increasing uncertainty over enrollment levels, funding, and course delivery methods going forward. Furthermore, the anticipated economic slowdown will likely affect community college district revenues beginning in 2020. For this reason, the Chancellor has issued Executive Order 2020-05 temporarily suspending provisions of title 5, section 51025, subdivision (e).

This temporary deferral of penalties, does not prevent districts from making efforts to meet the FON. The Chancellor's Office remains committed to enabling a pipeline for full-time faculty. This memo provides further guidance on the temporary suspension of this regulation.

DEFERRAL OF FON PENALTIES FOR FALL 2020

For Fall 2020, the Chancellor is temporarily suspending FON penalty provisions of title 5, section 51025 (e), that limit the deferral of funding reductions to three years, require districts that receive a deferral to meet their FON, and require the Chancellor to make an individualized determination regarding a district's financial integrity. The effect of this temporary regulatory suspension is that the Chancellor's Office will continue to calculate and publish FON information for Fall 2020, but all penalties resulting from these calculations will be deferred until further notice. Districts will continue to be required to report actual full-time

and part-time faculty data to the Chancellor's Office in November 2020. Reporting instructions will be provided at a later date.

FON IMPLEMENTATION FOR FALL 2021

This temporary deferral of FON penalties does not apply to Fall 2021. However, as the May Revision is expected to present a constrained State Budget for 2020-21, the Chancellor's Office will review the adequacy of funding and develop a recommendation to the Board of Governors regarding the FON, which will be considered at the November 2020 meeting, for potential implementation in Fall 2021. In accordance with title 5, section 51025, if the Board determines that adequate funds have not been provided to fully implement the FON for Fall 2021, penalties would not be assessed for Fall 2021. The Chancellor's Office would continue to calculate, update, and publish FON information and districts would continue to report actual full-time and part-time faculty data. Districts would have the option of maintaining a FON at or above the published compliance level or maintaining the full-time faculty percentage achieved in the prior year.

For any general questions regarding this memorandum, please contact the Fiscal Standards Unit at FiscalStandards@cccoco.edu.

cc: Eloy Ortiz Oakley, Chancellor
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