



Executive Order: 2020-05

Effective Date: April 27, 2020

Title: Temporary Suspension of Regulations Related to the Deferral of Faculty Obligation Number Penalties During the COVID-19 Declared State of Emergency

Executive Order 2020-05 is issued pursuant to Resolution of the California Community Colleges Board of Governors No. 2020-01 and title 5, section 52020, of the California Code of Regulations, which confers on the Chancellor emergency powers to take all appropriate actions, including the issuance of executive orders, to allow for the continued education of community college students during the period of emergency proclaimed by the Governor of the State of California on March 4, 2020. This authority allows the temporary suspension of regulations adopted by the Board of Governors and the suspension of local rules and regulations that are a barrier to the continuity of educational services.

WHEREAS, the COVID-19 state of emergency declared by the Governor on March 4, 2020 continues; and

WHEREAS, the COVID-19 pandemic and the resulting public health measures, such as required social distancing, have substantially disrupted instruction, and faculty recruitment activities in the California Community Colleges; and

WHEREAS, to address these public health measures, community college districts throughout the state have converted face-to-face courses to online or alternative formats, and have limited campus access to essential personnel; and

WHEREAS, college district administrators and administrative processes are expected to shoulder substantial burdens in many areas during the COVID-19 emergency, including anticipated uncertainties related to the number and expertise of faculty who should be recruited, and the methods of conducting recruitments with demonstration elements in a remote environment.



WHEREAS, college districts would benefit from, and the continuity of educational services would be served by, temporary suspension of regulations limiting the Chancellor's authority to defer penalties for community college districts in violation of their faculty obligation number.

THEREFORE, as the Chancellor of the California Community Colleges, I declare the following:

1. The above recitals are true and correct.
2. Resolution of the California Community Colleges Board of Governors No. 2020-01 and title 5, section 52020, of the California Code of Regulations, authorize me to take all appropriate actions to allow for the continued education of community college students during the period of emergency proclaimed by the Governor of the State of California on March 4, 2020, including the temporary suspension of regulations adopted by the Board and the suspension of local rules and regulations that are a barrier to the continuity of educational services.
3. Due to the existing state of emergency, strict adherence to section 51025, subdivision (e), of title 5, of the California Code of Regulations will create barriers to the continuity of educational services and is hereby temporarily suspended to the extent described in this paragraph. Subdivision (e) restricts the Chancellor's authority to defer the payment of faculty obligation number penalties to circumstances under which the Board of Governors has determined that funding is inadequate to fully implement the faculty obligation number, and limits the duration of any deferral to three years. In addition, any deferral must be conditioned upon the district otherwise meeting its full-time faculty obligation and the Chancellor determining the district's financial integrity would be jeopardized without the deferral. These regulatory restrictions on the Chancellor's deferral authority are temporarily suspended.



4. The Chancellor's Office will continue to calculate and publish faculty obligation number information for Fall 2020, but all penalties related to FON obligations for the 2019-20 fiscal year will be deferred until further notice. Districts must continue to report actual full-time and part-time faculty data to the Chancellor's Office. Reporting instructions will be provided at a later date.
5. Any local district board policies or regulations in conflict with the above regulatory suspension shall also be suspended for the duration of the COVID-19 state of emergency or the expiration of Section 52020, whichever is earlier.
6. This executive order shall remain in full force and effect as long as the declaration of the COVID-19 state of emergency is in place, or the expiration of Section 52020, whichever is earlier.

A handwritten signature in black ink, appearing to read 'ELOY ORTIZ OAKLEY'.

Eloy Ortiz Oakley, Chancellor

Dated: April 27, 2020