

Parameters and Guidelines Drafted by:
Keith B. Petersen
SixTen and Associates

DATED 6/16/2011

CLAIMANT'S PROPOSED PARAMETERS AND GUIDELINES

Statutes of 1988, Chapter 973,
Education Code Section 70902, subdivisions (b)(7) and (b) (14)

Title 5, CCR, Sections:
53203, subdivisions (a), (b), (d) (1) and (2),
53207, subdivisions (a) and (c) (Register 2003, No. 18)

SHARED GOVERNANCE

CSM 02-TC-25 and 31

(Effective Beginning July 1, 2001)

I. SUMMARY OF THE MANDATE

Per Statement of Decision

II. ELIGIBLE CLAIMANTS

Community college districts only.

III. PERIOD OF REIMBURSEMENT

Per Commission boilerplate language.

The parameters and guidelines are effective beginning July 1, 2001.

IV. REIMBURSABLE ACTIVITIES

The preamble per Commission boilerplate language.

A. Scope of the Mandate

- 4- Establish procedures to ensure faculty, staff, and students the opportunity to express their opinions at the campus level, to ensure that these opinions are given every reasonable consideration, and to ensure that these opinions are given every reasonable consideration, and to ensure the right of the academic senates to assume primary responsibility for making recommendations in the

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areas of curriculum and academic standards. The procedures established shall be consistent with the minimum standards set forth in California Code of Regulations, Title 5, sections 53200-53207 (for faculty), 51023.5 (for staff), and 51023.7 (for students). (Education Code, § 70902, subdivision (b)(7) (Statutes of 1988, Chapter 973).)

B. College Faculty

1. Policies and Procedures

3. The governing board shall (a) adopt policies for appropriate delegation of authority and responsibility to its college or district academic senate. Policies must provide, at a minimum, that the governing board or its designees will consult collegially with the academic senate when adopting policies and procedures on academic and professional matters. (Cal. Code Regs., Title 5, § 53203, subdivision (a) (Register 94, No. 38).)
- ~~5.~~ Adopt (P)rocedures for responding to recommendations of the academic senate shall that incorporate the following:
 - a. In instances where the governing board elects to rely primarily upon the advice and judgment of the academic senate, the recommendations of the senate will normally be accepted, and only in exceptional circumstances and for compelling reasons will the recommendation not be accepted. If a recommendation is not accepted, the governing board or its designee, upon request of the academic senate, shall promptly communicate its reasons in writing to the academic senate. (Cal. Code Regs., Title 5, § 53203, subdivision (d)(1) (Register 94, No. 38).)
 - b. In instances where the governing board elects to provide for mutual agreement with the academic senate, and agreement has not been reached, existing policy shall remain in effect unless continuing with such policy exposes the district to legal liability or causes substantial fiscal hardship. In cases where there is no existing policy, or in cases where the exposure to legal liability or substantial fiscal hardship requires existing policy to be changed, the governing board may act, after a good faith effort to reach agreement, only for compelling legal, fiscal, or organizational reasons. (Cal. Code Regs., Title 5, § 53203, subdivision (d)(2) (Register 94, No. 38).)

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2. District Consultation

4. Consult collegially with representatives of the academic senate when adopting the policies for appropriate delegation of authority and responsibility to its college or district academic senate pursuant to California Code of Regulations, title 5, section 53202, subdivision (a). (Cal. Code Regs., Title 5, § 53203, subdivision (b) (Register 94, No. 38).)

3. State Consultation

2. Participate in the consultation process established by the Board of Governors for the development and review of policy proposals pursuant to Education Code section 70901, subdivision (e). (Education Code, § 70902, subdivision (b)(14) (Statutes of 1988, Chapter 973).)

4. Release Time The activity is reimbursable beginning April 11, 2003.

- 6b. Grant faculty members elected to serve as president and vice president of the Academic Senate of the California Community Colleges release or reassigned time from their terms of office. This activity is subject to offsetting revenue from reimbursement of release or reassigned time and administrative costs for hiring faculty to replace the faculty serving as president or vice president pursuant to title 5 section 53207, subdivision (b) (Register 2003, No. 18). (Cal. Code Regs., Title 5, § 53207, subdivision (a) (Register 2003, No. 18).)
7. Identify release or reassigned time prior to September of each year for employees elected to serve as president and vice president of the Academic Senate of the California Community Colleges for reimbursement at the part-time replacement cost. (Cal. Code Regs., Title 5, § 53207, subdivision (c) (Register 2003, No. 18).)
8. If the release or reassigned time need identified by the district is 100 percent and the position is in a hard to replace discipline area, certify this to the Chancellor by August 1 for reimbursement at the full-time temporary replacement cost of the employee released. (Cal. Code Regs., Title 5, § 53207, subdivision (c) (Register 2003, No. 18).)

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C. District and College Staff
(Reference; Title 5, CCR, Section 51023.5)

1. Policies and Procedures

The governing board of a community college district shall adopt and shall comply substantially with policies and procedures that provide district and college staff the opportunity to participate effectively in district and college governance that are exclusive of and which do not encroach upon the collective bargaining process. The policies and procedures of the governing board shall ensure that the recommendations and opinions of staff are given every reasonable consideration. Staff shall be provided with opportunities to participate in the formulation and development of district and college policies and procedures, and in those processes for jointly developing recommendations for action by the governing board, that the governing board reasonably determines, in consultation with staff, have or will have a significant effect on staff. (Education Code, § 70902, subdivision (b)(7) (Statutes of 1988, Chapter 973).)

2. Consultation

The governing board or its designees shall consult with the representatives of existing staff councils, committees, employee organizations, and other such bodies. Where no groups or structures for participation exist that provide representation for the purposes of this section for particular groups of staff, the governing board or its designees, shall broadly inform all staff of the policies and procedures being developed, invite the participation of staff, and provide opportunities for staff to express their views. Except in unforeseeable, emergency situations, the governing board shall not take action on matters significantly affecting staff until it has provided staff an opportunity to participate in the formulation and development of those matters through appropriate structures and procedures as determined by the governing board in accordance with the provisions of this Section. (Education Code, § 70902, subdivision (b)(7) (Statutes of 1988, Chapter 973).)

D. Student
(Reference: Title 5, CCR, Section 51023.7)

1. Policies and Procedures

The governing board of a community college district shall adopt and substantially comply with policies and procedures that provide students the opportunity to participate effectively in district and college governance which do not encroach upon the collective bargaining process or employee governance processes. These procedures shall ensure that at the district and college levels, recommendations and positions developed

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by students are given every reasonable consideration. (Education Code, § 70902, subdivision (b)(7) (Statutes of 1988, Chapter 973).)

2. Consultation

The governing board shall give reasonable consideration to recommendations and positions developed by students regarding district and college policies and procedures pertaining to the hiring and evaluation of faculty, administration, and staff. Students shall be provided an opportunity to participate in formulation and development of district and college policies and procedures that have or will have a significant effect on students. This right includes the opportunity to participate in processes for jointly developing recommendations to the governing board regarding such policies and procedures. Except in unforeseeable, emergency situations, the governing board shall not take action on a matter having a significant effect on students until it has provided students with an opportunity to participate in the formulation of the policy or procedure or the joint development of recommendations regarding the action. (Education Code, § 70902, subdivision (b)(7) (Statutes of 1988, Chapter 973).)

V. CLAIM PREPARATION AND SUBMISSION

The preamble per Commission boilerplate language.

A. Direct Cost Reporting

Per Commission boilerplate (e.g., the Mandate Reimbursement Process 2 parameters and guidelines adopted May 26, 2011)

B. Indirect Cost Reporting

Community colleges have the option of using:

1. A federally approved rate, utilizing the cost accounting principles from the OMB Circular A-21.
2. The rate calculated using the Controller's Form FAM 29-C.
3. A 7% indirect cost rate.

VI. RECORD RETENTION

Per Commission boilerplate language.

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VII. OFFSETTING REVENUES AND REIMBURSEMENTS

Per Commission boilerplate language. The Statement of Decision does not identify any specific offsetting state or federal funds.

VIII. STATE CONTROLLER'S CLAIMING INSTRUCTIONS

Per Commission boilerplate language.

IX. REMEDIES BEFORE THE COMMISSION

Per Commission boilerplate language.

X. LEGAL AND FACTUAL BASIS FOR THE PARAMETERS AND GUIDELINES

Per Commission boilerplate language.