

THE ACADEMIC SENATE FOR CALIFORNIA COMMUNITY COLLEGES

**A PRESENTATION TO THE STATE ACADEMIC SENATE
ON CONTRACT EDUCATION**

ABC's of CONTRACT EDUCATION

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California Community Colleges

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CALIFORNIA EDUCATION CODE FOR CONTRACT EDUCATION

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Section 78020. Definitions

For purposes of this article

- “Contract education” means those situations in which a community college district contracts with a public entity for the purposes of providing instruction or services or both by the community college.
- “Credit” refers to any class offered for community college credit, regardless of whether the class generates state apportionments.
- “Noncredit” refers to courses that meet the criteria for apportionment pursuant to Section 84711. These are:
 1. Parenting
 2. Basic Skills
 3. ESL
 4. Citizenship for immigrants
 5. Education for substantially handicapped persons
 6. Short-term vocational programs with high employment potential
 7. Education programs for older adults
 8. Education programs in home economics
 9. Health and safety education

- Not-for credit” refers to classes, including community services classes, that are offered without credit and which are not eligible for apportionment pursuant to Section 84711. {Added by Stats. 1987, c. 493.}

Section 78021. Establishment of programs; recovery of costs; calculating average daily attendance

The governing board of any community college district may establish, or with one or more community college districts may establish, contract education programs within or outside the state by agreement with any public or private agency, corporation, association, or any other person or body, to provide specific educational programs or training to meet the specific needs of these bodies.

The contracting community college district or districts shall recover, from all revenue sources, including, but not limited to, public and private sources, or any combination thereof, an amount equal to, but not less than, the actual costs, including administrative costs, incurred in providing these programs or training.

The attendance of students in these contract education programs shall not be included for purposes of calculating the average daily attendance for the apportionment of these districts, unless all statutory and regulatory conditions for apportionment are met. {Added by Stats. 1987, c. 493}

Section 78022. Faculty

(a) Faculty in all credit and noncredit contract education classes shall be selected and hired according to procedures existing in a community college district for the selection of instructors for credit classes.

(b) Faculty teaching credit and noncredit contract education classes shall be compensated in the same manner as comparable faculty in the regular, non-contract education program. This subdivision shall not apply to faculty teaching in contract education programs conducted outside the United States for the United States armed forces, unless the faculty member is covered by a collective bargaining agreement.

(c) Faculty teaching credit or noncredit contract education classes shall be evaluated according to the procedures used for the evaluation of faculty in the regular, non-contract education program.

(d) Faculty teaching not-for-credit contract education classes shall be compensated in the same manner as faculty in the regular, non-contract education program if the course meets the same standards as a course in the credit curriculum.

(e) Faculty teaching not-for-credit contract educational programs shall be evaluated

according to procedures specified in the contract between the community college district and the public or private entity to establish the program.

(f) This section shall not be construed to restrict the appearance of guest lecturers in any programs or classes operated by a community college district. [Added by Stats 1987, c. 493. Amended by Stats. 1988. c. 1331

Section 78023. Nonprofit public benefit corporations that are not auxiliary organizations; conduction programs; use of district or college name, resources, or staff

(a) Nonprofit public benefit corporations that are not organized as auxiliary organizations pursuant to Article 6 (commencing with Section 72670) of Chapter 6 of Part 45 and are conducting contract education programs shall not use the name of a community college district.

(b) A nonprofit public benefit corporation that is not organized as an auxiliary organization pursuant to Article 6 (commencing with Section 72670) of Chapter 6 of Part 45 and is conducting contract education programs shall not employ the resources and staff of a community college district without full compensation for all related costs. (Added by Stat. 1987, c. 493.)¹

HISTORY OF CONTRACT EDUCATION

Background

California's community colleges have been involved in contract education for many years. The earliest mode of contract instruction involved military contracts or federal job training programs (Job Training Partnership Act [JTPA]). In addition, the community colleges have engaged in contracts with local businesses under the aegis of the California Worksite Education and Training Act (CWETA) and the California Employment Training Panel (ETP) programs.²

With the continued growth and success of contract education programs there came concerns, largely among faculty and administrative groups, about the academic quality of contract education programs. Questions arose about how contract education fit into the mission of the college as well.²

In response to these concerns the California Legislature passed AB 3938 (Farr, 1985) authorizing the appointment of a Task Force to study and report on contract education practices in community colleges.² This Task Force had notable faculty representation; namely: Marty Hittelman, Erna Noble, Robert Hancock, Pam Fisher, Donald Attore, Fred Horn and Les Birdsall. Arthur Young & Company prepared the final report presented to the Chancellor and the California Legislature in 1986.³ Some of the Task Force findings appear below.

Summary of Practices in 1986

Fifty-five districts generated approximately \$41 million over a three-year period. However, only eleven districts brought in 74% of the dollars. These districts were: Foothill-De Anza, Glendale, Long Beach, Los Angeles, North Orange County, Palomar, Peralta, Rancho Santiago, Sonoma County, South County, and Yosemite.² There were three fundamental contractual programs. These were:

Contracts with Private Industry These included company funded classes designed to provide short-term skills training seminars or classes for company employees. Most of the courses were in the area of business and management. These programs made up almost 43% of all contracts over the three-year period but accounted for only 8.2% of the dollars spent on contract education.²

Contracts with Public Entities These programs were funded by private industry. 24% of contract education programs fell into this category and accounted for 6.6% of all funds spent for contract education.²

Contracts Supported by Public Training Funds These were primarily conducted under the Job Training Partnership Act (JTPA) and the California Employment Training Panel (ETP). The programs were usually occupationally oriented and designed to train unemployed persons for new jobs, or to retrain currently employed persons in new skills. Approximately 33% of contractual education courses belonged in this category yet accounted for 85.1% of all funds spent for contract education.²

DELIVERY OF CONTRACT EDUCATION

Half of all contract education classes were offered for community college credit. The majority of courses were either existing college courses (44%) or modification of existing courses (35%). The majority of the classes were closed to the public (78.5%) and not eligible for state apportionment

Contract Education can be placed in two categories; those that generate apportionment and those that do not. A summary of these options follows.

Apportionment-Generating Contract Education

These credit and/or noncredit courses are open to the public and the faculty must be selected, hired, paid, and evaluated in the same manner as comparable faculty in the regular non-contract education program at the college. The curriculum is developed and

approved according to Title 5 regulations.³ Employers may pay for the cost of coordination, instruction and special services (such as book delivery, on-site registration, orientation, etc.) and usually pay for employees' fees. Some contracts stipulate that if the class is below a certain enrollment size, the employer will pay a specified amount per unfilled slot, per hour.³

Non-Apportionment-Generating Contract Education

These classes are closed to the public.

Non-apportionment-generating contract education may involve credit, noncredit, or not-for-credit courses. The curriculum for these credit and noncredit courses may be “off-the-shelf” or customized to meet the specific needs of the employer. In either case, the curriculum approval and faculty selection, hiring, and evaluation process required by Title 5 must be followed. (In practice, customized noncredit courses become not-for-credit for ease of delivery). These courses are usually delivered at the employer's location and the instructor tailors the class to the employer's need by using examples and problems that are industry and company specific.³

Not-for-credit courses generate no apportionment and curriculum and faculty approval is not required. These courses include short seminars or job-specific training delivered at the employer's location. Some contract education programs are exclusively not-for-credit.³

Community Services Role in Contract Education

There are currently two vehicles for delivery of contract education in the community college system. One is through Community Services, and the other is through an Office of Contract Education. Small college districts usually offer all contractual education through their Community Services department while larger districts may opt for a department separate from Community Services. The perception is that employers like this distinction, as they prefer not to be associated with Community Services.⁴

REFERENCES:

1. Education Code, 1990, Compact Edition, West's California Codes, West Publishing Co., St. Paul, MN.
2. Young, Arthur and Company, “Study of Contractual Education Programs in the California Community Colleges: A Report to the California Legislature and the Chancellor, California Community Colleges.”, Government Services Group. June, 1989.
3. Hittelman, M., “Contract Education Summary for Faculty Involvement in Economic Development Breakout Session.”, 1990.
4. Ayers, Catherine., Developing Contract Education: A Comprehensive Handbook for Community Colleges. EDNet, 1991.