ASSEMBLY THIRD READING
AB 2370 (Cervantes)
As Amended April 17, 2024
Majority vote

SUMMARY

Requires the instructor of record for a course of instruction at a California Community College (CCC) to be taught by a person who meets the minimum qualifications to serve as a faculty member teaching a credit course or a noncredit course, as specified.

Major Provisions
Requires the instructor of record for a course of instruction at a CCC to be taught by a person who meets the minimum qualifications, pursuant to Education Code (EDC) Section 87356 or Section 87359, to serve as a faculty member who is teaching either a credit or noncredit course.

COMMENTS

Minimum qualifications for faculty. As noted in the existing law section above, EDC Sections 87356 and 87359 bestow the authority of establishing the minimum qualifications for faculty to the Board of Governors of the CCC. The California Code of Regulations (CCR) Title 5, Division 6, Chapter 6, Subchapter 5, includes the minimum qualifications for employees of the CCC as adopted by the Board of Governors. This bill seeks to augment the minimum qualifications by adding the term "person" as part of the minimum qualifications for those who are teaching (faculty) in noncredit and credit courses. The current minimum qualifications for those teaching credit according to CCR Section 53410 is a master's degree or for some courses where a master's degree is not generally expected, a bachelor's degree with varying years of experience.

For noncredit courses, the instructors qualifications vary depending upon the noncredit course being taught; however, the minimum degree qualifications is the same; either a bachelor's degree or an associate degree with varying years of experience in the given field. In both cases, for non- and for-credit courses, the minimum qualifications are mute as to whether the "faculty" or "instructor" is a person or another entity yet to be established.

Every few years, in consultation with the Academic Senate of the CCC, the Chancellor's Office of the CCC publishes a report on the "Minimum Qualifications for Faculty and Administrators in California Community Colleges." The last edition was published in June of 2022 and contained every discipline taught at the CCC and the discipline's minimum qualifications for the faculty who teach the course. The 88 page report divides the disciplines into three types: disciplines which require a master's degree (89 different disciplines), those that require a bachelor's degree or an associate degree (17 different disciplines), and those that require an associate degree with experience (roughly 144 different vocational disciplines).

Diversity of faculty at the CCC. In 2018, the Legislature established the first fully online community college and in codifying the statues for Albright, declared the following: "California recognizes the dedication of every faculty member, classified staff member, manager, and administrator in the Community College system toward supporting the success of California's community college students. As dedicated leaders, innovators, and educators, faculty will be integral to the success of the California Online Community College and improving the economic prosperity of numerous Californians." However, even this section of code does not delineate

whether faculty are specifically "persons" as in homos sapiens. One may assume the California Legislature in establishing a fully online forum for education would have sought to establish a definition of faculty that was more prescriptive to avoid confusion; however, the conversations never took place.

The CCC is home to 1.9 million students and is often heralded as the largest and most diverse two-year college system in the nation with over 48% of the student population identifying as Hispanic, 10.9% as Asian, 23.16% as White, and 5.49% as African American. The fall 2023, the CCC employed 18,079 faculty (academic tenured/tenure track) with 19.97% identifying as Hispanic, 10.80% as Asian, 53.71% as White, and 6.08% as African American. In recent years, the Legislature has provided additional funding to the CCC to diversify faculty specifically to increase student retention, reduce likelihood of biases, and to increase faculty's ability to teach in a manner that reflects the intersectionality of the student population. The intention of the Legislature is to increase diversity of faculty to better reflect the population of the students the faculty serve; therefore, since the students are people, one could assume the faculty should also identify as people.

Concerns regarding the replacement of faculty. The Author mentions a newsletter produced by California Community College "Digital Futures" from May 2023. The newsletter highlighted the discussions faculty at Lake Tahoe Community College were having regarding the use of Artificial Intelligence (AI) and the impacts it may have on teaching and professional life. The newsletter does talk about the use of AI in pedagogy, but it also says the following:

> "Like their counterparts in the CCCs, LTCC faculty members have initiated important discussions about the potential effects of AI on teaching and professional life. Ironically, in terms of the fears expressed by many faculty members regarding AI, Chat GPT itself perhaps best summed it up by stating, 'It's important to note that while AI has the potential to enhance classroom teaching, it should not replace human teachers. Teachers play a crucial role in guiding students, providing mentorship, and creating a supportive learning environment. AI should be seen as a tool to augment and enhance their instructional practices, rather than replace them.'"[1]

A recent article in *Inside Higher Education* discussed the clash between Boston University and its faculty regarding the use of artificial intelligence. Concerns were sparked by a memo which stated faculty could use AI as a tool to help in the interim as the graduate students and teaching assistances were striking due to ongoing bargaining negotiations. Many saw this memo as an initial step towards replacing faculty with AI.

The California Faculty Association is quoted in the article saying, "'I think job replacement is a valid concern and I think [faculty and staff] could understandably be nervous about it,' said Kevin Wehr, bargaining team chair for the California Faculty Association. 'Am I in a panic? No. Should others be? No, I don't think they should think the sky is falling. We have a lot of issues facing higher ed and this is just one of many.'"[2]

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[1] https://digitalfutures.cccco.edu/transforming-education-the-rise-of-ai-in-the-california-community-colleges/
[2] https://www.insidehighered.com/news/tech-innovation/artificial-intelligence/2024/04/18/faculty-unions-seek-ai-guidelines-contracts

According to the Author

The rapid development of new technology in recent years has had a massive effect not only on our society generally, but on public policy in particular. One of the most pressing issues faced by the growing use of new technology tools has been the possible effects on human workers, particularly the threat of AI, that human workers could be replaced wholesale by artificial intelligence. In the May 2023 edition of the California Community Colleges 'Digital Futures' newsletter, an article entitled 'Transforming Education: The Rise of AI in the California Community Colleges' described the potential pedagogical use of AI in community colleges. It stated that 'AI could provide excellent opportunities for more individualized instruction, tutoring, and class reviews. Faculty members might use AI to create lesson plans…' While certainly there is room for such technology tools to contribute on community college classrooms in California, human faculty are still necessary and best suited to teach human students. Assembly Bill 2370 will help provide guardrails on the integration of new technology tools into community college classrooms by ensuring that the instructor of record in community college courses, for both credit and non-credit courses, must meet the minimum qualifications set by the Board of Governors of the California Community Colleges. According to the California Community College Chancellor's Office Management System, in fall of 2023, they reported a total faculty and staff count of 84,911 people. Of those faculty and staff members, around 48.67% identify as being part of marginalized communities with Hispanic (24.19%) and African American (11.32%) being the biggest groups. This bill seeks to protect all faculty jobs in the California community college system, but especially those who represent underserved communities in the higher education system.

Arguments in Support

The Faculty Association of California Community Colleges (FACCC), the sponsor of the bill explained the need for the measure as, "FACCC proudly sponsors AB 2370, as it safeguards the vital role of personal instructors in community college classrooms. From the faculty perspective, teaching is a profoundly human endeavor that requires nuanced interpersonal skills, subject matter expertise, and the ability to engage students in ways that machines cannot replicate."

"The personal connections formed between professors and students are fundamental to effective learning. Artificial intelligence, while useful for certain supplementary functions, lacks the cognitive and emotional intelligence to truly replace human faculty. Allowing AI to take over direct instruction could severely compromise educational quality."

"Moreover, tenure, academic freedom, and fair compensation are core tenets that faculty fight to uphold. The wholesale replacement of professors by Al instruction could represent an existential threat to the professoriate. It could enable cost-cutting that undercuts fair wages, employee protections, and the autonomy of faculty over curriculum and teaching methods. By restricting Al solely to a supporting role, AB 2370 upholds the primacy of human expertise and the professional rights of community college instructors."

"This bill is intended to address the increasing capabilities and adoption of artificial intelligence technologies, including their potential to automate various tasks typically performed by human faculty. While Al can boost productivity in some sectors, its use in education to completely automate teaching raises concerns over educational quality, student engagement, and threats to human employment in academia."

Arguments in Opposition
None on file.

FISCAL COMMENTS

Unknown. This bill is keyed non-fiscal by Legislative Counsel.

VOTES

ASM HIGHER EDUCATION: 10-0-1
YES: Mike Fong, Ta, Arambula, Boerner, Chen, Essayli, Irwin, Jackson, Low, Muratsuchi
ABS, ABST OR NV: Quirk-Silva

UPDATED

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