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## SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

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**Bill No:** AB 2370

**Hearing Date:** June 5, 2024

**Author:** Cervantes

**Version:** April 17, 2024

**Urgency:** No

**Fiscal:** No

**Consultant:** Olgalilia Ramirez

**Subject:** Community colleges: faculty: instructor of record: qualifications.

### SUMMARY

This bill requires that the instructor of record for a community college course be taught by a *person* who meets the specified minimum qualifications to serve as a faculty member teaching noncredit or credit instruction.

### BACKGROUND

Existing law:

- 1) Establishes the California Community Colleges under the administration of the Board of Governors (BOG), as one of the segments of public postsecondary education in California. The California Community College system shall be comprised of community college districts. (Education Code (EC) § 70900)
- 2) Authorizes the California Community Colleges BOG to adopt regulations to establish and maintain the minimum qualifications for service as a faculty member teaching credit instruction, a faculty member teaching noncredit instruction, a librarian, a counselor, an educational administrator, an extended opportunity programs and services worker, a disabled students programs and services worker, an apprenticeship instructor, and a supervisor of health. (EC § 87356)
- 3) Authorizes the California Community Colleges BOG to adopt regulations to employ faculty members and educational administrators who do not meet the applicable minimum qualifications specified in the regulations adopted by the BOG pursuant to Section 87356. It further, establishes a process by which the regulations will be adopted. (EC § 87359)

### ANALYSIS

- 1) This bill requires the instructor of record for a course of instruction at a community college to be a person who meets the specified minimum qualifications to serve as a faculty member teaching credit or noncredit instruction.

**STAFF COMMENTS**

- 1) **Need for the bill.** 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.”
- 2) **What is the extent of the problem?** As described by the Little Hoover Commission in their 2018 report on *Artificial Intelligence: A Roadmap for California*, Artificial Intelligence refers to a quality of any computer program (algorithms, data structures, and data) that can sense reason, act, and adapt like humans. Whenever a computer program’s performance gains near-humanlike abilities, or better than human abilities, to sense, reason, or act, we then call that AI. The California Faculty Association states that, “the rapid development of AI and other technologies has significantly impacted various sectors, including education. While these technologies offer valuable tools for enhancing instructional practices, it is imperative to safeguard the roles of human instructors in community colleges.” Staff is unaware of a situation in which AI technology has been implemented on a community college campus, specifically to replace human faculty with non-human instructors who assume direct instruction. However, fear regarding the potential replacement of jobs by AI technology is a growing concern across many sectors. Current law authorizes the BOG to establish minimum qualifications for service as a faculty member or in other educator positions, including librarians. These qualifications outline degree obtainment requirements for those positions. Presumably, only a person would acquire that degree. However, this bill explicitly deems a *person* as having to meet those minimum qualifications to serve as faculty.
- 3) **The pandemic accelerated virtual instruction.** Instruction modalities (in-person, online, asynchronous, hybrid models) changed rapidly as the share of community college courses delivered through online instruction as a result of the pandemic significantly increased from 20 percent in the 2019-20 academic year to over 60 percent in the 2020-2021 academic year and approximately 50 percent in the 2022-2023 academic year. Arguably, this rapid growth stimulated the use of AI technologies to support students, especially in virtual settings.

Online instruction has remained a popular option for students who want more flexibility in accessing their education, particularly those who are place-bound and have work and family obligations. The provisions of this bill would apply to faculty teaching noncredit and credit courses, whether those are in-person, online, or hybrid.

- 4) **Maintains the role of human instructors.** Postsecondary educational institutions are called on to assure success in educational programs, and with that comes a personal element to effectively educate and foster personal growth among individuals. Human faculty members have the ability to simulate critical and creative thinking, inspire them, cultivate empathy and moral conviction, and respond to unexpected situations. The Faculty Association of California Community Colleges, the sponsor of this measure, asserts, “Teaching is a profound human endeavor that requires nuanced interpersonal skills, subject matter expertise, and the ability to engage students in ways that machines cannot replicate... AI, 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 education quality.” It is commonly argued that when establishing policies regarding the integration of AI, the Legislature should strive to strike a balance that fosters innovation while minimizing adverse consequences in other aspects of civic life. The same principle applies to education. AI can provide numerous benefits in augmenting traditional methods of learning and instruction. Examples of this capability include offering interactive simulations, virtual reality experiences, and intelligent tutoring systems, as well as improving accessibility for students with disabilities with text-to-speech and speech-to-text technology. This bill aims to strike the appropriate balance in preserving human instructors’ role in academia without prohibiting the integration of AI technology to enhance instructional practices.

- 5) **Related legislation.**

SB 1235 (Gonzalez, 2024) would have required the California State University, Long Beach (CSULB), in consultation with other public institutions of higher education, to establish the AI and Deepfake Working Group and annually report to the Legislature on its research and findings. It further authorizes CSULB to develop a scoping plan in the first year to establish the topics that may be evaluated by, and the stakeholders that may be included in, the working group. SB 1235 was held by the author in this committee.

SB 1288 (Becker, 2024) would require the State Superintendent of Public Instruction, in consultation with the State Board of Education, to convene a working group, as specified, for the purpose of evaluating AI-enabled teaching and learning practices. SB 1288 is pending referral in the Assembly.

## SUPPORT

Faculty Association of California Community Colleges (Sponsor)  
California Community College Independents  
California Faculty Association

Student Senate for California Community Colleges  
The San Fernando Valley Young Democrats

**OPPOSITION**

None received

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